

Criminology

Research Focus



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CRIMINOLOGY RESEARCH FOCUS

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EDITOR

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PREFACE

Criminology is the scientific study of crime as an individual and social phenomenon. Criminological research areas include the incidence and forms of crime as well as its causes and consequences. They also include social and governmental regulations and reactions to crime. Criminology is an interdisciplinary field in the behavioural sciences, drawing especially on the research of sociologists and psychologists, as well as on writings in law. This new book presents leading research from around the world.

Chapter 1 - This article discusses the main issues in the methodology of evaluating perceived crime seriousness: the concept of seriousness, the depiction of crimes, and the scaling method of crime seriousness. It describes in details the data, method and procedures of Thurstone method in assessing crime seriousness. The article also proposes some alternative models, namely, Linear, Exponential and Information. Remedies for reducing the data burden of paired comparisons are discussed. Computer programs for the method are developed. The methods are demonstrated by a trial implementation.

Chapter 2 - In 1995, John DiIulio created controversy when he predicted that a wave of young, violent, remorseless juvenile delinquents known as super-predators would plague the country and increase crime rates. However, the prediction was made in the midst of the greatest decline in crime in the nation's history, and the super-predator thesis was vilified as conservative ideology. The current study revisits the super-predator thesis and demonstrates that it has substantial empirical support from the criminological literature. While criminologists should be cautious in making projections of crime rates since they have proven very difficult to predict, the notion that very violent young offenders commit a disproportionate amount of crime is empirically accurate. In the end, DiIulio was guilty of bad timing, but his central thesis was not only defensible, but also correct.

Chapter 3 - Retailing is one of the largest sectors of business and recent surveys document the high losses due to criminal activity. In common with crimes in other domains, the difficulty of establishing actual levels of offending is discussed in terms of the methodologies employed and the nature of police recording systems. The means of addressing customer theft is considered from the perspective of the retailer and the nature of the investigative challenge. Retailers' attitudes are represented using a case history approach. Interviews with personnel show that organisational policy and previous experience of police action and courts sentencing are powerful influences on the priority given to tackling crime. The investigative challenge is explored in three ways. The first considers aspects of human function that compromise investigative decision making. The second explores the variety of

retail offenders. Cases from a database of crimes held by the NERCP are used to illustrate the typologies of retail criminal and highlight difficulties posed by prolific team of offenders who travel extensively to commit crime. The abilities of Routine Activity Theory and Rational Choice Theory to inform strategies to detect and prevent such offenders are evaluated. The third means of exploring the investigative challenge is through discussion of the appropriateness of the Crime Centred Analyses (CCA) approach. It concludes that important lessons may be generalised from studies of other forms of criminality. However, successful interventions will require collaborations to generate the human expertise and technological resources required. It is argued that these are presently inhibited by organisational and legislative factors. The chapter concludes by emphasising the importance of partnership working exemplified by the NERCP but that much remains to be explored concerning the dynamics of such alliances.

Chapter 4 - Criminological research has demonstrated that self-control is a critical factor in understanding deviant behavior (e.g., Gottfredson & Hirschi, 1990). In fact, a recent meta-analysis revealed that trait self-control may be an exceptionally strong (if not the strongest) predictor of criminal behavior (Pratt & Cullen, 2000). A recently developed model of self-control strength, the *self-control strength model*, suggests that individuals have a limited resource (self-control strength) to use for various volitional exertions (Muraven & Baumeister, 2000). According to this model, exerting self-control in order to inhibit or override a behavior, resist a temptation, or follow a rule consumes (depletes) this resource for a short time. As a result, individuals are prone to perform more poorly on tasks that require self-control. Consistent with this model, numerous experiments have shown that exerting self-control on one task impairs self-control on subsequent tasks (e.g., Muraven & Shmueli, 2006a; Muraven, Tice, & Baumeister, 1998). Recent research on self-control strength may hold particular promise for advancing criminological perspectives on the relationship between self-control and criminal behavior. The self-control strength model may extend the current literature by investigating how low levels of state and trait levels of self-control strength lead to deviant behavior.

Chapter 5 - Sexual predators represent the embodiment of the cultural definition of serial killing. In considering the female sexual predator serial killer, a review of the limited literature found a clear distinction between women acting alone versus in partnership. Several theories offered to explain the behavior of women in teams include shared psychotic disorder, Stockholm syndrome, posttraumatic stress disorder, battered woman syndrome, and gender role socialization. Analysis of each with specific case examples found that gender role socialization appears to be the most inclusive, explaining the participation of women in teams, including providing insight into both the criminal justice system and overall societal responses to female serial killers, as well as violent women more generally. The analysis concludes by describing the implications of the above speculations within the realms of prevention, treatment, and research, specifically concluding that women can commit willful violence and that low base rates should not impede attempts to understand and prevent such violence.

Chapter 6 - The spread of different kinds of criminal victimisation (assault, vandalism, burglary in one's own home, car theft, pick-pocketing and bag-snatching, robbery, and fraud), and that of concrete and of abstract fear of crime in Italy were studied. The links between criminal victimisation and fear of crime were also analysed. A secondary analysis of the data collected in January 2006 by the Observatory of the North-West (representative sample of the

Italian population, $N = 4,981$) was performed. The main results were as follows. First, the most widespread form of victimisation was vandalism, followed by fraud, and by burglary in one's own home. Second, as had been found in previous research performed in Italy, abstract fear of crime turned out to be much more widespread than concrete fear of crime. However, while concrete fear showed a constant downward trend in the period from 2002 to 2006, abstract fear showed a downward trend from 2002 to 2004 which then reversed in the next two-year period, reaching its peak in 2006. Third, the victimisation-fear paradox (according to which the social categories showing the highest levels of fear of crime are the less victimised ones) did not fully hold. Fourth, some kinds of victimisation (car theft, assault, fraud, burglary in one's own home, and vandalism) fostered concrete fear, even if its main predictor was the size of the respondents' area of residence. By contrast, abstract fear was not influenced by any kind of victimisation, since its main predictors were political placement, minutes of daily exposure to television, income, education, and interest in politics. The limits and possible developments of the research are discussed.

Chapter 7 - Work on the impact of executions on homicide has been marked by a recurrent limitation: the omission of the perceptual factor; the public's awareness of executions is usually left unmeasured. The present study addresses this limitation by inspecting the effect of publicized executions, executions that are covered widely in the newspapers, on homicide. Methods: Homicide Data were obtained from the Alabama Department of Public Health. They refer to Monthly data on homicide over a 27 year period ($n=324$) for the state of Alabama. Twenty persons were executed in Alabama during this time frame. Two measures of the degree of news coverage are employed. First, coverage in the first 20 pages of both of the state's largest newspapers, the Birmingham News and the Montgomery Advertiser. Second, coverage on page 1 of both of these papers. Seasonality is controlled by the inclusion of eleven temporal variables. A lagged dependent variable is incorporated in a multiple regression analysis to control for socio-economic conditions. Results. Equations were estimated using multiple regression techniques. Both models were free of serial autocorrelation ($r = -0.014$, $p < 0.05$; $r = -0.019$, $p < .05$). Controlling for the other independent variables, homicide is found to be unrelated to the incidence of publicized executions when the executions were covered in both papers in the first 20 pages. The same result was replicated using the more stringent publicity measure requiring coverage on page 1 of both newspapers. Discussion. The results are interpreted in relation to the institutionalization of violence in Alabama. A historical analysis demonstrates that various social institutions including religious, political and educational institutions supported the use of violence or vigilante groups known to use violent means. The high incidence of institutionalized violence in Alabama counteracts the deterrent messages contained in publicized executions.

Chapter 8 - The nature of the relationship between marital status and homicide risk has been clouded by the use of aggregated data. Further, precise measures of marital status in individual level research are largely unavailable. The present paper tests a multivariate model of the relationship between marital status and homicide victimization among males. It uses individual level data on 826,178 deaths including 7,112 African American and 6,683 Caucasian American male homicide victims. Bivariate analysis demonstrates that single black men are at 7.65 times and single white men are at 8.57 times greater risk of homicide than their married counterparts. However, the results of a multivariate analysis determined that these risks fall to 1.15 and -0.30 once controls are included for the covariates of marital

status. Marriage offers only slight protection for black men and aggravates the odds of homicide for white men. The findings are interpreted in light of a subcultural theory of violence.

Chapter 9 - This chapter is based on ethnographic fieldwork and interviews conducted within the Oslo police force, mainly among rank and file officers. As problem-oriented policing (POP) had been under implementation for four years at the time of the fieldwork, this process was brought to attention although the purpose of the research project was to investigate the relationship between the police and ethnic minorities. The rank and file officers had contradictory perceptions about POP. It appeared that the implementation of POP was met with irritation and resistance in all three stations involved in the research. The questions raised in the chapter are: Why did change in police strategies constitute a problem? What caused the resistance? Does the implementation of POP have any impact on the policing of ethnic minorities? It is suggested that the rank and file police officers' sub cultural perceptions of what "real police work" is, including excitement, and the desire to "catch the crook", make them resist the change in the organisation towards a more intellectual, situational and preventive approach to crime. Furthermore hierarchy may counteract organisational change. It has been suggested that community policing increases police rank and file autonomy. In Oslo, however, the demands about documentation of POP tasks, rather decreased police discretion and consequently produced resistance to POP.

Chapter 10 - The chapter will landscape the needs of a group that more often than not has been ignored by the criminological imagination: that is older offenders in prison. In relation to the discipline of criminology, the author wants to invoke the idea that the criminological imagination indeed is one that is creative, resourceful, eclectic and that can traverse the boundaries of the discipline. The idea of the sociological imagination is one, which works between the personal troubles of milieu, and the public issues of social structure (Mills, 1959:8). Within this chapter, the author will draw out research dilemmas of doing prison research, the *troubles* and *concerns* of an ageing prison population and address why criminology has been unimaginative in relation to the problems faced by older prisoners.

This chapter draws upon on-going research examining the needs and experiences of both women and men who are over 50 plus and in prison. The author identifies the key issues and current debates in criminology surrounding older people and crime and focus on the specific issues an ageing population poses to the criminal justice system of England and Wales. The chapter provides an introduction to the area; contextualises the age demographics of the prison population and raises questions about the nature of imprisonment. It is by inserting the voices of older people in prison that we can begin to systematically address their needs and in turn begin, to look after them with humanity and help them lead law-abiding and useful lives in custody and after release[1]. This view from below informs policy intervention and widens the vista of the criminological imagination by bringing to criminology a more critical and reflexive style, and provides a more explicit questioning of criminology's relation to criminal justice practices. Moreover, this approach brings a nearness, creates nuances [and] nearness makes for understanding. It is the invisibility of the prisoner, which makes it possible to maintain the ideological functions of the prison. Visibility is the Achilles heel of the functions (Mathiesen, 1990:163).

Chapter 11 - So what are the major reasons for the increasing incarceration rates? An examination of this increase is vital. The knowledge gained from the present research can be used to inform the decisions of criminal justice personnel and policy makers, by offering a

better explanation of how and why more people are held in prisons and questioning whether incarceration is the right way to achieve crime prevention and public safety. More specifically, this paper investigates the reasons for the increasing prison population in Queensland, Australia. While the discussion is primarily focused on the Queensland prison system, examples from other industrialized countries such as England and Wales and the United States and references to the National prison population in Australia are incorporated. For the purpose of this paper, the term 'prison' refers to all Queensland Corrective Services custodial establishments. It does not include juvenile offenders who are administered by a separate Government Department, nor does it include offenders who receive non-custodial or community sentences.

The paper is divided into four sections. The first section introduces the Queensland prison system that may provide a useful context for non-Australian readers. Recent trends in the Queensland prison population are examined in the second section. General trends are also examined in gender and race contexts, examining the composition of prison population. An extended examination of possible reasons for those trends comprises the third section of the paper before the final section, which argues for increased support in prison research. At the outset it must be emphasized that this paper is largely based on data from secondary sources such as the Queensland Corrective Services and the ABS. Relying extensively on secondary data is usually problematic, and, for example, different data sources may vary in their ways of operationalizing concepts and operational definitions may not be sufficiently specified (see Jupp, 1989; Riedel, 2000; May, 2001). Therefore, any conclusions drawn in this paper are tentative and require further investigation.

Chapter 12 - An important early work, considered to be the first ever book on clinical criminology, was published in 1913 by Argentinian psychiatrist-philosopher José Ingenieros (1877-1925), Professor of Experimental Psychology at the Faculty of Philosophy and Letters of the University of Buenos Aires. Ingenieros, a multifaceted personality and educator and a prolific author, has been considered a luminary for generations in South America. His publications include 484 articles and 47 books, generally falling into two periods: mental pathology and criminology (1897-1908), and philosophy, psychology and sociology (1908-1925). One of his earliest papers was a 1900 pamphlet on criminal psychiatry. Ingenieros co-founded and edited the *Archivos de Psiquiatría y Criminología* from 1902-1913. In 1907 he founded the Institute of Criminology of the National Penitentiary of Buenos Aires. In contrast to the fact that some of his books continue to be best-sellers in the Spanish-speaking world, most of his writings never became available in English. This chapter presents an overview of Ingenieros' profoundly interesting work *Criminología*, which comprises three sections: (a) criminal etiology, i.e. the causes of crime; (b) clinical criminology, the study of the multiplicity of criminal acts to establish the degree of danger; and (c) criminal therapy, determining the social and individual measures needed to assure society's defense. The book covers the then new philosophy of law and criminal law, the crisis of the then contemporary penal legislation, postulates and a program of criminology, the causes of criminality, the value of psychopathology in criminal anthropology, the psychopathology and social maladaptation of delinquents, clinical and psychological fundamentals and a psychopathological classification of criminals, theoretical postulates of juridical positivism, the then new bases of social defense, criminal psychiatry and the dangers of a deficient penal legislation. Ingenieros stressed the relationship between crime and insanity; to him, crime was the product of abnormal mental functioning, which explains why he has been considered the

founder of the psychopathological school of criminology. In the spirit of the 'Positive School,' Ingenieros pointed out the influences of the modern philosophy of law and took into account the biological and sociological bases that form the foundations of Criminal Jurisprudence, transforming Criminal Anthropology into a Criminal Psychopathology, by defining the social value of criminal behavior and by providing a new classification of delinquents based on clinical observations. Those ideas are considered in the context of the sociopolitical situation in Argentina at the time of Ingenieros' most prolific criminological activity.

Chapter 13 - Criminological research has consistently found a strong correlation between an individual's criminal attitudes and his or her criminal behavior. Yet there exist four different, but equally plausible, explanations for this strong correlation. First, it may be the case that existing measures of criminal attitudes and behavior lack discriminant validity and therefore reflect empirical manifestations of the same underlying personal propensity toward crime. Second, it may be the case that individuals' attitudes toward crime precede their criminal behavior, much in line with the predictions of mainstream criminological theories such as control theory or learning theory and of such social psychological theories as the theory of reasoned action. In this case, crime control efforts might usefully incorporate attempts to alter criminal attitudes as a means of ultimately controlling criminal behaviors. Third, it may be the case that criminals' attitudes reflect post-hoc rationalizations of their prior criminal behavior, much in line with such social psychological theories as self-perception theory. In this case, efforts aimed at changing individuals' criminal attitudes will not likely serve to control criminal behavior and alternative methods of controlling criminal behavior are more likely to yield positive results. Fourth, criminal attitudes and behavior may be reciprocally related such that each exerts an independent influence on the other. Using longitudinal data from three waves of the National Youth Survey, the present study combines latent variable and structural equation modeling techniques to discern which of the above four perspectives most accurately accounts for the correlation between an individual's criminal attitudes and behavior. Results suggest that measures of criminal attitudes and behavior exhibit at least some discriminant validity and, across two separate time-lags and two forms of crime, that there exists a robust relationship between prior criminal behavior and future criminal attitudes but not vice-versa.

Chapter 14 - At the 2004 annual meeting of the American Society of Criminology, I presented an article on drug trafficking and its implications for the international legal and social science community.¹ During that presentation, several audience members commented that the analysis would be considerably stronger with international drug data. While there are few reliable sources for this type of information, they do exist. This essay thus represents a current summary of the drug use and abuse prevalence data, both internationally and in the United States. Given the state of the drug problem across the globe, the argument for the incorporation of drug trafficking into the subject matter jurisdiction of the International Criminal Court (ICC) is significantly more persuasive.

Chapter 15 - This study examines a hitherto neglected area, namely the involvement of youth in violence at discotheques and rock concerts. The effect of educational framework,

¹ An earlier version of this manuscript was presented at the 2004 annual meeting of the American Society of Criminology and subsequently published in the *International Journal of Comparative Criminology* 3(2): 175-190.

gender, and alcohol consumption on involvement in violence (physical, verbal, and property-related) was examined based on data collected by a self-report questionnaire administered to 921 youngsters aged 15-18.

The findings show that although both the discotheque and the rock concert involved rock music, they differed in alcohol-consumption patterns and extent of involvement in violence. 43.8% of the respondents were involved in violence at discotheques while only 2.5% were involved in violence at rock concerts. A significant relationship was found between alcohol consumption and involvement in violence: Youths who consume alcohol frequently were involved in physical violence twice as often as non-drinkers. The results demonstrate that the probability of male involvement in violence during recreational activity is three times higher than females. In addition, educational framework has had significant effects on involvement in violence. The probability of involvement in violence by school dropouts is four times higher than that of academic students, and 3.3 times higher than that of vocational students.

Expert Commentary A

THE RISK ASSESSMENT OF INTELLECTUALLY DISABLED SEX OFFENDERS

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The majority of research regarding sex offender risk assessment is focused on the “mainstream” or “normal” sex offender with little attention given to the Intellectually Disabled sexual offender. Currently, there is no validated risk assessment tool for the evaluation of the intellectually disabled sex offender and his risk of committing future offenses. In recent years, the published literature has begun to focus beyond the non-intellectually disabled sexual offender to address the lack of research in this often-overlooked population. However, this transition is still in its infancy.

Much of the current research focuses on determining the validity and reliability of applying risk assessments originally created for the mainstream adult male sexual offender to the intellectually disabled adult male sex offender. In this commentary, I briefly review those measures that are applicable to the intellectually disabled offender based on empirical research and discuss caveats about specific items on these measures as they should be interpreted cautiously when used with this population. Lastly, I discuss the need for future research in establishing empirically validated risk assessment measures specific to this client group.

In the past two decades, society’s focus on the management of sex offenders has increased through the establishment of community notification laws (e.g., Megan’s Law) and the passage of civil commitment laws in 19 states for sexual offenders determined to be sexually violent predators. With increased scrutiny on convicted sexual offenders and their recidivism rates comes the question posed by many mental health professionals and those in the judicial system: What is a sexual offender’s risk to re-offend once released from incarceration? The assessment of risk to re-offend is one branch in the expanding literature on sexual offenders.

Currently, there is a wide array of actuarial and structured clinical judgment measures that have reached a level of accuracy where they can be used as standard tools in the risk assessment process (Harris & Tough, 2004). Regular use of these tools allows the evaluator to

determine the level of risk an offender presents and then determine the offender's treatment and supervision needs (Andrews & Bonta, 2003). Although the literature on risk assessment continues to grow, the focus is on adult male sexual offenders, also referred to as "mainstream" or "normal." With the exception of Lindsay and Tough, there is no research that addresses the growing population of intellectually disabled adult male sexual offenders and their risk to re-offend. Due to the lack of empirically validated risk assessment measures for this population, the mental health professional has no choice but to use the risk assessment tools designed for the mainstream sex offender. Until recently, however, there was no research to determine if these tools were appropriate for the intellectually disabled sexual offender. In this commentary, I will review these risk assessment tools and the limitations for use with the intellectually disabled sexual offender.

RISK ASSESSMENT INSTRUMENTS

Research has shown that risk prediction variables fall into two broad categories: static/historical/actuarial variables and dynamic/immediate/proximal variables. Static variables are unchanging characteristics of the individual or the event. Dynamic risk factors are aspects of the individual that can change over time (Lindsay & Beail, 2004). Dynamic factors are separated into stable and acute factors and are used to track changes in the offender's risk level (Harris & Tough, 2004). There are few published reports that support the idea that there are different risk predictors for individuals who are intellectually disabled. Therefore, until research demonstrates that risk for reoffense in the intellectually disabled population is different from the mainstream population, it is reasonable to use these measures (Harris & Tough, 2004).

Many of the tools used today in the prediction of risk are actuarial measures. Much like auto insurance rate estimation, actuarial assessment estimates level of risk based upon past performance to predict future performance (Harris & Tough, 2004). For the purpose of this commentary, I will focus mainly on actuarial measures.

Rapid Risk Assessment of Sexual Offence Recidivism (RRASOR; Hanson 1997). Tough (2001) evaluated the utility of using the RRASOR and the Static-99 with the intellectually disabled sex offender and determined that the RRASOR was more accurate in evaluating re-offense risk. Boer, Tough, & Haaven (2004) recommended the RRASOR as the standard measure of static risk for individuals with an IQ below 70 and to determine an individual's baseline risk.

Static-99 (Hanson & Thornton, 1999). Tough (2001) found that the Static-99 may overestimate risk in the intellectually disabled sex offender population. It is recommended for those with an IQ over 70.

STABLE-2000 (Hanson & Harris, 2000). This dynamic instrument assesses 16 areas of stable dynamic risk that have been empirically associated with the risk of sexual recidivism. This measure is not statistically validated, but rather an empirically informed guided judgment (Harris & Tough, 2004). The researchers report that, in the absence of validated tools normed on intellectually disabled offenders, these risk factors can be used to guide risk decisions. Overall, most of the 16 areas are applicable to the intellectually disabled offender. However, there are three subsections within the "intimacy deficits section" that are

questionable in their generalizability from the mainstream offender to the intellectually disabled offender. These include the presence of a lover or intimate partner, experience of general social rejection and loneliness, and a demonstrated lack of concern for others. Many intellectually disabled individuals never have a lover or intimate partner, as society tends to view the intellectually disabled person as asexual. The intellectually disabled individual also experiences social rejection and loneliness as he tends to be seen as different, teased, and alienated by others. In addition, intellectually disabled people tend to be egocentric and show little concern for others as they are more focused on their own needs and if they will be met. Lastly, a fourth item, poor cognitive problem solving skills is common to more than the intellectually disabled sexual offender and is part of the cognitive deficits of the disability. Therefore, the evaluator who uses the STABLE to assess an intellectually disabled offender's level of dynamic risk should interpret these items cautiously.

Violence Risk Appraisal Guide (VRAG; Quinsey, Harris, Rice, & Cormier, 1998). The VRAG was one of the first actuarial assessment tools in the field of risk assessment. This tool includes 12 items empirically derived across a number of studies (Lindsay Elliot, & Astell, 2004). Quinsey (2004) reported in a study of 52 participants that the VRAG has similar predictive ability with individuals who have intellectual disability as with mainstream offenders. In addition, Quinsey, Book, and Skilling (2004) found the VRAG to be the best predictor of new violent or sexual incidents and was related to the likelihood of antisocial incidents of any kind in a sample of intellectually disabled, institutionalized men with histories of serious antisocial behaviors. Overall predictive accuracy was moderate. The VRAG score incorporates the Psychopathy Checklist Revised Score (PCL-R), which has been found to apply to this population with modest changes to the various criteria (Lindsay, Garbiel, Dana, Young, & Dosen, 2005; Boer, Tough, & Haaven, 2004; Morrissey & Lindsay, 2003).

Sexual Violence Risk-20 (SVR-20; Boer, Hart, Kropp, & Webster, 1997). This instrument is a guided clinical assessment where a range of empirically validated risk factors, including static, stable, and acute dynamic factors, are assessed and a resulting opinion is expressed in relation to risk (Boer et al., 1997). This measure assists in the structuring of risk assessments with the intellectually disabled population (Lambrick & Glasser, 2004). However, the evaluator should interpret many factors cautiously when applying them to this population. For instance, the items concerning employment may be irrelevant since the majority of this population is not gainfully employed. Lambrick and Glasser focus instead on the individual's attendance and participation in educational and prevocational types of programs. In addition, the evaluator should look cautiously at the interpersonal relationship factor with this population. Many intellectually disabled individuals lack the opportunities to form friendships or romantic/intimate relationships due to poor social skills, difficulty understanding subtle nuances of interpersonal relationships, or the rejection by others for being "disabled."

CONCLUSION

Research on risk assessment for sexual offenders focuses on the mainstream adult male offender with little research on the intellectually disabled adult male offender. Since there are currently no empirically validated risk assessment measures for this population, evaluators

must use the tools for mainstream offenders while making some modifications. Research demonstrates that it is reasonable to use risk assessment tools that have been validated on the general sex offender population as long as the evaluator interprets specific items cautiously.

Future research should focus on the risk factors specific to this population, as there are differences between the general and disabled sex offender populations. Lindsay, Elliot, and Astell (2004) and Boer, Tough, and Haaven (2004) found numerous risk factors concerning this population that are beneficial in the creation of a risk assessment measure for the intellectually disabled offender. Please refer to the articles for a complete list of the factors. Through this type of research, mental health professionals can make informed risk predictions so that the intellectually disabled sex offender may receive the appropriate level of treatment and supervision (i.e., probation vs. incarceration) for his level of risk. In the last few years, researchers have tried to determine if the intellectually disabled sexual offender is being overly restricted due to the lack of risk assessment instruments. For example, an individual is determined as a higher risk to reoffend due to overly conservative risk predictions, which are the current practice with this population. In addition, future research on specific risk factors would also help to reduce the inherent risk of errors in risk prediction.

SHORT COMMUNICATIONS

Chapter 1

MEASURING CRIME SERIOUSNESS PERCEPTIONS: METHODS AND DEMONSTRATION

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ABSTRACT

This article discusses the main issues in the methodology of evaluating perceived crime seriousness: the concept of seriousness, the depiction of crimes, and the scaling method of crime seriousness. It describes in details the data, method and procedures of Thurstone method in assessing crime seriousness. The article also proposes some alternative models, namely, Linear, Exponential and Information. Remedies for reducing the data burden of paired comparisons are discussed. Computer programs for the method are developed. The methods are demonstrated by a trial implementation.

1. INTRODUCTION

Since the pioneer work of Sellin and Wolfgang (1964), a lot of empirical research has been published on perceptions of crime seriousness. According to Stylianou (2003), about fifty empirical studies have been conducted, initially in USA and Canada, then in Australia and UK, and later extended to countries in Europe, Asia, and the Middle East.

Perceived crime seriousness is important in various aspects. It may provide a basis for discussing legal penalty of crimes. Before Sellin and Wolfgang's study, the seriousness of criminal offenses was simply represented by the legal penalty. The classification of crimes in the FBI's Uniform Crime Reports was such an example. Sellin and Wolfgang used crime seriousness as perceived in the society to gauge crime severity. Crime seriousness is not an

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objective attribute but is subjectively perceived among citizens (Black, 1979). According to Blumstein & Cohen (1980) and Hamilton & Rytina (1980), seriousness judgments are the chief determinants of public beliefs concerning the appropriate penalties for crimes. It would affect the chance that the crimes would be reported to the police, and the sentence that would be meted out (Skogan, 1984; Warr, 1989). Concerns would be raised about the appropriateness of the legal penalty for crimes which have large discrepancies with the subjectively perceived seriousness.

Unweighted crime rates (UCR) as measured by the annual number of crime cases per hundred thousand persons have been used widely but are unsatisfactory in reflecting the intensity of crimes in a society as no consideration is given to the severity of crimes (Anderson & Newman, 1998; Wilkins, 1980). In fact research in empirical crime seriousness perceptions has shown that there is a normative consensus in crime seriousness in the society. Crime seriousness scores may provide the weights for constructing weighted crime index (WCI). The usefulness of WCI however has been controversial. Comparing the UCR with the WCI using the Sellin and Wolfgang's seriousness scores for the period 1960-72 in USA, Blumstein (1974) showed that the two scales were almost perfectly linearly correlated in assessing crime intensity trends. Epperlein and Nienstedt (1989) had similar findings for a later period 1976-82. However in a more recent study in assessing perceived crime seriousness Kwan et al. (2000) constructed a WCI for Hong Kong, showing that the weighted index was a better indicator of crime intensity than the UCR in terms of validity and reliability.

The methodology for scaling crime seriousness is a very important topic in criminology research. This article aims to discuss the main issues in the methodology of evaluating perceived crime seriousness. By using paired comparisons, our intention is to apply Thurstone method and some alternative models to construct seriousness scores for crimes. Computer programs will be developed and demonstrated by a trial implementation.

2. METHODOLOGY

Conceptualization

In crime seriousness research there are two conceptual issues: the meaning of seriousness and the representation of crimes.

Seriousness

A standard definition of perceived seriousness of crime is not available, but according to Rossi et al. (1974), seriousness of crime is understood by respondents without any difficulty. It can be readily used in empirical research. In the pioneer work, Sellin and Wolfgang (1964) assumed that there was a priori defined seriousness: bodily injury is more serious than property loss, which in turn is more serious than property damage, and so on. They constructed some crime typologies which could be ranked in terms of the a priori seriousness. Respondents were then asked to rate them in terms of seriousness. They found that the

observed perceived seriousness of these categories reflects the a priori seriousness categorization well.

Crime Vignettes and Typologies

There are two approaches for depicting crimes, namely crime vignettes and crime typologies. Hansel (1987) found that there are nine dimensions for describing crimes: harm done to the victims, the violence involved, immortality, sex-relatedness and so on. In crime vignettes, the dimensions provide the framework for descriptions of criminal acts. Descriptions may vary according to the number of dimensions adopted and the details input for each dimension (Scott & AlThakeb, 1980; Shaver, 1984; Wolfgang et al., 1985). There are clear distinctions in seriousness for crimes with different descriptions of the specific elements. For example, in Sellin & Wolfgang's study (1964), different levels of seriousness were assigned by the respondents to bodily harm which was described as "receiving minor injuries,....treated and discharged, Hospitalized,[and] killed".

Using the second approach, Hansel (1987) selected nine crime typologies: gambling, robbery, rape, disorderly conduct, homosexual acts between consenting adults, obscene phone calls, prostitution, theft, and assault. In the survey, respondents were asked to locate the typologies along the nine dimensions. It was found that there was significant disagreement in people's conceptions of crime typologies in terms of the level of violence, amount of property harm, level of sex relatedness, and so on. For example, some respondents treated rape as sexual crime, while others treated it as violence. Crime typologies were perceived differently among persons differing in social experience. Nonetheless, concerning the seriousness of the crime typologies strong agreement was found. In another study Parton et al. (1991) found that the variance of the seriousness score of crime typology was small and concluded that there was a normative consensus in crime seriousness. This provides the reasons for conducting crime seriousness research and for adopting crime typology as representation of crime in the research.

Measurement

Three types of measurement scales have been used in seriousness research (Stylianou, 2003). The most prevalent is category scaling (ordinal level). Participants are asked to rank a number of given behaviors, typically on a semantic differential scale from "least serious" to "most serious". The second most popular scale is magnitude estimation (ratio level). Participants are asked to rate the behaviors, i.e., to assign a numerical value of seriousness to each, based on a given reference rating of a common offense. For example, Sellin and Wolfgang (1964) used automobile theft with a value of ten as the reference rating and asked respondents to rate the rest of the offenses based on how many times more or less serious than automobile theft they thought an act was. Finally a less frequently used scale is paired comparison (Thurstone & Chave, 1929). In this, the offenses are coupled randomly in a large number of dyads and the respondents are asked to state which of the two offenses in each dyad is more serious. The number of times an offense is judged more serious than another is a measure of that offense's seriousness.

Although the three scaling methods have been shown to produce reliable measures of crime seriousness some cautions have been noted. For the category scaling method, there are two concerns. The first is identified at the level of analysis. This occurs when ordinal data are analyzed as if they were interval data. Though a conventionally accepted violation of the assumptions of the ordinal scale, one must be cautious about whether the assumptions made for the applications are realistic. Second, relative to magnitude estimation or Thurstone method, this method is less discriminative. For example, from an experiment in which students in Hong Kong were asked to scale fifteen crime typologies on a five-point scale from “least serious” to “most serious”, we found that all the scores were within a narrow range between “serious” to “most serious”. No crimes were placed on the categories of “least serious” and “less serious”. When asked about the reasons, the respondents said that they thought all crimes were serious.

A critique of the use of magnitude estimation came from Parton et al. (1991) who warned that the method requires that respondents have a common understanding of the task they have been asked to perform. They pointed out that if instructions are excessively complex then respondents may perceive some aspects of the task differently and provide divergent ratings to crimes with identical evaluation. The method requires training of the participants. In situations where it is impossible to offer training to respondents, a simple method is preferred.

Thurstone scaling method uses paired comparisons. It is very demanding on data, and the number of comparisons to be performed by respondents may be very large.

Thurstone’s scaling method has many advantages. Relative to the other two methods, paired comparisons are easy to perform and no trainings for the respondents are needed. Paired comparisons are more discriminating. When asked about the seriousness of ‘murder’ and ‘rape’ on a category scale, for instance, the respondents would probably place the two crimes on the category “most serious”. In making paired comparison, however, the respondents could tell which is more serious, thus discriminating the seriousness of the two crimes. Above all, there is a strong theoretical basis for the method to transform paired comparisons into scores on an interval scale. The setback is that the method is very demanding on data, and that might be the reason for the method being less popular. Some remedies are proposed and the Thurstone method is elaborated in the following sections.

Paired Comparisons

Paired comparison data are obtained by presenting two crimes to the respondents who would then judge the more serious one. The number of paired comparisons can be very tremendous. Suppose there are n crimes. The number of paired comparisons involved for one trial is C_2^n . For $n=15$, there are C_2^{15} or 105 paired comparisons for one trial. It would be too demanding for a respondent to perform 105 comparisons in personal interview, and virtually impossible in telephone interview. One solution is to limit the number of comparisons performed by a respondent, for example, to two sets of paired comparisons, each with a target crime with the other 14 crimes. The paired comparisons will then be pooled to form a trial.

There are two ways to reduce the workload of paired comparisons: ranking and constructing a hierarchical structure of crimes (Fishman et al., 1986; Ip et al., 2004). Paired comparisons can be obtained by rankings. For example respondents may be asked to rank

four crimes by assigning each of the ranks (1,2,3,4) to each of the crimes. Suppose a rank order of A, B, C, and D is obtained, with the first one being the most serious, the last one least serious. We can break down the ranking into 6 paired comparisons: A>B, A>C, A>D, B>C, B>D, and C>D. This would greatly reduce the efforts of paired comparisons. In Appendix 1 a computer program is developed to break down the ranks of items into paired comparisons.

To reduce the number of paired comparisons that a respondent need to make and to streamline the interview process we can build up a hierarchical structure of crimes. On the top level, there may be some broad crime categories like crimes involving bodily harm, related to property loss, and so on. Within the broad category, crimes can be further classified into sub-categories. For example, the fifteen crimes may be classified into three broad categories at the top level, two sub-categories in the second level. The number of crimes in the bottom level would then be kept to two or three. There are three levels of paired comparisons: among the crimes within the sub-category (about 12 paired comparisons), among the subcategories (3 paired comparisons), and among the broad categories at the top level (3 paired comparisons). The number of paired comparisons would have been reduced from 105 to 18.

Thurstone Method

Thurstone (1927) developed a method to construct attitude measurements by systematic collection of subject responses to paired comparisons of selected attitude items. It attempts to attach a set of weights to represent the relative importance of the items. The formulation assumes that if the same pair of stimuli is presented to the same subject several times or to a group of subjects, each only once, then there will be a normally distributed number of discriminational processes on the psychological continuum.

Mosteller (1951a, 1951b) and Horst (1941) have shown that the usual procedure for obtaining estimates of scale values is a least squares solution. A thorough elaboration of Thurstone method can be found in Torgenson (1958). In what follows we attempt to derive a set of weights based on paired comparison responses.

Suppose the perceived relative seriousness of a set of n items is to be measured. Let S be the unknown underlying scale of seriousness, and s_i be the scale value for item i . Define (x_i, x_j) as the outcome of a paired comparison between items i and j :

$$(x_i, x_j) = \begin{cases} 1, & \text{if } i \text{ is judged more serious than } j \\ 0, & \text{otherwise} \end{cases}.$$

Let $\pi(s_i, s_j)$ be the probability that $(x_i, x_j) = 1$ for some given scale values s_i and s_j . It can be readily shown that the sufficient and necessary condition for $s_i > s_j$, is for any i and j ,

$\sum_{k=1}^n (x_i, x_k) > \sum_{k=1}^n (x_j, x_k)$. Thus the results from pair-wise comparisons will also provide a seriousness ranking of the items.

This ranking scale will give an ordinal measurement of the item severity. It may be further developed into interval measurements according to an investigator's prior belief of the nature of seriousness scale of the items. Given a set of n items to be compared, the total number of paired comparisons has to be made will be $M = C_2^n$. Let $F_i = \sum_{k=1}^n (x_i, x_k)$. Then the probability that item i is judged more serious than a randomly selected item other than itself is given by:

$$p_i = \frac{F_i}{M}.$$

Obviously, p_i is positively related to the underlying continuum scale of item severity. In other words, the underlying continuum scale s_i will be a monotonic increasing function of p_i , in order to preserve the severity ranking in the former. Thurstone method assumes

$$s_i - s_j \text{ is a scaled standard normal variate.}$$

A computer program for deriving seriousness scores by Thurstone method for incomplete matrix (which is often the case for crime seriousness scaling) is developed in Appendix 2 and demonstrated in the next section.

In fact there can be many assumptions other than the Thurstone assumption of normality concerning the difference in the scale values, $s_i - s_j$, of two adjacent items. Models under various assumptions are developed below.

Alternative Models

Three functions, namely, (i) linear, (ii) exponential, and (iii) information are proposed here for modelling the relation between p_i and s_i . The choice of function depends on one's perception of the nature of the severity scale.

In the linear scale we assume that

$$s_i = ap_i.$$

An item's scale value is assumed to increase at a constant rate, a , with probability. When the exponential function is used we assume that

$$s_i = e^{ap_i}.$$

Here, the scale value increases slowly as p_i moves from zero and accelerates rapidly as p_i approaches 1. The information approach assumes

$$s_i = a \ln \frac{1}{1 - p_i} .$$

The area originated with Shannon (1948) and was elaborated with econometric applications by Theil (1967).

3. DEMONSTRATION

A dataset of 200 trials with 7,200 paired comparisons among nine crime typologies is used for demonstration. The nine crimes are 1: rape, 2: indecent assault, 3: murder, 4: serious assault, 5: robbery, 6: snatching, 7: burglary, 8: theft, and 9: bribery and corruption.

Thurstone Method (Normality Model)

The procedures for constructing seriousness scores are as below.

- Step 1. Construct a proportion matrix P (Table 1). The element p_{ij} denotes the proportion of times crime i is judged more serious than crime j. It is obtained by dividing the number of times crime i is judged more serious than crime j by the total number of trials which is equal to 200. The diagonal entries where a crime is compared to itself is set equal to 0.5. The last row gives the column sum of p_{ij} .
- Step 2. The columns of matrix P (in sequence of crimes 1, 2, 3, 4, 5, 6, 7, 8, and 9 in Table 1) are rearranged in increasing order according to the column sum of p_{ij} . The sequence of columns then shows the rank order of the perceived seriousness of crimes (i.e., crimes 8, 6, 7, 2, 4, 9, 5, 1, 3). The p_{ij} 's are transformed into the unit normal deviates to form a matrix X in Table 2. The diagonal entries are all transformed to 0. The p_{12} element in matrix P (0.957), for example, is transformed to 1.717 (row 2, column 8 in matrix X).
- Step 3. Calculate the differences in normal deviates between two successive crimes to estimate the difference in scale values. These differences are given in matrix D shown in Table 3. (Note: if there is a negative column sum, the order of seriousness of the two relevant crimes should be reversed). The column means in matrix X are estimated differences in scale values between two successive crimes. For example, if the scale value of crime 8 is s_8 then the scale value of crime 6 will be $s_6 = s_8 + .473$.

Step 4. The previous step estimates the differences of scale values between any two successive crimes, which are not the actual scale values. The zero point of the scale should be located at “nil crime.” From the last row of matrix D, the mean (0.419) for the differences of scale values of the crimes was calculated. This would be the best estimate of the successive difference between two adjacent crimes. It was therefore used to estimate the difference between nil crime and the next more serious crime. In such a manner, a series of scale values can be obtained as: 0 for nil crime, $0+0.419=0.419$ for crime 8, $0.419+0.473=0.892$ for crime 6, and so on. These raw scale values are given in Table 4. Rescaling the raw scale values to give a sum of 100 we have the standardized scale values which represent the seriousness scores.

Table 1. Matrix P: proportion of times crime i was judged more serious than crime j

Crime j	Crime i								
	1	2	3	4	5	6	7	8	9
1	0.500	0.043	0.821	0.090	0.243	0.000	0.014	0.015	0.250
2	0.957	0.500	0.968	0.654	0.829	0.347	0.394	0.279	0.861
3	0.179	0.032	0.500	0.000	0.014	0.000	0.014	0.000	0.083
4	0.910	0.346	1.000	0.500	0.714	0.083	0.155	0.074	0.736
5	0.757	0.171	0.986	0.286	0.500	0.014	0.028	0.000	0.250
6	1.000	0.653	1.000	0.917	0.986	0.500	0.563	0.294	0.694
7	0.986	0.606	0.986	0.845	0.972	0.437	0.500	0.088	0.681
8	0.985	0.721	1.000	0.926	1.000	0.706	0.912	0.500	0.792
9	0.750	0.139	0.917	0.264	0.750	0.306	0.319	0.208	0.500
Total	7.025	3.210	8.178	4.481	6.008	2.393	2.900	1.458	4.847

Table 2. Matrix X: normal deviates corresponding to proportions in Matrix P with columns arranging in increasing order of total proportions

Crime j	Crime i								
	8	6	7	2	4	9	5	1	3
1	-2.178	-	-2.195	-1.717	-1.342	-0.674	-0.697	0.000	0.919
2	-0.585	-0.393	-0.268	0.000	0.396	1.085	0.949	1.717	1.858
3	-	-	-2.195	-1.858	-	-1.383	-2.189	-0.919	0.000
4	-1.450	-1.383	-1.016	-0.396	0.000	0.631	0.566	1.342	-
5	-	-2.200	-1.908	-0.949	-0.566	-0.674	0.000	0.697	2.189
6	-0.541	0.000	0.160	0.393	1.383	0.508	2.200	-	-
7	-1.352	-0.160	0.000	0.268	1.016	0.469	1.908	2.195	2.195
8	0.000	0.541	1.352	0.585	1.450	0.812	-	2.178	-
9	-0.812	-0.508	-0.469	-1.085	-0.631	0.000	0.674	0.674	1.383

Table 3. Matrix D: differences of normal deviates between crime i and its next less serious crime j

Crime j	Crime i, j							
	6,8	7,6	2,7	4,2	9,4	5,9	1,5	3,1
1	-	-	0.478	0.374	0.668	-0.023	0.697	0.919
2	0.192	0.125	0.268	0.396	0.690	-0.137	0.768	0.141
3	-	-	0.337	-	-	-0.806	1.270	0.919
4	0.067	0.368	0.620	0.396	0.631	-0.065	0.776	-
5	-	0.292	0.960	0.383	-0.109	0.674	0.697	1.492
6	0.541	0.160	0.233	0.990	-0.875	1.692	-	-
7	1.192	0.160	0.268	0.748	-0.546	1.439	0.287	0.000
8	0.541	0.810	-0.767	0.865	-0.638	-	-	-
9	0.304	0.039	-0.616	0.454	0.631	0.674	0.000	0.709
Sum	2.837	1.953	1.781	4.606	0.453	3.449	4.495	4.181
n	6	7	9	8	8	8	7	6
Mean	0.473	0.279	0.198	0.576	0.057	0.431	0.642	0.697

Table 4. Construction of Thurstone crime score

	Crime								
	8	6	7	2	4	9	5	1	3
Difference		0.473	0.279	0.198	0.576	0.057	0.431	0.642	0.697
Raw score	0.419	0.892	1.171	1.369	1.944	2.001	2.432	3.074	3.771
Score	2.45	5.22	6.86	8.02	11.39	11.72	14.25	18.01	22.09

Other Models

The procedures for constructing crime seriousness scores are as below.

- Step 1. Calculate the number of times crime i is judged more serious when compared with all the other 8 crimes for the 200 trials.
- Step 2. Calculate total number of comparisons for all the trials.
- Step 3. p_i is then obtained by dividing the number of times judged more serious in step 1 by the total number of comparisons in step 2.
- Step 4. Adopting the linear model, we multiply p_i by 100 so that the seriousness scores sum to 100. In the exponential case, the value of k is obtained by trial and error so that the seriousness scores of the 9 crimes sum to 100, i.e.,

$$\sum_{i=1}^9 s_i = \sum_{i=1}^9 e^{kp_i} = 100, \text{ and likewise for the information approach. The weights}$$

obtained by these approaches are given in Table 5.

Table 5. Summary of crime scores

Method	Crime								
	1	2	3	4	5	6	7	8	9
Linear	18.12	7.53	21.33	11.06	15.30	5.26	6.67	2.66	12.08
Exponential	22.30	3.63	38.60	6.65	13.75	2.46	3.13	1.58	7.91
Information	18.51	7.25	22.21	10.85	15.37	5.00	6.39	2.50	11.92
Thurstone	18.01	8.02	22.09	11.39	14.25	5.22	6.86	2.45	11.72

4. CONCLUSION

In this article we discuss in details the use of paired comparisons and Thurstone method in measuring crime seriousness. Paired comparisons are easy to perform and can produce more discriminating results. The Thurstone method provides a strong theoretical basis for transforming the ordinal data into interval scale measurement. Models other than the normality assumption of the Thurstone method have also been proposed for the transformation. The method has two setbacks: it is very demanding on data and technically complicated to apply. Hence we have suggested some methods to lessen the data burden, and developed some computer programs for producing paired comparisons from ranking data, and for the application of Thurstone method in constructing seriousness scores.

In the trial demonstration we have used Thurstone method and other alternative models to construct seriousness scores for nine crime typologies. The four sets of scores theoretically will give the same rank order of crimes in terms of seriousness. The choice of model depends on the researcher's perception of the nature of the severity scale. In the trial implementation, the seriousness scores of the Thurstone, Linear and Information models are similar, but those of the Exponential model are distinctly different. The standard deviations for the Thurstone, linear, exponential and information models (calculated from Table 5) are 6.3, 6.2, 12.3 and 6.6 respectively. As is always the case, exponential model gives the most responsive results.

APPENDIX 1 – EXCEL PROGRAM FOR TRANSFORMING RANKINGS INTO PAIRED COMPARISONS

Suppose an EXCEL data file for ranking k crimes. R_{ij} is the rank of crime j judged by respondent i . Column j represents crime j and row i , respondent i . Rank=1 indicates most serious, and Rank= k , least serious. The data file consists of k columns and n rows (each row represents a respondent).

The rule to transform rankings into paired comparisons is: If $R_{iJ} < R_{iL}$, code the $C_{i,(J-1)k+L}$ as 1; otherwise, 0. For $C_{i,(J-1)k+L}$ input the command: IF(DATA!\$Ji<DATA!Li, 1,0), where DATA! is the worksheet name, J is the target crime, L is the other crime, i is the respondent.

After the transformation, there is paired comparison matrix (PAIRED) with a $k \times k$ columns and n rows. The first k rows are the paired comparison with crime 1 as target; second k rows are paired comparisons with crime 2 as target, and so on.

APPENDIX 2 – EXCEL PROGRAM FOR THURSTONE METHOD

First, we have to construct a frequency matrix F from the paired comparison matrix obtained in appendix 1 by adding up all cells (i,j) for all i , where the column j represents the target crime, and i represents respondent. The command to be input into all target crimes is, for example, `SUM('PAIRED'!B$1:'PAIRED'!B$n)`, where B is the column, 1 is row 1 and n is the last row. PAIRED is the sheet name.

The column totals at the last row of the matrix represent $f_{11}, f_{21}, \dots, f_{k1}$ for the first k columns; $f_{12}, f_{22}, \dots, f_{k2}$ for the second k columns, and so on.

To form matrix F , put the first set of column totals $f_{11}, f_{21}, \dots, f_{k1}$ into the first column, the second set into the second column, while all diagonal elements are zero.

Then we have a $k \times k$ matrix F .

Second, construct the proportion matrix P from matrix F . The element of P is

$$p_{ij} = \frac{f_{ij}}{f_{ij} + f_{ji}}, i \neq j. \text{ Set } p_{ii} = 0.5. \text{ In the frequency matrix, } p_{21}, \text{ for example is calculated}$$

by
$$p_{21} = \frac{f_{21}}{f_{21} + f_{12}}$$
 and the command input into the cell for row 2 and column 1 of the matrix is: `= A2/(A2+B1)`

The column sum is calculated, for example, for the first column by the command: `SUM(A1:Ak)`.

Third, sort the column order according to the column sums in ascending order. As Excel cannot sort by column, we need to transpose the matrix P . The last column of a row will then indicate the column sum of p_{ij} . We can sort the order of the rows according to the column sums, and then transpose the matrix.

Fourth, to transform p_{ij} into normal deviate, input the command into the cell: `(IF(OR(cell number=0, cell number=1), "", NORMSINV(cell number)))`. This command transforms the cell with p_{ij} equal to 0 or 1 into an empty cell. Matrix X is formed.

Fifth, calculate the difference in normal deviates between two consecutive columns (right-column normal deviate minus left-column normal deviate of the same row). The cell will be left empty if one or two consecutive elements are empty. Calculate the column mean by input the command into the cell for the last row: `AVERAGE(column number)`.

If the difference is negative, the two column crimes need to be reversed in order. Matrix D is now formed.

Calculate the mean of the column means in matrix D by the command: AVERAGE(column 1: column k-1) and this is input as the raw score for the least serious crime. Add the first column mean of matrix D to the raw score of the least serious crime to obtain the raw score for the next serious crime, and so on. A set of raw scores is obtained.

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Chapter 2

SUPER-PREDATORS REVISITED

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ABSTRACT

In 1995, John DiIulio created controversy when he predicted that a wave of young, violent, remorseless juvenile delinquents known as super-predators would plague the country and increase crime rates. However, the prediction was made in the midst of the greatest decline in crime in the nation's history, and the super-predator thesis was vilified as conservative ideology. The current study revisits the super-predator thesis and demonstrates that it has substantial empirical support from the criminological literature. While criminologists should be cautious in making projections of crime rates since they have proven very difficult to predict, the notion that very violent young offenders commit a disproportionate amount of crime is empirically accurate. In the end, DiIulio was guilty of bad timing, but his central thesis was not only defensible, but also correct.

INTRODUCTION

In 1995 in an article published in *The Weekly Standard* periodical, criminologist John DiIulio gained national attention and created controversy among academics when he predicted that a wave of young, violent, mostly minority, remorseless juvenile delinquents, known as super-predators would plague the country and increase crime rates. However, the prediction was made during the midst of perhaps the most sustained and impressive decline in crime in the nation's history. Because the prediction was at odds with the prevailing feelings

of public safety and because DiIulio's strident style ruffled the feathers of the criminological orthodoxy, the super-predator thesis was vilified as conservative ideology. This was a mistake. Drawing support from the homicide, criminal careers, gang, and juvenile psychopathy literatures, we argue that the notion of young, violent, mostly minority males committing crime without conscience is defensible meaning there is likely considerable verisimilitude to the super-predator thesis.

DIULIO'S THESIS

The basis for DiIulio's (1995) super-predator thesis stems from his experiences interacting with criminal justice practitioners and conducting research in criminal justice settings. After an address to the district attorneys association, DiIulio heard countless stories from prosecutors in the nation's largest cities that a qualitative change had occurred regarding the character and age of violent criminals. They were perceived to be more frightening than previous generations of offenders and were arriving at this point at shockingly younger ages. Several practitioners commented to DiIulio that youths still in elementary school were frequently armed, would inflict remorseless violence on impulse, and fundamentally lacked respect for human life. DiIulio himself had stopped conducting research in juvenile correctional facilities because "the buzz of impulsive violence, the vacant stares and smiles, and the remorseless eyes were at once too frightening and too depressing (my God, these are children!) for me to pretend to 'study' them (1995, p. 24)."

Although the thesis was pilloried because it came during the midst of the great crime decline of the late twentieth century, DiIulio was aware of the crime decline and even incorporates it into his essay. However, DiIulio also described the dramatic increases in juvenile crime, especially murders committed by juveniles that occurred between 1985 and 1995 when the article was published. In other words, DiIulio contrasted the general crime trends (which were down) to age-specific crime rates (which the data available then showed were up). To support the notion of violent young offenders, DiIulio cites the criminal career literature and descriptive data on homicides in major American cities.

The causal explanation for this troubling type of juvenile offender was, according to DiIulio, moral poverty which is:

the poverty of being without loving, capable, responsible adults to teach right from wrong. It is the poverty of being without parents and other authorities who habituate you to feel joy at others' joy, pain at others' pain, happiness when you do right, remorse when you do wrong. It is the poverty of growing up in the virtual absence of people who teach morality by their own everyday example and who insist that you follow suit. In the extreme, moral poverty is the poverty of growing up surrounded by deviant, delinquent, and criminal adults in abusive, violence-ridden, fatherless, Godless, and jobless settings. In sum, whatever their material circumstances, kids of whatever race, creed, or color are most likely to become criminally depraved when they are morally deprived (1995, p. 25).

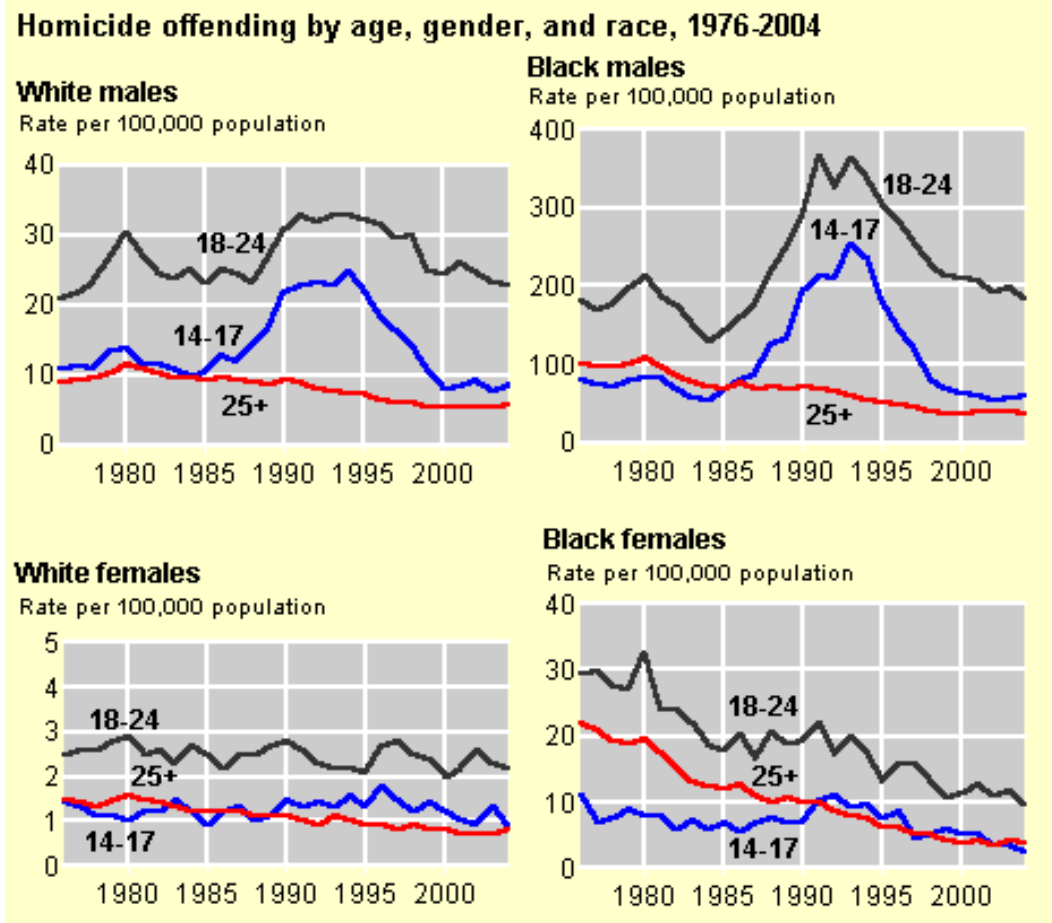
According to the theory, super-predators are the feral result of moral poverty. They are present-oriented, self-centered, unempathetic, and exposed to the most criminogenic environments in the country. Based on demographic projections, DiIulio suggested that tens

of thousands of super-predators were on the horizon. However, DiIulio did not argue that a wave of super-predators would immediately increase crime rates. He indicated that the wave of super-predators would arrive ten years later in 2005. This bears repeating. DiIulio did not forecast an upsurge in crime to occur between 1995 and 2005. He surmised that it would begin in approximately 2005.

THE CRIMINOLOGICAL REACTION

The reaction to the super-predators thesis among academic criminologists was immediate. DiIulio's original super-predators article and his book *Body Count* (Bennett, DiIulio, & Walters, 1996) which expanded the moral poverty idea have been cited more than 100 times in the literature and the super-predator idea is the topic of considerable debate at annual meetings of both the American Society of Criminology and Academy of Criminal Justice Sciences. The response was predictably negative for the most part. For instance, Barry Krisberg described the super-predator as a myth and DiIulio as a commentator "not to be outdone in rhetoric" (2004, p. 2). Barry Feld (2000, p. 109) suggested that the empirical regularities of juvenile homicides (e.g., gangs, use of firearms, disproportionately committed by minorities) were used by the media to inflame public fear. In turn, "politicians have promoted and exploited those fears for electoral advantage, decried a coming generation of 'superpredators' suffering from 'moral poverty,' and demonized young people in order to muster support for policies to transfer youths to criminal court and to incarcerate them." Elsewhere, the super-predator thesis was dismissed as inflammatory rhetoric, part of a moral panic about juvenile delinquency, and, importantly, was not figured into Comprehensive Strategy for Serious, Violent, and Chronic Juvenile Offenders developed by the Office of Juvenile Justice and Delinquency Prevention (Howell, 2003). A leading criminological theory text (Lilly, Cullen, & Ball, 2007) expressed concern for the super-predator thesis and characterized it as lacking in precision, conservative, and (incorrectly) at odds with other explanations for violent young offenders.

Philip Cook and John Laub reviewed the epidemic of youth violence that began in the mid-1980s and noted that it was concentrated demographically among young, African American males for whom the homicide rate increased nearly 500 percent. Cook and Laub offered several explanations for the increase in violent delinquency garnered from the criminological literature, such as gun availability and the crack-cocaine explosion. Interestingly, the super-predator thesis was not viewed as helpful in understanding homicides among youths. This conclusion is the consensus in the criminological literature. The notion of moral poverty was pilloried and viewed as clearly inferior to alternative explanations including demographic shifts, firearm availability, economic shifts, and the crack-cocaine surge. Similarly, irrespective of the pathology of young offenders, the label of "super-predator" was received as too provocative, too glib, and too conservative to be taken seriously by criminologists.



Source: Fox, J. A., & Zawitz, M. W. (2006). *Homicide trends in the United States*. Washington, DC: U. S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics.

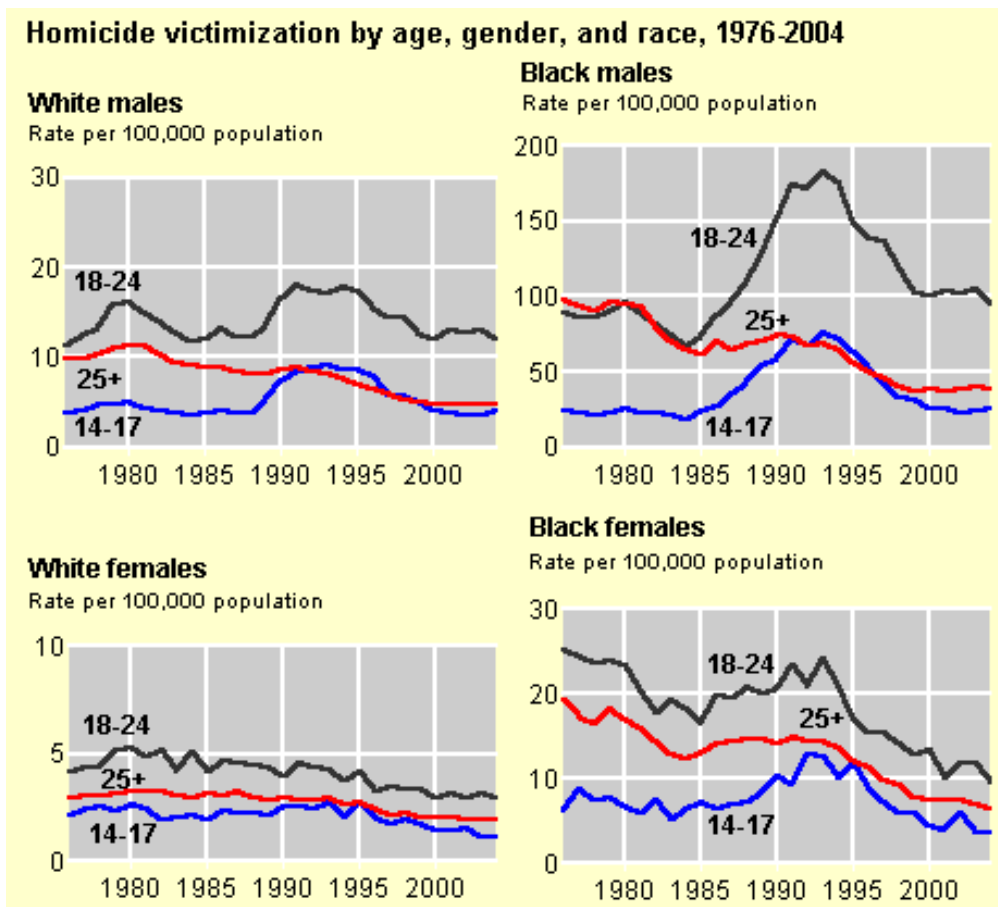
Figure 1. Homicide Offending by Demographics, 1976-2004.

CURRENT FOCUS

Criminologists may have been too eager to disagree with DiIulio's super-predator thesis on ideological grounds. Drawing from well-known literatures in criminology, we argue that the conceptualization of a young, male, disproportionately minority, conscienceless, impulsive, and exceedingly violent person matches the empirical profile of serious young offenders in the United States. In this sense, while the admittedly over-the-top super-predator moniker may have been used by DiIulio for effect, its accuracy is difficult to deny.

EVIDENCE

While DiIulio theorized that all social groups were exposed to moral poverty, he intimated that racial minorities, especially African Americans were most susceptible to moral poverty and super-predator status. A useful proxy for super-predator status is homicide involvement as both victim and offender. Figure 1 illustrates homicide victimization rates disaggregated by race, sex, and age group spanning the years 1976 to 2004. Irrespective of the time frame, African Americans had significantly higher homicide victimization rates than whites. The group with the highest homicide victimization and commensurately the group most implicated by the super-predator thesis are African American males. In 1995, the publication year that the super-predator thesis was advanced, the homicide victimization rate for African American males ages 18-24 was 150 per 100,000 and for the 14-17 age group the rate was roughly 70 per 100,000. For white males the respective rates were 18 per 100,000 and 8 per 100,000.

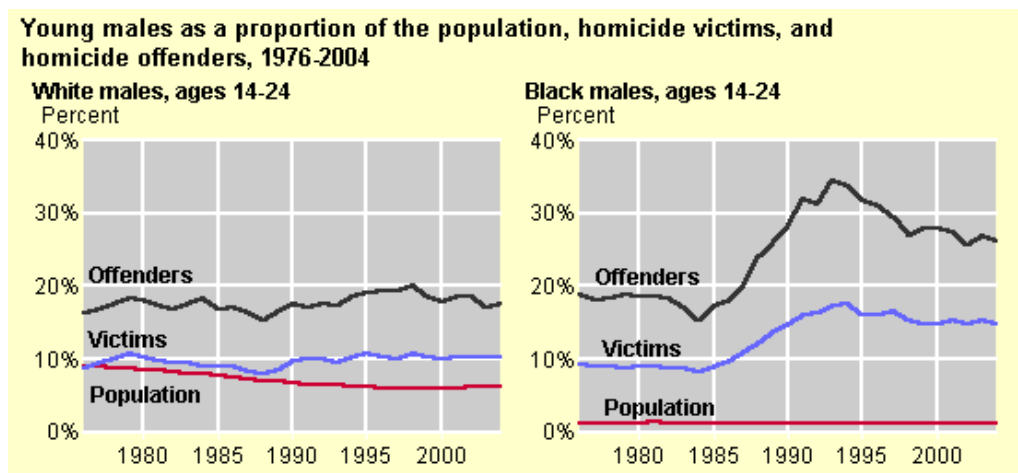


Source: Fox, J. A., & Zawitz, M. W. (2006). *Homicide trends in the United States*. Washington, DC: U. S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics.

Figure 2. Homicide Victimization by Demographics, 1976-2004.

Similar imbalances exist for homicide offending by race, sex, and age status. Again, in 1995 the homicide offending rate for African American males ages 18-24 was 300 per 100,000; the rate for white males ages 18-24 was 30 per 100,000. In other words, *the murder rate among black males ages 18-24 is one order of magnitude greater than white males ages 18-24*. A similar 10 to 1 race differential exists for males ages 14-17. In fact, the homicide offending rates for African American females are comparable to white males although the relationships are inconsistent. At certain data points, African American females had a greater homicide offending rate than white males and vice versa.

Figure 3 illustrates young males ages 14-24 (white and African American) as a proportion of the total United States population, homicide victim population, and homicide offender population spanning 1976 to 2004. During this time period, young white males constituted about 10 percent of the total population in 1976 to about 6 percent in 2004. Across the time period, young white males comprised about 10 percent of homicide victims and this rate was consistent. Young white males comprised about 18 percent of homicide offenders and this rate fluctuated between approximately 16 to 20 percent. For African American males ages 14-24 the proportions are quite different. While young African American males comprised about 1 percent of the total population, they accounted for significant numbers of homicide victims and offenders. For victims, the rate hovered at 10 percent before escalating in 1985 to a peak of nearly 20 percent in 1995 and leveling off to about 15 percent in 2004. For offenders, a similar slope is observed albeit with about twice the magnitude. Young African American males ages 14-24 accounted for about 20 percent of homicide offenders---20 times their proportion of the population from 1976 to 1985. This rate peaked in about 1993 at nearly 35 percent---35 times their proportion in the population and leveled off to about 28 percent in 2004. Of course, these data indicate nothing about the causal reasons for the staggering racial differences in homicide offending and victimization. As such, the role of moral poverty is unknown. However, the notion that young males ages 14-24 are likely to kill and be killed by means of murder is unassailable as is the fact that rates of violence are dramatically higher among African Americans than whites.



Source: Fox, J. A., & Zawitz, M. W. (2006). Homicide trends in the United States. Washington, DC: U. S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics.

Figure 3. Young Males and Homicide, 1976-2004.

There is great overlap between the theorized background factors of super-predators and the social histories of gang members. In the public's mind and many media depictions of youth violence, gang members are front and center. George Knox and other gang researchers from the National Gang Crime Research Center completed one of the largest, most comprehensive studies of gangs in the United States. Knox and his colleagues (2004) collected data in 17 states from 85 different correctional facilities (prisons, boot camps, juvenile institutions, etc) on a national sample of 10,166 confined offenders, of which 4,140 were self-reported gang members. Compared to youths who were not in gangs, gang members were more significantly *more likely* to:

- Self-report “super-predator” personality characteristics such as using force on another person to meet their needs,
- Have a parent who had served time in prison,
- Have psychopathic personality traits,
- Have been bullies in school,
- Have sold narcotics, especially crack cocaine,
- Have fired a gun at a police officer,
- Have been shot, stabbed, or seriously assaulted, and
- Have engaged in violent, weapons-related, and drug misconduct while incarcerated

Gang members were significantly *less likely* to:

- Finish high school or have a GED,
- Attend church,
- Avoid situations involving the risk of arrest or personal injury,
- Report that the juvenile or criminal justice system deterred them,
- Report that he or she had adequate parental supervision as a child, and
- Believe in conventional morality

Again, this report was not an official test of the super-predator thesis; however, the differences between gang and non-gang youths are striking vis-à-vis DiIulio's conceptualization. Gang members are involved in the most serious forms of criminal violence at school, on the streets, and while in custody. They self-report a personality profile that exalts impulsivity, narcissism, and the absence of empathy. Further, gang members indicated that their family background was wholly inadequate to socialize them for success in contemporary society. Instead, their childhoods were characterized by parental criminality, parental criminal justice system involvement, and parental neglect. In effect, the gang members in this study reported that they were not socialized or cared for by loved ones. The result was violent gang delinquency.

Nowhere was the super-predator thesis supported more resoundingly than from the psychopathy literature. Yet even here criminologists were eager to denounce the idea. Laurence Steinberg (2002, p. 43) suggested that “today's sense of urgency over the need to determine which offenders are genuine psychopaths has its origins in the now infamously wrong prediction about the coming wave of superpredators made by prognosticators like John DiIulio....the legacy of the superpredator lives on today in the label of the psychopath.”

Steinberg's specious essay seems to indicate that the super-predator idea is invalid, yet the behavioral repertoire of super-predators and their putative personality characteristics are textbook psychopathic behavior. What are psychopathic youths like? They have a very disagreeable personality and often are suspicious, deceptive, exploitative, arrogant, tough-minded, and aggressive. They are low in conscientiousness and constraint, which means that they impulsively seek to satisfy their own needs with no concern for the feelings of other people. Paul Frick and his colleagues studied a sample of more than 1,100 children in third, fourth, sixth, or seventh grades to examine the stability of psychopathic traits. They found that the most psychopathic children (their average age was 10 years) were highly impulsive, highly narcissistic, and highly callous and unemotional to others. Moreover, these characteristics were relatively stable over a four-year follow-up period. This suggests that psychopathic traits develop early in life and, once established, are likely to persist throughout the life course (Frick et al., 2003).

If the personality profile of psychopathic youths is troubling, the behavioral profile is even more unsettling particularly among institutionalized juvenile offenders. Mary Ann Campbell, Stephen Porter, and Darcy Santor (2004) found that psychopathic youths were among the most aggressive, antisocial, and delinquent children within detention centers. Although they were the most prone to externalizing (e.g., hurting others) problems, they were the least prone to internalizing problems (e.g., hurting themselves). In other words, psychopathic youths do not feel "stressed" about engaging in serious antisocial behavior. They also tend to have the most severe criminal records, had often been suspended or expelled from school, had multiple placements in foster homes and juvenile detention centers, and experienced more abuse during early childhood. In terms of social and behavioral history, it would be difficult to distinguish juvenile or fledgling psychopaths from super-predators.

CONCLUSION

Children who were born when DiIulio published the super-predator article would today (in 2007) be age 12. What are the contemporary crime trends? In March 2007, the Police Executive Research Forum (PERF) gathered crime data for 2006 from 56 policing agencies across the United States. The assessment from PERF is:

But overall, the 24-month trend, starting on January 1, 2005, is unmistakable: Among the jurisdictions filing reports with PERF, total homicides in 2006 were 10.21 percent higher than they were in 2004. Robberies increased 12.27 percent; aggravated assaults increased 3.12 percent; and aggravated assaults with a firearm increased 9.98 percent (Police Executive Research Forum, 2007, p. 1).

Law enforcement officials offered several explanations for the upsurge in violent crime, but among the most commonly cited was young people with access to guns and an willingness and at times even an eagerness to settle disputes violently. The violence was disproportionately committed by young males who dropped out of high school, were involved in the drug trade and generalized criminal activity, and who viewed even the most trivial affronts as reason enough to inflict violence (Zernike, 2007). New Orleans is a case that is useful for understanding youth violence. Long a bastion of violent crime, New Orleans was

devastated by Hurricane Katrina and its residents displaced across the country. Many New Orleans residents relocated to Houston, Texas. Unfortunately for Houston, Texas, the relocated residents included many gang members and young criminals---groups who single-handedly increased the homicide rate of Houston by 20 percent in 2006. In fact, Katrina evacuees were involved in at least 65 homicides as offender, victim, or both in Houston in 2006 (Associated Press, 2006). In the first six months that residents repopulated New Orleans, the city was rocked by several mass murders involving young people as offenders and victims---the violence stemming from criminal activity associated with the drug trade.

There is an obvious similarity between today's crime problem and the super-predator thesis advanced by John DiIulio in 1995. Then and now, young males from the most impoverished neighborhoods in the nation's largest cities disproportionately use lethal violence as a means to settle disputes, establish respect, or simply perpetuate ongoing criminal behavior. This is particularly problematic among young African American males. The homicide offending and victimization data are incontrovertible in this regard. It is well known that homicide offenders, gang members, and psychopaths---groups that appear to match the profile of super-predators are likely to come from considerable and often extreme adversity. This adversity includes child abuse victimization, poverty, family substance abuse, family dissolution, parental criminality, parental criminal justice system involvement, and the like (DeLisi, 2005). Background characteristics such as these are readily reconcilable to the idea of moral poverty. Moral poverty subsumes the oppression and disadvantaged life circumstances of young people at risk for serious violent criminal behavior. More pointedly, moral poverty seems to be an accurate way to describe how staring at another person, bumping shoulders with another person, or wearing a different color of clothing would ever justify aggravated assault, robbery, or murder.

Of course, John DiIulio was an easy target. In addition to forecasting a crime explosion during the Shangri-la crime decline of the late twentieth century, DiIulio brilliantly used the imagery of youth violence to make his point. His writing was strident and from the perspective of academic criminologists, unapologetically conservative. Any talk of increasing crime rates during an age of unprecedented public safety is appropriately ripe for ridicule. Indeed, DiIulio's thesis has taken its lumps. But the central idea of the super-predator is not misguided rhetoric, but simply a dramatic label for a violent, socially marginalized young person. Other labels that fit are murderer, gang member, chronic offender, and psychopath. To deny that these constructs exist is foolish. One must only read the newspaper each day for proof.

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RESEARCH AND REVIEW STUDIES

Chapter 3

POLICING RETAIL CRIME: FROM MINOR OFFENDING TO ORGANISED CRIMINAL NETWORKS

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ABSTRACT

Retailing is one of the largest sectors of business and recent surveys document the high losses due to criminal activity. In common with crimes in other domains, the difficulty of establishing actual levels of offending is discussed in terms of the methodologies employed and the nature of police recording systems. The means of addressing customer theft is considered from the perspective of the retailer and the nature of the investigative challenge. Retailers' attitudes are represented using a case history approach. Interviews with personnel show that organisational policy and previous experience of police action and courts sentencing are powerful influences on the priority given to tackling crime. The investigative challenge is explored in three ways. The first considers aspects of human function that compromise investigative decision making. The second explores the variety of retail offenders. Cases from a database of crimes held by the NERCP are used to illustrate the typologies of retail criminal and highlight difficulties posed by prolific team of offenders who travel extensively to commit crime. The abilities of Routine Activity Theory and Rational Choice Theory to inform strategies to detect and prevent such offenders are evaluated. The third means of exploring the investigative challenge is through discussion of the appropriateness of the Crime Centred Analyses (CCA) approach. It concludes that important lessons may be generalised from studies of other forms of criminality. However, successful interventions will require collaborations to generate the human expertise and technological resources required. It is argued that these are presently inhibited by organisational and legislative factors. The chapter concludes by emphasising the importance of partnership working exemplified by

the NERCP but that much remains to be explored concerning the dynamics of such alliances.

INTRODUCTION

While research increase our understanding of criminal activity within the retail sector, much still needs to be done to develop prevention and detection strategies which are proactive rather than reactive. For example, the introduction of chip and pin has lead to significant decreases in credit card fraud in the UK with a fall of 38.2% during the 12 months to February 2006, (Bamfield, 2006a). Nonetheless, at the time of writing the media revealed that the credit cards details of some 45 million people have been stolen in from the TMaxx company underpinning the importance of being one step ahead rather than playing 'catch up' to the retail criminal.

This chapter explores some of the issues that impact upon the fight against retail crime. The approach is holistic in that organisational, policing and political factors are explored that have influenced progress to date. This discussion provides an important context in which to consider research on the retail crimes (such as customer theft and fraud) and is augmented by the use of a case history methodology to provide greater insights into these factors. The aim is to provide evidence of their complexity and inter dependence and challenge some of the political and criminological approaches that inform current practice. The objective is to provide a model of addressing retail crime that is proactive and inclusive.

The chapter begins by exploring the extent of retail crime and outlines the difficulties of establishing the extent of this form of criminality. Data is presented for illustrative purposes as detailed breakdowns are presented elsewhere (Bamfield, 2006b) and through industry surveys (e.g. the British Retail Consortium Survey, 2006). The intention here is to address some relevant issues and set the context of retail criminality. To further our understanding, personnel from the retail sector are interviewed concerning their perceptions and approach to this problem.

Quantitative research on retail crime provides an important but aggregated view of the behaviour. Surveys talk about 'theft' and 'fraud' but little has been done to explore the behaviours involved. A qualitative approach is adopted here using the detailed data base of retail crime held by North East Retail Crime Partnership (NERCP). Managed by Northumbria Coalition Against Crime, the NERCP is a partnership between 29 retail chains, 11 shopping centres, 6 town/city centre partnerships and 4 police forces in the North East, with extensive links to other regional partnerships across the UK, including the Midlands Regional Crime Initiative, Retailers Against Crime Scotland, Retailers Against Crime York and the Yorkshire and Humberside Business Crime Forum. It holds information on over 29,000 offenders and 97,000 incidents in any twelve month period and enables us to explore the typology of criminals and their modus operandi. This qualitative and disaggregated approach reveals more about the nature of the policing challenge and is fundamental to the development of preventative and detection strategies.

Finally, a partnership model of addressing retail crime is advocated. Drawing on the preceding material, the factors necessary for its successful implementation and operation are prescribed. Although much of what follows uses material from Britain, the lessons are

generic. They combine to provide a substantive warning that combating retail crime will require an interface between the legislature, retail organisations and public and private policing sectors.

BUSINESS CRIME – RECOGNISING THE PROBLEM

The Police report (Home Office, 2007a) that crime figures continue to decrease month on month, year after year. However, policing priorities centres on crimes against the person, property and vehicles. The Government currently have specific targets for crime reduction agreed through Public Service Agreement (PSA) (Home Office, 2007b). These centre round reducing overall crime by 15%, reassuring the public and reducing fear of crime, bringing more offenders to justice, reducing harm caused by illegal drugs and increasing social inclusion. The needs of the business community are largely ignored.

Fortunately, there have been a few visionaries especially in relation to business crime. In 1988, Sir Stanley Bailey, then a Chief Constable of Police, was invited to the United States and introduced to the Crime Prevention Coalition. This was a unique partnership between the police, the community and business. Its objective was to enable people to work together to reduce crime both within neighbourhoods and the business community, part of which involved operating programmes for young people that diverted them from crime. Bailey brought the concept back to the North East of England, and recruited 90 top businessmen to act to develop and implement a similar project here. The result was Northumbria Coalition Against Crime, with its mission to reduce crime, fear of crime and anti-social behaviour to make the North East a better place to live and work.

This local scheme was reflected nationally through the Crime and Disorder Act 1998 which required the police, local authority, probation and health authority to work together in focus to reduce crime and improve communities. Over three hundred Crime and Disorder Reduction Partnerships (CDRPs) were established across the country to carry out local audits which, for the first time, asked for the views of the public in setting policing and crime reduction priorities.

When the first audits were carried out in 2001/02, they included residents and local businesses, but apparently very few of the latter replied. CDRPs therefore concluded that businesses were either not suffering crime, or were policing themselves. As a result, their priorities (like that of the Police) centred on crimes against the person, property and vehicles. The resulting CDRP strategies centre around theft of a vehicle, theft from a vehicle, vehicle interference and tampering, domestic burglary, theft of pedal cycle, theft from person, criminal damage, common assault, wounding, personal robbery and disorder offences. Only a handful of regions include any type of business crime, and this largely focuses on the retail trade and shop theft in particular.

There are two main measures of crime in England and Wales. The first source comes from statistics collated from information reported to and recorded by the forty three police forces. However, these are not collated as a matter of routine. They are used to produce government publications such as Criminal Statistics, England and Wales. The second is the British Crime Survey, which is carried out on an annual basis, with an average sample of around 10,000 people aged 16 or more. Among other aspects of criminality, it asks people

about their experience as victims of crime in the last 12 months and whether or not the crime was reported. This largely concentrates on crimes against the person and so, until recently, little information was collected about commercial targets.

The Government commissioned the first national survey of crime in 1994 known as the Commercial Victimization Survey (CVS) (Mirrlees-Black and Ross, 1995) and acknowledged that crime imposes a significant financial and human cost on businesses. The findings show that retail and manufacturing premises suffer high levels of victimisation relative to domestic premises. Collecting information from 3,000 retailers and manufacturers, the survey concluded that crime was a 'fairly' or 'very serious' problem for 44% of retail premises and 36% of manufacturing premises. Regional differences were apparent. For manufacturers, concern was highest in the northern regions of England and for those situated in towns and city centres. Sixty three percent had reported one or more crimes in the last 12 months, amounting to some 420,000 incidents. Today, the retail survey continues on an annual basis with the British Retail Consortium Annual Survey, now in its fourteenth year.

However, other surveys carried out in subsequent years sometimes presented a contradictory picture. For example, the British Chamber of Commerce (BCC) Crime Survey (BCC, 2001) found that 27% of businesses who responded had experienced incidents of burglary, whereas the Institute of Directors (IoD) survey (Wilson, 2003) found a much higher figure of 51%. Similarly with damage to vehicles, the BCC found an incidence level of 21%, whereas the IoD reported 46%.

The situation is even more complex when accounting for a wider range of criminal activity that effect businesses. Crime is recorded by the police according to Home Office definitions. Typical examples of these classifications include:

Class 28 – burglary in a dwelling

Class 30 – burglary in a building other than a dwelling

Class 46 – Theft from a shop

However, many of these categories may be interpreted in different ways between police forces and many crimes that could be regarded as crimes against business are often lost within the recording statistics as a general crime. For example, if a laptop computer or a mobile phone belonging to a company is stolen from a car sitting in a private driveway, it could be classed as a crime against business or against an individual. Currently, there is no classification for burglary from an office block or factory and these are all recorded in Class 30. This is general category for buildings and structures such as garden sheds, detached garages and telephone kiosks, which means that burglary from offices are classed in the same category as theft of a set of tools or a lawnmower from a shed.

The first definition of business crime was created for the Commercial Victimization Survey (Mirrlees-Black and Ross, 1995) and stated that business crime is that which affects a business or an individual because of their employment. Responses highlighted a number of important:

- Many crimes were not reported because they were seen as too trivial. However, lack of faith or confidence in police was also important. Many businesses also thought the police could have done nothing about the crime.

- It was often felt inappropriate to report crimes involving employees, which were most commonly dealt with by disciplinary action.
- The speed of response (from the police) to the reporting of crime was the most common reason for dissatisfaction.”
- Nearly one in ten businesses was not covered at all by insurance against crime
- Only one in five victims had claimed against an insurance policy in relation to a crime they had suffered.

The definition of business covers a wide range of activity, including manufacturing, commerce, construction, retail, transport, communication, night-time economy and leisure. Whilst each different sector experiences its own particular types of crime, there are some similarities and Burrows and Hopkins (2005) provide a recent overview. However, our intention is to focus on retail crime as this sector contributes a high proportion of firms, employees and turnover (see e.g. Burrows and Hopkins, 2005).

Retail crime itself covers a wide number of separate issues, including theft by customers (commonly called shoplifting), theft or fraud by staff, burglaries, robbery and till snatches, criminal damage (including vandalism and arson) and fraud (including cheque and credit card fraud and counterfeit money). For the purposes of this article, we will be focusing upon retail theft, in particular, theft of goods from shop and fraud through refund abuse. The latter is a crime that is rapidly rising in popularity amongst criminals, and to date, there has been little published work. However, it is estimated (Bamfield, 2006b) that retailers in the UK continue to lose on average \$2.5 billion annually.

A European perspective presents a mixed picture in respect of retail crime. The ‘Retail Theft Barometer’ measures crime across 24 countries (16 in Western Europe and 7 in Central Europe) and is conducted by the Centre for Retail Research, University of Nottingham, UK.. The survey is based on retailers accounting for more than 18% of European retail trade and claims to be the largest survey of retail crime in the world. It shows that while the average shrinkage rate (stock loss from a combination of crime, administrative error or wastage) has fallen annually since 2002, figures for 2005 and 2006 show this decline had slowed from 1.25% of turnover to 1.24% respectively (Bamfield, 2006b). The UK showed the largest reduction in shrinkage but this contrasts with significant increases in Switzerland, Ireland and Sweden. Indeed, half of the 16 central European countries and all but one of the eastern states showed an increase in shrinkage during these periods. With the cost of retail crime in Europe estimated at over \$38,795 million, there is little cause for optimism.

The Barometer indicates that customer thieves are responsible for 48.8% of shrinkage, employees 30.7% and suppliers 6.2%. Retailers express concern about employee theft and much research effort seems to reflect this. A survey of one research data base (Psychinfo) in March 2006 reflects this concerns in that there were 68 articles on employee theft but only 4 on customer theft. There is an urgent need to reduce this research ratio.

The National Retail Security Survey authored by Prof. Hollinger, University of Florida, provides a similar review of the US retail sector. Shrinkage is somewhat higher than in Europe but the trend is one of reduction (e.g. form 1.70% in 2002 to 1.65% in 2003 (Hollinger and Langton, 2004). In almost direct contrast to Europe, the figure for employee theft is 47% of losses while customer theft is some 32%.

While Canada had a shrinkage rate similar to Europe of around 1.23% in 2003 (Retail Council of Canada, 2005) of 1.23 %, the sources of loss were similar to the USA with internal theft accounting for 48% while customer theft accounted for 31%. Interestingly, this report mentioned that organised gangs caused 21% of losses, a feature that will be explored in some depth later in this chapter.

Gutherie (2004) reports a shrinkage rate of 1.5% for New Zealand retailers with 68% attributed to customers and 12% to employees. The Australian Retailers Association report of 2001/2 noted that the grocery sector suffered 1.52% shrinkage with 35% attributed to customers and 25% to staff (Bamfield 2006b).

The lesson is clear. Crime costs retailers substantial sums of money. Yet by 1997/1998, only a few regions in the United Kingdom recognised how crime impacted upon a business's profitability and different town/city centre partnerships began to spring up being led, in the main, by retail organisations. A number of regional organisations, such as Retailers Against Crime Scotland (RACS), the Midlands Regional Crime Initiative (MRCI) and the North East Retail Crime Partnership (NERCP) began to pull together regional and national initiatives.

In 2004, the Home Office announced the formation of the national Action Against Business Crime Group (AABC). This is a subsidiary of the British Retail Consortium, developed to set up a National Action Group for business crime reduction partnerships across the UK. Their aim is the reduction of crime against businesses as a whole (not just retail) across the daytime and evening economies and the whole community, by:

- Providing national leadership and direction to local crime reduction partnerships;
- Developing regional partnership groups to share information and good practice
- Identifying and setting up 100 new partnerships in priority locations across the UK
- Supporting and developing existing partnerships
- Working with regional crime reduction directors and other agencies
- Managing a partnership accreditation scheme and
- Exchanging best practice advice and supporting partnerships with advice and training.

The AABC Group continues to support new and existing town/city centre crime reduction partnerships, supported by the regional organisations such as the NERCP.

THE TRUTH AND THEN THE WHOLE TRUTH

Despite the best efforts of researchers, pinpointing the exact nature and impact of crime against business remains elusive. The validity of the distribution of offences and losses are open to question for a number of reasons. This is especially true of official statistics based on recorded crime (i.e. those incidents reported to the Police) due to definition and interpretation (see above). The source of the data is important. Farrington and Burrows (1993) note that the number of recorded shoplifters as measured by the Home Office Criminal Statistics fell by more than a third across 1985 to 1989. A survey of 7,873 retail outlets reveals a different story. The number of shoplifters apprehended by them and reported to the Police remained

fairly constant during the years in question. The drop was due to an increasing proportion being dealt with 'informally' by the Police and not by the courts.

While studies provide an important contribution to our knowledge, differences in their methodology influence the crime picture that emerges and make comparisons difficult. The annual surveys by the British Retail Consortium (BRC) involve contacting head offices of retail businesses. The British Government's Commercial Victimization Survey (CVS) focussed directly on the managers and owners of retail and manufacturing businesses and is referred to as the 'premises approach' (Burrows and Hopkins, 2005). While burglary and employee theft are the most common crimes in the retail sector, the average number recorded by the CVS is much higher due to their surveying at a relatively disaggregated level. Burrows and Hopkins (2005) suggest that the 'head office' methodology may produce more accurate estimates of the cost of crime, and the premise approach is better able to capture incidences. The first Scottish Business Crime Survey (SBC) (Burrows et al, 1999) is a rare example where the methodologies are used in combination.

While capturing the incidence of retail crime is difficult, knowing who commits it is even more problematic. With around half of apprehended thieves not being reported to the Police in the USA (Hayes, 1997), retailers would seem to be a better source but few studies have been undertaken. Hayes' (1997) analyses of over 170,000 apprehended shop thieves submitted by around 170 retailers is a notable exception, but he admits it is vulnerable to bias. Those caught by store detectives (rather than electronic means) may target and therefore detect only those fitting their preconceived profile increasing the potential of a 'self fulfilling prophecy'.

Nonetheless, descriptive data based on apprehensions has prevention and detection value. For example, Hayes (1997) notes that customer flow plays a major role in the quantity of shoplifters apprehended. The more people shopping, the more thieves are detected. The question is the extent this is due to 'opportunistic' thieves stealing as part of their normal shopping. It may be that higher densities of shoppers encourage greater number of 'professionals' to come out because they feel staff cannot be as vigilant. However, as the 'flow/theft' relationship is based on apprehensions, a daily stock take and search of employees would be needed to begin to reveal undetected customer theft. Only when such controls are factored in, can the validity of the flow/theft relationship be established and its crime prevention challenges explored.

Thus far, the difficulties of measuring business crime have been in order to establish its extent and cost. Such issues are relevant when trying to assess the impact of attempts to reduce crime. The Small Business Crime Initiative (SBCI) was the first major project in the UK to seek to reduce offences against all types of businesses. The authors (Tilley and Hopkins, 1998) note the scheme's interventions with crimes with a high reporting rate such as burglary could be evaluated with relative confidence. Success against other forms of criminality such as shop theft was more difficult to assess. The culture of acceptance by small business meant establishing the extent of such crimes was problematic and led to difficulties in implementing the crime reduction initiatives on offer.

This report highlights an important measurement issue. Incidence is frequently used to explore the extent of criminality and refers to the number of *crimes* within a given population, expressed as a rate (e.g. per 1,000) of victims or businesses in this case. Tilley and Hopkins (1998) additionally employ the concepts of prevalence and concentration. Although familiar within the burglary literature (Pease, 1998) they are seldom applied to retail crime despite

their ability to reveal important features. Prevalence refers to the number of potential *victims* that are actually victimised and expressed as a rate depending on the sample size (e.g. per 1000). Concentration is the number of *crimes* experienced by each *victim* and again expressed as a rate. Prevalence and concentration provide a much better understanding of the distribution of any particular crime within a given population of businesses and helps identify those who are suffering disproportionately.

Tilley and Hopkins (1998) found their interventions reduced the incidence of all volume crime suffered by businesses. However, their analyses reveal the ‘whole truth’ about the difficulty of combating some forms of retail crime. For example, interventions did not reduce the incidence or prevalence of abuse suffered by retailers, although there was a reduction in concentration indicating fewer businesses were suffering repeatedly. For burglary, the reduction in incidence was achieved by falls in prevalence indicting fewer victims but little change in the number of businesses suffering revictimisation. In contrast, levels of prevalence and concentration were reduced for criminal damage.

At this point, it should be evident that measuring levels of business crime and who commits it presents significant challenges. Nonetheless, this short review leaves little doubt about the scale of business crime and the urgent need to address it substantively.

A RETAIL PERSPECTIVE

The British Retail Consortium (BRC, 2007) informs us that:

- 11% of all enterprises in the UK are retailers, with 182,475 registered businesses operating in 278,365 outlets in 2006
- The retail sector generates almost 6% of the Gross Domestic Product of the UK
- UK retail sales were £256 billion in 2006, larger than the combined economies of Denmark and Portugal.
- The retail industry employed 2.8 million people, as at the end of September 2006. This equates to 1 in 9 (11%) of the total UK workforce
- Over the last five years, employment in retailing has grown by 130,696

Today’s customers demand accessibility to goods; they want to pick them up, compare and examine them. They want to wander around the store, free to pick and choose at will. Retailers provide this by offering attractive displays of goods and merchandise in pleasing retail environments; designed to increase sales, improve customer loyalty, and maximise profits. The problem that this increases opportunities for crime and as we explore later, there are a variety of methods and offenders who pose responsible for substantial losses. . For example, in the North East of England, the retail industry was worth over £7.5 billion in 2001, with 40,605 registered retail outlets employing 68,086 part-time workers and 44,141 full-time workers (representing 20.8% and 11.1% respectively of the population of the North East). In 2001, retail crime cost every person over the age of 16 in the UK £32. Current figures (BRC, 2006) £1.5 billion for the whole of the UK. NERCP statistics indicate that retailers not belonging to a retail crime partnership lose an average of around 2-3% of their stock each year, representing a total of £150 million per annum in the North East – around

£37,500 per annum per retail outlet – the equivalent of approximately 2 full-time jobs per outlet.

While surveys (e.g. BRC, 2006) quantify the issues, we were keen to capture the experience of retailers and asked 12 representatives from retailers within the North of England to comment on four issues:

1. Do you think the current retail environment contributes to retail crime?
2. What are security issues within your store(s) now, and for the future?
3. What are issues for the police force, both now, and for the future?
4. Are there any other comments you wish to make?

All 12 were keen to comment; however Head Office policy in a number of retail chains dictated that we were unable to publish their responses. Therefore, we include the following 7 responses. Responses are reported verbatim as far possible, but some editing was necessary to aid clarity. Monetary values are not converted to dollars and are expressed in pounds sterling.

CASE STUDY 1: MANAGER OF A MEDIUM SIZED RETAIL STORE IN A SEASIDE TOWN IN THE NORTH OF ENGLAND

“There are a number of factors which come into play. Stores these days pay high rent and high business rates, and so need to make the best use of space available to them. Hence, we put up shelves that might be higher than normal, and nearer to entrances and exits than might be ideal. The consumer wants access to goods. They want to pick up goods, feel them, try them on, compare them to others. There is no doubt that the ‘self-service evolution’ has contributed to the rise in retail crime, but it is part-and-parcel of modern society, where people demand freedom of choice. No retailer will lose their competitive edge by putting things back under a counter.

From an internal view, the very size and scale of my business makes it hard for me to detect if there is a problem. Even working 50 hours a week, I cannot cover all the trading hours in a week. Even working a part of an excellent management team, which co-operates well, in a business that grows and changes so quickly, it is difficult to pinpoint a particular area of concern.

We have invested considerable amount of money – hundreds of thousands of pounds – in a CCTV system, but this in turn needs to be manned to be fully effective. The biggest cost to any business is its staffing. I need the right people at the right time in the right place, and it’s not always easy to achieve this balance.

The introduction of Fixed Penalty Notices (Penalty Notices for Disorder (PNDs)) by the Police has essentially sent a clear message to shop thieves that the government is decriminalising retail crime. We need to become more pro-active than reactive. I firmly believe that we should concentrate more on crime prevention and focus in on city centre policing, rather than reacting to violent, and other types of crime, which are higher on the police agenda because of directives from the Home Office.”

CASE STUDY 2: SENIOR LOSS PREVENTION MANAGER, MAJOR SUPERMARKET CHAIN

“Supermarkets these days promote a ‘sweet-shop’ environment for the thief. In actual fact, retailers do not do enough to help themselves. For example, we recently were instructed to place LCD screen televisions by the front door of the store. Each box had a grab-handle, making it easy for thieves to come in, pick up a box, and walk straight out of the store. This type of directive comes from a buyer within our Head office. I would welcome discussion with them to ask “What sort of impact will this decision have on our store and our profit margin”, but we are not given the opportunity.

Disappointing is the response from the police. We are often accused of wasting time by calling them out for shop lifters. We were recently told we were responsible for 70% of crime and asked what we were going to do about it. The actuality is that we are pro-active about reporting crime, and giving a true picture to the police. The reality is that we need to work together to reduce crime overall.

Our biggest problem at the moment is with organised teams who do ‘push-throughs’ – taking trolleys loaded with whisky and alcohol through the check-outs without paying. They can get away with between £300-£400 a time. We know that teams will go to 5 or even 7 stores over a matter of a few days, and will carry on until they get caught.

40% of known theft from our stores is down to staff, through collusion, taking cash or removing stock. Not all checks on staff are done as quickly as we like, so there are opportunities there, until the results come through.

We have recently stopped taking personal cheques in-store, because of problems with fraudulent cheques.

PNDs have also undermined our efforts, along with the response of other individuals. We serve exclusion orders on anyone caught stealing from our stores. The problem is when these are not enforced, for whatever reason, when the person re-offends. We have no backing from the Crown Prosecution Service (CPS), who give out lenient sentences which have no deterrent effect at all. We have been asked by the police to pay towards investigation costs, even though my staff have taken the time and trouble to put together comprehensive arrest packages on thieves.”

CASE STUDY 3: SENIOR POLICE OFFICER WORKING IN A RETAIL CRIME UNIT IN ONE OF EUROPE’S LARGEST SHOPPING MALLS

“I have worked in a retail crime unit for over five years, and I can say that stock losses for stores in our mall are much lower than their national average. Whereas some stores outside our area have stock losses as high as 2-3%, within our mall they can boast losses as low as 0.8%, 0.7% and in one case, 0.3% of annual turnover.”

The culture of all stores is different, here can be no doubt about that. However, in terms of retail crime prevention and detection, in my opinion, there are five different categories of store:

- Those who have a strong deter strategy – they identify and deter shop thieves who target their stores before a crime is committed;
- Those who have a strong detention strategy – they detain and prosecute all shop thieves, but have a limited (or no) detection strategy;
- Those who have no strategies at all;
- Those who have strong security teams, led by intelligence, either from their own internal sources or through partnerships such as the North East Retail Crime Partnership, so if a crime happens, they know who has done it; and most worryingly of all,
- Those whom I class as ‘the next generation’ who no longer perceive stock loss an issue.”

For the police, it is frustrating, because we know what works. In reality, this is a combination of having a strong deter strategy and an intelligence led strategy. For stores who don't apprehend offenders, they generally train their staff well in dealing with, and reducing conflict, thereby stopping shop theft from happening in the first place. In this instance, they are non-confrontational, but do engage with offenders to put them off offending in that store.

Head Offices decisions over-ride anything that is done, or wanted in the local area. If a store manager has a particular problem, such as addicts taking expensive video cameras from the front-of-store display, it would make sense for the goods to be removed to a safer place in the store. But Head Office dictates that the store has to be laid out in a certain way – even if it means 60% of so of the stock disappearing.

A further frustration is those stores who are pro-active, and who invest money in technology such as CCTV cameras, but who do not engage with either the police or a partnership, to make use of such information. If we could all share information, we would have a far greater impact in taking out particularly the larger teams. It is amazing how many stores prefer to work in isolation, either because of Head Office Policy, or the attitudes and instructions of the regional/area manager. Personalities do come into play.

There is no doubt that we could be more pro-active about dealing with retail crime. This mall does have an approach that is unique, with a dedicated police team with a stock loss of over 1% and train their staff in how to reduce losses.

Policing challenges for us are about maintaining partnership arrangements. I have seen too many areas where police have stopped attending meetings, and motivation to hold meetings to share information drops off. Thieves become very aware, very quickly, of changes like this, and make the most of opportunities.

Strategies for the management of stock loss changes within stores, depending on decisions from Head Offices. Stores have the main need to maintain stock levels, merchandise and sell goods. There is a whole range of thief out there – from those who don't have to steal, but do so for a variety of reasons, to those who plan to great detail. We need to work in successful partnership to ensure that we can keep one step ahead of the thieves. The breakdown occurs where stores believe there is no longer a problem, because they have apparently reduced stock loss. We cannot afford to let our guard down.”

CASE STUDY 4: EXECUTIVE MANAGER OF COUNTY-WIDE RETAIL CRIME FORUM IN THE NORTH OF ENGLAND

“An awful lot of police officers and security staff would agree with me that we need to become a nation of ‘Arkwrights’ (from Open All Hours) once again, with all goods stored behind a counter, with every customer served individually.

Thieves look for opportunities. For example, certain stores only have security guards in on certain days. Thieves will look for patterns, and when the guards are absent, will make the most of the opportunity to steal. They will particularly target the smaller convenience stores, looking out for times when staff go into the back office, leaving the store unattended. They are aware of black spots in the CCTV system, and make the most of this by hiding away to conceal goods.

The most frightening thing is the larger stores, particularly supermarket chains, who have the attitude “We can afford the loss. That’s why our stores are laid out this way.”

Other examples include chemist shops, who have their dispensaries at the back of store, making addicts and other thieves walk through to the back of the shop, spotting opportunities to steal goods on the way in and out of the shop.

There should be policies to make stores change their layouts, but they don’t like taking advice from the authorities. Branch manager authority is often over-ridden by the Area Manager or Head Office, leaving no room for local decision making.

In my job, I have noticed the over-riding attitude “You want me to help you, but you need to help yourself.”

In another town, snap decisions were recently made after an incident involving a security guard and an offender carrying a weapon. The Head Office subsequently decided that no-one carrying a weapon would be arrested, hence the thieves are now aware of this, and know they are not going to be arrested, and get away with the crime scot-free.

I would like to see policies of target-hardening and use of deterrent/detection devices such as SmartWater.”

CASE STUDY 5: AREA LOSS PREVENTION MANAGER COVERING THE NORTH OF ENGLAND AND SCOTLAND, NATIONAL RETAIL CHAIN

The current retail culture is very customer focused. There is so much pressure on retailers to ‘protecting the brand’, together with a ‘sales at any cost’ mentality, that profit is not top priority for the executives at the moment.

There is definitely a fear of staff to get involved in reducing crime. My personal opinion, from what I’ve observed in my own stores, from the previous organisation I’ve worked for, and other organisations that I’ve observed, seems to come from a mind set of “I’m not employed to stop thieves.” To me, this is very much a management issue. This may stem from the typical profile of retail staff; sales floor staff are still predominantly young to middle aged females.

With regard to security issues, there is an increase in pressure for sales on the high street retailer due to growth of internet sales and supermarkets including clothing and other goods in their sales portfolio. This in turn leads to a cost pressure; ultimately if you can't justify cost on investment, then shrinkage is the first to lose out. Take for example, a typical management decision – whether to remodel a store to increase sales, or paying for bottle banks outside the store to increase Corporate Social Responsibility options. As a manager, the choice is easy! Sales win every time.

Another factor in the growth of retail crime is in certain top retailer property portfolios; in order to maintain a steady growth, having exhausted the city centre sites, they are having to move to less desirable areas. Many of these sites are surrounded by residential properties, so leading to an increased risk from night-time economy. Typical of this type of scenario is the newer types of supermarket convenience stores which open for longer trading hours, making them a target for criminals and thieves.

I feel there will be continued perception amongst police that shop lifting is a petty crime. Terrorist stuff is taking priority across the country, and retail theft is simply not on the agenda.

I have recently experienced an example of where town centre police, because the store didn't pay into a town link scheme, refused to give a Service Level Agreement on a call out, whereas other stores who paid got 2 hours guaranteed police presence in store per week, plus a minimum response time. I think this trend, where stores are being asked to pay towards policing costs, will continue.”

CASE STUDY 6: REGIONAL LOSS PREVENTION MANAGER, NATIONAL RETAIL CHAIN OF CONVENIENCE STORES

“I would like to have given you a fuller response, but company policy dictates that you need to speak to a specified person within the Press Office, who will give you a corporate response. However, I am able to tell you the following:

As retailers, we place a great emphasis on increasing sales. As a result, the displays of goods are attractive and accessible. Our stores sell CRAVED (Concealable, Removable, Available, Valuable, Enjoyable and Disposable) products. Staffing levels and training of staff also have a major impact.

Our stores tend to operate long, anti-social hours. The greatest security issues include violence, drug and alcohol related crime, anti-social behaviour, theft, and under age drinking. As an organisation, we are pro-active in training staff, and getting them to report incidents. We also face the cost implications of upgrading security equipment and employing security personnel - when the chips are down, security is often the first element to be cut.

I would like to see retail crime as one of the Government/Police priorities. Police Community Support Officers (PCSO's) currently have limited powers, which I would like to see increased to support police and security staff. I would also like to see overall guidance about the size of corporate budgets, staffing, human rights, data protection, training and violent crime.”

CASE STUDY 7: OPERATIONS MANAGER, LARGE RETAIL STORE WITHIN ONE OF EUROPE'S LARGEST SHOPPING MALLS

“Whilst customer theft is rife, theft by staff, whilst less, is of equal value. Staff can be amazingly creative when it comes to retail crime, and I and my security team have to be on guard the whole time to catch thieves. I can give you two brief examples.

The first relates to consistent, large, shortages on a couple of tills a few years ago. We could not understand how this was happening, so we started to investigate. We began by looking at who had been on that till, and at what time of day. The shortages continued, and we still had difficulty in identifying who the offender might be. Then we began to put CCTV cameras up and reviewed the footage regularly. One girl aroused our suspicions. At several points, after serving customers, she was seen to bend down, as if putting something onto the floor. We also began to notice that she was ordering large quantities of £1 coins for change.

When I confronted her, she admitted to stealing the coins, opening the till to give customers their change, then dropping £1 coins into her shoes. At the time I questioned her, she took off her shoes and tipped eighty £1 coins onto my desk. How she managed to walk was a complete mystery to me.

The second relates to a member of staff who was doing large numbers of refunds which eventually became suspicious. Our security cameras are extremely effective, and can show not only the customer and member of staff, but also show the till transaction and reference number. We eventually found out that the member of staff was refunding on their own credit card, rather than the customer's.

In both cases, the members of staff were disciplined and dismissed. However, retailers are very reluctant to speak about internal problems, and without effective checks at other organisations, these people are often free to go on to commit crimes elsewhere. We seriously need to look at quick, efficient checks on new employees.

As an organisation we are active in training our employees to deal with confrontation and retail crime. However, what is largely ignored is the long term impact of dealing with retail thieves day in, day out. Many of them, many of whom are on drugs or alcohol, can be very abusive. I have several members of female staff who have either taken off long periods of sickness as a result of trauma in dealing with thieves, or who have left retailing for different professions. As a manager, I feel responsible, and I work closely with retail crime partnerships and other organisations to reduce crime retail and its impact.”

COMMENTARY

The responses reflect some important issues and may be summarised as follows.

- It is the volume of sales, not just profits, which dictates their operating policies, with very much a focus on the genuine customer; however, the open layouts and staffing policies make it easier for the offender, particularly the more organised teams
- Stores vary in their culture of dealing with (or in some cases, not) offenders;
- When profits are tight, security is often the first aspect of store operation to be cut;

- There are other hidden costs which impact upon the profitability and viability of businesses
- There is under-reporting of crime, leading to not knowing the true scale and impact of retail crime, and so impacts upon informing police priorities and response;
- Their perception is that retail crime is not a priority for police, so there are often problems getting a response, and when there is, effective deterrents are not issued by the Criminal Justice System.
- Retailers perceive that retail crime is effectively being 'de-criminalised' and is viewed as a 'victimless crime' by both offenders and by police.

Surprisingly, the problem of violence, physical and verbal abuse associated with retail crime, and its impact upon staff is under represented in these statements. The Union of Shop, Distributive and Allied Workers calculates that a shop worker is verbally abused, threatened, or attacked every minute of every working day (USDAW, 2002). The Retail Crime Survey (BRC, 2006) revealed that the worst figures for over a decade showing physical violence against shop workers was up by an alarming 14% from the previous year and verbal abuse rose by 35%.

While the responses are obviously from a highly selected sample of management, they reflect the complex interaction of commercial pressures, organisation ethos and actual experience of criminal justice agencies that shape and reinforce opinion and practice.

THE INVESTIGATIVE CHALLENGE - PSYCHOLOGY, TYPOLOGY AND TEAMS

To prevent and detect retail crime, we need to know more about it yet there is little research on customer theft that accounts for a substantial amount of retail losses. This section sets out the policing challenge by briefly considering the nature of the decision making process facing the crime analyst/investigator and the diversity of offenders and their actions which comprise some of the most frequent retail crimes. The need for decision support technologies is thereby established and the section proceeds with a discussion of the approaches and issues that need to be considered.

THE PSYCHOLOGY OF THE ANALYST

Canter (2000) believes three key decision making challenges confront any crime analyst or investigator. Firstly, the amount of information available that must be processed to reveal the 'salience' (Canter, 2000) of crime features. These are aspects of the crime that have most potential to progress our understanding of the behaviours involved, thereby increasing the probability of detecting the offender or preventing the offence. There are systems and information technologies available to handle large data sets but there are issues concerning their application. These are discussed in the Technology section with reference to discovering crime patterns, linking offences and generating suspects through matching *modus operandi*.

Less complex quantitative analyses of crime data such as identifying require 'hot spots' of crime are recognised as having operational value (Ratcliffe, 2004). While excellent software such as CRIMSTAT (Levine, 2002) is available, the analyst still requires a knowledge of the behaviour of hot spots for an appropriate interpretation. For example, the temporal and geographic characteristics of a hot spot can vary according to the nature of the crime (Pease, 1998, Johnson and Bowers, 2004).

Secondly, Canter (2000) describes the inductive process of drawing conclusions from data. Again the investigator is confronted by the quantity of information and under these conditions, a number of cognitive shortcuts or 'heuristics' are evident in human information processing (Kahneman and Tversky, 1973). Unfortunately, they have the potential to introduce biases that may contaminate the process and ultimately the decision reached. For example, we exhibit a 'confirmatory bias' (Oskamp, 1965) by focussing upon data which conforms to the initial ideas or hypotheses we have formed. In this way, we fail to test our ideas (e.g. about who is the suspect) by seeking evidence that disconfirms our notions. Instead, we seek information that substantiates these impressions.

Finally, Canter (2000) notes a fundamental part of crime investigation is the generation of suspects but this is fraught with operational and ethical issues (Townsend and Pease, 2002). An important development would be the ability to link crimes, past and present, likely to have been committed by a particular offender. This is the essence of 'operational crime analysis' according to Merry (2000) and involves the '...analysis of every crime with every other crime and with criminals to identify links that are not evident from routine police enquiries (Merry, 2000, p302). From a human factors perspective, one problem is that certain kinds of information attract our attention while others appear irrelevant and the concepts difficult to process. For example, case history information is frequently sought and used as the foundation of our judgements (Kahneman and Tversky, 1973) because we believe it is important. An especially distinctive feature of the modus operandi at a crime scene will attract attention and if we recall any offender with this element in their MO, they are more likely to become the 'prime suspect'. However, the overall frequency, or base rate, of this action needs to be established across all crimes of that type for its discriminating value to be evaluated. It is not possible for any crime analyst to have the cognitive capacity to undertake such analyses. Even though technologies exist to undertake this kind of probabilistic processing and to present it in a 'user friendly' way (Oatley, Ewart and Zeleznikow, 2006), it is still the investigator who decides whether to take it into account. Fully automated crime decision systems are neither available nor appropriate. Studies are even beginning to show that crimes may be successfully matched using the time and location of the offence (Ewart, Oatley and Burns, 2005), variables that are routinely recorded by retailers and police. While this requires a degree of information technology, spatial and temporal information about a crime are more salient to the investigator not least because they may be readily visualised by software (Oatley and Ewart, 2003).

This short discussion illustrates that the investigative challenge must have appropriate human and technological resources in place. It is not just a question of CCTV and security guards. The levels of undetected retail crime require a much more proactive approach and the means of information gathering, analyses and interpretation are essential means of developing and evaluating preventative and detection strategies. It is unrealistic to expect individual retailers to establish such resources hence the need to develop a more appropriate model of crime intervention.

TYOLOGY OF RETAIL OFFENDER

Despite the extent of retail theft, only recently have there have been systematic studies that begin to reveal the type of offenders involved. Notwithstanding the methodological issues described in the previous section, Hayes (1997) found that in USA, over a third of apprehended shop thieves were teenagers. However, over 46% of adult shoplifters were within the 31-65 age group, and 35% of all those apprehended were 22-40. Overall more males (55%) than females (44%) were reported as shoplifters.

Across Europe, most theft is undertaken by offenders between the ages of 16 and 40 for both sexes and this accounts for almost 90 per cent of offences (Bamfield,2006b). Male theft peaks in their early 20s, earlier than women who continue to steal into their 40s. Small scale theft accounts for more than one third of offences, but almost one quarter relates to thefts of goods valued at more than £500. Target choice follows predictable gender lines with women taking items such as clothing, groceries, health products and perfumes, while males go for electrical equipment and power tools.

Bamfield (2006b) also found that female offenders involved in staff theft were on average three years older than their male counterparts with the more prolific thieves (those stealing up to 40 per cent more than men) up to 6 years older. Although older staff are in a position to steal more, the largest amount of such theft is by those aged between 20 and 25 who steal about 58 per cent. More than half of staff thieves steal small amounts (less than \$500) through fraud, 52.6% of goods stolen by staff is cash, 26.2% is goods and almost 4% is both. Other significant frauds are refund fraud, collusion and fraud involving loyalty cards or gift vouchers. The modus operandi of the former is described in detail later to illustrate the investigative challenge.

While these demographic variables are useful, a fuller appreciation of the diversity of offenders and their modus operandi will reveal the level of the investigative challenge. For example, little is known or even mentioned in the literature about teams of retail offenders, yet they are prolific and difficult to identify and police. To this end, the remainder of this section presents case histories of offenders from the NERCP database which provide a greater insight into the challenges.

It is important at this point to reflect upon the difference between 'Information' and 'Intelligence'. The former refers to all information obtained, recorded or processed by the Police Service. It includes information that is processed (referred to as data and includes personal information) and information that has been subject to a process of evaluation. Intelligence is "information that is subject to a defined evaluation and risk assessment process in order to assist with police decision-making (Home Office, 2007c)

The North East Retail Crime Partnership is a pro-active partnership between retailers and police, owned and run by retailers. Formed in 1999, it is unique in having a full-time serving police officer seconded into the scheme. Also unique in covering a number of police force areas in the North East of England, it includes amongst its members 32 retail chains (including 400 stores), 11 major shopping centres, 6 town/city centre partnerships, and a number of retail Head Offices and Local Authorities. All incidents of shop theft, retail crime, sightings and deterrents are reported to the NERCP by members, verified and rated against information held on the Police National Computer and incidents downloaded from the three

police force areas, and entered into the NERCP database system. This information is then collated by the NERCP seconded officer, who identifies the top individuals and teams targeting the North East, and collated into Intelligence Bulletins which are circulated back to member organisations, who are then in a position to spot and deter thieves. This information is also fed into fortnightly meetings with the NP Force Intelligence and Information Department, and fed into the Tasking and Co-ordination Committees, which inform the intelligence led policing priorities.

To allow us to comment on offenders who travel commit between areas, the quantitative analyses is anchored to the largest (in geographical area) and most diverse (in terms of urban and rural mix) police force referred to anonymously as NP. This is one of the largest forces in England and Wales, covering 2,000 square miles and with a population of 1.4 million people.

The previous section has mentioned the problems of under reporting associated with using arrest and conviction data. The remit of the NERCP means it holds a wider range of information from arrest data to intelligence information on known offenders who have been sighted in stores. An 'incident' contains the mutually exclusive sub categories of arrest, attempt, completed, deterred and sightings. A retailer notifies the NERCP if there has been an offence for which an arrest has been made, there has been an attempt to commit one, or if a known offender and their associates are 'sighted' or deterred by security staff on a particular day. The latter is when a known thief, having been observed to be acting suspiciously, is asked to leave the premises or has been stopped from entering. This is within the legal rights of retailers in the UK because retail stores are deemed to be private property. A completed incident is where an offence has been committed, but no arrest has been made. The arrest data and conviction data where applicable are supplied by the police. Information on offenders may come from any source – retailer, security guard, loss prevention/security or store staff; it becomes intelligence when the information has been verified by the police and is actionable for the purposes of crime detection and prosecution.

For 2006, in the NP region, 9,402 incidents were recorded for 5,145 offenders. Arrests are the largest category of incidents at 97%. Intelligence information such as sightings and deterrence episodes are in the minority. The extent to which this reflects retailers' tardiness in reporting the latter is unknown despite the vital role they play in preventative action. Where the NERCP deals with major teams and prolific offenders, sightings are cascaded to member stores in the vicinity of sighting to forewarn them they may be targeted. Other incidents of sightings may be held on file for future reference to link offenders together. Assuming 363 trading days a year, this represents a conservative average of 26 reported incidents per day. Again, this is likely to be an underestimate, not least because of underreporting of sightings and deterrent episodes.

While 70% of offenders were involved in just one incident, 15.6% of offenders were responsible for 46.6% of incidents. This is in keeping with other forms of criminal activity where a few offenders are responsible for a disproportionate number of (detected) crimes (Blumstein et al., 1986). One obvious and simple solution would be to target 'prolific' offenders within the database. However, developing a robust process to achieve this is more difficult. Townsley and Pease (2002) show prolific offenders selected by police intelligence officers were seldom responsible for most of the crime in a specific area. 'Prolifics' were defined by the number of arrested/convicted offences they have in the Police database of recorded crime and is therefore an aggregate across different areas comprising the Police force region. Nothing wrong so far. The problem is that such offenders may operate more

widely and so may not be responsible for high disaggregated crime levels in a more limited geographic area within the region.

In respect of individual offenders, Challinger (1996) identifies seven categories of retail fraudster:

- Professional shop thieves: people who steal from stores and then claim cash refunds at any obliging store;
- Staff thieves: employees of the company who take advantage of their position and process fraudulent refunds;
- Drug-related offenders: active offenders motivated by a desire to support their drug habit;
- Cheque fraudsters: people who regularly pass stolen or forged cheques to buy goods from stores;
- Opportunist fraudsters: people who purchase discounted or 'sales' items at a reduced price and seek a full refund of the item at a later date or in another store;
- Manipulative fraudsters: amateur or occasional offenders who want particular goods that are too difficult to steal. Rather than attempt to steal the difficult item, these offenders will steal accessible store items and claim refunds (cash or credit vouchers) in order to purchase the desired (difficult) store items; and
- Temporary thieves: people who actually buy an item, use it, and then try to claim a refund for it.

Case history information held by the NERCP allows a fuller appreciation of some of these types. For example the drug addict tends to be an opportunist (but prolific) thief in need of a quick criminal gain to feed their drug habit. They steal within the locality in which they live. They lead an structured day, centred around their using habit where there is a deadline to get their drugs. Typical behaviour involves rising late, committing shop theft between the hours of 11am to 2pm, selling on the goods, buying their drugs, then using them. The cycle continues the next day. When fail to get any goods to sell, the police anecdotally report a late burst of activity in the last hour before the shops close, or the addicts are out on the streets early the next day. While further research is required to test the 'burst' hypothesis, interestingly Hayes (1997) found almost a third of apprehensions occurred in the late afternoon (between 15.00 and 18.00). From their records, the NERCP calculate that that an addict will have to steal goods worth almost four times the value of the costs of their daily drugs.

Addicts are noticeable in terms of complexion and dishevelled appearance. Because of the drugs they are on, their behaviour can be unpredictable and deteriorates as the day wears on. This type of thief focuses on store layouts where goods are accessible and they focus on products that are readily converted to cash such as alcohol and perfumes. The high number of preconviction for retail related crimes shows that constant arrests and sanctions will not stop them from offending. The addicts who come to the attention of the NERCP concentrate on retail offending rather than burglary or robbery, perhaps because they know sanctions will be minimal. More systematic research is needed to establish what proportion of these offenders makes up the wider population of those offending to fund their addiction. However, another type of 'drug motivated' offender can be found in the NERCP data. They are dealers

experiencing cash flow problems because of debts to their suppliers. They seldom thieve themselves, preferring to pressure 'customers' to work for them usually because they are in debt to the dealer.

The NERCP data reveals that opportunist thieves tend to be teenagers between the ages of 12 to 19 years old. They usually go round shops and shopping centres in small groups of 2-3. They swap stories about how easy shop theft is, with little likelihood of being caught that generates peer pressure to commit the crime. For this group, there is a sense that shop lifting is acceptable, is victimless, and there is a certain amount of bravado in committing the offence. These features are not confined to Britain. Peer pressure and excitement are cited as motivators for USA thieves (Hayes, 1997). A more systematic study of attitudes (Tonglet, 2002) based on the Theory of Planned Behaviour (Ajzen, 1991) found that school childrens' decision to shoplift were influenced by pro shoplifting attitudes and a perception of a low risk of apprehension. These early attitudes and experience are very important, as shop theft plays an instrumental role in the offending careers of some burglars (Schneider, 2005). At the beginning of their criminal activities, shop theft provided a powerful reinforcement of illegal activity in that they got the goods, usually avoided detection, achieved peer recognition and escaped serious sanction even when caught.

In this discussion of offender typology, it is worth noting that the cliché of the bored middle-age housewife seldom applies. For most cases reported to the NERCP there is a medical reason behind why the crime is committed. For example, someone is forgetful or confused as a consequence of medication or mental syndrome. However, many shop thieves exhibit some of the characteristics that are used to formally diagnose kleptomaniacs (Sarasalo, Bergman and Toth, 1997). So the act may have important psychological as well as instrumental reinforcements for 'normal' offenders. Interestingly, recent work on the behaviour of burglars (Merry and Harsent, 2000) reveals the crime serves different needs for different offenders. For some, it is solely an instrumental act where they steal only impersonal items such as cash and leave quickly. Others interact with the premise and its contents by eating food, drinking, causing damage and then steal personal items such as photographs and jewellery. As a result of differences in the modus operandi of burglars, a typology of Intruders, Pilferers, Raiders and Invaders was proposed. A similar approach (Robertson, 2000) was attempted with those who commit theft from the workplace with three groups emerging: the Criminality Group, the Opportunity group and the Responsibility Group. Similar work needs to be done with customer theft. The inductive process of determining typologies on the basis of modus operandi and offender characteristics is more than an academic exercise. Identifying such differences has importance investigative value, not least in terms of generating suspects and crime matching.

TEAMS

Little mention is made of teams of offenders in the relation to customer retail theft, yet they are some of the most prolific thieves. In the NP region, of the 30 persons responsible for between 17 and the maximum of 44 incidents during 2006, only six apparently operated as individuals. The other 24 committed almost all their offences with others. All these 'team players' have a large criminal range and operate across at least two and usually three

neighbouring police force areas. Indeed, 5 offenders are part of gangs based in the south of England that operate throughout the UK but are especially prolific in the north. Hence, targeting retail offenders must have the operational capability of being able to address local, regional and even national retail offending patterns of people who reside in the area and those who commute into the region. The following case histories provide examples of this challenge by exploring the type of retail teams and the diversity of their modus operandi. It should be noted that although some members may sometimes shoplift and have convictions for other types of offences as individuals, the teams only commit retail crime.

Team A first came to the attention of the NERCP in February 2004, when two members were arrested in the North East. At the time the incident was considered a one off, as both had no arrest history in the North East. However, reports from a local retailer indicated that the members were frequenting their store. The team was from the Strathclyde area in Scotland and after consulting with Retailers Against Crime Scotland (RACS), it emerged that the gang was somewhat larger than first believed. Through further information gathering involving RACS, and other similar organisations in England (e.g. Retailers Against Crime York (RACY) the gang size affecting the North East was established to be in excess of 40 members.

Even at that early stage, the gang was organised and had developed a specific modus operandi targeting mainly designer clothing and bags worth thousands of pounds. The main technique used was to fill a foil-lined bag with goods and walk out, preventing the store security systems from detecting the tags on the goods. However, they have since incorporated distraction techniques and have upgraded the bags to a large foil lined box which can take £10,000's worth of goods in one attack.

Team A's first recorded crime in the North East of England was December of 1998. A significant investigative challenge is presented by their changing membership, using people with no previous criminal and by travelling widely outside their domicile area. Without partnership working and cross border communication it is unlikely that the full scale and impact of the team would become known. Through sharing information and raising awareness, the team rarely visits the NERCP, RACS or RACY areas without being sighted and reported. This produces arrests making it awkward for them to carry out large-scale attacks unnoticed. The team is constantly recruiting new members, who are trained to help in the commission of the thefts. It is therefore essential to share information between the counties to keep each other updated on new faces, methods and patterns.

Team B came to notice in 2005, when a three member team of women of African origin were arrested in a city in the NP region. They used copied receipts to return stolen items and gain cash. On investigating the women, all had previous arrests outside the NP police force area, including the neighbouring county where they resided. The same team was later arrested for similar offences in the one of the largest retail centres in Europe that is located in the north East of England. The full impact of the team was not realised until reports were received from RACY in early 2006, who identified a number of women of African origin committing the same type of refund fraud in their area. At this time it was acknowledged that the team was travelling, however the scale of their activities only became clear in October of 2006, at which point an abundance of reports and sightings were collated. Through checking police records and information collated from other partnerships, it was established that this team comprised 40 members refunding on a large scale. By the end of 2006, following the dissemination of information to retailers and police partnerships, the team can now be

estimated to have reached over 80 members and reports from all over the country continue to come in daily.

The size of Teams A and B give rise to a number of issues. For example, there is a need to know how investigating agencies define a team and a greater understanding of the dynamics and structure within such a large unit is needed.

Team C comprises mainly members of Zimbabwean and South African origin. Three members of the team first came to the attention of the NERCP through reports of deception and theft, commonly called refund abuse, within the DC and NP area.

Refund abuse involves a number of behaviours that fall into different types of offence. A senior loss prevention manager (LPM) of a major supermarket chain described one form that he classes as 'Dual Receipting'. The offender comes into the store and will buy a legitimate product such as an large screen television, for \$500. They take the product out to his vehicle. They then return to the store with the original receipt, steal the same product and take it straight to the customer service desk for a refund. Alternatively, where store policies allow, they can pick up goods without a receipt and take it straight to the refund desk. Other methods include picking up an item from the rack or shelf, damaging it and taking it back for replacement or a refund without receipt. If given a credit voucher or gift tokens, they will sell these for cash to contacts outside the store, or sell them on e-Bay (check out the site for actual evidence!). This LPM asserts that there is a large 'black economy' in refund vouchers and gift cards and a number of cases have been documented.

A store manager for a major hardware chain described 'price swapping', where the offender picks up say, a shower, worth \$800 and swaps the barcode/pricing tag for that of a lesser item, valued at, say, \$200. They purchase the item at the reduced price, but then take it to the refund desk for a refund at the full price. Other types of refund fraud include a number of other methods, including collusion with store staff, and using duplicated receipts generated by home computers and growing internal theft by employees. The abuse of the refunds system is often a consequence of a store policy of making refunds easy. This store manager confirms that staff are told to "Believe the customer regardless". In his experience, serious refund abusers will openly seek out younger members of staff on busy tills, and be abusive to get what they want.

Team C illustrates how open the system is to abuse. After circulating photographs and information on their methods of operation and goods targeted to NERCP members, further reports came flooding in which showed up to 40 possible team members. Collated information revealed the teams active in two cities in two different regions across the North of England, but they were also offending across the UK. They targeted a certain fashion clothing store throughout the UK, and using 19 original receipts, have (at the time of writing) obtained over 700 refunds of over \$200 each. The store has since changed their electronic point of sales (EPOS) system to flag up when one of these fraudulent receipts has been captured. Of course, the offenders can then simply change the receipt or move onto other methods of refund abuse.

Team C features a main core of 16 central offenders, but new members (often with no police record) are introduced to confuse security staff and police by reducing chances of identification. If the new member is caught, because they have no previous convictions, they are usually let off with a caution allowing senior Gang Members to continue operating uninterrupted.

Intelligence networks such as the NERCP are essential to capture information on ever changing membership and their methods. This gang also illustrates the diversity of information that is needed to identify its membership. Information on sightings of offenders together is just as important in the intelligence process as evidence such as completed incidents and arrests that provide firm evidence of co-offending.

The travelling aspect of the Team's modus operandi means motor vehicles information has significant investigative value. The NERCP encourages reporting of vehicle numbers, which are passed to police for use in Automatic Number Plate Recognition (ANPR) checks. Whilst Team C prefers to use its own fleet of vehicles, other teams prefer to travel more anonymously using the national rail or bus network.

In contrast to the previous examples, Team D is a relatively stable, 3 man team, who work together in combinations and alone. They operate in a very defined area in the North East, and are 'marauders' rather than 'commuters' in that they operate in their own area. One member is known to have almost thirty incidents against his name in one year alone. They do not carry out refund abuse, but specialise in theft of alcohol and high value goods such as digital cameras, computer games and sportswear. Their method is always concealment in bags or in their clothing. All three have drug habits, almost entirely funded through crime.

Team E are team of eight from a particular East European ethnic group. They are resident in London, but travel nationally and specialise in 'change-ringing' offences. This is where they hand over large quantities of cash to exchange either into a different currencies or denomination. The deception involves them continually changing their requirements resulting in money being exchanged repeatedly thus confusing the cashier. During the exchanges some money is extracted without the cashier's knowledge and at the end of the transactions, they more money than they started with. They also use this technique with jewellery, electrical goods and mobile telephones. Interestingly, this 'slight of hand' methodology/deception is a frequent modus operandi in their homeland, but relatively uncommon in the UK. Again, as they prefer to travel using motor vehicles, the role of vehicle detection is important in tracking their movements.

The factors that motivate offenders are implicit in some of the typologies above, but little is known about the psychology of the retail offender. However, Routine Activity Theory (RAT) (Cohen and Felson, 1979) and Rational Choice Theory (RCT) (Clarke and Felson, 1993) are two approaches frequently applied to understand and prevent this kind of offending. Our case histories enable us to explore aspects of these theories.

Routine Activity Theory (RAT) suggests that an act will occur if a potential offender, a suitable target and an absence of 'a capable guardian' (Cohen and Felson, 1979) converge in space and time. So, businesses suffering high crime rates have a ready supply of offenders, desirable goods and ineffective or absent security systems or personnel. There is some evidence to support this view in that these features discriminate businesses suffering high and low rates of customer theft, abuse and violence (Burrows et al 1999). In this way, it is an appropriate means of guiding and informing target hardening strategies 'on the ground'. However, one obvious issue is that commercial pressures conflict with 'guardianship' by creating an open and inviting merchandising environment. Administrative policies concerning refunds are so 'customer friendly' that they are in effect non-existent. The modus operandi described above illustrate the absurdity of guardianship when these two features interact. Even though there may be some perimeter store security (usually at the exit door), a thief can

simply go to the shelves, take an article, easily remove a bar code or electronic devise and go straight to the refund desk without ever leaving the premise.

In terms of offender supply, the application of RAT needs to be more explicit about whether it refers to the volume of offenders (throughput), the proximity of a supply of offenders (location) and the nature of the interaction with the offender (transaction). For example, while customer flow is related to apprehensions (Hayes, 1997), better empirical controls are needed before we know how this rise in detection impacts upon the opportunist or professional thief. Busy staff will certainly help the refund fraudster and the change ringer, while drug motivated offenders are likely to be a core of any daily throughput. Where businesses are located adjacent to a high crime housing estate, retail crime was increased (Burrows et al, 1999). Defining the geographical proximity of offenders in this way is less useful in explaining crime experienced by retailers in town centres and large shopping complexes and does not predict the travelling teams that are some of the most prolific offenders. Finally, the nature of the legitimate transaction is also important. Businesses (such as pubs and taxi firms) with a high degree of customer contact are at risk of certain crimes (e.g. violence, theft and abuse) especially if dependent on late night working (Burrows et al, 1999). The modus operandi described above show that some crimes such as change ringing have a very high level of contact during their commission. Refunding an article should entail a degree of interaction and therefore scrutiny, but store policies reduce this to a minimum.

Suitability of target is not just about the lack of store security, it can be about the nature of the goods themselves. 'Hot products' (Clarke, 1999) are those which are CRAVED i.e. concealable, removable, available, valuable, enjoyable and disposable. There is a growing literature on designing products to removed their criminogenic properties (e.g. Learmont, 2005). Armitage et al (2006) exemplify this proactive approach by attempting to develop inventories to assess a product's crime risk, although paradoxically offenders were not involved in the process. However, the task of designing out crime is monumental not least because of the number and variety of products involved. The process also requires Governments to lead the way and co-operation between manufactures, retailers and service providers (Clarke and Newman, 2005). For these reasons alone, the relatively reactive role of investigation and policing offender will always make an important contribution.

The value of RAT is that it is *prescribes* situations and strategies that promote crime reduction. Perhaps a greater knowledge of modus operandi and the impact of retail policy and practice is needed to fully appreciate the difficulties of *how* they may be implemented with maximum effect.

It seeks to reduce offending by reducing criminal opportunities. The problem is that policy and merchandising practice may undermine interventions. With this in mind, offender targeting has a place in both investigative and preventative strategies. The typology above illustrates the diversity of offenders involved in retail crime and the presence of a hard core of prolific career criminals. So understanding something of the offender's motivation is essential to guide the most appropriate intervention.

Rational Choice Theory (RCT) (Clarke and Felson, 1993) assumes a degree of reasoning on the offender's part, where the costs and benefits of committing the crime are weighted. By ensuring the maximum costs and minimum benefits, the offender's motivation to commit crime is supposed to be reduced. The merits of a theory based on criminal rationality are debated elsewhere (Siegel, 2006). However, the typology of retail offender identified here raises some issues.

Firstly, irrespective of whether the offender is a young opportunist or a prolific career criminal, you are more likely to escape detection. Even when caught, the costs may be diluted by retailers deciding not to prosecute and the courts imposing a relatively lenient non custodial sanction as a consequence of sentencing policy (Speed and Burrows, 2006). The strategy of recruiting non convicted members to teams further weakens any sanction. For the drug offender, the costs and rewards are far more salient than just money. A successful incident leads to a 'fix' and all the emotional, psychological and physical reinforcements that result. The knowledge and experience of withdrawal symptoms magnify the costs of not stealing. Secondly, RCT ties the costs and rewards of offending to the criminal act. For those coerced into offending by others because debts. Their motivation is less about the costs of being detected for the crime and more about the costs associated with not doing the crime.

Finally, RCT is about the motivation of individuals. There is nothing explicit about how being in a Team effect the motivations of individual members or that of the group. Identifying Teams through network analyses is achieved by providing evidence of links between people. Disrupting such networks is a considerable task for a number of reasons. Their size and fluid membership means core members are protected from the costs and the changing membership reduces sanctions for new members. Those with a travelling modus operandi have the added benefit of diffusion of Police responsibility for their ultimate disintegration.

This section has considered just some of the investigative challenges posed by retail offenders, to illustrate the scale of the task and resources needed. Detection and prevention strategies need to be underpinned by a knowledge of what is happening and why. The following considers how this knowledge is obtained and illustrates the level of co-operation between stakeholders that will be required.

COMPUTATIONS AND COOPERATION

Hirschfield (2005) describes crime-centred analyses (CCA) and Crime-environment analyses (CEA) as a means of generating knowledge necessary to underpin preventative strategies for business crime. The latter examines the relationship between crime and characteristics of the community such level of deprivation, sense of cohesiveness, land use and transport routes. To avoid replication, the discussion below will concentrate on the former as the lessons and issues described are relevant to both strategies.

CCA uses a range of statistical techniques to explore the spatial and temporal patterns of criminality. For example, identifying weekly, monthly and annual peaks in particular crimes will inform when resources are best deployed. Knowing when and where crimes are committed also reveals those effected and the locations were crime in concentrated by virtue of multiple victimisation. Although not yet widely used or evaluated against retail crime, such analyses are familiar techniques within crime reduction strategies for crimes such as burglary. For example, mapping domestic burglary incidents allows those who suffer repeated victimisation to be identified and studies show this is an effective way of reducing this and other forms of crime (Pease, 1998). The time course of the risk of a repeat burglary exhibits a discernible pattern (Polvi, et al, 1991) that can inform when best to implement prevention or detection measures. Following a burglary at a premise, the concept of the 'communicability' of risk concerns an increase in burglaries in the surrounding locality, known as 'near repeats'.

It is possible to identify the temporal and geographical range of those nearby suffer an increased risk (Johnson and Bowers, 2004), although the degree of 'infection' may not be strong in all areas (Ewart and Oatley, 2006).

These concepts have been empirically derived and tested using a CCA approach. Even sophisticated free software is available (e.g. Levine, 2002) that provides excellent crime mapping and hot spot analyses. Consequently, there is a body of knowledge that maybe applied and evaluated within retail crime and there are already some positive examples. Tilley and Hopkins (1998) show that focussing on highly victimised business reduced their subsequent levels of revictimisation. They also found evidence of crime displacement from heavily victimised businesses to those nearby. The 'near repeats' approach which combines spatial and temporal information is a potentially useful means of addressing displacement through more precise targeting of resources.

CCA includes identifying the offenders and the spatial characteristics of patterns of offences. For example, the relationship between their domicile and their victim's location. The near repeats phenomenon is a function the offender 'foraging' in an area (Johnson and Bowers, 2004). They move from one property to another across a location that is increasingly familiar and where they are experiencing success. It has been shown that if a house is burgled, properties within 300-400 metres are at significantly higher risk within the following 1-2 months. Hayes (1997) found that daily and monthly incidences of shop theft showed little variation. However, the NERCP can identify 'crime sprees' where a number of shops in an area are victimised within a matter of hours. Further research needs to establish more precisely the geographical and temporal parameters of these sprees, but it points to an important methodological issue. Aggregating data may hide important operational information about offender activity (Pease, 1998 and Johnson and Bowers, 2004).

Perhaps there may even be an 'inoculation' effect. If a particular kind of crime occurs at a store (such as such as refund abuse or credit card fraud) it may reduce the probability of a re-victimisation in the future. The offender expects greater vigilance from security staff in the short term or they may be especially wary of 'jogging' the memory of counter staff during a subsequent event. This reasoning should motivate the offender to move on. Tilley and Hopkins' (1998) finding that there was an increase in the concentration and decrease in the prevalence of fraud after their crime prevention intervention suggests not. One interpretation is that rather than a fear of detection, offenders are instrumentally driven and focus on targets where they have already experienced success. However, after further comparisons Tilley and Hopkins (1998) conclude that patterns were a product of a changing population of victims who were heavily victimised. So being able to track offenders is very important as they don't just return to their scene of their previous success. Knowing more about the temporal and geographical patterns of both marauding and commuting offenders will help develop more proactive approaches. For example, based on previous behaviour it should be possible to prioritise locations and outlets at highest risk from a particular gang or individual spotted in another location.

The CCA approach has a number of significant provisos not least that Police are reluctant to share their data with 'outsiders'. Legislation is making it even more difficult for those who have experienced the benefits of collaborations, especially with universities who have a concentration of skills and technology that may yield operationally significant findings. These include The Data Protection Act 1998, the Crime and Disorder Act 1998, the Human Rights Act 1998, Common Law Duty of Confidence and The Freedom of Information Act 2000.

Most recently, the Police are implementing the Management of Police Information (MOPI) Guidelines (Home Office, 2007c) which is likely to result in further reductions in sharing. Retailers may be unwilling to collect data let alone share it and significant issues need to be addressed to maximise the validity of the information collected.

The North East Retail Crime Partnership, which launched a ground-breaking Information Sharing Agreement between retail partners and police in March 2005, was tasked in October 2005 with bringing together retailers and police to discuss various frustrations and issues, and promote discussion about how these might be resolved. Interestingly, the police representatives from 7 different forces agreed unanimously be that :

- Retailers were trying to find a solution too quickly
- Retailers were not doing enough to help themselves
- The Courts needed to be 'on board' with what we were trying to achieve and give consistent, and harsher, sentencing
- There were gaps which needed to be closed to ensure successful prosecution
- The Home Office needed to be lobbied to look at giving clear guidelines on what information could be shared and what could not.
- There needed to be ways to get a better assessment/analysis of situations
- Currently, cross-border retail crime issues needed to be tackled through regional tasking groups, despite their acknowledged limitations
- There are options for dealing with some offenders using the Prolific and Priority Offender scheme
- When cases were to be handed over from one Police Force to another, there need to be clear directives as to when/how the hand over should occur
- Shop lifting should be extended to Retail Crime by including cheque and credit card fraud, theft from person, burglary, criminal damage, assault. Information sharing could then be more inclusive.
- Retailers should put in automatic number plate recognition systems (ANPR) and facial recognition software and share information more effectively amongst themselves: i.e. different retail chains should talk to each other directly
- Retailers should be asked to put in funding for a national Police Retail Crime Unit
- A major piece of academic research needed to be undertaken to look at the scale of the problem and how it impacted upon the economy and policing, backed up with intelligence.

This police perspective well illustrates the need for co-operation within the police as well as between retailers. It also acknowledges the role of academia. Universities have the knowledge base of crime theory that is essential in providing testable explanations of '...what puts people, property and places at risk.' (Hirschfield, 2005, p.636). Even when crime data is available, experience and expertise are required to process it ready for analyses (Oatley, Ewart and Zeleznikow, 2006). For example, to produce the most basic quantitative statistics it needs to be 'cleaned' of multiple entries of the same incident and different forms of the same address should be checked to accurately establish the level of crime concentration at a premise (Pease, 1998) For crime mapping purposes, geo-coding is necessary and while commercial software (Mapmarker, 2007) is available they require knowledge to operate and

are not without technical and methodological issues (Oatley and Ewart, 2003, Oatley, Ewart and Zeleznikow, 2006).

Analysis of modus operandi (MO) is a key feature of Hirschfield's (2005) crime centred analyses. His simple exemplar is that if burglars are shown to often gain entry by the rear of a premise, then it is obvious where 'target hardening' efforts should be employed. However, as our case histories illustrate, even just one form of retail crime such as shop theft may involve a complex range of behaviours, executed by different kinds of individuals and teams of offenders. An analyst, be they police trained or from the private security industry, can 'eye ball' crime description sheets to generate links between crimes and offenders which form the basis of their predictions about what is likely to happen. However, the limits of human processing and biases in hypothesis generation are well documented (Oskamp, 1965, Kahneman and Tversky, 1973). Expertise is required to develop and use systems capable of interrogating any large database of offender behaviours generated by police and retailers. They typically contain a mixture of data types. Dichotomous variables such as the presence or absence of an action (e.g. violence was/was not used) generated from 'tick box' crime scene proformas will be collected as well as text descriptions of the offences. The latter requires massive pre-processing, including data cleaning and transformation efforts (Stranieri and Zeleznikow, 2004) prior to analyses. Various types of data pose different technical, methodological and statistical challenges that require multidisciplinary collaborations to address successfully.

Even then, objectives need to be explicit if the analytic process is to be structured and executed appropriately. Previous research, theory and operational experience need to combine to inform and guide the plan of analyses. For example, the crime reduction value of focussing on premises and people who suffered repeat victimisation (RV) is well established (Pease, 1998). However, even under the most effective proactive preventative strategy, the victim must suffer at least two incidents before they are identified and targeted for action. Using binary logistic regression, Ewart and Oatley (2003) found characteristics of the modus operandi of burglaries that were predictive of whether offenders returned or not and if that second victimisation occurred within a short or longer time frame. Thus, guided by a criminological concept, of RV, statistical techniques revealed operationally significant information. Little is known about the nature of revictimisation concerning retail crimes such as shop theft and fraud. After prevention initiatives, Tilley and Hopkins (1998) found only a small decrease in the former and an increase in the latter. There may well be behavioural features of shop theft and fraud that can be used more precisely to locate retailers who have the potential to become chronic victims and to develop and implement strategies more effectively.

The low detection rate for many forms of retail crime suggests that losses are discovered often after the offender has left the scene. Concealing or removing electronic devices from garments to remove them from the store are obvious incriminating actions, but not all businesses have surveillance and not all crimes and offenders are captured on CCTV. Some actions are not in themselves criminal so they are difficult to detect during commission. Returning an item for refund is not illegal, but the deception involved in refund fraud is. For crimes that escape direct surveillance, generating suspects is important. The analyses of modus operandi may play an important role in being able to match the current crime with a similar MO of a known offender. Again using burglary, the following examples illustrate the potential of this approach with large amounts of data. As ever, there are issues.

Yokota and Watanabe (2002) conducted a retrospective search of over 107,000 burglaries committed by 12,468 offenders during 1993 and 1998. A random choice probability method is used to represent the similarity between the MO of a target crime and MOs in the database. For burglars committing more than one offence, their target crime is their most recent offence. This results in 7,558 target crimes committed by 7,558 people. The offender committing each target incident obviously exists within the 12,000 plus offenders in the database. After the similarity between MOs is calculated, a rank score is assigned to each of the offenders with 1 representing the highest probability (a perfect match) that they committed the target crime. For the 7,558 offenders who actually committed the target crimes, their target ranks indicate the system's retrieval accuracy. On completion of their search, 1524 (20.2%) of the 7,558 offenders achieved a target rank score of 1. The median rank score was 29, which the authors describe as a success considering the 12,000 plus offenders in the data set.

Ewart, Oatley and Burn (2005) extended this methodology to explore the matching abilities of MO alone and when combined with geographical and temporal information about known offender's criminal activity near the commission of the target crime. Nine hundred and sixty-six domestic burglaries committed by 306 offenders were used, each crime becomes a target crime and the database is searched to identify a match. The ranking given to the target crime during this process is the retrieval rank and the lower the rank, the closer the match. The highest rank is 966 indicating no match with any crime. Combining MO with temporal and geographical information produced even higher rates of perfect matching (24%) than Yokota and Watanabe (2002). Indeed, for just under 60% of offences, the system was able to match at the rank of 10 (out of 966) or less.

Crime matching at the level of individual criminals is underpinned by at least three assumptions (Yokota and Watanabe, 2002). Firstly, an offender has to have a prior criminal history of at least one crime in the database otherwise they cannot be identified. Secondly, that it is possible to differentiate between offenders using their MO in that those aspects of an offender's behaviour are particular to them. Finally, that there is a consistency in their behaviour across a series of crimes. A further issue concerns the use of probabilistic algorithms to underpin the representation of the certainty or uncertainty of a match. Assigning a crime to a series means adding the information of the other case may give rise to anomalies as well as establishing consistencies within the crime series. Offenders having few crimes in the database affect retrieval performance (Yokota and Watanabe, 2002) and MO inconsistencies may be a product of situational factors (Canter, 1995, Pease, 1998) which override the preferred MO of an offender.

We have noted above that teams of offenders are active in retail crime. They are difficult to track because of the distances between offences and lack of sharing of information across police boundaries. This means policing actions are more often reactive than proactive. In the absence of surveillance or intelligence information based on sightings in stores, the ability to match the MO of teams is an important aid to policing. Adderley and Musgrove (2003) demonstrate how modus operandi information, in which they include geographic spatial and temporal data, could be used to assign burglaries to one or more people within networks of offenders. By identifying the MO preferences of the networks, they were able to increase the accuracy of a list of a group's possible offences from 10-15% to 55.

Indeed, criminal activity seldom involves a single individual and crime is more often a group activity. The criminal network concept underpins the decision support and information handling systems such as i2 (i2, 2007) of many Police Forces. It examines databases such as mobile phone records for links between events and individuals. Recent studies illustrate the value of this network approach policing of 'lessor' crimes such as burglary and car theft (Adderley and Musgrove, 2003) as well as serious organised crimes such drug supply, human trafficking and bank robbery which involve more than one network (Coles, 2001). Social network analyses (SNA) (Scott, 2000) extends a purely 'links' approach by exploring the interactions and roles within any group and how this influence the structure, effectiveness and stability of the group.

The nodes in the network are the people and groups while the links show relationships or flows of information between the nodes using concepts of *centrality* such as *degree centrality* and *betweenness*. The former refers to the number of connections a node has, the higher the number the more likely they are to be closer to being the 'hub' or centre of the network. The latter measures the extent to which a person lies 'between' the various other points. Someone with a high 'betweenness' index may not have many contacts, but they are strategically placed with connections to those who do. They have the potential to be 'broker' or 'gatekeeper' with a potential for control over others. So, SNA provides both a visual and a mathematical analysis of human relationships.

Three issues arise. Firstly, the nature of the links or associations comprising the 'network' will have a significant impact on the interpretation of results. For example, linkages based on being arrested with another is relatively firm evidence of co-offending. Linkages based on the mobile phone records or sightings are less firm. Nonetheless, phone records may reveal the professional handler at the centre of a network of thieves who buys and then sells the stolen goods. Secondly, our case histories of teams show the size of some networks and the instability of the membership. Centrality measures may identify key players and are useful for certain policing objectives such as disruption or surveillance. They are less valuable in understanding the role of temporary members. Kerks (2001) notes that these people may be important predictors of criminal action. For example, the appearance of an explosives expert within a network of radical activists would indicate that they are considering more extreme methods of protest, or even that a campaign is imminent. Oatley and Ewart (2005) show that combining temporal and geographical information about crimes committed by burglars within a network, improves predictions about where and when they will next offend. Thirdly, SNA offers some insights into the structure of the team or network, but it has its limitations. Kerks (2001) is sceptical about the ability of analysts to scrutinise the mathematical densities and proportions that generate the networks so important relationships may be missed. The contrary error is made when links are displayed by the visualisation software, but the unreliability and incompleteness of the data set is not properly acknowledged when interpreting the network.

This section has described the role of analyses can play in the addressing retail crime. Police, retailers and universities may feel they are experts in their own right, but it is evident that significant operational, methodological and technical issues remain to be addressed. While knowledge transfer partnerships offer a solution, considerable effort will be needed to overcome the legislative and organisational factors that inhibit rather than facilitate the necessary data sharing.

CONCLUSION

The scale of retail theft demands a solution, but it is probably one of the most difficult forms of criminality to address. It is perpetrated by people across the age range, both sexes, by individuals and by highly organised teams. It provides not just instrumental gain, but serves important psychological functions such as the means of gaining peer acceptance. For those such as the drug addict, it is an integral to their habit and an important part of their daily activities. For the prolific individual and team, it is their occupation. The victims range from international organisations situated in purpose built shopping complexes to the small shop, own and operated by a family and trading in the middle of a housing estate. We have only considered a few examples of offending (theft) within one sector (retail), but this well illustrates the magnitude of business criminality and the problems of addressing it.

Retailers, governments and police are have just begun to address the issues and more urgency is needed. Current policies and practices compromise solutions. The acceptance of some forms of criminality by retailers can compromise prevention strategies. Cultural factors also operate with shop theft being almost a 'rites of passage' for some young people. Peer and adult sanction of this behaviour is further undermined by sentencing policies that are perceived as lenient. Even the academic thinking about this from of crime needs to change. The two theories most often applied are somewhat individualistic and not explicit about the psychological and situational parameters effecting those who operate in teams and travel widely.

However, there are some positive signs. While gaining a real understanding of retail (and business) offending is in its infancy, a range of concepts, analytic techniques and information technologies have been developed in other crime contexts. Studies of retail crime may benefit, as some issues surrounding the application of such approaches are already known. Nonetheless, it must be recognised that even the basics need to be explored. Little is known of the spatio-temporal characteristics of retail offending, especially those who travel extensively. People do not act randomly and it is unlikely they stick a pin in a map and head for that location. Findings from burglary suggest the locations chosen will be significant to at least one of the group members. This may be through visits to a relative or friend or they may have previously lived there. Familiarity could also be consequence of the commercial desire for corporate identity where a retail chain will have a similar layout and security system throughout the country. If so, then we would expect target choice to be specialised with individuals and teams focussing on particular branded outlets. Even then, why do they choose a particular location? The point is, if we know more about such factors then we are in a better position to predict future strikes.

Similarly, much remains to be discovered about the deterrent effects (if any) of different surveillance, refund and tagging strategies. The investigative role of concepts such as network analyses have yet to be substantively explored. This research effort requires significant human resources not necessarily in numbers, but in expertise. No matter how capable they feel, no single organisation is likely to have the combination of operational, multidiscipline and technological knowledge that is necessary. Furthermore, implementing and evaluating detection and preventative requires a further set of abilities and resources.

In a sense, we have come full circle in that the chapter began by describing an example of partnership working in the USA that was exported to England and underpins the approach now operated by the NERCP. While this model has stimulated similar partnerships in other regions of the UK, the challenges of generating and sustaining the necessary resources remain. For example, legislation may inhibit data sharing and the retailers may exhibit an organisational reticence for commercial reasons. Others such as the police may be self constraining because they want to 'guard their territory' or because they believe they have all the expertise required.

At the more pragmatic level, there are issues. The NERCP is a good example of the variety of information that can be collected on a type of the criminality including arrests and sightings. However, a cursory analysis shows it is arrest data that predominates. Although information on sightings has the most proactive value it is seldom reported. It is not just a question of motivating security staff on the ground. Perhaps it is not collected because it has no immediate benefit to that retailer. After all, the offender has been scene but has left. Partnership working is about establishing and maintaining a degree of 'organisational altruism' with those who are in reality, commercial competitors. Without this, preventative strategies requiring some degree of co-operation will be difficult to implement successfully. Also, from the retail perspective, the responses of the police and courts have an important effect on the motivation of retailers to invest time and resources.

Combating business crime through the partnership working exemplified by the NERCP model is a positive way forward. A national scheme of strategically placed co-ordinating organisations is achievable and is being launched in the UK in June 2007. Resource issues aside, their successful operation requires an understanding of the dynamics of such partnerships opening yet another line of enquiry!

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Chapter 4

DEPLETION OF SELF-CONTROL STRENGTH LEADS TO INCREASED DEVIANCE

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ABSTRACT

Criminological research has demonstrated that self-control is a critical factor in understanding deviant behavior (e.g., Gottfredson & Hirschi, 1990). In fact, a recent meta-analysis revealed that trait self-control may be an exceptionally strong (if not the strongest) predictor of criminal behavior (Pratt & Cullen, 2000). A recently developed model of self-control strength, the *self-control strength model*, suggests that individuals have a limited resource (self-control strength) to use for various volitional exertions (Muraven & Baumeister, 2000). According to this model, exerting self-control in order to inhibit or override a behavior, resist a temptation, or follow a rule consumes (depletes) this resource for a short time. As a result, individuals are prone to perform more poorly on tasks that require self-control. Consistent with this model, numerous experiments have shown that exerting self-control on one task impairs self-control on subsequent tasks (e.g., Muraven & Shmueli, 2006a; Muraven, Tice, & Baumeister, 1998). Recent research on self-control strength may hold particular promise for advancing criminological perspectives on the relationship between self-control and criminal behavior. The self-control strength model may extend the current literature by investigating how low levels of state and trait levels of self-control strength lead to deviant behavior.

INTRODUCTION

A middle school teacher is accused of having sex with her student, a young man charged with aggravated assault after knocking a stranger unconscious in a bar fight, your early rising next door neighbor repeatedly snatches the newspaper from the foot of your door and returns it perfectly creased yet nonetheless feeling used before you wake up. These are among the many instances of criminal and imprudent behaviors that we may encounter in the course of our daily lives. The science of criminology seeks to answer one of the fundamental questions that elude us upon encountering these scenarios: what are the underlying reasons for committing these acts.

The General Theory of Crime (Gottfredson & Hirshi, 1990) presents a classical criminological control theory that recognizes trait self-control as the root of criminality. The theory emphasizes early childhood socialization and suggests that ineffective child rearing practices may result in an enduring predisposition of low self-control. Numerous other experiments have supported the link between low self-control and a variety of criminal and deviant behaviors (e.g., Evans, Cullen, Burton, Dunaway, and Benson, 1997; Grasmick, Tittle, Bursik, and Arneklev, 1993; Paternoster and Brame, 1998).

The purpose of the current chapter is to present a recent psychological theory of self-control, the *self-control strength model*, and integrate this perspective with traditional criminological theories of self-control in order to better understand criminal behavior. The self-control strength model suggests that individuals have a limited quantity of resources available for tasks that require self-control, such as inhibiting a behavior or resisting a temptation (Baumeister, Bratslavsky, Muraven, & Tice, 1998; Muraven & Baumeister, 2000). Using self-control on such a task consumes or *depletes* this resource and leads to poorer self-control subsequently. For example, a smoker who is trying to quit and exerts self-control to resist having a cigarette with his morning coffee is depleting his resources and at risk for losing control later in day. Hence, this person may be more likely to engage in deviant acts afterwards, such as cheating on a class exam.

This chapter will review a series of studies investigating the effect of self-control depletion on subsequent deviant acts. In four separate experiments participants' self-control resources are depleted by having them exert self-control on an initial task. Subsequently, their likelihood of performing a deviant behavior, specifically cheating, is tested. We propose that people have a limited amount of self-control resources available and that consuming these resources increases the likelihood of subsequent cheating behavior.

The study of why people commit crime is important, and has far reaching implications. It can serve as a source of data for constructing public policies in response to criminal behavior, developing preventative measures to reduce the likelihood of committing offenses, as well as potential interventions for reducing recidivism.

TRAIT SELF-CONTROL AND CRIME

Defining Self-Control

The concept of self-control, or in everyday language ‘willpower’, has been of interest throughout history. The ancient Greeks used the term “akrasia” to define the state of lacking command over oneself or acting against one’s better judgment. In Plato’s *Protagoras* Socrates brings up the issue of pursuing or failing to pursue a certain course of action. Specifically, he questions how it is possible for an individual to judge a certain action to be the best course of action, yet in practice to do something different. We relate to this dilemma every time we light up a cigarette even though we are aware of the harmful effects of nicotine and have promised ourselves that we would quit for good, and every spring as we realize we never saw the inside of the gym despite our lofty New Years’ resolution to work out every day.

More modern definitions of self-control include overriding or inhibiting behaviors, urges, or desires that would otherwise interfere with goal directed behavior (Barkley, 1997; Baumeister, Heatherton, & Tice, 1994). People exert self-control to follow a rule (either internally or externally determined) or delay gratification (Barkley, 1997; Hayes, 1989; Shallice & Burgess, 1993; Hayes, Gifford, & Ruckstuhl, 1996). Without self-control, a person would carry out his or her normal, typical, or automatic behavior or engage in immediate, short-term focused actions (Rachlin, 2000). For example, an individual who typically has a high fat desert after dinner and wants to cut down on sweets in order to lose weight must exert self-control to break that habit. This person would have to adhere to his or her own internally determined rule to cut down on sweets, and delay his or her immediate gratification (i.e., his or her desire for a sweet desert) for the ultimate goal of losing weight. If they do not exert self-control they will behave automatically and may end up having a piece of rich chocolate cake for desert. Generally, an individual who can not or will not exert self-control is likely to quit when frustrated, yield to temptations, disobey difficult instructions, or otherwise follow his or her automatic, overlearned patterns of behavior (Bargh & Chartrand, 1999).

Trait Conceptions of Self-Control

Historically, willpower has been conceptualized as a trait. Individual differences in self-control have been viewed as reflections of a global stable disposition, part of a person’s overall personality or nature, which consistently characterizes him or her over time and across various situations. In that sense a person with a trait of high self-control (i.e., having willpower) is one who successfully regulates his or her impulses, follows rules, and resists temptations in different contexts and over time, whereas a person with low self-control (i.e., lacking willpower) will have a general tendency to fail at regulating these impulses. The specific differentiation of individuals based on their inherent self-control has been defined and measured in numerous ways, and examined as it relates to other person level variables and over time.

Block and Block (1980) conceptualized the trait construct of self-control as ego-control, which measured an individual’s characteristic response to behavioral or attentive impulses. One end of the continuum reflected an ‘undercontroller’, that is an individual who did not

inhibit impulses and the other end of the continuum reflected an ‘overcontroller’ who consistently inhibited immediate impulses. In a large-scale longitudinal study 128 children were assessed at age 3 and then again at ages 4, 7, 11, 14, 18, and 23 in order to track self-control over time. Results revealed that from an early age individual differences in the level of ego-control were apparent. Moreover, despite the various life experiences accruing over time, these differences continued to distinguish between the people for the next 20 years.

Mischel and his colleagues conceptualized self-control in terms of the ability to delay gratification, that is, to postpone immediate gratification for the sake of delayed but more valued outcomes (Mischel, 1974). In a series of studies using a delay of gratification paradigm, individual differences in the ability to forgo immediate gratification were found as early as the preschool years. In a typical experiment, 4 year old children would be provided a choice between receiving a smaller immediate reward or a larger delayed reward. They would be left by themselves in a room with a small tempting treat such as a few pretzels, and could choose to call the experimenter back at any time to receive this small immediate reward or wait until the experimenter returned for a delayed but more valuable reward (e.g., a greater quantity of pretzels). The amount of time that the children were able to wait for the delayed reward is seen as indicative of their self-control, their ability to delay gratification.

Significantly, the number of seconds the children were able to wait for a preferred treat was predictive of their later self-regulatory and coping skills as adolescents (Mischel, Shoda, & Peake, 1988; Mischel, Shoda, & Rodriguez, 1989; Shoda, Mischel, & Peake, 1990). These longitudinal studies revealed that those who delayed gratification longer as children were rated by their parents as having better self-control as adolescents, more able to resist temptation, cope with frustration and stress, and even had higher verbal and quantitative SAT scores. Furthermore, in a later follow up when these individuals were in their early thirties, the links remained significant between their preschool delay of gratification and adult self-regulatory abilities (Ayduk et al., 2000). In that sense, although Mischel and his colleagues stress that the circumstances greatly influence how a trait is expressed in any particular situation (Mischel & Shoda, 1995), in the long run self-regulation seems to be relatively consistent over long periods of time.

Other research supports the link between trait self-control and behavior in numerous other aspects of life. For example, men with better self-control are shown to be less likely to get divorced (Kelly & Conley, 1987). In fact, failure to adequately regulate behavior lies at the core of many personal and social problems, such as debt and bankruptcy, unwanted pregnancy, AIDS and other sexually transmitted diseases, and substance abuse problems (see Baumeister, Heatherton, & Tice, 1994 for review). A new 36-item trait scale of self-control developed by Tangney and Baumeister (2004) allowed for further measure of individual differences in self-control. Studies demonstrated that people who scored lower in self-control reported lower grade-point averages in college as well as more eating disorders and alcohol abuse problems (Baumeister, 2002). Self-regulation failure has also been associated with smoking (Russell, 1971) and dieting (Herman & Polivy, 1975). In sum, an individual’s level of self-control is shown to be extremely important and beneficial in a variety of areas.

Trait Self-Control and Crime

In their book, *A General Theory of Crime*, Gottfredson and Hirschi (1990) propose that low self-control is a trait that develops early in life and lies at the foundation of criminal behavior. Specifically, their criminological Self-Control Theory suggests that low self-control, in interaction with criminal opportunity, is the major cause of crime. Individuals with low self-control are defined as being impulsive, insensitive, physical (as opposed to mental), risk-taking, short-sighted, and nonverbal (Gottfredson & Hirschi, 1990). According to the theory, these individuals who are low in self-control will be more likely to engage in criminal acts, at all periods throughout their life cycle, compared with individuals with high self-control. This assertion is based on the nature of criminal behavior and the related elements of self-control. Six elements of self-control are presented as they relate to crime. Foremost among them is the observation that criminal acts afford immediate gratification of desires, and meager long-term benefits, which is consistent with the conceptualization of self-control in terms of delay of gratification. Additionally, crimes are often exciting, risky, or impulsive. Crimes also provide an easy and swift method of fulfilling desires. "They provide money without work, sex without courtship, revenge without court delays." (Gottfredson & Hirschi, 1990: 89).

The formulation of the Self-Control Theory stems in part from the realization that the strong effects of age on criminal and deviant behavior are consistent across various social and demographic groups and that differences in crime rates persist throughout life and regardless of natural fluctuations in people's social and economic situations (Hirschi & Gottfredson, 1983; Hirschi & Gottfredson, 1986). Thus, the theory corresponds to statistical patterns in criminal behavior. Whereas self-control differs between individuals, it tends to remain relatively constant over time within a given person.

Other criminologists developed questionnaires designed to tap the components of the personality trait low self-control, as defined by Gottfredson and Hirschi. For example, Grasmick and his colleagues (Grasmick, Tittle, Bursik, & Arneklev, 1993) created a 24-item self-control scale measuring six dimensions of trait self-control: impulsivity, a preference for simple tasks, risk-seeking, preference for physical activities, self-centeredness, and possession of a volatile temper. Using this self-report attitudinal measure they indeed found an association between trait self-control and the likelihood of involvement in crime, defined as "acts of force or fraud undertaken in pursuit of self-interest" (Gottfredson & Hirschi, 1990:15). Specifically, participants were asked whether they had distorted the truth in order to get something (fraud) or used or threatened to use force to accomplish their goals (force).

Numerous empirical studies using Grasmick et al.'s and various other behavioral and attitudinal measures of low self-control support the role of self-control in criminal, imprudent, and deviant behavior. Specifically, studies have shown a strong association between low self-control and general law violations (e.g., Grasmick et al., 1993), a variety of crimes such as theft, burglary, and assault (Burton, Evans, Cullen, Olivares & Dunaway, 1999) vandalism and school misconduct among adolescents (e.g., Vazsonyi & Crosswhite, 2004), fighting, theft and vandalism (Wood, 1993), and academic dishonesty (Bolin, 2004). Studies using behavioral measures of self-control demonstrate a similar association between trait self-control and various criminal and deviant behaviors. For example, Polakowski (1994) measured low self-control among 8-10 year old children using behavioral indicators such as impulsivity and found that these predicted involvement in major deviant acts at the ages of 16

and 17. Similarly, risk taking (an indicator of low self-control), as demonstrated by failure to wear a seat belt, was predicative of criminal instances of DUI (Keane et al., 1993). Low self-control has also been associated with crime in different countries and nationalities outside the US such as Hungary, the Netherlands, and Switzerland (e.g., Vazsonyi, Pickering, Junger, & Hessing, 2001) and among different ethnic groups within the US (e.g., Longshore & Turner, 1998, Vazsonyi & Crosswhite, 2004). In short, there is a substantial literature to indicate a correlation between low trait self-control and criminal behaviors. In fact, a recent meta-analysis revealed that trait self-control may be an exceptionally strong (if not the strongest) predictor of criminal behavior (Pratt & Cullen, 2000). The studies included in the meta-analysis used both behavioral and attitudinal measures of self-control and included self-reported crime and analogous behaviors.

STATE SELF-CONTROL AND CRIME

Examining self-control as a trait offers a valuable way of appreciating the link between individual differences and general criminal and deviant behavior. However, investigating self-control at a state level offers another important perspective that may explain the association between self-control and crime. This viewpoint considers contextual aspects and momentary fluctuations in self-control, rather than stable and global dispositional differences. Clearly, individual differences cannot account for all instances of failure to exert self-control, and even individuals with high trait self-control may sometimes give in to temptation. Recent research supports the idea that although individuals can be classified as generally high or low in trait self-control, there are also moment-to-moment changes in the level of self-control an individual possesses at different days and times (Muraven, Collins, Shiffman, & Paty, 2005). The Self-Control Strength model offers an explanation for these changes by suggesting that the level of self-control a person has at any given time is directly related to the amount of self-control he or she has recently exerted.

The Strength Model of Self-Control: Theory

A recently developed model of self-control, the *Self-Control Strength* model suggests that individuals possess an internal resource that can be used for various volitional activities such as resisting temptations and overriding habits and impulses, regulating emotions, or making active choices (Muraven & Baumeister, 2000). For example, a smoker who has recently quit would have to use his self-control strength to break his habit and resist the impulse to have a cigarette after dinner. The model conceptualizes this resource as a strength or muscle and proposes that it is limited in nature (Muraven, Tice, & Baumeister, 1998; Baumeister, Muraven, & Tice, 2000; Baumeister, Bratslavsky, Muraven, & Tice, 1998). Because the resource is limited rather than infinite and replenished only slowly, exerting self-control (e.g., resisting the impulse to have a cigarette) will consume or *deplete* part of this strength and leave people with less of this resource. Therefore, the model predicts that exerting self-control on any given task will impair people's performance on a subsequent task of self-control. For instance, a smoker who has recently quit and resists the impulse to have a cigarette is

depleting his self-control strength and may be more likely to succumb to the temptation of a rich cake for dessert, despite being on a diet. Thus, two seemingly unrelated tasks that demand self-control can affect one another, because they both require and deplete the same strength or resource.

Five key elements underlie the Strength Model of Self-Control. A closer examination of these fundamentals will help elucidate this theory of self-control. The first, and most primary component, is that self-control strength is necessary for the executive functioning of the self. The executive part of the self is the “doer”, the part that makes decisions, initiates and inhibits action, and generally controls the active conscious and intentional behavior of the self, including all self-control and self-regulation abilities. Thus, all acts of volition and self-control require this resource.

The second basic assumption of the model is that this resource which is required and consumed by acts of self-control is limited in nature. Individuals possess a finite amount of resources, and thus, can only perform a restricted number of self-control tasks (e.g., inhibiting the urge for an alcoholic beverage, persisting on a difficult chore) at the same time. The resource can be consumed or depleted with use.

The third basic element of the model proposes that all tasks which require self-control draw on the same resource. In that sense, resisting a tempting desert, overriding the urge to go to a party the night before a big exam, or suppressing a bad mood in order to celebrate a friend’s promotion, are similar in that they all draw from the same pool or resource.

The fourth element involves the basic premise that self-control strength is the key to successful self-regulatory performance. An individual whose strength is depleted is more likely to experience self-control failure. Conversely, individuals with a higher level of self-control strength should be more likely to succeed in their self-regulation goals. Furthermore, depletion will be most detrimental for tasks that require greater self-control strength.

The final key element of the self-control strength model is that self-control strength is expended in the process of self-control. Consequently, exerting self-control on one task (e.g., resisting a cigarette) not only requires self-control strength but also diminishes the resources available for other acts which require self-control.

The model is not at odds, but rather complements the conceptualization of self-control as a trait. The general (trait) component of self-control may reflect a greater tendency to be willing to exert self-control, more skilled use of coping techniques, more proficiency in self-control and possibly a greater pool of resources or self-control strength. The specific (state) component of self-control reflects the individuals’ ability to exert self-control at that moment, regardless of their general disposition to exert self-control, skills, proficiency, or practice. Thus, the model is consistent with existing individual differences in self-control, while allowing for momentary fluctuations in strength.

Alternative Models of Self-Control

The self-control strength model offers a theory explaining transitory changes in self-control strength, specifically regarding consecutive acts of self-control. The model suggests that exerting self-control in one task should leave people with a diminished capacity to engage in self-control on subsequent tasks. Several competing models put forward alternative

explanations of how self-control operates in the short-term, and consequently predict different outcomes for consecutive acts of self-control.

One perspective postulates that self-control functions as a cognitive process or schema rather than as a strength. According to the schema view, self-regulation operates as a knowledge structure, that contains information about the self and the environment, and calculates the best course of action to manage the self's behavior, thoughts, and emotions, based on this information. The schema model would predict that exerting self-control (e.g., resisting a cigarette) should prime or activate the self-regulatory schema, leading to better performance on a subsequent self-control task. This prediction is based on the principles of priming or spreading activation (Collins & Loftus, 1975; Neely, 1977; Bargh & Pietromonaco, 1982). Spreading activation demonstrates that ideas are connected in our semantic network and memories, and activating one concept (e.g., cake) makes it easier to activate another close by concept (e.g., cookie) than one that is further away (e.g., table). Thus, if self-regulation is activated by some task of self-control, it should facilitate self-control performance on another subsequent task.

Another model would suggest that self-control is a skill, rather than strength or cognitive process. This perspective has been favored by developmental psychologists who view self-regulation as a skill involving the regulation of behavior, thoughts, and emotions, which children gradually learn and cultivate. After learning and developing this skill it should remain relatively stable, thus the skill model would predict no substantial changes across subsequent self-control tasks. In that sense, performing an initial task that requires self-control should have little or no effect on another ensuing task that also requires self-control.

Thus, these three models presented have different perspectives regarding the operation of self-control and different predictions regarding people's performance on consecutive acts of self-control. In the next section is a review of relevant experiments which test the competing predictions and offer support for the conceptualization of self-control as a strength and for the prediction that over the short-term self-control deteriorates over successive attempts.

The Strength Model of Self-Control: Empirical Evidence

Since the introduction of the self-control strength model, and the conceptualization of self-control as a resource that is limited and depleted with use, numerous studies have sought to empirically test the model's predictions. These experiments have followed the classical depletion paradigm, which involves depleting self-control by having people exert self-control in one task, and then requiring them to perform an additional self-control task in another domain. Results of these studies consistently show that depletion of self-control impairs subsequent performance on the second task and in a sense causes self-control failure. These empirical experiments have used a broad variety of self-control depletion techniques (i.e., initial tasks that require self-control) and have assessed subsequent self-control performance in a variety of areas ranging from persistence tasks to alcohol consumption. Thus, the effects of depleted self-control strength have been applied to many important areas such as addictions, stereotypes and prejudice, and more recently, as we will demonstrate in later sections, criminal behavior.

Self-control Depletion and Persistence on Difficult Tasks

Self-control depletion has been demonstrated for a variety of tasks that require persistence. That is, when people's self-control is depleted by exerting self-control on an initial task, they are less likely to persist on a difficult or frustrating task. In one study participants performed an initial task that required inhibition of thoughts, and then their subsequent persistence on a difficult anagram task was measured (Muraven, Tice, & Baumeister, 1998, Experiment 2). The initial task of inhibition was a thought suppression task in which participants were instructed to simply write down their thoughts on a sheet of paper for 5-minutes. However, those in the experimental condition were further instructed to try not to think about a white bear during this time. Undoubtedly, this may seem like a rather odd request at first glance. However, for the purposes of consuming and depleting self-control strength it is an ideal task, and it is based on previous research which has shown that suppressing thoughts is effortful (Wegner, Schneider, Carter, & White, 1987; Wegner, 1989). Participants had to inhibit their natural impulse to think of this white bear that they were specifically told to avoid, and suppressing that thought was predicted to consume or deplete their self-control strength. Following the thought suppression task participants were asked to solve a series of anagrams, which are scrambled English words. For example, BETLA would have to be rearranged to spell the word TABLE. However, unbeknownst to the participants, the anagrams they were given were not solvable. They were specifically designed to be unsolvable in order to measure how long participants would persist at this task in the face of failure. Persistence requires self-control, because they must inhibit the temptation to quit this frustrating and difficult task which they were not succeeding in. In fact, persistence at unsolvable puzzles has frequently been used as a behavioral measure of frustration tolerance (e.g., Glass, Singer, & Friedman, 1969). The results supported the predicted outcome and revealed that participants who had exerted self-control in the initial task (i.e., suppressed the thought of a white bear) quit the anagram task sooner than the other participants. Therefore, this experiment provides support for the idea that there is a limited resource and that exerting self-control on one task impairs performance on a subsequent, albeit unrelated, self-control task.

In another study, an emotion-regulation exercise caused subsequent decrements in endurance at a physical stamina task involving squeezing a handgrip (Muraven, Tice, and Baumeister, 1998, Experiment 1). In this study participants were asked to watch a brief excerpt from a sad and disturbing documentary about natural disasters which included scenes of sick and dying animals. Some were asked to regulate (either amplify or suppress) their emotions while they were watching the film clip, and the rest were given no instructions to regulate their emotions. Controlling moods, in either direction, is effortful and requires self-control, because it necessitates overriding the experienced emotion and replacing it with another (Wegner, Erber, & Zanakos, 1993). For example, a flight attendant would have to exert self-control to suppress a bad mood and greet travelers with a smile, and a physician would have to override the desire to smile and appear happy after getting a promotion if she had to give a patient bad news. The results of the study showed that the participants who regulated their emotions during the film performed worse on a subsequent task of physical endurance as compared to participants who did not have to regulate their emotions while watching the upsetting film. Specifically, they persisted longer at squeezing a handgrip exerciser compared to their baseline ability. The handgrip is a small exercise device use to

increase hand muscles and consists of two handles and a metal spring between them. Holding the grip requires physical exertion and stamina, and is a frustrating and difficult task. Therefore, it measures self-control in the same way that a smoker would have to endure the physical discomfort of smoking cravings in order to abstain (Spring, Wurtman, Gleason, Wurtman, & Kessler, 1990; Zinser, Baker, Sherman, & Cannon, 1992).

Numerous other studies replicated these findings using different self-control tasks intended to deplete participants, and different measures of assessing subsequent self-control performance. For example, participants in one study performed an initial self-control task involving making a series of active choices, designed to deplete their self-control strength. Specifically, some were asked to make a choice regarding their preferences of different products such as scented candles (vanilla or grape), while the other participants were simply asked how often they used the products (Vohs, Twenge, Baumeister, Schmeichel, & Tice, 2003). The participants' self-control was then measured by seeing how long they would persist in keeping their hand in a bucket of ice-water. Forcing oneself to persist on this task requires self-control since it involves inhibiting the strong desire to remove one's hand from the aversive water. The results showed that participants who had to make the series of choices in the initial task removed their hand more quickly from the ice-water. In another study participants performed an initial task that involved resisting the urge to eat a plate of tempting freshly baked cookies placed in front of them, and then their persistence at a spatial puzzle task was measured (Baumeister, Bratslavsky, Muraven, & Tice, 1998). Those who were asked to resist eating the cookies persisted for less time on the difficult and frustrating spatial task, compared with participants who were asked to resist eating vegetables.

Self-control Depletion and Interpersonal Relationships

Self-regulation is essential for the day to day interpersonal contact between individuals and self-control failures often have detrimental social consequences. The self-control strength model has been applied to a variety of behaviors that impact interpersonal relationships such as emotion regulation, self-presentation, stereotyping and prejudice, interpersonal conflict, and even aggression. In one study participants whose self-control was depleted by exerting self-control on an initial task were less able to control their emotional expressions (Muraven, Tice, & Baumeister, 1998). Participants were randomly assigned either to the depletion condition in which they were asked to suppress thoughts of a white bear, or to the control condition, which did not require self-control exertion. They then watched a funny film clip, consisting of skits taken from different programs such as Saturday Night Live, and instructed to avoid showing any amusement while watching the footage. Participants' facial expressions were videotaped and coded and the results demonstrated that those who were depleted were less able to regulate their emotional expressions. They smiled more frequently and were rated as showing more amusement overall while watching the film. Emotion regulation, the ability to maintain or change either positive or negative emotions, is essential for pleasant interpersonal interactions. For example, the ability to suppress amusement would be critical for an individual who just received a promotion, but who is attempting to comfort a friend who just broke up with her boyfriend.

Managing the impression one makes on others is also vital for creating and maintaining relationships. Self-presentation may be effortful and require self-control, both in terms of choosing the impression one desires to create and in conveying the impression (Leary & Kowalski, 1990). For example, on a first date a people may wish to modify their normal image in favor of a more flattering representation of themselves. In a series of four studies researchers demonstrated that when individuals were depleted by prior acts of self-control, they were less effective at self-presentation (Vohs, Baumeister, & Ciarocco, 2005). In particular they were more likely to talk too much without appropriate restraint (i.e., blurting whatever was on their mind), to fail to reach an optimal level of intimate disclosure about themselves to a stranger (e.g., wanted to talk about issues that were too intimate), and described themselves more arrogantly and egotistically rather than presenting themselves in a more socially desirable way in order to make a good impression on others.

Recent studies have shown that self-control depletion also has harmful repercussions for stereotyping and prejudicial behavior. For example, Govorun and Payne (2006) showed that individuals who were more depleted were less able to inhibit automatic racial biases. After engaging in an initial self-control task they completed a weapon identification task, which served as a measure of racial stereotyping. In this task participants saw images of various guns and other tools preceded by brief presentations of Black or White faces, and were asked to quickly identify each object. Those who were depleted and had a strong automatic bias tended to misidentify the harmless objects as weapons when they followed Black faces. Clearly, this has significant social implications and may help explain situations in which biases may affect behavior. For example, research has shown that a police officer's decision to shoot may be biased by racial factors (e.g., Greenwald, Oakes, & Hoffman, 2003). Self-control depletion may be an additional factor that increases the likelihood of acting on automatic stereotypes and beliefs.

Other areas that have been explored using the self-control depletion paradigm include interpersonal conflict and aggressive behavior. In a series of studies Finkel & Campbell (2001) demonstrated that depletion negatively influenced the response to a romantic partner's destructive behavior. In one study participants were depleted by suppressing emotional reactions to evocative film segments and then asked to report how they would respond to a series of hypothetical destructive partner behaviors (e.g., what they would do if their partner showed up two hours late for a date). Those who were depleted were less likely to be accommodating, defined as the willingness to inhibit the desire to retaliate and react destructively and instead engage in constructive responses (Rusbult et al., 1991). Failing to accommodate may be severely harmful to the success of a romantic relationship. In fact, a recent review of marital research demonstrated that unhappily married couples reciprocate destructive behavior whereas happily married couples accommodate and interact in a climate of agreement (Gottman, 1998).

Another set of studies demonstrated that depletion also impaired the capacity to inhibit aggressive behavior (Stucke & Baumeister, 2006). In one study participants were depleted by resisting the urge to eat from a plate of tempting cookies, cake and chocolates and then their reaction to an insult was measured. Specifically, the experimenter in the study made an insulting remark to the participant, and later in the study they were given the opportunity to rate the experimenter who had insulted them. Those who were depleted were more likely to retaliate by giving a negative and potentially damaging evaluation of the experimenter, whereas those who were not depleted were more likely to inhibit this act of aggression or

retaliation against the experimenter. These findings suggest that aggressive behavior can be restrained, but this restraint may be weakened when self-control has been depleted by a prior act.

Self-control Depletion and Addictive Behaviors

The self-control strength model has been applied to a variety of addictive behaviors including alcohol consumption, excessive eating, and inappropriate sexual thoughts and behavior. In one study male social drinkers who depleted their self-control strength in an initial task consumed more alcohol in a situation that demanded restraint (Muraven, Collins, & Nienhaus, 2002). Participants were invited to take part in a study about perceptions of intoxication, which were important because people who drink must judge whether they are capable of driving safely. They were told that they would sample two different beers and then take a driving simulator test, and that if they did well on the driving test they could win a prize. The men were randomly assigned to complete either the white bear thought suppression task (designed to deplete their self-control strength) or to a control condition that did not involve the same extent of self-control exertion. Participants in both conditions then entered a laboratory bar set up to look like a real bar. They were presented with a pitcher of Budweiser beer, a pitcher of Beck's beer and two empty glasses and were asked to rate the two beers on a variety of adjectives (e.g., how sweet or bitter they were). The situation called for them to restrain the amount of beer they tasted, because alcohol would impair their performance on the subsequent driving test they would take, as well as decrease their chances of winning a prize for good performance on the test. Despite these incentives to limit their drinking, the men who suppressed thoughts of a white bear earlier in the study consumed more beer during the taste test and had a higher blood alcohol content than those in the control group. The results of the study demonstrate that the amount of alcohol consumed in situations that require restraint is influenced in part by self-control strength as determined by previous self-control demands.

Another study tracked 100 underage social drinkers and measured their adherence to their alcohol drinking limits over a three week period (Muraven, Collins, Morsheimer, Shiffman, & Paty, 2005). Results demonstrated that on days in which participants had more self-control demands (e.g., having to control their thoughts or mood) they were less able to regulate their drinking and were more likely to drink to excess. This association was particularly strong on days when participants explicitly planned to limit their alcohol intake. Thus, non-related self-control demands impaired participants' ability to restrain their alcohol consumption. Another study reversed the direction of influence and examined the effect of resisting alcohol on subsequent self-control performance in unrelated tasks (Muraven & Shmueli, 2006a). Participants were social drinkers who were exposed to the sight and smell of water and their favorite alcoholic beverage in different trials, but asked to resist drinking either beverage. Resisting the temptation to drink the alcohol required self-control and thus depleted their self-control strength. This resulted in poorer performance on subsequent tasks requiring self-control: a handgrip task and a computerized task of inhibition. Because different acts that require self-control draw on the same pool or resource, these acts are interchangeable so that demands in one domain lead to subsequent decrements in self-control in other areas. In that way depleting self-control by restraining drinking impairs subsequent self-control

performance on other tasks in the same way that performing tasks that require self-control impairs subsequent drinking restraint.

In a series of experiments Vohs and Heatherton (2000) applied the depletion paradigm to dieting. In one study 39 chronic dieters viewed a sad excerpt from *Terms of Endearment* in which a dying woman says goodbye to her family and friends. Those in the experimental condition were asked to suppress their emotional reactions to the film clip (in order to deplete their self-control resources) and those in the control condition were told to let their feelings in response to the film flow naturally. Participants all completed an ice-cream rating task after the film in which they were presented with three flavors of ice-cream in large containers and were given 10 minutes to taste and rate them. Unbeknownst to the participants, the containers were weighed before and after the ratings task to measure how much they had eaten. This rating task paradigm is a commonly used and effective method of measuring eating (Schachter, Goldman, & Gordon, 1968). Results showed that participants that exerted self-control in the first task by suppressing their emotions in response to the film ate more ice-cream subsequently, despite being on a diet. In another study (Vohs & Heatherton, 2000, Study 1) researchers manipulated the amount of self-control the dieters would have to exert by placing them either within arm's reach of an array of tempting snacks, or across the room from the snacks and telling them they could help themselves to the food. Proximity to the snacks was designed to increase the temptation involved in resisting them for the sample of chronic dieters who constantly monitor and inhibit their nutritional intake. Results showed that dieters who were seated close to the snacks ate significantly more ice-cream than those seated further away. Participants who were not chronic dieters were not affected by the proximity and perceived availability of the snacks.

A series of recent studies demonstrates that individuals who exert and deplete their self-control resources may be more likely to exhibit sexual behaviors that are normally restrained (Gailliot & Baumeister, 2007). In one study participants were randomly assigned to complete a task that involved inhibition and thus depleted self-control or a control task that did not require the same amount of self-control. They were then given a series of word stems and anagrams to complete, both of which could be solved with either sexual or nonsexual words. For example, the word stem S _ _ could be solved as SEX or SET, and the anagram NISEP could be solved as PENIS or SPINE. Results demonstrated that depleted participants (as well as those with lower trait self-control) were more likely to respond with sexual words, even though social norms would suggest that people refrain from expressing sexual thoughts in these types of social situations. In another study the researchers investigated whether self-control depletion would influence participants' actual sexual behavior and restraint. Twenty one romantic couples arrived at the lab and were randomly assigned either to a task that involved inhibition (designed to deplete their self-control resources) or to a control task that did not require exerting self-control. They were then given 3 minutes of privacy in the lab and asked to express some sort of physical intimacy that they felt comfortable with (e.g., holding hands, hugging). Results showed that couples who were depleted were less likely to restrain their sexual behavior subsequently and engaged in more extensive behavior (e.g., groped each other and even removed articles of clothing). These results were found particularly among sexually inexperienced couples that had not yet established a comfortable level of sexual intimacy.

State Self-Control and Crime

The previous section presented results from numerous psychological experiments that illustrated that inhibiting a behavior or engaging in other acts that require self-control significantly reduces individuals' subsequent ability to regulate their behavior. In a series of three experiments we attempted to apply this depletion effect to criminal behavior and demonstrate that depleting self-control in an initial task would leave people more vulnerable to commit a criminal or deviant act (Muraven, Pogarsky, Shmueli, 2006; Muraven, Shmueli, 2006b).

Criminal acts inherently involve self-control. These are acts in which an individual achieves some immediate gratification and ignores the negative long-term consequences of his or her behavior. The criminological self-control theory (Gottfredson & Hirschi, 1990) and the self-control strength theory (Muraven & Baumeister, 2000) both view crime in terms of behavioral constraint. Gottfredson and Hirschi (1990:14) define crime as the "natural consequence of unrestrained human tendencies to seek pleasure and avoid pain". Therefore, restraining criminal behavior requires self-control- an individual must actively inhibit or override the urge to pursue this relatively effortless act that produces short-term benefits.

Both the criminological self-control theory and the self-control strength theory emphasize the link between low self-control and a wide range of undesirable and antisocial behaviors. Baumeister (2002) argues that failures at self-regulation lie at the foundation of most of the personal and social problems that face the United States, including but not limited to alcohol and drug abuse, excessive eating, unwanted pregnancy, bankruptcy, AIDS and other sexually transmitted diseases, as well as violent and criminal behavior. Gottfredson and Hirschi (1990) similarly emphasize the importance of low self-control as the cornerstone of understanding criminal and other imprudent behaviors. They argue that both crime and other analogous behaviors (e.g., smoking and alcohol use) are manifestations of low self-control. Furthermore, within the domain of criminal behavior there is high versatility, so that criminals do not specialize in particular crimes, but rather those committing any crime are more likely to engage in other crimes as well (Hirschi, 2006). For example, "Robbery is not followed by robbery with any more likelihood than by some other short-term pleasure, a pleasure that may well be inconsistent with another robbery (such as rape, drug use, or assault)."

The self-control strength model offers a unique theory that supports the criminological perspectives on the interchangeability of various criminal, imprudent, and socially undesirable behaviors. According to the self-control strength model the same resource is used for various volitional acts, so that the resources used to restrain criminal or imprudent behavior are the same resources a person on a diet would use to resist a tempting dessert, or a student would use to persist on a difficult class assignment despite the temptation to go out with friends. Thus, we would expect that performing an initial task that requires and consumes self-control would lead to impaired ability to regulate criminal or deviant behavior.

The self-control strength model may also extend the current literature on the association between self-control and crime by investigating how low levels of state or momentary self-control (in addition to trait levels of self-control) lead to deviant behavior. State self-control levels are predicted to fluctuate around a baseline level of trait self-control. Depletion is predicted to impair subsequent self-control performance regardless of whether an individual's stable global trait self-control level is high or low. Consequently, an individual with high trait self-control who is depleted should be more likely to subsequently engage in deviant

behavior, although they would still be less likely to do so than another depleted individual with low trait self-control. Therefore, both trait self-control and momentary state self-control should independently influence the likelihood of engaging in deviant or criminal behavior.

In a series of three laboratory experiments we explicitly tested how low levels of state self-control strength influence the likelihood of engaging in deviant behavior. In these laboratory experiments participants' self-control strength was depleted by having to engage in an initial task that required and consumed self-control strength. Some participants were then given an opportunity to commit a deviant act. Specifically, they were given a chance to cheat on an additional task that required self-control.

Cheating was selected as the dependent outcome variable in the studies after careful consideration of various alternatives. It was important to choose an outcome variable which fell under Gottfredson and Hirschi's (1990) commonly utilized definition of crime as involving acts of force or fraud. Ethical and practical considerations guided our decision in favor of 'fraud' rather than 'force' in order to be able to obtain a safe yet meaningful behavioral measure in the context of an experimental study in a laboratory setting. Cheating is a dishonest deviant act undertaken in pursuit of self-interest, which involves failure to inhibit or restrain the desire to follow a socially inappropriate impulse. Thus, although cheating may be a relatively minor act in the hierarchy of criminal behavior, it is an ideal representation of the fundamental self-control failures involved in crime.

Cheating is also a particularly relevant deviant act to measure given the demographic characteristics of the samples used in the studies. Participants in all studies were undergraduate students, generally between 18 and 22 years of age. Academic dishonesty is an unruly and pervasive problem on college campuses, with estimates of prevalence indicates that the majority of students cheat at some point in their college careers (Davis, Grover, Becker, & McGregor, 1992). Often the circumstances on campuses include unlikely detection, high opportunity, immediate gratification of impulses, and an easy method of gaining an advantage in terms of grades. In the laboratory setting we mimicked these situational factors, and provided some participants with an opportunity to cheat with little chance of being detected, with various inherent advantages for self-interest, such as saving valuable time by completing the experiment early. One of the primary benefits of the experimental designs employed is the assessment of actual cheating behavior, as observed during controlled laboratory studies, rather than relying on retrospective self-reports.

Several hypotheses were investigated in this series of studies, based on the basic tenets of the self-control strength model and the criminological self-control theory. First, we predicted that participants whose self-control strength was depleted by an initial task would be more likely to engage in cheating behavior than those who were not depleted, when given an opportunity to do so. This hypothesis was explicitly investigated in the first two studies, using different measures of cheating behavior in order to increase the generalizability of the results. Participants' pre-existing trait levels of self-control were not measured in the first two studies. Rather, these studies were designed to serve as an initial test of the effect of momentary self-control strength on deviant behavior and to specifically assess whether depleting participants' self-control strength, by having them exert self-control on an initial task, would make them more likely to cheat on a subsequent task.

Secondly, we anticipated that those participants with a pre-existing level of low trait self-control would be more likely to engage in cheating behavior than participants with high self-control when given an opportunity to do so. For that reason the third experiment included

measures of trait self-control in order to fully appreciate the joint effect of both state and trait self-control levels on subsequent deviant behavior.

THE PRESENT EXPERIMENTS

Experiment 1

Sixty seven undergraduate students (16 male, 51 female) recruited from introductory psychology courses participated in the first study. The average age of participants was 18.86 years old. They were tested individually and told that the purpose of the study was to examine the relationship between different cognitive abilities. Participants were randomly assigned to one of two conditions that differed in the amount of self-control required. Those in the experimental group completed a thought suppression task in which they were asked to avoid thinking about a white bear. Previous research has demonstrated that suppressing thoughts is effortful (Wegner, Schneider, Carter, & White, 1987) and requires self-control (Muraven, Collins, Nienhaus, 2002). Therefore, it was designed to deplete participants' self-control strength. Participants in the control condition completed a card sorting task, which was designed to be similar to the thought suppression task in every way (e.g., level of interest, difficulty), other than requiring and consuming less self-control strength. Participants were given a manipulation check about the task they completed to ensure that in fact the tasks were similar other than the amount of inhibition they required. They also completed the Brief Mood Introspection Scale (BMIS; Mayer & Gaschke, 1988) in order to ensure that any variability on the dependent variable would be due to differences in self-control strength and not mood.

In the next phase of the study participants' subsequent self-control performance was assessed. They were given an additional cognitive task, which represented the outcome variable of the study, in which some were provided with the opportunity to cheat. Specifically, they were given a series of 7 letter anagrams (e.g., AEDRNOM), and were told that these were difficult to solve but provided a measure of verbal skill and overall intelligence. This should help motivate participants to value and desire to a successfully solution to the anagram. However, unbeknownst to them, the anagrams were actually unsolvable. Participants were given a sheet of paper with a list of anagrams and asked to solve as many as they could in a period of 5-minutes. They were told that the experimenter did not need the anagram sheets back and that they could throw them away when the computer indicated that their time was up. They should simply indicate how many they solved on the computer. Because they were not required to disclose the "evidence" this design provided participants with an opportunity to cheat and exaggerate the number of anagrams they reported solving.

The results of the study showed that participants who suppressed the thought of a white bear in the first part of the experiment were more likely to falsely report solving the (unsolvable) anagrams than those who were in the control condition. Specifically, 62% of participants who had to inhibit thoughts reported solving one or more anagrams, compared with only 36% of participants who completed the card sorting task. Thus, the study demonstrated that depleted individuals did in fact engage in more deviant behavior, defined as

lying or misrepresenting their completion of solvable anagrams. Furthermore, participants who suppressed thoughts of a white bear were similar to those in the control group in terms of how interested they were in the task, in their reported mood, or in how much they liked the anagrams. Thus, the differences in cheating on the subsequent anagram task cannot be attributed to mood or interest whereas the results of the study support the idea that momentary self-control strength is malleable and critical to overriding criminal impulses.

Experiment 2

The second study replicated the first experiment, with two important exceptions. First, a different measure of cheating behavior was used in order to better generalize the results and increase the reliability of the experiment. Secondly, this study also examined opportunity to cheat by manipulating the risk of detection participants faced upon engaging in cheating behavior. Opportunity has been shown to be vital to the commission of crime (e.g., Cochran, Wood, Sellers, Wilkerson, & Chamlin, 1998; Gottfredson & Hirschi, 1990). Furthermore, research has explicitly shown that impulsive people are more likely to cheat when detection is unlikely (Nagin & Pogarsky, 2003). Thus, we anticipated an interaction between whether the initial task depleted self-control and whether cheating would be detectable.

Sixty three undergraduate students participated in the study, ostensibly designed to investigate the relationship between different cognitive abilities. Twenty seven participants were male and 36 were female. The mean age of participants was 19.4 years old. They were randomly assigned either to the white bear thought suppression task or to the card sorting task, following a procedure identical to that of the first experiment. Participants then completed a manipulation check and the BMIS mood scale (Mayer & Gaschke, 1988).

Cheating in this study was measured by having participants complete a time consuming task and call the experimenter when they were done. Specifically, they were given a series of 50 anagrams of a low to medium level of difficulty and asked to solve them. As opposed to the first study, this time the anagrams were solvable (e.g. LOCGI could be solved as LOGIC) however pre-testing revealed that it would take 20 minutes at the very least to solve all the anagrams. Participants were told that this was the last task of the study in order to provide further incentive to save time and call the experimenter back before they were actually done with the anagrams. Cheating was measured by checking whether participants truly did complete the 50 anagrams on the sheet before calling the experimenter back, as per the instructions.

Opportunity was manipulated by telling some participants that when they completed all the anagrams they should call the experimenter who would come to collect their sheets (high detection) while the others were told that the sheets were intended solely for their use and would not be collected. In fact, they were told that they should throw them away when they were done. This was designed to present participants with an opportunity to cheat by calling the experiment back prematurely, without actually completing all the anagrams, in order to save valuable time and finish the experiment sooner. However, unbeknownst to the participants, the experimenter retrieved the anagram sheet from the trash for participants in the low detection condition, after they had left the study. That way, cheating behavior could be detected by checking whether participants indeed solved all the anagrams before calling the experimenter.

As predicted by the self-control strength model and the criminological self-control theory, participants who had to exert self-control by inhibiting thoughts and who were unlikely to get caught were more likely to cheat by prematurely calling the experimenter (See Table 1). In fact, they were more than 8 times more likely to cheat than those whose self-control was not depleted by the first task or those whose cheating behavior was likely to be detected. Additionally, the BMIS showed no differences in mood or arousal between participants in the thought suppression or control condition, and no differences were found regarding the how interesting, pleasant, or effortful the tasks were. Therefore, these findings further demonstrate that depleted self-control strength in combination with a tempting opportunity jointly determined the tendency to cheat on the anagram task.

Table 1. Experiment 2: Previous self-control task, opportunity to cheat, and cheating behavior

		Suppressing Thoughts of White Bear		Card Sorting Task	
		Opportunity	No Opportunity	Opportunity	No Opportunity
Cheat	no	9	16	11	16
	yes	8	0	3	0

Experiment 3

The third study extended the previous experiments by examining trait self-control in addition to momentary self-control strength. Thus, it was designed to investigate the joint influence of a person's momentary self-control resources as well as their more general dispositional self-control as they relate to engaging in deviant behavior. Additionally, two separate measures of cheating were assessed in this study, further extending the generalizability of the results to various aspects of cheating and rule violations.

One hundred and three undergraduate students participated in the study, and they were tested in small groups of up to 12 people. Sixty seven participants were female, 34 were male, and one person declined to identify him or herself. The mean age of participants was 19 years old. Participants did not interact during the study, they were each seated at a separate computer station, and all the instructions and questionnaires were completed on the computer. The initial task was to retype a 150-word excerpt from a statistics book that appeared on the screen as quickly and as accurately as possible. Participants were randomly assigned to one of two conditions that differed in the amount of inhibition required. Some were simply instructed to retype the excerpt while others were instructed to avoid using the letter 'e' or the Space Bar while they typed. The "No Es" manipulation was designed to deplete self-control by requiring participants to suppress a routine or automatic response. Previous research has shown that when people are typing their intention to hit a certain letter on the keyboard is automatically activated when they view that letter (Rieger, 2004). Furthermore, the letter 'e' and the space bar are particularly difficult to avoid striking in terms of their frequency. The space bar is a key required after every single word, and the letter 'e' is the most prevalent letter in written English, according to the Concise Oxford English Dictionary (www.askoxford.com). Thus, participants in this condition would exert and consume their self-control strength by overriding their automatic desire to press these letters, in the same

way that a drinker would exert and consume self-control when fighting the temptation to drink.

In the next part of the study cheating was measured by measuring two potential rule violations. Participants were given three logic puzzles that were taken from the Graduate Record Exam (GRE) but modified to be unsolvable. An example is provided in the figure below:

The starting line-up for the Olympic basketball "Dream Team" is chosen from the following two groups:

Group A: Johnson, Drexler, Bird, Ewing
Group B: Laettner, Robinson, Jordan, Malone, Pippen

The following requirements must be met:
Two players are chosen from Group A, and three from Group B.
Jordan starts only if Bird starts.
Drexler and Bird do not both start.
If Jordan starts, then Malone does not.
Exactly 3 of the four fast-break specialists--Johnson, Bird, Jordan, Pippen--must be chosen.

1. If Jordan starts, which of the following must also start?

- (A) Malone or Johnson
- (B) Drexler or Laettner
- (C) Drexler or Johnson
- (D) Laettner or Robinson
- (E) Malone or Robinson

Figure 1. Example of modified GRE Question.

Participants were instructed to solve as many problems as they could in a fixed period of time. After 3 minutes, they were directed by the computer that their time was up and asked to stop working and indicate how many problems they were able to solve. Two methods by which participants could cheat were to continue to work on the problems after they had been instructed to stop, and to report solving the impossible problems. First, as in the prior experiments, participants who reported solving these unsolvable anagrams were cheating to represent their performance as better than it really was. Second, unbeknown to the participants, the computer program recorded the amount of time that elapsed between the time participants were asked to stop working on the GRE puzzles, and the time they actually entered the number of problems they solved and continued to the next screen. Thus, we were able to measure this variability in latency as another indicator of cheating behavior.

Opportunity to cheat was manipulated by telling one group of participants to omit any identifying information from their handwritten GRE problem solutions, so that their actual performance could not be matched to the number of problems they reported solving on the computer. The other participants were asked to include their university identification and initials at the top of the page, so that their claims regarding the number of problems they solved would be more easily verified. In the next part of the study participants completed a brief demographic questionnaire and the trait self-control scale created by Grasmick et al. (1993). The scale assesses six dimensions of trait self-control: impulsivity, a preference for simple tasks, risk-seeking, preference for physical activities, self-centeredness, and possession of a volatile temper.

The results of the study supported our prediction that both low trait self-control and momentary self-control depletion contribute to the likelihood of cheating behavior. Specifically, when given the opportunity to do so by removing the possibility of detection, participants with low trait self-control (assessed by the Grasmick et al. scale) and those who were momentarily depleted of their self-control strength (by typing without e's or spaces) were more likely to lie regarding the number of GRE problems they solved. Additionally, participants with low trait self-control and those who were momentarily depleted of their self-control strength were more likely to work (and worked longer) on the logic problems after being ordered to stop as compared to participants who greater levels of traits self-control or more self-control strength.

CONCLUSION

Self-Control Depletion and Crime

The three experiments described investigated the association between self-control and crime in a controlled experimental setting. In particular, we explored a specific situational aspect of self-control concerning its variability and fluctuation based on transitory circumstantial self-control demands. We based the studies on a psychological model of self-control that conceptualizes self-control as a strength or a resource which is limited and can be consumed with use (Muraven & Baumeister, 2000). Consistent with this model, we found that participants who exerted self-control on an initial task were more likely to engage in deviant cheating behavior than participants who engaged in an equally difficult, unpleasant, and engaging task that did not require self-control. That is, in situations in which self-control resources were consumed there was increased likelihood of a subsequent self-control failure. Three experiments were designed using a variety of inhibition tasks to deplete self-control, and a variety of behaviors to assess cheating. Specifically, participants who had to inhibit their thoughts were more likely to lie regarding completion of an experimental task (Experiment 1), and to cheat by prematurely calling the experimenter in an attempt to end the study (Experiment 2). Similarly, participants who had to inhibit their automatic typing responses were more likely to lie regarding their performance on the experimental task and to violate the rule directing them to stop working on the task (Experiment 3).

In addition, consistent with the criminological self-control theory (Gottfredson & Hirschi, 1990), the third experiment demonstrated that low trait self-control was related to the likelihood of engaging in cheating behavior. Participants who scored lower on the Grasmick et al. trait self-control scale (1993) were more likely to cheat by ignoring instructions to stop working on the GRE problems, and by lying regarding the number of problems they were able to solve.

Criminologists have also started to focus on the situational aspect of self-control. For example, Tittle and colleagues (2004) introduced a situational dimension to the study of self-control by suggesting that the desire to exercise self-restraint is strongly linked with the immediate social world. Gottfredson and Hirschi also propose that although high trait self-control may reduce the likelihood of committing criminal acts, "lack of self-control does not require crime and can be counteracted by situational conditions or other properties of the

individual.” (1990: 89). Additionally, in her Presidential Address before the American Society of Criminology (2005) Julie Horney emphasized the benefit of integrating the study of situational factors in order to better understand people’s behavior across various social contexts.

Our experimental findings regarding self-control depletion correspond with criminological research that investigates the effects of environmental factors on crime. Recent research has stressed the importance of addressing criminogenic conditions in discussions of criminal behavior. Criminogenic conditions refer primarily to poverty and family disruption, such as the prevalence of single-parent households (Sampson & Lauritsen, 1984). However, criminogenic environments also involve high rates of unemployment, population turnover, changes in the structure of the job market, and negative impact of urban renewal and other housing policies (Sampson & Wilson, 1995). Individuals living in these ecologically disadvantaged neighborhoods often show a higher likelihood of engaging in crime or imprudent behavior than individuals from other neighborhoods. Self-control depletion may help account for some of these differences. Criminogenic environments may be more taxing on an individual’s self-control resources and at the same time provide more opportunity for engaging in criminal behavior. Thus, individuals living in disadvantaged neighborhoods with adverse structural conditions may be depleting their self-control resource, which in turn makes them prone to subsequent self-control failure.

The effects of momentary self-control depletion may also help explain why strain influences the likelihood of engaging in criminal behavior over and above natural variation in trait self-control. Recent research has demonstrated that indicators of “strain” such as perceived negative relationships with parents and teachers predicted delinquency (Peter et al., 2003). Strain, operationalized as negative relationships, involves negative affect, and requires mood regulation in order to repair. Mood regulation, as described in previous sections, requires effortful self-control and depletes a person’s reservoir of self-control strength. For example, one study showed that participants that exerted self-control by regulating their emotions in response to a film ate more ice-cream subsequently, despite being on a diet (Vohs & Heatherton, 2000). They were less able to inhibit their eating after being depleted by mood regulation, in the same way that individuals may be less capable of inhibiting deviant impulses after being depleted by mood regulation. Thus, depletion may provide a helpful link to better understanding the effects of strain on subsequent likelihood of offending.

The results of our experiments also help address one of the chief criticisms regarding the association between self-control and crime, namely that the definition of self-control is tautological or circular in nature (e.g., Akers, 1991). The circularity results from the inclusion of items relating to deviant behavior in measures of self-control (e.g., how often do you act irresponsibly) and similarly items relating to self-control in measures of deviant behavior (e.g., do you engage in impulsive behaviors). The series of studies presented did not rely on self-reported measures of self-control capacity but rather manipulated self-control strength directly by engaging participants in tasks that required exertion of self-control. Another strength of the studies was in the use of a behavioral measure of cheating (e.g., lying regarding performance) rather than relying on self-reported intentions or behavior. Therefore, the results offer an improved understanding of the causal nature of the relationship between self-control and deviant behavior.

Unanswered Questions and Future Directions

Although the results of the experiments presented offer promising results that extend the current literature involving self-control and crime, there are several shortcomings that should be addressed. One key issue involves the outcome measures used in the three studies. Cheating was selected as the deviant behavior to be measured in the studies since it is an act of fraud undertaken in the pursuit of self-interest, requiring inhibition or self-control, and is particularly relevant given the student samples and the controlled experimental design of the studies. However, in future studies it may be beneficial to use additional different outcome measures, in order to increase the generalizability of the results, and to ensure that the findings would not vary with the use of a more serious offense. There is reason to believe that the results would remain consistent based on Gottfredson and Hirschi's interchangeability premise, which implies that the decision processes involved in various types of deviant behaviors are fundamentally identical. Additionally, the studies had strong experimental realism. That is, they succeeded in creating a situation that *felt* analogous to 'real world' circumstances and to other criminal behaviors. For that reason the results are applicable to situations outside of the laboratory, and help us understand the role of self-control and opportunity in everyday life.

Another limitation of the experiments is that the population was limited to undergraduate students, generally within an age range of 18-22 years old. Analyses of the data showed no evidence that participants' self-control performance was related to their age, or any other demographic characteristic measured (e.g., gender). Regarding the fact that all participants were college students, we must take into account the possibility that they may have had higher self-control than a more diverse sample. It could be suggested that pursuing a college education requires persistence, foresight, and discipline, which may be indicative of high self-control. However, if anything, this possibility should have made it less likely for us to observe a statistically discernible relationship in the data. Because significant effects were nonetheless found, it increases our confidence in the strength of the roles of trait self-control and self-control depletion as predictors of deviant behavior. Still, in future studies it may be useful to replicate these results using different samples in order to generalize the results to a more diverse population.

Implications

Low trait self-control and low momentary or state self-control both have detrimental consequences for engaging in criminal and deviant behaviors. Trait self-control is generally thought of as dispositional, a stable and unchanging part of an individual's personality. The possible implication of this aspect of self-control is that once a person has developed the 'trait' of low self-control (e.g., through ineffective child-rearing, as suggested by Gottfredson and Hirschi, 1990) it is difficult and perhaps impossible to change. However, viewing the momentary aspect of self-control, affords a more optimistic view regarding the possibility of change. Namely, although self-control is a limited resource that can be depleted, there is also evidence that it can be replenished or increased. Consequently, increasing the self-control resource may reduce the likelihood of engaging in criminal or deviant behavior.

Although the exertion of self-control strength has shown to be detrimental to subsequent self-control performance, it is reasonable to assume that it is only temporary in nature. If depletion were permanent, every act of self-control would render a person forever depleted and no longer able to exert any self-control over their behavior. Preliminary studies suggest that positive emotions may counteract the effects of depletion. A recent series of studies demonstrated that positive affect was able to counteract depletion (Tice, Baumeister, Shmueli, & Muraven, 2006). Four experiments using assorted manipulations and measures found that participants who were induced with positive affect performed better on a subsequent test of self-control than participants who experienced a sad or neutral mood. For example, in one study participant's self-control strength was depleted by having them suppress the thought of a white bear. They were then randomly assigned to watch a 5-minute movie clip designed either to induce positive affect (an excerpt from Eddy Murphy, RAW) or a neutral or sad movie clip. Those who watched the funny film performed better on a subsequent test of self-control, the handgrip persistence task. Thus, the findings suggest that positive emotions may compensate for loss of self-control resources.

A similar study attempted to replicate these findings in a sample of 4-year old children (Shmueli & Rodriguez, 2006). In the study children were depleted using a modification of the delay of gratification paradigm (Mischel, Shoda, & Rodriguez, 1989). A tempting plate of candy (e.g., 5 M&M's) was placed before them and they were asked to resist eating them in order to receive a larger reward later on (a small bag of M&M's). This was designed to deplete their self-control strength, since they had to inhibit the urge to eat the candy. The children were then induced with a sad, happy, or neutral mood, by asking them to draw a corresponding picture, after which their self-control was assessed using a difficult puzzle task. The results showed that the children who drew a happy picture persisted longer on the difficult puzzle task than those who drew a sad or neutral picture.

Additional studies have demonstrated that even inducing an underlying component of positive affect can help overcome ego depletion (Shmueli & Muraven, 2006). The biopsychological model of moods (Thayer, 1989; 2001) suggests that moods have two basic components of energy (versus tiredness) and tension (versus calmness). Positive affect is characterized by high energy and low tension, and in the aforementioned study participants were replenished by engaging in an activity designed to increase energy (mild exercise) or decrease tension (meditation, or rest). Their self-control was then assessed, and those in the experimental conditions outperformed their non-replenished counterparts.

These recent studies on positive affect reveal a promising new direction for the study of self-control. They demonstrate that in the short term self-control may be replenished by positive emotions, and counteract the effect of depleted resources. In future studies it would be beneficial to extend the investigations to other potential factors that may increase self-control strength.

Other promising studies, based on the self-control strength model, demonstrate that over time the exertion of self-control may increase individuals' capacity for self-control. Specifically, they show that although the short term effects of depletion are impaired self-control performance, over the long term self-control strength is built and strengthened from continued practice. For example, in one study participants were asked to practice one of three self-control tasks over a period of two weeks: either to monitor and improve their posture (e.g., sit up straight), regulate their moods, or monitor their eating (Muraven et al., 1999). A control group did not practice any activity during the same two weeks. Compared to their

performance before the two-week practice phase, participants who practiced one of the self-control tasks persisted longer on the handgrip squeezing task than participants in the control condition. Furthermore, consistent with the idea that practice may increase self-control strength, participants who practiced their task more also improved more on the subsequent handgrip task. The results of this study have important implications for the association between self-control and criminal behavior. Specifically, they suggest that although individual differences in the level of self-control do exist, practicing self-control may build up resources and consequently improve self-control performance, such as the ability to inhibit deviant impulses.

CONCLUDING REMARKS

To conclude, a recently developed model of self-control, the *self-control strength model*, provides accumulating evidence that momentary self-control capacity is intricately linked with the likelihood of engaging in deviant behavior. This conceptualization of self-control, as a fluctuating state dependent on previous exertion of self-control, is a unique and promising new view that extends previous research on trait self-control and crime. Moreover, the model incorporates the possibility of increasing self-control ability, which may provide a foundation for invaluable interventions designed to reduce the incidence of crime and deviant behavior.

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Chapter 5

EXPLORING THE PHENOMENON OF FEMALE SEXUAL PREDATOR SERIAL KILLERS IN THE UNITED STATES

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ABSTRACT

Sexual predators represent the embodiment of the cultural definition of serial killing. In considering the female sexual predator serial killer, a review of the limited literature found a clear distinction between women acting alone versus in partnership. Several theories offered to explain the behavior of women in teams include shared psychotic disorder, Stockholm syndrome, posttraumatic stress disorder, battered woman syndrome, and gender role socialization. Analysis of each with specific case examples found that gender role socialization appears to be the most inclusive, explaining the participation of women in teams, including providing insight into both the criminal justice system and overall societal responses to female serial killers, as well as violent women more generally. The analysis concludes by describing the implications of the above speculations within the realms of prevention, treatment, and research, specifically concluding that women can commit willful violence and that low base rates should not impede attempts to understand and prevent such violence.

Keywords: serial killer, female sexual predator, violent women

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INTRODUCTION

Just browsing through the local bookstore makes it evident that in the mind of the public, serial killer is synonymous with sexual deviant. As will be discussed, by definition, this is not the case. The present analysis, however, focuses not on male sexual predator serial killers as the embodiment of that cultural definition of serial killing, but instead the phenomenon of the female sexual predator serial killer. After providing introductory information about serial murder, the analysis will delineate the types of male and female serial killers, provide gender-based statistics and offender characteristics, review explanatory theories for female serial killers, and speculate on the role women play in sexual predator serial killing teams. Descriptive histories of a variety of sexual predators will be provided for comparison purposes. The analysis concludes by describing the implications of the above within the realms of prevention, treatment, and research.

In many instances, the terms homicide and murder are used interchangeably. They do not, however, refer to the same type of crime, although both result in loss of life. Murder, a subcategory of homicide, refers to the unlawful taking of a human life in direct relation to power, personal gain, brutality, and/or sexuality (Douglas, Burgess, Burgess, & Ressler, 1992). As a further subcategory within murder, serial murder is defined as at least three separate murders in separate locations, with an emotional cooling-off period between the murders (Douglas et al., 1992). Serial murder can be distinguished from two types of murder that also result in multiple victims, mass murder and spree murder, by the fact that both occur as single events, the former in one location and the latter in two or more locations without a cooling-off period between the murders (Douglas et al.).

FOUR MAJOR TYPES OF MALE SERIAL KILLERS

Researchers posit the existence of four major male types of serial killers: visionary, mission, hedonistic, and power-control (Holmes & DeBurger, 1998; Holmes & Holmes, 2002). The visionary serial killer often has delusions and auditory hallucinations commanding him to kill. The mission serial killer has a life's goal of ridding society of a particular type of person he has deemed undesirable, such as prostitutes or any other identifiable group. The hedonistic or thrill-seeking serial killer murders solely for the pleasure it brings, through either sexual gratification or personal gain. The power-control serial killer receives gratification, usually sexual, from total domination of the victim.

Definitions of serial killing include another dimension wherein the offender is described as either organized, disorganized, mixed, or sadistic according to personal traits and crime scene characteristics (Douglas et al., 1992). The organized offender possesses higher intelligence, is more socially and sexually competent, plans his offense, and manipulates the crime scene to minimize forensic evidence. The disorganized offender is of average intelligence, is socially immature and sexually incompetent, commits his offense spontaneously, and does not control the crime scene, often leaving behind the weapon used and other forensic evidence. A crime scene may include aspects of both the organized and disorganized offender, known as mixed. A sadistic offender focuses on the visceral satisfaction brought about by torturing the victim and generally exhibits characteristics

similar to the organized offender, although the sadistic offender will typically spend more time with the victim.

SEXUAL HOMICIDE CLASSIFICATIONS

Researchers were not satisfied with the above classifications with regard to usefulness in solving similar sexually-based serial murders; therefore, four rape-offender typologies were extended into classifications for sexually oriented murderers: (a) power-assertive, (b) power-reassurance, (c) anger-retaliatory, and (d) anger-excitation (Keppel & Walter, 1999). Power-assertive rapist-murderers do not plan to murder their first rape victims, yet do, as they are increasingly aggressive to assure power over victims. Power-reassurance rapist-murderers attempt to express sexual competence through seduction of the victim and act out violently when the victim does not yield to the seduction and does not offer the requested reassurance of the offender's sexual adequacy. Anger-retaliatory rapist-murderers plan both the rape and the murder in a symbolic expression of revenge on a victim. Anger-excitation rapist-murderers plan the rape and the murder to inflict pain and terror for sexual gratification, often following highly specialized fantasies and involving prolonged torture.

INADEQUACIES OF MALE CLASSIFICATIONS FOR FEMALES

Differences in Offense Rates Based on Gender

While all of the above typologies and categories have been offered for serial killers, these have been based on men and do not necessarily reflect the gender differences between male and female serial killers. Murderers, in general, are male. Table 1 compares the number of male and female murderers in the United States from 1998 to 2002 (Federal Bureau of Investigation [FBI], 2004). The rates for females have declined since the early 1980's, while those for males peaked in the early 1990's and have fallen considerably since then (Bureau Of Justice [BOJ], 2004).

Table 1. Statistics on female and male murderers in the United States over time

	1998	1999	2000	2001	2002
Male	10,505	9,140	9,562	10,126	10,285
(Percentage)	(65.6)	(64.8)	(65.1)	(65.4)	(65.0)
Female	1,241	1,046	1,039	1,086	1,108
(Percentage)	(7.7)	(7.4)	(7.1)	(7.0)	(7.0)
Unknown	4,273	3,926	4,096	4,276	4,420
(Percentage)	(26.7)	(27.8)	(27.9)	(27.6)	(28.0)
Total	16,019	14,112	14,697	15,488	15,813

Further, the gender distribution of homicide offenders differs by type of homicide. For the years 1976-2000, women were more likely to commit murder as a result of an argument and murder by poison (BOJ, 2004). Over that same time frame, in instances where there were multiple offenders, 91.7 percent were male and 8.3 percent were female (BOJ, 2004).

While the majority of murders result from known conflicts, as many as one-third of murders are committed by strangers (Hickey, 2002). This has been increasing over the years, as the percentage of murders by strangers, the type often committed by serial killers, has risen from 8.5 percent of all murders in 1976 to 22.5 percent in 1985, nearly a three-fold increase in less than ten years (Hickey, 2002).

As shown above, simple incidence rates in the population provide ample evidence that murder is primarily a male phenomenon. It should not be surprising, then, that serial killers are also predominantly males. The most recently completed study identified 62 female (17 percent) and 337 (83 percent) male serial killers operating in the United States between 1825 and 1995 (Hickey, 2002). The study found that 73 percent of serial killers were Caucasian, 22 percent were African American, 3 percent were Latino, 1 percent were Asian, and 1 percent were another race or ethnicity (Hickey, 2002).

Furthermore, approximately 28 percent of all serial killers had one or more partners (Hickey, 2002). There were 47 serial killing teams between 1875-1995, with female offenders participating in 17 of the teams. The majority had two members, with the largest group having five. These team members were typically related to each other, were lovers, or, at the least, were acquaintances (Hickey, 2002). Of the 62 female serial killers from 1825-1995, 68 percent acted alone and 32 percent acted with a partner. Seventy-four percent of the female serial killers were Caucasian, 25 percent were African-American, and 1 percent were Asian (Hickey, 2002).

Globally, when compared with the United States (15-17 percent), more females are identified in other countries (25 percent) as serial killers (Hickey, 2002; Hinch & Hepburn, 1998). Serial killers acting in teams appear to be, as a percentage of all identified serial killers, slightly more common outside (33 percent) than inside (28 percent) the United States (Hickey, 2002). Of the foreign teams, 80 percent had two offenders, with 52 percent male/female teams, 38 percent all-male teams, and 10 percent all-female teams (Hickey, 2002).

Although the statistics above are based on rather extensive research, the total number of serial killers will probably never be known. Due to a variety of problems with data sources, estimates range from 10 to 500 serial killers that are active at any given time in the United States (Hinch & Hepburn, 1998). Even the data collected by the FBI from law enforcement agencies across the country are likely incomplete (Hinch & Hepburn, 1998). Reasons for this incompleteness may be as simple as differences in homicide classification procedures across agencies. Further, the number of unidentified dead in the United States is generally between 4,000 and 5,000 and any of these individuals may or may not be victims of serial killers (Hinch & Hepburn, 1998). Nevertheless, convergent data show that serial killing is predominantly a male phenomenon within the population and further evidence of gender differences is presented below.

Differences in Serial Killer Classifications Based on Gender

There are problems with qualitative data from which many of the available male typologies are derived (Hinch & Hepburn, 1998). Gaining access to serial killers in order to conduct research interviews is difficult. Furthermore, interviews with serial killers do not always result in reliable data, due to researcher biases and the retrospective nature of perpetrator interviews. Even researchers relying on archival data cannot consider any source, whether newspaper, diary, or criminal justice record, to be completely reliable (Hinch & Hepburn, 1998). Nevertheless, as an ongoing area of interest, it is sometimes necessary to consider imperfect sources of information in order to advance our knowledge in a particular area. As long as the limitations of the available data are acknowledged, utilizing the existing qualitative data on serial killers is reasonable.

As noted above, serial killers are usually male. They also tend to be white, range in age from 25-34 years, and are intelligent, charming, charismatic, and interested in police work, with the majority targeting young women (Holmes & Holmes, 2002). Male serial killers tend to engage in torture of the victim and use more intimately violent tools of murder such as hands, knives, or blunt objects (Keeney & Heide, 1994). Males are more likely to have stalked or otherwise pursued their victims, and are more likely to have used physical force to obtain a victim. Males are also more likely to have an emotional motive behind the murder, such as sexual release (Keeney & Heide, 1994).

On the other hand, female serial killers select victims weaker than themselves who are personally known to them, whether family members, children, or the elderly (Kelleher & Kelleher, 1998). Sexual assault and/or torture are not typical of the female serial killer; rather, covert methods such as poison are employed (Keeney & Heide, 1994). Holmes and DeBurger (1998) further describe the average age at time of first kill for a female serial killer as 31, with an average of 17 victims before she is discovered. Due to choosing techniques that are more difficult to discern, and typically having a longer cooling-off period, female serial killers often have careers twice the length of their male counterparts (Kelleher & Kelleher, 1998). Females are divided between acting on affective motives for their murders versus instrumental goals, such as monetary benefit (Keeney & Heide, 1994).

FEMALE SERIAL KILLER TYPOLOGIES

Considering the above differences in characteristics, the available typologies developed for male serial killers do not seem sufficient for female serial killers. Thus, a distinction was made between those women acting alone versus acting in partnership with another, and new categories (see Table 2) were described: black widow, angel of death, revenge killer, profit or crime killer, team killer, and sexual predator (Kelleher & Kelleher, 1998). Kelleher and Kelleher (1998) also described three additional categories: question of sanity, unexplained, and unsolved. However, there exists little information on the women in these latter three categories, as they are not relevant to most research in the area. While the methodologies leading to these categories has been questioned (Davison, 2004), further research has yet to clarify the issue.

Table 2. Profile Characteristics of Six Major Female Serial Killer Types

	Black Widow	Angel of Death	Revenge Killer	Profit or Crime	Team Killer	Sexual Predator
Start Age	> 25	21	Early twenties	25-30	20-25	Mid-thirties
Cycle	>10 yrs	1-2 yrs	< 2 yrs	10 yrs	1-2 yrs	> 1 yr
Average # of Victims	6-8	8	3-4	10	9-15	6-7
Victim Type	Family members	Patients in hospitals	Family Members	People with money	Varies	Varies
Preferred Weapon	Poison	Lethal injection	Poison	Poison	Multiple methods	Violent methods
Sexual in Nature	No	No	No	No	Yes or No	Yes

Overall, female serial killers acting alone are often mature, careful, deliberate, socially adept, and highly organized. They usually attack victims in their home or place of work and tend to favor a specific weapon, like ingested poison, lethal injection, or suffocation. Female serial killers acting in partnership tend to be younger, aggressive, vicious in their attack, sometimes disorganized, and usually unable to carefully plan. They generally attack victims in diverse locations and tend to use guns, knives, and/or torture.

Black widow serial killers usually start their criminal career after age 25, beginning a decade, or longer, cycle of systematically killing spouses, partners, family members, and anyone with whom they develop a personal relationship. The typical cycle is six to eight victims over a period of 10-15 years. Poison is the preferred weapon of choice.

Angel of death serial killers usually start their criminal career around age 21 and operate in a localized setting, typically a nursing home, hospital, or other place where death is expected and murder can be easily disguised. The typical cycle is eight victims over a one- or two-year period.

Revenge serial killers usually start their criminal careers in their early twenties, and their victims are either family members or symbolic of an offending organization. The victims of these killers are of a consistent typology and the typical pattern is about three or four victims over an average period of two years or less.

Profit or crime killers are rare, especially in the United States, and represent either organized contract killers or con artists who rob victims of their assets and their lives. They are considered to be the most intelligent, resourceful, and careful serial killers. Their career usually begins around age 25 or 30 and lasts between five and ten years, claiming about ten victims before they make enough to retire.

Team killer/thrill killers, representing about one-third of all female serial killers, come in three forms: (1) male/female teams, (2) female teams, and (3) family teams. The male/female team is the most common, and the crimes are often sexual in nature, with the female member typically being about 20 years of age and the career lasting about one year. All-female teams tend to be active for up to two years, and the members are usually older, around 25 years of age. Family teams tend to last about a year, and the female members are typically young,

about 20 years of age. For all three categories, the average victim count is 9-15, and a variety of methods are used.

Sexual predator serial killers systematically murder others for sexual motives. There has only been one identified female sexual predator acting alone in United States history. The sole example of this type is Aileen Wuornos, to be discussed in a later section, as this classification remains debatable. Given the lack of known examples in this category, it is possible that these killers function only as members of teams; in effect, relegating this category to a subcategory of the above classification. Kelleher and Kelleher (1998) do not attempt to draw conclusions about female sexual predators based on male sexual predators. To do so, they believe, may or may not be accurate. Using Wuornos and an earlier female sexual predator in Spain as the basis for generalizing, sexual predators begin their careers in their mid-thirties and kill 6-7 victims, chosen at random and murdered violently.

In summary, female serial killers are relatively rare compared to the number of male serial killers, which may increase the temptation to use male classification schemes with females. Despite inherent problems with qualitative data and case studies, what little is known about female serial killers suggests that emerging classification schemes are quite different from those used with males. The relative rarity of female serial killers and the different classification schemes arising from the literature beg for explanation. Below is a review of theory that may prove useful to the topic.

EXPLANATORY THEORIES FOR FEMALE SERIAL KILLERS

When compared to male/female sexual predator serial killers, it is relatively rare for a female to act alone; as mentioned above, there has been only one possible case in the United States of a female sexual predator acting alone. Because of this, it is useful to consider whether or not females acting within a team are active or passive sexual predator participants. Some research suggests that male and female serial killers are more likely to come from broken homes and experience severe abuse (Keeney & Heide, 1994). However, given that females acting alone appear distinctly different from females acting in partnership, other more explanatory theories must be considered. Several theories offered in the literature include shared psychotic disorder, Stockholm syndrome, posttraumatic stress disorder, and battered woman syndrome. Beyond those theories, the influence of gender role socialization may well have an impact. These theories will be considered later in reference to specific female serial killers to examine their utility.

Shared Psychotic Disorder/Folie a Deux

Shared psychotic disorder, also known as induced delusional disorder or folie a deux, occurs when one individual develops a delusion of similar content within a close relationship with another individual with an established delusion (American Psychiatric Association [APA], 2000; Wehmeier, Barth, & Remschmidt, 2003). The individual with the genuine psychotic disorder is considered the primary case, while the individual who develops similar symptoms is the secondary case (Wehmeier et al., 2003).

The term *folie a deux* was coined over 100 years ago to describe what is now called shared psychotic disorder. At that time it was believed such an induced disorder could only occur where a more active and intelligent individual produced delusional ideas that a passive, less intelligent individual gradually assimilated, due to living in close association and relative social isolation, where the delusional ideas had some small basis in reality (Wehmeier et al., 2003).

Research has demonstrated that shared psychotic disorder cases occur within the family 90-92 percent of the time (Silveira & Seeman, 1995; Wehmeier et al., 2003), with 64 percent of secondary cases being first-degree relatives of the primary cases (Wehmeier et al.). When the cases have occurred outside of the family, they are closely associated in some other way, whether through physical or emotional closeness (Wehmeier et al.). The most common shared symptoms were delusions, demonstrated in 78-88 percent of cases (Wehmeier et al.), with the most common delusions being persecutory (51-75.4 percent), religious (27 percent), grandiose (2-13.1 percent), and querulous (2 percent) (Silveira & Seeman, 1995; Wehmeier et al.). In about half of the instances (51-58 percent), the primary individual is older than the secondary (Wehmeier et al.).

Etiological speculation regarding shared psychotic disorder includes genetic disposition, problematic interpersonal relationships, predisposing suggestibility characteristics, separation-individuation, and cognitive-behavioral learning (Bryant, 1997). Indirect evidence of a genetic influence in shared psychotic disorder can be found in the tendency for the disorder to develop within families as well as the fact that up to 60 percent of primaries in families were diagnosed with schizophrenia, a disorder with a strong genetic basis (Wehmeier et al., 2003). However, predisposing factors, which influence susceptibility to delusions, also include the effects of early life experiences, personality characteristics, low intelligence, and expectations (Bryant, 1997). The loss of differentiation and object-seeking quality of sharing another person's beliefs lends support to separation-individuation theory (Bryant, 1997). Cognitively-behaviorally, the secondary learns the abnormal behavior and beliefs from the primary and begins to behave similarly (Bryant, 1997; Neagoe, 2000), while the delusions themselves may be functional in reducing self-blame and aversive emotional states (Bryant, 1997). Delusional beliefs in the secondary case, however, typically disappear quickly after separation from the primary, indicating disturbed interpersonal relationships as a primary factor (Wehmeier et al.).

Stockholm Syndrome/Posttraumatic Stress Disorder/Battered Woman Syndrome

In the 1970s, an attempted robbery in Stockholm, Sweden became a protracted hostage situation, during which several people were held for six days. During this time, a bond developed between the hostage-takers and the hostages themselves. This phenomenon was dubbed the Stockholm syndrome. Since that time, the syndrome is referenced in cases when behaviors emerge that indicate hostages have developed positive feelings for their captors, and the captors experience similar feelings toward the hostages (Kuleshnyk, 1984).

While in some instances, seemingly traumatic events such as a kidnapping may create positive feelings around the captors, more often an individual experiencing a traumatic event develops symptoms consistent with posttraumatic stress disorder (PTSD). This diagnosis is

given when an individual has been exposed to a traumatic event, where the individual persistently reexperiences the event (such as recurrent distressing dreams), avoids stimuli related to the event (such as places or situations that recall the trauma), experiences a numbing of responsiveness and a restricted range of affect, and/or experiences increased arousal, such as exaggerated startle response (APA, 2000).

If an individual experiences situations so far removed from ordinary life, where traumatic events are combined with a sense of belonging to a group, such as in a cult, a combination of PTSD and Stockholm syndrome may develop. Individuals experiencing this prolonged environmental stress may adapt through creation of a pseudo-identity (West & Martin, 1996). The new identity, which is distinct from alters created in dissociative identity disorder, is superimposed on the original personality and enables an individual to cope with a highly charged situation.

Battered woman syndrome defines a constellation of symptoms common to women in abusive relationships with a significant other, usually a boyfriend or husband. PTSD comes closest to capturing that constellation of symptoms, although there are additional unique symptoms associated with a woman suffering from physical, emotional and/or sexual abuse at the hands of a partner (Walker, 1991). Some common characteristics of a battered woman include low self-esteem, acceptance of responsibility for the batterer's actions, and the use of sex to establish intimacy (Walker, 1979). Some common characteristics of batterers include low self-esteem, belief in male supremacy, belief in traditional masculine sex-roles in the family, and the frequent use of sex as an act of aggression designed to enhance his self-esteem (Walker, 1979).

Gender Role Socialization

Gender role socialization is the process by which women and men are conditioned to think, feel, and behave in ways consistent with the masculine and feminine norms of their culture (Krause, DeRosa, & Roth, 2002). Women and men internalize gender-typed personality traits, learn gender-typed behaviors, and develop attitudes regarding rights afforded each gender and their consequent roles in society (McCreary & Rhodes, 2001). Socialization begins at the start of life and occurs in all aspects of society, such as home, school, and work, all of which are influenced by society's expectations (Mai & Alpert, 2000). One study demonstrated that while parents saw newborn sons as stronger, more coordinated, and more alert, they saw their newborn daughters as more fragile, less coordinated, and less attentive (Mai & Alpert, 2000).

Women and men are socialized to cultivate disparate personality characteristics. While women are taught to be emotional, dependent, and submissive, men are taught to be unemotional, independent, and dominant (McCreary & Rhodes, 2001; Walker, 1997; Wester, Vogel, Pressly, & Heesacker, 2002). The issue of emotions is more complex than the simple belief that women are expected to be emotional and men not. Women are taught it is okay to express nurturing emotions, like warmth (Krause et al., 2002), but not aggressive emotions, like anger (Wester et al., 2002). Men are generally expected to express few emotions tied to vulnerability (Krause et al., 2002) and taught that they have fewer emotional needs than women (Mai & Alpert, 2000). Often, the only acceptable emotions for men are anger and pride (Wester et al.).

Gender role socialization occurs differently across cultures (Krause et al., 2002). As an example, Caucasian women and men are socialized to express emotions that are stereotypically associated with their traditional gender roles, such as the emotion of warmth and the role as primary caregiver to children reserved primarily for women (Wester et al., 2002). Conversely, African American men and women are considered more expressively similar (Krause et al.).

Gender role socialization encourages women to derive meaning in their lives through relationships, particularly romantic attachments, resulting in a tendency for women to be defined by a partner rather than from personal successes (Walker, 1997). A major tenet of the feminine social identity is that women must maintain these relationships and place the needs of others before their own (Walker, 1997). Regarding sexual relations, men are expected to be more sexual in every way, possessing a greater sex drive, initiating sex, and being more sexually experienced than women (Krause et al., 2002).

Conflict arises for women around relationships, as they have centered their moral systems on caring for others; conflict arises for men when rules are violated, as they have centered their moral systems on the idea of justice (Mai & Alpert, 2000). As a result of gender role socialization, men express unacceptable emotions in more masculine ways, including drug use, physical abuse, and anger (Mai & Alpert, 2000). Further, this socialization, by shaming men for not being violent and rewarding them when they are, creates and supports violence by men (Mai & Alpert, 2000) and, as noted above, this violence is frequently targeted toward women.

Gender role socialization may lead to violence and dominance of women by men as a result of the power differential between partners in a relationship. Historically, women had no independent legal status in the United States, with men given the legal right and moral responsibility to control their wives as property, including through the use of physical means (Allen & Leventhal, 1999; Crowell & Burgess, 1996). While the laws may have changed, relationships continue to exhibit this dynamic, with men typically endowed with more social power (Allen & Leventhal, 1999; Hart, 1986). These dynamics of power and control can exist in any relationship, including, for example, homosexual or parent-child relationships, with one individual assuming the more dominant position (Allen & Leventhal, 1999).

Evolutionary psychology, on the other hand, argues that such socialization is simplistic, that the human animal is not the passive recipient of the influence of gender, but rather an active interpreter of its effects (Daly & Wilson, 1997). Such a view states that the presumption that men and women would otherwise react identically to identical situations in the absence of differential social treatment is not logical from an evolutionary standpoint and has not been supported by research. Adherents of this view, however, do concede that experiences and cultural norms also require adaptation, and that the environment can be a causal agent of change (Daly & Wilson, 1997). A recent meta-analysis showed that, in support of gender role socialization, gender differences can be altered significantly, including eliminated altogether, depending on the context (Hyde, 2005). Regardless of whether or not gender role socialization is fully explanatory in the view of evolutionary psychology, such cumulative experiences cannot help but impact the socialization of men and women.

CASE STUDIES: APPLICATION OF THEORY

Much of what is written about serial killers is academic (see above), with the resulting theories and speculations not applied to actual cases. To concretely evaluate the explanatory power of the theories presented earlier, the following descriptive histories of sexual predator serial killers are provided: Aileen Wuornos, Charlene and Gerald Gallego (heterosexual partners), and Gwendolyn Graham and Catherine May Wood (homosexual partners). These serial killers were selected for three primary reasons. First, although not all serial killers have been Caucasian, the serial killers chosen for examination are, due to the disproportionate representation of Caucasians within the population of known serial killers. Second, despite the relative rarity of serial killing, there are a variety of killers to choose from, thus a minimal number was chosen, so as not to become overwhelmed with multiple cases. Finally, the killers were chosen based on the amount of data available regarding their criminal cases and personal histories.

Aileen Wuornos

Aileen Wuornos, born in 1956 to a single mother, was raised from infancy, along with her brother, by maternal grandparents who claimed to be her parents. Her father, a schizophrenic and convicted pedophile, was never a part of her life. Her grandparents were alcoholics and her grandfather would often force Aileen to strip before he beat her. By age twelve, she was offering sexual favors in school for cigarettes, drugs, and food. At thirteen, a friend of her grandfather's raped her and she became pregnant. After the birth of the baby, given up for adoption, Aileen dropped out of school and became a prostitute. By age twenty, her grandparents and brother were dead (Davis, 2001). Jailed for armed robbery, she attempted suicide upon release (Kelleher & Kelleher, 1998). In 1986, she met Tyria Moore, who would remain her lover until Aileen was arrested.

At age 33, Aileen shot and killed seven men between 1989 and 1990. She would either pose as a stranded motorist or offer the promise of sex. She is classified as a sexual predator due to both her offer of sex to some victims and the fact that some were found nude; however, there was no evidence of sexual activity on the bodies. She stole the cash, personal belongings, and cars of the men she killed (Davis, 2001). With the police closing in, Tyria gave them Aileen's name. When informed that Tyria would be charged for the murders, Aileen confessed. During her confession and later trial, Aileen claimed the deaths were due to self-defense, but years later, admitted they were not (Davis, 2001). Aileen was executed by the State of Florida on October 9, 2002 (Zarella, 2002).

Charlene and Gerald Gallego

Charlene Gallego, born in 1956, was the only child of wealthy parents who doted on her. She was obedient, respectful, and a good student. As a child, Charlene traveled on business trips with her father. During puberty, she began experimenting with drugs. Although she received passing grades in school, she had few female friends and was promiscuous. By age

21, Charlene was a college dropout, regular drug user, and twice divorced. When an affair with a married man ended, she attempted suicide (Davis, 2001).

Gerald Gallego's mother was a prostitute who beat him and allowed her clients and boyfriends to beat and abuse him. He was often left hungry and dirty, pleading for love and attention. When Gerald was nine years old, his father, unknown to him during his life due to being incarcerated for the murders of two police officers, was executed. By the time Gerald met Charlene he was 32 years old and had been married seven times (Davis, 2001).

Gerald and Charlene moved in together within a week of meeting. He informed her that she would be the breadwinner, told her what clothes to wear, and began to beat her (MacLeod, 2003). Charlene began sharing in Gerald's sexual fantasies and, within a year, he asked her to recruit two sex slaves. From 1979-1980, Gerald, age 34, and Charlene, age 23, together kidnapped, raped, and murdered ten young girls (Davis, 2001). Over the course of the murders, Gerald beat Charlene more frequently and she moved in with her parents. Yet, when asked, she joined him in finding victims (MacLeod, 2003). Charlene testified against Gerald for a 16-year sentence, while he received life (Davis, 2001).

Gwendolyn Graham and Catherine May Wood

Catherine May Wood was born the oldest of three children to married parents. Her father drank heavily and beat her, while her mother was emotionally cold. At age 16, Catherine married. After several years of marriage, she obtained a job as an aide at a local nursing home. At first, she appeared hesitant and shy, but she would drink and become physically violent with nursing home staff and patients. Although married, Catherine had a series of lesbian affairs, which led to an eventual divorce from her husband.

Gwendolyn Graham was born the oldest of three children to married parents, although her father was often away on business. She experienced severe physical and sexual abuse from both parents. As a teenager, Gwen burned cigarettes into her arms to release her emotions. By age 17, she had moved into a female lover's home. Gwen followed her lover out-of-state, eventually getting a job where Catherine worked. Gwen's relationship with her lover waned and she began an affair with Catherine (Davis, 2001).

Catherine and Gwen, in their mid-twenties, suffocated five elderly victims between January and April of 1987, receiving sexual gratification through reliving the murders. Their relationship deteriorated and Gwen moved away with a new lover. Catherine then confessed to her ex-husband, who, when he called the police, was not initially believed. However, when brought in for questioning, Catherine confessed immediately, blaming Gwen for the actual killing. By testifying against Gwen, Catherine was eligible for parole in 2005, while Gwen received a life sentence (Davis, 2001).

IMPLICATIONS FOR THEORY AND APPLICATION

As stated previously, a variety of theories have been offered for why women engage in sexual predator serial murder. Each of the theories has implications for the question of active versus passive participation in serial killing teams. A strong case made for active or passive

participation has multiple implications, primarily within the legal system. While this question was being debated, Aileen Wuornos arrived, clearly acting alone, and potentially changed everything. Thus, her classification as a sexual predator serial killer, given its potential for upheaval in the debate, deserves closer scrutiny.

Classification Accuracy

There are a number of factors to consider when investigating the accuracy of Aileen Wuornos' classification as a sexual predator serial killer. Numerous facts support her classification. First, she was, without question, considerably more violent when committing murder than the majority of female serial killers. The degree of violence exhibited was akin to the violence perpetrated by male serial killers, or female serial killers acting in teams rather than acting alone. Second, she worked as a prostitute and offered sex as a lure in many of the instances. The seeming integral involvement of sex in the murders is typical of sexual predator killers. Third, many of Aileen's victims were found in the nude; this is also relatively common with victims of sexual predator killers.

There are, however, several factors that strongly reject the sexual predator classification for Aileen. First, there was a strong profit motive for the crimes. Aileen was desperate for cash and stole the money and personal belongings of all of her victims. Second, there was no evidence of sexual activity found on any of the victims' bodies, not all of whom were found in the nude or initially lured by the promise of sex. Third, and most importantly, while the murders were violent, there was no evidence she received any sexual gratification from the killings, a cornerstone of the sexual predator label, but rather there appeared to have been a flavor of revenge. Aileen was abused by men her entire life and by shooting them, she was able to exact revenge for that abuse.

Despite the case that can be made in support of Aileen's classification, in the end, a stronger case can be made that the murders were motivated by profit, revenge, or both. As a result, one can only conclude that there are still no known female sexual predator serial killers acting alone in the United States. Women in the United States seem to not commit sexual predator serial murder alone. Given that fact, making a determination as to the active or passive participation of women in sexual predator teams becomes even more important, as there seems to be some critical component related to working in a team.

Implications for Explanatory Theories

Earlier, multiple theories were defined and explained, with the intention of considering their implications, if applicable, on the debate of active versus passive participation of women in serial killer teams, specifically sexual predator serial killer teams. The theories and influences offered to explain women's participation in these teams included shared psychotic disorder, Stockholm syndrome, posttraumatic stress disorder, battered woman syndrome, and gender role socialization.

Shared psychotic disorder, as noted earlier, occurs when one individual "shares" an established delusion with another individual (APA, 2000). The individual with the genuine psychosis is the primary, whereas the secondary is the individual who develops similar

symptoms (Wehmeier et al., 2003). As such, considering the implications of this disorder on the active versus passive participation debate can result in a compelling and clear conclusion.

Taking the prototypical serial killer team of a man and a woman, determining the active or passive participation of the female member of the team according to the shared psychotic disorder explanation for her participation depends on whether she would be considered the primary or the secondary case. If she is the secondary case, as is usually assumed, under the sway of a delusional, usually persecutory or grandiose, male partner, then she most likely is passively following her partner. If she is the primary case, having induced delusions in another, she is almost definitely actively participating, as her delusions are the driving force behind the team.

Stockholm syndrome, posttraumatic stress disorder (PTSD), pseudo-identity, and battered woman syndrome center around psychological changes that result from the experience of a traumatic event or series of traumatic events. Stockholm syndrome is described in cases where hostages appear to develop reciprocated positive feelings for their captors (Kuleshnyk, 1984). PTSD results in a spectrum of negative feelings and avoidance behavior (APA, 2000). The creation of a pseudo-identity, a new, completely supportive personality, may develop in women experiencing prolonged stress (West & Martin, 1996). Battered woman syndrome refers to a constellation of symptoms related to women in abusive relationships with a significant other (Walker, 1991).

As the two active responses to extreme stress, Stockholm syndrome and creation of a pseudo-identity have similar implications for the passive versus active participation debate. Provided as explanations for a woman's participation in a serial killer team, these explanations would tend, at least superficially, to support the notion of active participation. These are women who have come to believe in and support the men who abused them. However, given that these personality changes have occurred in an attempt to cope with an exceedingly difficult situation, one could argue that without the abuse that created the support, the women would not participate in murder.

As the two relatively passive responses to stress, PTSD and battered woman syndrome have fairly clear implications for the passive versus active participation debate. Women who have experienced severe abuse or other forms of trauma to the point of developing these symptoms have been beaten down. They will do anything to survive and avoid further trauma. If that survival necessitates participation in serial murder, then they will do it. These women will passively follow the individual who instigated the scenario, and, particularly in the case of a battered woman, will often assume responsibility for the batterer's actions.

Gender role socialization was the final theory offered as an explanation for the participation of women in serial killer teams. As stated previously, this is the process by which women and men are socialized to cultivate specific personality traits, with the former dependent and submissive, with the latter aggressive and dominant (Wester et al., 2002). Gender role socialization contributes to contradictory conclusions in the active versus passive participation debate.

On the surface, gender role socialization appears to support the notion that women passively participate in serial killer teams. Women in United States society are socialized to define themselves by their relationships with others and to follow the more dominant man. Therefore, this theory supports passive participation in a male-female team, with the female member following the male simply because he is male. Does this theory provide illumination

of all-female serial killer teams? Consideration of the power differential in the relationship should assist in determining which woman is active or passive.

The problem with this conclusion is that it may be too convenient, particularly for female-male teams. The “man made me do it” approach is a convenient place to hide for a woman with murderous tendencies. Society finds it unfathomable that a woman could willingly commit such crimes; therefore many are quick to claim she was coerced and others are eager to accept the claim. Even if it is not as accepted by society, one can conceive, however, that some of these women may well be active participants. It is quite possible that by working in teams, it is more acceptable for women to release unacceptable feelings with a man sanctioning them, further providing free rein to indulge desires as a single male serial killer would be more likely to do.

Utility of Explanatory Theories

As the above considerations of the available theories make abundantly clear, none offer an easy answer to the question of active or passive participation by females in sexual predator serial killer teams. An additional method for evaluating the utility of such explanations is to concretely apply them to examples of known sexual predator serial killer teams.

The above explanatory theories can be applied to an example of a heterosexual sexual predator serial killer team, Charlene and Gerald Gallego. In considering shared psychotic disorder, this theory does not appear to apply to this case. There is no evidence that either team member suffered from diagnosable delusions; therefore, neither one would be able to share the delusions with the other.

Considering Stockholm syndrome, PTSD, pseudo-identity, and/or battered woman syndrome appears more promising. Charlene did not have a recorded history of abuse in her family of origin. However, upon her involvement with Gerald, he became quite controlling of Charlene, eventually escalating to frequently beating her. And, although she moved away from him at least once, he was able to convince her to return, which frequently occurs with batterers. Given her involvement in the crimes (i.e., evidence demonstrated that she was physically involved in at least one sexual assault), Stockholm syndrome adds a necessary explanatory component. This suggests that, perhaps, Charlene began as a passive participant, going along with Gerald’s wishes in order to insure her survival. It is possible she progressed from wanting to please him to actively participating.

Applying the ideas of gender role socialization to Charlene’s history and participation in the murders with Gerald is further illuminating. Charlene was socialized early that a young girl’s place was to please the men in her life. Once involved with Gerald, no matter what occurred, Charlene would do what he asked. She said as much when she was arrested (Davis, 2001). However, forensic evidence suggested that Gerald and Charlene kidnapped two girls at a time so that each would have their own sex slave (MacLeod, 2003). In their history together, Gerald had disapproved when Charlene became involved with other women. The fact that she had her own victims suggests that the power in the relationship may have somewhat equalized as the murders progressed. Once that occurred, despite the traumatic abuse and gender role socialization that may have led a young woman to actively commit murder, she became responsible for those actions.

The above explanatory theories can similarly be applied to an example of a homosexual sexual predator serial killer team, Gwendolyn Graham and Catherine May Wood. Obviously, at least one of the women was an active participant in the murders, but it is an open question which of the women was the most active, or whether they were equally so. As with the heterosexual team, application of shared psychotic disorder does not appear to apply. There is no evidence to suggest that either woman had a diagnosable delusional disorder and, therefore, could not share any delusions with the other.

As in the above case, Stockholm syndrome, PTSD, pseudo-identity, and/or battered woman syndrome appear more promising. Both Gwendolyn and Catherine suffered severe abuse at the hands of their parents and had left their respective familial homes while still in their teens. Both moved from lover to lover before becoming involved with each other. While undoubtedly still reacting to their tumultuous upbringings, there is no record that either woman was violent with the other. However, power differentials exist in homosexual relationships as in heterosexual relationships, such that one of the women may assume power and regularly determine the couple's actions (Hart, 1986). Power in any relationship does not require physical abuse as necessary for psychological control. Determining which woman possessed that power would answer the question of who was more active.

Tied to the nature of the power differential in the relationship is the influence of gender role socialization. Given that both participants were female, clearly neither can claim that they did it because of the dominant nature of a male. But, as stated above, in any relationship there can be an overall power differential. Catherine is the one with a record of physically violent behavior and she was the one who was quick to confess, blaming the actual murders on Gwendolyn. As such, she would be acting in a more stereotypically male fashion. One could then hypothesize that Gwendolyn was the more passive participant, despite what Catherine claimed. However, there is no real way to determine which woman had the power in the relationship; a sense of entitlement to control her partner does not necessarily coincide with, for example, the physically larger woman or the woman with the more traumatic history (Hart, 1986). Thus, there is no way to conclusively state one woman was more or less active than the other.

In conclusion, although the offered explanatory theories sound promising theoretically, the actual application of them to individual cases proves problematic. Many of the cases come down to, in essence, finger pointing. There is no conclusive way to determine the level of involvement of the team members. Gender role socialization and Stockholm syndrome/PTSD /battered woman syndrome appear more useful than shared psychotic disorder. However, gender role socialization appears to be the most inclusive, as it explains the participation of women in teams, as well as provides insight into societal responses to female serial killers.

IMPLICATIONS FOR INTERVENTION AND RESEARCH

As stated above, there are clear implications within the legal system (as it reflects societal beliefs) of determining active versus passive participation in serial killer teams. These implications begin with the invisibility and relative rarity of violent female offenders and continue to judges deciding sentences for women participating in teams.

There is a cloak of invisibility around violent women in general and female serial killers specifically. Societal responses to male and female serial killers are influenced by both gender expectations and the low base rate of female serial killers within the population (Chesney-Lind & Pasko, 2004; Pearson, 1997). It is not surprising, then, that females are less likely to be considered serial killer suspects. Unless the female serial killer fits the profile of a typical male serial killer, she likely will not be labeled a serial killer by law enforcement. That may be at least a partial explanation for why the FBI erroneously labeled Aileen Wuornos as America's first female serial killer (Hickey, 2002).

Related to the statistical rarity and relative invisibility of female offenders, society is likely to view them as less dangerous than male offenders, even once they are identified. In 2000, men committed 90.2 percent of all murders while women committed just 9.8 percent (BOJ, 2002). Between the years 1976-2000, however, the percentage of children under the age of five murdered by a woman was 37 percent (BOJ, 2002). When parents killed children, mothers and stepmothers accounted for nearly half of the murders between 1976-1997 (Greenfeld & Snell, 1999). This incredible difference between the overall homicide rates based on gender and the percentage of children killed by women can be explained by power differentials (both physical and social power), as well as availability of victims. Based on both power differentials and availability, men kill individuals of all ages more often than women, whereas women kill children at rates almost equal to men because women are both predominant caretakers of children and are obviously more powerful than the children in their care. Men commit the majority of all homicides, and thus women as homicide perpetrators can be overlooked, even in these more specific instances.

Committing murder as a member of a team becomes possibly the most common way for a woman to commit public and brutal violence (Pearson, 1997). If she should be caught, the explanation given for her behavior is that it was involuntary, due to a mental illness, or somehow the result of her partnering with a man (Pearson, 1997). As society does not want to view women in the light of instrumental violence, such an explanation may be quickly accepted.

Just as society views and reacts differently to violent women, so do the courts. In 1996, given equivalent offenses, both the average sentence and time served for women were shorter than for men (Greenfeld & Snell, 1999). Women charged with a violent felony (i.e., murder) gained either a dismissal of the charges or an acquittal 52 percent of the time, but only 38 percent of men received the same (Greenfeld & Snell, 1999). This differential treatment by the criminal justice system can be further seen through examination of the disposition of female serial killers. Only 18 percent of female serial killers have been placed on death row and only one of them has been executed (Hickey, 2002). On the other hand, Chesney-Lind and Pasko (2004) documented a recent return to a disproportionate and inflammatory focus on women's violent crime that is not reflective of the actual incident rates in the population.

There are alternative explanations for these seeming inequalities in sentencing. In the majority of cases, the length of the sentence is determined, not by gender, but by criminal history and seriousness of the crime (Daly, 1994). It may be that, since women tend to have shorter criminal histories than men overall, they receive lighter sentences. On the other hand, it may be that women have shorter criminal histories because they receive a lighter sentence for similar crimes. Whether women have shorter criminal histories due to prior preferential treatment, failure to detect previous criminal behavior, or because women commit fewer violent crimes remains an open question.

The relative statistical rarity of violent female offenders has implications for individual women mounting a judicial defense of such violent actions. Often, the primary assumption is that a female, even a serial killer, could not have wanted to deliberately cause harm (Pearson, 1997). Therefore, if her defense states she was abused, coerced, or insane, the jury is likely to believe it in order to protect that primary assumption. The desire to avoid seeing women as willfully aggressive results in a belief that while previous abuse is simply an excuse for male violence, similar abuse of a female allows forgiveness of perpetrated violence (Pearson, 1997). Many incarcerated females, however, regardless of the type of crime, fit the above abusive history and poverty-ridden profile (Chesney-Lind & Pasko, 2004), such that this defense approach is often rooted in reality.

It should not be surprising, then, that by 1995 the FBI's Behavioral Science Unit, responsible for profiling male serial killers, had only one category for female offenders: compliant victim. The agents concluded that women only took part in murder due to compliance, fear, or stupidity (Pearson, 1997). After actively participating in serial killing, a woman could revert to the submissive, socially expected female role and possibly be forgiven her crimes (Hickey, 2002). Thus, even though an extreme statistical rarity, it is possible that a woman could either willingly participate as a serial killer within a team without extreme coercion/duress or act mostly on her own. The ability to detect such an instance with an acceptable degree of certainty, however, is still outside the reach of the field.

Prevention

An area of vital interest to the safety of society is prevention. This requires studying incarcerated serial killers to both identify means of preventing individuals from becoming serial killers and to discern ways to prevent individuals from becoming victims (Hickey, 2002). One major way to prevent the creation of a serial killer is to attempt to recognize the beginning phases of that creation. The development of serial killers has primarily been studied with men. These studies found that animal cruelty, fire setting, and enuresis in childhood constitute the "behavioral triad" typically associated with male violence in adulthood (e.g., Hickey, 2002; Keppel & Birnes, 1997). It is important to note the controversial nature of the behavioral triad including its poor sensitivity and specificity; however, given the paucity of developmental alternatives for either male or female serial killers, a female child exhibiting these behaviors should still elicit concern and intervention.

Researchers possess differing opinions regarding all aspects of serial killers, including what should or should not be done in the areas of prevention and treatment. One suggestion that can be widely agreed upon is that, given the current knowledge in the field, the single most effective action that can be taken to reduce violence in society overall is to reduce both child and spousal abuse in the home (Davis, 2001; Hickey, 2002).

Treatment

The general perception that the criminal justice system is no longer intended for rehabilitation, but to simply warehouse criminals and punish them for their behavior, seems even more relevant when considering the treatment of serial killers. Many believe that the

treatment of murderers, whether serial in nature or not, has a poor prognosis (Hickey, 2002). Others succinctly state that serial killers cannot be rehabilitated (Keppel & Birnes, 1997). Researchers base this stance on the idea that the psychological damage to a serial killer is so extensive as to preclude healing and that treatment is likely only to accomplish one of two things: (a) at best, treatment enables a serial killer to socialize within the open population in prison, and (b) at worst, treatment enables a killer to appear psychologically healthy to others for the purposes of manipulation (Hickey, 2002).

Given the overwhelming belief in the futility of treatment for serial killers, one must provide a convincing argument for its necessity. Aside from the morality of providing treatment to all people in need of it, one reason to continue to offer and seek improvements to available treatment for serial killers is that, particularly for women, they do not necessarily remain incarcerated. For those who do, providing treatment serves another purpose. Offering treatment and studying the results can provide insight into how a serial killer's mind works and how they developed into killers (Hickey, 2002). Gaining this knowledge may suggest possible arenas for both prevention and intervention to stop the creation of additional serial killers (Hickey, 2002). And, finally, any treatment found to be successful with female serial killers would likely be generalizable to other violent females who will be even more likely to be released.

Little time and effort has gone into the development of treatment programs for serial killers. However, there are places from which to begin. The first is to consider the explanatory theories presented earlier. If a woman's behavior is explained by one of the offered theories, then treatment of, for example, PTSD, would benefit the serial killer who has such a diagnosis. Furthermore, some researchers suggest that serial killers murder out of a need to control, with the lack of control creating a severe anger that increases over time and dissipates temporarily when the individual commits a violent act (Keppel & Birnes, 1997). Treatment intended to understand, contain, and develop a sense of control over this extreme anger would be beneficial.

Some research has demonstrated that female serial killers generally do not appear to have experienced any more childhood trauma than other criminals or non-criminals (Hickey, 2002). Instead, the inability to cope with their own sense of victimization as children and/or adults seems to be a factor (Hickey, 2002). Thus, for women at least, teaching coping skills would appear to be a productive avenue to pursue. In any event, treatment of serial killers, while certainly publicly unpopular and strewn with doubts for success, remains necessary for all of the reasons detailed above.

Research

Multiple sources have stated that the number of serial killers in the United States has been increasing (e.g., Hickey, 2002). This increase in numbers has been seen with solo offenders, including women, and team offenders. It remains an open research question whether this increase signifies an actual increase in the number of serial killers or simply reflects improved law enforcement techniques, such as better forensics, in capturing the existing killers. Related to this line of research, although there has been an increase in the number of female serial killers caught, women continue to represent an extremely small minority of the known serial killer cases and thus have not received the same level of

attention as males. Archival research has demonstrated that female offenders are increasingly targeting strangers rather than family members, with no theories or research offered to explain this change (Hickey, 2002), although other database analyses contradict this finding (Chesney-Lind & Pasko, 2004).

By utilizing available data, many typologies have been developed for classifying male and female serial killers. Given the limited research on serial murder, particularly committed by women, none of these typologies are infallible. In order to evaluate current typologies and create new ones, as well as challenge the gender stereotypes related to serial killers and their victims, research should explore improving methodological issues in collecting and analyzing serial killer information (Hickey, 2002).

Despite a history of mixed reviews, profiling has become an increasingly used tool in criminal investigations, particularly when investigating serial murder (Hickey, 2002). Further research with offender profiling, victim profiling, crime scene profiling, and psychological profiling is recommended, especially when profiling results in typologies for classifying serial killers. Given the considerable use of profiling around the country, additional empirical support is needed if law enforcement agencies are to avoid needless deaths from applying an incorrect profile to the exclusion of other information.

Since prevention of the creation of serial killers is the key to stopping murders in the present and the future, more research should be devoted to this area. Specifically, utilizing a team of experts, including law enforcement, social services, and psychiatric personnel, to develop and implement prevention strategies would be well worth the time and money (Hickey, 2002).

CONCLUSION

This analysis evaluated gender differences in serial killers, specifically focusing on female sexual predator serial killers operating as members of teams. Introductory information about serial murder laid the groundwork for dissecting the differences between male and female serial killers, including gender-based statistics and offender characteristics.

Utilizing descriptive histories of sexual predators to consider the applicability of explanatory theories and to weigh in on the debate of active versus passive team participation by female members resulted in no definitive answers. The main conclusion drawn was that gender role socialization appears to be the most inclusive theory, explaining the participation of women in teams, as well as providing insight into low base rates and the resultant societal responses to female serial killers. Implications for prevention, treatment, and research were discussed, based on the theoretical considerations.

In concluding this analysis, two unfortunate consequences become abundantly clear. Despite female offenders' capacity to act as violently as men, women offenders may proclaim their innocence by declaring themselves to be victims, allowing for forgiveness by the courts and society, with the result that women are seen as relatively blameless, whether or not that is indeed the case (Pearson, 1997). The ability to design empirically validated tools to determine the active versus passive participation of women in serial killer teams is obviously hindered by extremely low base rates in the general population. The relative rarity of an event does not mean it does not happen, however. As autonomous and responsible beings, women may

willfully commit extreme violence. Low base rates should not impede society's attempts to understand and prevent the occurrence, albeit rare, of violence by female serial killers and by violent women generally (Pearson, 1997).

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Chapter 6

VICTIMISATION AND FEAR OF CRIME

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ABSTRACT

The spread of different kinds of criminal victimisation (assault, vandalism, burglary in one's own home, car theft, pick-pocketing and bag-snatching, robbery, and fraud), and that of concrete and of abstract fear of crime in Italy were studied. The links between criminal victimisation and fear of crime were also analysed. A secondary analysis of the data collected in January 2006 by the Observatory of the North-West (representative sample of the Italian population, N = 4,981) was performed. The main results were as follows. First, the most widespread form of victimisation was vandalism, followed by fraud, and by burglary in one's own home. Second, as had been found in previous research performed in Italy, abstract fear of crime turned out to be much more widespread than concrete fear of crime. However, while concrete fear showed a constant downward trend in the period from 2002 to 2006, abstract fear showed a downward trend from 2002 to 2004 which then reversed in the next two-year period, reaching its peak in 2006. Third, the victimisation-fear paradox (according to which the social categories showing the highest levels of fear of crime are the less victimised ones) did not fully hold. Fourth, some kinds of victimisation (car theft, assault, fraud, burglary in one's own home, and vandalism) fostered concrete fear, even if its main predictor was the size of the respondents' area of residence. By contrast, abstract fear was not influenced by any kind of victimisation, since its main predictors were political placement, minutes of daily exposure to television, income, education, and interest in politics. The limits and possible developments of the research are discussed.

Keywords: Fear of crime, Social concerns, Feeling of unsafety, Victimisation, Mass media

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INTRODUCTION

It is far from surprising that victimisation may be a very negative experience for victimised people, for many different reasons. From the physical standpoint, it may produce physical damage (Gidycz & Koss, 1991): This is especially the case of violent victimisation, such as robbery, assaults, and rape. From the economic standpoint, it may entail the loss of important economic resources: That is obviously the case with violent victimisation, especially if its consequences include the impossibility of going on working and earning one's wage, at least for a while (Van Dorn, 2004). However, even some forms of non-violent victimisation such as theft, vandalism, pick-pocketing, and bag-snatching may exert negative economic consequences on victimised people, since they may take important economic resources away from them. Finally, victimisation may exert severe psychological consequences: some of these are psychological distress (Norris & Kaniasty, 1994), post traumatic stress disorder (Resnik, 1987), lowered levels of well-being (Denkers & Winkel, 1998), and lowered perceptions of health (Koss, Woodruff, & Koss, 1990).

The main reason why victimisation is psychologically so negative is that it involves a perpetrator's deliberate intention to cause harm (Craig-Henderson & Sloan, 2003). The severity of the psychological consequences of victimisation depends on the kind of victimisation suffered. However, results are at least in part contradictory, mainly because the variables used to assess victimisation tend to vary from research to research. For instance, Denkers e Winkel (1998) found limited consequences deriving from burglary, while Miceli, Roccato, and Rosato (2004) reported that burglary in one's own home has a very strong psychological impact, probably because it suggests that the only place people may have thought of as being a safe haven from crime is not immune from attack (McConnell, 1989). However, researchers do agree that the psychological consequences of victimisation vary as a function of some individual variables: of these, the most important is personal (mainly physical, psychological, and economic) vulnerability (Norris, Kaniasty, & Thompson, 1997).

Another body of research partially overlaps with that analysing victimisation: It is dedicated to the feeling of unsafety. Since Furstenberg's (1971) paper, such feelings have been operationalised mainly in terms of fear of crime. Two variables were often analysed. The first one is *concrete fear*, i.e. a sensation of agitation or anxiety for one's own safety or for that of one's personal property. This is a fear which is not experienced only in the actual moment of danger, but also as a reaction to a danger which is only potential. The second variable is *abstract fear*, a feeling linked to a state of agitation concerning the spread of criminal acts in one's own country more than to personal fear of becoming the victim of a crime. Accordingly, abstract fear concerns the safety and well-being of the community or that of society in its entirety, while concrete fear concerns the safety and well-being of the individual. The distinction between concrete fear and abstract fear will be used in this chapter.

Concrete fear and abstract fear have been operationalised in many different forms (e.g. Lane & Meeker, 2003; Perkins & Taylor, 1996; Roché, 1993; Rountree & Land, 1996; Warr, 1995; Warr & Stafford, 1983). In any case, the measurement of concrete fear has always made reference to the life space of the people interviewed (home, block, neighbourhood, quarter, city) and not to the country in its entirety. On the other hand, abstract fear has been operationalised by asking participants how serious the problem of criminality is in their country (Nardi, 2003), or if, in their opinion, criminality will increase in the years following

the survey (Roché, 1993), or which of a series of problems (among which is criminality) is the most important problem which should be handled by the government (Diamanti & Bordignon, 2001). The questions used have been constructed accordingly in abstract form or have referred to the country in which the people interviewed live, rather than to their actual life space.

It is far from surprising that concrete fear has been studied much more than abstract fear, given its strong links with one's daily life. What about the consequences of concrete fear? It is apparent that some fear of crime is positive, in that it is sensible for people to take precautions against victimisation (Hale, 1996). However, a strong link between concrete fear and quality of life has been detected: Too much fear can be negative, for several reasons. From the psychological standpoint, it may foster anxiety, tension, distrust, disempowerment, dissatisfaction with life, and even mental illness (Perkins & Taylor, 1996). From the behavioural standpoint, it may lead one to constrain one's behaviour and to invest a disproportionate amount of time and money into reducing one's vulnerability (Miethe, 1995), even keeping firearms for protection and engaging in risky gun behaviours (for instance, keeping a gun loaded and easily available in one's home) (Vacha & McLaughlin, 2004). Almost paradoxically, these constrained behaviours may be in a reciprocal relation with concrete fear: the former can foster the latter and vice versa, in a sort of vicious circle (Liska, Sanchirico, & Reed, 1988).

The spread of concrete fear may also have negative social consequences, to the extent that the World Health Organisation places concrete fear among the factors defining a community's quality of life (Oliver, Huxley, Bridges, & Mohamad, 1997). Indeed, the combination of several individual defensive reactions may help to undermine the quality of the whole community, mainly by: (a) increasing the division between the rich and the poor, and the division between people who can afford private security measures and people who can not (Hale, 1996); (b) increasing punitiveness and reducing the appeal of liberal penal policies (Langworthy & Whitehead, 1986); (c) transforming some public places into no-go areas (Wilson, 1975); (d) exerting a chilling effect on participation (Saegert & Winkel, 2004); (e) weakening social networks and thus social support (Perkins, Florin, Rich, Wandersman, & Chavis, 1990); and (f) fostering the conflicts among social groups (Pantazis, 2000).

Finally, almost paradoxically, fear of crime may help to *increase* crime levels, leading to people spending more time in their homes and thus reducing the level of surveillance in public places (Goodstein & Shotland, 1980). Hence, concrete fear may contribute to a decrease in cohesion and solidarity or, by contrast, may help developing communities whose solidity depends on their being closed and reactionary, and whose survival is based on exclusion and delegitimisation of the outgroups. An "ideology of safety" may even develop, which has the power to turn the legitimate demand for living in safe communities into an attempt to legitimise the most violent racist and xenophobic behaviours (Jeudy, 1986; Pitch, 2001).

Since the 1970s social psychologists and criminologists have tried to link the body of research about victimisation and that about the fear of crime. Their most interesting question was as follows: Does victimisation foster fear of crime? The first researchers who sought to answer this question were surprised by the results they obtained: The most fearful social categories—women and the elderly—were those which were victimised the least (Balkin, 1979; Hindelgang, 1974). Thus, a "victimisation-fear paradox" was postulated (LaGrange,

Ferraro, & Supancic, 1992; Skogan, 1993), and a number of analyses were performed to try to understand it. They can be classified into five main approaches.

1. Some researchers pointed out that the measurement of victimisation and that of fear were usually far from satisfactory, and that the expected relationship between victimisation and fear of crime could emerge if victimisation was measured analytically, by asking people to report whether they have experienced various kinds of victimisation and if fear of crime was conceived as a multidimensional concept. For instance, Rountree (1998; see also Rountree & Land, 1996; Lane & Meeker, 2003) proposed to assess a cognitive dimension (the perceived risk of crime) and an affective dimension (the affective response to crime) of the fear of crime. Moreover, Winkel (1998) drew a distinction between the subjective victimisation risk and the perceived negative impact associated with victimisation. Finally, as we have seen, some researchers, amongst whom Furstenberg (1971) and Roché (1993), have distinguished between concrete fear and abstract fear. In some of the research performed by analytically measuring victimisation and fear of crime, the paradox tended to disappear.
2. Other researchers pointed out that both in official statistics and in victimisation surveys the elderly and, above all, the women tend to under-report their actual victimisation, since most of it happens within their own home, or because of the high psychological cost of reporting it. A more accurate measurement of victimisation, based on an impersonal data collection process, and thus avoiding face-to-face interviews, made the paradox disappear in some cases (Bilsky & Wetzels, 1997).
3. Farrall, Bannister, Ditton, and Gilchrist (2000) pointed out that most of the research which detected the paradox was performed using bivariate analysis. Multivariate analyses, performed by controlling for the vulnerability of the respondents, pointed out that a strong relationship between fear and victimisation may exist (Amerio & Roccato, 2005; Miceli, Roccato, & Rosato, 2004).
4. Some authors (e.g. Box, Hale, & Andrews, 1988; Gomme, 1988) pointed out that, besides direct victimisation, research should measure indirect victimisation as well (i.e. the victimisation experienced by people belonging to one's personal network). Indeed, it has been shown that indirect victimisation may be more powerful in influencing fear than direct victimisation, since it doesn't trigger the search for urgent coping strategies (Hale, 1996).
5. Cates, Dian, and Schnepf (2003) and Winkel (1998) suggested that the link between victimisation and fear could become stronger if two cognitive mediators of the relationship between victimisation and fear were used. They are the subjective victimisation risk (which should be positively influenced by victimisation) and the perceived negative impact associated with victimisation (which should be negatively influenced by victimisation).

However, the results obtained following those approaches were often mixed. Thus, the problem of the "victimisation-fear paradox" has not been completely solved, even if in Italy research has shown that once the vulnerability variables are controlled for, both direct and indirect victimisation influence concrete fear (Amerio & Roccato, 2005; Miceli, Roccato, & Rosato, 2004). By the way, research has shown that victimisation continues to exert an

influence on concrete fear for years after the fact (Amerio & Roccato, 2007). However, no in-depth analysis of the effect exerted by different kinds of victimisation on the fear of crime has been performed as yet.

If the results concerning the effects exerted by victimisation on concrete fear are less conclusive than one would hope, the results concerning other predictors of concrete fear are pretty convincing. They can be classified into some different categories. The first two pertain to the ecological level. One is actual crime spread: The greater its spread, the higher the levels of concrete fear shown by residents, even if recent research showed that fear of crime is more widespread than crime itself (Moser, 1992). The other ecological predictor of concrete fear is represented by physical and social incivilities (Hermand, Siméone, & Delbarre, 1997; Lavrakas, 1982; Palmonari, 1999). Incivilities are “low-level breaches of community standards that signal an erosion of conventionally accepted norms and values” (LaGrange, Ferraro, and Supancic, 1992, p. 312). Among the most frequently studied physical incivilities are graffiti spraying, dirt, and damage to private and public property. Among social incivilities are small acts of vandalism, loitering by teenager groups, prostitution, verbal violence, and homeless people. Incivilities may heighten the fear of crime in that they reflect social degradation (Ackermann, Dulong, & Jeudy, 1983), and are perceived as signs of menace (Roché, 1993), because people associate negative neighbourhood conditions with criminal activity (Hunter, 1978). However, LaGrange, Ferraro, and Supancic (1992) showed that the relation between incivilities and fear of crime is almost entirely mediated by the perceived risk of crime. Moreover, Taylor’s (2001) longitudinal analyses showed that the relation between incivilities and fear of crime is much weaker than has been hypothesized.

Some individual variables are also important in predicting concrete fear. As anticipated, the most important variable is physical, psychological, and economic vulnerability. The less people feel able to flee or to defend themselves, the more they expect to succumb under such circumstances, and the higher their fear of crime (Kilias & Clerici, 2000). Thus, it is apparent that concrete fear of crime among socially disadvantaged people should not be taken into consideration on its own without including other insecurities which they may experience as a result of local, national, and international processes (Pantazis, 2000). In research, vulnerability is often assessed using the main socio-demographic variables as proxy indicators: Analyses have shown that concrete fear is fostered by: (a) being a woman (especially when fear of rape is not controlled for) (Ferraro, 1995); (b) being a young or an old person (Amerio & Roccato, 2005); (c) being a low-status individual, i.e. a non-white (Liska, Sanchirico, & Reed, 1988; Rohe & Burby, 1988), a poor person (Kanan & Pruitt, 2002; Pantazis, 2000), and a poorly educated one (Kennedy & Silverman, 1985); and (d) residence in an urban area, since it heightens the probability of being exposed to crime and/or to incivilities (Kuo, Bacaicoa, & Sullivan, 1998; Mela, 2003; Miceli, Roccato, & Rosato, 2004; Perkins, Wandersman, Rich, & Taylor, 1993).

In recent years, social psychologists have tried to use psychosocial variables to expand the traditional socio-demographic and victimisation models which predict concrete fear. The most interesting model has been developed by Van der Wurff, Van Staaldunin and Stringer (1989), who identified four psychosocial variables predicting fear of crime: (a) attractiveness (the perception of being an attractive target for criminal acts); (b) evil intent (the degree to which a person ascribes criminal intents to another individual or to a given group); (c) power (the sense of self-assurance and the feeling of control relative to potential crime threats); and (d) criminalisable space (the perception that a given situation can lead to personal

victimisation). More recently, Zani, Cicognani, and Albanesi (2001) showed that fear of crime is promoted by personal involvement in negative, even though not necessarily criminal, experiences in the area of residence, while Amerio and Roccato (2005) showed that distrust of others and ethnic prejudice foster concrete fear of crime, while the mass media do not exert any influence on it.

What about the predictors of abstract fear? Not much in-depth attention has been devoted to research on these predictors: The literature does little more than claim that abstract fear depends more on the individual's value system and world outlook than on his or her vulnerability (Amerio, Gattino, & Roccato, 2004; Nardi, 2003), and is particularly affected by exposure to the mass media (Heath & Petraitis, 1987; Tyler, 1980, 1984; Tyler & Cook, 1984)). Amerio and Roccato (2005) showed that in Italy the main predictors of abstract fear are the frequency of watching the news, independent of its content, distrust of others, ethnic prejudice and political disempowerment, while the socio-demographic variables, and both the direct and indirect victimisation variables do not influence it. However, their model did not analytically study the impact of different kinds of victimisation on abstract fear. Thus, the chapter on the relationship between victimisation and abstract fear cannot be concluded yet.

GOALS

This study had five main goals.

1. To study the spread of different kinds of criminal victimisation (assault, vandalism, burglary in one's own home, car theft, pick-pocketing and bag-snatching, robbery, and fraud) in Italy. To the best of my knowledge, this was the first time that such a detailed analysis had been performed in Italy using survey data.
2. To analyse the spread of concrete fear of crime and of abstract fear of crime in Italy, and to compare such spreads with those assessed in previous research by Amerio and Roccato (2005, 2007).
3. To study whether the victimisation-fear paradox holds when victimisation is analytically assessed and when concrete and abstract fear are assessed separately.
4. To measure the impact exerted by different kinds of victimisation on concrete fear of crime when the effects exerted by the main socio-demographic, psycho-social, and mass media variables are controlled for.
5. To measure the impact exerted by different kinds of victimisation on abstract fear of crime when the main socio-demographic, psycho-social, and mass media variables are partialled out.

METHOD

Data Set

A secondary analysis was performed on the data collected by the Observatory of the North-West¹ in January-February 2006. The sample ($N = 4,981$) was representative of the Italian population over 18 according to the main socio-demographic (gender, age, education, geopolitical area of residence, size of area of residence) and political (vote cast at the 2004 European election) variables. The sample was interviewed by mail. Five sets of variables were used.

1. Fear of crime. The following two items were used: (a) "Think of micro-criminality. How would you define the situation regarding this problem in your area of residence?"; and (b) "Think of micro-criminality. How would you define the situation regarding this problem in Italy?". Since the first item refers to criminality in one's own life space, whereas the second refers to criminality throughout Italy, like Amerio and Roccato (2005, 2007) I considered these items as operationalisations of concrete fear of crime and of abstract fear of crime respectively.
2. Socio-demographic variables. I used gender (0 = woman, 1 = man), age, years of education, number of family members, number of children in the family, income, geopolitical area of residence (four dummies: North-Western Italy, North-Eastern Italy, Central Italy, Southern Italy; residence on the Italian Islands was used as reference category), and size of area of residence (dummy variable: 0 for people living in towns with less than 100,000 inhabitants, and 1 for people living in larger towns).
3. Victimization variables. Seven variables were used, respectively assessing seven kinds of victimisation over the 12 months preceding the survey: (a) assault, (b) vandalism, (c) burglary in one's own home, (d) car theft, (e) pick-pocketing and bag-snatching, (f) robbery, and (g) fraud. For each of these variables, participants were asked to report if they had been directly victimised, indirectly victimised, or had not been victimised at all. I considered people who had not been directly victimised, but who had a family member, a relative, a friend, or an acquaintance who had been a victim during the 12 months preceding the survey, as having been indirectly victimised.
4. Psychosocial and political variables. Interest in politics (0 = no or weak interest, 1 = medium or strong interest), political placement on the left-right axis (1 = extreme left, 10 = extreme right), and values, assessed by Inglehart's (1990) items were used. The latter were assessed by two dichotomies, respectively expressing adhesion to materialistic values and to post-materialistic values. In the regressions adhesion to mixed values was used as reference category.

¹ The Observatory of the North-West (www.nordovest.org) is a research institute of the University of Torino, Italy. Three times a year, the Observatory analyzes Italian public opinion on various issues concerning culture, politics, the economy, and society via a mail survey on a representative sample of the Italian population.

5. Mass media variables. I used the frequency of reading a newspaper (0 = seldom or never, 1 = often or always) and an estimate of the minutes of daily exposure to television, computed using the model which has been used over the last decade by Ricolfi—first alone (Ricolfi, 1994, 1997), and then as part of a team (Albano, Gattino, Loera, Ricolfi, Roccato, Testa, & Torrioni, 1999; Albano, Loera, Ricolfi, Roccato, Testa, Torrioni, 2000; Gattino, Loera, Ricolfi, Roccato, Testa, & Torrioni, 1998; Testa, Loera, & Ricolfi, 2002)— to estimate the influence exerted by television on the voting behaviour of the Italians (for details, see Ricolfi, 1994).

Data Analyses

Data analyses were performed in four steps.

1. Analysis of the spread of victimisation in Italy between January and December 2005. In this and in the subsequent analyses, 16 different victimisation indexes or variables were used, belonging to four victimisation families: (a) one synthetic “direct or indirect victimisation” index, computed by summing the seven analytic victimisation variables available in the data set after recoding them into seven dummy variables, respectively assessing seven kinds of direct (if it happened to the respondent) or indirect (if it did not happen to the respondent, but happened to one of the components of his/her social network) kinds of victimisation; (b) one synthetic “only direct victimisation” index, computed by summing the seven analytic victimisation variables after recoding them into seven dummy variables, respectively assessing the seven kinds of direct victimisation available in the data set; (c) seven analytic “direct or indirect victimisation” variables: seven dummy variables were used, respectively assessing the seven kinds of direct or indirect victimisation available in the data set; and (d) seven analytic “only direct victimisation” variables: seven victimisation variables were used, respectively assessing the seven kinds of direct victimisation available in the data set.
2. Analysis of the spread of concrete fear of crime and of abstract fear of crime in the Italian population and comparison of such spread with those found in recent years by Amerio and Roccato (2005, 2007).
3. Analysis of the fear-victimisation paradox in Italy, using a number of linear and logistic regressions and four multivariate regressions. First, I performed: (a) two multiple regressions, aimed respectively at predicting my two synthetic victimisation indexes, using gender (1 = man, 0 = woman) and age (recoded into one dummy variable: being/not being more than 64 years old) as independent variables; (b) seven logistic regressions, aimed at predicting the probability of having been directly or indirectly victimised shown by my respondents (dependent variables: my seven “direct or indirect victimisation” variables) as a function of gender and age; and (c) seven logistic regressions, aimed at predicting the probability of having been directly victimised shown by my respondents (dependent variables: my seven “only direct victimisation” variables) as a function of gender and age. Second, I performed two logistic regressions, using gender and age to predict concrete and abstract fear of crime. Third, I performed four multivariate regressions, based on the most promising

models which had emerged in the previous analyses, using gender and age to predict fear of crime on the one hand and victimisation on the other.

4. Prediction of concrete fear, using four logistic regressions: I used a different family of victimisation variables in each of them, besides the socio-demographic, psychosocial and political and mass media variables.
5. Prediction of abstract fear, using the same independent variables used in Step 4.

RESULTS

Spread of Victimisation

On the whole, in the 12 months preceding the interview, each Italian experienced .23 different kinds of direct victimisation, and 1.74 different kinds of direct or indirect victimisation. Table 1 shows that the most widespread kind of direct victimisation was vandalism, and that the most widespread kinds of direct or indirect victimisation were burglaries in one's own home and vandalism.

Table 1. Frequency of Victimisation

	Direct or indirect	Only direct
Assault	683 (13.7%)	30 (.6%)
Vandalism	1869 (37.5%)	563 (11.3%)
Burglary in one's own home	1972 (39.6%)	144 (2.9%)
Car theft	1125 (22.6%)	91 (1.8%)
Pick-pocketing and bag-snatching	1153 (23.2%)	120 (2.4%)
Robbery	649 (13.0%)	44 (0.9%)
Fraud	1103 (22.1%)	154 (3.1%)
(N = 4981)		

Spread of Concrete Fear of Crime and of Abstract Fear of Crime

Tables 2 and 3 show that in 2006, as in previous years, abstract fear was much more widespread than concrete fear in Italy. Whereas concrete fear became much less widespread in the 2002-2006 period, abstract fear, after a reduction in spread in the 2002-2004 period, reached its highest spread in 2006 since we started to measure it empirically. In 2006 the correlation between the two variables was $\rho = .33$, $p < .001$. Such a correlation was not dramatically different from those found by Amerio and Roccato (2005) in 2002, $\rho = .23$, $p < .001$, and by Amerio and Roccato (2007) in 2004, $\rho = .30$, $p < .001$.

Table 2. Spread of Concrete Fear of Crime in Italy

	Sept-Oct. 2002	Jan-Feb. 2004	Jan-Feb. 2006
Not at all afraid	10.2%	8.5%	6,0%
A little afraid	46.5%	42.5%	58,9%
Quite afraid	29.8%	37.0%	25,4%
Very afraid	13.4%	12.0%	9,7%
(N)	3,262	4,992	4,981

Note: The 2002 data were taken from Amerio and Roccato (2004). The 2004 data were taken from Amerio and Roccato (2007).

Table 3. Spread of Abstract Fear of Crime in Italy

	Sept-Oct. 2002	Jan-Feb. 2004	Jan-Feb. 2006
Not at all afraid	0.4%	0.6%	0,1%
A little afraid	3.2%	5.6%	2,5%
Quite afraid	51.6%	51.0%	61,9%
Very afraid	44.9%	42.8%	35,5%
(N)	3,262	4,992	4,981

Note: The 2002 data were taken from Amerio and Roccato (2004). The 2004 data were taken from Amerio and Roccato (2007).

Test of the Fear-Victimisation Paradox

In order to test the fear-victimisation paradox I tried to answer two questions: (a) “Do being a woman and being an older person negatively influence the probability of being victimised?”, and (b) “Do being a woman and being an older person positively influence the probability of being afraid of crime, when the other vulnerability variables are not partialled out? Methodologically speaking, I took three steps.

1. I analyzed the relationship between gender and age on the one hand and victimisation on the other. I used 16 different victimisation indexes or variables, belonging to four victimisation families: (a) one synthetic “direct or indirect victimisation” index: I computed this index by recoding my analytic victimisation variables into seven dummy variables, respectively assessing the seven kinds of direct (if it happened to the respondent) or indirect (if it did not happen to the respondent, but happened to one of the components of his/her social network) victimisation available in the data set; (b) one synthetic “only direct victimisation” index: I computed this index by recoding my analytic victimisation variables into seven dummy variables, respectively assessing the seven kinds of direct victimisation available in the data set; (c) seven “analytic direct or indirect victimisation” variables: I used seven dummy variables, respectively assessing the seven kinds of direct or indirect victimisation available in the data set; and (d) seven analytic “only direct victimisation” variables: I used seven victimisation variables, respectively assessing the seven kinds of direct

- victimisation available in the data set. I used these 16 variables as dependent variables in two multiple regression models, respectively aimed at predicting my two synthetic victimisation indexes, and in 14 logistic regression models, respectively aimed at predicting my 14 analytic victimisation variables. I used gender (1 = man, 0 = woman) and age (recoded into one dummy variable: being/not being more than 64 years old) as independent variables.
2. I analyzed the relationship between gender and age on the one hand and concrete and abstract fear of crime on the other. I performed two logistic regressions, respectively aimed at predicting concrete fear of crime and abstract fear of crime using gender and age as independent variables.
 3. Based on such analyses, I performed four multivariate regressions, aimed at testing the fit of the four models linking gender and age to victimisation on the one hand and to fear of crime on the other, which previous analyses had shown to be the most promising.

The results of the regressions performed to analyse the relationship between gender, age, and victimisation are shown in Tables 4 to 7. Table 4 and Table 5 respectively show that—when trying to forecast the number of victimisation experiences—being an older person exerted the expected negative influence on both my synthetic victimisation indexes (Adj. $R^2 = .006$ for “direct or indirect victimisation” and $.008$ for “only direct victimisation”). However, gender did not exert any influence on the two dependent variables, even if the number of cases was very high. Table 6 shows that gender exerted the expected influence on one analytic “direct or indirect victimisation” variable only (fraud). However, the results were more reassuring for supporters of the paradox when I considered the relationship between age and my analytic “direct or indirect victimisation” variables: The expected relationships were detected for assault, vandalism, car theft, and robbery. Cox & Snell’s pseudo R^2 ranged from $.003$ (assault) and $.013$ (vandalism), while Nagelkerke’s pseudo R^2 ranged from $.004$ (assault) and $.018$ (vandalism). Similar results were obtained concerning the links between gender and age on the one hand and my analytic “only direct victimisation” variables on the other (see Table 7). Gender exerted the expected influence on car theft and fraud, and age negatively influenced the probability of four victimisation experiences: vandalism, pick-pocketing and bag-snatching, robbery, and fraud. Cox & Snell’s pseudo R^2 ranged from $.004$ (pick-pocketing and bag-snatching and robbery) and $.005$ (fraud), while Nagelkerke’s pseudo R^2 ranged from $.012$ (vandalism) and $.037$ (robbery).

Table 4. Links between Gender, Age, and Victimisation: Synthetic “Direct or Indirect” Victimisation Index

	B	S.E.(B)	Beta
Male	.023	.061	.006
> 64 years old	-.356***	.073	-.079

*** $p < .001$.

Table 5. Links between Gender, Age, and Victimization: Synthetic “Only direct victimisation” Index

	B	S.E.(B)	Beta
Male	.033	.008	.031
> 64 years old	-.110***	.021	-.086

*** p < .001.

Table 6. Links between Gender, Age, and Victimization: Analytic “Direct or Indirect” Victimization Variables

		B	S.E.(B)	Exp(B)
Assault	Male	-.037	.095	.964
	> 64 years old	-.404***	.125	.668
Vandalism	Male	.091	.068	1.096
	> 64 years old	-.580***	.087	.560
Burglary in one’s own home	Male	-.184***	.067	.832
	> 64 years old	-.128	.082	.879
Car theft	Male	.069	.078	1.071
	> 64 years old	-.291**	.019	.748
Pick-pocketing and bag-snatching	Male	-.081	.076	.922
	> 64 years old	-.167	.094	.847
Robbery	Male	.054	.094	1.056
	> 64 years old	-.479***	.127	.620
Fraud	Male	.283***	.079	1.330
	> 64 years old	-.177	.098	.838

** p < .01.

*** p < .001.

Note: The column Exp(B) expresses how much the odds (being/not being victimised) change as the independent variable changes by one unit.

Thus, the first part of the fear-victimisation paradox, concerning the relationship between gender and age on the one hand and victimisation on the other, held above all if analytic victimisation variables were used, and above all for the links between age and victimisation.

What about the second part of the paradox, i.e. the links between gender and age on the one hand and concrete and abstract fear of crime on the other? Tables 8 and 9 show the results of two logistic regressions, respectively aimed at predicting abstract and concrete fear of crime using my two dummies assessing gender and age. Table 8 shows that gender and age did not influence abstract fear of crime. Table 9 shows that age exerted the expected influence on concrete fear of crime, while gender did not ($R^2 = .008$). Thus the analysis of the second component of the victimisation-fear paradox was completely disappointing for supporters of the paradox according to the links between gender and age on the one hand and abstract fear of crime on the other. However, it was reassuring with regard to the links between age (but not gender) and concrete fear of crime.

Table 7. Links between Gender, Age, and Victimization: Analytic “Only Direct” Victimization Variables

		B	S.E.(B)	Exp(B)
Assault	Male	.525	.438	1.690
	> 64 years old	-1.288	1.027	.167
Vandalism	Male	.165	.104	1.179
	> 64 years old	-.615***	.147	.541
Burglary in one’s own home	Male	.192	.133	1.073
	> 64 years old	-.267	.250	.766
Car theft	Male	.602*	.262	1.826
	> 64 years old	.033	.304	1.034
Pick-pocketing and bag-snatching	Male	-.747***	.223	.474
	> 64 years old	-.517	.293	.596
Robbery	Male	.529	.325	1.698
	> 64 years old	-2.327*	.972	.098
Fraud	Male	.477*	.202	1.611
	> 64 years old	-.998**	.335	.369

* p < .05.

*** p < .01.

*** p < .001.

Note: The column Exp(B) expresses how much the odds (being/not being victimised) change as the independent variable changes by one unit.

Table 8. Links between Gender, Age, and Abstract Fear of Crime

	B	S.E.(B)	Exp(B)
Male	-.278	.189	.757
>64 years old	.207	.240	1.230

Note: The column Exp(B) expresses how much the odds (being/not being afraid) change as the independent variable changes by one unit.

Table 9. Links between Gender, Age, and Concrete Fear of Crime

	B	S.E.(B)	Exp(B)
Male	-.101	.066	.904
>64 years old	-.296***	.080	.744

*** p < .001.

Note: The column Exp(B) expresses how much the odds (being/not being afraid) change as the independent variable changes by one unit.

Based on these results, I performed four multivariate regression models, trying to link at once: (a) gender and age, (b) victimisation, and (c) concrete fear of crime. The logic of the models is shown schematically in Figure 1. Table 10 shows that each of them was far from

being satisfactory according to the most frequently used tests of fit.² As a consequence, I concluded that the victimisation-fear paradox did not pass my empirical tests.

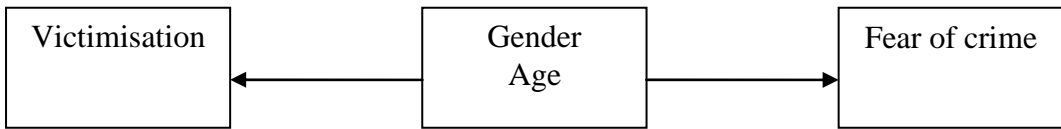


Figure 1. The Structure of the Multivariate Regressions.

Table 10. Fit of the Tested Model

	χ^2	DF	P(χ^2)	CFI	RMSEA
Model 1	199.478	1	.000	.075	.228
Model 2	115.761	1	.000	.052	.174
Model 3	2390.475	22	.000	.025	.168
Model 4	297.701	21	.000	.057	.059

Model 1: Independent variable: age. Victimization: synthetic “direct or indirect” index. Fear: concrete.

Model 2: Independent variable: age. Victimization: synthetic “only direct” index. Fear: concrete.

Model 3: Independent variables: Gender and age. Victimization: analytic “direct or indirect” variables (fraud, assault, vandalism, car theft, and robbery). Fear: concrete.

Model 4: Independent variables: Gender and age. Victimization: analytic “only direct” variables (car theft, vandalism, pick-pocketing and bag-snatching, robbery, and fraud). Fear: concrete.

Prediction of Concrete Fear of Crime

Table 11 shows that the models using the “direct or indirect” victimisation index or variables were slightly more efficient in explaining concrete fear than those using the “only direct victimisation” index or variables. Moreover, the analytic victimisation variables were slightly more efficient in explaining the concrete index than they were in explaining the synthetic index. Thus, I chose to present the results of the fourth model only.

Table 12 shows that—as in Miceli, Roccato, and Rosato’s (2004) research—the main predictor of concrete fear was the size of the area of residence. Other conditions being equal, in urban areas there are almost five times as many people who are afraid of crime than those who are not afraid of it. In other words, using gambling jargon, if we know that an Italian lives in an urban area we could bet 4.7 to 1 that he or she would be rather or very much afraid of crime. After the size of the area of residence, five out of the seven victimisation variables I used were the most efficient concrete fear predictors: They were car theft, assault, fraud, burglary in one’s own home, and vandalism. Three more socio-demographic variables exerted a positive influence on concrete fear: They were living in Southern Italy, living in a large family, and education. Moreover, two psychosocial and political variables—adhesion to post-materialistic values and a strong interest in politics—exerted a negative influence on concrete fear. Finally, one variable belonging to the mass media domain—the minutes of daily

² I used χ^2 , CFI, and RMSEA. For CFI, values higher than 0.90 were considered satisfactory, as indicated by Bentler (1990). With regard to RMSEA, I followed Browne (1990), who considers values lower than 0.08 as satisfactory and values lower than 0.05 as good.

exposure to the television—exerted a positive, though weak and marginally significant, influence on concrete fear of crime.

Table 11. Prediction of Concrete Fear of Crime in Italy: Fit of the Tested Models

	Cox and Snell's pseudo r^2	Nagelkerke's pseudo r^2
Direct victimisation index	.117	.157
Direct or indirect victimisation index	.132	.176
Direct victimisation variables	.122	.162
Direct or indirect victimisation variables	.140	.186

Table 12. Predictors of Concrete Fear of Crime in Italy

Independent Variable	B	S.E.(B)	Exp(B)
Size of area of residence	1.557***	.097	4.745
Victimisation: car theft	1.278***	.334	3.590
Victimisation: assault	1.144*	.542	3.140
Victimisation: fraud	.949***	.239	2.584
Victimisation: burglary in one's own home	.755***	.233	2.128
Victimisation: vandalism	.341**	.123	1.403
Living in Southern Italy	.289*	.131	1.335
People belonging to family	.143***	.041	1.154
Education	.024*	.010	1.024
Minutes of daily exposure to television	.001*	.000	1.001
Interest in politics	-.283***	.082	.754
Post-materialistic values	-.551***	.153	.577
Constant	-1.670***	2.99	.188

* $p < .05$ ** $p < .01$.

*** $p < .001$.

Note: The column Exp(B) expresses how much the odds (being/not being afraid) change as the independent variable changes by one unit.

Prediction of Abstract Fear of Crime

Table 13 shows that, when used to predict abstract fear, my models were much less efficient than when they were used for predicting concrete fear. Since their performance was rather similar, I chose to present the results of the same model I presented for predicting concrete fear. The estimated parameters are shown in Table 14. Only five variables exerted a significant influence on abstract fear, and the relationships I found were very weak. Such variables belonged to the socio-demographic domain (education reduced abstract fear, while high income increased it, although the relationship was really very weak), to the psychosocial and political domain (strong interest in politics lowered abstract fear, while a right-wing political placement heightened it), and to the mass media domain (long daily exposure to the

television fostered abstract fear). Most importantly, no victimisation variable exerted a significant influence on abstract fear.

Table 13. Prediction of Abstract Fear of Crime in Italy: Fit of the Tested Models

	Cox and Snell's pseudo r^2	Nagelkerke's pseudo r^2
Direct victimisation index	.013	.064
Direct or indirect victimisation index	.016	.078
Direct victimisation variables	.014	.066
Direct or indirect victimisation variables	.013	.061

Table 14. Predictors of Abstract Fear of Crime in Italy

Independent Variable	B	S.E.(B)	Exp(B)
Political placement	.107*	.044	1.113
Minutes of daily exposure to television	.004*	.001	1.004
Income	.000*	.000	1.000
Education	-.054*	.025	.947
Interest in politics	-.486*	.218	.626
Constant	2.443**	.788	11.508

* $p < .05$ ** $p < .01$.

Note. The column Exp(B) expresses how much the odds (being/not being afraid) change as the independent variable changes by one unit.

CONCLUSION

This research had five main goals. The first two ones were to study the spread of the different kinds of victimisation, of abstract fear of crime and of concrete fear of crime in Italy. The third goal was to empirically test the victimisation-fear paradox. The fourth and the fifth goals were to measure the impact exerted by a number of variables (among them victimisation) on concrete and abstract fear of crime.

In short, my data showed that in 2006 in Italy vandalism was the most widespread kind of direct victimisation, and that burglaries in one's own home and vandalism were the most widespread kinds of direct or indirect victimisation. Moreover, they showed that, like in 2002 and in 2004, in Italy abstract fear was much more widespread than concrete fear, even if the two constructs showed a moderate correlation. Between 2002 and 2006 concrete fear became less widespread, while abstract fear became less widespread between 2002 and 2004 and more widespread between 2004 and 2006. Based on Ricolfi (2007), one could argue that the reduction in the spread of concrete fear may be attributed to a reduction in the spread of criminality, and that the increase in the spread of abstract fear may be attributed to the growing attention given to criminality by the mass media. A formal test of such hypotheses could be fruitful.

The analysis of the victimisation-fear paradox showed that, at least in Italy, such a paradox is much weaker than its supporters would expect. Why? Consistent with the analyses performed by Belyea and Zingraff (1988) and by Smith and Hill (1991), my analyses suggested that such a paradox could be an artefact due to an unsatisfactory measurement of the relationship between gender, age, victimisation, and fear: When they underwent multivariate regression, the paradox disappeared. Further research performed in other countries to test such an interpretation could be fruitful.

With regard to the last two goals of my research, analyses showed that—like in Miceli, Roccato, and Rosato's (2004) research—the strongest predictor of the fear of crime was the size of the area of residence, and that several kinds of victimisation strongly influenced concrete fear of crime. Using Thompson, Bankiston, & Pierre's (1992) distinction, one could argue that these kinds of victimisation included both crimes against property (car theft, fraud, burglary in one's own home, and vandalism) and violent crimes (assault). However, the former exerted a stronger influence on concrete fear of crime than the latter. A qualitative research performed to analyse the reasons behind such a result could be fruitful.

As a whole, the model predicting concrete fear of crime I tested showed that the main predictors of such a variable are the socio-demographic variables (which may be considered as proxy variables for vulnerability) and the victimisation variables. Thus, I confirmed the results obtained by Miceli, Roccato, and Rosato (2004) and by Amerio and Roccato (2005): The psycho-social and the mass media variables are of marginal importance in explaining concrete fear. Moreover, I gained one new result: Victimization continued to be a strong predictor of concrete fear of crime even when it was analytically assessed.

Norris and Kaniasty (1994) report that violent crime victims have more severe and longer negative psychological consequences than property crime victims do. Amerio and Roccato (2007) showed that victimisation goes on fostering concrete fear of crime even years after it happened. However, they could only analyze the continuing effect exerted by a synthetically assessed victimisation. An analysis of the effect exerted, over the course of time, by the kinds of victimisation assessed in this research could be fruitful.

Abstract fear of crime did not depend on victimisation at all. Thus, the lack of relations between such variables, found in previous research (Amerio & Roccato, 2005), was not a consequence of an inadequate assessment of victimisation. The main predictors of abstract fear were a rightist political placement and the frequency of exposure to television (which exerted a positive influence) on the one hand, and education and interest in politics (which exerted a negative influence) on the other. These relations were far from surprising. Generally speaking, previous research showed that the variables primarily affecting abstract fear of crime express the ways people perceive, represent and evaluate their social world (cf. Amerio, Gattino, & Roccato, 2004; Nardi, 2003) and belong to the mass media domain (Heath & Petraitis, 1987). As described by Ross, Mirowsky, and Pribesh (2001), the predictors of abstract fear of crime I identified suggested that the deterioration of social relations and distrust of politics play a relevant role in orienting the way Italians perceive their relations with their country (Amerio, 2004).

It is well known that right-wing parties and leaders often build political programmes founded on "law and order" solutions to social problems (Casey & Mohr, 2005; Conover & Feldman, 1981; Zechmeister, 2006), and—at least in Italy—such programmes are particularly convincing for poorly educated people and for people with little interest in politics (Diamanti & Mannheim, 2002). Thus, the relation between being a right-winger, having a low level of

education, and abstract fear could be easily expected. However, in this research I was unable to study whether victimisation exerts an influence on Italians' political placement: does it encourage them to lean to the right? A study devoted to the analysis of such a relationship could be extremely interesting.

Why did watching a lot of television foster abstract fear, but not concrete fear? Such a result, which is pretty stable (see Amerio & Roccato, 2005), may be interpreted by remembering that the mass media usually influence the way people perceive, represent and evaluate their social relations (Romer, Jamieson, & Aday, 2003) more than the evaluation of their daily experiences. As Skogan and Maxfield (1981) wrote,

most media stories about crime contain little useful information for readers which would enable them to assess their own risk. The location of crime is often not specified, and there is seldom sufficient information about victims and offenders for readers to estimate the risks to people like themselves. ... In addition, many media accounts concern crimes that take place in other cities or nations, or involve very unlikely (and thus "newsworthy") circumstances. ... Television drama is not even concerned with real events, and tends to be an unreliable guide to real-world events (p. 143).

A final remark concerns the advantages and limitations of the secondary analysis I performed in this study. As in previous research on fear of crime performed in Italy (see Amerio & Roccato, 2005, 2007; Miceli, Roccato, & Rosato, 2004), secondary analysis allowed me to obtain low-cost results that could be generalised to the whole Italian population. The advantages and drawbacks of this procedure are well known (see for instance Kiecolt & Nathan, 1985). The generalisability of the results obtained is an extremely valuable feature of this study, especially if we consider that fear of crime, being relevant not only to individuals, but also to communities, constitutes a problem which deserves to be studied with reference to the general population. However, besides being able to analytically assess victimisation when I analysed the file of the Observatory of the North-West, I also had to measure concrete and abstract fear of crime using single items and not scales. This prevented me from testing the reliability of the measurement of the two constructs (cf. Bilsky & Wetzels, 1997). Studies on representative samples, with a view to more precise measurement of the constructs investigated, would naturally be desirable.

In my opinion, two main conclusions may be drawn from this analysis. First of all, the individual level of concrete fear is mostly derived from direct experience with criminality, whereas that of abstract fear is mostly derived from the probability of being exposed to stories of criminal events presented by the mass media. These results, which reflect the media's vast responsibility for shaping, at least in part, the opinions and attitudes of the population, appear to confirm, at least with regard to abstract fear, the efficacy of Gerbner and Gross's (1976) "cultivation theory". This theory claims that the mass media "cultivate" within their audience a view of the world as a more dangerous place than it is in reality. It should nonetheless be noted that my model was not capable of adequately taking into account the *way* in which people watch TV. This is a rather important limitation. In fact, cognitive political psychology has shown that consumers of the mass media, far from being passive subjects who believe everything served up to them exactly as it is served up to them, are, in fact, information processors who actively process the messages they receive and re-construct the meaning thereof (Amerio, 1991; Kinder & Sears, 1985; Lau & Sears, 1986). Just as one would think,

the socio-demographic variables I used can constitute a series of “proxies” of the individual characteristics of the audience. In any event, I believe that a more in-depth study of these variables, oriented towards social cognition models, would definitely be worthwhile.

Secondly, in view of the fact that victimisation is one of the most powerful predictors of concrete fear, I believe I have shown that policy makers should develop intervention programmes aimed at helping victimised people to cope with their experience of victimisation. A policy of this type would be extremely relevant, not only on an individual level—to help victims of crime protect their quality of life—but also on a social level, given that high levels of concrete fear can also have a negative effect on the quality of life of the community (Marris, 1996).

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Chapter 7

THE EFFECT OF PUBLICIZED EXECUTIONS ON HOMICIDE IN ALABAMA

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ABSTRACT

Work on the impact of executions on homicide has been marked by a recurrent limitation: the omission of the perceptual factor; the public's awareness of executions is usually left unmeasured. The present study addresses this limitation by inspecting the effect of publicized executions, executions that are covered widely in the newspapers, on homicide. Methods: Homicide Data were obtained from the Alabama Department of Public Health. They refer to Monthly data on homicide over a 27 year period (n=324) for the state of Alabama. Twenty persons were executed in Alabama during this time frame. Two measures of the degree of news coverage are employed. First, coverage in the first 20 pages of both of the state's largest newspapers, the Birmingham News and the Montgomery Advertiser. Second, coverage on page 1 of both of these papers. Seasonality is controlled by the inclusion of eleven temporal variables. A lagged dependent variable is incorporated in a multiple regression analysis to control for socio-economic conditions. Results. Equations were estimated using multiple regression techniques. Both models were free of serial autocorrelation ($r = -0.014$, $p < 0.05$; $r = -0.019$, $p < .05$). Controlling for the other independent variables, homicide is found to be unrelated to the incidence of publicized executions when the executions were covered in both papers in the first 20 pages. The same result was replicated using the more stringent publicity measure requiring coverage on page 1 of both newspapers. Discussion. The results are interpreted in relation to the institutionalization of violence in Alabama. A historical analysis demonstrates that various social institutions including religious, political and educational institutions supported the use of violence or vigilante groups known to use violent means. The high incidence of institutionalized violence in Alabama counteracts the deterrent messages contained in publicized executions.

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INTRODUCTION

Sociological research on the death penalty has pursued a number of themes including the effect of race on capital sentencing (e.g. Baldus, Woodworth, and Pulaski, 1990; Cheatwood, 2002; Gross and Mauro, 1989; Holcomb et al., 2004; Holmes, 2001; Keil and Vito, 1991; Minkes and Vanstone, 2006; Steiner, et al., 1999; Vito and Keil, 2000), shifts in and correlates of public opinion on death penalty issues (e.g. Bohm, Clark, and Aveni, 1990; Bohm, 1991; Cochran and Chamlin, 2005; Liang et al., 2006; Rankin, 1979; Robbers, 2006; Stack 2000, 2003, 2004; Unnever and Cullen, 2006), case studies of the legal process and life on death row (e.g. Johnson, 1990; Radelet, 1989; Miller and Bowman, 1988), and the deterrent effect on homicide (e.g. Bowers and Pierce, 1975; Dezhbakhsh, Hashem, and Shepard, 2003; Dezhbakhsh and Shepard, 2006; Ehrlich 1975a,1975b,1977; Ehrlich, 1977; Ehrlich and Gibbons, 1977; Ekeland, et al., 2006; Katz, et al., 2003; Kleck, 1979; Layson, 1985; Mocan and Giddings, 2003; Narajan et al., 2006; Sellin, 1959; Shepherd, 2005; Sorensen et al., 1999; Zimmerman, 2006). Book length summaries of such research streams are available (e.g. Lester, 1987, 1998; Bedau, 1982, 1997).

The present study concerns itself with the deterrence issue: is there a death dip in homicide following an execution? In particular, unlike work that lumps all executions together, (e.g. Bowers and Pierce, 1975; Dezhbakhsh, Hashem, and Shepard, 2003; Dezhbakhsh and Shepard, 2006; Ehrlich 1975a,1975b,1977; Ehrlich, 1977; Ehrlich and Gibbons, 1977; Ekeland, et al., 2006; Katz, et al., 2003; Kleck, 1979; Layson, 1985; Mocan and Giddings, 2003; Narajan et al., 2006; Sellin, 1959; Shepherd, 2005; Sorensen et al., 1999; Zimmerman, 2006), the present work follows the classic recommendation made by Phillips (1980) that we should focus attention on those executions that the public is the most apt to know about: publicized executions. As Stack (1987a; 2001) points out, most executions in the postwar period were not publicized in the mass media. As such, we would expect such unpublicized executions to have little, if any, impact on the public's perceptions about legal sanctions and, as such, on homicide as well.

The present paper analyzes data from the state of Alabama. Alabama has traditionally reported one of the nation's highest homicide rates (e.g., Federal Bureau of Investigation, 1961, 1968). The present investigation's measure of execution publicity is based on the state's two major newspapers. In this context, the study explores the link, if any, between publicized executions and the incidence of homicide.

RESEARCH ON PUBLICIZED EXECUTIONS AND HOMICIDE

While the vast majority of studies on executions and homicide continue to lump all executions together, both publicized and unpublicized (see Shepherd, 2005 for a review), there is a stream of research that limits executions to only those that actually make the news. These are the ones that the mass public is aware of. Awareness is the first step in the process of deterrence (Stack 2001).

The first studies of the effect of publicized executions on homicide were split in their findings. Two studies based on the city of Philadelphia found no effect (Dann, 1935; Savitz, 1958) and one based on the state of South Carolina found no link (King, 1978).¹ In contrast, a study based on 19th century England found a deterrent effect (Phillips, 1980), as did a study broadened to include publicized punishments (death sentences and executions combined) as a deterrence measure affecting the homicide rate of the U.S. (Phillips and Hensley, 1984). For reviews of these works see Bailey and Peterson, 1989; Stack, 1987a; 2001).

Other work has addressed issues in some classic studies. At the state level of analysis, two studies on South Carolina come to different conclusions. A reanalysis of King's (1978) data found a deterrent effect. Homicide declined by 18% after a publicized execution in South Carolina (Stack, 1990). Stack (1990) found that King's assumption regarding the timing of the execution's impact to be flawed. If we adopt the standard assumption that the impact of an execution lasts ten days, and apply that to the data, a deterrent effect is found. In like manner two investigations of executions and homicide in the state of California come to opposed conclusions. Unlike a previous investigation that assumed all executions made the newspapers, Stack (1998) limited the analysis to executions that actually made the state's main newspaper, the Los Angeles Times. A decline in homicides was documented after these publicized executions. However, a study of the state of Georgia did not find a death dip in homicide after publicized executions in that state (Stack 1993).

Studies based on the national level have been inconsistent. Following up on Phillips and Hensley study, which was restricted to the 1970's, Stack (1987a) found a death dip of 30 homicides after a publicized execution in the U.S. between 1950 and 1980. Bailey and Peterson (1989) note, however, a series of flaws in Stack's methodology. Stack (1987a) missed several execution stories, he used homicides/100,000 population over 16 (an unorthodox homicide rate), and left out a series of control variables. Bailey and Peterson correct these flaws in a series of tables and claim their data reject deterrence theory. Ironically, with corrections for the flaws in Stack's (1987a) methodology, most of Bailey and Peterson's equations support deterrence theory.² Finally, Bailey (1990) recently found no relationship between television news stories on executions and the American homicide rate. This study is flawed in that it includes one network television coverage.³ In short, the debate

¹ These two Philadelphia studies are based on the tenuous assumption that the effect of a publicized execution will last 60 days. Recent work, in contrast, on both sides of the debate (e.g. Bailey and Peterson, 1989; Stack, 1987) has assumed a ten day effect.

² Bailey and Peterson's first two regression tables provide the coefficients and standard errors of the publicized execution term. The ratios of the coefficients to the standard errors are mostly between 1.7 and 1.9. These clearly pass the test for a one tailed test of significance called for by deterrence theory. Throughout their tables, in fact, the authors dismiss all t-ratios for all variables as insignificant, if they are less than two. This implies that they were unaware that SAS, the statistical package they used, prints out two tailed significance tests as a default. That is, the probability level for a $t=1.64$ for a large sample would be printed out as $p=0.10$, not $p=0.05$ as required for a one tailed test. Bailey and Peterson's (1989) final table provides t-ratios that show that the publicized execution term is, in actual fact, insignificant. These equations, however, are riddled with n-way multicollinearity among the X-variables. Many of the zero order correlations are above + or - 0.90. The present writer secured the data from Bailey and Peterson, and did an independent analysis using variance inflation factors as a screening device for deleting variables marked by severe multicollinearity. Employing the same analysis technique, Yule Walker regression, and the same data as Bailey and Peterson (1989), the present writer found a deterrence effect. In fact, the deterrence effect was stronger than that found by Stack (1987).

³ Work on the related issue of television coverage of suicides has been guided by the principle that a story needs to be covered on at least two television networks to be considered a fully "publicized" story (e.g. Stack, 1987b; Phillips and Carstensen, 1988). In this work, if we include the large number of one network stories, the copy

continues. The present study does not aspire to resolve the debate, but only to bring some fresh data, from a special context, to bear. Its data are based on the local level, a unit of analysis that has some strong methodological advantages (e.g. Decker and Kohfeld, 1984; Shepherd, 2005; Thomson 1999).

Analyzing the link between executions and homicide at the level of a single state has a number of advantages (Shepherd, 2005). Much of the relevant work uses the nation as a whole as its unit of analysis (e.g. Bailey and Peterson, 1989; Bailey, 1990; Stack, 1987a; 1995; 2001). This introduces some sources of measurement error. For example, executions in states with the death penalty may have little bearing on homicide rates in at least two categories of states: those lacking the death penalty (e.g. Wisconsin, Minnesota, Rhode Island) and those that have the death penalty but which have not used it in many years. For example, the following states which had the death penalty in 1984 had absolutely no prisoners on death row in 1984 or 1983: Connecticut, New Hampshire, Vermont, South Dakota, and Oregon (U.S. Bureau of Justice Statistics, 1984, 1985). In addition, many execution stories do not get publicity outside of the locality and state where they were performed (Time, 1983:30; Stack, 1987a). Given the relative lack of national publicity on most executions, it would seem that analysis of most executions that do not make national news, should be done at the local level where they may, in fact, have an impact. This strategy has been suggested by writers such as Decker and Kohfeld (1984:369).

Further, as Lester (1987:85; 1998) points out, caution needs to be exercised in interpreting research on the death penalty based on the US as a whole. Each individual state has its own specific set of laws and judicial processes, and patterns regarding the implementation of the death penalty. For this reason, writers such as Lester (1987, 1998) have called for research on individual states. In this manner one can control for variability in states' judicial and legal patterns. The present study adheres to this principle by analyzing data for just the state of Alabama.

The method of execution has been linked to the degree that executions may deter homicide (Zimmerman, 2006). Research studies on executions and homicide in states using execution as a method are more apt to uncover a deterrent effect than studies done in states using humane methods. The method of execution may play a key role in generating a deterrent effect (Zimmerman, 2006). In the period under study, Alabama used electrocution as a means of capital punishment.

Finally, the special socio-economic contexts of some states may maximize or minimize or even offset any deterrent effect. For example, if violence is institutionalized, executions may be impotent in instilling a deterrent effect. Alabama as a state in the deep South and in its own historical context represents a case with an unusually strong subculture of violence rooted in historical conditions (e.g. Snell, 1970; Stack, 2002). Hence, the deterrent effect of executions may not be found in that particular state.

cat relationship diminishes and often becomes insignificant. Bailey (1990) does not report whether or not the deterrence relationship exists if he restricts his analysis to only those fully publicized stories that made at least two network news. In short, the debate on these matters is still not settled.

METHODOLOGY

The dependent variable is the number of homicides per month in the state of Alabama. The time frame begins with the year for which the earliest monthly data are available, 1950. It ends with 1966, the year after the last execution before the national moratorium on executions. Data on the monthly counts of homicide were taken from Alabama Department of Health (1955-1967) for the period from 1955 to 1966. Unpublished data were obtained for the months from January 1950 through December 1954 (Alabama Department of Public Health, personal communication). Monthly data for more recent periods were unavailable from these sources.

A basic task of the present study is to construct a list of publicized executions. The exhaustive lists of executions in Bowers (1984:401-402) were searched for executions occurring in the state of Alabama. Twenty five persons are listed as having been executed in this time frame. The present study restricts itself to executions for murder. Executions for rape are left out of the results reported here. It is assumed that executions for rape will not deter the crime of homicide. Five executions for rape and one for robbery are omitted from the present analysis.⁴

The present study measures the degree of media coverage of executions for homicide in two ways. First, it uses coverage in the state's two largest newspapers, The Birmingham News and The Montgomery Advertiser as an index. Coverage here means any page within the first twenty pages. For the second measure of execution coverage, the analysis is restricted to only those stories which made page one in both newspapers. Eight stories met the first criterion. Five executions made page one in both papers. The dates of the executions are listed in the Appendix.

The execution variable was measured following conventions in previous research at the state level (e.g., King, 1978; Stack, 1990, 1993, 1998). An execution story dummy variable is created where 1 = a month with a publicized execution story and where 0 = a month without such a story. Executions that occur at the end of the month should have their greatest impact on homicide in the month after the execution. For example, a story that was covered on the 31st day of a month would have only a one day impact period if it was coded as affecting homicide only in the month where it was covered in the news. This impact period would be, in contrast, 31 days for stories occurring on the 1st of the month. The present study follows the same rule as in the past work on the effect of publicized suicide and homicide stories (e.g., King, 1978; Phillips, 1974; Stack, 1993, 2001). Publicized execution stories that occur after the 23rd of the month are coded as affecting the homicide rate in the following month. However, as things worked out, none of the publicized executions occurred after the 23rd of the month; recodes were, therefore, not needed.

The first central hypothesis to be tested is: H 1. Months with publicized executions will have lower homicide rates than months without publicized executions.

Another methodological issue involves the choice between a quasi experimental design and the technique of regression analysis. The essentially quasi-experimental method of analysis found in past work (King, 1978) is not as powerful as alternative statistical techniques to be employed in the present study. As Bollen and Phillips (1982:804-805) point

⁴ In a separate analysis not reported here the executions for rape and robbery were included in the story variable. The results were, however, the same.

out in a methodologically similar paper on the impact of publicized suicide stories on suicide, quasi-experimental techniques of comparing death means between a single experimental and control period (both one month) do not utilize all the information contained in the data. Idiosyncratic variations in some control periods can contaminate one's results. In contrast, such variation as well as seasonal or monthly variations in death counts can be easily partialled out through the employment of regression techniques. The present study will employ such techniques in order to correct for such problems in a systematic fashion (Stack, 2001).

Another issue revolves around the inclusion or exclusion of control variables. Much of the past work on local and state level publicized executions (e.g. King, 1978; Savitz, 1958) did not introduce controls for variables which might confound the executions-homicide relationship. Since the incidence of homicide is related to temporal variables, controls are introduced for time. The present study introduces controls for month of the year through the employment of eleven dummy variables. This is the standard practice for multiple regression analysis (Kutner et al., 2005; Lewis-Beck, 1980) and has been used to control for temporal fluctuations in analyses of suicide counts (Bollen and Phillips, 1982; Stack 1987b).

The analysis that follows is divided into two parts: quantitative and qualitative. The quantitative part demonstrates the lack of the expected association between publicized executions and homicide. The qualitative portion of the analysis uses historical sources to offer an explanation of the null findings from the quantitative analysis. Historical analysis here seeks to demonstrate that strong institutional and cultural supports for violence against African Americans helped to counter any impact of executions on homicide.

ANALYSIS

In a preliminary analysis each of the equations was checked for the problems of autocorrelation, a problem which threatens the accuracy of regression coefficients (Kutner et al., 2005; Ostrom, 1978; Johnston, 1984). The Durbin Watson d statistic for each of the regression equations were inconclusive. The d's were in the grey area in between 1.64 and 1.90 for regressions with twelve predictor variables (Johnston, 1984:556; Kutner, et al., 2005). A time trend variable where 1950=1 and 1966=17 was introduced to the analysis to see if it would purge the series of autocorrelation. This technique proved unsuccessful, possibly due to a lack of a strong upward trend in the data (Durbin Watson d = 1.81). The next strategy was to estimate the autoregressive form of the equation where the lag of the dependent variable is introduced as a predictor variable (Kutner, et al., 2005; Ostrom 1980; Johnston, 1984). This technique was successful at purging the series of autocorrelation, the resulting correlations between the error term and its lag being -0.01 and -0.02.

The results of this multiple regression analysis are given in table 1. Each of the two columns provides the regression coefficients for each of the respective measures of media exposure. Before interpreting these results, they must be checked for a second problem, heteroscedasticity(HS). If HS is present, a key assumption of regression analysis has been violated: the assumption of equal variance in the error term across values of one or more of the independent variables (Lewis-Beck 1980; Johnston 1984; Kutner et al., 2005). Baran and Reiss(1985) contend that this may be the case in an analysis of the impact of publicized

suicide stories on the national suicide rate. To check to see if the variance in the error term is associated with any of the independent variables, the Glesjer (1969) test for HS is performed. The squared values of the residuals from the OLS regression are regressed on the story and other independent variables. If any of the coefficients are found to be significant, then HS is present. None of the coefficients of the core independent variables are significant indicating the absence of heteroscedastic disturbances for these variables. We can now proceed to the interpretation of the findings in Table 1.

The results in column one refer to publicized executions where "publicized" refers to a story being covered in the first twenty pages of both newspapers. Controlling for seasonal variation and the lag of the homicide count, a publicized execution story is not significantly associated with homicide.

The results for the double page one coverage index of executions are in column 2. Again, the coefficient of the publicized execution term is not significant. Months with a publicized execution story do not have significantly fewer homicides than months without publicized executions. In fact, the sign of the coefficient is positive, the wrong direction according to the deterrence perspective.

From the r-squared statistics, the models explain between 15-16% of the monthly variation in homicide in Alabama. The monthly temporal variables account for the explained variance.

Table 1. The Effect of Publicized Executions on Homicide, Alabama, 1950-1966, Monthly Counts

A. OLS Estimates	Regression Coefficients	
	(1)	(2)
Independent Variable		
Lag Homicides	0.11	0.10
Story in both papers	0.87	-----
Story Page 1 both papers	----	4.53
Intercept	26.33 **	26.27 **
R ²	.15	.16
Autocorrelation Coefficient	-0.014	-0.019

Note: For the purposes of brevity and clarity the regression coefficients for the 11 monthly dummy variables are not shown.

** statistically significant at the .05 level.

Column 1: estimates using Publicity Measure one. Column 2: estimates using publicity measure 2 (page one coverage in both newspapers).

Historical Analysis

The lack of a negative association between executions and homicide in the State of Alabama presents something of a puzzle for deterrence theory. While publicized executions at the national level are associated with dips in homicide (Stack, 1987a), such is not the case in Alabama. A closer look at Alabama's social, political, and economic structure may uncover a special sociological context which offsets the deterrent effect of executions. Such an analysis

has not been done in the past work, but it may be necessary in order to account for the enigma represented by the present findings.

Both historical and contemporary conditions are thought to account for Alabama's high incidence of homicide. Alabama is part of the southern region known as the "deep south," a subregion known for high concentration of blacks, and a high involvement in the southern institution of slavery and lynching (e.g., Wasserman 2006). One special feature of life in the deep south is an unusually high rate of violence. While writers on violence in the deep south agree that the region has a very high rate, they offer different explanations for it. Corzine, Creech, and Corzine (1983) attribute high lynching rates to a large concentration of blacks which represents a power threat to whites. Gastil (1974) prefers an explanation based on the thesis of a southern regional subculture of violence stemming from such historical processes as the violence associated with slavery. Smith and Parker (1980) attribute the high incidence of homicide in the South to its high poverty rate as opposed to its regional subculture. Wasserman (2006) prefers an explanation based on extensive and positive coverage of lynchings by the Southern Press. Sometimes headline coverage itself encouraged lynching behavior such as the headline describing a lynching of a African American suspected of the crime of rape: "Usual Crime, Usual Cure."

The present study emphasizes a historical analysis which demonstrates an institutional network which is supportive of violence, especially against blacks. However, whether or not this institutional network is due to cultural, economic, or other factors, will remain an open question. Our aim is mainly to demonstrate an unusually extensive institutionalization of violent behavior. Such a network of institutionalized violence may, in turn, offset the potential deterrent effect of executions on homicide. The fear generated by executions may simply not be enough to counteract the historically-produced, institutionalized violence in Alabama.⁵

⁵ The institutionalization of violence may reduce the deterrent effect of executions for somewhat different reasons for blacks and whites. In the case of whites, institutionalization of violence, especially against blacks, may, inadvertently make whites more violent in general. The same argument has often been made with respect to slavery. The violence of whites against black slaves is generalized and affects behavior involving whites only (Gastil, 1971). In the case of blacks, the victims of much of the organized violence in Alabama history, there are a number of theoretical reasons why such violence may make them more violent. For example, from the standpoint of classic imitation theory, persons tend to imitate the behavior of superior (e.g. white) groups (Tarde, 1903). In addition, given the high rate of poverty, lack of opportunity due to economic discrimination, and other aspects of social and political discrimination, violence against blacks may be viewed as adding to their already high level of frustration; this, in turn, should contribute to interpersonal violence in their own group according to frustration-aggression theory. A high level of frustration may make a group nonrational; that is, it may not weigh the costs and benefits of violent behavior as they should according to the deterrence perspective. Finally, since the state has been so intricately involved in organized violence, as well as the more broad phenomenon of racial discrimination, it is apt to be viewed as illegitimate by many blacks. This is, of course, somewhat obvious starting with the Montgomery bus boycott in 1955, the beginning of the publicized and organized opposition of Alabama blacks to state power. To the extent that state power is perceived as illegitimate, its rule is based on coercion as opposed to authority; its actions, then may be viewed as illegitimate, in general (Weber, 1949). Executions being acts of the illegitimate state could be negatively evaluated; in some instances persons who are executed by the state could be viewed as martyrs of sorts, killed by the white power structure. For example, a black man in Alabama was sentenced to death for a mere \$2.00 robbery. The punishment was so out of step with the crime that this made national news. While it is difficult to rigorously measure the black perception of the state in historical analysis, given that Alabama was the center of the civil rights movement, it is assumed that Alabama blacks were among the most likely in the nation to view the state as illegitimate. In addition, even before the civil rights movement, the state of Alabama often made national news for its marked harshness in dealing with black offenders such as the well-known Scottsboro boys (New York Times, 1933).

First, the high rate of violent behavior in Alabama needs some documentation. Data are available on several objective measures. Alabama's homicide rate is one of the highest in the nation. In 1960 Alabama's rate was 12.9 homicides per 100,000 population, more than double the national rate of 5.1; Alabama ranked second in the nation in 1960 and first in the nation in 1967 (Federal Bureau of Investigation, 1961, 1968). Research on lynching and executions has also demonstrated a high rate of violence in Alabama (Ginzburg, 1969; Massey, 1987). Massey (1987) reports that for the period 1899-1930, Alabama ranked fifth in the nation in the number of victims in lynching, with over 300 such victims. Alabama rated fifth also in the number of persons executed by the state with over 250 people executed between 1899 and 1930.

A review of the literature indicates that violent activities of the Klan in Alabama are mentioned much more frequently than for most other states. Only Georgia equals or exceeds Alabama in a history of racial violence. For example, Patterson (1963:7) made a record of race related bombings and attempted bombings from Jan.1,1956 to June 1,1963. The results put Alabama high on the list second only to Georgia and are given in table 2.

If these figures are adjusted for population size, Alabama comes out as first in the nation in illegal bombings. In Alabama of the thirty two total bombing incidents, twenty one were on black churches or homes. Five were on miscellaneous homes and six were on miscellaneous churches (The Klan has historically also acted against whites who openly oppose the Klan and/or support blacks). The present paper argues that the high incidence of violence in Alabama can be best understood through a historical analysis. Widespread, highly organized vigilantism developed after the close of the civil war, a period when Alabama was in a state of political disorder and upheaval. The established political order had been destroyed. Simultaneously, the newly freed black population were exploring the parameters of the new concept of freedom. As to be expected, a small percentage of the blacks were engaging in violence and thievery (Fleming, 1949: 654-655). In response to the lack of order, and a desire to keep the blacks under control, local men began to form secret societies of regulators who would respond to instances where they thought blacks had gotten out of hand. Eventually they were united as the Ku Klux Klan.

It didn't take Klansmen long to realize they could exert control through the fear their outfits generated, especially when coupled with night time activities. Black men who lived with white women were sometimes killed. A white man who lived with a black woman was whipped. Blacks who voiced opinions about equality were beaten. Weapons were taken from the blacks to stop any retaliation they might attempt. In some counties, schools and churches for blacks were burned (Fleming 1949: 682-683). At first there was little opposition to the Klan activities. In his work on this era, Bell writes "all classes of whites were totally committed to maintaining white supremacy..." (Bell, 1973:219). A military investigator of the time wrote that he thought the whites were trying to eliminate the intelligent and ambitious blacks so they might more easily control the larger numbers of ignorant ones (Bell, 1973:220). The pre-emancipation traditions of racial violence and oppression continued. Groups of men rode around at night administering their own form of justice. State leaders would only react when serious outrage swept the state (Bell, 1973:219-221). In most cases, Klansmen who were caught by civilian authorities went unpunished (Bell, 1973: 219-221).

Table 2. Number of Bombings 1956-1963, by State (Patterson, 1963)

Alabama	32	Louisiana	05	Tennessee	27
Arkansas	08	Mississippi	10	Texas	08
Florida	08	N. Carolina	04	Virginia	03
Georgia	35	S. Carolina	04		

The 1920's represented a period of growth in the further institutionalization of the Klan in Alabama society. For example, in September of 1923 a public invitation was extended in the Birmingham Herald to attend a Klan rally. Events like swimming, dancing, a barbecue, fireworks, and a concert were scheduled. Five thousand Klansmen were gathered for the initiation of 1500 new members. It was estimated that 20,000 people witnessed the initiation ceremony and 50,000 people were present at some time during the day (Snell, 1970:259-260). Among the initiates was the noteworthy figure of the young Hugo Black, who later became a Chief Justice of the U.S. Supreme Court.⁶

During the next few months a number of similar rallies were held throughout the state (Snell, 1971:260-264). As a result, Klan membership in Alabama swelled to approximately 50,000 by 1925 (Chalmers, 1981:80). Many of the speakers at these rallies included political leaders, police, and ministers. This display of public support for a group with a history of terrorist activities is a sign of the extent of the institutionalization of violence in Alabama. Other efforts of the Klan to legitimate their authority included buying school books for poor children and donating money to support schools and churches (Snell, 1970:267-269).

By the mid 1920's, now firmly entrenched in the community, the Klan began to attempt moral reform. Crosses began to be burnt quite frequently. In Birmingham an epidemic of whippings occurred. The editor of the Birmingham Post, an enemy of the Klan, wrote an editorial condemning mob violence and asking why floggers aren't arrested (Hamilton,1972:113). When the Klan began recruiting efforts in high school for 'junior Klansmen' police commissioner Cloe, a member of the school board, called the Klansmen "...a good bunch of men...God bless them (Hamilton,1972:115)."

Politicians were all too aware of the electoral strength of the Klan. For example, in Jefferson county, the Klan had between 15-18,000 of the 32,000 voters. Many of these included judiciary members, political officials, and police officers (Chalmers, 1981:79). In the mid 1920's a large number of Klan-backed candidates were elected to public office (Snell, 1970:272-273).

Organized violence peaked again in the era of the Civil Rights movement. Alabama is generally considered a center of this movement. It received much national news coverage starting with the Montgomery Bus Boycott in 1955. Less well known episodes of violent vigilantism were frequently in the national news (e.g. Christian Science Monitor, 1957). In the early 1960's, under the leadership of native Alabamian Robert Shelton, the Klan began to once again embark upon the path of violence started by their predecessors. They received national attention in 1961 when they attacked and beat freedom riders in Birmingham and Montgomery (Turner et al., 1983: 22). Four hundred U.S. marshals arrived in Montgomery in an attempt to restore order (New York Times, 1961a). The Governor placed the city under martial law in a further effort to restore order (New York Times, 1961 b). It was later

⁶ Justice Hugo Black's ties to the Alabama Klan were eventually the subject of a national scandal.

discovered that the police had supported the local vigilantes by agreeing to stay away while Klansmen beat freedom riders at a Birmingham bus station (Turner et al, 1983: 22). Mrs. Viola Luiuzzo, a white civil rights worker, was shot in her car in 1964, in addition to a spree of other violent crimes including other murders, bombings, and even the castration of a black male in Birmingham.

The organized terror of the Klan continued into the late 1960's with such episodes as violence against black unionists (New York Times, 1966), and members of the Student Non-violent Coordinating Committee (New York Times, 1967). While the 1970's and 1980's activities of the Alabama Klan are small in comparison to earlier periods, they are among the more notable Klan organizations in the nation. For example, the last Klan lynching of a black man in the U.S. occurred in the state of Alabama in 1981 (Opelika-Auburn News, 1987:1).

Finally, there is the question as to how much the people of Alabama were aware of the violence and discrimination going on during the period under study. One index of this would be coverage of violence and discrimination in the press. Of special importance might be the coverage of such around the time of a typical execution. As Freedman (1984) has pointed out in a review of the literature on media violence, the audience generally views a "mix" of programs, the ones involving violence may be offset by programs involving nonviolence.

To address this issue, news coverage of issues, in general, during the week of an execution were read. It was determined that racial violence and discrimination were much in the news, with often multiple page one stories during the weeks of executions. For example, during the week of the execution of Columbus Boggs, the Birmingham News had stories on a wide variety of relevant topics. Reports of cross burnings on the residences of black organizers, the KKK leading the celebrations of Confederate Memorial Day, large demonstrations which tried to open up the segregated beaches at nearby Biloxi Mississippi, quotes from the Alabama statehouse saying that efforts to desegregate beaches would do nobody any good, plans for a "Civil War Spectacular" commemorating the start of the Civil War and Alabama's role as the Confederacy's capital, efforts to block voter registration in Macon County Alabama, quotes from the Secretary of the Alabama Baptist Convention saying that desegregation was inappropriate given the alleged 'low moral standards' of blacks, and Alabama Bishops and political officials were reported as leading the fight against integration at national church conferences and in the halls of congress in Washington. Even white church officials often were entwined in the illegal violence against blacks. For example, during the same week of the execution of Columbus Boggs, it was reported that the Klan appointed a new Grand Dragon for Alabama; the new Grand Dragon was a white Baptist Minister. News reports, then, might be taken as questioning not only the legitimacy of the white-dominated state and its executions, but also the white churches.

CONCLUSION

The present paper employs a test of deterrence theory under conditions relatively favorable for a systematic test of the relationship between executions and homicide. Care was taken to make certain that the executions were covered the printed media. Care was also exercised to use a short incubation period for the stories as compared to a year in most of the

previous research. Two different measures of the degree of coverage were used, but no evidence was found for a deterrence effect.

A historical analysis of violence in Alabama found evidence for the thesis of the institutionalization of violence. The group-level violence of vigilante groups was often supported by the police, the church, public officials, and other institutions. In this context, state authority could be viewed as highly illegitimate (Weber 1949). In this context, homicide could not be effectively curbed by the threat of execution. If violence is more or less part of the way of life of a people, they may not respond as the rational creatures found in deterrence theory.

The results of the present study are not consistent with those of Phillips(1980) for the socio-cultural context of 19th century England. They are not consistent with the more general finding of Phillips and Hensley (1984) linking punishment stories with decreases in the homicide count. They are also not consistent with a study of the deterrent effect of executions using the US as a whole (Stack, 1987a). The discrepancy between the present study and these and similar studies based on the US or England as a whole (e.g., Stack 1995), may be due to the context of institutionalized violence in Alabama. The other studies were not based on populations with this institutional context which can offset the deterrent effect of executions.

The results of the present report are, however, consistent with three previous studies based on local samples, King's (1978) study of South Carolina and two studies based on Philadelphia. However, given the sociological context of Philadelphia, this is somewhat surprising. Philadelphia is not known as a city of violence whose institutionalized violence would offset any deterrent effect of publicized punishments. For example, the homicide rate of Pennsylvania is generally below the national average (F.B.I., 1961). Further scrutiny of Savitz's (1958) methodology yielded even more potential flaws, which seem to call for a reanalysis as a check on the results.⁷

Further research is needed to search for contextual factors which may minimize or maximize the deterrent effects of executions on homicide at the state level (Shepherd, 2005). One understudied possibility may be the level of illiteracy in state. Previous work has assumed that various groups of people are largely equally aware of executions. However, to the extent that the homicidal population tends to be relatively low in education, the homicidal population may be the least aware of executions. States with high illiteracy rates may be most

⁷ Savitz (1958) restricts his sample of death sentences to only those handed down in Philadelphia. This methodology, then, excluded scores of other death sentences that were handed down from other jurisdictions in Pennsylvania. Some of these excluded death sentences, it is assumed, probably made *The Philadelphia Inquirer*, the newspaper searched by Savitz. Their exclusion could contaminate his results. Second, Savitz was not concerned at all with the possible contaminating effect of publicized executions. During the study's time frame (1944-1954) there were, however, 43 persons executed in the state of Pennsylvania. In addition, eight of these executions occurred during the control and experimental periods used by Savitz. Third, Savitz's four death sentences all occurred in an unusual social context of World War II and its aftermath (1944-1947). Fourth, Savitz hand-picked four out of 20 Philadelphia -based death sentences on the basis of the closeness of newspaper publicity on the trials to the date of the sentencing. This coverage in the control period itself might lessen murderous behavior through the normative validation process. Hence, the newspaper coverage of the trial might be expected to reduce murder about as much as the actual death sentence in the experimental period. Finally, given annual estimates of homicide of several hundred in the late 1950's (F.B.I., 1961), it seems strange that the mean number of capital crimes reported by Savitz is only 1.31 per week. He evidently screened out many cases of homicide in the city as well. A more systematic analysis is needed that would utilize other measures of deterrence: publicized executions, and publicized death sentences irrespective of whether or not they are close to publicized trials. In addition, an analysis of all homicides occurring in the city is needed to gauge the full impact of publicized punishments on homicide.

affected by this problem. For such states, including Alabama, there may be a lower probability for uncovering a significant association between publicized executions and homicide.

APPENDIX 1. EXECUTIONS (MURDERERS), ALABAMA, 1950-1966

Date:	Person	Covered in Birmingham News	Covered in Montgomery Advertiser
05 16 50	Charles Smith	-	-
07 21 50	Homer Garland Odum	+ (page 1) +	(page 1)
07 21 50	Joseph Keith	+ (page 1)	+ (page 1)
07 21 50	Claude B. Sims	+ (page 1)	+ (page 1)
05 02 52	Cooper Drake	* -	+ (page 1)
	Andrew Lee Smith	-	+ (page 1)
05 09 52	Leyert Forrest	-	+ (page 1)
10 10 52	Desmond Miles	-	+ (page 1)
09 04 53	Earle Dennison	+ (page 1)	+ (page 1)
01 22 54	Will Hardie	+	+ (page 1)
04 23 53	Albert Lee Jones	+	+ (page 1)
04 23 53	Arthur Lee Grimes	+	+ (page 1)
03 22 57	Clarence Johnson	+	+ (page 1)
10 11 57	Rhonda Bell Martin	+ (page 1)	+ (page 1)
12 11 59	Edwin Ray Dockery	+ (page 1)	+ (page 1)
04 29 60	Columbus Boggs	-	+ (page 1)
11 24 61	Joe Henry Johnson	-	+ (page 1)
08 31 62	Wilmon Gossa	-	+ (page 1)
01 15 65	William Frank		
	Bowen, Jr.	+ (page 1)	+ (page 1)

* executed for attempted murder.

"+" = covered in first 20 pages of paper; "-" = not covered in first twenty pages of paper.

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Chapter 8

THE EFFECT OF MARITAL STATUS ON MALE HOMICIDE VICTIMIZATION: A RACE SPECIFIC ANALYSIS

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ABSTRACT

The nature of the relationship between marital status and homicide risk has been clouded by the use of aggregated data. Further, precise measures of marital status in individual level research are largely unavailable. The present paper tests a multivariate model of the relationship between marital status and homicide victimization among males. It uses individual level data on 826,178 deaths including 7,112 African American and 6,683 Caucasian American male homicide victims. Bivariate analysis demonstrates that single black men are at 7.65 times and single white men are at 8.57 times greater risk of homicide than their married counterparts. However, the results of a multivariate analysis determined that these risks fall to 1.15 and -0.30 once controls are included for the covariates of marital status. Marriage offers only slight protection for black men and aggravates the odds of homicide for white men. The findings are interpreted in light of a subcultural theory of violence.

INTRODUCTION

Research on family factors and homicide has followed two traditions. First there have been studies based on highly aggregated data such as that corresponding to large ecological units as cities, SMSA's, and states. This work has typically found strong relationships between the incidence of family disruption indicators such as divorce rates and homicide rates

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(e.g. Almgren et al., 1998; Blau and Blau, 1982; Gillis, 1996; Kowalski and Stack, 1992; Land et al., 1990; Lester, 1986; 2001; Lester & Krysinaka, 2004; Parker, 1998; Sampson, 1986; Simpson, 1985; Williams and Flewelling, 1988). This work is marked by the potential problem of the ecological fallacy (Robinson 1950). We cannot be certain from the assessment of highly aggregated data to what extent nonmarried persons account for the relationship between indicators of family disruption and homicide.

Second, there has been work at the individual level, which has often been restricted to homicide within the family unit (e.g. Browne, et al., 1999; Gelles, 1987; Goetting, 1995; Mann, 1992; Puzone, et al., 2000; Saltzman et al., 1990). This work contains estimates of the incidence of homicide among spouses, acquaintances, strangers, as well as cases where the offender is unknown; however, national data on the odds of dying in a homicide for each major marital status per se, both inside and outside the family unit, are apparently not available. For example, a study of homicide in Detroit found that only 11.2% of all closed homicides in that city were spousal homicides (Goetting 1995:62). Nationally, the rate of family based homicide is 1.4/100,000 and accounts for less than one fifth of homicides (Saltzman et al., 1990:4). Homicide between spouses and former spouses account for approximately 10% of all homicides (Browne et al., 1999). Further, much of the existing work on homicide at the individual level of analysis is based on case histories, percentages, and simple bivariate analyses of separate risk factors (e.g. Wolfgang 1958; Goetting 1995; Cazenave and Zahn 1992; Mann 1992; Curtis 1975). It is not clear if various risk factors related to homicide at the bivariate level would be found to be spurious if subjected to multivariate analysis. Finally, previous work has neglected race-specific analyses (see Browne et al, 1999, and Lester 2001 for reviews). Given long standing, substantial differences in the distribution of marital status by race (U.S. Bureau of the census 2006), with the proportion of single parent families among African Americans more than double that of Caucasians, marital status may have different effects on homicide between racial groups.

The present study contributes to the literature in several ways. First, individual level data are employed to minimize the problem of the ecological fallacy. Unlike most of the previous research that is done on samples at the local level, the present study employs national data on over 13,000 homicides. In this fashion, it will be able to provide generalizations for the nation as a whole that may be masked by results from small, local samples. This investigation apparently constitutes the first analysis of such national data as they refer to marital status. Second, multivariate analysis techniques are used in order to test for spuriousness in any zero order relationship. Age, for example, is correlated with marital status and may render any association between marital status and homicide spurious. Third, separate analyses are performed for African Americans and Caucasian Americans. Given differences in the meanings of marital status between the races, patterns between marital status and homicide may vary between the races.

The focus of the present study is on men. Homicide among men is significant due to men's disproportionate involvement in the behavior. Men account for the large majority of homicide victims. For example, the percentage of homicides with male victims in selected cities ranges from a low of 74% in Atlanta to a high of 91% in Pittsburgh (Rose and Deskin, 1992:84). Nationally, men account for 90% of the offenders in homicides (Browne et al., 1999).

PREVIOUS RESEARCH

Ecological Level Research

Research on marital status, marital disruption, and homicide has often been done using aggregated data (e.g. Almgren et al., 1998; Blau and Blau, 1982; Gillis, 1996; Kowalski and Stack, 1992; Lester, 1986; 2001; Lester & Krysinska, 2004; Parker, 1998; Sampson, 1986; Simpson, 1985; Williams and Flewelling, 1988). Land et al (1990) reviewed 21 major studies containing many findings from over 40 statistical models. All studies reviewed were based on aggregated, cross sectional data. In these investigations, the homicide rates of cities, metropolitan areas, and states were correlated with various socio-demographic variables. While only a small minority of the models incorporated family-oriented variables, these variables exhibited the most consistent findings. Eight of eight models including a term for the percentage of children not living with both parents found that term to be significant and often substantially related to homicide rates. Further, 6/7 models containing divorce rate reported significant results for the relationship between divorce and homicide rates. In contrast, the relative number of significant findings for the relationship between homicide rates and the other socio-demographic variables were as follows: unemployment rate 0/9, income inequality 7/27, percent poor 22/32, median income 1/5, Southern subculture of violence 13/33, percent 15-29 3/34, percent black 38/43, and population density 2/23.

In this work the association between family disruption/ malintegration and homicide is often explained in relation to theories of social control and social disorganization (e.g. Hirschi, 1969; Shaw and McKay, 1942; Sampson, 1987). Factors such as the percent of single parent families and the divorce rate are taken as indicators of a low level of parental supervision of youth, lessened guardianship, and weakened community control. These factors can influence the development of delinquent and violent subcultures which can affect both the short and long term incidence of homicide.

A key limitation of ecological research has been the problem of the ecological fallacy. It is not clear, for example, to what extent an association between the divorce rate and the homicide rate in cities is due to divorced people acting as homicide offenders and/or becoming the victims in homicides. The association may be more due to conditions that are associated with divorce such as a general weakness in the vitality of family life, a high proportion of dysfunctional families, an elevated incidence of violence within the family, and so forth. Indeed, it is possible that divorced people may not be responsible for the association if the association is due mainly to violence in dysfunctional families that exist before legal divorces take place. That is, homicides may take place in lieu of divorces in the many violence-oriented families that exist in a city with a high divorce rate. If so, divorced people themselves may not be at risk of homicide. Research using individual level data is needed as a check on ecological-based research in order to address this question.

Individual Level Research

The previous research on homicide and marital status tends to obscure marital status of the victims by focusing instead on more general victim-offender relationships. For example, between 1976 and 1984 13.2% of black males and 12.0% of white male victims were family members with their assailants. It is often not clear, however, if they were brothers, spouses, or the children of their assailants. Similarly, other frequently used categories of victim-offender relationships contain victims of all marital statuses. These include the category "acquaintances" and a category "unknown relationship." The latter group typically contains one third of all homicides, thereby constituting a problem of measurement error (e.g. O'Carroll and Mercy, 1986; Humphrey and Palmer, 1992; Mercy et al., 1986; Wilbanks, 1992). Further, unsolved homicides cloud the picture of the marital status of offenders and victims. Unsolved homicides are often omitted from analyses. While data are sometimes available on the marital status of persons whose killers were never found, these data on marital status are typically not reported in the research to date.

Wilbanks (1992) reports that in the U.S. in 1980, 306 black husbands and 280 black wives were murdered by their spouses out of a total of 8,380 black homicide victims. No data are available, however, on the overall risk of homicide among married African Americans. That is, from these official data there is no systematic information on the number of homicide victims who are married and who are not killed by their spouses. The relative risk of being murdered at home vs. being murdered on the street is unclear. The same is true for Caucasian Americans. However, Curtis (1975:49-60) suggests that homicide victimization for black males is more common on the street than in intimate relationships. Generally speaking, there is little or no information on the number of homicide victims who are single, divorced, separated and widowed (e.g. Block 1985; Browne et al., 1999; Centers for Disease Control, 1985; Centerwall, 1995; Curtis, 1975; F.B.I., 1990; Humphrey and Palmer, 1986; Mann, 1992; O'Carroll and Mercy, 1986).

The past research also has the disadvantage of being based on bivariate models. While it is often assumed that persons who are in nonmarried marital statuses tend to be at risk of homicide (e.g. Curtis 1975), it is not clear if this presumed relationship will hold up under controls for the covariates of marital status. For example, it is not clear if any high incidence of homicide among single men is due to their being single or to their being young. Single people tend to be younger than nonsingle people. After a control is incorporated for age, the relationship between singleness and homicide risk may weaken or even become insignificant.

This is not to say that married men are not at risk of homicide. According to the national official data, while wives are more apt than men to be killed by their spouses (n=10,529 wives were killed by husbands between 1976-1985), a substantial number of men are killed by their wives (n=7,888 between 1976-1985). Possible racial differences were not reported (McCue, 1995:94).

Routine Activities and Homicide Victimization

The present paper focuses on homicide victims, not homicide offenders. The link between marital status and homicide at the individual level can be interpreted from the standpoint of a routine activities theory of victimization (e.g. Cohen and Felson, 1979; Meithe

et al., 1991). This perspective argues that several conditions must coexist in order to maximize the probability that crime will occur: (1) a motivated offender (2) an unguarded victim (3) a suitable target (4) proximity to a motivated offender. Generally speaking, this theory has been mostly applied to property offenses (e.g. Cohen and Felson 1979; Rice and Smith, 2002). Therein, it has been assumed that time spent away from home increases victim's exposure to crime given that time spent away from home decreases the distance between potential victims and motivated offenders, and separates the potential victim from the guardians who can offer protection while at home.

It is contended that male homicide risk is reduced for married men relative to divorced, single, and widowed men. Married men have various domestic responsibilities and follow various life styles or routines that minimize homicide risk. They are, for example, less likely than single or divorced men to put themselves into situations where the risk of being the victim of a homicide is increased. These dangerous situations can include heavy drinking, displays of disorderly conduct, public drunkenness, maintaining late night hours on the street, and frequenting dangerous places such as bars and pool halls (e.g. Curtis, 1975; Kposowa, Singh and Breault, 1994). It is assumed that they are less likely to venture outside of the home than their nonmarried counterparts to places where men are typically killed. Spending more time at home decreases homicide risk for men. To the extent that men stay at home they should be at less risk of homicide. To the extent that married men stay at home more than nonmarried men, this should reduce their homicide risk.

There may be, however, collinearity between age and marital status. As men get older, they are probably less likely to leave home even if they are not married. Careers, home ownership, home repair, hobbies, and other relatively safe routine activities associated with increasing age may reduce any association between marital status and homicide risk. Widowers, for example, although not married tend to be at an advanced age. These men, it is contended, would probably be more mature than younger men and not be as apt to frequent dangerous places such as bars and other nightspots.

It is assumed that divorced men would also be more likely than married men to frequent dangerous places and to engage in behaviors such as drinking which contribute to homicide risk. Drinking has often been closely associated with nonmarried marital statuses (e.g. Lester 1995; Stack and Bankowski, 1994). Homicide risk among the divorced can also be increased from attacks by ex spouses. For example, in Atlanta 22% of homicide victims were killed by former spouses or partners (Saltzman, Mercy, Rosenberg et al., 1990).

RACE, MARITAL STATUS, AND HOMICIDE

Racial differences in the meanings of marital statuses may result in differences in the marital status- homicide linkage. A majority of African Americans are born outside of marriage and raised in single parent families (U. S. Bureau of the Census 1992; 2006). In contrast, this is true for less than a quarter of Caucasian Americans. Hence, the status of "single male" has a somewhat different meaning for each race. A single white male is considerably less likely to be a father than a single black male. This life style difference may be indicative of a much broader range in routine life style differences noted by writers such as Curtis (1975) and Stack (1974).

The familial lifestyle differences between blacks and whites are typically attributed to major differences in economic opportunities. That is, family structure is responsive to labor market conditions such as unemployment rates and income levels (e.g., Almgren et al., 1998; Sampson, 1987). Black males have fewer economic opportunities than whites. An adequate economic base improves the probability of stable families. The routines of black family life are marked by much higher rates of disruption and illegitimacy than those found among Caucasians (e.g. Almgren et al., 1998; Curtis 1975; Sampson 1987; U.S. Bureau of the Census; 2006).

A hallmark of the black subculture of violence is sexual prowess and exploitation (Curtis 1975). The economic marginality of black street corner men contributes to their having quick changing and ill defined relationships with women. As a corollary, there is often considerable disagreement and distrust about sexual faithfulness. This jealousy can be quickly turned against male competitors. It is an important risk factor in precipitating homicides (Almgren et al., 1998; Curtis 1975).

Other key life style difference between street corner black and white males may lie in the areas of differential weapons possession and substance abuse. Both of these factors are considered important risk factors in homicide (e.g. Curtis, 1975; Gelles, 1987:111; Killias et al., 2001; Lester, 1995; Singh, 2004; Wolfgang, 1958). For example, to the extent that African American unmarried males are more likely than whites to carry weapons, and to be involved with persons who are likely to carry weapons themselves, they would be expected to be at greater risk than whites for homicide. Weapons provide more opportunities for assaults to turn into lethal violence (McDowell, 1991; Singh, 2004).

The notion that African American single men are more likely than white single men to be around people with firearms is tested with data from the General Social Survey (Davis, 1995) in table 1. The one available measure of this phenomenon is the lifetime prevalence of ever having been threatened with a gun or shot at. Since this is directly related to veteran status, veterans were omitted from the analysis. The data in table 1 indicate that 42.8% of African American single men reported having either been threatened or shot at compared to 25.8% of their white counterparts. Black single men are nearly twice as likely to have been in a dangerous situation with someone wielding a firearm than white single men. These results were not replicated, however, for widowed or divorced men. There was a slight tendency for black married men to have been so threatened with a gun or shot at more than white married men. These data are consistent with the thesis that single black men have greater exposure to risky life styles compared to single white men.

Table 1. Responses to the Question: "Have you ever been threatened with a gun or shot at?" by Single African American and Single Caucasian American males, Non Veterans, General Social Surveys, 1972-1994

Response	Racial Group	
	African American	Caucasian American
Yes	42.8%	25.8%
No	57.2%	74.2%

Chi Square: 30.6, $p < 0.001$.

Some additional attention is called to the economic differences in the life styles of Caucasian and African American men. African Americans are still twice as likely to be unemployed than their Caucasian counterparts (U.S. Bureau of the census 2006). While differences in education level have narrowed, Caucasian American still higher than African American on a number of educational indexes such as graduation rates from professional schools (U.S. Bureau of the Census 1992; 2006). Singleness in the context of impoverishment would be expected to increase the odds of following a dangerous life style. For example, such persons might be more attracted to gangs, drug dealing, and various activities of a life risking nature where the risk of homicide and/or death is greater.

Given considerations such as black's having a greater likelihood to be around persons who carry firearms, and having fewer marital, educational and employment ties to conventional society than Caucasian Americans (e.g., Almgren et al., 1998; Sampson, 1987; U.S. Bureau of the Census, 2006), it is possible that the often reported association between singleness and homicide may be stronger for African Americans than Caucasian Americans. Indeed, once a control is introduced for age, the association between singleness and homicide risk may reverse or vanish for whites.

METHODOLOGY

Data on homicide are from the 1990 national mortality tapes (U.S. Public Health Service, 1994). The risk of homicide was measured as a binary variable, where 1 = death by homicide and 0 = death by all other causes. Complete data were available on 6,683 white male homicide victims and 7,112 African American male homicide victims. In addition, complete data were available on 725,267 Caucasian men and 87,116 African American men who died of other causes. In all, complete data were available on the deaths of 826,178 men. Because the dependent variable was a dichotomy, logistic regression techniques were appropriate (Menard, 1995; Pampel, 2002).

Marital status is measured in terms of a series of binary variables. Following rules for coding nominal variables with *n* categories, one category needs to be used as a baseline category and coded as zero (Kuter et al., 2005). Marital status is thus coded as divorced (0,1), widowed (0,1), single (0,1) and married serves as the baseline or comparison category.

Race was measured as a binary variable, where 1 = African American, and 0 = Caucasian American. Controls are introduced for standard demographic variables found in the literature on homicide (e.g., Land et al., 1990; Messner and Rosenfeld, 1999). Age is coded in years. Education level, an index of social status, is coded in years of school completed. A distinction is drawn between persons residing in urban areas (1), defined as counties with a population of 1,000,000 or more persons, vs. nonurban areas (0). Finally a series of binary variables are introduced to control for the variation in homicide among regions of the nation. The regional variables are West (0,1), South (0,1), Midwest (0,1), and the Northeast region serves as the comparison category. The latter region tends to have the lowest rate of homicide. However, there are some racial differences in this bivariate relationship (O'Carroll and Mercy, 1986:35).

Table 2. The Effect of Marital Status on the Odds of Dying from Homicide vs. Other Causes in 1990, By Race. (N=94,228 African American Deaths, and 731,950 Caucasian American Deaths)

Variable	Beta	Standard Error	Wald Chi Square	Standardized Estimate	odds Ratio
Panel A: African Americans:					
Intercept	-3.35*	0.03	16085.3		0.04
Marital Status:					
Divorced	0.43*	0.05	75.7	0.078	1.54
Widowed	-1.69*	0.10	264.3	-0.345	0.19
Single	2.03*	0.03	4336.4	0.483	7.65
Contingency C:	0.770				
Panel B: Caucasian American:					
Intercept	-5.36*	0.02	61221.9		0.005
Marital Status:					
Divorced	1.31*	0.04	1258.1	0.206	3.72
Widowed	-1.48*	0.09	271.6	-0.295	0.24
Single	2.15*	0.03	5863.1	0.378	8.57
Contingency C:	0.760				

* $p < 0.05$.

ANALYSIS

Table 2 provides the results for the two bivariate regressions. Panel A gives the coefficients for the marital status terms for African Americans. From the odds ratios, divorced African Americans are 1.54 time more likely to be homicide victims than their married counterparts. Single African Americans are 7.65 times more likely to die of homicide than married African Americans. Widowers are, however, less likely to die of homicide than married persons. From the standardized estimate, the variable most predictive of homicide is singleness, (standardized coefficient = 0.483). The degree of fit between the predicted and the actual cause of death is good as indicated by the contingency C correlation statistic of 0.770.

The results for Caucasian Americans are provided in table 2, panel B. These follow much the same pattern as those for African Americans. Both divorced and single Caucasians are at greater risk of homicide than their married counterparts. The odds ratios are higher, however, than those for African Americans (3.72 and 8.57 respectively). Like African Americans, widowed Caucasians are less likely to be homicide victims (odds ratio = 0.24, $1 - .24 = 0.76$ times less likely). The fit between the observed and expected cause of death is good as indicated by the Contingency C coefficient of 0.762.

Table 3 presents the results of the full logistic regression model with the terms representing demographic and regional controls entered into the equation. Panel A provides the results for African Americans. Controlling for age and the other predictor variables, divorced African Americans are 1.15 times at greater risk of dying from homicide than their married counterparts. Single African American males are 1.13 times more at risk of dying

from homicide than their married counterparts. In results not reported here, where the variables were entered into the analysis one at a time, the variable that greatly reduced the impact of marital status on homicide risk was age. Even with age controlled, however, being a widow reduces homicide risk by 0.38 times.

Table 3. The Effect of Marital Status, and Controls on the Odds of Dying from Homicide vs. Other Causes in 1990, By Race. (N=94,228 African American Deaths, and 731,950 Caucasian American Deaths)

Variable	Beta	Standard Error	Wald Chi Square	Standardized Estimate	odds Ratio
Panel A: African Americans:					
Intercept	0.65*	0.08	74.60		1.91
Marital Status:					
Divorced	0.14*	0.05	7.55	0.025	1.15
Widowed	-0.48*	0.11	19.90	-0.10	0.62
Single	0.12*	0.04	9.24	0.028	1.13
Demographic Controls:					
Age	-0.08*	0.001	5520.1	-0.91	0.93
College	-0.61*	0.08	54.5	-0.07	0.54
Urban	0.45*	0.03	196.18	0.11	1.57
Region:					
West	0.35*	0.06	33.02	0.06	1.43
South	0.29*	0.05	31.20	0.08	1.34
Midwest	0.38*	0.05	47.36	0.09	1.46
Contingency C between predicted and observed values: C=0.906.					
Panel B. Caucasian Americans.					
Intercept	-1.27*	0.07	357.1		0.28
Marital Status:					
Divorced	0.52*	0.04	190.3	0.08	1.69
Widowed	-0.18*	0.09	4.10	-0.04	0.84
Single	-0.36*	0.04	88.4	-0.06	0.70
Demographic Controls:					
Age	-0.08*	0.0009	8236.8	-0.760	0.92
College	-0.61*	0.05	125.6	-0.11	0.54
Urban	0.82*	0.03	832.1	0.17	2.27
Region:					
West	0.84*	0.05	253.4	0.19	2.32
South	0.84*	0.05	259.5	0.22	2.31
Midwest	0.14*	0.06	6.43	0.04	1.15
Contingency C between predicted and observed values: C=0.920.					

* $p < .05$.

The variable most closely tied to the risk of homicide is age (standardized coefficient= -0.91). A one unit increase in age lowers the odds of homicide by 0.07 times or 7%. As anticipated, education lowers homicide risk. A year of education decreases the odds of homicide by 46%. Residence in an urban area increases homicide risk 1.57 times.

Homicide risk also varies by region with the West increasing the risk by 1.43 times, the South 1.34 times, and the Midwest 1.46 times compared to the Northeast. The degree of fit between the observed and expected values is given by the Contingency C coefficient and is 0.906.

The results for Caucasian Americans are given in table 3, panel B. As in the case of African Americans, divorced whites have a higher risk of homicide than married whites. Controlling for the other variables in the equation, the risk to divorced white men of death through homicide is 1.69 times greater than that for married white men. Widowed white men have a 16% lower risk of death by homicide than married white men.

In contrast to single African American males, single Caucasian American males have a lower risk of death by homicide than their married counterparts. Their risk is 30% lower than that of married white males.

The variable most closely associated with death from homicide is age (standardized coefficient= -0.760). Each year of age lowers homicide risk 0.08 times or 8%. As anticipated, education lowers homicide risk; the amount is 46% lower risk for each year of educational attainment. Living in an urban area increases homicide risk 2.32 times over that in nonurban areas. Controlling for the other variables, region is also related to homicide risk. Homicide risk is elevated 2.32 times in the West, 2.31 times in the South, and 1.15 times in the Midwest compared to the Northeast.

The contingency C coefficient for the association between the predicted and the actual values of the dependent variable is 0.920. That indicates that the model provides a relatively good fit to the data at hand (Menard, 1995; Pampel, 2002).

CONCLUSION

Previous research on marital status and homicide has generally used ecological data (e.g. see reviews in Browne et al., 1999; Land et al., 1990; Lester, 2001). Its results need to be taken with caution due to the hazards of the ecological fallacy. Individual level analyses have generally not provided analytic national data on homicide risk by marital status. Further, past research has tended to fail to use race specific data on homicide (e.g., Browne et al., 1999). The present study corrects for these problems by using individual-based, national, race-specific data. Controlling for age, region and other covariates of marital status, there is mixed evidence for a relationship between marital status and the odds of death by homicide.

First, divorced persons, a group removed from the institution of marriage, have a higher risk of death from homicide than married persons. This is true for both races. While the strength of the bivariate relationship was reduced after controlling for the covariates of divorce, this was especially true for white men. The risk was reduced for white men from an odds ratio of 3.72 to 1.69.

At the bivariate level, single men of both races have a substantially greater risk of homicide than their married counterparts. This risk level is eight times that of married men. At the multivariate level of analysis, however, the strength of the relationship is greatly reduced. Single African Americans still have a higher risk of death from homicide than married African Americans, but the same is not true of single whites. Single white men are more protected against homicide than married white men.

It is speculated that single black males may be at risk of homicide, independent of age effects, due to their differential involvement in dangerous lifestyles. It is beyond the scope of the present paper to test this thesis in any rigorous way. Data from the General Social Surveys indicated, however, that single black males were more apt than single white males to have been in dangerous situations involving being threatened with a gun or actually being shot at. This was largely not the case for other marital statuses.

The result that single white men are at lower risk of homicide than married white men would not be anticipated from a previous report which was also based on individual level data (Kposowa et al., 1994). However, that study was based on only 103 homicides. It also did not run separate analyses of homicide risk by race. The present study broadened the analysis to 13,795 homicide victims and did run separate analyses by race.

The reduction in the risk of homicide associated with being a divorced or single man once controls are included for age and the other covariates of these statuses, can be interpreted from a subcultural explanation of criminality. Curtis (1975) attributes violence to being socialized in a culture which values: thrill-seeking and change (2) physical prowess and toughness (3) sexual prowess and exploitation (4) shrewdness and manipulation. It is possible that these values are age related for various reasons. As men age they are less likely to be able to compete with younger men for realization of these values. Older men are not as strong, perhaps not as sexually desirable, and perhaps simply not as interested in thrill seeking and other values. The maturation process and market forces may contribute to the exit of many older men from the subculture of violence (e.g., Stack, 2002; Wolfgang, 1958). The present results suggest that this may be especially true for single men. Once a control for age is included in the analysis a powerful relationship between singleness and homicide victimization becomes minimal or reverses as in the case of Anglo men.

Widowed men have a lower risk of being homicide victims than married men, and this is true for both races. Controlling for the covariates of widowhood, this relationship still remains.

These individual level results have some implications for the interpretation of ecological based research on marital variables and homicide rates. With age controlled, marital status had relatively little impact on homicide risk. Indeed, for whites, being married increased homicide risk. This indicates that a macro-oriented association between the divorce and homicide rates is probably not restricted to homicides involving only divorced people. It may be picking up on violence in dysfunctional families including that which precedes or fails to result in divorce.

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Chapter 9

**THE IMPLEMENTATION OF PROBLEM-ORIENTED
POLICING IN OSLO, NORWAY:
NOT WITHOUT PROBLEMS?**

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ABSTRACT

This chapter is based on ethnographic fieldwork and interviews conducted within the Oslo police force, mainly among rank and file officers. As problem-oriented policing (POP) had been under implementation for four years at the time of the fieldwork, this process was brought to attention although the purpose of the research project was to investigate the relationship between the police and ethnic minorities. The rank and file officers had contradictory perceptions about POP. It appeared that the implementation of POP was met with irritation and resistance in all three stations involved in the research. The questions raised in the chapter are: Why did change in police strategies constitute a problem? What caused the resistance? Does the implementation of POP have any impact on the policing of ethnic minorities? It is suggested that the rank and file police officers' sub cultural perceptions of what "real police work" is, including excitement, and the desire to "catch the crook", make them resist the change in the organisation towards a more intellectual, situational and preventive approach to crime. Furthermore hierarchy may counteract organisational change. It has been suggested that community policing increases police rank and file autonomy. In Oslo, however, the demands about documentation of POP tasks, rather decreased police discretion and consequently produced resistance to POP.

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INTRODUCTION

Several researchers have pointed to the fact that police organisations may be resistant to change (e.g. Chan 1996, Reiner 2000, Weisburd et al. 2005). The fact that police organisations are large, hierarchic organisations which in Burns and Stalkers' (1996) terminology may be defined as mechanistic and, as such, are less flexible and changeable than organic organisations, might be a reason for this. Information concerning decisions about change made at the top of the organisation do not reach, or are not consented to, by employees at the bottom (Sollund 2005). With reference to implementations of POP strategies specifically, Famega (et al. 2005:556), found that supervisors' failure to give precise directives to their subordinates was an impediment to community policing. Famega (et al. 2005) saw this as result both of poor management skills as well as a moral issue related to the fact that supervisors had "given up" in efforts to implement proactive strategies. In this chapter we shall explore the reasons why the implementation of problem-oriented policing (POP) (see Goldstein 1990) is met with what at first glance may seem like resistance and quiet sabotage by police officers at rank and file level in Oslo.

The implementation of POP started in 2000, but police officers of different rank and experience meet POP with varying degrees of enthusiasm and understanding. We shall see that, despite the management's enthusiasm, the rank and file officers who most of all are to carry out the changes in police practice towards POP may effectively prevent real changes from coming through. Although officers are not necessarily directly hostile to the change in policing strategies, misunderstandings and lack of interest, for example interpreting the changes as "just one more thing directed from above", may impede real change in police practice. Some rank and file officers seemed less negative. We shall explore the reason for this, and see whether this may be related to the fact that because of the lack of real implementation, POP remains a theory for many officers to which they adhere because they have not experienced it in practice. We shall further explore whether lack of enthusiasm for POP may be because officers are likely to be under the spell of the "police rank and file logic" which has often motivated them to become police officers and which involves the sub cultural perception that "real police work" is that which involves action and excitement, the "chasing the bad guy" and the "fight against evil" (Choong 1997, Finstad 2003, Granér 2004, Holmberg 1999, Manning 1978, Reiner 2000, Smith og Gray 1985, Waddington 1999, 2003, Van Maanen 1978). This may be in contrast to the more intellectual and preventive approach to crime which POP is supposed to imply. In sum we shall see whether the present study supports what Lowe (2005) subtracts from her review of POP implementation described in the book *Crime reduction and Problem-oriented Policing* (Bullock and Tilley 2003):

"Lack of understanding, ability or commitments amongst personnel involved in POP projects often results in early implementation failure. Working within the structured, hierarchical environment of police service only serves to exacerbate such problems" (Lowe 2005: 96).

Before we proceed to what POP is meant to imply I will present the methodology applied in the research project upon which the chapter is based. A short description of what POP is meant to be will be presented before we dwell on the ways in which POP is practised in Oslo. A further section will deal with officers' perceptions of POP which may also constitute impediments to its implementation, as may police culture and the rank and file officers' desire

to perform “real police work”. The last section will focus on the organisational features’ hindrance to the implementation and the consequences of POP for the policing of ethnic minorities.

METHODOLOGY: A QUALITATIVE APPROACH

The chapter is based on qualitative research including ethnographic fieldwork. In Oslo there are five police stations, of which the three central police stations are involved in the research. I have been on patrol with rank and file officers in these stations; 1st, 2nd and 3rd station. As these stations are in the capital of Norway, they are neither representative for stations nation- wide, nor for stations in other countries. They may nevertheless give an insight into problems related to the implementation of POP which they may have in common with police districts in other Western states. Bayley (1990), for example, has made a point of the similarities between police forces in different countries, rather than their differences.

I have been on 36 shifts all together and have also spent time at the staff room in the police stations as well as in the meetings overlapping the change of shift. This is a briefing in which central information the police officers need to be aware of regarding the patrol service is presented through PowerPoint presentations. Usually, I would start fieldwork with the morning shift, but not until 11 or 12 o’clock, as experience taught me that usually, very little was happening in the morning. Then I would join the patrol until end of the shift at 3 p.m., participate in the meeting and then go out with the late shift. Other times, I would come in the evening and join the night shift.

I have also conducted 20 semi-structured in-depth interviews with police officers of different rank and gender, of which 15 were men and 5 were women. Interviewees included low rank officers, middle management level, and leaders of the shifts as well as leaders of the stations. These interviews were conducted at the 1st and 2nd stations and lasted between 1½ and 3 hours.

Furthermore, I have conducted informal interviews with the 88 officers I rode with during patrol. These interviews particularly took place during quiet hours and I systematically asked the officers questions regarding their relationships to ethnic minorities, as this was the main issue in the project, about their motives for becoming police officers, and about the ways in which they perceived the police role, as well as POP. These interviews form part of my field notes which comprise 157 densely typewritten pages.

WHAT POP IS AND WHAT IT IS SUPPOSED TO IMPLY

Since Herman Goldstein first wrote about POP in 1979, problem-oriented approaches to policing have been implemented in a range of countries (Bullock and Tilley 2003, Goldstein 1990, Knutsson and Clarke 2006, Shelley and Grant 1998, Thommasen 2005). According to Goldstein, POP entails more than just a program to be *added* to already prevalent forms of policing:

”(…) it is a whole new way of thinking about policing that has implications for every aspect of the police organisation, its personnel, and its operations. With an ever-present concern about the end product of policing as its central theme, it seeks to tie together the many elements involved in effective change in the police so that these changes are coordinated and mutually supportive (...) Fully implemented it has the potential to reshape the way in which police services are delivered” (Goldstein 1990: 3).

While “traditional” policing has a reactive character in which police officers respond to incidents (e.g. Finstad 2003, Holmberg 1999, Waddington 2003) but do not go to the source of what caused them, POP aims to proactively identify problem areas by grouping incidents as problems (Goldstein 1990). This requires that the officers take a profound interest in the circumstances which result in the incidents, and seek to determine possible interrelations between them. POP entails a more intellectual approach to policing than the traditional one, as police must systematically collect, systematise and analyse information about what caused the incidents, for example with reference to offenders, victims and locations. Goldstein (1990:38) maintains that to understand all aspects of the problems, police could apply a range of methods, for example literature searches, door to door surveys and interviews with persons with direct knowledge about a problem. Problems in turn, must be disaggregated in order to understand their true nature. For example, *sexual offences* within and outside the family will in character be totally different and should consequently be approached accordingly, but in police statistics may be labelled the same. In dealing with problems, the community should be involved. In order to find new ways of dealing with problems, the police should examine the efficiency of the existing ways of dealing with them, thus analysing not only the problems themselves, but also the ways in which problems are dealt with. In order to solve problems efficiently strategies should be tailor-made. Consequently, continuous evaluation of measures taken is regarded as a very important part of problem oriented policing. This is accomplished through new techniques and procedures, e.g. in ICT (Information and Communication Technology).

In sum, POP implies identifying problems, systematic inquiry, analysis, tailor-made responses, involving the community and evaluation (Goldstein 1990: 32-49). Involving the community in dealing with problems is central. We shall see how this methodology is applied in the Oslo police force’s POP practices.

POP IN OSLO POLICE PRACTICE

In the Police Directorate’s strategy plan (2002–2005) POP is focused on: 1) identification of problems, 2) mapping and analysis, 3) elaboration and implementation of measures, 4) evaluation of measures. According to the strategy plan, phases 1 and 2 are the responsibility of strategic and tactic management, while phases 3 and 4 are the responsibility of operative management who must evaluate measures against crime statistics involving the use of ICT. However, POP seems to be implemented to varying degrees and in varying ways in the three police stations involved. The use of ICT is central though, and special systems are applied such as GIS (Geographic Information System) (Gundhus 2006: 244). Further more, emphasis is put on the involvement of the community, in the Oslo police force terminology referred to as involving the “problem owners”.

Through GIS civilian employees working only with this plot risk zones for crime on a map of the police district, based on crime statistics. The 1st station also has a specific system, a “POP log book” into which police officers must code POP-related issues. Although there are “POP specialists”, the goal of the station's leader was to engage all officers directly in the implementation of POP. The actions of officers on lower levels are directed according to specific POP goals. Efforts to prevent pickpockets in a specific shopping and restaurant area was one such goal. Another goal was to reduce violence. In order to achieve POP goals, 1st and 3rd stations utilised specific POP patrols. However, all patrols were supposed to “think POP”. One example of a POP strategy at the station concerned the fact that their statistics showed that most victims of theft and violence in the district were youths who were out on Friday and Saturday nights. To prevent youths aged 20–35 from becoming victims, the station sent 15,000 text messages to cell phones on a Saturday afternoon, saying: *“To you who are young and going out! Don’t become a victim of pickpockets and violence. Take care of yourself, your wallet, your cell phone and your friends. Regards from 1st station.”*

Another strategy was to prevent pickpockets from operating at restaurants. This was done, advising the restaurant keepers to introduce compulsory use of wardrobes, as thieves will need their jackets in which to hide wallets and cell phones. Furthermore, the restaurant owners – and “problem owners” – were advised to install hooks underneath the tables where female customers could hang their purses rather than putting them on the floor where thieves have easier access to them.

In the 2nd station, POP had been the specific responsibility of one person who had later quit, and POP work was at the time involved collecting data located to the crime prevention unit. Here, one group was working with POP specifically. There were no POP patrols, but depending on the results revealed by the statistics, patrols could be ordered to remain within specific “problem areas”. According to the leader of the 1st station, the POP work “died” with the person who quit in 2nd station. When asked, the leader of the 2nd station himself said, with reference to the POP work at the station: *“We have operated according to POP principles for many years through the crime prevention unit. POP must be integrated into the whole system.”* He did not specify how this was done, and the statement seems contradictory in terms. It is reason to believe that this was more a saying, than a doing. This is a point to which I will return.

In the 3rd station, as in the 1st station there were specific POP patrols. Apparently POP was defined here as being specifically related to drug crime. Consequently, the POP patrols patrolled an area of Oslo where drug addicts hang out. Generally the officers on this station seemed to share an inclination towards traditional policing; i.e. it was not possible to detect any difference in the ways policing was performed by POP patrols and the regular patrols, except that POP patrolling was concentrated to a specific area. This was also the case at 1st station. Like one officer said: *“I actually have great belief in the idea behind POP, but it is not what we do in practice.”*

POP Patrols and Incident Steered Patrols

As mentioned, there are POP patrols and incident-steered patrols at the 1st and 3rd stations. The incident-steered patrols are directed by the Operations centre over the radio system through which officers respond to calls from the public. In situations involving

sensitive information, cell phones are used. As calls from the public about incidents that need to be dealt with will have first priority, even POP patrols will be directed to incidents if there is a lack of available patrols, although they will be the last to be directed there. Which of the officers who are to go on which patrol is not determined until the briefing, and as far as I could establish there is no system directing specific officers to specific patrols.

I will give one example of POP in practice, and thereby show why the implementation of POP may be difficult. This incident took place a Friday night in May, the first really warm evening of the summer. I was driving with a POP patrol from 1st station. Despite many people being out and about, it was quiet and we were just circling around in the centre of Oslo. The officers made no contact with people, and were just small talking with me and with each other. Then we overheard on the radio that a patrol from another district was directed to a presumed “gang fight” in central Oslo, but pertaining to another police district, that of the 2nd station. The officers, both men, looked at each other, one said “*Shall we go!?*” – to which the other enthusiastically responded “*Yes!*”. He turned the sirens on and we drove hastily to the location. Here we found no gang fight, but a handful of youths standing outside a youth club. Not only the patrol that had been directed there, but five more patrols were there. This must have implied that most of the patrols in central Oslo, in 1st, 2nd, and 3rd stations’ districts were already there. The incident illustrates that officers themselves can use their autonomy on patrol to respond to incidents to which they have not been directed, and consequently the “POP” work will temporarily be left unattended. POP work could, for example, be to warn young women to keep their purses locked, something I witnessed being done by another POP patrol. This incident can also contribute to explain rank and file officers’ perceptions of POP, as being second rate policing, avoided if possible.

HOW POP IS PERCEIVED BY POLICE OFFICERS

The 1st station was that station where most efforts had been made to implement POP systematically. Not surprisingly, the station leader here spoke warmly about POP: “*My goal is to have a station where people reflect upon how problems may be solved, rather than a culture based on orders and ‘I want – you shall’. That is no good. You have to define problems, think and analyse.*”

The enthusiasm for POP is also reflected on the middle management level. One of the shift leaders for example, basing his view on the statistics elaborated at the station, said that due to the efforts directed to prevent pick pocketing and violence in the district: “*There has been a decrease in pick pocketing and violence over the last years. This confirms that POP works.*”

The statement of the leader of 2nd station, saying that through the crime prevention unit the station had run according to POP principles for many years, may be interpreted as implying that POP is another word for crime prevention. In this, he reflects a common misunderstanding about POP (Gundhus 2006, Thomassen 2005), as put into practice POP will imply much more, e.g. with regard to the strategic systematisation of data and evaluation of measures. In Norway, the division between POP and traditional crime prevention may roughly be described as the distinction between “Teddy bear police” and “POP-stars”, in which the first has become synonymous with “soft” police work, while the other is far more

analytical and with a broader organisational approach to crime prevention (Larsson 2005: 275). While the first has its focus on *individuals*, the other has its focus on *problems*.

Misunderstandings about POP were common among the officers at the bottom of the organisation at the 1st station. They held perceptions about POP which were contradictory to those of their leaders and did not share their leaders' firm belief in POP. Among them POP was typically perceived as being "old policing under a new name". Like this male officer with 3 to 4 years' police experience says: "*POP is in reality just a new description on what we have done for a long time, but there is more documentation and systematisation.*"

As documentation and systematisation is the responsibility of the management, and due to the officers' relative autonomy, exemplified in the case above, it makes sense that changes in police practice do often not take place in reality, and this, of course, will affect officers' perceptions of POP. POP may remain just words, like this statement illustrates: "*POP is what we have always done, for example looking after cars on parking spots and working against pick pocketing.*"

However; the systematisation of data itself is registered as a result of POP efforts, like warning the public and restaurant owners, and may be reflected in a decrease in theft statistics which is presented at the briefings, where all officers are. This affects officers' perceptions of POP. Like this officer says "*I think there is nothing new in POP. The thought behind is not new, it is only a name for a police methodology the police has applied for a long time. There is more focus on documentation. The positive side is that it is more systematised; it used to be more random.*" A further comment was: "*I am not sure that it [POP] will make any difference. My impression is that the biggest difference is that we use statistics to direct where we go on patrol.*"

There is however a question whether this will constitute much difference, if officers merely go about as usual. Is there in reality any difference between going on patrol where "familiar crooks" live, like 2nd station officers do and where they, as one officer says: "(...) *are more likely to catch a fish*", and patrolling in high crime spots which 1st station's officers are supposed to do, but may actually, avoid?

These officers emphasise that despite "being the same", POP implies more systematisation. It seems however that it is looked upon as something which comes in *addition* to the "old policing", and that POP is *not* successfully integrated into the officers' ways of thinking. For example, at both the 1st and 3rd stations driving POP patrols was regarded as boring by officers who would rather be steered by the Operations centre to incidents involving action.

An employee in the Strategic Plan Office, working specifically with POP, acknowledges this as he says: "*We struggle with it [POP]. People think that POP is something extra we do, in addition to what we have always done. But POP is a sort of mentality. It shall be the main approach towards problems, a holistic way of working. And we struggle with that. Because people are raised with the traditional policing, and think they shall catch the crook and that is what they do. That is ingrained in police officers. So it is hard to turn a way of thinking*" (Gundhus 2006: 274).

To perceive POP as "additional work" is exactly what Goldstein (1990) warned against.

We can assume that because the 2nd station's leader regarded POP as crime prevention, POP was not implemented at this station, as the leader of 1st station said. Interestingly several of the rank and file officers at the 2nd station did still hold positive perceptions about POP, while at the 1st station many were negative. It is a question whether this may be explained by

the emphasis which is put on POP at the Norwegian Police University College.¹ When POP is not put into practice, officers' positive picture will prevail, while the officers at 1st station, who experience the results of POP have become far more sceptical.

Officers' Resistance to POP

It is interesting that, despite certain elements of POP where the emphasis is on strategic problem analysis, the perception that POP is "old stuff in new wrapping" is widespread at the three stations. This may, of course, also be due to the fact that the implementation of POP was still at an early stage which had not yet found its form. The 1st station's leader thus emphasises that there have been introductory problems at all levels as POP is a teaching process which may be difficult, especially at middle management level.

However, this inertia may also be related to overt and covert resistance. Despite their own enthusiasm for POP, there are also leaders who complain about the central management's lack of effort to implement POP, and see this as a major difficulty in the implementation. The leader of the 1st station says, for example: *"This is a fight. None of the police commissioners are interested in POP, they prefer the old method in which there is no method, where everybody does what he finds best. No success criteria and no fiasco criteria."*

In much in the same way one of the shift leaders in the 2nd station complains that the management in the station is not sufficiently dedicated to the implementation: *"I think POP is the right way to go. But I miss that my leaders follow it up. They only do it half way."* This makes sense when we remember that 2nd stations' leader said that the station had been run by POP principles for years, *prior* to the formal implementation of POP in Norway. This raises the question whether POP is seriously dealt with, and why even he, as a leader, sees POP as regular crime prevention. Maybe this is because of the way POP is communicated from the top of the operational police force. The leader of the 1st station thus not only complains about the management's attitudes to POP; he also finds that this negativity affects the rank and file officers at the bottom. When I ask him about the attitudes towards POP in the force, he replies: *"Surprisingly negative. But that is because it has no central support. It has met resistance in other countries too, but I miss clear directions from the Police Directorate and from the Ministry of Justice."*

It is hard to judge whether clear directions are actually lacking, as the Police Directorate's strategy plan is quite specific. However, it is likely that directions are not sufficiently specific to his taste. The ways in which he, as operational leader of the police station, implements POP may also illustrate that a certain vagueness may be an asset, as POP must be effectuated in different ways depending on the specific problems each police district confronts. The 1st station's focus on pickpockets and violence and the ways these problems are dealt with, using the media, sending text messages and contacting restaurant owners, illustrate that POP both invites and requires creativity in how to deal with problems.

Low ranking officers do often express overt resistance to POP. Like this officer states:

¹ Two of the three years' course are theoretical, and one year, the second, is practice. Many officers have undertaken other studies prior to the Police University College like law studies or Criminology and Sociology studies in order to gain study- points, as entry to the college is very competitive.

“It is a waste of resources, for example with reference to pick pocketing. We never catch anybody anyway, and if we do they are immediately released. Like the one we caught with lots of cell phones and wallets. He just spent a night in the cell.”

His resistance may be the result of the experience that despite much effort in solving the problems of pick pocketing, which they try to deal with in compliance with POP principles, the overall results do not correspond with the efforts made. What this officer says also reveals the frustration of letting the “crook” go, which is in sharp contrast to the traditional ultimate rank and file logic – with the desire to “catch a crook”. Through POP officers are required to prevent situations from creating crooks, more so than catching them, this is often not in accordance with their wishes.

POP is for “Specialists”

Apparently not only overt resistance, but also good intentions which lack a sound comprehension of what POP is actually implying, may be an impediment to its implementation. A common view among the officers, but foremost among the officers at the 2nd and 3rd stations, was that POP is something which concerns the “specialists”, or those who at the time are involved in POP patrolling. And maybe because POP work involves all officers at the 1st station to a greater extent, many of the rank and file officers thought POP *should* be left to the crime prevention unit. This was a result of the ways in which officers saw POP merely as crime prevention, thus entailing the low status within policing crime prevention has traditionally had, being the Cinderella of the service (Reiner 2000:76). In this sense, more specialisation is desired by officers as this will free them from the burden of POP work, while at the same time, the specialisation which actually is taking place is also freeing them from the responsibility, thus preventing the overall implementation of POP at the stations. Specialisation may entail that rather than being an integrated and common goal of the force, POP is fragmented and consequently unsuccessful. Like this female officer with five years’ police experience says: *“I think the thought is good, but I can see it is hard to achieve anything. But POP is in the system, where I cannot see it, I don’t notice it the way I could have wanted, but I believe it requires a lot of resources, because it demands a lot of preparations, analysis, you need the whole scale.(...)”*

A consequence of leaving POP to specialists and specialist groups is that POP does not really take part of rank and file officers’ policing. It becomes somebody else’s job. When it is obviously the officer’s job because they are driving POP patrols directed after the station’s POP goals, they are also obliged to document that they have acted according to directives in the POP log. Both driving POP patrols and writing the log are tasks which are regarded as boring and consuming.

As far as possible, officers proceeded with their patrol service, as if POP was not implemented, regarding POP as a nuisance in their daily working lives and something they would simply have to live with. If they could, they would have left the “POP work” to designated specialists. As a parallel, Weisburd et al. (2005) found that despite the introduction of the Compstat in the US; *“the rank-and-file remain largely oblivious to Compstat and that it intrudes little, if at all, into their daily work”* (p. 525). The rank and file officers may thus counteract POP.

“POP is what we have always Done”

Next there are the officers who, either as an expression of resistance or because they have not actually understood what POP implies, fail to “perform POP”. Like this male officer with 5 years’ police experience says: “*POP is what we always have done. You work problem oriented, you want to take prisoners and reveal criminality.*”

The comment is illustrative of the misunderstandings regarding what POP is supposed to entail, and the ways it is actually regarded by operational staff. Problem-orientation, the way he sees it, is to take prisoners and reveal criminality, a statement that seems utterly reactive to crime and thus reflective of the ways in which policing has traditionally been performed (Finstad 2003, Holmberg 1999, Waddington 2003). Either because the impact of POP is not successfully communicated through the layers of the organisation, or because officers are consciously or unconsciously selective about what they understand by POP, the result is that they do not agree upon the management’s perceptions of the potential of POP, and therefore do not apply it.

Another example of this is when the leader of the 1st station emphasises the importance of POP. At the same time, he says, it is easy to fall back on old methods, and stop and search drug addicts and deprive them of their tools, but according to him this is not POP. It is interesting then, that one day when I asked the officers what they had done before I came, one of them answered that they had taken the tools from a drug addict in the ‘good spirit of POP’ (Sollund 2005).

We have now seen that officers may have negative or wrong perceptions about POP which may complicate its implementation. Before we proceed to the ways in which organisational features may impede POP, we shall look at how police culture and its spell of what “real police work” implies in the eyes of many rank and file officers, may counteract POP.

POLICE CULTURE AS IMPEDIMENT TO CHANGE IN POLICING STRATEGIES

That police culture may prevent change in police organisations is suggested by Jermier (et al. 1991) who found that subcultures within a police organisation counteracted or modified the management’s dictates about change. In a similar way, Janet Chan (1996) concludes her study of reforms initiated in a police district in Australia in order to improve the relationship between the police and ethnic minorities, drawing on Bourdieu’s concepts of habitus and field, stating that: “*Changes in the field (e.g. in the formal rules governing policing) inevitably alter the way the game is played, since habitus interacts with the field, but the resulting practise may or may not be substantially or even discernibly changed*” (Chan 1996:131).

Chan found that community policing was interpreted in a superficial way and was mainly seen as public relations exercise, and says that since the police officers found that they could get away with the way things were done in the old days, real changes to police practice were difficult to achieve (1996: 129). She says furthermore, that when existing directory

knowledge was left unchallenged (implying police practice methods, and definitions of what is “out of place”), reform strategies and processes could be undermined.

If the officers are used to stop, search and arrest drug addicts they may continue to do so, even though this is not desirable in the view of the management. While the field itself is not changed, that is the circumstances under which the Oslo police officers perform their work, real changes in police practice may be hard to bring about. This is also due to the fact that POP does not substantially alter the role of police rank and file, who, of course, are still empowered to maintain law and order. Reiner finds typical cultural patterns in police organisations, and says that: “*Fundamental change in this requires not just changes aimed at individual officers (for example in selection and training), nor grand policy declarations, but a reshaping of basic character of the police role as a result of wider social transformation*” (Reiner 2000: 106).

Efforts were made to change the axiomatic knowledge of Oslo police officers, which is the objective – why they do things the way they do them (Chan 1996: 128). Still, as these changes were regarded as the tasks of specialists, and not theirs, most rank and file officers would in fact undermine the changes. Despite variations in perceptions of their roles as police officers, tasks and objectives were not substantially changed, and the “law and order - officers” could continue to dominate the force.

In one way, it is possible to say that the rank and file officers “adapt” POP in such a way that the original idea behind it vaporises into traditional patrol service, which of course may have pro-active elements, but which may be boiled down to traditional outlooks for “familiar criminals”, and for something being “out of place” (Chan 1996, Quinton, Bland and Miller 2000). Consequently; when POP operations are put into practice, they are more about catching thieves, being alert for suspicious persons, incidents and locations within prioritised areas, than doing something about situations. The ways in which POP measures are elaborated are influenced by the spell of the “real police work” (Gundhus 2006: 340)

The Desire to Perform “Real Police Work” as an Impediment to POP

Most of the officers I have talked with during the research have traditional ideas about policing, like some examples from the fieldwork may illustrate. The first example is from the 2nd station. It was late Friday night, and we had been out on patrol for hours and nothing had happened, when the female officer said: “*I wish we could catch a burglar in the action, we are so unlucky that nothing is happening!*” Evidently the patrol was not “performing POP” but was waiting for assignments from the Operations centre which failed to come. The next example was with the 1st station. The Operations centre steered us to an incident in which a man was observed breaking into a car. We drove speedily to the spot, but as we got there another patrol car from 2nd station had arrived before us. This produced some irritation in the patrol, because they were “*stealing our captive*”. When I asked whether it is important to take captives, the female officer responded: “*That is what we are here for!*” This is, however, in sharp contrast to middle management’s view on policing, in which “taking a captive” *per se*, may produce statistics, but may not be according to POP principles. In the third example with the 3rd station, we were steered to a location where a man with a rucksack was observed climbing out of a window. We circled around for a long time looking for him, but unsuccessfully, to the officers’ disappointment. Later that night however, the shift leader said

they had caught him. I asked him how it felt, and he replied:” *It [catching the thieves] is the best thing we do.*” Maybe preventing burglars through advice to citizens about closed windows would have been more according to POP principles.

Incidents involving “taking captives” were few, but highly appreciated by the officers and correspond to ideas about what “real police work” is (e.g. Reiner 2000; Waddington; 1999, 2003). Such ideas were also upheld by the officers’ sub-cultural emphasis on what they “really do”, as when I asked them whether they did not get bored driving around for hours when nothing happened – a question they resented, most likely because it was not corresponding to the ways in which they like to see their work and police roles. Stories about what the “real police work” consists of were shared during these long hours of patrol (cf. Shearing and Ericson 1991). This is also observed by Waddington, who says: “*Aimlessly wandering the streets is hardly the epitome of an exiting life, yet canteen conversation continues to perpetuate the myth that policing is centrally concerned with ‘search, chase and arrest’ and officers relish talking ‘war stories’ that glorify violent encounters*“ (2003: 99, see also Smith and Gray 1985, Finstad 2003, Reiner 2000).

The desire for “real police work”, which especially implies a macho ideal to “catch the crook,” (Reiner 2000, See also Gundhus 2005) may prevent the officers from becoming good POP officers. This may explain the officers’ rush to the scene of the “gang fight”, where what had actually happened was just that a boy had had his wallet stolen. As the incident was described in brief dry terms at the radio it could however have involved a gang fight between rivalling gangs of ethnic minority background, and this was, as in accordance with the desire for excitement and “real police work”, far more tempting than driving around asking girls to look after their purses, for example.

As Giacomazzi and Brody say: “*One of the prime inhibitors of the transition to community policing is the traditional police culture*” (2002: 40).

ORGANISATIONAL FEATURES AS IMPEDIMENT TO POP

Despite the good intentions expressed in the Police Directorate’s strategy plan 2002–2005, implying that POP should involve the whole police organisation (as well as the community), this seems not to be the case thus far in the three stations involved in the research. This may be partly explained by the character of police organisations, which may be defined as *mechanistic*. The *mechanistic organisation*, which builds upon Weber’s bureaucracy, is characterised by a hierarchic structure of control, authority and communication, a high division of labour, a precise definition of rights and obligations attached to each functional role, a tendency for interaction between members of the concern to be vertical, i.e. between superior and subordinate, and a low degree of autonomy on all levels of the organisation (Burns and Stalker 2001:120,121).

In Jermier et al’s study into a police organisation’s official culture and its subculture, those who had the least loyalty towards the organisation and its values, were the “crime fighters”. This again, was explained, not by the “crime fight philosophy“ itself, which according to their study was the prevalent one, but by the militaristic, autocratic management and obedience pressure directed towards the officials which is a consequence of such a philosophy, and produced less organisational commitment (Jermier et al.1991:190). Such a

culture of order and commands, and the consequences implied like lack of commitment and loyalty to management decisions seems to be exactly what the leader of the 1st station foresaw and thus sought to avoid by his desire for POP involvement among the lower ranks. Still his management philosophy through which he tried to increase the officers' freedom of discretion and trust does not seem to make them more involved or committed. He says: "*We started from the bottom, but we struggle because the lower rank officers want to push it on the higher rank officers, but that is no good because every individual must work with the problem and use his intellect in a different way. It is a great challenge!*"

This is in contrast to the authoritarian ways presented in Jermier et al.'s study. There is a question whether it is at all possible to neutralize the negative effects of authority in a hierarchic, military like organisation where rank is so important.

Due to the dichotomy between top and ground level of police organisations, the 1st station leader's attempts to involve rank and file officers in the changing policing strategies seemed unsuccessful. Rather, these officers share a common culture which contrasted with the new strategies. The difference in cultural beliefs and values between top and ground level may also be related to the mechanistic nature of the police organisation. The creativity which is an ideal in POP is counteracted by the mechanistic features of the police organisation in which hierarchical lines of communication is a characteristic.

What Giacomazzi and Brody (2002) say (with reference to Sparrow 1998) is highly relevant, and may point to the reasons for the problems related to the implementation of POP in Oslo:

"Organisational communication is of extreme importance during the change process to community policing, and leaders in the organisation not only need to 'preach' the values of the department, but also must practise them in day to day actions" (Giacomaazi and Brody 2002: 39).

The distance between those who make the decisions and those who put them in to practice may prevent information about POP from getting through to rank and file level. As one officer says: "*We get some fragments which are knowledge from man to man which is not a holistic analysis*". What he says suggests that even though analysis is formally included in POP, this is not fully implemented due to the informal "training" that goes on between officers.

Although not expressed directly by all, it is evident that the majority of the rank and file officers' actual policing at the 1st, 2nd and 3rd stations is not affected by the change of policing strategies to any significant degree, except the fulfilment of "must achieve POP goals", and thereby its documentation by the assigned POP patrols. This may due to the lack of delegated responsibility of POP strategies a the rank and file level. For example, despite good intentions during the first implementation of POP at the 1st station, the Strategic Planning Department responsible for the GIS' scanning did not have the possibility of presenting their monthly statistics at the general briefing meetings. Instead, the statistics were presented at the management's meetings. Maybe as a consequence of this, the lowest level of the organisation perceived statistics as "not nice to know", and wrong compared with their own experiences from the street (Gundhus 2005:133, 134). It is not necessarily a matter of outspoken, direct resistance but may be the result of the fact that the officers themselves are not sufficiently involved in the process.

A reason for the rank and file lack of involvement may be that POP demands from the officers that they act independently and analytically. This demands autonomy and is in contrast to what they traditionally have learnt about obeying orders, within a strictly hierarchic organisation where lives may depend on their ability to react swiftly to precise orders. This is a system which may be easier to conform to because it is less demanding. In obeying orders, they also enjoy a relative freedom from responsibility for their actions. Consequently, for elder officers, this shift in management strategies may be hard to adapt to.

Other studies have pointed to police organisation's resistance to the decentralisation of command (Weisburd, Mastrofski, McNally, Greenspan and Wills 2005:524). In Oslo, despite other intentions, the results of the implementation of POP may be more centralisation of power and less direct influence from the lowest level of the organisation. This is because the POP implementation also implies *more* detailed reporting with reference to what officers do at certain locations, for example pick-pockets risk zones, when and what, for example how many "problem owners" like restaurant owners officers talk to.

Ideally, the Police Directorate wants to introduce a more sensitive, listening police role, based on dialogue. The question is whether the police want to assume such a police role. One reason why this is not desired is that the new police role is associated with the management, which rank and file associate to values and desires different from their own.

Limitation of Police Discretion as an Impediment to POP

It has been claimed that community policing entails increased autonomy and thus increased work satisfaction, compared to that of traditional motorised patrols (Pelfrey 2004). In principle, I agree that autonomy will produce work satisfaction, and consequently loyalty to the organisation and its goals. However, in the Oslo case, the results of POP regarding rank and file's autonomy and freedom of discretion seems to be to the contrary. For example, the officers were traditionally steered to incidents by the Operations centre, but have been free to choose how to respond to incidents and how to deal with a situation, so long as it was dealt with. Now, as they are working more against predefined measures, their tasks have become more limited (Gundhus 2006). The relative freedom they used to have of deciding how to use their "free time", and as a consequence, usually stopping "suspects" or reacting to irregularities, is now reduced. Some rank and file officers' resistance to change thus seems to be related to the fact that POP also implies further and more control of their work through the systematisation of "problems" and directions to tasks which limit their freedom of discretion. Furthermore, the use of analytical tools is perceived as a threat to their professional judgement – and mistrust (Gundhus 2005: 141). Ideally, all officers should use their intellect, creativity and personal competence to contribute to "problem analysis"; in practice they end up registering tasks predefined by management, which in sum leads to not very inspired POP work: "*The tension between doing substantial police work and 'managementality' indicates that steering the police through result indicators may affect POP negatively*" (Gundhus 2006: 343)

It is maintained that police discretion itself may, as part of the rank and file culture, prevent change in the organisation. Chan says (with reference to Reiner) that: "*It is suggested that because police officers at the rank-and-file level exercise enormous discretion in their*

work, their informal working rules can subvert or obstruct policing reforms initiated at the top, or law reforms imposed externally” (1992 in Chan 1996:110).

With reference to the implementation of POP in the Oslo context, Gundhus (2006) finds that a competitive culture with emphasis on macho crime fighting ideals counteracts the new management ideals in which ICT tools are playing a central role. Officers resist POP because they feel it is a way of preventing them from executing their freedom of discretion. When they are given predefined tasks to fulfil on POP patrols, the days become predictive, something which the many officers said they wanted to avoid in their work lives, thus becoming police officers. Through POP they have less freedom to make their own days and must also do what they consider as “ a lot of paperwork” at the station after patrol. This does not necessarily mean that rank and file officers *ideologically* oppose POP, but many resent it in Oslo practice.

EFFECTS OF POP ON POLICING OF ETHNIC MINORITIES

In practice, POP the way it is applied, may have some consequences for the policing of ethnic minorities. Those who are targeted as “problems”, for example pickpockets in the 1st station district , drug dealer boys in the 3rd district, and child robbers in the 2nd district, are mainly identified as coming from a visible, ethnic minority background. Consequently, the manner in which POP is implemented may lead to deterioration in the relationship between the police and ethnic minorities. For example, the pickpockets are identified as Moroccans. This implies that if anybody looking like a Moroccan is observed in the “problem area”, he will be targeted as a potential pickpocket. As a couple of rank and file police officers say: *“It is my clear impression that ethnic minorities are over represented [among pickpockets]. As it is presented to us, Norwegians are never pickpockets, so evidently we will focus on them [Moroccans].”* Further: *“Those we have registered as pick pockets have an over weight of ethnic minorities, so with reference to POP we will focus on them.”*

Although it makes sense to police to target those who are most likely to commit crime, there are several problems related to this. For example, by focusing on some groups based on their physical features specifically, others who may be equally guilty will not be targeted, and we may say that the Oslo police are doing racial profiling. This is clearly against the Norwegian Anti-discrimination act. However, this focus may produce “good statistics” and next, increased targeting.

Another problem is that Norwegian police officers may lack competence in distinguishing between different ethnic minorities. This may lead them to target not only Moroccans, but also, for example, Iranians (Sollund 2006). As a couple of officers said as we discussed the police’s relationship to ethnic minorities during patrol: *“They all look the same to me”* with reference to Vietnamese, and *“Gang members all look the same”* with reference to Pakistanis.

In the 2nd station the identification of problems related to ethnic minority youth who had come to the district to rob ethnic Norwegian youth of their cell phones and wallets, led the crime prevention unit at the station to specifically target visible ethnic minority youth going

out to youth clubs Friday night. At one club this provoked an understandable reaction in which one of the boys exclaimed: “*Jackpot! Five blacks!*”²

The rank and file officers’ freedom of discretion (Holmberg 2003; Klening 1996, Waddington 2003), which may open up for a creativity in ways problems may be solved or prevented, may also prevent POP as such because officers may elect to use old methods trusting the criminal justice system, thus also preserving old-fashioned police cultural values. During fieldwork such values affected the ways ethnic minorities were policed (Sollund 2006). Within such a police culture, in a relative ethnic homogenous society like the Norwegian, POP may contribute to identify ethnic minorities as “The others”, as those who must be policed.

CONCLUSION

The data suggest that the inertia connected to the implementation of POP in Oslo practice is connected to a number of factors: The rank and file officers’ freedom of discretion is limited through POP goals set by management, and for that reason tasks entailed by POP are only fulfilled with resistance and after minimum standards. For example, the freedom of discretion left to them could have been used to develop creativity regarding POP tasks, but is rather applied to continue their patrol practice the ways policing has traditionally been conducted and interpret POP as it pleases them, for example by saying that “*POP is what we have always done*”, and call it “POP” when they look for “familiar criminals”.

Due to the hierarchic mechanistic nature of police organisations, including orders and command, information about POP and the changes in police practice POP could imply does not reach officers at lower levels to sufficient degree. This is accentuated by the fact that POP as practised in Oslo is left to designated groups and specialists who consequently free rank and file officers from the responsibility of implementing the changes in their own police roles and practice. Consequently, vital information about POP does not reach all levels of the organisation, or officers ignore it as something not concerning them.

Furthermore, police subculture, enhancing the erroneous perceptions about what “real police work” implies and which motivated many to become police officers, contradicts the “soft” approaches to crime and problems POP entails, which are consequently not embraced by the rank and file officers. POP is not “real police work”.

Even those who, due to POP training at the Police University College, enter the police force with a positive attitude towards POP will eventually be socialised into a police subculture in which POP is “boring” and not “real police work”. Furthermore, when they see POP the way it is put into practice, they become disillusioned regarding the potential of POP.

POP is designed to identify and remove the causes of recurring crime and disorder problems that affect communities by using resources more effectively by analysing individual incidents and prioritising community safety (Clarke and Eck 2003). When the ways in which these goals are supposed to be reached are not clearly understood, and – if understood – are

² He used the word: “*svarting*”, translated directly as ‘blackie’ thus has a negative connotation. Ethnic minority youth may use this word as an in-group word, about themselves, but of course, do not accept that it is used about them or to them by the majority population.

regarded as “boring”, the officers may have a lack of loyalty towards the changes that are being implemented in police practice.

Famega (et al. 2005) suggest that a solution to the problems related to the implementation of POP could be to make officers, both supervisors and subordinates, more accountable for their time. This may, however, not be the right solution as it could further restrict the rank and file officers’ discretion, and consequently enhance dissatisfaction and resistance. Rather, the solution must be to ensure more personal involvement by all officers at all levels. Pelfrey (2004) sees further involvement in community policing as a way of achieving greater autonomy, and thus work satisfaction among police officers. As a contrast to this, I find that the implementation of POP *reduced* rank and file officers’ autonomy and caused dissatisfaction. My study does, however, support that a way of producing work satisfaction and consequently loyalty to the implementation of POP can be gained by delegating responsibility of POP to all officers, rather than POP tasks to specialists and order officers to drive “POP patrols”.

To return to the quotation by Lowe (2005) in the introduction, the present study supports the hypothesis that organisational features like hierarchy, as well as lack of a profound understanding and commitment to the ideas of POP among rank and file officers, obstructs its implementation. Consequently, POP is not yet successfully integrated into the ways policing is performed at the three stations involved.

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Chapter 10

**ON THE EDGE OF CRIMINOLOGICAL RESEARCH:
PRISONERS IN LATER LIFE:
NO PROBLEMS – OLD AND QUIET?***

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ABSTRACT

The chapter will landscape the needs of a group that more often than not has been ignored by the criminological imagination: that is older offenders in prison. In relation to the discipline of criminology, I want to invoke the idea that the criminological imagination indeed is one that is creative, resourceful, eclectic and that can traverse the boundaries of the discipline. The idea of the sociological imagination is one, which works between the personal troubles of milieu, and the public issues of social structure (Mills, 1959:8). Within this chapter, I will draw out research dilemmas of doing prison research, the *troubles* and *concerns* of an ageing prison population and address why criminology has been unimaginative in relation to the problems faced by older prisoners.

This chapter draws upon on-going research examining the needs and experiences of both women and men who are over 50 plus and in prison. I identify the key issues and current debates in criminology surrounding older people and crime and focus on the specific issues an ageing population poses to the criminal justice system of England and Wales. The chapter provides an introduction to the area; contextualises the age demographics of the prison population and raises questions about the nature of imprisonment. It is by inserting the voices of older people in prison that we can begin to systematically address their needs and in turn begin, to look after them with humanity and help them lead law-abiding and useful lives in custody and after release[1]. This view

* The sub-title for this chapter, 'No Problems – Old and Quiet', is taken from the HM Chief Inspector of Prisons Report (2004).

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from below informs policy intervention and widens the vista of the criminological imagination by bringing to criminology a more critical and reflexive style, and provides a more explicit questioning of criminology's relation to criminal justice practices. Moreover, this approach brings a nearness, creates nuances [and] nearness makes for understanding. It is the invisibility of the prisoner, which makes it possible to maintain the ideological functions of the prison. Visibility is the Achilles heel of the functions (Mathiesen, 1990:163).

INTRODUCTION

This paper will discuss the needs of a group that more often than not has been ignored by the criminologists: older offenders in prison. In relation to the discipline of criminology, I want to suggest that the criminological imagination indeed is one that is creative, resourceful, eclectic and can cross disciplinary boundaries. The concept of the sociological imagination is one 'which works between the personal troubles of milieu' and 'the public issues of social structure' (Mills, 1959:8). This paper will draw out the *troubles* and *concerns* of an ageing prison population and address why criminology has been unimaginative in relation to the problems faced by older prisoners.

The paper draws upon research examining the needs and experiences of both women and men who are over 50 and in prison, from both sides of the Atlantic. I identify the key issues of researching in prisons, examine the current debates in criminology surrounding older people and crime and focus on the specific issues an ageing population poses to the criminal justice system of England and Wales. The paper provides an introduction to the area, contextualises the age demographics of the prison population and raises questions about the nature of imprisonment. It is by listening to the voices of older people in prison that we can begin to address their needs systematically and in turn begin 'to look after them with humanity and help them lead law-abiding and useful lives in custody and after release'¹. This view from below informs policy intervention and widens the vista of the criminological imagination by bringing to criminology a more critical and reflexive style, and provides more explicitly a questioning of criminology's relation to criminal justice practices. Moreover, this approach brings a "nearness, creates nuances [and] nearness makes for understanding. It is the invisibility of the prisoner, which makes it possible to maintain the ideological functions of the prison. Visibility is the Achilles heel of the functions" (Mathiesen, 1990:163).

Much of the debate on older offenders is over how to define 'old' (Phillips, 2005). The first problem arises with the definition of 'elderly', 'elder' or 'older', which can produce information that at first appears contradictory. Official statistics on the age breakdown of offences and prison statistics (see Home Office, 1997a, 1997b) use anything between 21 and 59 or simply give figures for offenders aged 21 and above. Some previous researchers have defined older prisoners as those 65 years of age and older (Newman, 1984), some 60 (Kratcoski, 1990) and 55 (Goetting, 1992). However, the majority of studies such as Phillips (1996), Wahidin (2002), Aday (2003), the American Department of Justice and units for older prisoners in the UK have used 50-55 as the threshold age to define when one becomes an

¹ This statement may be seen displayed at the entrance of every prison. Go to <http://www.hmprisonservice.gov.uk/> to enter HM Prison Service website.

older offender. This definition is supported by the fact that offenders experience what is known as ‘accelerated’ ageing, so that a typical prisoner in their 50s has the physical appearance and accompanying health problems of someone at least ten years older in the outside community. As the Health Care Manager of HMP Wymott states, “in the prison service you find people presenting health problems that are normally found in the over 65s at a much younger age”.

For the purpose of this paper the term ‘older’ or ‘offender in later life’ or ‘elder’ will be used interchangeably to denote a person aged fifty or over. The term ‘elderly’ perpetuates a stereotype that the elderly population constitutes a homogeneous social group and the term culturally reproduces ‘ageist’ stereotypes and equates the aged as weak, infirmed and vulnerable. The term ‘the elderly’ has deliberately been avoided in this chapter because the adjective has become ‘misappropriated as a noun’ which Fennel et al (1988), argues leads to people becoming treated as ‘things’. Hence the term ‘elder’ will be used in recognition of the positive aspects that older age can confer (Bond et al 1993; Bytheway, 1994).

LOCATING THE FIELD

These data draws upon on-going research in the area of older offenders in the criminal justice system of England and Wales. The initial study² was located at several female prisons reflecting the various types of prison establishments and criminal offences found in the penal system in the UK. This paper is based on interviews with prison officers, health care managers, governors and men in later life serving a period of imprisonment (see Wahidin, 2005b) and was based at HMP Kingston E wing, Wymott I Wing, Norwich L Wing and Frankland B Wing.

At the time of the interviews all of the eligible women and men who were on the prison roll consented to participate in the research (Wahidin, 2002, 2004). This was possible mainly because the women and the men themselves approved of the study and had accepted it as relevant to their experiences. For the above studies with prisoners participation was encouraged through the prison grapevine. The shipping of prisoners to other prisons assisted in facilitating the research process³. The sample consisted of the following categories of prisoner:

² The initial study began in 1997 for my doctoral thesis: ‘Living Life Behind the Shadows: A Qualitative Study of Older Women in Prison’, which was funded by the University of Keele. My field work took place at the following prisons: HMP Durham H Wing; HMP Styal, HMP Drake Hall and HMP Askham Grange. The research conducted in 2004 –2005 involved, governors, health care personnel, prison officers and prisoners at several male prisons: HMP Kingston – E wing; HMP Norwich L Wing, HMP Wymott I Wing and HMP Frankland B Wing.

³ ‘Shipped out’ is a colloquial prison term also known as ‘being ghosted’ and means being taken to another prison often without warning and in some cases by force. It is used as a disciplinary measure. It can also mean that the prisoner is moved because she or he has requested a transfer. The actual process of moving prisoners in this way is highly problematic for critical criminologists. This movement of prisoners (for the reasons stated above) could facilitate another meeting with the woman in a different prison whereupon she would encourage others to participate in the research. This happened on several occasions.

1. The first-time offender currently serving a term of imprisonment;
2. The offender who has had previous convictions but not served a prison sentence before;
3. The offender who has previously served a custodial term after conviction;
4. Prisoners serving a life sentence and who have simply grown old in prison;
5. Long term prisoners.

The following section will address some of the issues arising from doing prison research. The process of obtaining permission from the 'gate-keepers' (Goffman, 1961) was in itself about deciphering the secret codes of the prison bureaucracy. It was a matter of deciding whether to gain access *only* through the Home Office, or through individual governors, deputy governors and other governor grades or both. However, in approaching individual institutions rather than the Home Office, access was contingent on the discretion of the governor. I had to become familiar with the 'value' and implications each pathway may have for the elders and the research. Each level in the establishment hierarchy contains its own currency, requiring a different approach, and has its own advantages and disadvantages in terms of the research process. I made the decision to negotiate access via the governors and senior officers in order to keep the research as near to the ground as possible. It was important to proceed as an independent researcher allowing all ranks within this hierarchy to participate in the evolving research at its various stages of development, in the knowledge that at its best '*Prison is not a comfortable place to live, to work, or to carry outresearch.*' (Dammer, 1994:1). I would argue that this process of listening to the 'gate-keepers' provided the opportunity to observe and become familiar with the regime and the day-to-day realities of prison life (Blumer, 1969), and raised my awareness of the needs of elders in prison.

Gaining access to prisons centred around making preliminary visits to the institutions, providing governors and senior officers, the 'gate-keepers' the opportunity to participate in the dialogue of the unfolding research ideas. These meetings provided an opportunity to collect information from the officers and governors about the operational needs of the prison and the nature of incarceration for elders in prison. The informality of these interactions and my identity as a non-Home Office researcher was an essential key to gaining access to conduct my research.⁴ The details of the conversations were therefore not recorded at the time but were noted after the conversations had taken place in the form of a research diary.

This involvement provided useful background information about the establishments and allowed officers and offenders the opportunity to contribute their experience and knowledge about the culture, the changing nature of the establishment, and the operational needs of the prison in relation to their experiences as elders and as officers in prison (Punch, 1986, 1989, 1994). Moreover, it illustrated a genuine desire to listen and learn from what they had to say (Holdaway, 1982; Mies, 1993; Vidich and Lyman, 1998). In the process of gaining access it was important to go through this process because officers felt that they were the most maligned and invisible occupational group (Kauffman, 1988; Lombardo, 1989). The world of

⁴ One elder was initially reluctant to speak to me but then was told by an elder in the study that I was an independent researcher and a friend of....., she then spent a great deal of time talking about her experiences. Prior to being in the field I was also informed by an elder (who was allowed out on day visits at time), about her experiences of research in prison from an insiders' perspective. Many of the women she came across assumed she was a Home Office researcher and verbally abused her until she proved her status as an inmate.

the prison officer has been neglected in terms of research, and is potentially a rich area for future research. One comment heard in this informal setting in relation to researchers concerned the lack of continuity of contact between the prison and the researcher once the research had been completed: *'We are inundated with people wanting to do research, they come in here and then that's the last we hear. They never see our point of view and are never long enough here to understand the problems we have to cope with'*. (Officer)

During these initial meetings I used the time so that the officers and prisoners were able to put a face to a name, developing their awareness of the study and their sense of its legitimacy, and establishing my credibility as a researcher. From the outset I made it clear that as an 'outsider' I was willing to listen and learn in order to understand the nuances of the carceral realm. Furthermore, it was important that members of staff felt that they were more than just a source to be exploited (Opie, 1992; Riessman, 1997a). I felt it was important to show that I was willing to *'do the time'* in prison in order to become a knowledgeable spectator, and this made the research process less alienating for all those involved (Jupp and Norris, 1983a, 1983b; Kane, 1985; Miller and Glassner, 1997; Shaw, 1930; Whyte, 1955).

GAINING, NEGOTIATING AND MAINTAINING ACCESS AS A NON HOME OFFICE RESEARCHER IN PRISON

The experience of gaining, negotiating and maintaining access as a non-Home Office researcher in prison can be described as involving four parts:-

1. Having the credentials that count
2. Finding a role
3. Maintaining and negotiating access
4. Passing tests.

In terms of my work it was necessary to have the academic credentials, the experience of teaching in prison and having a non-threatening research persona denoted by dress and age. In negotiating access it became apparent that the governors, officers and the elders posited me as a willing 'learner' and 'listener'. One indication of how age was a variable in negotiating access was when one governor referred to me as the 'young 'n', throughout my visit and continues to do so in more informal environments ten years on. Another example was how elders remarked upon my age and compared my age to that of their own children on the outside. It was often through these comparisons that I found them forthcoming with information in their interactions with me. Some elders stated after the interview that if I needed any help or clarification I should contact them. They were insistent that I should share their fruit and snacks, one elder offered her room for me to conduct the interviews in, and others would tell me to drive carefully. Since a major theme emerging from the interview material was to be the way elders felt deprived of the responsible roles, e.g. of mother, father or grandmother, grandfather on which much of their sense of competence and self-esteem was based and of the respect which would have been accorded them on the outside due to their considerable life experience, it is not surprising that my persona as a young researcher elicited helpful information and even protective behaviour from many of them. In this way, the

content of many of the interviews was echoed within the very fabric of the research relationship, as women sought to use the latter as a means of restoring their sense of identity and pride.

The success of negotiating, gaining and maintaining access involves diplomacy and serendipity where unexpected avenues open up and anticipated obstacles dissipate. I would argue that this process of listening to the 'gate-keepers' provided the opportunity to observe and become familiar with the regime and the day-to-day realities of prison life (Blumer, 1969). This process informed my understanding, and raised my awareness of the needs of elders in prison. It enabled me to move from being a rather naive observer to one who was inducted into the system and who was conversant with the 'rules of the game' and the game plans, of each of the players: i.e. the role of governor, deputy, lifer governor and the various stages that women serving a life sentence have to go through etc.

Obtaining official permission, which was the first stage of the process, was followed by negotiations with individuals directly responsible for permitting the interviews. From this angle, access is ongoing and a precarious process, which can be renegotiated or revoked at any time when senior officers or governors move to other prisons or retire. I would stress that having the credentials counts and is crucial in terms of gaining acceptance and legitimacy for the study. It is academic affiliation, and a letter of support, which initially opens the gates to prison bureaucracy. Status within the institution is predicated upon credentials, the nature of the research and a guarantee of confidentiality. After access has been allowed, however the importance of credentials becomes secondary to the process of the research. What I found was that, as in any social group, a new member is identified as possessing certain characteristics such as style of dress, argot, class, and age, which play a crucial role in becoming accepted as a researcher.

After providing an in depth discussion of some of the methodological issues surrounding doing research in prisons I want to turn to older offenders found in the prison system of England and Wales and address why the criminological imagination has tended to forget the needs of this significant minority.

Older Offenders

The study of youth and crime has been a significant focus of criminological study since its inception. Although young people have for long been associated with crime, it appears that, as is the case with social class, different age groups commit different types of crime. Yet many theories deal almost exclusively with juvenile delinquency. Hence, it has been stated that '[o]ne of the few facts agreed on in criminology is the age distribution of crime' (Hirschi and Gottfredson, 1983:552). A series of moral panics have, 'demonised young people, from the teddy boys, mods and rockers of the 1960s, through to punks, skinheads, muggers, joyriders, 'rat boys' (Curtis, 1999:28), girl gangs and mobile phone snatchers of 2000 (see for example, Cohen, 1973; Pearson, 1983). As this chapter will show, the assumption that crime is overwhelmingly a 'young person's game must be called into question.

When thinking about older people as perpetrators of crime we associate them with relatively minor offences such as shoplifting, fraud or driving under the influence of alcohol. However, there have been recent exceptions with high profile cases such as Harold Shipman, Rosemary West and the general rise in the number of men who have been convicted in later

life for sex related offences, including those charged with 'historical offences' (offences committed two/three decades ago). Criminology has until recently ignored later life and crime related activities, and Pain (1997), suggests that the reason for this is that old age:

“... has largely been overlooked by criminologists, the debate so far being located mainly in medical and social welfare disciplines” (1997, 18).

Moreover this silence and exclusion around elders in prison on the part of policymakers and criminologists is a reflection of the ageist society we inhabit. For example, the Governor at HMP Kingston argues that the closure of the 'Elderly Unit' was led by a policy directive not to make sufficient funds available to sustain the unit. Thus the closure was due to “not being able to do what we really wanted to do, with people of this age, and that really was the straw that broke the camel's back. The lows were having to say we would love to do more but we can't because of the lack of resources. At the moment there is no real political imperative to do anything about older prisoners. I did take the prison minister round. He sat on the bed of a dying prisoner. I thought that might make a difference. To be honest - it is *out of sight and out of mind*, because *nobody really wants to know*”.

There are just under 6,000 people aged 50 and above in prison, constituting almost 13% of the total prison population. Women in prison of all ages form only a very small proportion of the total prison population 6% and women over fifty represent only 5% of the total female prison estate (Wahidin 2005c, data provided by the Research, Development and Statistical Department and Statistics Directorate of the Home Office).

Men in prison constitute 94% of the total prison population and men over 50 represent 8% of the male estate. In terms of actual numbers there were 170 women and 4,513 men in prison who were over the age of 50 in January 2005. To break this down further, there were 20 women over the age 60. In comparison there were 1507 men who were over the age of 60. More than one in ten male older prisoners who are over 60 belong to a minority ethnic group, which is far higher than the proportion of the general population⁵. The most common offences for the older female age group are not theft and handling or fraud and forgery, but violence against the person and drug offences (Wahidin 2005a). By comparison, the most common offences for men in this group are sexual offences, violence against a person and drug offences.

From 1995 to 2003, the female over 50 population rose by 98% and for men by 82%. The overall increase over this seven-year period is 83%. From 1999 to 2005 the older prison population doubled from 3,000 to almost 6,000. Furthermore, the over 60 male population has more than trebled over 10 years from 442 in 1992 to 1507 in 2005. In 1992 those aged 60 and above made up 1% of the male population over the age of 18, compared to 3% in 2002, and the 80 plus male population has become the fastest growing section of the male prison estate, increasing by 375% between 1995 - 2003. In the female estate the sentenced prison population of prisoners aged 50 and over has increased by two and a half times over the last ten years (Wahidin, 2005a).

It is evident from Her Majesty's Chief Inspectorate report on prisons (2004), *'Not Old and Quiet: Older Offenders in Prison'*, and from the above statistics that indeed the older

⁵ Prison Reform Trust (2004), *Growing Old in Prison*, London: Prison Reform Trust.

prison population is becoming one of the fastest growing groups without any comprehensive policy or strategy in place to address their needs.

The growth in the ageing prison population is due to changes in sentencing; the incremental extension of the life sentence; the introduction of natural life; the fact that more and more people are being incarcerated; and the times served by people subject to mandatory sentences are getting longer. For example, from 1989 to 1999 the proportion of sentences in the UK longer than four years, increased from 37% to 45% (Fazel et al 2001: 52). The above report (2004), found that the average sentence length (excluding life-sentenced prisoners) increased by 2.3 months between 1998 and 2002 to 39.3 months for male prisoners aged 60 and over. This compares to 4.3 months increase for women prisoners aged 50 and over to 26.1 months (ibid: 47).

The population of women prisoners in England and Wales has features that distinguish it from that of men (Home Office 1994, 2002; HMIPP 2001, HMCIP 2002). Between 1993 and 2001 the average female prison population rose 140% as against 46% for men, reflecting sentencing changes (Home Office: 2002:4). In 2005 the female prison population (only those convicted and sentenced to custody) stood at 3396, a 39% increase since 1999, and the long-term trend is for the population to rise (HMIPP 2001).

The largest concentration of male prisoners aged 50+ in 2003 was at HMP Kingston (this was the first Elderly Unit to be built in the UK). Subsequent to its closure in May 2005, HMP Norwich L Wing, HMP Frankland B Wing and HMP Wymott I Wing (the Elderly and Disabled Community) replaced the function of the Elderly Unit at HMP Kingston. Although HMP Holloway and HMP New Hall are both closed prisons and have the highest percentage of women in the 50+ category, they have as yet no facilities or formal policies in place to address their specific needs. As numbers are predicted to increase (as a result of bifurcation, indeterminate sentences in sentencing), this group will surely pose particular challenges to the current physical environment, healthcare facilities and regime. Moreover, the quality of treatment in the prison setting for this cohort has fallen short of the acceptable standards outlined by the Human Rights Act of 1998 (implemented in October 2000) and the Disability Discrimination Act 2004.

Since October 2004 prisons have been subject to the Disability Discrimination Act (DAA). This means that the prison service has to take reasonable steps to ensure that prisoners with disabilities can access facilities in prison. However, there is little evidence so far of the prison service responding to this directive. It is evident from the literature and HMCIP Thematic Review (2004) that prisons in general are failing to deal with this particular group's specific needs, although there are pockets of excellence: such as HMP Norwich – L Wing, HMP Wymott I Wing and HMP Frankland B Wing (see Wahidin 2005b). These units or wings provide tailored programmes and activities, and the environment is less brutal and more sanitised than on the normal prison location. The cacophony of prison noise is reduced, cell doors have been widened to accommodate wheel chairs, hoists are in place, nurses and occupational therapists are available to bathe those who are infirm, and experts are brought in to liaise with the prison to find effective strategies to address and manage the health, social and care needs of this age group.

The older units discussed have developed at a local level through the work of dedicated officers, governors and health teams, who have identified the health, welfare and social care needs of offenders in later life. The governor at HMP Kingston explains that the Elderly Unit at Kingston evolved purely because “Kingston had a number of older lifers / life sentence

prisoners at the time the idea for an older unit was discussed. We also had some available space to do something. A number of staff said, “why don’t we try and create a different environment for older prisoners away from the hustle and bustle of the main prison?” So the unit happened almost by default because there were already some older guys here”.

‘Out of Sight – Out of Mind’: The Invisible Minority

Despite the discipline of criminology having a rich imagination, the experiences of older people and the criminal justice system have been excluded. In the 1980s it was *de rigueur* not to start any paper on the topic of women and crime without reference to the dearth of material in this field and the general neglect of gender issues. Twenty years on, the impact of feminist criminology has opened up new areas of study and the broader point is that gender approaches and theories have enriched every aspect of the discipline. Similarly, as with the inclusion of feminist discourses in criminology, the incorporation of older people in the criminal justice system will enrich the discipline so that the continual denial and discrimination of older people in prison can and will be challenged.

Without UK data on current health care expenditure, one has to turn to studies conducted in the USA to understand the future resource implications of an older prison population. Several American and UK studies have indicated that older prisoners cost, on average, three times as much as a younger prisoner (Gallagher, 1990; Fazel et al 2001). At HMP Wymott, with a population of just under 700 men, 60% of all bed-watches were allocated to the over 50’s who comprised 15% of the population. (Wahidin 2005b). In comparison, despite making up only 8% of the total prison population in the USA, prisoners over 50 were responsible for 19% of the costs paid for ambulatory surgery episodes; 17% of costs for non-emergency room episodes; 31% of costs for ancillary care episodes; 20% of costs for specialty care episodes; and 29% of costs for inpatient care episodes (Florida Corrections Commission, 2001). As long as these conditions remain in place, prison health-care costs will continue to increase dramatically. A similar pattern is emerging in the prison system in England and Wales. The factors Aday, Krabil and Wahidin (2004) found influencing the increase in expenditure are the following:

1. The rising cost of health care in society at large;
2. The increasing number of prisoners in the prison system;
3. The general ageing of the prison population;
4. The higher prevalence of infectious diseases among prison populations.

As long as these trends continue, prison health-care costs will continue to increase. Like prisoners in general ageing prisoners have not had proper access to health care on the outside. They often come into the prison system with numerous chronic illnesses and consume multiple medications. Jonathan Turley, director of Project for Older Prisoners (POP’S), noted that: “the greatest single contributor to the high costs of older prisoners is medical expenditures” (Turley, 1990:26). On average prisoners over the age of 50 suffer at least three chronic health problems, such as hypertension, diabetes and emphysema (Acoca, 1998; Turley, 1990). Prisoners, as a population, traditionally have medical and social histories that put them more at risk of illness and disease than those who haven’t been incarcerated

(Marquart et al, 1997). As the number of older prisoners increases, the prison system will be even more challenged to provide adequate health and social care provision.

Imprisonment for many women and men in later life answers the first part of the statement of purpose, i.e. “Her Majesty’s Prison Service serves the public by keeping in custody those committed by the courts”⁶. The second part of the statement of purpose is answered by providing a milieu therapy. One can argue that the failure of the latter is indicative of the failure of the prison system to acknowledge the needs of elders in preparing for release. Rather than being enabled to feel that they have a fulfilling life to lead once released, they feel, as one woman states: “for elderly women there is nothing - *they have had their life*. You see.... the special facilities are for the youngsters going out so they can start to lead more useful lives. Over fifties, sixties, who *cares*, whether you lead a *useful life or not*. *You are over fifty - you have had it!*”

As the above testimonial indicate, elders in prison have concerns regarding how they become and are marginalised, within a space which claims to enable women and men across the life-course to ‘lead useful lives in custody and after release’. Their exclusion from the limited activities is a disabling practice, which makes them feel that they have no role to play. It enforces dependency and leads to institutionalisation. An elder male prisoner succinctly states, that after 30 years of imprisonment, “I am institutionalised. I am afraid of the outside, because I have been in prison for over 30 years. The prison officers and the Governor virtually tell you what to do. They run your life. Well... people have been running my life, *all* my life. I was brought up in a home. Ever since I was 10 years old, people have said, ‘you’ve got to do this’. ‘You’ve got to do that’. ‘You go to bed at this time and so it goes on’. So one becomes used to the idea of being told what to do. So suddenly, if it is withdrawn then you are like a fish out of water”.

Historically, educational training in women’s prisons has been part of the disciplinary regime based on returning offending women to their essential roles. Women are less likely than men in prison to receive education, pursue leisure activities and access training, and they are more likely to have to carry out domestic tasks. These discourses of the ‘essential’ woman are not only responsible for the economic dependency – inculcating domesticity inherent in penal regimes and prison education for women (Carlen, 1983) – but also negate women’s skills and aptitudes for life-long learning, thus failing to take women’s employment needs seriously. Prison for women is experienced as the inculcation of dependence, deferment and, for women in later life, invisibility. So what happens to women in later life who are deemed by the prison and wider society to have had their life? The lack of appropriate work or training is a good example of the punishing effects that prison embodies, which is based not solely on the deprivation of liberty. For example, one elder female asks, “why do they [the prison service] give *women, women’s jobs*? Have they never thought maybe we would like to learn something else. All we have are sewing rooms and the *laundry*. I also think a lot of women in my age group would like to do something more than the knitting group and creative design. I think a lot of women would like to take up something quite different to the stereotype”. The above testimony illustrates the inadequacy and inappropriateness of the employment and education provided in prison. The lack of appropriate facilities is indicative of the view held by prison officers that the limited educational and employment provision available in prisons should be offered to younger women who were more likely to benefit

⁶ q.v.1

occupationally from them. Furthermore, this view reinforced the belief that ex-prisoners in later life, once released, would have less opportunity than their younger counterparts to be employed. This inequality reinforces the discrimination in training and employment programmes which is likely to face the older woman on release, as well as ignoring the vital role played by work and education in mitigating the effects of isolation, frustration and despair.

Female elders in prison find themselves placed in a nexus of prison expectations on them to nurture, control and guide the younger women. In contrast, older men are separated from younger men in prison but, as yet, there are no facilities to separate older women from younger women, and this difference appears to be based on socially constructed roles of femininity and masculinity. The separating of older men from younger men is based on discourses which assume that older men are predatory in nature and thus are more likely to corrupt younger men. Furthermore, the age-neutral rule that operates in prison ensures that older women's specific needs are not catered for, alongside (and in apparent contradiction to) practices which discriminate on the basis of age. This is apparent in the area of education and training, broadly thought of as 'rehabilitation'. This raises the question of who perceives a woman in later life as too old for education and why, and what does this say about the prison's statement of purpose and the role of rehabilitation for women in later life? The gendered experiences of older women in the criminal justice system are determined by the structural, political and economic constraints that characterise the prison system.

Prison, is a place *for* punishment rather than merely *as* punishment. The cumulative pains of imprisonment already described compound the feelings of estrangement and alienation from the outside world. They are, as Bauman argues, in an 'unseen place' (2000:103). But, as the extract below shows, prison doesn't have to *do* anything 'extra' to women in order to be *for* (and not just *as*) punishment – confinement and separation from their life context *per se* results in continual guilt and anxiety about the people they are responsible for. In this sense prison *as* and prison *for* punishment are one and the same thing. This may be particularly severe for older women who have spent their lives coping with responsibilities for others and have built their self-esteem upon being competent and reliable carers and partners. For many the experiences of imprisonment lead to a sense of helplessness: "you just feel that you are bound and gagged from head to toe and there is no escaping that situation. Prison, it's not just taking you out of society to say you've done this thing and you've got to be removed from society and be punished but the punishment just continues on. It starts from the day you are arrested and just continues on and on and on. But it's not just the punishment of being away from home. If only if it was that easy. *But it is the one hundred and one things that happen every day of the week. That is the punishment*".

Male and female prisoners are not strictly comparable. They have different criminal profiles, both in terms of types of offences committed and previous offending history, and have different adjustment patterns to imprisonment. It is argued that a gender-specific policy based on substantive equality will improve the plight of women in prison across the life-course (NACRO 1993, 1994). By using this group as a pilot for finding alternatives to imprisonment, savings will be made on both a humanitarian and fiscal level. A good example of diverting or reducing custodial sentences for elders is an early release scheme orchestrated by, The *Project for Older Prisoners*, in the United States. Candidates must be over 50 years of age, have already served the average time for their offences, and have been assessed as low risk and thus unlikely to commit further crimes (Wahidin, 2005c). Another unique

requirement of this programme is that the victim, or the victim's family, must agree to early release. As a result of these strict standards, no prisoner released under the Project for Older Prisoners has ever been returned to prison for committing another crime (Turley, 1992). The programme helps them find employment and housing, and ensures that they receive their full entitlement to benefits. Such a scheme could beneficially be extended to England and Wales, to target initially older female prisoners due to their different criminal profile and lower recidivism rate, and, if successful, could foster a willingness within the penal system to explore alternatives to custody for older men.

As Pontell (1984 cited in Carlen, 1983: 53) states:

“The criminal justice system is likely to work best when it is used least. It should not be used routinely, but exceptionally. With this major tenet as a focus for criminal justice and crime control policy, we can start to attack crime at its real source, and allow the criminal justice system to operate effectively”.

The UK, unlike America, is still operating without a comprehensive plan to respond adequately to the growing numbers of older prisoners. Today we have family courts and a large variety of special courts to handle specific problems. Along with the medley of juridical experts from child psychiatrists to social workers, will we in the future see court reports and parole boards informed by gerontologists who can advise the proper referral service for elders caught in the criminal justice system? Will we see the development of ‘an Older Offenders Justice Board’ similar to the Youth Offending Board? Could we then be accused of infantilising the older offender if we advocated a court which deals specifically with older offenders? Should we change our sentencing structure to reflect probable years remaining in the offender's life?^{6,7} For example, a fifteen-year sentence for a sixty-five year old is practically a life sentence, while a twenty-five year old who spends fifteen years in prison still has a thirty-year life expectancy after s/he leaves prison. This practice condemns the older offender to spend a greater percentage of her or his remaining life in prison. This disparity could be reduced by giving older offenders sentences which represent the same percentage of their remaining lives as those given to younger persons. For example, the average twenty-five year-old male can expect to live for 46.9 more years. If such a person were convicted of a crime which carries a twenty-year prison term, he would spend approximately 43% of his remaining life behind bars. A sixty-five-year-old is expected to live 14.2 more years. A twenty-year sentence would thus represent 141% of this defendant's remaining life, a *de facto* life sentence. By contrast, 43% of his life would be only 6.1 years (see James 1992). In *State v. Waldrip*⁸, the judge reduced a sixty-seven year-old defendant's sentence for voluntary manslaughter from five years to life to five to ten years, recognising that even the minimum term of five years could theoretically be a life sentence because of the defendant's age (ibid). It can be argued that if an older person does not have her or his sentence reduced, s/he will experience a greater punishment than a younger person sentenced for committing the same

⁷ Cristina Pertierra (1995) presents a series of cases brought to the American Court of Appeal in which elderly offenders, under the 8th Amendment, have claimed that, given their ages and life expectancies, the sentences imposed amount to life imprisonment, and are thus disproportionate to the crimes committed. For further details see *United States v. Angiulo*, 852 F. Supp. 54, 60 (Mass. 1994); see also *Alspaugh v. State*, 133, So. 2d 597, 588 (Fla. 2d Dist. Ct. App. 1961)

⁸ 533 P.2d 1151 (Ariz. 1975).

crime. Special arrangements for elderly prisoners, such as Angola Prison Hospice in America, can make prisons seem more like nursing homes. This raises the question of the necessity of keeping certain frail and infirm elderly persons behind bars, since the infirm elderly person is least likely to commit crimes in the future. The alternative would be to incorporate an early release scheme.^{8,9}

It is only by exploring the possibilities that we can begin to create alternatives. At one level it can be argued that it is only through well funded alternatives to custody changes in sentencing, and a concerted effort to divert offenders from custody, that this can be achieved. The reason for caution is that research has shown that programmes that have been introduced into the women's prison have been appropriated by the prison system. Hannah-Moffat (2002) used the concept *encroachment* to describe how pre-existing organisational norms frequently encroach upon and undermine the rationale of these programmes. Secondly, the reliance on alternatives to custody fails to critically address social divisions such as class, age, gender and ethnicity. Moreover, the question that has to be asked is whether reforms create a prison system that will rehabilitate, prevent crime and be reserved for those who are deemed as truly heinous? And although the prison in various guises has survived for over 200 years and is a dominant institution in society, can we as a society find a different, and more humane strategy for responding to phenomena as socially complex and controversial as crime and punishment? My view is prisons cannot plausibly claim to rehabilitate when their primary custodial role requires regimes which debilitate, degrade and deprive offenders in their 'care' of liberty and time. In these circumstances all that can be hoped for is humane containment.

It is only by thinking about alternatives to imprisonment that we can begin an imaginative rethinking of the whole penal policy debate. The question we should ask is why should the criminological imagination be concerned with older prisoners as a separate group? Is it just due to health concerns or are there also wider issues around justice, proportionality and dangerousness that need to be addressed? Moreover, why don't these factors apply to other groups in prison? If we identify this group on the basis of age to be eligible for early release or even non-custodial sentences what does this mean in regards to 'rights', 'justice' and 'redress'?

We know that prisons are congested, often overcrowded and more or less dangerous places to those who inhabit them and are overwhelmingly counter-productive in relation to the objectives of rehabilitation, retribution, deterrence and prevention. These goals have often sat uneasily together and, depending on the political pressures of the day, one or more of these goals has taken precedence over the others. For example, in the UK the 1950s to the 1960s was characterised by the belief in rehabilitation. By the 1980s the Thatcher Government extolled prison as a place to punish. At the same time, ministers recognised that for less serious offenders, prisons were 'expensive and ineffective' (Crow, 2001: 104). My argument here is that it is only by using the criminological imagination to understand the

⁹ Release on compassionate grounds in England and Wales is addressed by way of the Parole Board recommendation to the Home Secretary (and in the case of lifers through the exercise of the Royal Prerogative of Mercy). Such release may be granted on medical grounds when death is likely to occur within three months, if the prisoner is bedridden or severely incapacitated, or where further imprisonment would endanger the prisoner's life or reduce life expectancy. In 2002 France introduced a system where upon during the sentence a judge can permit the early release of the prisoner suffering from a terminal illness or whose health is incompatible with continued detention. In March 2004 37 prisoners in the UK had applied for medical parole. Three of them who were critically ill and aged 50 and over were released (see Steiner 2003).

troubles and the *issues* of an ageing prison population that we can begin to become less reliant on an inefficient prison system.

There is an urgent need to put rehabilitation on the prison policy agenda and investigate forms of incarceration which might provide constructive modes of punishment that will ultimately help to reintegrate offenders into social life. Such an emphasis upon rehabilitation “involves not only devising forms [of] incarceration that are more constructive and reformative but also ensuring that incarceration is only used when no worthwhile alternative is available” (Matthews, 1987:394).

CONCLUSION: THINKING ABOUT THE IMPRISONMENT OF ELDERS

In a period of a febrile state of insecurity (see Sparks, 2003) the retreat from the rehabilitative ideal has given rise to a new punitiveness. At one time, as Foucault argued, the defining characteristic of prisons was to produce ‘docile’ and useful bodies, the reformed / ideal subject. However, what is evident about the statecraft of punishment and the new punitiveness is that many of the punishments associated with this process no longer seek to achieve such ends (Foucault, 1977). Thus, if the prison’s only function is to warehouse, then prison in itself is a mechanism for state legitimated pain delivery. This in turn begs the question around the meaning of the prison as a ‘service’ to the extent of whether the prison can be a ‘service’. In this sense there is an implication that it is a provider and deliverer of ‘care’ for the users of the services. The word ‘care’ in this context provokes many questions – in particular about the needs of the users of the services. As this chapter has shown, the lack of help and rehabilitation to an ever-changing world renders elders an invisible minority, lost to the welfare contract and overlooked in the penal system. Once in prison, the vulnerabilities of age become exacerbated by the lack of adequate facilities to enable elders to lead “law abiding and useful lives in custody and after release”. If society has little place for persons in later life in general, it has even less place for the older prisoner. So what happens to the older prisoner who has nowhere to go?

This chapter provides a commentary on some of the issues and challenges of an ageing prison population and questions why the criminological imagination has been curiously silent about elders in the criminal justice system. It is only by widening the vista of the criminological investigation that we can begin to understand the experiences of older prisoners and bring to light the paradoxes of imprisonment. Second, it is by challenging the silence surrounding this particular cohort that we begin to explore the interstices of the criminological enterprise. Thirdly, it is by questioning the purpose and nature of imprisonment in relation to this particular group that alternatives to imprisonment can be explored. It is within the reach of the criminological imagination to develop new alternatives and imaginative solutions to the incarceration of older offenders. For example, the way forward in terms of dealing with some, if not all, older offenders is to deal with this group outside the criminal justice system so that when we talk about alternatives to imprisonment, they really do become alternatives to criminal sanctions rather than alternatives to custody. Alternatives to imprisonment and the move to curb our reliance on this institution of social order as the social historian Colin Ward, alluding to the title of Ignazio Silone’s novel, ‘The Seed Beneath the Snow’ (1943), contends are in general:

“...always in existence, like a seed beneath the snow, buried under the weight of the state and its bureaucracy, capitalism and its waste, privilege and its injustices....” (Ward 1973:11).

By beginning to play with alternatives to imprisonment, we can move away from a one size fits all model that the prison service of England and Wales employs. As the Governor at HMP Kingston states: “The new National Offender and Management Service is driven to reduce re-offending, so older offenders *don't fit* in with the actual criteria for the national offending and managing services. So I am not entirely sure how things are going to work for the older offender. I doubt that now, the needs of older offenders will be sufficiently high on anyone's priority list”.

It is only by breaking the silence around the experiences and needs of offenders in later life that this chapter has argued, why it is necessary to put older prisoners firmly in the realm of the criminological imagination and in turn place the needs of this group firmly on the policy agenda. It should not be argued that women and men in later life suffer *more* than other prisoners. The real issue is that they suffer *differently* and it is by exploring this difference that we can begin to alleviate some of the pains of imprisonment.

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Chapter 11

HIGH PRISON POPULATION IN QUEENSLAND, AUSTRALIA: ITS IMPLICATIONS AND PUBLIC POLICY CHOICES

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INTRODUCTION

The size and growth of Australia's prison population is a concern to political leaders and the public (Brown, 1998; Carcach and Grant, 2000; Heggie, 2005; Indyk and Donnelly, 2007). The latest figure released by the Australian Bureau of Statistics (ABS) (2006) reported that there were 25,790 sentenced and unsentenced prisoners in Australian prisons as of 30th June 2006, which translates to an imprisonment rate of 163 prisoners per 100,000 adult population.¹ A rise in the number of people in prison has also been documented in many other countries such as the United States (Merlo, 1997; Tonry, 1999, 2004a; Mauer, 2001; Smith, 2004; Welch, 2005; Doob and Webster, 2006; Stucky, Heimer and Lang, 2007), England and Wales (Matthews, 1999; Cavadino and Dignan, 2002; Liebling, 2006; Morgan and Liebling, 2007), and New Zealand (Pratt, 2006). For example, Hooks, Mosher, Rotolo and Labo (2004) report that the national incarceration rates grew by almost 400 per cent between 1980 (N=329,821) and 1998 (N=1,302,019) in the United States. The 1998 figure translates 'to an incarceration rate of 668 prisoners per 100,000 citizens' (Hooks *et al.*, 2004: 40). Similarly a

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¹ The imprisonment rate of prisoners per 100,000 head of population has been used as one measurement of the use of imprisonment in common law jurisdictions (Indyk and Donnelly, 2007: 7). However, it is important to emphasize that the exact counting rule and procedure varies across Australian jurisdictions and countries (Chappell, 1992). For instance, the imprisonment rate per 100,000 usually refers to the average daily populations which include both sentence prisoners and those on remand in the Australian adult correctional facilities. Countries such as England and the United States include juvenile and young offenders in detention when calculating the rates (Indyk and Donnelly, 2007: 8). Therefore, caution should be taken when comparing imprisonment rates both nationally and internationally.

recent survey conducted by Aebi and Stadnic (2007) indicates that there was an increase in prison population rates amongst a number of European countries such as Albania, Croatia, Luxembourg and England and Wales between 2000 and 2005 (see Table 1). The adult prisoner numbers had grown 42 per cent in the last ten years.

Table 1. Prison Populations in 2000 and 2005 in Selected European States

	2000		2005		% change***
	(a)*	(b)**	(a)	(b)	
Albania	1467	43.5	3425	109.3	151.2
Austria	6896	83.1	8767	106.8	28.6
Belgium	8671	84.7	9371	89.7	5.9
Bulgaria	9424	115	12240	157.7	37.1
Croatia	2027	44.4	3485	78.5	76.8
Czech Republic	22489	219	19052	186.4	-14.9
Denmark	3279	61.5	4132	76.4	24.2
Estonia	4720	328	4410	327.4	-0.2
Finland	2703	52.3	3823	73.0	39.6
France	48835	80.1	57582	91.8	14.6
Greece	8038	76.2	9589	86.6	13.6
Hungary	15821	158	16394	162.4	2.8
Iceland	82	29	119	40.5	39.8
Italy	53481	92.7	59649	102.0	10.1
Latvia	8555	353	7228	313.4	-11.2
Lithuania	8867	240	7993	233.4	-2.8
Luxemburg	394	90.4	693	152.3	68.5
Netherlands	13847	90.1	21826	133.9	48.6
Norway	2643	59	3097	67.2	14.0
Poland	65336	169	82656	216.5	28.1
Romania	49682	221	37929	175.1	-20.8
Slovak Republic	7128	297	9289	172.5	-41.9
Slovenia	1136	57.3	1132	56.7	-1.1
Spain	45044	114	61269	142.4	24.9
Sweden	5678	64.1	7054	78.3	22.1
Switzerland	6390	89.2	6111	82.4	-7.6
(The Former Yugoslav Republic of) Macedonia	1394	69	2132	104.8	51.8
Turkey	71860	110	54296	75.8	-31.1
UK: England and Wales	65666	124	76190	142.7	15.1

* (a) Total number of prisoners (including pre-trial detainees) on 1st September of each year (For some countries, the reference date may vary across years. See the full report of SPACE 1)

** (b) Prison population rate per 100,000 inhabitants on 1st September of each year (For some countries, the reference date may vary across years. See the full report of SPACE 1)

*** % Change 2000-2005 = Evolution (in percentage) of prison population rates between 2000 and 2005

Source: Adapted and modified from Aebi and Stadnic (2007: Table 1.3).

In recent years, some researchers such as Neapolitan (2001) and Listokin (2003) have attempted to examine the link between imprisonment rates and crime rates. The mechanical theory of crime and incarceration believes that the rising prison population reflects in an increase in total crime rates, especially those violent and serious crimes. On the contrary other commentators believe that the growth in prison populations is a function of policy such as changes in sentencing and parole practice (Young, 1986; Brown, 1998; Caplow and Simon, 1999; Tonry and Petersilia, 1999; Mauer, 2001). Those who do not support the mechanical theory of crime and incarceration hold the view that growth in prison populations has little or nothing to do with changes in crime rates. Rather it is primarily influenced by the political responses to crime and social control (Garland, 2001). At a public policy level, decisions made by political leaders, judicial officers and criminal justice personnel will determine the likelihood of prosecution, sentencing practice, rates of incarceration, and types and length of various community and custodial sentences. For instance, the New Labour's crime control policy has become punitive and mean-spirited. Part of the reason to adopt such a tough measure on crime is to respond to the increasing media and public support for severe punishment on criminals. The shift a rational penal policy to 'populist punitiveness' or 'new punitiveness' has been driven by the attempt to win electoral favour (Bottoms, 1995; Ryan, 1999; Johnstone, 2000). Tonry (2004b: 5) comments:

The Labour government has apparently decided that an end it values – its own perpetuation in power – justifies undesirable means ... Tony Blair has himself quoted in the press as acknowledging that his government's proposal for locking up 12- to 15-year-olds in secure facilities are 'horrible', but necessary because the politics of law and order require it (Paveley, 2002).

So what are the major reasons for the increasing incarceration rates? An examination of this increase is vital. The knowledge gained from the present research can be used to inform the decisions of criminal justice personnel and policy makers, by offering a better explanation of how and why more people are held in prisons and questioning whether incarceration is the right way to achieve crime prevention and public safety. More specifically, this paper investigates the reasons for the increasing prison population in Queensland, Australia. While the discussion is primarily focused on the Queensland prison system, examples from other industrialized countries such as England and Wales and the United States and references to the National prison population in Australia are incorporated. For the purpose of this paper, the term 'prison' refers to all Queensland Corrective Services custodial establishments. It does not include juvenile offenders who are administered by a separate Government Department, nor does it include offenders who receive non-custodial or community sentences.

The paper is divided into four sections. The first section introduces the Queensland prison system that may provide a useful context for non-Australian readers. Recent trends in the Queensland prison population are examined in the second section. General trends are also examined in gender and race contexts, examining the composition of prison population. An extended examination of possible reasons for those trends comprises the third section of the paper before the final section, which argues for increased support in prison research. At the outset it must be emphasized that this paper is largely based on data from secondary sources such as the Queensland Corrective Services and the ABS. Relying extensively on secondary data is usually problematic, and, for example, different data sources may vary in their ways of

operationalizing concepts and operational definitions may not be sufficiently specified (see Jupp, 1989; Riedel, 2000; May, 2001). Therefore, any conclusions drawn in this paper are tentative and require further investigation.

OVERVIEW OF THE QUEENSLAND CORRECTIVE SERVICES

In Australia, although offenders may be charged under Federal law, there are no Federal prisons. A sentenced offender will therefore serve his or her sentence in the State or Territory where the crime was committed. In Queensland, the State prison system is administered by the Minister for Police and Corrective Services. The then Department of Corrective Services was first established in May 1999 to replace the former Queensland Corrective Services Commission, and the Government owned corporation, Queensland Corrections (O'Toole, 2006). This structural change followed the acceptance of recommendations from a legally required five-yearly review of corrective services under the *Corrective Services (Administration) Act 1988* (see the Department of Corrective Services, 2001). The report from the Commission of Inquiry, *Corrections in the Balance – A Review of Corrective Services in Queensland*, identified a number of target areas for change (Corrective Services Review, 1999). Much of the development of this Department in the early 2000s was a consequence of this report. Notably, the enactment of the new *Corrective Services Act 2000* and the associated policy and procedures documents clarified the functions of the Department of Corrective Services. Developments include ongoing commitment to a partially privatized prison system; the expansion of one correctional centre, and the completion of an additional correctional centre; increased emphasis on addressing the specific needs of female offenders; an enhanced sentence management policy; a new Aboriginal and Torres Strait Islander recruitment strategy; and involvement in a number of projects regarding offenders on community supervision orders (see Department of Corrective Services, 2001).

Since August 2006, the Department of Corrective Services has been renamed as the Queensland Corrective Services. The *Corrective Services Act 2006* was passed by the parliament on 25 May 2006 and commenced on 28 August 2006. The new Act is based on the principles of providing for a safe and humane containment, supervision and rehabilitation of prisoners and ensuring the safety of the community and the staff who work in the correctional system (quoted in Queensland Corrective Services, 2006a). Under the *Corrective Services Act 2006*, all prisoners, including remand prisoners, are classified into three categories, namely maximum, high and low security upon admission to a correctional facility. The assessment criteria are: the nature of the offence for which the prisoner has been charged or convicted; the risk of the prisoner escaping, or attempting to escape, from custody; the risk of reoffending and potential impact on the community; and the risk the prisoner poses to themselves and the correctional staff (Queensland Corrective Services, 2006b). With reference to sections, 17, 66, 68 and 71 of the *Corrective Services Act 2006*, decisions about a prisoner's security classification, transfer or placement will not be reviewable under the *Judicial Review Act 1992*. According to Chapter 5 of the *Corrective Services Act 2006*, supervised parole is the only form of early release available to prisoners, replacing remission, conditional release, release to work and home detention. Three Parole Boards have been established to consider all these parole applications (Queensland Corrective Services, 2006a,

2006b). While this legislative change to empower the Parole Boards to make decisions on prisoners' release to parole, it is still early days to assess its impact on correctional outcomes and practice in Queensland.

Whilst acknowledging the recent legislative change, one of the major responsibilities of the Queensland Corrective Services has remained to supervise offenders through four main areas of operations, which can be seen as a continuum ranging from the most reliant on physical containment to the least. Prisoner movement through the continuum is dependent on satisfactory behaviour. The first is Secure Custody Correctional Centres (Queensland Corrective Services, 2006c). Approximately 70% of the State's incarcerated prisoners are held in ten correctional centres (of which two are privately operated, the remainder being government facilities). These centres ensure containment by means of a secure perimeter, within which prisoners are managed according to their assessed security classification and their particular needs (Department of Corrective Services, 2006c). Participation in education, work, vocational training and programmes that address offending behaviour provides opportunities for rehabilitation. The second type is the Open Custody Correctional Services which place less emphasis on physical containment than secure ones. Prisoners must be assessed as suitable and hold low/open security classification. These low or open security correctional centres are regarded as a step towards rehabilitation and graduated release. There is an encouragement to raise levels of self-responsibility and to participate in programmes similar to those available in the higher security centres. Approximately 13% of Queensland prisoners are held in six low security facilities, of which four are annexes to secure custody centres (Queensland Corrective Services, 2006c). The remaining 17% of prisoners in Queensland are held in various Community Custody Centres around Queensland participating in various prisoner rehabilitation programmes, for instance Work Camps. Prisoners in community custody centres can access leaves of absence to attend work, perform community services or visit families, and those who satisfactorily complete a period of community custody will progress to community supervision. In addition to three types of custodial corrections, the Queensland Corrective Services monitors offenders on community-based orders such as probation and parole, home detention with electronic monitoring, intensive drug rehabilitation orders, community service and fine option orders. Between 2005 and 2006, the Department supervised an average of 15,354 offenders on either community-based orders or post-prison community-based releases (Department of Corrective Services, 2006: 78). These offenders are case managed and supervised by correctional staff to whom they must report regularly.

It is apparent that the vast majority of Queensland prisoners are held in secure custody as opposed to open custody. The continuing reliance on imprisonment is evidenced by the recent increases in the capacity of the Queensland prison system. For instance, the Woodford Correctional Centre is a high security facility whose recent expansion increased its capacity and currently holds 988 prisoners. Although Rockhampton Correctional Centre, which held 336 prisoners in the secure compound and 14 in the low security farm, recently closed, it was replaced by Capricornia Correctional Centre, with a capacity for 300 secure prisoners, 100 prisoners in residential accommodation and 96 in farm/open security. This new centre also incorporates a maximum security unit. The most recent addition to the Queensland prison system however is the Maryborough multi-purpose high security facility that commenced operations in 2003. This prison houses 320 male prisoners in secure accommodation and 180 in residential, with state of the art technology such as drug and contraband scanners and

equipment capable of detecting movement and sound around the perimeter (Queensland Corrective Services, 2006c). While a lot of money and resources have been consumed in increasing Queensland's capacity to contain offenders in prisons, the Queensland Corrective Services has also been involved in developing alternative means of offender supervision in the community. For example, the Drug Courts subject drug offenders to Intensive Drug Rehabilitation Orders under supervision in the community; the use of electronic monitoring allows some prisoners who may serve the post-prison portion of the custodial sentence in the community; and the State Penalties Enforcement Registry (SPER) offers a range of payment options to fine defaulters (Department of Corrective Services, 2001). Since the commencement of the Drug Courts in June 2000, 774 intensive drug rehabilitation orders have been supervised by the corrective services department in Queensland (Department of Corrective Services, 2006). The last two alternatives are intended to reduce the number of offenders in prison, and especially in the case of SPER, the Department (2001) saw this initiative effective and attributes to its implementation 'the significant decline in total number of offenders subject to fine option order' (p. 32).

RECENT TRENDS IN THE QUEENSLAND PRISON POPULATION

The increase in prison population at a rate higher than that in the general population is a trend that has been evident over the last few decades (Criminal Justice Commission (CJC), 2000). During the period between the 1950s and early 1990s, the Queensland annual average imprisonment rate varied between 85 and 120 per 100,000 adults, by 1997–98, this rate had grown to almost 165 per 100,000 adults in prison custody and in 2006 this figure had continued to rise to 181 per 100,000 (Australian Bureau of Statistics, 2006). The CJC (2000) went on to note 1993 as something of a benchmark year, and was unable to ascribe the growth in prison numbers since that time to any single factor. In fact, the average annual increase in the prison population (from 1992–3 to 1997–98) was almost 17%. During the same period, there was a 2% increase in the general adult population, a 4% increase in recorded crime, a 7% increase in convictions involving a sentence of imprisonment and a 14% increase in the number of admissions to prison. Based on these findings, the CJC speculated that the increase in convictions leading to imprisonment implies that the police were more successful in solving crime and the courts were tougher by imposing more prison sentences, and increasing their length. At the same time the disproportionate increase in admissions means that fewer were getting off an appeal, after being sentenced. These speculations are all the more noteworthy when it is considered that Queensland's high rate of imprisonment has occurred concurrently with its average levels of crime being below the national average (CJC, 2000).

Table 2 shows the number of prisoners and imprisonment rates per 100,000 population aged 18 years and over in Queensland and Australia from 1982 to 2006. These data were derived from two major sources, namely *Australian Prisoners* (Australian Institute of Criminology, 1982–1993) and *Prisoners in Australia* (Australian Bureau of Statistics, 1994–2006). The statistics show a phenomenal increase of prisoners in Queensland from 1,628 in 1982 to 5,392 in 2006. There was also an increase in the national prison population from 9,826 in 1982 to 25,800 in 2006.

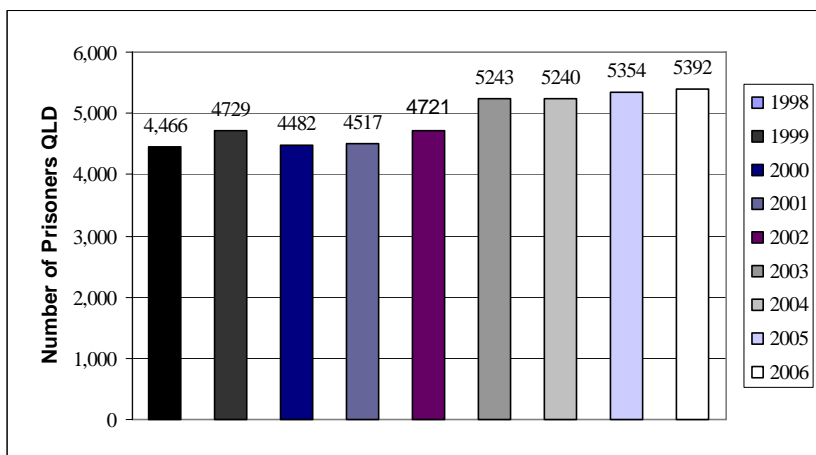
Table 2. Numbers of Prisoners and Imprisonment Rates per 100,000 Population Aged 18 Years and Over in Queensland and Australia

Year	Queensland	Australia	Queensland	Australia
	Number of Prisoners		Rate per 100,000 Population of Imprisonable Age	
1982	1,638	9,826	95.4	89.8
1983	1,709	10,196	96.9	91.6
1984	1,881	9,694	104.4	85.6
1985	1,999	10,844	108.4	94.1
1986	2,185	11,497	115.0	97.6
1987	2,343	12,113	120.3	100.8
1988	2,374	12,321	118.4	100.4
1989	2,390	12,965	115.0	103.5
1990	2,296	14,305	107.4	112.2
1991	2,094	15,021	95.6	116.0
1992	2,017	15,559	89.5	118.3
1993	2,068	15,866	89.0	119.2
1994	2,491	16,944	104.0	125.5
1995	2,870	17,428	116.6	127.3
1996	3,528	18,193	139.6	130.9
1997	3,839	19,082	149.2	134.9
1998	4,466	19,906	171.3	139.2
1999	4,729	21,538	177	145
2000	4,482	21,714	165.5	148
2001	4,517	22,458	163	151
2002	4,721	22,492	167.3	148
2003	5,243	23,555	180.7	153
2004	5,240	24,171	177	157
2005	5,354	25,400	176.7	163
2006	5,392*	25,800	181*	163

Source: Statistics for years 1982-1998 modified from Carcach and Grant (1999: 3); those for years 1999-2006 taken from the Australian Bureau of Statistics (various issues).

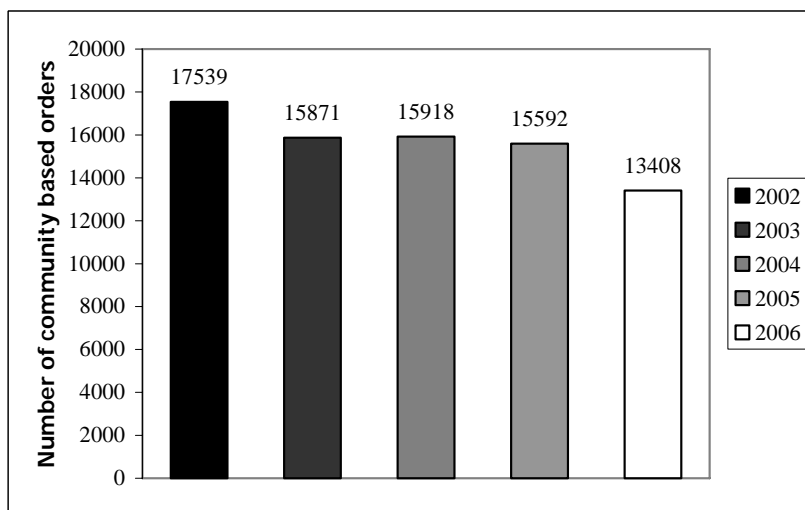
* Numbers are taken from the latest release from ABS (2007).

Figure 1 shows the annual number of prisoners in Queensland from 1998 to 2006 based on the official figures published by the ABS (1998–2006). It shows a steady increase in the prison population over an eight year period. On the contrary, community-based supervision orders significantly decreased in 2006 as shown in Figure 2.



Source: ABS (1998–2006).

Figure 1. Annual Number of Prisoners for the Period 1998–2006 in Queensland.



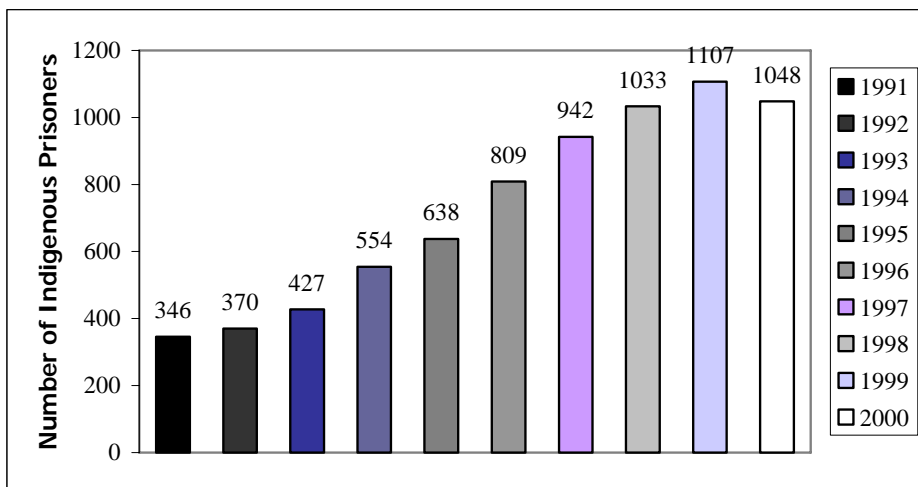
Source: Derived data from the Department of Corrective Services (2002–2006).

Figure 2. Annual Number of Community-based Orders for the Period 2002–2006 in Queensland.

In order to provide a more detailed picture of the trends exhibited by the Queensland prison population, it is helpful to break it down by gender and indigenous status. The minority status of women in the prison system has led to their virtual invisibility (Faith, 1993; Devlin, 1998; Carlen, 2002). It is only recently that the needs of incarcerated women have begun to be recognized and addressed as distinct from those of their male counterparts, and initiatives have been set up to developing the gender-specific rehabilitative programmes for women offenders. Unless otherwise stated, all the data used were derived from the report entitled *Profile of Female Offenders* (Women's Policy Unit, 2000). The following lists the most notable female trends in Queensland prison populations. Firstly, in the period 1994–1999, the growth of the female prison population was 173%, that is an annual growth of 22%, far in excess of the male rate (15%). Women in secure and open custodial centres comprised 5.8% of the entire prison population, a total of 273 women. Secondly, there were more women

(N=4,331) on community supervision orders than on custodial orders (N=273). This is a proportion of 21.63% of all offenders serving community supervision orders. Thirdly, the Queensland rate of imprisonment of women was 16.7 per 100,000 female adults, well in excess of the national rate of 12.5 per 100,000 for female offenders. Fourthly, Indigenous women comprised 22.3% of all women prisoners, a significant over-representation. Indigenous women did not have access to community custody options to the same extent as non-Indigenous prisoners. Fifthly, the pattern of female offending was distinct from the male. Compared to male prisoners, drug offences comprised a greater proportion of all offences committed by women prisoners. Proportionally fewer females than males were convicted of violent offences, and homicide offences had decreased between 1994 and 1999, although robbery and break and enter offences had increased. These figures have continued to increase with females accounting for 6.7% of the population of prisoners in Queensland in 2005, a total of 358 women (Office of Economic and Statistical Research, 2005). Indigenous women increased to 26.5% of female prisoners in Queensland in 2005 also (Department of Corrective Services, 2005).

Indigenous prisoners represent 27% of all prisoners (Department of Corrective Services, 2006), showing an increase of 2% from the previous year (Department of Corrective Services, 2005). As shown in Figure 3, the actual numbers of Indigenous offenders in prison has displayed a steady growth since 1991, peaked in 1999 and shown a small decrease in 1999/2000 (Office of the Government Statistician, 2001). Between 1992 and 1999, the Indigenous rate of imprisonment increased by 13% per year, a higher rate than that of overall imprisonment which increased by 10% annually during the same period. From 1999 to 2000, the rate of imprisonment decreased both overall, and for Indigenous offenders, by 7% and 8% respectively (Office of the Government Statistician, 2001). For the March quarter of 2001, Indigenous prisoners represented 21.2% or 974 persons. For that same quarter, the rate of imprisonment of Indigenous persons was 1,465.6 per 100,000 Indigenous population, 10.7 times the rate for non-Indigenous Australians. It should be noted however, that despite the obvious over-representation of Indigenous people, Queensland's rate was lower than the national Indigenous imprisonment rate of 1,689.8 per 100,000 population (Office of Economic and Statistical Research, 2001).



Source: Derived data from the Office of the Government Statistician (2001: Table 3.3).

Figure 3. Indigenous Prisoner Population at 30 June 1991–2000 in Queensland.

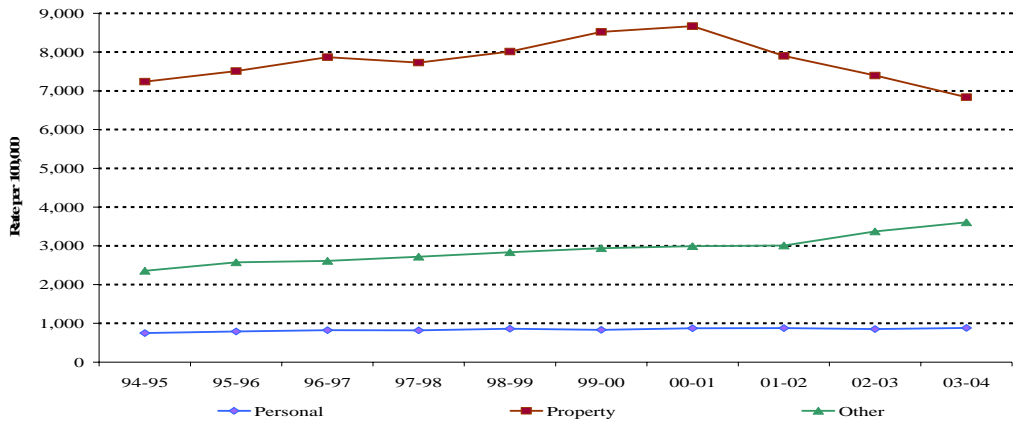
By analyzing the 1997 Census data, the Office of Statistical and Economic Research (2001) found that the median age of Indigenous prisoners was 25 years, three years younger than that of the overall Queensland prison population; Indigenous prisoners were more likely to have been incarcerated previously (only 56% of non-Indigenous prisoners had served a prior custodial sentence, compared to 73% of Indigenous prisoners); Indigenous prisoners were generally serving shorter sentences than the whole prison population – the median time an Indigenous prisoner expected to serve was 13 months, compared to 3.3 years for the general prison population – and only 29% of Indigenous prisoners were serving sentences of five years or more, compared to 48% of non-Indigenous prisoners. Significant differences in the proportion of Indigenous and non-Indigenous prisoners serving sentences for non-violent offences were also apparent. For example, there were more than twice as many non-Indigenous prisoners (3.9%) serving a sentence for fraud and misappropriation, as there were Indigenous (1.2%). The proportion of Indigenous prisoners convicted of drug offences was 2%, compared to the non-Indigenous prisoners, proportion of 9.2% (see Office of Economic and Statistical Research, 1999).

POSSIBLE EXPLANATIONS FOR THE TREND

The reasons for this increasing prison population are complex, and indeed, it is not easy to give an unequivocal explanation. According to Young (1986), prison populations may be determined by factors extrinsic to the system and by policy choices. To explain the prison population explosion in Queensland, the deterministic approach can be interpreted as the factors extrinsic to the criminal justice system such as crime rates. Put simply, ‘crime rates increased and carried punishments with them’ (Tonry, 2004a: 23). On the contrary, the policy choice model alludes to the law and order ideology which emphasizes the increasing use of punitive crime control and punishment policies in the contemporary society. The tougher penalties may be driven by the public’s fear of crime and feeling of insecurity in a so-called ‘risk society’ (Tonry, 2004a: 23). In order to increase the public confidence in the Government, civil servants and politicians intentionally demonstrated their abilities to achieve outcomes in dealing with emotional issues such as crime, welfare, illegal immigration and terrorism. Their actions in turn will win the voters’ support by being ‘tough on criminals and the causes of crime’ (Tonry, 2004a). Likewise, Greenwood (1998) comments: ‘In recent years, it has become fashionable for just about every candidate for public office to have a position on crime, and the only position worth having is appearing to be tougher than your opponent’ (p. 138).

At the outset, it is important to acknowledge that several criminologists such as Christie (2000), Garland (2001) and Tonry (2004a) have attempted to analyze how and why penal policies and practices in western countries developed as they did. They agreed that any attempt to single out one explanation is wrong and it is very difficult to disentangle all factors and processes affecting the size of the prison population in many western countries. In this respect, this chapter by no means offers a straightforward answer to explain the growing prison population in the Queensland correctional system in the past decade. Rather it is seen as a starting point to generate more academic interest and research to examine this complex and essential subject area in the Australian context. The focus of this chapter is an exploration

of the sense in which rising prison population in Queensland is becoming a policy issue and the policy options being canvassed.



Source: ABS Statistical Reviews (cited in Department of Premier and Cabinet, 2005: 5).

Figure 4. Rate per 100,000 Population: Recorded Crime by Offence Category, Queensland, 1994-95 to 2003-04.

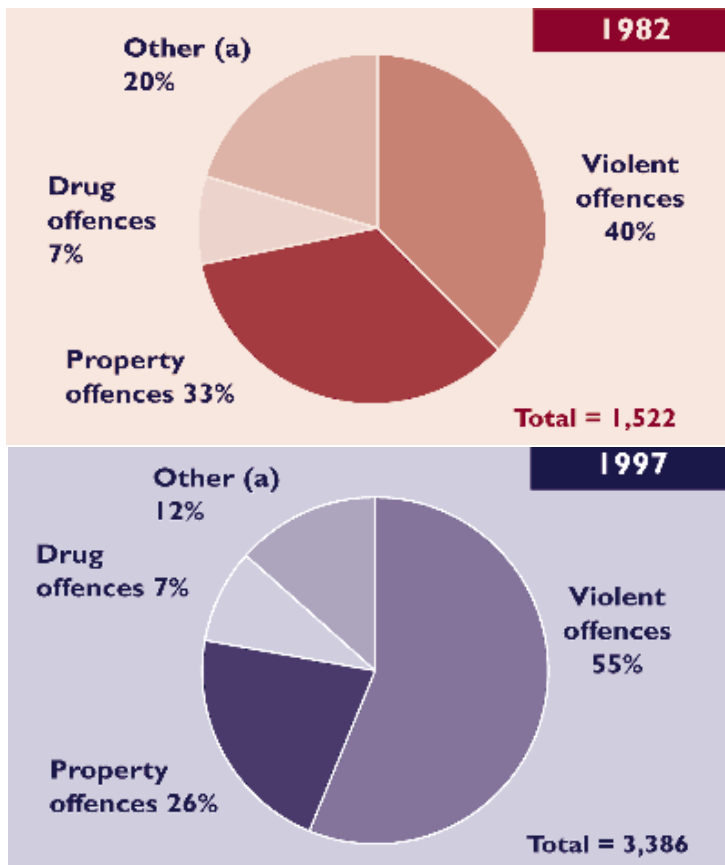
With reference to the deterministic approach, a greater level of recorded crime and the increasing number of serious offences result in a higher use of incarceration. It is generally believed that 'more crime leads to more incarceration' (Listokin, 2003: 182). As shown in Figure 4, the Queensland police statistics show that property crimes accounted for the majority of offences in Queensland, and they decreased significantly between 2000/01 and 2003/4. Offences against the person had increased since 1994/95 but remained fairly stable in recent years. However, there was a remarkable increase in recorded crime involving offences classified 'other', and the majority of these offences were drug offences, traffic and related offences, good order offences, breaches of domestic violence protection orders, prostitution, trespassing, weapons and liquor offences, and gaming, racing and betting offences (Department of Premier and Cabinet, 2005).

Based upon the official data, it appears that the number of recorded crimes have been fairly stable between 2000/01 and 2003/04. The latest police statistics also shows an insignificant increase in the total number of reported offences between 2004/05 and 2005/06. The percentage of the number reported per 100,000 population for the offences against the person is a reduction of 4%; for the offences against the person is a 3% increase; and for other offences is a 6% increase (Queensland Police Service, 2006: 2-7). In contrast, as shown in Table 2 and Figure 2, the number of prisoners aged 18 years and over in Queensland has increased in a more substantial way than the overall recorded crime rate. Indeed several commentators confirm that there is a lack of empirical evidence which proves the direct link between crime and imprisonment (Bowker, 1981; Blumstein, 1998; Tonry, 1999). For instance, Bowker (1981) sees little or almost no relationship between crime and imprisonment, and convincing empirical examples such as West Germany and Scandinavia show that the recorded crime rate went up while the prison rate went down in the late twentieth century (see, for example, Graham, 1990; Mathiesen, 1990).

In Queensland, according to the Office of Economic and Statistical Research (1999), rises in the rates of serious crime might be linked to the rise in incarceration levels; the proportion of prisoners serving sentences for violent offences increased from 40% in 1982 to 55% in 1997 (see Figure 5). The report shows that the proportion of offenders for assault increased from 5% to 13%; for robbery and extortion increased from 9% to 15%; and for driving and related offences declined from 17% to 5% (Office of Economic and Statistical Research, 1999: 2). Nevertheless, caution should be exercised when interpreting these statistics. Firstly, legislative changes have affected the way offences have been defined, classified and recorded. Secondly, the relationship between the rates of serious crime and imprisonment is often mediated by other factors such as the efficiency of law enforcement agencies, and changing patterns of prosecution and sentencing activity. For example, longer sentences and the possibility of early release programmes for specific groups of offenders affect the size of the prison.

The rise in prison population could however have been interpreted as a consequence of policy choice rather than a reflection of an increase in recorded crime rate or serious crime in particular. Christie (2000) contends that the size of prison population is man-made and is a result of political decisions. In fact, the CJC (2000) report titled *Prisoner Numbers in Queensland: An Examination of Population Trends in Queensland's Correctional Institutions* found little support to the mechanical theory of crime and imprisonment. Six possible factors were identified to explain the dramatic growth in the prison population between 1993 and 1998. The six factors identified were changes in police practice, changing legislations, declining use of community-based orders, increase in the number of fine defaulters being apprehended, increased recidivism, and increase in the number of short-term prisoners as well as longer sentences.

As argued by the CJC (2000: 16), police enforcement had focused substantially on apprehending a large volume of minor drug offences, good order offences, enforcement of order offences (such as breach of bail conditions and fine defaulters) and executing outstanding warrants since early 1990s. This changing police activity in some areas in Queensland contributed to the remarkable increase of short-term prisoners. Another two possible factors which affect the size of prison are the legislative change and changing sentencing practice. For example, it has been observed between 1989 and 1993 courts appeared more willing to sentence offenders to community-based orders in Queensland. Since the enactment of the *Penalties and Sentences Act 1992*, their willingness to do so has declined (CJC, 2000). Two significant changes from the existing law which incorporate in the *Penalties and Sentences Act 1992* were 'the creation of entirely new sentencing options, such as intensive corrective orders and indefinite sentences, and the reintroduction of sentencing options that had previously been diluted and/or fallen into disuse, such as 'suspended sentences' and 'a change to how default periods of imprisonment for non-payment of a fine were required to be served' (CJC, 2000: 18). The introduction of the *Penalties and Sentences Act 1992* in one way or another is in line with a 'law and order' ideology, which is the belief that society should be governed by law and crime effectively controlled. To sustain public confidence, the government has displayed an ongoing commitment to crack down on the increase in recorded crime. The changes resulting from the *Penalties and Sentences Act 1992* seemed likely to have contributed to the increased number of people sentenced to custody.



(a) Includes government security and justice procedure offences, unlawful possession of weapons, driving and related offences, and other offences.

Source: Office of Economic and Statistical Research (1999: Figure 2).

Figure 5. Sentenced prisoners by most serious offence at 30 June 1982 and 1997.

Two other factors affecting the prison population are the increase in the average length of time to which an offender is sentenced and the increased proportion of prison sentence that an offender is likely to serve (CJC, 2000). The CJC found that the policies and practices of the formerly Department of Corrective Services operated to increase the duration of a prisoner's stay through declining use of early release mechanisms, stricter criteria applied to parole applications, and decreasing the number of prisoners reaching the requisite low security classification necessary for early release (CJC, 2000). This last point regarding low security classification has been an issue of contention since the corporatization of corrective services. In 1996/1997, the Office of Sentence Management was created to oversee many aspects of sentence management within custodial settings. Many prisoners complained that they have been held at higher classifications on the basis of risk despite there being no supporting evidence of greater risk. In addition, risk assessment by the Office of Sentence Management was based on the completion of programmes despite the fact that some programmes were not readily available to inmates, while others had long waiting lists (cited in CJC, 2000). In this respect, it took some prisoners longer than the other to be eligible for an application for parole.

In recent years, two specific pieces of legislation have been enacted, namely the *Dangerous Prisoners (Sexual Offenders) Act 2003* and *Corrective Services Act 2006*. These laws delegated more power to the Queensland Government to make decisions regarding the length of the prison sentence and the outcome of the parole application. The *Dangerous Prisoners (Sexual Offenders) Act 2003* applies to offenders serving a period of imprisonment for a serious sexual offence involving violence or against children. Section 5 of the *Dangerous Prisoners (Sexual Offenders) Act 2003* states that the Attorney General may apply to the Supreme Court for the continuing detention of these offenders. Indeed similar laws in other states in Australia have been used to allow the authorities to decide whether or not to apply for the continued detention orders for high risk offenders (McSherry, 2006). Under the *Dangerous Prisoners (Sexual Offenders) Act 2003*, electronic monitoring is now a condition of release for all offenders under supervision. With the inception of the *Corrective Services Act 2006*, 'the ability for prisoners to request a review under the *Judicial Review Act 1991* of a decision made about security classification, transfer or placement has been removed (Queensland Corrective Services, 2006d: 7). All these legislative changes are examples to illustrate the Government's attempt to intensify the controlling and punitive elements in corrections.

IMPLICATIONS OF THE INCREASING PRISON POPULATION

In order to accommodate the rapidly increasing prisoner numbers, the current Queensland Premier The Honourable Peter Beattie has announced in the Parliament that the Gatton shire had been chosen a preferred location for the new \$500 million Queensland correctional precinct on 29 November 2006. In the press release, Beattie said, "This Government makes no apology for being tough on crime and incarcerating those who commit serious crimes" (see Queensland Corrective Services, 2006e). The proposed establishment is planned to accommodate 3,000 people. One may question whether building more prisons is the most effective way to reduce crime and protect community safely. Or is it the most visible option to indicate to the voters the Government has taken this action in the best interest of the public? Increasing prison capacity will mean that there are more people to be locked up.

The average cost of keeping a prisoner in high security is \$116 per day and in open custody \$64 per day, whereas the average daily cost of community supervision orders is \$4 (Steering Committee for the Review of Commonwealth/State Service Provision, 1999). The excessive use of imprisonment is thus diverting resources from more effective methods of reducing crime such as local crime prevention initiatives. However the former Director-General, Frank Peach, chose to continue to expand prison capacity throughout the State and clearly said in the foreword of an annual report of Department of Corrective Services (2000: 2) that '[t]he expansion of correctional facilities is designed to reduce overcrowding and provide for future growth in prisoner numbers'. This policy choice has remained unchanged in Queensland as there are numerous proposals to modernize the 'older' prisons and build more larger prisons. One vexed question is, besides building more jails, what else we can and should do to establish a safer community? Drawing from their success in other countries, the following are some recommendations to address the possible ever-increasing prison population in Queensland.

Continued preference for imprisonment overlooks the potential of community-based treatment as an effective alternative. In order to halt this development, three basic approaches, namely a front-door approach, back-door approach and capacity expansion, will be suggested (Blumstein, 1988; Skovron, 1988; Tonry, 2003). The front-door approach involves reducing prison admissions or diverting people to sentences other than imprisonment. Prison is not only expensive but also unsuitable for the great majority of such offenders as the mentally disordered, the young and petty, and pregnant women, who should all be directed into more worthwhile, constructive and cheaper punishments, such as community service or probation which are not intended for the most serious offenders. Evaluation research in the United Kingdom has proved that community penalties such as probation and community service are as effective as or at least not worse than prison in reducing reoffending behaviour (see Bottoms, 1987; Raynor, 1988; Mair, 1997; Bottoms, Gelsthorpe and Rex, 2001). Likewise, Underdown (1995) is aware of the rich potential of employing community supervision as an alternative to custody, though an unintended consequence of the development of alternatives has been a widening 'net' of penal control (McMahon, 1990). Furthermore, bail should be granted more frequently to reduce the remands in custody. The ABS reported in 2006 that unsentenced prisoners accounted for 22% of the total prison population in Australia, a figure that had risen 9% from the previous year (ABS, 2006). Admittedly assessment of the effectiveness of the various penal measures in Queensland is non-existent and very few programmes for offenders are properly evaluated. This may partly explain why decisions made by the politicians and policymakers are based on intuition and morals rather than evidence.

The back-door approach involves reducing sentence lengths to relieve the high prison population. There is evidence that longer sentences do not produce greater benefits in reducing further offences than shorter ones (Gottfredson, Gottfredson and Garofalo, 1977 cited in Song and Lieb, 1993). In addition to reducing prison crowding, the shock incarceration programme that found in Louisiana serves as a good example of the development of a short, intensive therapeutic programme to treat prisoners (MacKenzie and Parent, 1991). Low security classifications and thus, the possibility of early release, is extended to those inmates who successfully participate in institutional programmes and industries, and for their good conduct. The provision of such programmes must be sufficient that prisoners who are willing and able to participate are not prevented from doing so by unavailability or inordinately long waiting lists. There is evidence that early release had no impact on overall recidivism rates (Berecochea and Jaman, 1981; Austin, 1986 cited in Song and Lieb, 1993).

Additional prison capacity would permit keeping prisoners under more acceptable conditions. Community prisons, that are close to the prisoners' homes and are small in size, are regarded as the ideal prison type for reducing the recidivism rate (Farrington and Nuttall, 1980; Cooke, 1991). There is however the danger that prison building programmes send a wrong signal to the police, prosecutors and sentencers, in which there are cells waiting to be filled. The danger becomes especially evident when expansion of the prison service is combined with heightened anxieties about crime and public order (Rutherford, 1986; Mauer, 2001). Prison construction is not a panacea for the crowding problem, and it is a costly short term solution. Instead, more specialized facilities are urged to cater to the needs of treatment and psychiatric help for mentally disordered prisoners; and more gender and culture specific programmes should be delivered to address the needs and problems of female offenders and

Indigenous persons. Provision of additional prison capacity should be concurrent with the promotion of alternative means of protecting society and reforming offending behaviour.

These three approaches are not mutually exclusive in reducing the size of the prison population and improving prison conditions. Nor are they as radical as Mathiesen's (1986, 1990, 1991) proposals for the abolition of prison. Incarceration is sometimes a necessary means for society to express its sincere disapproval of a criminal act, particularly true in a country that does not use capital punishment (Zirring and Hawkins, 1995; Matthews, 1999). Instead of abolishing incarceration, it should be used more carefully and for shorter periods (Brydensholt, 1992). Other initiatives or insights in relation to reducing the prison population can be generated by learning from past mistakes and from other countries' experience.

More active co-operation between the courts, the prosecution service, the probation service and the prison service is needed in order to reduce the number of people remanded in custody and to limit the periods of time on remand. A substitute for remand would be the requirement to report to the local police. The recent Italian legislation can serve as a good model: if the prosecution, the trial or the appeal proceedings are not completed within certain time limits, the suspect has to be released from remand in prison (Feest, 1991).

All these ideas are admirable and worth implementing, but a major reduction in the use of prison will require more than this. It will require a change of heart and a move away from traditional views on what imprisonment is for, what it contributes to protecting the public and reducing crime, and how much of it should be used at any one time for any particular offender. It will take considerable time to bring about this change of heart which will require action on many fronts at once (Stern, 1993: 196; CJC, 2000). From the former West Germany's experience, changing the attitudes, beliefs and practices of lawyers, the judiciary and the prosecution is crucial in reducing the prison population (Feest, 1988, 1991). There must be a shared vision between politicians and the public to question the role and value of imprisonment in a modern society.

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Judicial Review Act 1992 (Qld)
Penalties and Sentences Act 1992 (Qld)

Chapter 12

**A PIONEERING WORK IN CLINICAL CRIMINOLOGY
BY ARGENTINIAN PSYCHIATRIST –
PHILOSOPHER JOSÉ INGENIEROS (1877-1925)**

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ABSTRACT

An important early work, considered to be the first ever book on clinical criminology, was published in 1913 by Argentinian psychiatrist-philosopher José Ingenieros (1877-1925), Professor of Experimental Psychology at the Faculty of Philosophy and Letters of the University of Buenos Aires. Ingenieros, a multifaceted personality and educator and a prolific author, has been considered a luminary for generations in South America. His publications include 484 articles and 47 books, generally falling into two periods: mental pathology and criminology (1897-1908), and philosophy, psychology and sociology (1908-1925). One of his earliest papers was a 1900 pamphlet on criminal psychiatry. Ingenieros co-founded and edited the *Archivos de Psiquiatría y Criminología* from 1902-1913. In 1907 he founded the Institute of Criminology of the National Penitentiary of Buenos Aires. In contrast to the fact that some of his books continue to be best-sellers in the Spanish-speaking world, most of his writings never became available in English. This chapter presents an overview of Ingenieros' profoundly interesting work *Criminología*, which comprises three sections: (a) criminal etiology, i.e. the causes of crime; (b) clinical criminology, the study of the

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multiplicity of criminal acts to establish the degree of danger; and (c) criminal therapy, determining the social and individual measures needed to assure society's defense. The book covers the then new philosophy of law and criminal law, the crisis of the then contemporary penal legislation, postulates and a program of criminology, the causes of criminality, the value of psychopathology in criminal anthropology, the psychopathology and social maladaptation of delinquents, clinical and psychological fundamentals and a psychopathological classification of criminals, theoretical postulates of juridical positivism, the then new bases of social defense, criminal psychiatry and the dangers of a deficient penal legislation. Ingenieros stressed the relationship between crime and insanity; to him, crime was the product of abnormal mental functioning, which explains why he has been considered the founder of the psychopathological school of criminology. In the spirit of the 'Positive School,' Ingenieros pointed out the influences of the modern philosophy of law and took into account the biological and sociological bases that form the foundations of Criminal Jurisprudence, transforming Criminal Anthropology into a Criminal Psychopathology, by defining the social value of criminal behavior and by providing a new classification of delinquents based on clinical observations. Those ideas are considered in the context of the sociopolitical situation in Argentina at the time of Ingenieros' most prolific criminological activity.

INTRODUCTION

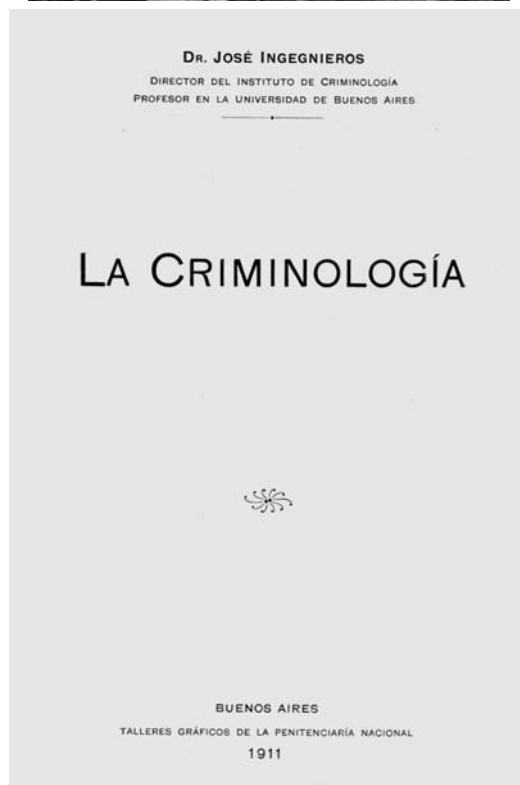
José Ingenieros (Figure 1A), one of Argentina's most estimable intellectuals, continues to be a highly read author in Latin America and a luminary for generations [10]. His writings touch on neurology, psychology and psychiatry, criminology, sociology, ethics, history, politics, critical essay, literary works, and philosophy [8, 15, 19, 20, 44, 56, 66–71].

Ingenieros attempted one of the earliest approaches of psychology from the standpoint of biology [29, 32] in a synthetic scheme weaved from positivist philosophy and with heavy emphasis on the science of experience and the principles of physical chemistry, inditing mental phenomena at ontogenetic, evolutionary and sociogenetic levels [1, 2, 13, 16, 36, 39, 43, 45].

During the same time, Ingenieros built a system of clinical criminology (Figs. 1B, 2 and 3) by approaching crime as a product of abnormal mental functioning [30, 31, 33–35, 37]. He is considered the founder of the psychopathological school of criminology in Latin America [10, 61]. Following the postulates of the positivist movement, Ingenieros pointed out the influences of the modern philosophy of law and emphasized the biological, clinical, and social bases of criminal jurisprudence.



A.



B.

Figure 1. A. A 1911 photo of Ingenieros taken in Lausanne, Switzerland, during his self-imposed exile to Europe. B. A short publication from the same year, under the title ‘Criminology’ [35].

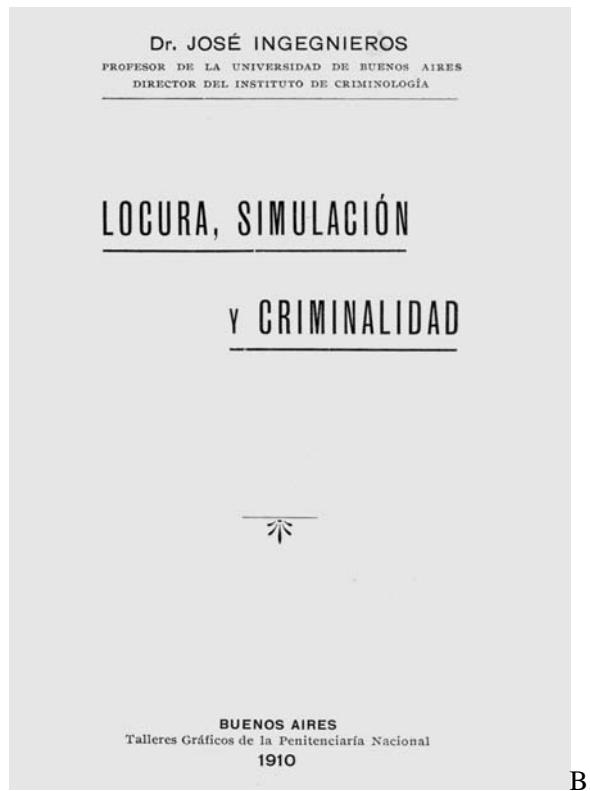
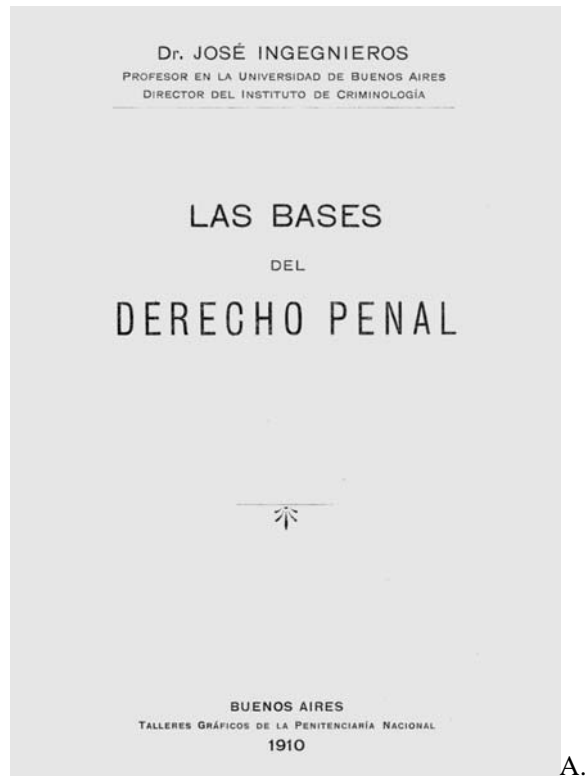


Figure 2 (Continued on next page)

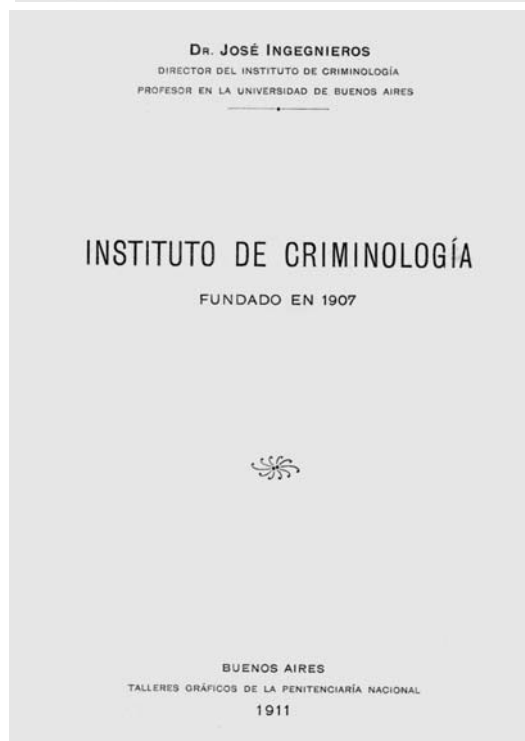
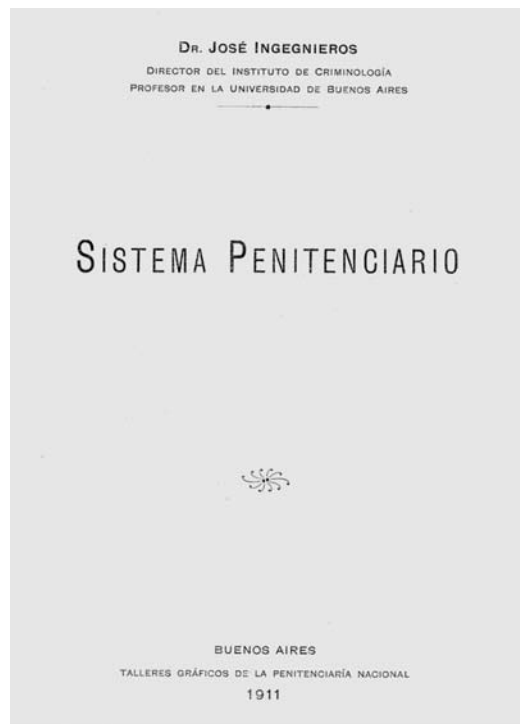


Figure 2. A–D. A series of short booklets by Ingenieros [30, 31, 33, 34], published by the Graphics Laboratory of the National Penitentiary of Buenos Aires, formed the basis for his larger synthetic work on Criminology.

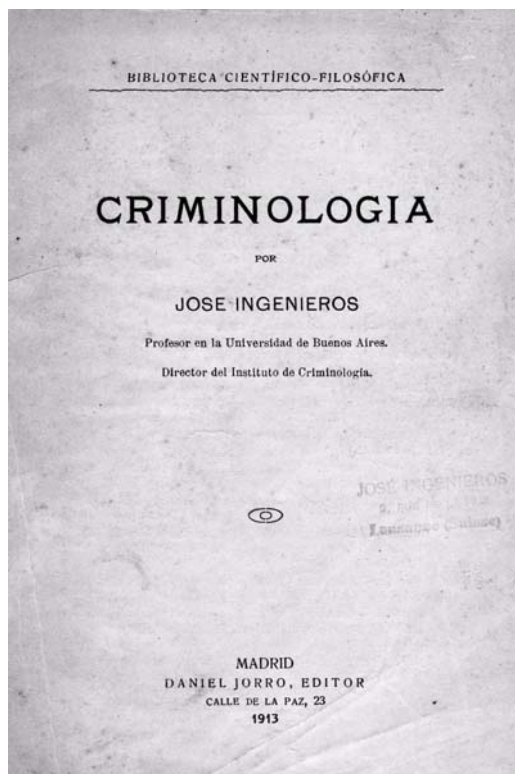
BRIEF BIOSKETCH OF JOSÉ INGENIEROS

Ingenieros was born 'Giuseppe Ingegnieros' on April 24, 1877 in Palermo, Sicily. The family moved to Montevideo, Uruguay, some time after 1880 and settled in Buenos Aires in September 1885. A child prodigy at age 7, Ingenieros completed his primary education at *Catedral al Norte* and in 1888 was enrolled at *Colegio Nacional Central de Buenos Aires*, obtaining the baccalaureate in 1892. His father was a journalist and kept a book shop, urging José to read, write, and translate English, Italian and French texts early in his life [53, 55, 59].

In 1897 Ingenieros earned a degree in Pharmacy from the University of Buenos Aires and in 1900 he graduated from the Buenos Aires Medical School.

In 1904 the National Academy of Medicine of Buenos Aires awarded Ingenieros a gold medal (*Premio de la Academia de Medicina*) for the best medical work published nationwide for his doctoral thesis [25–27] entitled *Simulation in the Struggle for Life* – where he affirmed that the struggle of the classes is one of the manifestations of the struggle for life – and *Simulation of Madness*. Those two works, combined into a single 500-page book [26], appear to be the first South American monograph on feigned insanity.

Ingenieros began his professional career in nervous and mental pathology. He became Head of the Clinic of Nervous Diseases (*Clínica de Enfermedades Nerviosas*) of the Faculty of Medicine of the University of Buenos Aires and Chief of the Service of Observation of the Mentally Ill at Argentina's Federal Police (*Servicio de Observación de Alienados de la Policía Federal Argentina*).



A.

Figure 3. (Continued on next page)

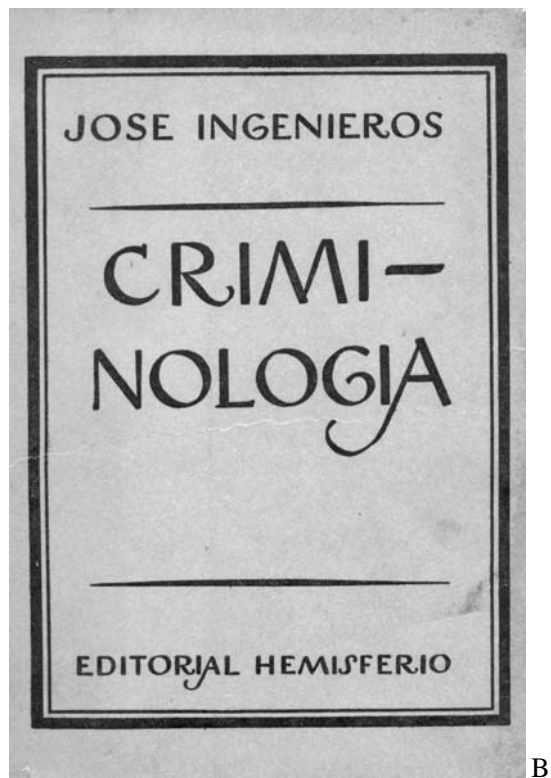


Figure 3. A. The first Spanish edition of *Criminology* by Ingenieros [37] published in Madrid. Ingenieros' own copy bearing his personal stamp. It so happens that both Ingenieros' residence in Lausanne, as well as his Madrid Publisher's address are 'Peace Street' (*Rue de la Paix* and *Calle de la Paz*, respectively). B. A much later printing of the final revision of the work, published in Buenos Aires 40 years later [46].

In 1904 Ingenieros substituted as Professor of Psychology at the Faculty of Philosophy and Letters of the University of Buenos Aires. In 1908 he was appointed Chairman of Experimental Psychology at the Faculty of Philosophy and Letters. The same year he founded the *Sociedad de Psicología*; its first President was the eminent researcher Horacio G. Piñero, who in 1900 had established the first Psychological Laboratory at the University of Buenos Aires. Ingenieros was elected President of the Argentina Medical Association in 1909 and President of the Society of Psychology in 1910.

In May 1911 the Council of the Faculty of Medicine nominated him unanimously for the Chair in Legal Medicine. However, the President of Argentina, Sáenz-Peña, vetoed the nomination, and appointed instead the second runner-up. That episode caused Ingenieros to express his anger against the President publicly, considering that act government immorality. He distributed his books among friends and institutions, and went on a self-imposed exile to Europe from 1911–1914. From 1912 onwards, his name became 'castillianized' to José Ingenieros in his European publications. He returned to Buenos Aires only after Peña's death.

During the University reform that took place in Argentina after World War I, Ingenieros became the Vice Dean of the Faculty of Philosophy and Letters, but he soon resigned from all his teaching and administrative posts at the University of Buenos Aires. In 1919 Ingenieros accepted an interview with President Hipólito Yrigoyen – who had won elections with his

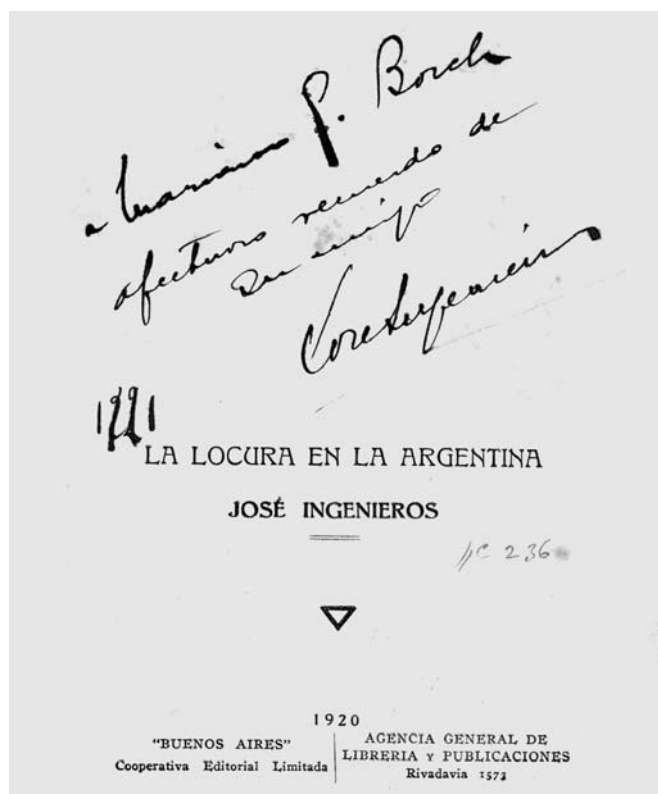
Radical Party when the secret ballot was introduced in 1916, beginning a 14-year period in government – for exchanging opinions on the social and political crisis that the country was experiencing [52].

In his book ‘Madness in Argentina’ (Figure 4A) Ingenieros discusses madness and witchcraft in colonial society, mental patients and psychiatric studies during the various periods of Argentina’s history, and the state of contemporary asyla [42, 50].

In 1920 Ingenieros adhered to the progressive group *Claridad*, founded by Anatole France and other intellectuals in France. In his 1921 work *Los Tiempos Nuevos* (New Times) he defended the Bolshevik Revolution and became a critic of the intervention policy of the United States in Latin America. In 1922 he proposed, and in 1925 he co-authored with Alfredo L. Palacios, the founding act of *Unión Latinoamericana* (Latin American Union).

In the three decades of his exuberant productivity, from 1895–1925, Ingenieros co-founded with Ramos-Mejía and edited (from 1902–1913) the *Archivos de Criminología, Medicina Legal y Psiquiatría* [38], founded and edited (from 1915–1929) the *Revista de Filosofía* [51], and authored 47 books and 484 articles [49]. His complete works (*Obras Completas*) were published in 20 volumes in 1957 by Elmer Editor in Buenos Aires [48] and in 1962 in 8 volumes in 8 volumes by Mar Océano [49].

José Ingenieros succumbed to complications of meningitis on the morning of October 31, 1925 in his house in Buenos Aires. He was 48 years old.



A.

Figure 4. (Continued on next page)

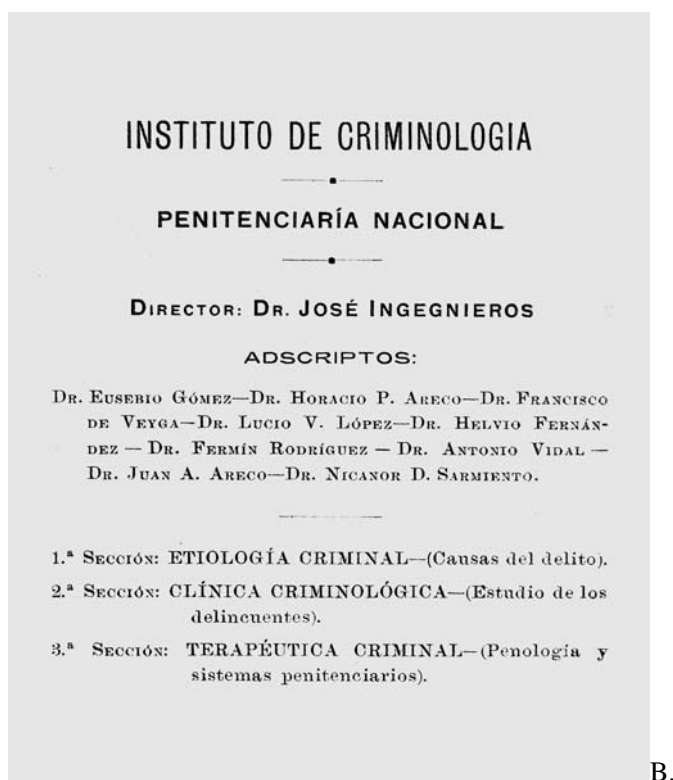


Figure 4. A. Hand-inscribed dedication by Ingenieros of his book ‘Madness in Argentina’ [42]. B. The staff and the structure of the Criminology Institute of Buenos Aires under Ingenieros’ direction. The three divisions of the Institute were Criminal Etiology, Criminological Clinic, and Criminal Therapeutics. From Ingenieros [34].

PHILOSOPHICAL NATURALISM AND EVOLUTIONARY POSITIVISM

‘Positivism’ was a philosophical stance comprising scientific, deterministic, psychological, evolutionary, biological and sociological topics. Positivists admired Darwin and prized Comte and Spencer as their philosophical heroes. Preference for one or the other gave rise to evolutionary or social positivist accounts, respectively. Positivists rejected *a priori* and intuitive methodologies and praised science as providing the most reliable knowledge about humans and the universe, and tried to produce syntheses of scientific findings in which they elucidated the nature of physical, biological, psychological and social phenomena [60].

The number of Latin American positivist thinkers is large, and their extraction and importance diverse; it is generally agreed that Ingenieros, along with Venezuelan-Chilean Andrés Bello (1781–1865) and Cuban Enrique José Varona (1849–1933) were among the most original and influential. Other important positivists in Latin America were Gabino Barreda (1820–1881) and Luis Villoro (1922–) of México and Carlos Vas Verreira (1871–1958) of Uruguay [17].

The list of original pieces produced during the positivist period by Latin American philosophers includes Ingenieros's *Psicología Genética* [32] and *Psicología Biológica* [36]. Ingenieros helped introduce to Argentina Auguste Comte's positivism [7]. Evolutionary positivism gained particular popularity among several scientists at the University of Buenos Aires, including Ramos-Mejía, palaeontologist Florentino Ameghino, sociologist Carlos Octavio Bunge, and Ingenieros, who, although they did not found formally a school [54], did exercise considerable influence.

In his *Genetic Psychology*, Ingenieros begins as a committed evolutionist, but admits the need for improvement, feeling that inductivism neglects the speculative aspect of science. As a solution, in his book *Propositions on the Future of Philosophy* [41], a program to define philosophy along scientific positivist lines, he proposes an experiential metaphysics that could generate future scientific hypotheses. *Propositions* is one of his most original works; in it, Ingenieros exposes a version of positivism that made metaphysics possible. He maintains that it is possible to recognize, in all form of experience, an 'experiential remainder' (*residuo experiencial*) that is not unknowable, although it does not have a transcendental character.

CONTEXT OF INGENIEROS' CRIMINOLOGY STUDIES

In 1896 Ingenieros wrote some essays on Sociology and Cultural Anthropology. He had already begun to show signs of his later professional and intellectual curiosities. The writings unfolding in his *Criminología* were united for the first time under 'Two pages of criminal psychiatry' [22]. He inaugurated his journal *Archivos de Criminología, Medicina Legal y Psiquiatría* with his article 'The value of psychopathology in criminal anthropology' [23], which was to form the basis for developing his later and quite famous book *Criminología* [37] that would be published in several editions by 1916 [40, 46, 47].

Essays, written between 1899 and 1901, had by 1905 been reorganized and translated into English, French, Portuguese and Italian, and published in various reviews. Most of these appeared in Italian in a volume entitled *Nuova classificazione psicopatologica dei delinquenti* [21]; a Spanish translation not mentioning a translator's name appeared in Peru without knowledge of the author [28]. After corrections and additions, the work was re-edited for the Institute of Criminology of Buenos Aires and published in 1910 by the *Imprenta de la Penitenciaría Nacional* (National Penitentiary Press), in which inmates were working as a part of their rehabilitatory training. Including the part on Criminal Psychiatry, the complete *Criminología* was printed as the first formal edition in Madrid [37]. A sixth edition appeared in 1916 in Buenos Aires [40]; that text is volume 7 of the 1957 edition of the *Complete Works* [47, 48] and included in volume VIII of the 1962 edition of the *Complete Works* [49]; it was used for a Portuguese translation by Brazilian Professor Haeckel de Lemos.

On June 6, 1907 Ingenieros founded the Institute of Criminology of the National Penitentiary of Buenos Aires (*Instituto de Criminología de la Penitenciaría Nacional de Buenos Aires*), a clinic for the study of criminals and mental patients, of which he became first director (Figure 4B), an office he held until 1914 [11, 63]. As director of the *Servicio de Observación de Alienados* at first, and heading the Institute of Criminology subsequently, he kept collecting and revising his material over ten years, also taking into account contemporary European criminological doctrines. In the spirit of the 'Positive School' he pointed to the

influences of the modern philosophy of law, taking into account the biological and sociological bases that form the foundations of Criminal Jurisprudence, and transforming Criminal Anthropology into a Criminal Psychopathology, by defining the social value of criminal behavior and by providing a new classification of criminals based on clinical observations.

Criminology covers topics such as the new philosophy of law and criminal law, the crisis of contemporary penal legislation, postulates and program of criminology, causes of criminality, the value of psychopathology in criminal anthropology, the psychopathology and social unadjustment of criminals, clinical and psychological fundamentals and psychopathological classification of criminals, the theoretical postulates of juridical positivism, the new bases of social defense, criminal psychiatry and the dangers of defective penal legislation. Of special interest is the proposition that 'ethical norms are constituted as a result of social experience ... In higher animal species, the fact manifests in a hundred ways that can be read in the treatises of anecdotal Zoology or a *Zoological Psychology*. In humans we observe it in every instance' [12, 46, 47].

To understand Ingenieros' position and impact, one has to consider the sociopolitical situation in Argentina at the time of his most prolific criminological activity. One of his main concerns was immigrants [57]; moreover, his theoretical conclusions were drawn from the study of prisoners, most of whom were immigrants, in this case white anarchists. Like other members of the 'Enlightened Minorities' of the 1880s generation, Ingenieros expressed as well certain prejudices in some of his works. Yet he attempted to explain criminality in psychopathological terms.

Such a wave of massive migration was taking place in Argentina that, by 1890, the country was receiving more foreigners than any other Latin American nation. It is estimated [62] that between 1857–1916, over 4,750,000 immigrants entered a country, which would be marked, during the following years, by an unstable society, oligarchy, conflicting relations between ruling class and immigrants, the resonance from the world financial crisis of 1890, workers overexploitation, abominable urban living conditions and increased crime among the immigrants' concentration around the port of Buenos Aires, demonstrations, strikes, and a workers movement reaching the highest level in all of Latin America between 1890–1918 [11, 14, 62].

These events during the last years of the 19th century and the first decade of the twentieth century are the context for Argentina's criminological boom. On the other hand, the development of the Italian 'Positivist School' [24] was considered fundamental in correcting problems such as crime; it became most significant in Argentina following the 1885 Rome Congress on Criminal Anthropology [11].

Its highest expression was the creation in 1907 of the Institute of Criminology at the National Penitentiary of Buenos Aires. It was considered the first in the world to scientifically study prisoners with the aim of arriving at an adequate treatment regimen for their readaptation. Lombroso's teachings were followed closely [5].

Francisco de Veyga and José Ingenieros were given the responsibility of developing and applying the Italian Positivist School [24] to Argentina's criminal policy. Their official positions enabled them to integrate practice with theory. Francisco de Veyga, a forensic physician, created, in 1897, the first course of Criminal Anthropology and Criminal Sociology in the Faculty of Medicine of the University of Buenos Aires. While he was director of the Police Service, he nominated Ingenieros as clinical chief of the Police Service.

De Veyga is recognized for pioneering clinical criminology in Argentina, but José Ingenieros consolidated the direct study of criminals. In 1890, de Veyga started the Forensic Psychiatry Clinic at the same prison, appointing his pupil Ingenieros as director. In 1902, the names changed to Psychiatric and Criminological Clinic, where Ingenieros created, the following year, an Experimental Psychology Laboratory as the first attempt to apply psychology to the study of criminals in Argentina. In 1907, Ingenieros became the director of the new Institute of Criminology of the National Penitentiary of Buenos Aires; he resigned that post in 1914. Ingenieros developed a questionnaire for observing and examining criminals, called the *Psychological and Medical Bulletin*, which continued to be applied by those who followed him. The National Penitentiary of Buenos Aires, and within it the Institute, became well known and it was visited by international prominent figures.

Aside from their official posts, both doctors engaged in intense intellectual activity. In 1902, de Veyga founded the *Archives of Psychiatry and Criminology*, appointing Ingenieros as director. The statement of mission in the inaugural issue of 1902 mentioned that the journal had as its aim 'to spread the scientific study of abnormal men – especially criminals and the insane – as well as the conditions of the psychological environment that affect them'. It was soon the best-known Argentinian journal internationally, with frequent contributions from specialists from various countries. When the Institute of Criminology was created in 1907, the *Archives* became its official journal.

Criminología is considered to be the first book on clinical criminology published in the world [58]. In it, Ingenieros developed the 'Scientific Program' applied to the study of criminals at the Institute. He divided criminology into three areas: (a) criminal etiology, *i.e.* the causes of crime; (b) clinical criminology, the study of the multiplicity of criminal acts to establish the degree of danger; and (c) criminal therapy, determining the social and individual measures needed to assure society's defense by the correction of the criminal.

Although Ingenieros' *Criminology* is based on the fundamental premises of the Italian Positivist School, he aired his disagreements with Lombroso and Ferri in a paper entitled 'The classification of criminals', which he presented in 1905 at the Fifth International Psychological Congress in Rome. For him, criminal morphology was similar to that of all degenerates; the difference between criminals and the rest, he believed, could be discovered in the field of psychopathology. In this regard, Ingenieros wrote the following: 'The development of a new orientation in the study of criminals to complement the Italian Positivist School, according to scientific criteria gathered in the clinic and in the laboratory, is imminent. The study of anthropological abnormalities is destined to give way to psychological abnormalities' [46, 47]. Thus, Ingenieros stressed the relationship between crime and insanity. To him, crime was the product of abnormal mental functioning, which explains why he has been considered the founder of the psychopathological school of Criminology.

SUBJECT MATTER OF INGENIEROS' CRIMINOLOGY

An English translation of the synthetic conclusions from the eight chapters of Ingenieros' *Criminología* follows, based on the final Spanish edition [47].

I. The Natural Formation of Criminal Law

The evolution of juridical institutions is the fundamental conclusion of the modern Philosophy of Law. Immutable and absolute principles do not exist, prior to experience or independent of their new acquisitions; all branches of Law – and, thereby, Criminal – must be considered as evolutionary functions of societies that are incessantly evolving.

Crime is a transgression of the limitations imposed by society upon the individual in the struggle for existence. It directly or indirectly damages others' right to life, which conditions are established by social ethic and tend to be based on juridical formulas, varying according to time, mode and place circumstances.

Ethics and Law are natural outcomes of the social experience, and they are always under continuous formation. Their evolution is parallel, but not concomitant; differences between natural crime and juridical crime, in relation to ethics and the written law, respectively, depend on the imbalance between ethical and legal sanctions in the course of social evolution. Given the continuous expansion of the social experience, the ethical concept of good and evil, and the juridical concept of honesty and delinquency, are not stable realities, but incessantly renovated collective representations.

Criminal Law is the outcome of a natural formation; it tends to establish the ethical criterion predominant in society at every moment of its evolution. In it are coordinated, under the political shelter of the State, the defensive functions against antisocial individuals, whose behavior compromises the life or the living means of their fellow humans. It constitutes a reciprocal warranty for the free unfolding of individual activity in the struggle for life.

II. The Crisis of the Contemporary Penal Legislation

The current penal legislation, by way of basing penalty on the 'responsibility' of the delinquent, does not ensure an efficient social defense, it frequently becomes dangerous, it stimulates its own violation, and it motivates numerous juridical errors: it does not fulfil its functions of defense against delinquents.

Beyond its practical insufficiency, it is at a theoretical discordance with the fundamental postulates of contemporary science. It is impossible to reconcile the basic criterion of current penal laws with the scientific data of criminology; applications of new criteria within old juridical formulas are dangerous.

The inefficacies of contemporary Criminal Law, due to its fundamental criterion, comprise three principal aspects:

1. In the more degenerated delinquents, whose moral sense makes them less adaptable to living in a society, it is permitted to allege the mental abnormalities as extenuating causes of the penalty, tending to identify such abnormal states with the 'madness' that the Code declares irresponsible and free of penalty.
2. In the presence of alienated delinquents, whose menace is proven by their perilous acts, criminal justice declares them irresponsible and does not prevent them from regaining their freedom, putting them in a situation of being able to continue an antisocial conduct already translated into their delinquent acts.

3. The recognition of madness as a cause of irresponsibility and extenuation of penalty is the principal motive of the simulation of madness, considered as a defensive resource of the delinquent in his struggle against the juridical environment.

A substantial and not purely formal penal reform is imminent; it is necessary to renounce the antiscientific and dangerous concept of penal responsibility and to lay other bases for the social function of defense against delinquents.

The efficacy of such a substantial reform of the Penal Code demands an essential reform of the law of procedures and the reorganization of the current penitentiary systems.

III. Criminology

The application of scientific criteria to the study of the crime tends to replace classical Criminal Law with another, founded on the data of criminology.

Already over its empirical and intuitive phase – initiated by the studies of Lombroso – criminology begins to define some general studies. A complete program for the study of crime presents three fundamental aspects:

1. Its causes (criminal etiology). Criminal etiology must study:
 - A. The proper factors of the psychophysiological constitution of the delinquent (*criminal anthropology*). *Criminal anthropology* comprises:
 - a. *Criminal morphology* (it studies the morphological characters of the delinquents).
 - b. *Criminal psychopathology* (it studies their psychological abnormalities).
 - B. The proper factors of the environment into which he acts (*criminal mesology**). *Criminal mesology* comprises:
 - a. *Criminal sociology* (it studies the social factors of crime).
 - b. *Criminal meteorology* (it studies meteorological factors).
2. The characters of the delinquents (criminological clinic).
3. The protection from and repression of criminality (criminal therapeutics).

These factors can be combined in very variable proportions, but they are all concurrent in the determination of crime.

* [A branch of science that studies the relationships between organisms and their environment].

IV. The Value of Psychopathology in Criminal Anthropology

The study of the determinant causes of crime makes evident that next to the social and physical factors exist always anthropological factors of the crime, represented by abnormalities of the delinquent.

The study of their morphological abnormalities suffices for referring such abnormality to degeneration in general; it does not have a specific value as an exponent of criminality.

The *specific* study of the delinquents – and, as a matter of fact, the most fundamental – is the one of the abnormalities of their psychological functioning.

If one could speak about schools to pinpoint scientific trends, the new school should be termed *the school of psychopathology*.

V. The Social Maladaptation of the Delinquents

People form their personality within the society in which they live; education is a continuous process of adaptation of the individual to the society. Biological inheritance constitutes the temperament and it is transduced by tendencies; education constitutes the individual experience. Personality is the result of the variations of inheritance by means of education, and it is always a social product; it is represented by the character and it manifests through behavior.

The adaptation of individual behavior to the social setting depends on the equilibrium between the constitutive elements of character. When such an equilibrium is missing, behavior becomes maladapted, and the individual commits antisocial acts. Differences in aptitude and education determine the inequality of characters. Character abnormality is transduced into behavior abnormality.

When the acts that exteriorize the individual character are not adapted to the social conditions of the struggle for life (represented by ethics and specified in the law) the acts are, socially speaking, immoral and criminal. That is why the psychopathology of the delinquents must study the value of their acts with regard to society.

The social maladaptation of the acts is the result of diverse disequilibria between personality and the setting in which it acts. Such disequilibria are the originators of some of the mental functions which compose the character; in diverse delinquents, a predominance of moral, intellectual or volitional abnormalities is observed, similarly to normal characters. In certain cases, all mental functions are intensely perturbed, and antisocial behavior is the product of a completely pathological character.

VI. Psychopathological Classification of the Delinquents

Criminal psychopathology, confirming the data on the psychopathology of normal and pathological characters, clinically demonstrates the existence of various delinquent types in which affective, intellectual and volitional abnormalities predominate (*pure types*). Such a differentiation serves as a clinical basis for classifying delinquents. Within each one of those types, one observes groups with congenital, acquired or accidental abnormalities, whose reform and menace is substantially distinct.

Subjects are also observed, whereby a simultaneous predominance is observed of diverse modes of functional disequilibrium (*combined types*): moral-intellectual, moral-volitional, and intellectual-volitional delinquents. In certain individuals profoundly degenerated, impulsivity, a lack of moral sense, and a perturbation of intellectual functions coexist (*complete type*).

In this new classification, types or categories, which in other classifications are separated, are not confused, in any case; on the contrary, various heterogeneous types, confused until today as a single type, are isolated.

The psychopathological classification permits, better than any other, an approximate appreciation of the reformatory potential and the menace of delinquents; each group of its three categories corresponds to diverse profound abnormalities of the antisocial character. In that sense, they are better adapted to the new principles of Criminal Law and to the modern trends of the penitentiaries.

VII. Criminal Law in Formation

There exists a 'Criminal Law in formation' characterized by the progressive adoption of two of the fundamental principles of positivism: indetermination and individualization of the penalty. More than the punishment of the delinquent for the crime committed, one now tends to ensure social defense according to the individual menace.

The doctrine of the new Law is genuinely Italian; its very practice has had its widest trials in the United States. Resistances to the new doctrine ceded before the results of the practice, which has resulted in a juridical positivism.

The characteristic expressions of the Criminal Law in formation are three: conditional sentence, indetermination of the time of the penalty, and conditional release. These three expressions depart from classical Criminal Law, converging on postponing the punishment of crime to social defense, with the addition of a growing optimism in favor of reform and the social re-education of the delinquents.

The progress of forensic psychiatry, of scientific police and of identification, the creation of special chairs and the penetration of criminology in the old, the foundation of institutes for criminological studies, and the resolution of the last penitentiary congresses, contributed powerfully to the development of the present 'Criminal Law in formation', which can be considered as the necessary stage between classical law and juridical positivism.

VIII. The New Bases of Social Defense

The negation of the theoretical bases of classical Criminal Law does not imply denying society the right of preventing or reprimanding the antisocial activity of the delinquent; it tends, rather, to ensure the efficacy of such a defense, currently compromised by the laws.

The protection from and prevention of delinquency has greater importance than its repression. Its means are four in principle: social legislation in its most general meaning, protection of immigration, social education during infancy, and social readaptation of the indigents.

In front of crimes already committed, social defense is not limited to punishing the perpetrators; social readaptation is proposed for the corrigible and for the sequestration of the irreformable. The experience of the last years has resolved the problem in an optimistic sense, deciding on a prison system in favor of the reformatories, that in certain countries and regions can disguise as the colonial type.

Whatever may be the regime of crimes and current penalties, a systematic organization of prison establishments is indispensable according to a total plan. Its conditions of reform and security must adjust to the categories of the subjects, with the suggested variations for individual psychological study. The concept of the inequality of the delinquents leads to inequality of the penalties; all penitentiary reforms must lean towards a marked classification in groups, since an absolute individualized practice of the penalty is not possible.

The penalties of prison, penitentiary and presidio must correspond to the delinquents of minimum, medium, and maximum menace, discounted in appropriate establishments for the reform of security, depending on each case.

The legal position of the delinquents is modified if repression is founded on the menace and not on their responsibility. A severer repression corresponds to the delinquent whose crime is a result of permanent factors, an expression of irreparable tendencies of character. Repression must be mildly severe for those whose crime is a consequence of a mixed combination of biological and social factors, being the expression of psychological abnormalities more or less transient and reparable. Repression must be minimum against the accidental and quasi-criminal delinquents, in whose crimes mesological factors prevail and where the organic is of little importance. The correlation between such a penal criterion and our classification of the delinquents facilitates the practical applications of criminology, reconciling the clinical criterion with the juridical criterion in order to transform penal justice into an institution of protection and social defense.

Around the three fundamental prison types there must be special establishments: asyla for transgressors and drinkers, asyla for minors, prisons for convicts, criminal psychiatric clinics, prisons for women, etc.

The social readaptation of former prisoners complements the program of fight against delinquency, including unions of former prisoners and the custody of the maladaptable.

CONCLUSION

Approaching historical texts from a modern context sometimes entails the danger of becoming anachronistic. Many historians reject anachronistic methods because of the risk of events becoming isolated from their own origins and meaning. Hence, conventional historical methodology aims at reconstructing events of the past in their own context. The specific temporal and social context of the criminological studies of Ingenieros was covered in a previous subheading.

To use modern criteria in order to understand the science of the early twentieth century may tell us little about the world in which José Ingenieros (Figure 5) lived and worked. However, the fundamental premise of linking neuropsychiatry with legal science deserves a brief comment.

With the advances in biomedical technology, modern researchers are attempting to understand the neural underpinnings of mental states throughout the spectrum of normal and aberrant behavior. With regard to people with criminal psychopathic disorders, preliminary studies indicate selective differences – relative to control populations – in the activation pattern of fusiform and extrastriate regions of the cerebral cortex, including Brodmann areas 18, 19 and 37, when processing facial emotion cues [9]. The neurological and cognitive bases of such personality traits is considered in relation to their impact on social behavior and society [3, 4, 6].



Figure 5. Sketch of Ingenieros by cartoonist Columba, from a fifth-grade Buenos Aires schoolbook [44].

Having determined a long-standing imbalance in the scientific study of psychopathology and its relationship to crime, modern scientists now emphasize the clinical aspects of overt behaviors with legal implications, such as disorders of thought that may result in criminal conduct, as well as borderline conditions, malingering and deception, topics important for forensic practice [64]. In dissecting out the multifactorial interaction between neurobiological

and social factors associated with criminal behaviors, investigators find that some offensive impulses may ensue from dysfunction of frontocortical and limbic areas subserving the emotional control that inhibits aggressive acts [65]. Nonetheless, the stringent standards of science indicate that neuroimaging technology is nowhere near being trustworthy for determining or absolving guilt, forasmuch as responsibility is a social construct determined by a social group, and not the results of a biological test [18].

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Chapter 13

**TAUTOLOGY, REASONED ACTION, OR
RATIONALIZATION? SPECIFYING THE NATURE OF
THE CORRELATION BETWEEN CRIMINAL ATTITUDES
AND CRIMINAL BEHAVIOR**

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ABSTRACT

Criminological research has consistently found a strong correlation between an individual's criminal attitudes and his or her criminal behavior. Yet there exist four different, but equally plausible, explanations for this strong correlation. First, it may be the case that existing measures of criminal attitudes and behavior lack discriminant validity and therefore reflect empirical manifestations of the same underlying personal propensity toward crime. Second, it may be the case that individuals' attitudes toward crime precede their criminal behavior, much in line with the predictions of mainstream criminological theories such as control theory or learning theory and of such social psychological theories as the theory of reasoned action. In this case, crime control efforts might usefully incorporate attempts to alter criminal attitudes as a means of ultimately controlling criminal behaviors. Third, it may be the case that criminals' attitudes reflect post-hoc rationalizations of their prior criminal behavior, much in line with such social psychological theories as self-perception theory. In this case, efforts aimed at changing individuals' criminal attitudes will not likely serve to control criminal behavior and alternative methods of controlling criminal behavior are more likely to yield positive results. Fourth, criminal attitudes and behavior may be reciprocally related such that each exerts an independent influence on the other. Using longitudinal data from three waves of

the National Youth Survey, the present study combines latent variable and structural equation modeling techniques to discern which of the above four perspectives most accurately accounts for the correlation between an individual's criminal attitudes and behavior. Results suggest that measures of criminal attitudes and behavior exhibit at least some discriminant validity and, across two separate time-lags and two forms of crime, that there exists a robust relationship between prior criminal behavior and future criminal attitudes but not vice-versa.

INTRODUCTION

In keeping with social psychological research concerning the relationship between attitudes and behavior, criminological research has consistently found a significant correlation between an individual's criminal attitudes¹ and criminal behavior (Gendreau et al., 1996; Gendreau et al., 1997; Simourd & Andrews, 1994). Yet, while the attitude/offending relationship is relatively strong, the nature of the causal link between attitudes and behavior has long been the subject of a multi-disciplinary debate. This debate has led to an extensive literature rife with methodological problems and contradictory findings.

The present study attempts to clarify the nature of the relationship between criminal attitudes and criminal offending by providing an empirical assessment of four possible explanations for the relationship. First, self-reports of criminal attitudes and criminal behavior may be correlated because they reflect alternate manifestations of the same underlying personal propensity toward crime. Second, following the predictions of numerous criminological and social psychological theories, it may be the case that an individual's attitudes toward crime exert a causal influence over the individual's criminal behavior. Third, following the social psychological literature concerning cognitive dissonance and self-perception, it may be the case that individuals who behave in deviant ways subsequently alter their attitudes toward crime as a means of retroactively aligning their attitudes with their actions, essentially rationalizing their past behavior. Fourth, it may be that attitudes and behavior influence one another reciprocally.

Below, we begin by reviewing the existing criminological literature concerning the various theoretical reasons that one might expect attitudes toward crime to exert a causal influence on criminal behavior. Next, drawing on the social psychological literature, we describe the various theoretical reasons that one might expect the correlation between criminal attitudes and criminal behavior to reflect the influence of behavior on attitudes. Finally, using three waves of longitudinal data from the National Youth Survey (Elliott et al., 1985), we examine the degree to which (1) measures of criminal attitudes and measures of criminal behavior reflect empirically distinct constructs; (2) prior measures of criminal attitudes are empirically associated with future measures of criminal behavior; and (3) prior measures of criminal behavior are empirically associated with future measures of criminal attitudes.

¹ A diverse set of terms is used throughout criminological and social psychological research to refer to the attitude construct. Much criminological research uses the term "belief" (as per Hirschi 1969) as somewhat synonymous with attitude, while social psychological research tends to distinguish between the two (for a detailed review see Eagly & Chaiken, 1993). For the purposes of this study we will consider measures of belief as proxies for measures of attitude.

THE ATTITUDE CONSTRUCT IN CRIMINOLOGICAL THEORY

While the attitude construct plays a fundamental role in virtually all criminological theory (Agnew, 1994), attitudes are particularly salient within control and learning theories. Hirschi's social bonding theory (1969) begins with the premise that crime reflects the natural tendency of human beings to pursue immediate economic and visceral gratification in the absence of social bonds that, when developed, may inhibit such pursuits via the process of social control. According to Hirschi, individuals engage in delinquent behavior when their bonds to society are absent, weakened, or broken. Further, he claims that "belief" is one of four primary social bonds that serve to control the immediate pursuit of self-interest, and he defines belief as the extent to which an individual deems laws to be right and worthy of being obeyed. All else being equal, Hirschi argues that crime will be less likely among those who have developed strong belief.

Whereas Hirschi's social bonding theory views human nature as fundamentally self-serving in the absence of social control, differential association theory (Sutherland, 1947) posits that human nature is essentially plastic and that criminal behavior results from social interaction that exposes an individual to an excess of favorable versus unfavorable "definitions" of crime. According to Sutherland (1947), definitions include values, meanings, rationalizations and attitudes towards crime. Within this theoretical framework, then, attitudes (as well as the other components of the definition concept) serve to motivate criminal behavior; exposure to and internalization of criminal attitudes must therefore precede initial participation in criminal behavior. Thus, although differential association theory and social bonding theory differ markedly in their fundamental notions of the degree to which crime is natural versus socialized, they both yield essentially identical predictions concerning the nature of the relationship between criminal attitudes and criminal behavior. In particular, both predict that attitudes exert a causal influence over behavior.

Subcultural theory (Wolfgang & Ferracuti, 1982; Anderson, 1999) builds on the foundation of differential association theory, suggesting that differences in crime rates across geographic locations can be traced to explicit differences in culturally-supported attitudes towards criminal behavior. Subcultural theories propose that certain segments of the population hold criminal attitudes, particularly toward violence, which allow and even require a criminal response in certain social situations. Once again, attitudes are a primary causal mechanism of criminal behavior, and the acquisition of criminal attitudes must therefore temporally precede crime.

In perhaps the only criminological theory that *approaches* predicting a causal influence of criminal behavior on criminal attitudes, Sykes and Matza (1957) argue that most delinquents offend *despite* holding generally negative attitudes towards crime. In order to offend, according to Sykes and Matza, individuals *neutralize* their belief that criminal behavior is wrong in one of several possible ways: prospective offenders may deem a potential victim deserving of victimization; may deem a given behavior so common as to be justified; or may deem the behavior as lacking in salient harm to anyone. In all cases, however, Sykes and Matza's neutralization theory predicts that previously held attitudes shift in a pro-deviant direction to allow offending. In keeping with other criminological theories, therefore, neutralization theory predicts that attitudes precede behavior rather than the reverse.

ATTITUDES AND BEHAVIOR IN SOCIAL PSYCHOLOGICAL THEORY

Whereas much criminological theory implies a unidirectional causal link between attitudes and behavior such that attitudes precede behavior, the social psychology literature has long suggested a more complex relationship between attitudes and behavior, both theoretically and empirically. Despite the intuitive notion that attitudes and behavior should tend to be correlated, early social psychological research demonstrated that people's real-world behavior sometimes contradicts their idealized beliefs about how one *should* behave in the abstract (LaPierre, 1934; Deutscher, 1966). Even in light of such findings, however, cognitive dissonance theory (Festinger, 1957) developed around the notion that individuals will experience psychological discomfort when they engage in behavior that is inconsistent with their attitudes. According to cognitive dissonance theory, they will therefore attempt to rationalize their behavior after the fact; their rationalization may involve reevaluating the likelihood and desirability of their prior behavior and, ultimately, the process of rationalization may promote new attitudes which may in turn influence further behavior (Festinger, 1957).

Although cognitive dissonance theory differs from Sykes and Matza's (1957) neutralization theory insofar as it argues that attitude change *follows* behavior rather than *preceding* it, the timing of neutralization has not been definitively established in the empirical research (Cromwell & Thurman, 2003). Some research, in fact, provides tentative support for the notion that the process by which individuals "neutralize" negative attitudes towards crime may be more likely to occur after rather than before behavior (e.g. Minor, 1981; Pogrebin et al., 1992).

Expanding upon the foundation of cognitive dissonance theory, self-perception theory (Bem, 1972) suggests that *all* attitudes are a consequence of behavior, as socialization processes have made individuals rely on their own behavior to interpret their attitudes. According to Bem (1972), an individual does not truly possess an attitude toward a particular target until he or she encounters the evidence of behavioral and external cues. Accordingly, self-perception theory diverges from cognitive dissonance theory insofar as it does *not* allow for a reciprocal relationship between attitudes and behavior. Rather, it maintains that behavior will consistently precede attitudes.

In contrast to advocates of self-perception theory, however, other social psychologists have continued to build on the argument that attitudes do influence behavior (e.g. Ajzen, 1985; Bentler & Speckart, 1979; Fishbein & Ajzen, 1975; McGuire, 1976). Within this subset of the social psychological literature, the theory of reasoned (TRA) action remains among the dominant perspectives² (Fishbein & Ajzen, 1975). According to the theory of reasoned action, the proximal determinant of an individual's behavior is the *intention* to perform it; that intention is in turn a function of attitudes toward the behavior and subjective norms regarding that behavior (Eagly & Chaiken, 1993). Empirical research on attitude-behavior consistency

² Critiques of the theory of reasoned action have suggested that it can only account for behaviors within an individual's control. In response to such critiques Ajzen (1985) proposed the theory of planned behavior (TPB), which expanded the TRA model to include the variable of perceived behavioral control. According to the TPB model, individuals who believe they have the resources and opportunity to engage in a particular behavior will be more likely to do so. As we will be measuring relatively common delinquent behaviors over a significant time span, the sample population should have sufficient perceived behavioral control to offend. Our review of the existing literature therefore focuses on the theory of reasoned action.

has found that attitudes are more likely to predict behavior when a behavior is easy to enact (Eagly & Chaiken, 1993), when the attitude is stable (Cooke & Sheeran, 2004; Doll & Ajzen, 1992) and important/relevant to the individual (Kokkinaki & Lunt, 1999; Lavine et al., 2000), and when the individual is certain/unambivalent about the attitude (Cooke & Sheeran, 2004; Fazio & Zanna, 1978).

CRIMINAL ATTITUDES AND CRIME: EMPIRICAL FINDINGS

Empirical findings within the criminological literature echo the complexity of the attitude-behavior paradigms within the social psychological literature and further suggest that theories implying a unidirectional influence of criminal attitudes on behavior may be misleadingly simplistic. In a test of control theory, Agnew (1991) finds no direct relationship between delinquency and deviant beliefs. Yet, Andrews and Bonta (1994) identify antisocial attitudes as one of the “big four” predictors of criminal behavior, and Simourd and Van de Ven (1999) find that two distinct measures of criminal attitudes predict recidivism.

Additional research reveals reciprocal relationships between criminal attitudes and behaviors, although there is little to no consistency across such studies. Matsueda (1989) finds that – while the relationship is reciprocal – delinquent behavior influences delinquent belief more than delinquent belief influences delinquent behavior. Thornberry et al. (1994) report a partially reciprocal relationship between delinquent beliefs and offending, such that beliefs predict delinquency at Time 1 and Time 2, while the effect of delinquency on beliefs is significant only at Time 1. In contrast, Menard and Huizinga (1994) and Engels et al. (2004) find that delinquent attitudes predict the acquisition of delinquent behavior, yet delinquent behavior has a positive effect on subsequent delinquent attitudes.

Zhang et al. (1997) find a particularly complex relationship, moderated largely by age. Among 10-12 year olds, delinquent attitudes have a stronger effect on subsequent delinquency than delinquency has on subsequent attitudes. Attitudes can predict behavior at a younger age than behavior can predict attitudes, and the attitude/behavior link shifts over time, such that, by age 13-16, attitudes become *less* predictive of subsequent behavior.

As is evident from the foregoing review, existing research on the relationship between criminal attitudes and behavior is both unclear and contradictory. An attempt to reconcile these contradictory findings yields several potential avenues of further research. First, it may be the case that existing measures of criminal attitudes and behavior lack discriminant validity and simply reflect alternate manifestations of the same underlying propensity toward deviance. In this case, standard regression techniques unveiling a significant correlation between prior attitudes and later behavior may simply reflect the stability of interpersonal differences in criminal propensity (see Gottfredson & Hirschi, 1990). While there exist latent variable, factor analytic methods with which to test the discriminant validity of two highly correlated constructs (e.g. Rebellon & Waldman, 2003), we have not been able to locate any prior research that has applied these methods to measures of criminal attitudes and behavior. In the absence of such research, existing studies attempting to assess the causal relationship between criminal attitudes and behavior are predicated on the untested assumption that common measures of criminal attitudes and behavior have tapped conceptually and empirically distinctive constructs. This study therefore begins by subjecting common

measures of criminal attitudes and behavior to the formal tests required to examine their discriminant validity.

Second, assuming that common measures of criminal attitudes and behavior do exhibit at least some discriminant validity, common measurement techniques may lack sufficient precision with which to assess the attitude/behavior relationship accurately. In particular, many studies tend to produce summated scales reflecting criminal attitudes and behavior without weighting constituent items via latent variable or factor analytic methods. Likewise, many studies do not account for measurement error that may result from respondents' inaccurate recall of the behaviors in which they have engaged over the six- or twelve-month recall periods for which criminological survey instruments typically probe behavior. The present study attempts to address both measurement issues by employing latent variable models that are capable of modeling measurement error.

Third, many existing studies suffer from omitted variable bias and, as such, are subject to the criticism that an unmeasured variable may simultaneously influence individuals' attitudes and behavior, thus rendering the correlation between them spurious. While an experimental design employing random assignment is the most effective means by which to guard against omitted variable bias, true experimentation requires the manipulation of independent variables. Given that neither attitudes nor behavior are particularly amenable to controlled experimental manipulation, existing research has generally relied on regression techniques that model a single dependent variable and are highly subject to omitted variable bias. An alternative correlational strategy, however, involves using longitudinal data to estimate reciprocal-effects panel models. This technique, discussed at length by Kessler and Greenberg (1981), allows the researcher to estimate the correlation between the error terms of two separate endogenous variables. This correlation, in turn, subsumes the influence that any unmeasured variable simultaneously wields over multiple endogenous variables. In this way, although correlational techniques can never definitely establish causality, the panel modeling approach allows a researcher to make stronger assertions about causality than is the case with traditional regression methods. The present study therefore employs a panel-modeling approach to examine the reciprocal relationship between criminal attitudes and behavior.

SUMMARY

As the foregoing discussion suggests, there remain four different, and equally plausible, explanations for the correlation between criminal attitudes and offending. First, it may be the case that existing measures of criminal attitudes and behavior lack discriminant validity and therefore reflect empirical manifestations of the same underlying personal propensity toward crime. Second, individuals' attitudes toward crime may precede, and thus contribute to, their criminal behavior. Third, criminals' attitudes may reflect post-hoc rationalizations of their prior criminal behaviors. Finally, criminal attitudes and behavior may have a reciprocal relationship; for example, cognitive dissonance may cause individuals to rationalize and alter their attitudes as a consequence of delinquency but – once changed – these attitudes may also influence future behavior. Using longitudinal data from the National Youth Survey, the present study combines latent variable and structural equation modeling techniques to discern

which of the above four perspectives most accurately accounts for the correlation between an individual's criminal attitudes and criminal behavior.

DATA AND METHODS

Data

Data for the present study come from three waves of the National Youth Survey (NYS) (Elliott et al., 1985), a panel study following 1725 adolescents who were between the ages of 11-17 at the time of their first interview. In particular, data for the present study come from the third (1978), fourth (1979), and fifth (1980) waves of the NYS. We omit data from the second wave because a number of the substance use items that we employed in the present study were missing for a majority of respondents in this wave. We omit data from the first wave so as to avoid the two-year lag that would have resulted between the first and third waves after omitting data from the second wave. While NYS data are relatively old, the NYS remains one of the seminal panel studies in contemporary criminological research and provides a number of important benefits for the present purposes. First, the NYS sample is representative of the adolescent population at the time of data collection and is self-weighting, thus avoiding the need for complex weighting- and design-effect estimation and allowing us to use the Lisrel 8 (Jöreskog & Sörbom, 1993) statistical package. Second, the NYS data provide measures of attitudes and behaviors for multiple forms of delinquency, thus allowing us to employ latent variable models. Third, given the number of waves across which the NYS tracked respondents, we can examine the robustness of our longitudinal results across multiple time-lags.

Measures

Our measures include six self-reported indicators of criminal behavior and six self-reported indicators of corresponding criminal attitudes. We chose items on the basis of two primary criteria. First, we chose behavioral and attitudinal items only if they were available across all three waves of data used in the present study. Second, we chose behavioral items only if there existed a corresponding attitudinal measure, and vice-versa, for all three waves of data. The resulting items appear in Tables 1A and 1B along with descriptive statistics for each one. Preliminary analyses (not shown) suggested to us that these items reflected two correlated, but empirically distinct, types of crime: substance use and property crime. As such, we have attempted not only to replicate our structural findings across two time-lags, but also across two separate forms of crime.

Table 1A. Descriptive Statistics for Respondent Attitudes^a

	N	Min	Max	Mean	SD	Skew
Getting Drunk						
1978	1626	1	4	2.52	1.08	-0.03
1979	1543	1	4	2.71	1.07	-0.24
1980	1494	1	4	2.88	1.04	-0.43
Using Marijuana						
1978	1626	1	4	2.06	1.07	0.53
1979	1542	1	4	2.15	1.06	0.44
1980	1494	1	4	2.25	1.06	0.30
Using Prescription Drugs						
1978	1626	1	4	1.46	0.66	1.40
1979	1543	1	4	1.51	0.73	1.43
1980	1494	1	4	1.57	0.73	1.25
Theft > \$50						
1978	1626	1	4	1.32	0.53	1.55
1979	1543	1	4	1.33	0.53	1.51
1980	1494	1	4	1.36	0.54	1.34
Theft <\$5						
1978	1626	1	4	1.79	0.70	0.50
1979	1543	1	4	1.77	0.67	0.54
1980	1494	1	4	1.76	0.67	0.58
Destroying Property						
1978	1626	1	4	1.39	0.55	1.07
1979	1543	1	4	1.40	0.55	1.13
1980	1494	1	4	1.39	0.53	1.03

^aThese items originally probed how wrong respondents believed each behavior to be (1=not at all, 2=a little bit, 3=wrong, 4=very wrong) and have been reverse-coded to reflect pro-deviant attitudes.

Table 1B. Descriptive Statistics for Respondent Behaviors^a

	N	Min	Max	Mean	SD	Skew
Getting Drunk						
1978	1625	1	8	1.60	1.28	2.61
1979	1543	1	9	1.78	1.44	2.09
1980	1493	1	8	1.88	1.50	1.87
Using Marijuana						
1978	1624	1	9	2.30	2.20	1.57
1979	1542	1	9	2.48	2.27	1.40
1980	1494	1	9	2.61	2.34	1.28
Using Amphetamines						
1978	1626	1	8	1.15	0.70	6.12
1979	1543	1	9	1.30	1.03	4.41
1980	1494	1	9	1.34	1.10	3.92
Theft > \$50						
1978	1625	1	5	1.03	0.23	9.50
1979	1543	1	7	1.04	0.28	12.45
1980	1494	1	9	1.05	0.36	12.68
Theft <\$5						
1978	1624	1	9	1.21	0.65	4.77
1979	1543	1	9	1.18	0.68	5.60

Table 1B. Descriptive Statistics for Respondent Behaviors^a

	N	Min	Max	Mean	SD	Skew
1980	1494	1	7	1.17	0.62	4.88
Damaging Others' Property ^b						
1978	1626	1	9	1.18	0.51	4.93
1979	1543	1	8	1.15	0.52	5.46
1980	1494	1	8	1.14	0.50	6.38

^a 1=never in past year, 2=once or twice in past year, 3=once every 2-3 months, 4=once a month, 5=once every 2-3 weeks, 6 =once a week, 7=2-3 times a week, 8=once a day, 9=2-3 times a day.

^b Other than family or school property.

Analytic Strategy

The present study is divided into three parts. The first employs confirmatory factor analysis to compare two competing models of the structure underlying respondent reports of their own criminal attitudes and behavior. Model 1 is built upon the premise that criminal attitudes and behavior are so strongly correlated because they actually reflect alternate measures of the same general, underlying criminal propensity. Model 2, however, is built upon the often assumed, but under-researched, premise that common measures of criminal attitudes and criminal behavior genuinely *do* reflect empirically distinct constructs. Figure 1 provides a conceptual comparison of each model. Given the nested nature of these models (see Loehlin, 1992:66-67), their relative fit to the data can be compared via a $\Delta\chi^2$ test. To the degree that one of the two models has a significantly lower χ^2 , it provides a better conceptual representation of the structure underlying both models' items. In contrast, if there does not exist a significant difference between the two models' χ^2 statistics, the more parsimonious model (Model 1) is preferable. In essence, then, applying a $\Delta\chi^2$ test to nested models of the structure underlying our attitudinal and behavioral measures provides a test of the degree to which common measures of criminal attitudes and criminal behavior exhibit discriminant validity. So as not to rely exclusively on data from one particular year, the above analyses are conducted separately for each wave of data.

Assuming that our attitudinal and behavioral measures exhibit at least some discriminant validity, our second set of analyses employs a series of cross-lagged panel models to estimate the reciprocal relationship between criminal attitudes and criminal behavior. If mainstream criminological theory is correct, we should find that time-one attitudes significantly predict time-two behavior, but not vice-versa. If self-perception theory (Bem, 1972) is correct, we should find that time-one behavior significantly predicts time-two attitudes, but not vice-versa. Finally, if cognitive dissonance theory (Festinger, 1957) is correct, we should find that criminal behavior and criminal attitudes are reciprocally related such that time-one measures of each are significantly associated with time-two measures of the other. A conceptual diagram outlining the logic of the above panel models appears in Figure 2. Following prior criminological research using panel models (e.g. Rebellon, 2006; Rebellon & Manasse, 2004), each of these models includes estimates of the serial correlation between each indicator's error term at time one and time two. These estimates serve to eliminate measurement error common to a given individual's time-one and time-two responses. For

example, a respondent who overestimates his or her criminal involvement at one point in time may also overestimate his or her criminal involvement at a later point in time.³

Estimation Method

Because many of the items employed in the present study exhibited significant, positive skew, the present study again follows prior criminological research (e.g. Rebellon, 2006; Rebellon & Manasse, 2004) in estimating all of its models using polychoric correlations rather than traditional covariances or Pearson correlations and estimates each model via a weighted-least-squares algorithm. Rather than assuming multivariate normality among indicator items, this distribution-free method of estimation assumes normality of the latent structure underlying each indicator and bivariate normality underlying the estimated polychoric correlations (see Browne, 1984).

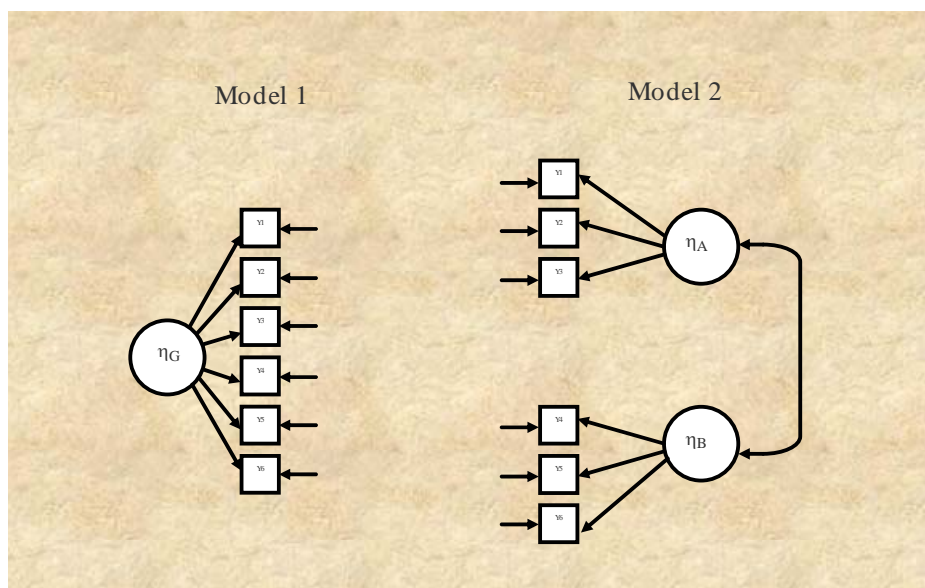


Figure 1. Two Competing Models of the Structure Underlying Self-reported Attitudes and Behaviors.

³ There has been debate among quantitative criminologists concerning the conditions under which one should or should not allow error terms to be correlated in structural equation and latent variable models (see e.g. Longshore et al., 1996 v. Piquero and Rosay, 1998). While the analyses that we present herein included estimates of the serial correlation of each item with itself at a later point in time, we should note that we re-ran our models excluding these estimates and achieved substantively very similar results.

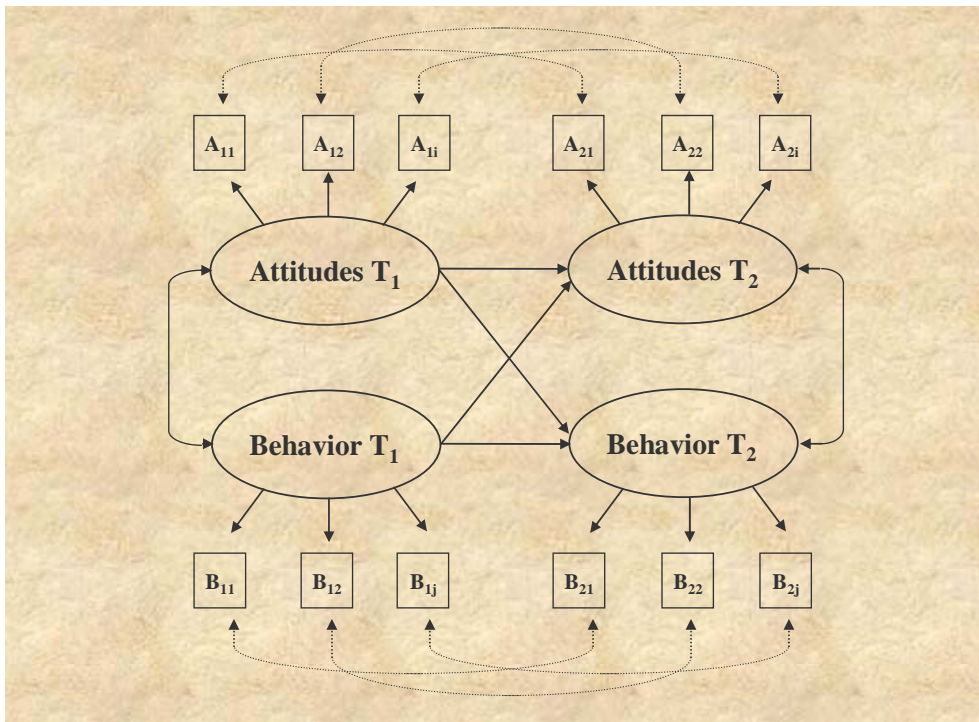


Figure 2. Conceptual Cross-Lagged Model of the Relationship between Self-reported Attitudes and Behaviors.

RESULTS

Tables 2 and 3 provide what we believe to be the first formal test of the degree to which measures of criminal attitudes and measures of criminal behavior exhibit discriminant validity. If the measures are simply different indicators of the same general, underlying propensity toward deviance, a significant correlation between them would not reflect a causal relationship so much as it would reflect an empirical tautology. Table 2 explores this issue for measures of attitudes toward substance use and measures of behavioral involvement in substance use. In particular, the first two columns of Table 2 compare the fit of two competing models of self-reported attitudes and behavior in 1978. Across both models, all items yield high and statistically significant factor loadings, suggesting that all six items are interrelated. However, whereas Model 1 yields a χ^2 statistic of 150.58 ($p < .05$), Model 2 yields a χ^2 statistic of 117.52 ($p < .05$). Given that the χ^2 statistic is an indicator of error, measuring a proposed model's divergence from the actual data, a lower χ^2 suggests better fit. Subtracting Model 2's χ^2 statistic from that of Model 1 yields a $\Delta\chi^2$ of 33.06 ($p < .05$). This $\Delta\chi^2$ is itself χ^2 -distributed (see Lohelin, 1992) on one degree of freedom, reflecting the one extra parameter estimate in Model 2 (i.e., the correlation between the two factors). The resulting $\Delta\chi^2$ is therefore statistically significant, suggesting that the fit of Model 2 improves to a statistically significant degree over the fit of Model 1.

Table 2. The Discriminant Validity of Self-reported Attitudes and Behaviors: Substance Use (WLS Estimates)

	1978 (N=1673)		1979 (N=1541)		1980 (N=1493)	
	(1)	(2)	(1)	(2)	(1)	(2)
Loading						
Attitudes toward Being Drunk	.91*	.91* --	.90*	.90* ---	.86*	.86* ---
Attitudes toward Using Marijuana	.96*	.97* --	.95*	.95* ---	.94*	.95* ---
Attitudes toward using Rx Drugs	.76*	.76* --	.73*	.72* ---	.75*	.75* ---
Getting Drunk	.84*	--- .85*	.85*	--- .85*	.80*	--- .81*
Using Marijuana	.92*	--- .94*	.90*	--- .92*	.85*	--- .88*
Using Amphetamines	.85*	--- .85*	.85*	--- .83*	.85*	--- .86*
Factor Correlation	---	.92*	---	.92*	---	.92*
χ^2	150.58*	117.52*	178.52*	144.70*	146.02*	115.77*
$\Delta\chi^2$	33.06*		33.82*		30.25*	

* p<.05

Table 3. The Discriminant Validity of Self-reported Attitudes and Behaviors: Property Crime (WLS Estimates)

	1978 (N=1623)		1979 (N=1543)		1980 (N=1494)	
	(1)	(2)	(1)	(2)	(1)	(2)
Loading						
Attitudes toward Theft >\$50	.79*	.78* ---	.82*	.84* ---	.86*	.87* ---
Attitudes toward Theft <\$5	.81*	.80* ---	.80*	.83* ---	.85*	.84* ---
Attitudes toward Destroying Property	.80*	.82* ---	.78*	.82* ---	.87*	.90* ---
Engaging in Theft >\$50	.80*	--- .81*	.90*	--- .89*	.85*	--- .79*
Engaging in Theft <\$5	.76*	--- .83*	.82*	--- .86*	.83*	--- .83*
Damaging Property	.67*	--- .75*	.75*	--- .77*	.79*	--- .83*
Factor Correlation	---	.72*	--	.66*	--	.63*
χ^2	102.02*	38.52*	98.23*	24.47*	109.78*	21.08*
$\Delta\chi^2$	63.50*		73.76*		88.70*	

* p<.05

While it would therefore appear that attitudes toward substance use and behavioral involvement in substance use reflect empirically distinct constructs, the correlation between the two latent factors in Model 2 is extremely high at .92, suggesting that these constructs share almost 85% of their respective variances. Thus, while the first two columns of Table 2 suggest that measures of attitudes toward substance use and involvement in substance using behavior bear at least some discriminant validity, that discriminant validity would appear to be minimal. Nonetheless, given that the third through sixth columns of Table 2 yield findings strikingly similar to those of the first two columns, this limited degree of discriminant validity would appear to be robust across multiple time points.¹

Table 3 builds on the results from Table 2 by examining the discriminant validity of measures reflecting attitudes toward property crime and measures reflecting behavioral involvement in property crime. Beginning with the first two columns in Table 3, all items again yield high and statistically significant factor loadings for both models. However, whereas Model 1 yields a χ^2 statistic of 102.02 ($p < .05$), Model 2 yields a χ^2 statistic of 38.52 ($p < .05$). Subtracting Model 2's χ^2 statistic from that of Model 1 yields a $\Delta\chi^2$ of 63.50 ($p < .05$). This $\Delta\chi^2$ is statistically significant, suggesting that the fit of Model 2 once again improves significantly on the fit of Model 1.

In contrast to results from Table 2 concerning substance use, however, Model 2 suggests that measures of attitudes toward property crime and measures of behavioral involvement in property crime bear more discriminant validity than do attitudes toward and behavioral involvement in substance use. Specifically, the correlation between the attitudinal and behavioral measures in Model 2 is .72. While still high, this correlation suggests that attitudinal and behavioral measures of one's tendency toward property crime share only about 52% of their respective variances, leaving about 48% unshared. Moreover, while the third through sixth columns of Table 3 mirror the general findings from the first two columns, they suggest even lower correlations between attitudes toward property crime and behavioral involvement in it, resulting in shared variances of only 40-44%. Thus, while the extremely high correlation between attitudes and behavior from Table 2 might lead one to remain skeptical of meaningful discriminant validity, the results from Table 3 suggest that, at a minimum, attitudinal and behavioral measures of a propensity toward property crime exhibit sufficient discriminant validity with which to be analyzed in cross-lagged panel models that estimate the influence of each one on the other.

Given our finding that there exists at least some discriminant validity between criminal attitudes and behavior, Figures 3 and 4 depict the results of four cross-lagged panel models to examine the nature of the longitudinal relationship between criminal attitudes and behavior. All measurement models are provided in Appendix A. Figure 3 presents two structural models examining the longitudinal relationship between attitudes toward substance use and behavioral involvement in it. The first model uses data from 1978 to predict data from 1979, and the second examines the reliability of those results by using data from 1979 to predict data from 1980. Consistent with results from Table 2, Figure 3 suggests that attitudes toward and involvement in substance use are extremely correlated at time one ($\phi = .92$, $p < .05$). In addition, Figure 3 suggests that there exists statistically significant stability in both constructs

¹ We should note that the estimated standard error of the correlation between attitudes and behavior was .01. As such, even the extremely high correlation of .92 between attitudes and behavior in Table 2 differs significantly, as indexed by two standard errors, from a correlation of 1.0.

across time and that one or more unmeasured variables are simultaneously associated with both at time-two ($\psi=.10$, $p<.05$). Net of these relationships, Figure 3 suggests that time-one attitudes do *not* significantly predict time-two behavior. On the other hand, Figure 3 does suggest that substance use at time-one is significantly associated with positive attitudes toward substance use at time two.

The second model in Figure 3 repeats the same procedure using 1979 data to predict 1980 data, and substantive results are remarkably similar to those of the first model. In particular, the second model once again suggests an extremely high correlation between attitudes and behavior at time one, at least one unmeasured variable that is simultaneously associated with both attitudes and behavior, significant stability in attitudes and behavior over time, no significant influence of attitudes on behavior, and a statistically significant influence of time-one behavior on time-two attitudes. In sum, results from Figure 3 provide robust evidence *disconfirming* those mainstream criminological theories (e.g. Hirschi, 1969; Akers, 1985) that would predict attitudes to predict behavior and *supporting* those social-psychological theories (e.g. Bem, 1972) that predict behavior to bear a unidirectional influence on attitudes.

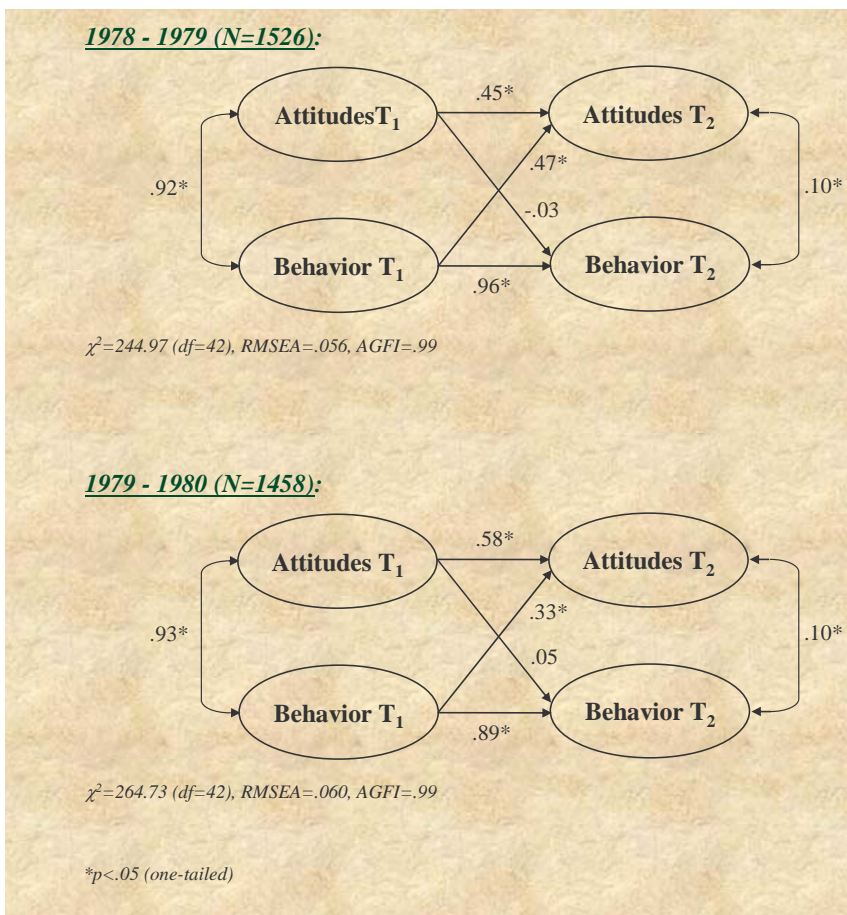


Figure 3. Cross-Lagged Model of the Relationship between Self-reported Attitudes and Behaviors: Substance Use (WLS Estimates).

Figure 4 presents structural models examining the longitudinal relationship between attitudes toward property crime and behavior involvement in property crime. Following Figure 3, the first model uses 1978 data to predict 1979 data. Consistent with results from Table 3, Figure 4 suggests that time-one attitudes toward property crime are correlated with time-one involvement in property crime ($\phi=.73$, $p<.05$), though less strongly than is true for substance use. In addition, Figure 4 suggests that there exists significant stability in attitudes, significant stability in behavior, and at least one unmeasured variable that is simultaneously associated with both at time-two ($\psi=.11$, $p<.05$). Net of these relationships, Figure 4 suggests that time-one attitudes do not significantly predict time-two behavior but that time-one behavior significantly predicts time-two attitudes. The second model in Figure 4 repeats the same procedure using 1979 data to predict 1980 data. Results substantively parallel those from the first model in Figure 4 as well as those from Figure 3. In sum, then, across two separate time-lags and across two separate crime-types, the NYS data would appear to suggest a robust relationship between prior behavior and future attitudes but *not* vice-versa.

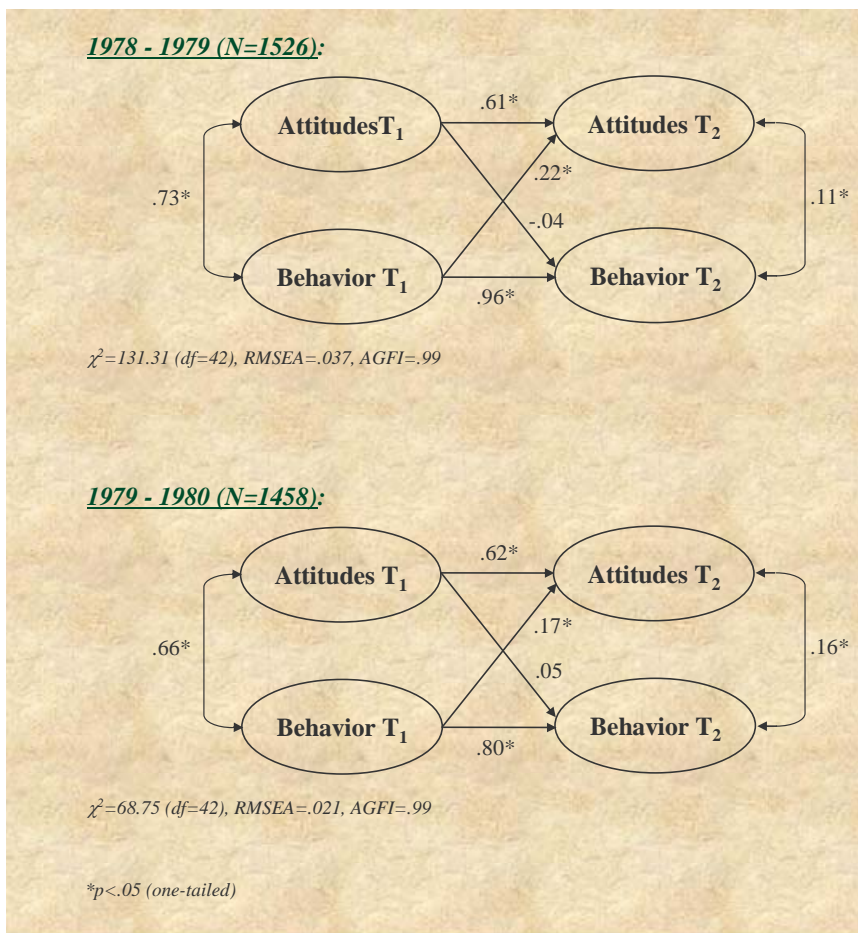


Figure 4. Cross-Lagged Model of the Relationship between Self-reported Attitudes and Behaviors: Property Crime (WLS Estimates).

CONCLUSION

In this study, we set out to examine the nature of the long-established link between criminal attitudes and criminal behavior. Criminological theory has long assumed that this empirical link is best explained by the argument that criminal attitudes temporally precede, and influence, criminal behavior. The social-psychological literature, on the other hand, suggests that the link is partially, if not exclusively, explained by the influence of criminal behavior on attitude change. Research concerning these conflicting predictions has yielded inconsistent results and, as yet, has paid inadequate attention to whether common measures of criminal attitudes and behavior exhibit discriminant validity. Using several waves of the National Youth Survey, we therefore combined latent variable and structural equation modeling techniques to examine the discriminant validity of our attitude/behavior measures and estimate the degree to which attitudes and behavior influence one another.

Our results indicate that, for both substance use and property crime, measures of attitudes and behavior reflect highly correlated, but empirically distinct, constructs. We were therefore able to explore, via cross-lagged panel modeling, the degree to which attitudes and behavior influence one another. Findings suggest that, across the two separate time-lags and for both substance use and property crime, time-one attitudes do *not* significantly predict later behavior. Instead, prior behavior appears to be significantly associated with future attitudes. As such, our analyses disconfirm an important prediction of mainstream criminological theories (e.g. Hirschi, 1969; Akers, 1985), which assert that criminal attitudes influence criminal behavior. Findings do, however, support those social-psychological theories (e.g. Bem, 1972) that predict behavior to have a unidirectional influence on attitudes.

While our results are generally not supportive of mainstream criminological theory, we should note that the one-year time lag that separates each wave of NYS data makes it difficult to draw firm conclusions concerning Sykes and Matza's (1957) neutralization theory. On one hand, their theory suggests that attitude change should precede behavior, and our results suggest the opposite. On the other hand, their theory implies that attitude change may precede behavior more immediately than the one-year time lag in NYS data allows us to explore and that individuals may drift not only into criminal behavior, but also out of it. Thus, while our data provide what we feel to be relatively strong disconfirmation of some criminological predictions (e.g., Akers, 1985; Hirschi, 1969) about attitudes and behavior, they do not necessarily rule out the possibility that individuals' attitudes change immediately before their criminal behavior and then change back to their prior state immediately following that behavior. Future research would therefore benefit from further empirical exploration of neutralization theory, but such research will likely require new data collection using shorter lags between attitudinal and behavioral measures.

Notwithstanding the need for further research concerning neutralization theory, our findings yield what we believe to be critical implications for delinquency prevention/reduction programs. They suggest, for example, that anti-drug education focused primarily on attitude change may be misguided. Such programs have been based on the assumption that criminal attitudes contribute to criminal behavior and, by extension, that one means of altering criminal behavior is to first alter criminal attitudes. Our results, however, suggest that criminal attitudes do *not* influence criminal behavior and, as such, suggest that

prevention programs aimed at altering attitudes will necessarily fail in their efforts to control crime or delinquency.

Indeed, Project DARE (Drug Abuse Resistance Education), arguably the most widely used and highly funded anti-drug program (Clayton et al., 1996; Lynam et al., 1999), focuses exclusively on increasing knowledge and negative attitudes toward substance use with the goal of reducing current and future substance use. Yet, while there is some evidence that Project DARE does increase negative attitudes towards drug use (Ennett et al., 1994), empirical evidence consistently shows that DARE programming leads to no short- or long-term reduction in substance use (Ennett et al., 1994; Lynam et al., 1999). In light of this study's findings, the failure of programs like DARE may be due less to failures of delivery or implementation, but rather to the mistaken premise that changing criminal attitudes will change criminal behavior.

While our research fails to suggest that changing attitudes toward substance use or property crime will serve to lower behavioral involvement in either one, a critical limitation of our study is its inability to explore the relationship between attitudes toward violence and violent behavior. Although it remains a mainstream view among criminological theorists to suggest that all forms of criminal behavior reflect the same underlying behavioral tendency and, as such, have the same fundamental causes (see Gottfredson and Hirschi, 1990), limited research has called this assumption into question (e.g., Rebellon and Waldman, 2003). Therefore, we hesitate to assume that our findings necessarily extend to violent attitudes and behavior. Despite the consistency of our results across our measures of substance use and property crime, it remains possible that interpersonal crimes of violence may be influenced by attitudes toward violence and that altering attitudes toward violence may be a viable means of controlling violent behavior. Given that there were not sufficient measures of both violent behavior and attitudes in the NYS to conduct separate analyses examining the nature of their relationship, future research should examine the nature of the link between violent attitudes and behavior. Furthermore, we should emphasize that our findings applied to individuals who were between the ages of 13-19 at the time of their 1978 interviews. In light of some research suggesting that the relationship between attitudes and behavior may differ for members of different age groups (e.g., Zhang et al., 1997), future research would also benefit from an exploration of the longitudinal relationship between attitudes and behavior among individuals below the age of 13 and individuals above the age of 19. Until such research is conducted, however, the present results suggest reason to believe that programs aimed at controlling crime by changing offenders' attitudes will meet with little or no success.

APPENDIX A: MEASUREMENT MODELS

Substance Use		TIME 1		TIME 2		Serial Correlation	
		Attitudes	Behavior	Attitudes	Behavior	Attitudes	Behavior
1978-	Getting Drunk	.91*	.88*	.91*	.87*	.09*	.07*
1979	Using Marijuana	.97*	.94*	.96*	.93*	.02	.05*
	Using Rx Drugs	.79*	.87*	.77*	.85*	.20*	.02
1979-	Getting Drunk	.91*	.86*	.86*	.85*	.09*	.11*
1980	Using Marijuana	.96*	.93*	.95*	.90*	.04*	.07*
	Using Rx Drugs	.76*	.89*	.81*	.90*	.21*	.03
Property Crime							
1978-	Theft >\$50	.81*	.88*	.86*	.96*	.09*	.02
1979	Theft <\$5	.80*	.87*	.84*	.87*	.14*	.05
	Destroy/Damage	.84*	.77*	.86*	.81*	.04	.07*
1979-	Theft >\$50	.86*	.92*	.87*	.85*	.12*	.08
1980	Theft <\$5	.82*	.85*	.85*	.83*	.17*	.14*
	Destroy/Damage	.84*	.81*	.89*	.83*	.07*	.07*

*p<.05.

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Chapter 14

**THE MOST INTERNATIONAL OF INTERNATIONAL
CRIMES: TOWARD THE INCORPORATION OF DRUG
TRAFFICKING INTO THE SUBJECT MATTER
JURISDICTION OF THE INTERNATIONAL CRIMINAL
COURT**

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INTRODUCTION

At the 2004 annual meeting of the American Society of Criminology, I presented an article on drug trafficking and its implications for the international legal and social science community.¹ During that presentation, several audience members commented that the analysis would be considerably stronger with international drug data. While there are few reliable sources for this type of information, they do exist. This essay thus represents a current summary of the drug use and abuse prevalence data, both internationally and in the United States. Given the state of the drug problem across the globe, the argument for the incorporation of drug trafficking into the subject matter jurisdiction of the International Criminal Court (ICC) is significantly more persuasive.

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¹ An earlier version of this manuscript was presented at the 2004 annual meeting of the American Society of Criminology and subsequently published in the *International Journal of Comparative Criminology* 3(2): 175-190.

The international legal community worked toward the creation of a permanent international criminal court for most of the 20th century.² The goal of establishing a permanent institution to prosecute the most egregious violations of international criminal law culminated with the formation of the ICC.³ Established during the summer of 2002, the subject matter of the ICC includes four categories of offenses – the crime of genocide, crimes against humanity, war crimes, and the crime of aggression.⁴ These four categories of offenses are eligible for prosecution before the ICC because they violate fundamental humanitarian principles and, arguably, constitute the most serious crimes of international concern.

The Court's subject matter jurisdiction (SMJ) is limited to only these four categories of offenses. One other crime of international significance – drug trafficking – is ineligible for prosecution before the ICC. Given the scourge of drug trafficking across the international community and the financial and personal harms that inevitably result from drug-related offenses, this is a shameful exclusion. Part I of this essay discusses the prevalence, associated harms, and costs of illicit drug use worldwide. Cross-sectional and longitudinal data are presented to illustrate the illimitable nature of the problem. Part II reviews the major narcotics conventions authored during the 20th century and the efforts undertaken by the international community to address the international drug problem. Part III presents a history of the ICC and reviews the work undertaken by the ICC to date. Part IV presents the arguments for and against expanding the SMJ of the ICC to incorporate drug trafficking. Given that modern states are part of an interdependent, international community, it seems evident that drug trafficking is, by any objective standard, the most international of international crimes and should fall under the SMJ of the ICC.

² E. Chadwick, *A Tale of Two Courts: The 'Creation' of a Jurisdiction*, 9 J. Conflict & Security L. 71 (2004); G. Yacoubian, *Toward the Prosecution of Terrorists before the International Criminal Court: Resisting the Slippery Slope of Jurisdictional Cacophony*, 12 Critical Criminologist 12 (2003); M.C. Bassiouni, *Policy Perspectives Favoring the Establishment of the International Criminal Court*, 52 J. Intl. Affairs 795 (1999); D.J. Scheffer, *Developments in International Criminal Law: The United States and the International Criminal Court*, 93 Am. J. Intl. L. 12 (1999); J. Fowler, *The Rome Treaty for an International Criminal Court: A Framework of International Justice for Future Generations*, 6 Human Rights Br. 1 (1998); B.F. MacPherson, *Building an International Criminal Court for the 21st Century*, 13 Conn. J. Intl. L. 1 (1998); M.C. Bassiouni, *From Versailles to Rwanda in Seventy-Five Years: The Need to Establish a Permanent International Criminal Court*, 10 Harv. Human Rights J. 112 (1997); M.C. Bassiouni, *Establishing An International Criminal Court: Historical Survey*, 149 Mil. L. Rev. 49 (1995); M.P. Scharf, *Getting Serious About an International Criminal Court*, 6 Pace Intl. L. Rev. 103 (1994); M.C. Bassiouni & C.L. Blakesley, *The Need for an International Criminal Court in the New International World Order*, 25 Vand. J. Transnatl. L. 151 (1992); B. Ferencz, *An International Criminal Code and Court: Where They Stand and Where They're Going*, 30 Colum. J. Transnatl. L. 375 (1992); W.N. Gianaris, *The New World Order and the Need for an International Criminal Court*, 16 Fordham Intl. L. J. 88 (1992); M.C. Bassiouni, *The Time Has Come for an International Criminal Court*, 1 Ind. Intl. & Comp. L. Rev. 1 (1991); M.C. Bassiouni, *The Penal Characteristics of Conventional International Criminal Law*, 15 Case W. Res. J. Intl. L. 27 (1983); V. Pella, *Towards an International Criminal Court*, 44 Am. J. Intl. L. 37 (1950); G. Schwarzenberger, *The Problem of an International Criminal Law*, 3 Current Problems 263 (1950).

³ See <http://www.icc-cpi.int/> (accessed May 22, 2005).

⁴ United Nations, www.un.org/law/icc/index.html (accessed Nov. 18, 2005).

PREVALENCE AND ASSOCIATED HARMS OF ILLICIT DRUG USE

The illicit drug trafficking industry generates more than \$500 billion a year.⁵ In addition to the individual health risks associated with illicit drug use and the subsequent impact of those problems on society's health care systems, major consequences include the corruption of government officials, environmental destruction, the destabilization of governments, murder, terrorism, money laundering, and other criminal offenses, the proliferation of human immunodeficiency virus (HIV), acquired immunodeficiency syndrome (AIDS), and other sexually transmitted diseases, and the burdens imposed on national criminal justice systems.⁶ As the Bureau of International Narcotics and Law Enforcement Affairs recently noted, ". . . the drug trade has long been the mainstay of violent political insurgencies, rogue regimes, international terrorist organizations, and terrorists of every stripe."⁷

Drug trafficking is, by its very nature, an international problem. Illicit drugs are produced or manufactured in host countries, transported across others, and ultimately consumed across the globe. There are no locations that are "immune from the reach of the traffickers and the harms their illicit activities produce."⁸ Moreover, the path is not unidirectional. While cocaine and heroin, for example, are typically produced in South America and Asia for ultimate consumption in the United States (US), the US manufactures significant quantities of methamphetamine for international exportation. This multidirectional path is significant because it illustrates that there is no single victim or victimizer. All states, to some degree, contribute to the propagation of illicit drugs and experience the problems associated with their proliferation. This multidirectional path likewise suggests that solutions to drug trafficking require the cooperation of all nations and that the international community, as an aggregate entity of burdened parties, would ultimately reap the rewards of such cooperation. To demonstrate the magnitude of the international drug problem, a summary of the empirical evidence is reviewed below.

International

The UN has estimated that approximately 185 million people worldwide – approximately 3% of the global population or almost 5% of persons between the ages of 15 and 64 – consumed illicit drugs at least once during the past 12 months.⁹ This total includes approximately 150 million cannabis users, 30 million people consuming amphetamine-like substances (amphetamines, methamphetamine, and ecstasy), 13 million people using cocaine, and 15 million people abusing opiates, nine million of whom are taking heroin.¹⁰ Globally, 0.4% of deaths (200,000 persons) and 0.8% of Disability Adjusted Life Years (11.2 million

⁵ R.K. Nayak, *Evolving Global Drug Law for the 21st Century*, in *Global Drugs Law* (D.C. Jayasuriya, A. Wells, & R.K. Nayak eds., Har-Anand Publications 1997).

⁶ *Id.*

⁷ Bureau for Intl. Narcotics & L. Enforcement, *The Nexus Between Drug Trafficking and Terrorism* (U.S. Dept. State 2003).

⁸ M. McConville, *A Global War on Drugs: Why the United States Should Support the Prosecution of Drug Traffickers in the International Criminal Court*, 37 *Am. Crim. L. Rev.* 75, 76 (2000).

⁹ United Nations, *2004 World Drug Report* (United Nations 2005).

¹⁰ *Id.*

persons) are attributed to illicit drug use annually.¹¹ Illicit drugs account for the highest proportion of disease burden among low mortality, industrialized countries in the Americas, Eastern Mediterranean, and European regions.¹² Economic reliance on the drug trade, combined with addiction to illicit drugs, leaves many persons vulnerable to exploitation by criminals and criminal organizations and threatens the health of men, women and children, the rule of law, and ultimately, the vitality and strength of the international community.

Marijuana is the most widely produced and distributed illicit drug worldwide. While precise production data are not available, more than two-thirds of the 86 countries that reported marijuana consumption trends to the UN in 2002 reported an increase of abuse from their 2001 rates.¹³ The data also indicate that marijuana seizures increased by more than 40 percent between 1998 and 2001.¹⁴ These findings should not be surprising. Because marijuana use laws have become increasingly relaxed in parts of Europe, it is logical that experimentation and/or abuse have increased. In 1976, the Netherlands adopted a formal policy of nonenforcement for violations involving the possession or sale of up to 30 grams (lowered to five grams in 1995) of marijuana. This policy is referred to as depenalization.¹⁵ By the mid-1980s, small retail outlets (coffee shops) were permitted to sell marijuana legally, a policy referred to as *de facto* legalization.¹⁶ While depenalization had virtually no effect on levels of marijuana use, sharp increases of marijuana use were witnessed between 1984 and 1996 when commercial access to marijuana (via the coffee shops) increased. For persons between the ages of 18 and 20, for example, 30-day marijuana use increased from 8.5 percent to 18.5 percent.¹⁷ These findings are consistent with the hypothesis that relaxed enforcement of marijuana sales and possession laws lead to increases in marijuana consumption.

Cocaine production, while having decreased in Bolivia and Peru (two of the three countries that supply the world's illicit cocaine), increased fivefold in Colombia during the 1990s.¹⁸ While the prevalence of cocaine use has stabilized in the US, demand for the product has increased in other regions of the world, primarily Western Europe.¹⁹ As noted by the UN, "the share of West Europe in global cocaine seizures more than doubled between 1998 and 2001, rising from 8 percent to 17 percent during that period," while, "the majority of West European countries reported an increase in cocaine abuse for the year 2001."²⁰

No progress has been made with the reduction of opium production. In 2002, 4,500 metric tons of illicit opiates were produced around the world, a slight increase from the 4,400 metric tons produced in 1998.²¹ In 2002, more than three-quarters (76 percent) of the world's opium was produced by Afghanistan, followed by Myanmar (18 percent) and other countries (6 percent).²² The production and use of amphetamines, particularly methamphetamine and

¹¹ World Health Org., http://www.who.int/substance_abuse/facts/psychoactives/en/ (accessed Nov. 18, 2005).

¹² *Id.*

¹³ United Nations, *Global Illicit Drug Trend 2003* (United Nations 2003).

¹⁴ *Id.*

¹⁵ Robert J. MacCoun & Peter Reuter, *Drug War Heresies* (Cambridge U. Press 2001).

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ *Supra* note 14.

¹⁹ *Id.*

²⁰ *Id.* at 8.

²¹ *Id.*

²² *Id.*

ecstasy,²³ is increasing. The major distinction between amphetamines and traditional plant-derived drugs, like marijuana, is that production of the latter involves the use of readily available chemicals synthesized in clandestine laboratories. In 2001, more than half of all countries reporting to the UN reported an increase in methamphetamine consumption.²⁴ The ecstasy problem is curious. While the use of ecstasy increased sharply across the world during the 1990s, particularly within specific populations,²⁵ seizures have declined during the past two years, primarily in the US and Western Europe.²⁶ The production of ecstasy, once concentrated almost exclusively in Western Europe – particularly The Netherlands and Belgium – has now diffused to Southeast Asia, Africa, and the Near and Middle East.²⁷

The illicit drug trade impacts millions of lives, in both developed and developing countries. The most negative impact of the illicit drug enterprise is concentrated within the most vulnerable and marginalized nations across the globe. Regional and country-specific drug-related findings are presented below.

Africa

While the primary problem in Africa is marijuana, the use of cocaine, heroin and amphetamines is increasing in many of the countries in the region.²⁸ In addition, the drug abuse problem, exacerbated by inadequate drug control legislation and weak control measures throughout the continent, has contributed to the severe HIV/AIDS crisis in Africa.²⁹ While the production and trafficking of marijuana impacts the entire region, it constitutes a significant commercial crop in Comoros, Ethiopia, Kenya, Madagascar, Uganda, and the United Republic of Tanzania, where it is ultimately smuggled into Europe.³⁰ Unlike marijuana, the presence of cocaine and heroin in Africa is transitory, entering Southern, Western, and Eastern Africa through South America and Asia before continuing onto Europe and North America. Record cocaine seizures and increased heroin trafficking were reported in Africa during 2004.³¹

²³ G. Yacoubian, *The Global Proliferation of Ecstasy*, 1 Intl. J. Comp. Criminology 127 (2001).

²⁴ *Supra* note 14.

²⁵ G. Yacoubian, J. Deutsch, & E. Schumacher, *Estimating the Prevalence of Ecstasy use Among Club Rave Attendees*, 31 Contemporary Drug Problems 163 (2004); G. Yacoubian, C.L. Boyle, C.A. Harding, & E.A. Loftus, *It's a Rave New World: Estimating the Prevalence and Perceived Harm of Ecstasy and Other Drugs Among Club Rave Attendees*, 33 J. Drug Educ. 187 (2003); A. Arria, G. Yacoubian, E. Fost, & E.D. Wish, *Ecstasy Use among Club Rave Attendees*, 156 Archives Pediatrics & Adolescent Med. 295 (2002).

²⁶ *Supra* note 14.

²⁷ *Id.*

²⁸ United Nations, *Report of the International Narcotics Control Board for 2004* (United Nations 2005).

²⁹ *Id.*

³⁰ *Id.*

³¹ *Id.*

Central America and the Caribbean

The drug of choice in Central America and the Caribbean, with respect to both use and trafficking, is cocaine.³² Law enforcement authorities in the Netherlands Antilles and Aruba, for example, seized almost 5,000 kilograms of cocaine in 2003, a 150 percent increase from the 2,000 kilograms seized in 2002, while in Honduras, cocaine seizures increased from an average of 1,500 kilograms between 1997 and 2002 to more than 5,000 kilograms in 2003.³³ Increased cocaine trafficking has also spurred an increase in violent crime among youth gangs. With an estimated 70,000 members, primarily in El Salvador, Guatemala, and Honduras, recent legislation has been enacted criminalizing gang membership.³⁴ Haiti, despite the formation of a new government in early 2004, continues to be an area characterized by ineffective law enforcement. These poor controls have resulted in Haiti “. . . becoming a key drug trafficking hub in Central America and the Caribbean.”³⁵

South America

Marijuana and cocaine are the primary drugs of choice for cultivation and use. It was estimated that a total of 655 tons of cocaine were manufactured in South America in 2003.³⁶ Most of the cocaine production takes place in Columbia, although its cultivation takes place across the entire continent, with the exception of Paraguay and Uruguay.³⁷ The transnational quality of drug trafficking is no more evident than with cocaine. Increasing amounts of cocaine from Brazil and Colombia are smuggled through Portugal into Angola and Mozambique with an ultimate destination of South Africa.³⁸ It has also been reported that cocaine from South America is being trans-shipped through Africa to Europe.³⁹

Asia

Although the production of opium declined in Southeast Asia between 2003 and 2004, the manufacturing of methamphetamine and ecstasy has increased.⁴⁰ That said, in Cambodia, China, Thailand, and Vietnam, abuse of heroin has replaced that of opium. Data from treatment providers indicate that heroin is the primary drug of choice for persons receiving treatment.⁴¹ Because heroin is the drug of choice for injection drug users, and because rates of

³² *Id.*

³³ *Id.*

³⁴ *Id.*

³⁵ *Id.* at 43.

³⁶ *Id.*

³⁷ *Id.*

³⁸ *Id.*

³⁹ *Id.*

⁴⁰ *Id.*

⁴¹ *Id.*

needle sharing has been reported as high as 50 percent, there is increased concern in Southeast Asia regarding the transmission of HIV and AIDS.⁴²

In South Asia, marijuana, opium, and narcotic-based pharmaceuticals are most prevalent.⁴³ Bangladesh, Nepal, and India, for example, are critical hubs for marijuana trafficking. Additional evidence of the transnational theme is found in this region. The international airports in New Delhi and Mumbai, among others, are used by trafficking groups to ship heroin to countries in Eastern and Western Africa, West Asia, and Europe.⁴⁴

In West Asia, marijuana and opium production are the central problems. In Afghanistan, for example, where the culture is dominated by the illicit drug trade, opium production and related activities reached epidemic proportions in 2004 and threaten its social and economic stability.⁴⁵ In 2003, Afghanistan's crop of 3,600 tons of opium accounted for more than 75 percent of the world's opium production.⁴⁶ The total area in Afghanistan under opium cultivation increased by more than 60 percent, from 80,000 hectares in 2003 to more than 130,000 in 2004.⁴⁷ In Iran, heroin use and problems stemming from its injection (e.g., HIV/AIDS) continue to increase, while Pakistan has one of the highest heroin prevalence rates in the world.⁴⁸

Europe

The use and abuse of marijuana has increased throughout Europe during the past decade.⁴⁹ Nearly 29 million persons in Europe, or slightly more than 5 percent of the population, reported marijuana abuse during the previous 12 months.⁵⁰ In addition, the cocaine, heroin, and amphetamine use have increased within the past decade, primarily in Central and Eastern Europe. In 2003, for example, 32 clandestine laboratories, more than 75,000 ecstasy tablets, and 7,300 doses of methamphetamine were seized in the Czech Republic.⁵¹ Moreover, there are more than one million heroin abusers in the Russian Federation, making that country the largest heroin market in Europe.⁵²

Oceania

In Australia and New Zealand, there have been significant increases in the production and use of methamphetamine, ecstasy, and other "club drugs," such as Ketamine and gamma hydroxybutyrate (GHB). In addition, marked seizures of precursors for amphetamine-like

⁴² *Id.*

⁴³ *Id.*

⁴⁴ *Id.*

⁴⁵ *Id.*

⁴⁶ *Id.*

⁴⁷ *Id.*

⁴⁸ *Id.*

⁴⁹ *Id.*

⁵⁰ *Id.*

⁵¹ *Id.*

⁵² *Id.*

drugs, such as ephedrine and pseudoephedrine, have also been reported.⁵³ Methamphetamine abuse in New Zealand has also been linked to an increase in violent and property crime.⁵⁴

North America

Marijuana is the most abused drug in North America (Mexico, Canada, and the United States). Law enforcement authorities in Canada have reported that the cultivation of marijuana is one of their primary drug-related problems, having reached epidemic proportions in some provinces.⁵⁵ In Mexico, the total amount of cocaine seized by the Government increased by more than 75 percent between 2002 and 2003, from 12,600 kilograms to 21,000 kilograms.⁵⁶ An increase in the manufacturing and use of amphetamine-like drugs, including ecstasy, has also been reported in Canada and Mexico.⁵⁷

Data on the prevalence of illicit drug use in the United States, the world's largest single market for illicit drugs,⁵⁸ come from four major data collection efforts, each of which provides information on a specific population. The National Survey on Drug Use and Health (NSDUH)⁵⁹ generates self-report survey estimates of drug use among household members ages 12 and older.⁶⁰ Since the 1970s, Monitoring the Future (MTF) has surveyed more than 50,000 grade school, high school, and college students annually on their drug-using beliefs, attitudes, and behaviors.⁶¹ The Drug Abuse Warning Network (DAWN) is an annual probability survey of drug-related patients treated in hospital emergency departments (ED)⁶² and drug-related death data collected from a sample of medical examiners' and coroners' offices.⁶³ Finally, the Arrestee Drug Abuse Monitoring (ADAM) Program has collected self-report drug use data and urine specimens from adult and juvenile arrestees nationwide since 1987.⁶⁴ Discontinued at the end of calendar year 2003, the ADAM Program was the only surveillance system in the US to collect both self-report and objective (urine specimens) drug use measures.⁶⁵

⁵³ *Id.*

⁵⁴ *Id.*

⁵⁵ *Supra* note 29.

⁵⁶ *Id.*

⁵⁷ *Id.*

⁵⁸ *Id.*

⁵⁹ Formerly the National Household Survey on Drug Abuse.

⁶⁰ Substance Abuse & Mental Health Servs. Administration, *Results from the 2003 National Survey on Drug Use and Health: National Findings* (U.S. Dept. Health & Human Servs. 2004).

⁶¹ Lloyd D. Johnston, Patrick M. O'Malley, & Jerald G. Bachman, *Monitoring the Future National Survey Results on Drug Use, 1975-2003, Volume I: Secondary School Students* (Natl. Inst. Drug Abuse 2004).

⁶² Substance Abuse & Mental Health Servs. Administration, *Emergency Department Trends from the Drug Abuse Warning Network, Final Estimates 1995-2002* (U.S. Dept. Health & Human Servs. 2003).

⁶³ Substance Abuse & Mental Health Servs. Administration, *Mortality Data from the Drug Abuse Warning Network* (U.S. Dept. Health & Human Servs. 2003).

⁶⁴ G. Yacoubian, *The Sins of ADAM: Toward a New National Criminal Justice Drug Use Surveillance System*, 3 Intl. J. Drug Testing, <http://www.criminology.fsu.edu/journal/volume3.html> (2004); Natl. Inst. Just., *2000 Arrestee Drug Abuse Monitoring Annual Report* (U.S. Dept. Just. 2003); G. Yacoubian, *Assessing ADAM's Domain: Past, Present, & Future*, 27 Contemporary Drug Problems 121 (2000).

⁶⁵ *Id.*

In 2002, an estimated 19.5 million Americans aged 12 or older, or 8.3 percent of the population, were current (past 30-day) illicit drug users.⁶⁶ Marijuana is the most prevalent illicit drug within the American household population, with 2,500 tons of the drug produced in the United States annually⁶⁷ and 6.2 percent of persons 12 or older reporting its use during the past 30 days.⁶⁸ Of the 14.6 million Americans who reported using marijuana in the 30 days preceding the interview, about one-third used it at least 20 of those 30 days.⁶⁹ Following marijuana, there were two million current cocaine users, 1.2 million current hallucinogen users [e.g., phencyclidine (PCP)], and 166,000 current heroin users.⁷⁰ The rate of illicit drug use within the household population was highest among persons between the ages of 18 and 25, at 20.2 percent.⁷¹ In 2002, 11 million persons, or 4.7 percent of persons 12 and older, reported driving under the influence of an illicit drug at least one time during the 12 months preceding the interview.⁷² Finally, the percentage of lifetime marijuana use among persons aged 18 to 25 increased from 53.0 percent in 2001 to 53.8 percent in 2002, while lifetime cocaine use increased from 14.9 percent to 15.4 percent.⁷³

In 2002, 21.5 percent of college students, 25.4 percent of 12th graders, 20.8 percent of 10th graders, and 10.4 percent of 8th graders reported the use of at least one illicit drug during the past 30 days.⁷⁴ Not surprisingly, the most prevalent current illicit drug among all four subgroups was marijuana – 19.7 percent for college students, 21.5 percent, for 12th graders, 17.8 percent for 10th graders, and 8.3 percent for 8th graders.⁷⁵ The prevalence of all other illicit drugs – including PCP, ecstasy, cocaine, and heroin – was less than three percent across all four subgroups.⁷⁶

In 2002, there were more than 670,000 drug-related ED episodes in the US.⁷⁷ Slightly more than eight out of every 10 (81 percent) ED mentions came from seven categories: alcohol-in-combination, cocaine, heroin, marijuana, benzodiazepines, antidepressants, and analgesics.⁷⁸ In 2002, cocaine was a factor in 30 percent of all ED episodes, followed by marijuana (18 percent), and heroin (14 percent).⁷⁹ Between 2001 and 2002, ED mentions of cocaine, heroin, and methamphetamine were unchanged, while a 17 percent increase was witnessed among amphetamines.⁸⁰ In 2001, 33 out of the 42 DAWN metropolitan areas reported at least 30 drug abuse deaths, with significant increases reported in Wilmington,

⁶⁶ *Supra* note 61.

⁶⁷ *Supra* note 29.

⁶⁸ *Supra* note 61.

⁶⁹ *Id.*

⁷⁰ *Id.*

⁷¹ *Id.*

⁷² *Id.*

⁷³ *Id.*

⁷⁴ *Supra* note 62.

⁷⁵ *Id.*

⁷⁶ *Id.*

⁷⁷ *Supra* note 63.

⁷⁸ *Id.*

⁷⁹ *Id.*

⁸⁰ *Id.*

Providence, Buffalo, and Denver between 2000 and 2001.⁸¹ Heroin and cocaine were the two most frequently mentioned drugs in reported deaths.⁸²

In 2000, 64 percent or more of adult male arrestees, in more than half of the 35 ADAM sites, tested positive by urinalysis for at least one of five drugs: cocaine, marijuana, opiates, methamphetamine, or PCP.⁸³ As measured by urinalysis, cocaine and marijuana were the two most prevalent illicit drugs.⁸⁴ Between 25 and 50 percent of all adult male arrestees were found to be at risk for drug dependence, while among those female arrestees who used alcohol or illicit drugs, approximately 50 percent were diagnosed as drug dependent.⁸⁵ Mirroring the results from MTF and the NSDUH, marijuana was the prevalent drug among the juvenile arrestee population.⁸⁶ Among adult and juvenile arrestees, cocaine, marijuana, and heroin use rates have remained fairly constant during the past decade, while the use of methamphetamine, primarily within Western ADAM sites, has increased dramatically.⁸⁷

These four drug surveillance systems are the primary tools used by the United States government to develop national drug control policy. Taken collectively, they provide a comprehensive snapshot of drug use in the US. While natural fluctuations have occurred during the past three decades, within all of the populations served by these surveillance systems, there is only one reasonable conclusion that can be drawn from the body of drug use prevalence data we have at our disposal – that significant drug use problems continue to plague all sectors of American society.

THE INTERNATIONAL DRUG CONTROL SYSTEM

The current international drug control system is voluntary and relies exclusively on state cooperation. While there are international agreements that proscribe the manufacturing and trafficking of illicit drugs, there are currently no mechanisms in place to enforce those prohibitions. That said, the 20th century witnessed the general condemnation of illicit drug trafficking and the development of more than a dozen international instruments addressing the phenomenon.

The Shanghai Opium Commission of 1909 was convened to address the international problems resulting from Chinese opium.⁸⁸ Though no formal agreements were enacted, the Commission provided the foundation for the 1912 Opium Convention,⁸⁹ which was the first attempt to establish international cooperation in the control of narcotic drugs. Ratification of the Treaty of Versailles⁹⁰ after the First World War implied the ratification of the Opium

⁸¹ *Supra* note 64.

⁸² *Id.*

⁸³ *Supra* note 64.

⁸⁴ *Id.*

⁸⁵ *Id.*

⁸⁶ *Id.*

⁸⁷ *Id.*

⁸⁸ M. Cherif Bassiouni, *Intl. Crim. Law, Vol. I* (Transnatl. Publishers 1999).

⁸⁹ Intl. Opium Convention, Jan. 23, 1912, 38 Stat. 1921, 8 L.N.T.S. 187 [hereinafter Opium Convention].

⁹⁰ Treaty of Peace Between the Allied and Associated Powers and Germany, June 28, 1919, 11 Martens Nouveau Recueil 323.

Convention. In addition to these two early attempts at opium control, Article 23 of the League of Nations Covenant provided that members should, “entrust the League with the general supervision over agreements with regard to ... traffic in opium and other dangerous drugs.”⁹¹

The two decades preceding the Second World War yielded three Conventions related to illicit drugs: the International Opium Convention of 1925,⁹² the Convention for Limiting the Manufacture and Regulating the Distribution of Narcotic Drugs of 1931,⁹³ and the Convention for the Suppression of the Illicit Traffic in Dangerous Drugs of 1936.⁹⁴ The 1925 Convention required states to submit to the newly created Permanent Central Opium Board data related to the production of opium and other narcotics.⁹⁵ This was the first attempt by the international community to provide empirical evidence regarding the scope of the opium and narcotic problem. The 1931 Convention was designed to restrict the manufacture of narcotics to only those quantities needed for medical and scientific needs.⁹⁶ The 1936 Convention – the final narcotics-related treaty enacted under the League of Nations – enacted measures to facilitate extradition for drug offenses.⁹⁷

There have been six primary agreements related to drug trafficking initiated under the auspices of the UN: the Paris Protocol of 1948,⁹⁸ the Protocol for Limiting and Regulating the Cultivation of the Poppy Plant, the Production of International and Wholesale Trade in, and Use of Opium of 1953,⁹⁹ the 1961 Single Convention on Narcotic Drugs,¹⁰⁰ the 1972 Protocol Amending the Single Convention on Narcotic Drugs,¹⁰¹ the 1971 Convention on Psychotropic Substances,¹⁰² and the 1988 Drug Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances.¹⁰³ The 1948 Protocol authorized the World Health Organization (WHO) to control any drug that had addiction propensity,¹⁰⁴ while the 1953 Protocol eliminated legal overproduction of opium through the indirect method of limiting the stock of the drug maintained by individual countries.¹⁰⁵

The 1961 Single Convention is the most significant effort undertaken to date to control narcotics. The objectives of the 1961 Single Convention were threefold: (1) to codify all preexisting drug-related treaties; (2) to create the International Narcotics Control Board

⁹¹ The Covenant of the League of Nations, June 28, 1919, 11 Martens Nouveau Recueil 323, 13 Am. J. Intl. L. 128 (1919).

⁹² International Opium Convention of 1925, 81 L.N.T.S. 317 [hereinafter the 1925 Convention].

⁹³ Convention for Limiting the Manufacture and Regulating the Distribution of Narcotic Drugs of 1931, 139 L.N.T.S. 301 [hereinafter 1931 Convention].

⁹⁴ Convention for the Suppression of the Illicit Traffic in Dangerous Drugs of 1936, 198 L.N.T.S. 229 [hereinafter 1936 Convention].

⁹⁵ *Supra* note 93.

⁹⁶ *Supra* note 94.

⁹⁷ *Supra* note 95.

⁹⁸ Paris Protocol of 1948, 44 U.N.T.S. 277 [hereinafter 1948 Protocol].

⁹⁹ Protocol for Limiting and Regulating the Cultivation of the Poppy Plant, the Production of International and Wholesale Trade in, and Use of Opium of 1953, U.N. Doc. E/N.T. 18 [hereinafter 1953 Protocol].

¹⁰⁰ Single Convention on Narcotic Drugs, 18 U.S.T. 1407, Mar. 30, 1961 [hereinafter 1961 Single Convention].

¹⁰¹ 1972 Protocol Amending the Single Convention on Narcotic Drugs, 976 U.N.T.S. 3 [hereinafter 1972 Protocol].

¹⁰² Convention on Psychotropic Substances, 1019 U.N.T.S. 175, Feb. 21, 1971 [hereinafter 1971 Convention].

¹⁰³ 1988 Drug Convention Against Illicit Traffic in Narcotics and Psychotropic Substances, U.N. Doc. E/CONF.82/15, Dec. 20, 1988 [hereinafter 1988 Convention].

¹⁰⁴ *Supra* note 99.

¹⁰⁵ *Supra* note 100.

(INCB) as an organ for simplifying international drug control machinery and to generally monitor the international drug trafficking problem; and (3) to extend the existing control systems to include the raw materials that are used to cultivate narcotics.¹⁰⁶ While the 1961 Single Convention instituted a system of drug control at the international level and gave member states the responsibility of enforcing those measures nationally, it was still severely limited because it, first, relied exclusively on the faithful cooperation of the signatories, and second, provided no international enforcement machinery.¹⁰⁷

Under the 1961 Single Convention, only opium, cocaine, and marijuana were subject to regulation. Because the use and abuse of a variety of other substances increased during the 1960s, the 1971 Convention broadened the schedule of controlled substances to all drugs that had psychoactive effects, including amphetamines, sedatives, hypnotics, tranquilizers, and hallucinogens.¹⁰⁸ Specific control mechanisms, however, remained identical to those from the 1961 Single Convention.

By the late 1980s, the global community realized that it was ill-equipped to address the enormity of the drug problem. More importantly, it realized that better international cooperation was needed. The 1988 Convention was designed to address the limitations of the previous Conventions. Officially recognizing drug trafficking as an international crime, the primary objectives of the 1988 Convention were: (1) to standardize the definitions and range of drug-related offenses; (2) to improve cooperation among relevant parties, including customs, police, and the judiciary; and (3) to provide these authorities with the legal means necessary to interdict against drug trafficking.¹⁰⁹ In addition, the 1988 Convention articulated a list of eligible offenses, including: (1) the traditional range of drug trafficking offenses (production, distribution, and possession with intent to deliver); (2) trafficking in the equipment, materials, and chemicals used for illicit drug manufacturing and trafficking; (3) money laundering offenses; and, (4) the possession of drugs for personal consumption. Finally, states were required to criminalize all offenses prohibited by the 1988 Convention.¹¹⁰

In addition to the major international conventions, the World Health Assembly (WHA) – the supreme decisionmaking body for the WHO – enacted several resolutions related to the illicit drug problem. Passed during the 43rd WHA Assembly, WHA43.11 (Reduction of Demand for Illicit Drugs) recognized that “international cooperation is essential to combat drug use and illicit trafficking” and urged member states to monitor trends in drug abuse,¹¹¹ develop comprehensive prevention programs,¹¹² and promote and facilitate access to drug treatment and strengthen the ability of health care systems to respond to drug-related health problems.¹¹³

Approximately 150 states participate in at least one of the three major Conventions authored during the 20th century,¹¹⁴ suggesting that there is agreement among the world’s

¹⁰⁶ *Supra* note 101.

¹⁰⁷ *Id.*

¹⁰⁸ *Supra* note 103.

¹⁰⁹ *Supra* note 104.

¹¹⁰ *Id.*

¹¹¹ WHA43.11, §1(2)(a).

¹¹² WHA43.11, §1(2)(b).

¹¹³ WHA43.11, §1(2)(c).

¹¹⁴ *Id.*

nations that drug-related problems do exist and that the international community is committed, at least on paper, to the resolution of these problems. Unfortunately, while there is international agreement among states regarding what activities should be prohibited, there is little cooperation among states with respect to mechanisms of enforcement. Because there is no universal entity to enforce drug trafficking prohibitions, the notion of international drug control is illusory and is, effectively, a system without teeth.

INTERNATIONAL CRIMINAL COURT

The 20th century demonstrated the harsh reality that the global community had failed to create a mechanism to enforce international humanitarian law. Most violations of the established norms of international behavior, such as the crime of genocide, war crimes, and crimes against humanity, are committed with the complicity of the state and its leadership.¹¹⁵ The Hague Conventions of 1899 and 1907 were the first significant codifications of the laws of wars in an international treaty. The Conventions, however, failed to create a permanent international criminal court with jurisdiction that would transcend national boundaries, primarily because sovereign nations were unwilling to be bound by the judgments of an international judicial authority. The United States, for example, persistently claimed that it “reserved the right to resolve any purely American issue.”¹¹⁶

Between 1946 and 1996, the UN led the efforts to codify certain international crimes. Immediately after World War II, the US sponsored Resolution 95(I), which recognized the principles of international law contained in the Nuremberg Charter.¹¹⁷ In 1948, the General Assembly (GA) directed the International Law Commission (ILC) to formulate the principles of international law in a draft code of offenses, while a special rapporteur was assigned to formulate a Draft Statute for the Establishment of the International Criminal Court.¹¹⁸ While many nations supported the establishment of a permanent international criminal court, its creation was unattainable without the consensus of the world’s superpowers.

Various draft reports were produced between the 1950s and 1980s, but it was not until 1989 that the GA was faced again with the question of an international criminal court when Trinidad and Tobago proposed to address international drug trafficking. The ILC persevered in developing the limited 1989 mandate related to illicit drug trafficking, which eventually evolved into the Draft Statute for an International Criminal Court.¹¹⁹ It was this draft that served as the basis for the GA’s decision to establish the Ad Hoc Committee on the Establishment of an International Criminal Court and then the Preparatory Committee for the Establishment of an International Criminal Court.¹²⁰

¹¹⁵ Benjamin B. Ferencz, *New Legal Foundations for Global Survival: Security Through the Security Council*, at 67 (Oceana Publications 1994).

¹¹⁶ Howard Ball, *Prosecuting War Crimes and Genocide: The Twentieth Century Experience*, at 14 (U. Press Kan. 1999).

¹¹⁷ *Supra* note 89.

¹¹⁸ *Id.*

¹¹⁹ *Id.*

¹²⁰ *Id.*

On July 17, 1998, the Rome Statute was adopted at the UN Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court.¹²¹ Of the 148 nations in attendance, 120 voted in favor of the court, and 7 against, with 21 abstentions.¹²² Ratification obligates a state to cooperate with the Court and to accept the Courts complementary jurisdiction over crimes committed in its territory. As of May 12, 2005, 99 nations had ratified the treaty.¹²³

There are two primary reasons why states have elected not to ratify the ICC Statute. First, countries that do not value democracy and human rights, like China and the Sudan, have little or no incentive to cede criminal jurisdiction to an international entity whose primary offenses address human rights violations.¹²⁴ By ceding jurisdiction to the ICC, they would be turning over their own nationals for prosecution before the international community. For states that purport to value human rights, like the US, the argument against the ICC is that their sovereignty is better protected by attacking the Court than by joining it.¹²⁵ This is a clear paradox, for those states that purport to value human rights have the greatest incentive to promote an institution dedicated to the realization of international peace.

The recent relationship between the US and the ICC has been fractious. President Clinton signed the ICC Statute on December 31, 2000, but on May 6, 2002, the Bush Administration declared that it would no longer consider the US legally bound by that signature – in effect nullifying it.¹²⁶ Moreover, two pieces of legislation were enacted by Congress to specifically hinder the operations of the ICC. First, the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act prohibits the US from providing financial assistance to the ICC.¹²⁷ Second, the American Servicemembers' Protection Act of 2002, contained within the Supplemental Defense Appropriations Act of 2002, prohibits US cooperation with the ICC,¹²⁸ restricts military assistance to countries that have ratified the ICC Statute,¹²⁹ and authorizes the President to use “all means necessary and appropriate” to free from captivity American personnel held by or on behalf of the ICC.¹³⁰ This is an untoward position for the US, as these pieces of legislation clearly demonstrate an assault on the ICC mission.

There are four significant jurisdictional components to the Rome Statute. First, the Rome Statute entered into force on July 1, 2002.¹³¹ This means that only acts perpetrated after July 1, 2002, are eligible for prosecution. Second, all nations that are party to the Rome Statute

¹²¹ Rome Statute of the International Criminal Court, www.un.org/law/icc/statute/rome.htm (accessed Nov. 18, 2005) [hereinafter Rome Statute].

¹²² United Nations Documents, www.un.org/icc/index.htm (accessed Nov. 18, 2005).

¹²³ The International Criminal Court, <http://www.icc-cpi.int/asp/statesparties.html> (accessed June 27, 2005).

¹²⁴ See Yacoubian, *supra* note 3.

¹²⁵ D.M. Amann & M.N.S. Sellers, *The United States of America and the International Criminal Court*, 50 Am. J. Comp. L. 381 (2002); D.J. Scheffer, *Developments in International Criminal Law: The United States and the International Criminal Court*, 93 Am. J. Intl. L. 12 (1999).

¹²⁶ See Letter from John R. Bolton, Under Secretary of State for Arms Control and International Security, to U.N. Secretary General Kofi Annan, May 6, 2002, www.state.gov/r/pa/prs/ps/2002/9968.htm (articulating that the United States does not intend to become a party to the ICC Statute).

¹²⁷ Pub. L. No. 106-113, §§ 705-706 (1999).

¹²⁸ Pub. L. No. 107-206, § 2004 (2002).

¹²⁹ Id. at § 2007.

¹³⁰ Id. at § 2008.

¹³¹ *Supra* note 122, at Art. 11(1).

must accept its jurisdiction.¹³² This is the cornerstone of a cooperative, international legal community. Third, non-signatory states may, by special declaration, accept the temporary jurisdiction of the ICC for crimes covered by its SMJ.¹³³ The US, for example, could temporarily accept the Court's jurisdiction to prosecute individuals accused of drug trafficking. Finally, the Court can exercise jurisdiction if a referral is made to the prosecutor by the UN Security Council.¹³⁴

The subject matter of the ICC includes four categories of offenses – the crime of genocide, crimes against humanity, war crimes, and the crime of aggression.¹³⁵ These four categories of offenses are eligible for prosecution before the ICC because they violate fundamental humanitarian principles and, arguably, constitute the most serious crimes of international concern. The definition of genocide articulated in the ICC Statute follows that in the Convention on the Prevention and Punishment of the Crime of Genocide.¹³⁶ Crimes against humanity include enslavement,¹³⁷ deportation or forcible transfer of population,¹³⁸ torture,¹³⁹ the crime of apartheid,¹⁴⁰ and other acts “committed as part of a widespread or systematic attack directed against any civilian population.”¹⁴¹ War crimes include any of the following acts against persons or property protected under the Geneva Conventions: torture or inhuman treatment,¹⁴² taking of hostages,¹⁴³ intentionally directing attacks against civilian populations that are not part of the hostilities,¹⁴⁴ killing or wounding a combatant who has surrendered,¹⁴⁵ pillaging,¹⁴⁶ using asphyxiating gases,¹⁴⁷ and sexual slavery and enforced sterilization.¹⁴⁸ The Court will have jurisdiction over the crime of aggression after it is formally defined.¹⁴⁹

It is also important to note that the ICC will not operate on the basis of primary jurisdiction, but will be subject to the principle of complementarity.¹⁵⁰ That is, the ICC will be a subsidiary mechanism to handle the prosecution of its crimes. Some states, although supporting the creation of the ICC, were reluctant to create an institution that could potentially impinge on their national sovereignty.¹⁵¹ The principle of complementarity thus

¹³² *Id.* at Art. 12(1).

¹³³ *Id.* at Art. 12(3).

¹³⁴ *Id.* at Art. 13(b).

¹³⁵ *Id.* at Art. 5(1).

¹³⁶ *Id.* at Art. 6.

¹³⁷ *Id.* at Art. 7(1)(c).

¹³⁸ *Id.* at Art. 7(1)(d).

¹³⁹ *Id.* at Art. 7(1)(f).

¹⁴⁰ *Id.* at Art. 7(1)(j).

¹⁴¹ *Id.* at Art. 7(1).

¹⁴² *Id.* at Art. 8(2)(a)(ii).

¹⁴³ *Id.* at Art. 8(2)(a)(viii).

¹⁴⁴ *Id.* at Art. 8(2)(b)(i).

¹⁴⁵ *Id.* at Art. 8(2)(b)(vi).

¹⁴⁶ *Id.* at Art. 8(2)(b)(xvi).

¹⁴⁷ *Id.* at Art. 8(2)(b)(xviii).

¹⁴⁸ *Id.* at Art. 8(2)(e)(vi).

¹⁴⁹ *Id.* at Art. 5(2).

¹⁵⁰ *Id.* at Arts. 17 & 18.

¹⁵¹ John T. Holmes, *The Principle of Complementarity*, in *The International Criminal Court, The Making of the Rome Statute: Issues, Negotiations, Results* (Roy S. Lee ed., 1999).

provides that the Court will exercise jurisdiction only when a state is unable or unwilling to handle the case in which the crimes within the Court's jurisdiction have been committed.

To date, four situations have been referred to the Office of the Prosecutor. Three situations – in the Republic of Uganda,¹⁵² the Democratic Republic of Congo (DRC),¹⁵³ and the Central African Republic¹⁵⁴ – were referred by the State Parties themselves. These three referrals were made on January 29, 2004, May 19, 2004, and January 6, 2005, respectively. The fourth situation – in Darfur, Sudan – was referred by the UN Security Council on March 30, 2005.¹⁵⁵ Of these four, the Prosecutor initiated investigations into the situations in the DRC¹⁵⁶ on June 23, 2004 and in the Republic of Uganda¹⁵⁷ on July 29, 2004.

DRUG TRAFFICKING AND THE ICC – PROS AND CONS

There are four major arguments in favor of broadening the SMJ of the ICC Statute to include drug trafficking. First, sending nationals to an international body for prosecution would be less offensive and less stressful than ceding jurisdiction to a requesting state.¹⁵⁸ Territorial posturing, therefore, could be avoided. Second, including drug trafficking in the ICC Statute would “provide a strong symbolic and legal deterrent and enhance the rule of law by increasing the probability that international narcotics offenders will be brought to justice.”¹⁵⁹ The ICC would thus be an additional mechanism, above and beyond national systems, through which drug traffickers could be prosecuted. Third, unlike the four categories of offenses the ICC is permitted to prosecute – the crime of genocide, crimes against humanity, war crimes, and the crime of aggression – drug trafficking is less politicized.¹⁶⁰ As such, states should be more willing to accept its inclusion knowing that individuals accused of drug trafficking cannot hide under the guise of politics or governmental immunity. Fourth, shifting the prosecution of major drug traffickers to an international entity should ease the burden on domestic criminal justice systems. Not only will responsibilities at the national levels of government be diminished, but the successful prosecutions of high-level drug traffickers should translate into less production and less consumption of the products. Less consumption would yield less use and fewer associated problems and should thus reduce the encumbrance on local and state criminal justice and public health systems.

There are three major objections to expanding the SMJ of the ICC Statute to include drug trafficking. First, critics argue that the current system is capable of handling drug

¹⁵² See http://www.icc-cpi.int/pressrelease_details&id=16&l=en.html (accessed Nov. 18, 2005).

¹⁵³ See http://www.icc-cpi.int/pressrelease_details&id=19.html (accessed Nov. 18, 2005).

¹⁵⁴ See http://www.icc-cpi.int/pressrelease_details&id=87.html (accessed Nov. 18, 2005).

¹⁵⁵ Resolution 1593 (2005).

¹⁵⁶ See http://www.icc-cpi.int/pressrelease_details&id=26&l=en.html (accessed Nov. 18, 2005).

¹⁵⁷ See http://www.icc-cpi.int/pressrelease_details&id=33&l=en.html (accessed Nov. 18, 2005).

¹⁵⁸ F. Patel, *Crime Without Frontiers: A Proposal for an International Narcotics Court*, 22 N.Y.U. J. Intl. L. & Pol. 709 (1990).

¹⁵⁹ *Id.*

¹⁶⁰ *Id.*

trafficking.¹⁶¹ The data presented in Part II indicate that any suggestion that current drug problems are being adequately addressed by the current control regime is disingenuous.

Second, proponents of maintaining the status quo argue that the crime of drug trafficking, unlike genocide, crimes against humanity, and war crimes, do not violate humanitarian principles and is thus beyond the Court's mandate.¹⁶² This is an unreasonable argument. The ICC has power over persons for the "most serious crimes of concern to the international community as a whole...".¹⁶³ Drug trafficking is not a trivial offense. The findings presented in Part II overwhelmingly suggest that drug trafficking is a legitimate humanitarian concern, if for no other reasons than because of its longevity and scope.

Third, proponents of maintaining the status quo argue that the Court has neither the manpower nor resources to prosecute drug trafficking as well as national criminal justice systems.¹⁶⁴ This is an extraneous argument. All countries have overburdened criminal justice systems. Court dockets are full, probation officers have unmanageable caseloads, and correctional facilities and drug treatment centers are at capacity. These burdens, so commonplace in the modern era, are simply part of the system. These burdens will also exist at the international level. It would be unreasonable to think otherwise. There will likely always be more criminals to adjudicate than there are resources to prosecute them. That the ICC should not incorporate drug trafficking into its SMJ because of potential logistical burdens is an argument born of obstinate desperation.

Moreover, the incorporation of drug trafficking into the SMJ of the ICC would not displace the need for prosecuting drug trafficking offenses before national criminal justice systems. As mentioned previously, the ICC is subject to the principle of complementarity.¹⁶⁵ This means that the ICC will assume jurisdiction only when individual states are unable or unwilling to prosecute a particular offense. Given the magnitude of the international drug trafficking problem, it is reasonable to believe that some states (e.g., Trinidad and Tobago) may be unable to prosecute serious and repeated drug trafficking offenses because of pecuniary limitations. The ICC would not supplant domestic drug trafficking prosecutions, therefore, but would simply complement them and assist those nations who are particularly handcuffed by the prosecution of drug trafficking offenses.

DISCUSSION

As Bassiouni stated, "the dangers of illicit cultivation, manufacture, traffic, and use of narcotic drugs and psychotropic substances affect all geographic areas of the world."¹⁶⁶ The total societal effect of illicit drugs in the US was approximately \$143 billion in 1998, up from

¹⁶¹ W.C. Gilmore, *The Proposed International Criminal Court: Recent Developments*, 5 *Transnatl. & Contemporary Problems* 263 (1995).

¹⁶² *Id.*

¹⁶³ *Supra* note 122, at Art. 5(1).

¹⁶⁴ *Supra* note 162.

¹⁶⁵ *Supra* note 122, at Arts. 17 & 18.

¹⁶⁶ *Supra* note 89, at 905.

\$102 billion in 1992 and \$126 billion in 1995.¹⁶⁷ Moreover, data from 2002 indicate that approximately 200 million people across the world consume illicit drugs, including 163 million for marijuana, 34 million for amphetamines, 15 million for opiates (10 million of which are for heroin), 14 million for cocaine, and 8 million for ecstasy.¹⁶⁸ While cocaine and heroin remain the most problematic given their penchant for abuse, clear geographic differences are easily discerned.¹⁶⁹ These data overwhelmingly suggest that the global community is plagued by a serious drug problem, one that has only intensified during the past several decades.

There is no question that the US is committed to reducing the prevalence and associated problems of illicit drugs. In recent years, the U.S. Congress has supported the creation of an international court to prosecute drug traffickers.¹⁷⁰ The incorporation of drug trafficking into the SMJ of the ICC Statute would be a monumental step in addressing the international drug problem while simultaneously offering an opportunity to bring the US into the international criminal law fold.¹⁷¹ Because the ICC Statute precludes reservations,¹⁷² the US must accept jurisdiction for all of its crimes. If the Court also incorporated drug trafficking into its SMJ, the US government should be able to tolerate the Court's jurisdiction over the four main categories of offenses. Given that the scope of the harm suffered by the US from drug trafficking likely exceeds the damage it could possibly inflict (and thus be held accountable for) via the four current categories of offenses, this is a reasonable and viable solution to their current aversion toward participation. The US can either participate in its development or remain hostile to a progressive, international legal reality. A reasonable first step for the US would be working toward incorporating drug trafficking within the SMJ of the ICC. This would be an indirect recognition of its jurisdiction and, hopefully, propel the US toward future ratification of the ICC Statute.

¹⁶⁷ Office Natl. Drug Control Policy, *The Economic Costs of Drug Abuse in the United States, 1992-1998* (Office Natl. Drug Control Policy 2001).

¹⁶⁸ *Supra* note 10.

¹⁶⁹ *Id.*

¹⁷⁰ See e.g. International Criminal Court Act of 1993, S. Res. 32, 103rd Cong. (1993); H.R. Res. 66, 101st Cong., 1st Sess. § 2 (1989); Anti-Drug Abuse Act of 1988, Pub. L. No. 100-690, Title IV, § 4108 (1988).

¹⁷¹ Art. 123 of the Rome Statute calls for a review of the Statute seven years after it entered into force. Drug trafficking could thus be incorporated into the SMJ of the Statute in 2009.

¹⁷² *Supra* note 122, at Art. 120.

Chapter 15

YOUTH VIOLENCE AT DISCOTHEQUES AND ROCK CONCERTS: THE EFFECTS OF GENDER, ALCOHOL CONSUMPTION, AND SCHOOL FRAMEWORK

*Revital Sela-Shayovitz**

ABSTRACT

This study examines a hitherto neglected area, namely the involvement of youth in violence at discotheques and rock concerts. The effect of educational framework, gender, and alcohol consumption on involvement in violence (physical, verbal, and property-related) was examined based on data collected by a self-report questionnaire administered to 921 youngsters aged 15-18.

The findings show that although both the discotheque and the rock concert involved rock music, they differed in alcohol-consumption patterns and extent of involvement in violence. 43.8% of the respondents were involved in violence at discotheques while only 2.5% were involved in violence at rock concerts. A significant relationship was found between alcohol consumption and involvement in violence: Youths who consume alcohol frequently were involved in physical violence twice as often as non-drinkers. The results demonstrate that the probability of male involvement in violence during recreational activity is three times higher than females. In addition, educational framework has had significant effects on involvement in violence. The probability of involvement in violence by school dropouts is four times higher than that of academic students, and 3.3 times higher than that of vocational students.

Keywords: Youth Violence, Discotheques, Rock Concerts, Alcohol, Gender

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INTRODUCTION

Youth recreational venues such as pubs, discotheques or rock concerts are the core of nighttime economy. Nighttime violent behaviour in and around the recreational arena on weekends presents significant public health, criminal justice and urban management problems. Most assaults in the night involve injuries and injuries sustained are rarely life threatening (Magure & Nettelton, 2003). Although violent behaviour around the recreational arena leisure activity is a serious problem, to date there have been only a few studies which focus on the nighttime economy; none of these pre-existing studies examine the adolescent incidents and patterns of violent behavior. This study is the first social science research that focuses on the involvement of youth in violence at discotheques and rock concerts. As such, it will provide a unique opportunity to fill this gap in our understanding, as well as supply important information for police agencies to develop effective strategies relate to the level of security at such venues to assist crime prevention efforts.

VIOLENT BEHAVIOR IN THE RECREATIONAL ARENA – THEORETICAL APPROACHES

Criminological research clearly shows that crime is not uniformly or randomly distributed within society; it tends to occur in certain locations at higher frequencies than others. According to the *situational approach*, criminal “hot spots” are formed by the an agglomeration of criminal incidents, which are usually associated with unique attributes of the environment (Weisburd, & Green, 1994). For instance, the association between alcohol consumption and bars or pubs is likely to result in “hot spots” for physical violence (Goldstein, 1994). The situational approach assumes that identification of the various components of a crime environment, including physical, economic, and social factors, will assist crime prevention efforts (Clarke, 1995; Sherman, 1995; Weisburd, 1995) .

The *routine activities* theory, which is closely related to the situational approach, emphasizes the role of the rational (benefit vs. loss; risk vs. opportunity) in criminal decision-making processes. Accordingly, the decision of the rational criminal will be largely affected by the routine activities performed by individuals in modern society. The decision of the criminal will be based on his or her understanding of habitual living patterns within the environment. According to this model, three conditions are needed for the commission of a crime: (1) a motive for the criminal to act, (2) a target against which to act, and (3) lack of appropriate defense.

Criminal activity takes place side by side with routine activity in places such as shopping centers, business areas, residential areas, educational institutes, and leisure activity locations (Eck, & Weisburd, 1995; Felson, 1994). The type of criminal activity depends on the type of security at each location and on the character of the individuals who typically frequent the location (Sherman, 1995). Thus, violent behavior at discotheques and rock concerts, two different environments related to rock music, takes place side by side with the typical leisure activity within these environments, namely, dancing, listening to music, alcohol consumption, etc. According to the routine activities theory, the extent and severity of violent behavior will be related to the level of security in both environments and the type of youth who customarily

frequent these venues. Likewise, factors associated with violence in high-risk youth recreational venues include inconvenient access routes, poor ventilation, overcrowding and permissive social environments, all of which are communicated through the discotheque, pub or club policies and staff behaviour (Homel et al. 2001). Research consistently shows the peak time for violent offending is weekend nights and the peak location is inside and around pubs and clubs (Allen et. al. 2003; Hutchison, et. al. 1998).

LEISURE PATTERNS WITHIN THE CONTEXT OF ROCK MUSIC

The discussion of violent behavior at discotheques and rock concerts is conditioned by the definition of youth leisure patterns within the musical context. Music and leisure activity at discotheques and rock concerts are dominant attributes of youth subculture. Previous studies have demonstrated a relationship between education, ethnic origin, socioeconomic status, and musical preferences. However, differences in musical consumption are not usually sufficiently clear-cut to delineate separate subcultural entities (Dimaggio, & Ostrower, 1990). Some research has found that middle-class youth enrolled in academic schools prefer progressive rock music (as opposed to commercial rock) and leisure activity in pubs and rock concerts, and youth belonging to lower

socioeconomic levels, studying in vocational schools, tend to prefer romantic or dance music, and go to discotheques (Frith, 1981, Peterson, & Kern, 1996). The difference in the leisure patterns of youth in discotheques and rock concerts may affect the incidence of violence within these environments due to the relationship between socio-demographic characteristics and violent behavior. Moreover, a recreational venue may become an arena for clashes between members of different socioeconomic groups (Amir, 1997).

Previous studies have shown that violence in the night time economy typically involves young males who do not know each other well (Allen et. al. 2003). In addition, people who frequently visit pubs and clubs are much more likely to fall victim to such crimes than those who do not (Povery & Allen, 2003). Men are more likely than women to sustain facial injuries and alcohol was associated more serious facial injuries, including those incurred in assaults (Hutchison, et. al. 1998).

EDUCATIONAL FRAMEWORK AND VIOLENT BEHAVIOR

Gottfredson and Hirschi (1990) explain the relationship between lower educational level and violence in terms of personal traits: Adolescents low in self-control find it more difficult to adapt to various frameworks and drop out of school more frequently. They are violent, impulsive, and tend to take risks in a way that endangers both their environment and themselves. They also find it more difficult to deal with conflict by means of dialogue; hence, their resort to physical violence.

Most studies relating to the influence of educational levels on violent behavior support Gottfredson and Hirschi's hypothesis. A number of researches have shown that as educational levels increase, the frequency of violent behavior patterns decreases (Harris, & Knight-Bohnhoff, 1996; Hutchinson, et al. 1994; Jenssen, & Engesbak, 1994). Moreover, age and

educational level have been shown to have a negative relationship with violent behavior: More educated people tend to view violent behavior patterns more severely, and define them as more damaging, compared with people lacking higher education (Harris, & Knight-Bohnhoff, 1996). The relationship between education and aggressive responses has been shown to be reflected in attitudes to minority groups and immigrants, the less educated being more hostile towards immigrant groups in society (Jenssen, & Engesbak, 1994).

Horowitz's (1992), study of patterns of violent behavior in adolescents demonstrated that male adolescents studying at vocational schools tend to react with physical violence more frequently than their counterparts at academic schools, who tend to react verbally.

GENDER AND VIOLENT BEHAVIOR

General consensus exists regarding the relationship between gender and physical violence: Compared to girls, boys are at higher risk of involvement in direct physical aggression, both as aggressors and as victims (Baron, & Richardson, 1994; Campbell, 1995; Carlo, et al.1999; Osterman, et al. 1998; Landau, et al. 2002). Males have a higher tendency either to react with physical violence or to approve of violent reaction in given situations. Such findings have been attributed to the notion that it is justifiable for the macho to react violently to any threat to his honor (Harris, 1995; Ingoldsby, 1991). A similar trend exists in the context of verbal violence: However, although boys react verbally more than girls, gender differences within the context of verbal violence are smaller than those associated with physical violence (Archer, Kilpartric, & Bramwell, 1995).

ALCOHOL CONSUMPTION AND VIOLENT BEHAVIOR

Alcohol consumption is closely associated with leisure activity at rock concerts and discotheques. Alcohol contributes to violence in many direct and indirect ways. Research has shown that alcohol consumption acts as a catalyst for violent behavior during leisure activity (Graham et al. 1998). Alcohol tends to reduce inhibitions, thus enhancing violent reaction (Bushman, & Cooper, 1990; Maguire & Nettleton, 2003; Pernanen, 1991; Tierney & Hobbs, 2003). Results show that 17% of young people who reported that they felt drunk at least once a month ("binge drinkers") had committed violent criminal acts, compared with only 4% of regular drinkers, those who drank frequently but rarely felt very drunk. "Binge" drinkers were also five times more likley that "regular" drinkers to have been involved in a group fight in public (Richardson & Budd 2003). Likewise, 60% of the adolescents who were arrested for assalut at night in the city center were "intoxicated" with alcohol (Deehan, et al. 2002).

Research findings demonstrate that there are significant gender differences in violent behavior under alcoholic influence. Physical violence following alcohol consumption characterizes mainly male adolescents, and gender differences related to physical violence following alcohol consumption increase with age (Duncan, Alpert & Duncan 1997; Robbins, & Martin, 1993). In addition, physical violence following alcohol consumption characterizes adolescents who tend to react violently and anti-socially irrespective of alcohol consumption (White, Brick & Hansell 1993).

THE PRESENT STUDY

From the aforementioned reviews, it may be summarized that: discotheques and rock concerts are dominant factors within youth subculture; violent behavior at discotheques and rock concerts takes place side by side with the typical leisure activity within these environments, namely, dancing and listening to music; alcohol consumption is closely associated with leisure activity at rock concerts and discotheques and contributes to violence in many direct and indirect ways. This study aims to contribute to the existing literature through its analysis of the effect of educational framework, gender, and alcohol consumption on involvement in violence at discotheques and rock concerts.

Four hypotheses were posited and tested:

Hypothesis 1: The incidence of violence at discotheques will be higher than at rock concerts. This hypothesis is based on the difference in leisure activity patterns of youth relating to rock music and involvement in violence (Dimaggio, & Ostrower, 1990; Frith, 1981, Horowitz, 1992; Peterson, & Kern, 1996).

Hypothesis 2: Male involvement in violence of various types (physical, verbal, and property-related) will be higher than that of females. This hypothesis is based on a review of research on gender differences in violence (Archer et al., 1995; Garnefski, & Okma, 1996; Lagerspetz, & Bjorkqvist, 1994 ; Landau et. al., 2002).

Hypothesis 3: School dropouts and students enrolled in vocational schools will be more involved in physical violence, compared to youth attending academic high schools, who will exhibit more verbal violence. This hypothesis is based on a review of findings concerning the relationship between educational level and aggressive behavior (Harris, & Knight-Bohnhoff, 1996; Horowitz, 1992; Jenssen, & Engesbak, 1994).

Hypothesis 4: Involvement in violence of alcohol-consuming youth will be higher than that of non-alcohol consuming youth. This hypothesis is based on research findings on the influence of alcohol on violent behavior (Duncan et al., 1997; Maguire & Nettleton, 2003; Robbins, & Martin, 1993; Tierney & Hobbs, 2003; White et al., 1993).

METHOD

The aim of the present study is to investigate the differences in violence of various types (physical, verbal, and property-related) between discotheques and rock concerts venues. In addition, the study examines the effects of gender, educational framework and alcohol consumption on violence at the two venues.

The data were based solely on self-report questionnaires of behavior. A well-known limitation involved with self-report questionnaires of behavior is the possibility that some respondents embellished their answers about involvement on violence behaviour. However, the respondents completed the questionnaires anonymously and would not gain anything by giving biased responses. It is also possible that some respondents reported more involvement in violent behaviour. For example, a young male might report more involvement in violent

behaviour because they see it as a way of presenting their masculinity. For these reasons, the results gained from this study should be treated with caution because they may not reflect the actual violent behaviour at discotheques and rock concerts. Consequently, observational studies combined with surveys are needed. In addition, the external validity of the research results may be threatened by specific and unique characteristics of Israeli society. It is possible that case-specific characteristics, such as immigration, cultural differences, etc., may hinder attempts to generalize the findings of this study to youth involvement in violent behaviour occurring in other countries.

Sample

The sample consisted of 921 youth (526 males and 395 females). The age range of the research sample was 15 to 18 years 21 ($M=17.3$, $SD=1.35$). The sample was selected according to stratigraphical test sampling with a sampling relation of 0.05. The population size was fixed to represent the actual relation between groups of secular adolescents in Jerusalem. Sample planning data were obtained from the Education Department of the Jerusalem Municipality. The sample consisted of the following three groups:

- Academic high school students – 614 students in the 10th-12th grade drawn from six schools in Jerusalem.
- Vocational high school students – 211 students in the 10th-12th grade drawn from two schools in Jerusalem.
- School dropouts – 96 adolescents of the same age as the students, recruited with the aid of street-corner social workers employed by the Social Services Department of the Jerusalem Municipality.

In data processing, discotheque- and rock concert-attenders were differentiated from non-attenders. The statistical analysis of the research hypotheses related to discotheque- and/or rock concert-attenders only (568 youths).

Research Instrument

An anonymous questionnaire was constructed for the purpose of the study, based partially on the aggression indices developed by Bjorkvist, Lagerspets & Osterman (1992). In the first stage, a pilot study was conducted on 60 adolescents from the three groups. The questionnaire was modified following the pilot study, after inviting the respondents to voice their opinion on the clarity of the questions. Respondents were asked to relate their responses to the preceding year. The questionnaire consisted of three parts: (1) background data (age, gender, educational framework); (2) leisure activity patterns in the context of rock music and alcohol consumption during leisure activity (see Appendix I); (3) involvement in violence at discotheques and rock concerts (see Appendix II). The Pearson correlation was used to verify the internal consistency of the questions related to violence in the two venues. The correlation

for involvement in violence at discotheques is $r = .82$, and at rock concerts, $r = .92$. The results for both venues demonstrate a high level of reliability.

Data Analysis

Data were analyzed on three levels, as follows:

First level of analysis. This analysis was conducted using McNemar's test. This analysis was used to compare the incidents of violence at the two venues and to verify the relationship between recreational venue and involvement in violence.

Variables — Independent variables in the model were: Discotheque attendance (2 categories – do attend discotheques; do not attend discotheques); Rock concert attendance (2 categories - do attend rock concerts; do not attend rock concerts). Dependent variables were: Involvement in discotheque violence (2 categories: involved; not involved); Involvement in rock concert violence (2 categories - involved; not involved).

Second level of analysis. This analysis aimed to determine whether there were significant gender differences in the involvement in violence at both venues combined. Data analysis was conducted using a chi-square test, and the weakest level of significance chosen was $p < .05$.

Variables — Independent variables were: Gender (male and female). Dependent variables were: Involvement in different types of violence (4 categories: not involved; physical violence; verbal violence; property-related violence).

Third level of analysis. This analysis was conducted using a logistic regression model. The analysis included the effects of gender, education and alcohol consumption on the involvement in violence in recreational venues.

Variables — Independent variables in this model were: gender; education (3 categories- academic high school; vocational high school; school dropout); alcohol consumption (2 categories– consumer; non-consumer). Dependent variables were: Involvement in different types of violence (4 categories: not involved; physical violence; verbal violence; property-related violence).

RESULTS

Violence at Discotheques and Rock Concerts – Venue Comparison

Table 1 shows the comparison of the incidents of violence at the two venues. The findings show that 43.8% of the respondents were involved in violence at discotheques only, 2.5% were involved in violence at rock concerts only, and 1.7% were involved in violence at both venues. These results support our first hypothesis, which predicted more violence at discotheques than at rock concerts.

Table 1. Recreational Venue Versus Involvement in Violence: McNemar's Test* (in percent)

Venue	Involvement in Violence	Discotheque		Total
		Not Involved	Involved	
Rock Concerts	Not Involved	52.0	43.8	95.8
	Involved	2.5	1.7	4.2
Total		55.5	45.5	100.0
N		315	253	568

* $p < .0001$.

Gender Differences and Involvement in Violence

Table 2 presents gender-related differences in involvement in violence at both venues combined. As can be seen from the table, there is a statistically significant difference between gender and involvement in violence, $\chi^2 = 75.18$ ($df = 3$), $p < .0001$.

61% of the males were involved in some type of violence (i.e., verbal or physical) during recreational activity, in comparison with 28.6% of the females.

The largest differences were obtained for physical violence: The extent of male involvement (36.8%) was almost four times that of females (9.4%). Gender-related differences were also found for property-related violence: 4.1% of the males were involved in property-related violence, compared to only 1.2% of the females. In contrast, no gender-related difference was obtained for verbal violence. These results support our second hypothesis, which predicted that male involvement in all types of violence would be higher than that of females.

Table 2. Gender and Involvement in Violence in Both Recreational Venues Taken Together (in percent) (N=568)

Gender	Male (n = 313)	Female (n = 255)
Type of violence		
Physical	36.8	9.4
Verbal	20.1	18.0
Damage to property	4.1	1.2
Not involved	39.0	71.4
Total	100.0	100.0

Educational Framework and Involvement in Violence

Table 3 presents involvement in violence at both venues taken together by educational framework. As can be seen, statistically significant differences exist by educational framework and involvement in violence, $\chi^2 = 56.24$ ($df = 6$), $p < .0001$. The highest level of involvement in violence was found in the school dropout group: 74% were involved in some type of violence compared to 54.8% of the vocational students, and 36.7% of the academic students. The main difference was obtained for physical violence: 52.1% of the dropouts were involved in physical violence, compared to 31.2% of vocational students, and only 15.3% of the academic students. No significant difference between the three groups was obtained for verbal and property-related violence. These results are in support of our third hypothesis, which predicted that school dropouts and vocational students would be more involved in violence than academic students, who would be more involved in verbal violence.

Table 3. Involvement in Violence in Both Venues Taken Together by Educational Framework (in percent) (N = 568)

Educational framework	Academic (n = 338)	Vocational (n = 157)	School dropout (n = 73)
Type of violence			
Physical	15.3	31.2	52.1
Verbal	19.0	19.7	19.2
Damage to property	2.4	3.9	2.7
Not involved	63.3	45.2	26.0
Total	100.0	100.0	100.0

Alcohol Consumption and Involvement in Violence

Table 4 presents the results related to alcohol consumption and involvement in violence at both venues combined. The findings demonstrate a significant positive relationship between alcohol consumption and involvement in violence, $\chi^2 = 47.77$ ($df=3$), $p < .0001$. The differences are obtained mainly for physical and property-related violence: Alcohol-consuming youth were involved in physical violence (39%) twice as much as non-drinkers (16.9%). The results demonstrate that alcohol-consumers were involved in property-related violence (4.9%) 2.5 times more than non-drinkers (1.9%). No significant differences between alcohol-consumers and non-drinkers were obtained for verbal violence. These results support our fourth hypothesis, which predicted that alcohol-consumers would be more highly involved in violence than non-drinkers.

Table 4. Alcohol Consumption and Involvement in Violence in Both Venues Taken Together (in percent) (N = 564)

Alcohol Consumption	Non-Drinkers (n = 377)	Drinkers (n = 187)
Type of Violence		
Physical	16.9	39.0
Verbal	18.6	20.3
Damage to property	1.9	4.9
Not involved	62.6	35.8
Total	100.0	100.0

Logistic Regression Analysis for Involvement in Violence

Table 5 presents the results from the the logistic regression model of involvement in violence in recreational venues. This analysis confirms the significant effect of the three independent variables- gender, education and alcohol consumption. The model demonstrates that the probability of male involvement in violence during recreational activity is three times higher than that of females. Analysis of the education factor shows that the probability of involvement in violence by school dropouts is four times higher than that of academic students, and 3.3 times higher than that of vocational students. Examination of the alcohol-consumption factor demonstrates that alcohol-consuming youths are four times more likely to be involved in violence than non-drinkers. Based on this model, we can construct a profile of the juvenile most/least likely to become involved in violence at rock music venues: The most violent-prone juvenile is male, a school dropout, and an alcohol-consumer; the least violent-prone juvenile is female, a student at an academic high school, and a non-drinker.

Table 5. Logistic Regression Analysis for Involvement in Violence

Variable	Estimate	Standard Error	χ^2	Odds Ratio
Gender	- 1.1	0.19	33.25 *	0.33
Education A	- 1.33	0.3	19.06*	0.26
Education B	- 0.89	0.32	7.44*	0.4
Alcohol	0.98	0.19	24.52*	2.66

Note: Gender = 0 - male; 1 - female. Education A = 0 - non academic; 1- academic.

Education B = 0 - non-vocational; 1 - vocational. Alcohol = 0 – non-drinker; 1 - drinker.

* p < .0001.

CONCLUSION

The results of this study show that though the discotheque and the rock concert, both involve rock music, they differ in the characterization of their audience, level of alcohol-consumption, and involvement in violence. Youth who attend discotheques are more highly involved in violence than those who attend rock concerts.

A possible explanation for the difference in violence levels between these venues may be related to the socio-demographic attributes of their audience. Research conducted by Sela-Shayowitz (2000) found that academic students prefer rock concerts, whereas vocational students and school dropouts prefer discotheques. These findings are in line with findings showing that middle-class youths enrolled in academic high schools generally prefer progressive rock music and attend rock concerts, whereas vocational students who generally belong to lower socioeconomic levels prefer romantic or dance music and attend discotheques (Frith, 1981; Dimaggio, & Ostrower, 1990; Peterson & Kern, 1996). However, the findings suggest that the differences between the three groups are not clear-cut enough to delineate separate youth subcultures based on educational framework or socioeconomic status.

Another explanation for the difference in violence levels in the two venues may be that the frequency of attendance may be different in each: Higher attendance at discotheques raises the likelihood of violence, irrespective of the characteristics of the audience. Previous research has demonstrated that people who frequently visit pubs and clubs are much more likely to fall victim to such crime than those who do not (Povery & Allen, 2003).

The results relating to the differential involvement of the three groups in violence is in line with the hypothesis on the relationship between habitual activities of delinquents in a given venue and type of violence and its extent. Violent behavior is more frequent among vocational students and school dropouts than among academic students. Vocational students and school dropouts tend to spend their leisure time at discotheques rather than rock concerts. Hence, it may be assumed that the higher frequency and the greater severity of violence at discotheques (compared to rock concerts) are related to the characteristics of the youth audiences habitually attending these venues. This assumption is also based on the routine activities theory, which argues that the extent of violent behavior is a function of the characteristics of those who attend them (Eck, & Weisburd, 1995; Felson, 1994; Sherman, 1995).

The variation in involvement of the three groups in violence are also in line with the literature on the relationship between educational level and violent behavior. Previous research has shown that as educational level increases, the frequency of violence decreases (Hutchinson et al., 1994; Harris, & Knight-Bohnhoff, 1996; Jenssen & Engesbak, 1994). The results of this study show that vocational students and school dropouts are more prone to physical violence than academic students, who tend to react verbally. According to Gottfredson and Hirschi's (1990) theory, youths with low self-control are more likely to be violent, impulsive, and to endanger both themselves and their environment. They experience difficulties in adapting to various frameworks and, therefore, tend to drop out of school. Moreover, they have difficulty in dealing with conflicts by means of discussion rather than physical violence. The results of the current study show that the school dropouts were mainly involved in physical violence but, at the same time, compared to youth attending high school, they did not demonstrate higher levels of verbal and property-related violence.

With regard to differences in youth involvement in violence at both venues, the results gained from this study should be treated with caution for a number of reasons. The routine activities approach posits that the type of delinquent behavior and its extent are a function of the level of security in these venues and the characteristics of those who attend them (Eck, & Weisburd, 1995; Felson, 1994; Sherman, 1995). However, this study did not relate to the level of security at such venues: It was assumed that security levels influence the frequency of violence and its extent at such venues. Moreover, it is possible that security levels at rock

concerts are higher and stricter than at discotheques and, therefore, violence levels tend to be lower at rock concerts. This issue should be examined in future research in this area.

The analysis of gender differences demonstrated that males and females significantly differ on level of physical violence, but the differences in verbal violence are small (Archer, Kilpatrick, & Bramwell, 1995). Previous research has demonstrated that violence in the nighttime economy typically involves young males who do not know each other well (Allen et al. 2003; Hutchison, et. al. 1998).

The findings demonstrated that there was a significant positive relationship between alcohol consumption and involvement in violence: The involvement in physical violence of alcohol-consuming youths was twice as high as that of non-drinkers. In addition, property-related violence was 2.5 times higher among alcohol-consumers than among non-drinkers. The logistic regression analysis confirmed the significant effects of the three independent variables (gender, education, and alcohol consumption) on involvement in violence. Based on this model, we were able to construct a profile of the juvenile most/least likely to become involved in violence at rock music venues: The most violent-prone juvenile is male, a school dropout, and an alcohol-consumer; the least violent-prone juvenile is female, a student at an academic high school, and a non-drinker.

Researchers have shown that alcohol consumption turns recreational venues into "hot spots" of violence and crime (Goldstein, 1994). The results of the current study fit in with previous studies which show that alcohol consumption acts as a catalyst for violent behavior during leisure activity by tending to reduce inhibitions, thus enhancing violent reaction. (Bushman, & Cooper, 1990; Graham et al. 1998; Maguire & Nettleton, 2003 ; Pernanen, 1991; Tierney & Hobbs, 2003). Likewise, prior research have indicated that 60% of the adolescence who are arrested for assault at night in the city center were "intoxicated" with alcohol (Deehan et al. 2002).

This study of violent behavior at recreational venues connected with rock music is the first of its kind. Other variables such as drug abuse and the possession of weapons (knives etc.) were not analyzed in this study. However, such variables, as well as others (e.g., venue-related factors such as venue size, accessibility, security and number of guards) are likely to affect the level of youth involvement in violence during recreational activity. Indeed, future research should focus on the possible influence of such variables, in addition to those examined here.

APPENDIX 1

The following questions are from the second part of the questionnaire and relate to youth recreational patterns and alcohol consumption during recreational activity. Each respondent was asked to relate to the previous year. The questions were:

- Did you go to discotheques or nightclubs? Answers: (a) No, I did not go to discotheques or nightclubs. (b) Yes, I did go to discotheques or to nightclubs.
- Did you attend rock concerts? Answers: (a) No, I did not attend rock concerts (b) Yes, I did attend rock concerts.

- Do you consume alcohol when you go out? Answers: (a) No, I do not consume alcohol during recreational activity. (b) Yes, I do consume alcohol during recreational activity.

APPENDIX 2

The following questions are from the third part of the questionnaire and relate to the extent of youth involvement in violence at discotheques or rock concerts. Each respondent was asked to relate to the previous year. The questions were:

- Were you involved in violence in a discotheque or its surroundings (including verbal violence: threats, curses; physical violence: pushing, beating; or property-related violence: breaking and damaging property)? Answers: (a) No, I was not involved in violence at a discotheque. (b) Yes, I was involved in violence at a discotheque.
- What kind of violence were you involved at the discotheque or its surroundings? Answers: (a) I was not involved in violence. (b) I was involved in verbal violence (e.g., threats, curses). (c) I was involved in property-related violence (e.g., breaking and damaging objects). (d) I was involved in physical violence (e.g., pushing, kicking, beating).
- Were you involved in violence (including verbal violence: threats, curses; physical violence: pushing, beating; and property-related violence: breaking and damaging property) at a rock concert or rock festival in the course of the past year? Answers: (a) No, I was not involved in violence. (b) Yes, I was involved in violence.
- What kind of violence were you involved in while attending a rock event? Answers: (a) I was not involved in violence. (b) I was involved in verbal violence (e.g., threats, curses). (c) I was involved in property-related violence (e.g., breaking and damaging objects). (d) I was involved in physical violence.

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