

SOCIOLOGY REFERENCE GUIDE

**ANALYZING CRIME &
SOCIAL CONTROL**

THE EDITORS OF
SALEM PRESS

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ANALYZING CRIME &
SOCIAL CONTROL

The Editors of Salem Press

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First Edition

Introduction

The study of the criminal and legal systems through a sociological lens requires an examination of the mechanisms that determine the social order and construction of criminal behavior and deviance.

The Sociology Reference Guide series is designed to provide a solid foundation for the research of various sociological topics. This volume offers an introduction to major concepts in law and social order, criminal deviance, and criminal detention. Readers will especially gain a broad overview of criminal behavior in essays that explore crime in different demographic groups in America. The collection begins with essays on law and order as constituted through the police and court systems and it follows with general accounts of how criminal acts are defined and socially constructed. An analysis of specific criminal behaviors is then provided, and the organization and effect of crime groups are explored alongside gang and juvenile criminal behavior. The remaining two essays explore issues within and outside of the penal system.

In the first group of essays, readers receive an introduction to structural frameworks that determine policies in law and order. Jeremy Baker, in his two essays, examines the foundations to the court system and police force. In each study, Baker frames his discussion around the question of what constitutes a “sociological perspective.” Cynthia Vejar then explores “the existence of social control, or the various methods that society employs in

order to ensure faithful adherence toward order and restraint." In a subject taken up in later essays, Vejar identifies the social divisions between legal policies of control and their effects on minority populations. Jennifer Christian and Alexandra Howson develop this subject by exploring the "correlation between social exclusion and crime." The following essays in this group cover a broad spectrum of crimes and therefore offer researchers a helpful overview of how criminal acts are defined and socially constructed. Christian, in her essay on "victimless crime," explains that "what is and is not a criminal offence is often subject to interpretation, cultural norms, and values, as well as the historical context in which actions occur." Each of the essays in this group, which range between hate crime and white collar crime, address Christian's contention by highlighting the relationship between criminal acts and the populations and conditions in which they emerge.

The next group of essays turns more directly to what many researchers identify as a particularly controversial issue in the sociology of crime: the predominance of ethnic minorities in the legal and penal system. Jeremy Baker presents a compelling argument on this subject in his essay, "Race, Ethnicity, and Law Enforcement," by positing the existence of a "power hierarchy" in America that is most clearly evident in "criminality and law enforcement." The relationship between social and economic conditions and race and ethnicity ground each of the following essays on juvenile crime and gang membership, as well as outline the problem of criminal recidivism. Karen M. Harbeck and Maureen McMahon study the causes of the "tragic trend" of youth and criminality. Each analyzes the legal and social policies that are intended to combat the growing number of juvenile crimes and deaths in many inner-city communities. In a line of inquiry that intersects with earlier essays, Harbeck notes that as violent juvenile crime rises, so too will the frequency of debate regarding appropriate punishments and criminal definitions. The concluding essays introduce readers to issues surrounding the burgeoning penal system and the possibilities for reform. Sinclair Nicholas provides a broad perspective that observes how the problems in the prison system intersect with national politics and public discourse. The authors of the final two essays examine the life of ex-prisoners and the factors that influence their successful assimilation into society.

Together, these essays introduce readers to major concepts and areas of inquiry in the study of crime and sociology. Complete bibliographic entries follow each essay and a list of suggested readings will locate sources for advanced research in the area of study. A selection of relevant terms and concepts and an index of common sociological themes and ideas conclude the volume.

The Court System

Jeremy Baker

Overview

While the overwhelming majority of legal cases cycle through the judicial system by settling out of court, courts remain crucial to the orderly operation of American society (Friedman, 1984). The court system as we know it is not unique to the United States. The American legal system is the result of the synthesis of other legal traditions brought on by early immigration, with elements of Dutch, Spanish, English, French, and even Native American law within the system. Perhaps most definitively, due to English colonial supremacy, the American system to most closely resembles the English legal system (Friedman, 1984).

English Example

From the English legal system, the American court system has inherited several critical concepts.

First, the principle of due process states that all accused persons must be granted the same fair and accepted procedures and that special treatment (or mistreatment) should not be granted to any individual.

The second major principle is that of precedent. According to this principle, the law must be based on legal decisions made by previous judiciaries. This shows fairness with how others in the past were treated. In this way,

our system of common law arose from actual legal controversies in which precedent was established. In this way, common law is dynamic; allowing change as society changes.

Finally, the English system gave us the tradition of basing our courts around an adversarial system in which each party has an opportunity to argue for his side (this is explained in further detail below).

Within our judicial system, there are certain expectations of the way the interested parties behave. The accused are entitled to a trial by their peers for even the most trivial of cases. The judge is to act as a passive and impartial arbiter. His sole purpose is to maintain the order of proceedings and the behavior of individuals in the court. Attorneys representing either side are to guide clients through the legal process to the best of their capabilities. If all parties perform their jobs properly, the truth should be clear and justice will be served.

Inquisitorial vs. Adversarial

While we are most familiar with an adversarial system in which the involved parties (with the help of their lawyers) control the case and the judge acts as an arbiter, this is not the only way a judiciary may operate. In contrast to the adversarial system is the inquisitorial system. In this system, the judge builds the case, investigates facts, and tries to get to the bottom of the matter. This system trusts the judge to be fair (Friedman, 1984). To accompany our adversarial system, there is an appellate court system which remains obscure to most lay people, but is critical to the pursuit of justice. As set up in our adversarial system, there are two parties (each of which is typically represented by a lawyer). There is the defendant, who is the individual (or individuals) accused of committing some crime (Mullally, 2000). Opposed to the defendant is the plaintiff who is the party who supposedly suffered at the hands of the defendant (Mullally, 2000). Collective bodies, such as nonprofit organizations, corporations, or even state or federal governments, may play either of these roles.

The Power of American States vs. Federal Jurisdiction

The American court system most drastically varies from the English system based on regional differences between States in the Union. Each state has varying laws based on the history of that state and the culture of its initial

inhabitants (Friedman, 1984). Historically, the most dramatic difference between states have centered around issues of race. Until the mid 1800s, these variances were most pronounced in issues surrounding slave ownership between states in the Northeast and Southeast (Friedman, 1984). Until the second half of the 1900s, this north/south divide centered around issues of segregation and voting statutes. Other differences between regions, such as differences in statutes regarding same sex marriage continue to this day. In other, more subtle ways, the federal legal system makes our legal system quite complex. The degree of sovereignty granted to individual states allow those states to run their state court systems so as to reflect the culture of that state. For this reason, people may be under the jurisdiction of multiple courts at the same time, which can lead to complicated trials and difficulty between law enforcement agencies (Friedman, 1984).

Local County Courts

The vast majority of legal cases that go to trial are handled locally. Lower local and county courts typically handle the least serious offenses such as traffic violations and vandalism. At these lower levels, courts may be highly specialized, dealing in traffic offenses, small claims suits, or drug and alcohol offenses. Proceedings tend to be informal and to the point in order to cope with massive case loads. There has been some discussion among legal scholars over the degree to which justice is hindered by this informality, but this debate has little impact on the actual proceedings of the court (Friedman, 1984). Courts of General Jurisdiction are the basic trial courts of communities that are put aside to deal with more serious criminal offenses or monetary grievances. Even among these cases, only a small percentage of cases go on to full trial.

Appeals Court

In the situation that the accused can make an argument that the verdict was unfair, on the grounds that the trial was tainted in some way, in light of new evidence, or a variety of other reasons, his lawyer may file for an appeal. An appeal is an application to continue the legal struggle to the next highest level of the legal hierarchy. If found worthy by legal officials, the defendant is granted a new trial at a higher court. These appeal courts are higher courts that only see cases after they have been initially tried. In most cases, several appeals are possible before all legal possibilities are ex-

hausted. The far more common reason for a case to cease seeking appeals is that the defendant simply exhausts his financial resources and is forced to give up.

Federal Court System

After the defendant exhausts his appeals on the state level, it is possible that the case may move onto the federal level. Cases that are of special interest to federal law enforcement, such as interstate smuggling, terrorism, and certain types of murder, are also tried in these federal courts. Each state has at least one standing federal court. Unlike state courts, there are no small claims or federal justices of the peace in federal courts. The basic federal court is called the District Court. This court is the first step in the federal system. These courts handle primarily cases that are federal offenses. The next highest court in the federal system is the circuit court. This court is confined primarily to appeals from the various regional federal courts. Only after the appeals to these elite circuit courts have been exhausted may the case move on to the United States Supreme Court. The Supreme Court is confined solely to appeals. The judges have a high degree of control over its own docket. The reasoning for this is that the judges are only to take cases that are of the highest importance to constitutional law. On a more micro level, there are several people that play roles in every court that are critical to the day to day function of the court.

Courtroom Staff

There are numerous critical staff involved in the courtroom to assure that the trial proceeds in an orderly manner; the most important among these people is the judge. The overwhelming majority of judges are individuals who have completed law school and have specifically chosen to start a career as a judge. Thus, most judges have vast knowledge of the legal system, but they rarely actually have first hand experience on the other side of the bench (Friedman, 1984). Most judges have been elected by state law. This not only serves to eliminate bad judges via democratic means, but it also underscores the political nature of this position (Friedman, 1984). It is generally seen that judges should be held accountable to the public. The fact that many judges have been political activists as some point in their lives further stresses the political nature of this profession (Friedman, 1984).

Besides the judge, there are a number of other critical courtroom personnel that serve to maintain the judicial process. The bailiff is responsible for courtroom security and enforcing etiquette and order within the court. This individual usually has law enforcement experience, usually as a police officer with police training (Mullally, 2000).

The Clerk of court is responsible for administrative functions of the court; coordinating and processing cases for the region the court resides over (Mullally, 2000). The clerk of court, however, is usually not present in the courtroom due to the sheer volume of cases that must be processed. The courtroom clerk serves as a representative of the Clerk of Court in the courtroom and is responsible for organizing the cases, and the information associated with those cases, that are assigned to the judge so as to avoid any unneeded confusion. As part of the job, a clerk may keep track of courtroom information such as courtroom minutes, names of parties, procedures, and each party's exhibits (Mullally, 2000). The filing clerk serves the court by performing functions such as stamping documents, basic filing, collecting fees, issuing docket numbers, and routing of property in the court's possession (Mullally, 2000). The court reporter is responsible for making a record of court proceedings by taking extensive notes on the proceedings (Mullally, 2000).

Contrary to public perception, most cases do not involve juries, and not all juries perform the same tasks. While every individual is entitled to a trial by jury by his peers, the system as it stands tends to discourage jury trials in minor matters that can be resolved via plea bargaining. If a jury is needed for a case, the Jury Commissioner is responsible for overseeing the compilation of jury lists, monitoring policies, and other functions surrounding jury selection (Mullally, 2000). Juries are broken into two types: Grand juries and trial juries.

A grand jury is generally bigger and is responsible for determining if there is enough evidence for a trial. It is important to note that grand juries are only used in those situations in which it is questionable as to whether there is enough evidence; they are not required and in most cases they are not even necessary.

Trial juries are comprised of people from the community and are the type typically thought of when juries are mentioned (Mullally, 2000).

To accompany the courtroom's critical staff, there are also a number of secondary staff that serve important functions as needed, but the court may continue business without them on a day-to-day basis. Court interpreters are used in those situations in which parties or individuals involved in the case do not speak English; they may be hired on an as needed basis. Research attorneys are available upon the request of the judge. The job of these fully licensed attorneys is to provide legal research that may be relevant to the case. Law clerks perform legal research, prepare legal memoranda for the court, and draft proposals of legal decisions; these appointments are typically about a year long and held by individuals freshly out of law school. Law librarians are simply librarians who reside over a library that is dedicated to legal research; they rarely have any legal training to speak of. Probation officers and expert witnesses are commonly called upon by the court to provide their professional opinions of the case. Probation officers are typically responsible for overseeing either newly released felons or those who have avoided jail-time but are in need of state supervision. Expert witnesses are individuals with specialized knowledge of some aspect of the case and may include professionals as varied as neurologists, criminologists, ichthyologists, or shoe salesmen. In other words, almost anyone who could be considered an expert could be an expert witness.

Trial Procedure

In order to understand the players discussed above, we must examine the way they interact during a trial. During opening statements for the trial, each side introduces their arguments to the judge and jury. During this phase, each side attempts to set the stage for their arguments. After opening statements, the prosecution begins its direct examination. During this time, the prosecution presents its evidence and witnesses in a logical way so as to build its case. The defense is permitted to cross examine each witness after the prosecution has presented them to the jury. Once the prosecution has rested its case, the defense is allowed to present its argument during the cross examination phase. In this phase, the defense presents its evidence and witnesses so as to present the innocence of the defendant. Much like what happened during direct examination, the prosecutor is allowed to cross examine each witness called by the defense. After the defense has rested its case, each side makes a closing statement during

closing arguments. Before the jury is dismissed to render its decision, the judge instructs them on the grounds in which they are to render their decision. Once the jury comes to a decision, the judge decides the severity of punishment. Despite the apparent finality of the process, nearly every case has a chance to appeal the ruling for the purpose of overturning a conviction. After the trial has ended, in the event of an unfavorable verdict, the defense is able to apply to appeal the verdict.

Types of Trials

While the general structure of how trials work are nearly identical based on whether it is criminal or civil, there are many variations that the trial's outcomes and causes may take that make them worth individualized discussion. Civil trials are those in which jail time is not a potential punishment; these crimes tend to be deemed by society as not as serious in nature as criminal offenses would be. We will now discuss a few of the types of trials that involve the average individual. Many civil trials fall into the category of tort law. Tort law generally states that individuals must maintain their property in a way that is not harmful to others. Tort law allows for the prosecution of cases in which personal injury or property damage occurs due to the improper maintenance of property. An example of this type of crime could involve the possession of a dangerous dog or a company's violation of environmental regulations. These cases may involve a dog attacking a mail carrier or gasoline leaking out of a tank of a gas station and contaminating an aquifer. Intentional misconduct involves those acts in which an individual commits an act that a rational individual would recognize as creating the risk of harm from others. These types of acts include assault, false imprisonment, libel, invasion of privacy, trespassing, or fraud. Cases of negligence involve the failure to do what a reasonable person would have done under similar circumstances. These instances include medical malpractice, poor care of children, or not intervening in a situation where someone is a great risk of being harmed. Strict liability cases involve individuals who engage in dangerous activities that pose a great likelihood of harm to others and another individual winds up being injured as a result. These are but a few types of civil suits. Others include contract suits, business suits, intellectual property suits, labor law violation suits, antitrust suits, and various types of property suits.

Applications

The Law in Action

Due to the variety of societal ills that often become apparent within the judicial system, the court system is of great interest to sociologists. Areas in which social ills are highlighted include plea bargaining, trial outcomes, the apparent fairness of a trial, which cases go to trial, jury selection, and how long an individual is held before he even comes to trial. This section will examine a few of the reasons sociologists study the court system.

As hinted to above, the vast majority of crimes involve a guilty plea on behalf of the defendant. The defendant may do this for a variety of reasons. He may simply want to own up to doing what he did, he may want to simply pay his punishment and get on with his life, or he may engage in plea bargaining. Plea bargaining is the process through which a deal is struck between the defendant and plaintiff in which the defendant usually receives lesser charges against him in exchange for the guilty plea.

There are both stated and unstated reasons that most cases do not go to full trial. Due to the overwhelming number of cases that plead guilty, most cases stop before a trial is even necessary. At arraignment, the accused individual is formally informed of the charges against him. At this point, the defendant is asked for a formal plea. If the plea is innocent, the trial date is set; if the plea is guilty, the process ends here. After arraignment, a preliminary hearing is held in which the prosecution presents its witnesses and evidence of the crime. At this point, the defending attorney is allowed to cross examine the witnesses and question the merit of specific pieces of evidence. At the end of the preliminary hearing, the judge decides if evidence is sufficient to warrant further proceedings. While the defense and prosecution may engage in plea bargaining at any time, it most typically occurs after evidence has been presented at the preliminary hearing. At a pretrial conference between the two sides and the judge, pleas are formally presented. If the plea is not accepted by the defense at this time, legal proceedings continue.

Trial Fairness

Plea Bargaining

A more nefarious factor surrounding a trial is the social status of the accused. Going to trial is very expensive and requires the expenditure of considerable resources on behalf of the defendant. At a minimum, the defendant is required to travel to the courthouse and usually miss work. The wise defendant will hire a lawyer; the services of whom do not usually come cheap. In this way, a plea bargain acts as the cheaper (but not always just) alternative. Thus, for the simple reason of money, the rich often are treated much better by the legal system than the poor.

Jury Selection

Another factor that brings into question the fairness of trials is jury selection. During this process, each side selects jurors and attempts to create the “ideal jury” for their case. Obviously there is usually contention between the prosecution and defense as to what constitutes an ideal juror. For example, a poor individual accused of stealing a stereo so that he can pay his rent is more likely to seem sympathetic to other poor people. For this reason, his lawyer may attempt to select poor people for the jury while the prosecutor will attempt to select richer people who would never be in such a situation.

Racial & Ethnic Identity

Multiple aspects of both the accused and alleged victim may also impact the outcome of the trial. If the accused actually does go through with his right to a trial, there are several issues surrounding fairness with regard to identity. Most familiar in contemporary American culture are the issues surrounding racial and ethnic identity in the court system. Sociologists, journalists, and individual accounts more than document the realness of racial profiling in determining who is picked up and how he is subsequently treated by the police. Furthermore, certain racist assumptions held by the judge or jury could be influential in determining the course of the trial.

Class Status

Less familiar to us in American culture are the ways that class can impact the court system. Crimes typically committed by upper class individuals

are not seen as nearly as grievous as those committed by the lower classes despite the great damage these crimes do to society. The rich are more likely to commit crimes such as embezzling due to their social position, while the poor are more likely to commit crimes such as purse-snatching. Since purse snatching is seen as more violent and harmful to society than embezzling, we are more likely to punish this crime harshly. However, the purse-snatcher is unlikely to get away with more than fifty dollars while the embezzler is capable of stealing millions of dollars from hundreds of people.

Age

Another aspect of identity that has major implications to the trial is the age of the accused. In fact, an entirely separate system exists for those under 18 years of age. This is because our society generally sees minors, those under the age of 18, as not as accountable for their actions as those who are over 18. For this reason, all but the most heinous of crimes committed by minors are tried in juvenile court as opposed to adult court. Juvenile law varies from adult law in two major aspects.

First, because the minor is not seen as fully responsible for their actions, parents may be found guilty or responsible for the actions of their child.

Second, because those under 18 are seen as being more capable of reform than adults, they are given less severe punishments and put into rehabilitative programs so that they may reform (Lundman, 2001).

Emotional issues surrounding a crime can also be greatly detrimental to the ability of a defendant to receive a fair trial. Socially taboo or highly emotional crimes such as the rape of a child, serial murder, or torture are often very difficult for those involved with the trial to deal with in a completely objective, unemotional way. Additionally, if either the defendant or the plaintiff is especially likeable or unlikable, this may also impact the ability of those involved in the trial to act objectively and unemotionally.

Viewpoints

Law & Social Change

Researchers have consistently shown that there is a significant relationship between law and social change (Friedman, 1984). This may be surprising

to some due to the fact that law is resistant to social change. Legal revolutions generally follow social revolutions. While law's reluctance to adopt social change causes it to lag behind the rest of society, once it does accept social change, that change becomes more concrete and less likely to become undone. In this way, the courts channel social change and determine the role change will play in social life (Friedman, 1984). An excellent example of such change can be found in the transitions of African American status during the 20th century.

In the 20th century, African Americans began to take legal action to better their lives; National Association of Colored People (NAACP) was responsible for the bulk of these actions. In 1896, a judge ruled in the case of *Plessy v Ferguson* that racial segregation was constitutional as long as the separated facilities were equal in all aspects. Under this interpretation of the law, there was nothing wrong with separating black students from white students in public schools as long as students in both white and black schools received educations of equal quality. Unfortunately, due to the power and prestige enjoyed by white people during the period, separate facilities were very rarely equal. White schools were consistently better equipped than black schools, and black schools were often in disrepair. The Separate but Equal doctrine was overturned in 1954 in the case of *Brown v Board of Education*. This case ruled that despite the efforts of elected officials, the educations of black and white students in segregated areas remained grossly unequal. Therefore, segregated schools would have to be shut down and students would have to be integrated. This was highly controversial among whites who feared how this action would impact the quality of education their children would receive, as well as other concerns that were more based in racist assumptions than reality.

Similar struggles for equal rights continue in contemporary American society surrounding the prosecution of homosexual behavior, and, therefore, homosexual and bisexual individuals. Very much in the way major judicial cases were overturned in the case of racial segregation, major cases surrounding the legality of homosexual behavior have been altered. Prior to 2003, several states held laws, known as sodomy laws, that made certain sexual acts illegal. While the lurid details of these laws varied greatly from state to state, they all intended to dictate the private sexual behavior of individuals. While it is true that some of the sexual acts dictated by these laws

are common among heterosexuals as well as homosexuals and bisexuals, heterosexuals were very rarely prosecuted for these crimes. In fact, individuals were very rarely solely accused of crimes associated with sodomy laws, but rather they were nearly always added to additional charges.

Much like laws surrounding segregation, sodomy laws were first upheld before they were struck down. The first challenge to these laws came in the 1980s in the case of *Bowers v Hardwick* in Georgia. In this case, the laws were upheld. It was not until 2003 that sodomy laws were once again brought into question in the case of *Lawrence v Texas*. In this case, the United States Supreme Court found state sodomy laws unconstitutional and subsequently overturned these laws in all states in which they existed.

The controversy exhibited by sodomy laws is, and still remains to a large degree in our society, that of the individual's right to privacy. Specifically, the cases mentioned above focused on the right of individuals to engage in certain types of sexual behavior in the privacy of their own homes. Beyond issues of sexuality, this remains a major issue of our time. The debate over whether we, as American citizens, have a right to privacy is a major controversy of our time. This same controversy is brought up surrounding the War on Terror and the ability of government to know what citizens read, access on computers and other activities that go on in their homes. The connection between these two seemingly disjointed issues shows not only the implications of this controversy, but the sweeping power of the court system to institute change.

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Contemporary Police Forces

Jeremy Baker

Overview

The Role of the Police in Society

Early in the history of every society, its members develop sets of rules of varying degrees of severity that are based on the values held in that society. These rules, or norms, can be classified into two types: folkways and mores. Folkways are those common rules of etiquette. Violating these rules does not result in strong reprisal, but rather in a minor loss of status. Mores are stronger rules that are usually enforced by more severe sanctions. Once an elite, such as a priest class, aristocracy, or group of elected officials, comes to power in society, it will seek to enforce mores in order to ensure social order and the maintenance of the status quo. An elite does this by recording mores as official rules and setting specific punishments for these rules. These set rules with set punishments that are based on mores are known as laws.

Once laws are put into place, law enforcement officers must be recruited. The exact roles of these individuals and their status in society have varied greatly over the ages. One could easily exhaust herself with the study of law enforcement officers over the ages. For this reason, we will focus our energies on the development of and the role played by the police in American society.

As mentioned above, the concept of law enforcement officers is ancient and can be found in the records of the ancient Romans, Egyptians, and Mesopotamians (Barkan, 2001). In pre-modern times, however, the stated purposes of police forces is quite different from those of ancient times. The job of pre-modern law enforcers was to guard influential nobles, protect property, and generally serve society's elites. In the grand scheme of history, the concept of a police force that serves the average citizen is still very new.

The modern model of law enforcement developed in Great Britain in the early 1800s (Barkan, 2001). Early British police, known as watchmen, were charged with security and the enforcement of religiously based morality codes. These watchmen were assigned to specific posts, and the bulk of their function was to keep order in their small farming villages. As the population of Britain became more urbanized, so did police forces (Rubinstein, 1973). During the early Industrial Revolution, England was at the forefront of industrial development and experienced an explosion in the urban population rate. This rapid increase in urban population led to what amounted to urban chaos, and police forces were formed to quell the frequent urban riots (Barkan, 2001).

Just as industrialization spread across the globe, so did urban police forces. Boston and New York were the first cities in the United States to form urban police forces. These early American police forces were notoriously corrupt and ineffective (Barkan, 2001). The departments did not hide the fact that they primarily existed to serve the upper and middle classes; their primary job was to keep poor immigrants and drunkards in check (Adler, 1994). Starting in the early 1900s, police departments across the country experienced a great influx in their numbers. This increase was caused by the use of police to protect the private property rights of wealthy factory owners. Workers of this era frequently went on strike to protest horrible wages and working conditions (Barkan, 2001). The sheer number of strikers forced police departments to greatly expand their departments.

Since the late 1960s, policing has gone through a period of significant innovation. This period was spurred on by the needs of a changing society and social strife. The populations of many cities in the United States were undergoing a crisis in confidence in the ability of the

police to do their job, and crime was perceived to be increasing. In response to this crisis of confidence, police forces were compelled to reconsider the fundamental ways in which they served their communities. The traditional model of law enforcement held that police were the sole guardians of law and order; seeking civilian assistance was seen as unprofessional and a waste of time. During this period of crisis, several new models of policing were developed. These models are not so much instruction books for police on how to do their jobs as they are philosophical backdrops upon which policing occurs.

The first innovative model available to police today is the community policing model. This model states that the community should play a central role in defining the problems that police commonly address and that these problems should extend beyond conventional law enforcement (Weisburd & Braga, 2006). The broken windows policing model states that there is a link between social disorder and crime. Since unintended behavior tends to break down into the loss of mores and other social controls, under this model behavior such as loitering, drunkenness, and loud parties become a concern of police. The problem oriented policing model requires police to deal with a wide range of behavioral problems in the community, such as a high dropout rate. The pulling levers policing model calls for a comprehensive combination of multiple community problem solving strategies. Through this model, criminal justice intervention, social services, and community resources might all be utilized to resolve a single case. Through the third party policing model resources are expanded to third parties that are believed to offer significant new resources for preventing or controlling crime and disorder.

By using third parties such as civil courts, community organizations, and civil organizations, the police recognize that social control requires and can benefit from institutions other than themselves. Under the hot spots policing model, police are clustered in discrete areas that need the greatest amount of attention. The logic behind this model is that crime clusters itself in certain areas. Therefore, in order for patrols to be effective, they must be more tightly focused on the hot spots. The CompStat policing model, which was developed by the New York City Police Department in direct response to its interdepartmental challenges, states that failures stem from the fact that forces are poorly organized. This system seeks to strengthen the police

command structure. Under this model, each level of the command structure, starting with the very top, takes an interest in whether its subordinates are motivated, assessed, and successful. In this way, discipline and hierarchical relationships are maintained. Finally, the evidence-based policing model states that crime control practices should be rooted in the collection of evidence and scientific analysis of that evidence. This model makes the assumption that police cannot be more effective than they already are. Rather, it argues that the reliance on evidence will lead to more effective criminal apprehension and crime prevention (Weisburd & Braga, 2006).

Applications

The Day to Day Work of a Police Officer

Cops are endowed with extraordinary power when compared to the average citizen. They wield powerful physical weapons such as guns, batons, and Tasers, as well as social weapons like the ability to arrest individuals, the state sanctioned ability to use violence, and the power to create an official record of an event (Rubinstein, 1980). However, the modern police officer uses this power sparingly. According to Ericson, police spend relatively little time directly protecting persons and property against criminal threats (1994). In fact, they spend most of their time as knowledge brokers and expert advisors. They give directions, instruct the public on how to prevent bicycle theft, or host antidrug programs such as Drug Abuse Resistance Education (DARE) (Ericson, 1994). Of course, they also do the “real police work” of apprehending suspects, but a single criminal event can result in hours of paperwork. In this way, police spend far more time recording an official version of an event for the public record than they do actually fighting crime (Ericson, 1994). Obviously, different activities are associated with varying amounts of rewards and prestige. Catching a crazed serial killer will merit a plaque, but most other tasks are viewed as simply part of the job (Rubinstein, 1973).

In much the same way that different policing activities are seen as more prestigious than others, so is the pursuit of different crimes. While ideally all crimes would be pursued with equal levels of vigor, in the real world this is not the case. Police departments simply do not have the resources to treat all crimes equally. Because any given force only has so much personnel time per week, low priority crimes will be pursued less vigorously to

allow high priority crimes to be pursued more vigorously. More resources may be put into a case if the crime is against a police officer, especially re-pugnant, or one of high publicity (Rubinstein, 1973).

A large part of crime fighting is the work of rooting out liars. For this reason, officers must often work with little more than suspicions. They may be verbally and physically assaulted by individuals who were cooperative but a minute before. As a result, the average officer comes to deal with this high degree of uncertainty by holding a sense of constant suspicion (Barkan, 2001). For this reason, police officers are forced to view every individual they encounter as potentially dangerous. They are constantly sizing up civilians so that they may be prepared for physical confrontation. According to Rubinstein, becoming a police officer is to accept the risk of assault and injury (1980). For this reason, police must not only learn to accept the fact that they could be seriously injured as part of their job, but they must learn to control this fear so that it does not cause them to act unprofessionally (Rubinstein, 1980). Skolnick called the set of coping mechanisms developed by police their working personality (1994). He stated that police behave in the ways that they do because of the nature of their work. Kirkham found that due to police officers' tendency to perceive that the general public hates them, they are inclined to believe that all citizens are either out to get them or in some way being covertly uncooperative (1984). When this perception is combined with dangerous situations that require police to think and act quickly, the results can be tragic.

Community Perceptions of the Police

The popularity of police in a community can serve as a gauge of how willing the populace is to accept the state's monopoly on force. If the police are unpopular, then the populace can be interpreted as not being accepting of their monopoly. If they are popular, on the other hand, citizens will accept their power and willingly cooperate with them (Ericson, 1989). In order to maintain control over this monopoly of state sanctioned force, police must actively maintain the persona of the police officer in the public eye. This persona may vary according to the local situation and community needs. Police may encourage the public to view them as people to be feared and respected, people that the public can turn to, or as other personas that may be useful for fighting crime in a particular area (Ericson, 1989).

Another way police manage their identity is through the ways they speak and behave in different settings. Ericson dissected the areas in which police work into three types: secrecy, censorship and publicity (1989). Areas of secrecy are those to which the police do not give the general public access. They include precinct locker rooms, offices behind closed doors, break rooms, and other areas in which police can converse with each other without worrying about the general public overhearing them. Areas of publicity include public places such as the precinct's front office, the streets, the courtroom, and the media. In this area the police maintain their public image and work with the public. Areas of censorship act as middle grounds between the two. This region allows police to acknowledge the existence of secret information and take control of otherwise public spaces for the purposes of an investigation (Ericson, 1989).

Police departments use a variety of methods to maintain their persona in the public eye. Not only can media be used to convey vital information to the public, such as the image of a wanted suspect or other information of concern to public safety, but it is also used as an outlet for the maintenance of the public police persona (Ericson, 1989). The relationship between media and police is complex, and at times there are serious disputes between them. However, despite their disagreements, both sides are vested in maintaining the relationship in the long term. In this way, the relationship between law enforcement and media outlets is maintained (Ericson, 1989). Apart from utilizing media outlets, this public persona can be maintained in various ways such as making examples of certain suspects, the way officers conduct themselves in public and highly ceremonial events like funerals (Ericson, 1989).

Viewpoints

As pointed out by Rubinstein, police wield extraordinary power as compared to the average citizen. However, as is often forgotten, police officers are also human beings with virtues and flaws, and these flaws may be accentuated by the power given to them. As a guardian of the law, an unscrupulous officer is in a unique position to break it. Among the worst problems that have occurred in regard to police in the past century are those relating to corruption and racism.

Racial Profiling

One of the hot button issues in debates over proper law enforcement centers around the legitimacy and effectiveness of racial profiling. Organizations such as the American Civil Liberties Union (ACLU) and National Association for Colored People (NAACP) strongly oppose racial profiling as a racist practice that does little more than encourage police to harass minorities. However, there remains a core of police administrators and officers who support racial profiling on the basis that racial minorities, particularly young, Black males, are statistically more likely to commit crimes. From this point of view, it is not the fault of the police that more minority males are arrested, and ultimately imprisoned; it is the fault of the minority males for committing more crime in the first place. To counter this belief, groups such as the NAACP and ACLU argue that minority males are not more likely to commit crimes. Instead, they say, all young males are equally likely to commit crimes, but since police target Black males and patrol predominantly Black neighborhoods more frequently, Black males are caught in their deviant acts more often and, therefore, labeled with the title of criminal more often (Lundman, 2004).

Lundman's research has yielded results that may be surprising to both sides of this controversy. In order to understand the phenomenon of racial profiling, Lundman observed traffic cops in a large mid-western city. His reasoning was that traffic offences are the most common types of legal infractions in our society, and that if there is a difference in how people are treated based on race, it will come through in traffic stops. Findings showed that the primary difference in treatment between racial groups was not in whether the car was pulled over, but the treatment of the suspect after the car was pulled over. Not only were White violators treated qualitatively differently from those of other racial groups, White traffic violators were less likely to have their cars searched than Black or Hispanic offenders. Since police cannot find illegal items such as open alcohol containers, drugs, or paraphernalia if they do not search a car, they are less likely to find these contraband items in the cars of Whites than the cars of Blacks or Hispanics. Women of all races experienced fewer vehicle searches than their male counterparts (Lundman, 2004). Such differential treatment could account for reports of police brutality toward Black males.

Does racial discrimination in law enforcement go beyond official profiling? Could it be that not only police officers, but our entire society is guilty of profiling, and this is the reason for increased police harassment of young, minority males? Lundman argued that the reason for differential treatment by police may reside in the attitudes of lay people (2004). He pointed out that up to three quarters of all encounters police have with citizens are initiated by other citizens who telephoned the police; however, half the time, lay persons do not elect to alert the police to crimes to which they have fallen victim. This is due to the fact that lay persons are generally reluctant to use formal mechanisms of social control, such as the police. The victim's perception of the severity of the crime plays a major role in whether a crime is reported. Thus, the lay person's perception of the perpetrator, and the perpetrator's race, may play an important part in how the situation will play out. (Lundman, 1978)

Corruption

When it comes to police corruption, the bulk of crime committed by police is in relation to money or gifts. This can take the form of both subtle and overt bribes. An overt example would be a police officer accepting a \$100 bribe to ignore an obvious case of drunk driving; a subtle case would be a police officer accepting a special "police discount" at a nice restaurant. The Knapp Commission was formed in the 1970s to investigate police corruption in New York City. As part of its investigations, the commission made a number of findings on the nature of police corruption. It found that extreme loyalty within the department was responsible for covering up the majority of corruption. This loyalty was traced to the danger faced by all police officers and their perception that society was hostile to them. Another factor that encouraged cover ups was the desire of the department to maintain its public image. The admission of large scale corruption would not be beneficial to an institution that is supposed to exemplify law and order.

Conclusion

When considering the police as an institution in our society, it is critical to remember that they are human. Like others, they are capable of being corrupted, of acting on prejudices, and of acting rashly when faced with danger. On the other hand, instances of police misconduct have at times

become so prevalent that the role of the police in our society has come into question. Considering the prevalence of law enforcement officers in nations around the world, it is unlikely that their presence will be eliminated any time soon. The question then becomes, "How can we improve our current police forces just their predecessors have been improved?"

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Informal & Formal Social Control

Cynthia Vejar

Overview

Labeling Theory

Labeling theory is a framework that most frequently functions as a mechanism for conceptualizing the derivation of deviance and amoral behavior, and was spearheaded by a sociologist named Frank Tannenbaum (Maier, 1974; Davis, 1972; Goode, 1994; Meade, 1974). Understanding Tannenbaum's life story is pertinent to the comprehension of his subsequent theory; his formative years were tumultuous and relationships with parental figures were strained due to his willful opposition toward authority. Also, early in his development, Tannenbaum demonstrated a desire to fight on behalf of the "underdog," and in 1912 at age 19, he organized a rally that encouraged the homeless men of New York City to rally together in contempt of their lifelong plights that had disabled them from meeting basic financial, nutritional, and residential needs. His insurgent methods were highly disproved and unsolicited, which landed him a one-year prison sentence. During his detention, he surprisingly befriended a prison warden who believed in his intellectual abilities and recommended his eventual admission into college, thus spurring his eventual academic route (Maier, 1974).

The basic principles of Labeling theory, as outlined by Tannenbaum, can be captured in the following scenario: Bob and Jon are 15 years of age and

neighborhood companions who, as an expression of boredom and adolescent angst, often engage in minor infractions such as throwing bricks through the windows of vacant buildings on forsaken lots, or spray-painting profane extractions against the side of bridges and other communal property. Bob has been able to “fly under the radar,” and executes such acts of desecration anonymously. Jon, on the other hand, is significantly less circumspect in his exploits and consistently receives verbal reproach from police officials for his unlawful behavior.

Over the course of a year, Bob and Jon continue their illegitimate activities, for which only Jon gets caught, and at the compilation of several warnings he is labeled a criminal and hauled off to jail and sentenced a severe penalty. The future outlook for Jon, according to Labeling Theory, is that he will endure a tattered self-image and will identify with the criminal label with which he had been bequeathed, thus leading him toward lifelong pursuits that are unsavory and illegal in nature. Bob never received any reprimand for his actions, and thus never received a criminal label. Hence, he was able to effortlessly forfeit his immature deeds for that which was more responsible and socially revered, and forged a successful and productive existence. As such, Labeling Theory does not focus on the preemptive, adverse behavior that eventually transpires into hardened criminality, for both Bob and Jon participated in identical mishaps. Nor does Labeling Theory discount the fact that criminals are, in many cases, guilty and should be punished accordingly. While such theorists do not disregard faulty actions, they do pinpoint a maladaptive screening process. Goode (1994) describes such shortcomings metaphorically by using the familiar movie line, “round up the usual suspects:”

Individuals, or categories of individuals, were being “rounded up” not because they did anything wrong or caused any harm, but simply because they were convenient or acceptable targets of social control. The individuals who were “rounded up”: didn’t do it; or did it, but so did other individuals; or they did it a little – while others got away – but having gotten caught, they end up doing a lot more; or didn’t cause any harm; or they caused some harm, but others caused more. In short, targets of social control didn’t deserve to become so targeted (p. 92).

The Self-Fulfilling Prophecy

Most importantly, Labeling Theory professes that it is the system that creates criminals. In the process of vilifying individuals for their transgressions, immoral traits akin to the “criminal” classification become enmeshed with one’s sense of self, and the reinforcement of stereotypes surrounding such a label abound, all of which help the individuals enact their newly developed criminal persona via the self-fulfilling prophecy. Thus, society is at the helm of a corrupt manufacturing system that provides a rigorous training ground for which the “criminal” may cultivate his cunning proclivity for amoralities, and which consequently increases society’s overall patterns of delinquency. This process exists when trivial legalities are maximized under the harshest of legal sanctions.

An illustration of this can be seen in the 1997 arrest of four German tourists who were caught defacing the corridors of New York’s subway system. These vandals were prosecuted and sentenced to serve a one-week term at the notorious Riker’s Island Correctional Institution (“Invasion,” 1997) which has a reputation of housing unruly acts of violence between inmates (Lorch, 1996), gang involvement (Purdy, 1994), access to drugs and contraband, and the mistreatment of prisoners on by dishonorable guards (Fahim, 2008). Surely the intention for imprisoning the vandals at such an infamous site was to curb their propensity for future acts of property destruction. However, a frightful alternative surrounds the prospect that the aggression and mayhem to which the vandals were exposed desensitized their sense of moral standards, so that their ultimate threshold for wrongdoings actually increased.

Minority-Threat Hypothesis

One might rightfully question society’s incentives for proactively sculpting a system that contributes toward the creation of criminals, as the logical assumption would surround a social order that reigns in acts of fraudulence and misconduct. The answer to such a query can be found in the Minority-threat hypothesis (Jacobs & Tope, 2007; Ruddell & Urbina, 2004; Stults & Baumer, 2007), a theory surrounding the inequitable treatment that is administered to minority groups by the dominant majority presiding within each culture. In particular, the Minority-threat hypothesis

claims that society is not only oppressive and discriminatory in its treatment of various ethnic and/or religious groups, but that the mere presence of non-majority members is daunting and jeopardizes the status quo. As the growth of such minority populations expand, the threat they pose to the larger society increases due to the viable competition they bring to the job market, the fact that they add more entrants who vie for limited resources, as well as that they contend for sacred positions of financial and political power. Thus, as group membership among minorities broadens, intolerance and prejudicial behavior concurrently grows in magnitude.

According to the Minority-threat hypothesis, society utilizes nefarious social-control techniques that diminish the likelihood that promising, up-and-coming minority groups will prevail, including the perpetuation of fear and blame, as well as the dispensation of harsher punitive consequences. The coalition between racial profiling and crime has been extensively documented (Vito & Walsh, 2008; Welch, 2007) and substantiates preexisting stereotypes that people hold. It is difficult for people to shed their biased assumptions that African American and Latin communities are more violent and geared toward dereliction, when every time they open the morning newspaper or turn on the evening news they are infiltrated with images that point to the contrary. Golub, Johnson, & Dunlap (2007) present statistical evidence that compared the penalties Blacks and Hispanics received for smoking marijuana in public with their White counterparts. Cases that were dismissed include the following: 77.8% for both Blacks and Hispanics, whereas 88.9% for White conspirators. Also, 4% of African Americans were incarcerated for such a violation, whereas 3% of Latinos and .9% of Caucasians were detained.

More appalling data is demonstrated through research by Moore & Elkavich (2008) who indicate that while White and Black drug usage is relatively similar (i.e., 7.2% and 7.4% respectively), 60% of American jails are crowded with African Americans, 62.6% of whom are imprisoned on drug charges. Stuntz (2006) asserts that such biased disproportion is headed by underhanded politicians who operate with prescribed agendas, which causes and results in a corroded system filled with "overcriminalization, excessive punishment, racially skewed drug enforcement, overfunding of prisons and underfunding of everything else" (Stuntz, 2006, pp. 781-782).

Applications

Formal Demonstrations of Social Control

Legislation

The foundation of formal social control lies within the legislative forces that establish societal guidelines, such as laws and policies, which therefore possess the most significant form of power and behavioral manipulation. Lawfully endorsed injunctions shape many aspects of social conventions such as to whom one may marry, i.e., heterosexual marital unions (Eleveld, 2007), and who has the ability to exercise their right to vote; a political responsibility that women were banned from voicing until 1920 (Wetter, 2008). In examining alcohol consumption, as another example, Pittman, Staudenmeier & Kaplan (1991) highlight the fact that governmental decrees determine the following criteria, all of which may vary between regions:

1. Who may purchase and drink alcohol;
2. What may be purchased and consumed;
3. Where it may be purchased and consumed;
4. When it may be purchased and consumed;
5. The cost and form of payment;
6. The unacceptable consequences of drinking (p. 970).

Another way of appreciating the amount of control that is dictated through legislation is by examining international drug and alcohol regulations. For example, the overall manner alcohol is perceived varies significantly between France and Saudi Arabia; likewise, cocaine usage among the Dutch can be deemed recreational and of no particular concern, whereas it is classified as a “hard” drug among Americans. Moreover, in the United States a legal modification regarding drinking customs included the 1962 proceeding, *Robinson vs. California*, which overturned the law deeming chemical dependence illegal, thus making addiction a person’s private choice. Perhaps the long-term ramifications of such a shift will eventually

contribute toward revoking the demonized attitudes people hold toward addicts, as well as affecting implications surrounding treatment process.

If legal doctrines serve as the basis on which people preemptively structure their behavior, there are several provisions targeting those who negligently evade such legal responsibilities. Social control reprisals can be found in the following examples: cautionary warnings, which tend to serve as a deterrent reminder that people have gone astray, and monetary fines, which have undergone scrutiny regarding their level of effectiveness and ability to ignite change ("Doubled fines," 1998). Authority figures venture into immoral territory when their acts of domination and command revolve around unwarranted threats and intimidation ("Shake up," 2006). Illegal ways that people in positions of power demonstrate their clout can be dispensed through acts of insufferable persecution, such as the torture that U.S. military officials imparted onto Iraqi prisoners at Abu Ghraib (Tucker & Triantafyllos, 2008), or the absolute sovereignty that White Americans held over Black slaves until ratification of the Emancipation Proclamation in 1862 (Ewan, 2005).

Imprisonment

Imprisonment is a type of formal social control that serves to retroactively amend problematic behavior. There are several schools of thought circulating around the functionality of prison (Gromet & Darley, 2006; Shoham, Beck, & Kett, 2008; Tewksbury & Mustaine, 2008). Some assert that a jail term is constructive for both the victim and society as a whole, and that the act of sequestering the perpetrator in a secured cell ensures the victim's long awaited sense of safety, while instilling a sense of restoration that will encourage their advancement past the criminal activity. Other theories focus primarily on the convict himself, by holding the perspective that he needs to suffer for his wrongdoings retributively; words that encompass this position include "payback" and "vengeance." Yet another angle centering primarily on the criminal is that his prison sentence will serve to rehabilitate his reprehensible atrocities. There are several in-house programs that cater to such treatment and moral growth including art therapy (Merriam, 1998), counseling, education and mentoring (Kupchik, 2007), as well as hands-on job skills such as welding (Conlon, Harris, Nagel, et al., 2008). Incarceration rates have steadily inclined throughout recent decades; between the years 1975-1989, 680,000 inmates were housed in federal and

state penitentiaries (Taggart & Winn, 1993). Currently over 1 in 100 (i.e., 1.6 million) U.S. citizens are jailed (Liptak, 2008) and the recidivism rate demonstrates that once released, two-thirds are re-arrested and half are re-jailed within a three-year timeframe (Decker, 2007). These statistics are staggering, and indicate that prison as a form of social control is losing its sense of hegemony; that penal reform is essential (Gottschalk, 2007).

Education

Outside of the realm of legal sanctions, additional acts of formal social control are bestowed upon the general public. From a smaller-scale perspective, education operates as a platform for which social control mechanisms are in full function. Lifelong lessons such as self-restraint, punctuality, and adherence to rules (Macionis, 2001) are fundamentally inculcated into the pupil's code of ethics through the structured and meticulous sets of standards, schedules, protocol, and expectations found within public school systems. Moreover, a plethora of data suggests that increased involvement eliminates the likelihood that children and adolescents will entangle themselves within the trenches of indolence and/or delinquency (Landers & Landers, 1978; Roberts, 2005). Many experts advise involvement in extracurricular activities such as sports, clubs and other social establishments, although school enrollment itself acts as a barrier against criminal activity (Dalun, Katsiyannis, Barrett, et. al, 2007).

Economic Regulation

School also serves as a preliminary step that prepares for eventual succession into the career force, which demands an equal level of discipline, timeliness, and productivity. Similarly, there is an abundance of literature indicating that unemployment rates correspond significantly with illegitimate lifestyles rife with crime and other improprieties (Anderson, 2006; Baron & Hartnagel, 1997). Hence, national economic burdens that are placed on residents, including taxation and inflated housing markets serve as social controls, as they mandate the necessity of employment, thereby diminishing crime rates. A direct social control mechanism that many organizations utilize is regulating the recreational, off-the-clock behavior in which employees engage during their personal time. Such behavior is supervised through the enforcement of workplace drug testing policies (Zimmer & Jacobs, 1992) that measure both the type and amount of chemical agents that employees may have recently ingested.

Informal Social Control

At the micro-level, informal social control can be defined as disapproving communication that is transmitted from person to person, which ultimately influences conformity to standards (Nugier, Niedenthal, Brauer, et al., 2007). For example, Joan and her mother, Mrs. Smith, are shopping for back-to-school clothes. Joan tries on a revealing blouse and examines her mother's facial expression in order to obtain feedback on the risqué garment. Mrs. Smith wrinkles her nose, and says in a forced tone, "Well... it's o.k., I suppose." Based on Mrs. Smith's hesitancy, Joan returns the clothing item to its display shelf for fear of wearing a shameful style that will refute her mother's approval. Professionals and laypersons alike use subtle or apparent forms of nonverbal communication to express their standpoints and exchange directives, which in turn may modify behavior toward a more desirable route. For example, students learn quickly how to discern whether their teacher's tone of voice, physical posturing, and facial expressions function as a form of encouragement or condemnation, and adapt accordingly.

Community Monitoring

Extending outside of the individual self, an example of informal control at the community level can be examined through a study conducted by Silver & Miller (2004), in which they analyzed data on disadvantaged Chicago neighborhoods. In particular, they sought to explain why low-income vicinities tend to impart lower levels of informal social control, manifested by neighbors who were proactive and accountable to their environments. Examples they use to illustrate this notion included, "neighbors taking note and questioning strangers, watching over each other's property, assuming responsibility for the supervision of youth and intervening in local disturbances" (Sampson, 1987, as cited in Silver & Miller, 2004, p. 553). The perplexity held by the researchers was intensified by the fact that underprivileged neighborhoods tend to have strong social networks and a sense of kinship and camaraderie.

Interestingly, the study conducted by Silver & Miller revealed that solidarity and social ties do not necessarily equate with informal social control. Rather, a sense of longevity and investment, as opposed to mobility and fleeting transience practiced within neighborhoods played a pivotal role

in imposing social control. Common sense aligns with this premise, in that the more imbedded a person is within his surroundings, the more likely he is to uphold its sense of safety and morale. Another finding that emerged from the Silver & Miller study surrounds the alliance that community members had forged with the police department. Positive affiliation with local police officers yielded citizens who were more apt to implement social control mechanisms, demonstrated by increased reports on suspicious activity, and their overall commitment and attentiveness toward community endeavors.

Viewpoints

Social Control or Censorship?

In contemplating one's values, attitudes, and preferential leanings, it is difficult to discern the separation between that which an individual finds redeemable based on his own psychological underpinnings and belief system, and what he is regurgitating from the influential programming that constantly permeates his everyday life. For example, most television broadcast stations that claim to relay information in unbiased and objective terms tend to lean slightly to the "right" or "left" based on their philosophical predilections, political agendas, and receipt of corporate sponsorship. Hence, the channel that people tune into on a regular basis influences the manner in which they conceptualize the world at large. Or, probably more commonly, people are attuned to such biased reports and pursue the stations that reflect their own convictions, a lackluster process that solely acts to validate their subjective perspectives. Another example of the debilitating effects of social control surrounds a phenomenon that artists have contended with for centuries, in which their retaliation against the norm renders a strict sentence: censorship. Hence, the powers that be, or those who are in charge of disseminating social control mechanisms have the ability to prompt behavior and attitudes, which elicit robotic and mechanized adherence to prearranged ideologies.

Conversely, social control can be a positive technique used to uphold safety and manage the masses. Seat belt usage, for example, steadily increased between the years 2000-2005 from 71% to 82% (Arms, 2005). Initiatives to encourage such a movement, such as stricter laws and scare tactics dispersed throughout the media that focused on the deadly repercussions of remaining unbuckled, are the likely catalysts that promoted safer lifestyles.

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Social Exclusion & Crime

Jennifer Christian & Alexandra Howson

Overview

How does the marginalization of people in society relate to criminal activity? Are some groups more marginalized than others? What happens when people feel disconnected from others in society, and what is the relationship between that disconnection and crime? Questions like these fit into the broader study of crime and deviance and engender theories regarding causes of crime and delinquency (Siegel, 2006). Issues of social stratification and inequality underpin many of these questions – and the answers they generate. First, social and economic inequalities can be viewed as antecedents to social and political unrest, which at times takes the form of criminal activity and violence. Second, the burden of crime is disproportionately distributed across social groups such that the poorest economic groups are among the most likely to be victimized by crime (Thatcher, 2004). In the first instance, social exclusion may lead to crime; in the second, the experience or perpetration of crime may lead to (further) social exclusion.

Although there has been a decline in crime in the US over the past three decades, that decline has not been shared equally across social groups (Thatcher, 2004). For instance, although theft crimes are more likely to occur within higher economic levels, violent crime and burglary is more likely to be experienced by poorer people. This burden may have the effect of reinforcing other forms of inequality (such as income and health inequalities),

which in turn contribute to social exclusion. Demographic change within the poorest groups is of particular note: these groups are more likely to be young, urban and unmarried and exposed to interactions and spaces where criminal acts are more likely to occur.

What is Social Exclusion?

Social exclusion is a somewhat ambiguous concept that is measured in different ways but that conceptualizes the alienation or disenfranchisement of certain groups of people within a society. Some people are marginalized based on factors related to their social class, race, and gender or age. Social exclusion also applies to people who are perceived to be more likely to deviate from the norms and values of society (e.g. young people are often seen as 'trouble makers', Greer and Jewks, 2005). Policy makers in the UK measure social exclusion according to levels of income, health, type of housing (e.g. public or private, owned or rented), employment status and political involvement. Concomitantly, the UK government defines social exclusion as "what happens when people or places suffer from a series of problems such as unemployment, discrimination, poor skills, low incomes, poor housing, high crime, ill health and family breakdown" (www.crimeinfo.org.uk).

Researchers agree that social exclusion is about more than income poverty and money problems. As Young (2001) suggests, social exclusion is multi-dimensional and involves not only exclusion from economic and political involvement (such as exclusion from the job market or from expressing political views) but also exclusion from a variety of areas of social life, such as exclusion from living in certain neighborhoods and lack of access to medical provision, policing or housing.

When individuals are excluded from society they are deprived from social recognition and their value to society (Meyers, 1993). Thus, many individuals feel less obligated to follow the rules of society and positively contribute to their community. Social exclusion can also lead to diminished brain functioning, poor decision-making, drug and alcohol use, as well as crime.

How Has Social Exclusion Occurred?

Social exclusion is a product of vast changes in the way people in modern industrialized societies live, many of which contribute directly to a sense

of risk and uncertainty (e.g. instability in family life, economic precariousness, excessive individualism, see Beck, 1992). Not only is there less secure employment in the early 21st century than fifty years ago, but also a larger proportion of the population work in jobs that are insecure (often accompanied by low wages) or they persistently find it difficult to find employment at all (Young, 1991). Some commentators suggest that such changes contribute to social disconnection and community fragmentation such that social ties are loosened (Putnam, 2000). In communities where there are loose social ties, there is some evidence of higher levels of crime, because there is less informal social control (e.g. such as neighbors looking out for each other).

Recent scholarship in the areas of social exclusion and crime has demonstrated the link between social exclusion and criminal activity (Kramer, 1998). These findings warrant additional discussion and research in so far as they shed light on theories of crime and deviance that go beyond rational choice and suggest socio-structural factors contribute to, and can potentially decrease, the propensity of individuals to engage in criminal activity.

Further Insights

Crime Theories

There are many ways that scholars have tried to explain crime that focus variously on individual choices, personal traits, social process and structural conflict (Seigel, 2006).

First, for functionalists, crime is a normal part of healthy societies: the rule breaking associated with crime serves to highlight shared norms and values and reaffirm the basis of society. Thus, in this perspective, crime is even considered necessary to secure and maintain the moral foundation of society. However, such a view takes little account of how crime is distributed across social groups, and, as research suggests (e.g. Thatcher, 2004), crime is disproportionately perpetrated and shared by the poorest groups in society. Moreover, functionalist approaches to crime assume that there is consensus about constitutes right and wrong actions or behaviors – not so, argue some scholars (Marsh et al., 1996). For instance, some people are labeled as wrongdoers or criminals because their rule breaking violates a

social norm; thus, the act itself is not necessarily a crime (nor is the person inherently a criminal). They are labeled so (Becker, 1997).

Second, rational choice theory relating to crime emphasizes individual choice, and asserts that a person makes a conscious decision to become involved in criminal activity, though their decision to commit crimes or violate the law, may be influenced by a multitude of factors including lifestyle, opportunity to engage in criminal activity. Rational choice theories explain criminal behavior as a function of one's ability to rationally assess the costs and benefits of choosing a behavior given a set of values and beliefs. It is assumed by rational choice theorists that individuals are aware of the range of alternatives available to them; while at the same time they ignore the constraints of their environment and social institutions. More simply put, rational choice theories posit that prior to engaging in a criminal event, individuals collect, organize, and analyze information regarding the nature of their actions within the confines of their values and beliefs. However, critiques of rational choice theory as it relates to crime suggest that there is too much emphasis placed on an individual's knowledge – and discounting – of the consequences of their actions and provides little understanding of the role social context might play in influencing criminal activity.

Third, structural theories of crime look beyond individual choice as the predominant cause of criminal activity and attribute criminal activity to social strain and inequalities. In the former case – social strain – there is disconnection between means and goals (Merton, 1938) that produces anomie. Those who experience anomie are unable to regulate their choices or behaviors according to prevailing social norms; moreover, they seek to achieve their goals (which are widely held and socially sanctioned goals associated with material and status acquisition) through means that are not, necessarily, socially sanctioned, such as through criminal behavior.

Additionally, there may be greater pressure on some social groups than others to achieve their material goals through criminal means. Social inequalities, according to structural theorists, put pressure on the individual and thus increase the likelihood of criminal activity. In part, such inequalities are linked to social disorganization, alienation and disenfranchisement (Kramer, 2000). The notion here is that when social disorganization in-

creases, levels of despair and social conflict among community members also increases, which results in an increase in criminal activity. The lack of informal mechanisms of social control increases the likelihood of individuals becoming involved in criminal activity due to lack of social obligations and oversight, which exacerbates individual gang membership and social disorder. Simply, one's exclusion from the wider community facilitates criminality by creating a sense of despair, isolation, and strain.

Social Exclusion & Crime

Social exclusion can be both a cause and a consequence of crime: however, causality is difficult to determine, given that many offenders are multiply excluded (e.g. they live in poverty, have little family support, access to education, adequate housing or jobs). According to crimeinfo.org (UK), both "offenders and victims of crimes often suffer from one or more aspects of social exclusion [stemming from] factors such as family change, drug misuse, or mental health problems." In both the US and in the UK, statistics show that the most disadvantaged are many times more likely to have multiple problems (e.g. conduct disorders, police contact, cannabis use, mood disorders and alcohol abuse) and more likely to be perpetrators and victims of crime.

Social exclusion affects some communities or neighborhoods more intensely than others, where there may be clusters of problems such as financial deprivation, few employment opportunities, inefficient public transportation, and poor quality schools and housing. This 'concentration' of disadvantage may contribute to a negative reputation leaving the people who live there feeling stigmatized (crimeinfo.org). Social exclusion clusters are characterized by urban location; opportunities for illegal income opportunities that may be highly visible to young people; and high rates of drug use. Individuals with weak ties to the community as a result of social exclusion lack informal mechanisms of social control. In these communities, economic disadvantage can become concentrated and result in widespread social exclusion. As a result, the crimes and violence in the community do not receive the attention they need by political officials, police officers, and community service providers (Reitzes, 1986).

For those who live a life of disadvantage, living in communities with scarce resources, while at the same time being aware of opportunities outside

of the community can call attention to economic disparities (Kelly, 2000; Kramer, 2000). This can impact crime in several ways. On the one hand it can affect the lives of those who are living in poverty as they are forced to initiate alternative ways of accessing resources. On the other hand, it also impacts the response from others regarding the behavior of those who are poor, and exacerbates already negative stereotypes about 'us' and 'them'.

Crime Victims

Criminal victimization – that is, the likelihood of being a victim of crime – is disproportionately distributed across social groups. The poorest economic groups, who already bear the burden of other inequalities such as health inequalities, are more likely to become victims of crime. Indeed, in the US, all categories of crime are concentrated in the 20% poorest households, and, according to research using the National Crime Victimization Survey (NCVS), the distribution of violent crime across social groups has remained relatively unchanged since the 1970s (Thatcher, 2004). Moreover, both offenders and victims of crimes often experience one or more forms of social exclusion.

The issue of social exclusion and crime goes beyond looking at only those who are likely to offend, but also includes those who are likely to be victims of crime:

Some areas are known to have high levels of crime and disorder, yet the people living in them may not be financially or physically able to move out if they want to. They may feel afraid at night, live far from family and friends, or be excluded from the politics of their local community (www.crimeinfo.org).

Fear of crime itself is considered to be a cause of social exclusion. For instance, according to British Crime Survey (2005) data, women aged 60 and over from lower income households are 1.5 times as likely to feel very unsafe out at night as those from higher income households. Similarly, the experience of domestic violence can lead to ill health, poverty and continuing fear of physical harm, which in turn prevents stable employment or social activities (www.crimeinfo.org).

Many offenders are also victims. For example, an offender may come from an impoverished neighborhood, or a victim may be a gang member. In

addition, being labeled or perceived as a criminal can lead members of society to exclude those who are perceived as criminal—or who act in manner that is contrary to the norms and values of the community.

Viewpoints

Youth Violence

Accompanying the policy, media and popular concern about the individual causes of perceived social decline and accompanying crime, is, as Greer and Jewkes (2005) comment, an assumption that “people commit crimes because ‘they’ are not like ‘others.’” Young people are a particular ‘other’ who experience deep, collective disadvantage associated with social exclusion (Kramer, 2000) and who are most likely to be involved in violent crime, as either victims or perpetrators.

In addressing the causes of crime among poor youth, Kramer (2000) identifies three types of crime that are most prevalent among socially excluded and impoverished children:

- Young offenders are likely to be arrested for offenses that have the potential to increase monetary gain such as robbery or car theft.
- Youth tend to be involved in crimes related to drug use and sales.
- Youth tend to be involved in social relationships that include violence.

For instance, disadvantaged neighborhoods are less likely to offer forms of social support and mechanisms of informal social control that help to limit opportunities for crime; many poor communities also have a substantial transient population, which makes it hard for neighbors to connect and create relationships that could facilitate social support networks and contribute to informal mechanisms of social control.

Policy Concerns

Those who are socially excluded are by definition hard to reach through formal policies or programs, although such programs exist to provide social outreach, initiate community alliances or reintegrate offenders. Moreover,

although social exclusion typically refers to disadvantages that are related to crime, many policies and programs address only one of these aspects at a time (www.crimeinfo.org). While social exclusion is a useful concept to capture the complexity of the causes of crime, as [crimeinfo.org](http://www.crimeinfo.org) notes, “generalising characteristics in an unequal society can encourage a sort of ‘us and them’ approach to policy, leading to further social exclusion.”

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Social Disorganization Theory

Karen M. Harbeck

Overview

Adolphe Quetelet

According to Gottfredson and Hirschi (1990), the basis of social disorganization theory emanates from the statistical work of Adolphe Quetelet in the early nineteenth century. Quetelet studied various urban geographical areas and determined that the crime rates in each area were stable over long periods of time regardless of the race, nationality, or national origin of an area's residents at a given point in time. Quetelet concluded from this data that there were features unique to each area or to the groups adapting to reside in an area that were responsible for an area's crime rate.

The Chicago School

Theorists in economics, geography, sociology, and criminology built upon Quetelet's work and used maps of geographical areas to show the spatial distribution of crime in a given area. This approach was known as the "Cartographic School," and it was popular with scholars at the University of Chicago during the first half of the twentieth century. William Isaac Thomas and Florian Znaniecki added to the theoretical framework around 1919 by arguing that people's beliefs and attitudes were shaped by their interactions with their "situation" or environment as well as their behavior. This acculturation process, they said, takes place on both an individual level and within a group as a whole.

Building on their colleagues' work, in 1925 Robert Ezra Park and Ernest W. Burgess adapted Darwinian evolutionary concepts to this Chicago School Sociology, as it had by then become known. They argued that urban environments mirrored natural ecosystems and that careful analysis would reveal distinctive ecological niches or zones throughout a city. "Ecology" is defined by the Encarta English Dictionary "as the study of the relationships between living organisms and their interactions with their natural or developed environment" (Soukhanov, 2004). Ecological studies of crime view "the physical structure of communities as shaping the routine activities of inhabitants in ways that affect the likelihood of crime" (Gottfredson, 1990, p. 82). Through the interplay of humans with their environment and its resources, the theory holds, the zones evolve into diverse, unique areas with the residents sharing similar social characteristics. This process can be said to mirror the evolutionary changes experienced by plants and animals as they adapt to varied ecological niches in a diverse landscape.

Park and Burgess used their cartographic research on the City of Chicago to argue that urban areas have five distinct zones of natural competition:

- The central business district,
- The transitional zone,
- The working class zone (single family tenements),
- The residential zone (single family homes with yards and garages), and
- The commuter zone (suburbs).

Their theory, which they called "the concentric zone theory," held that as a city evolves through outward expansion, the more desirable and successful zones are those that avoid the intense concentration and competition for land and resources within the inner city. Zone Two, the transitional zone, is therefore arguably the most disadvantaged and thus evidences the highest rates of crime and delinquency. Park and Burgess described the transitional zone as being driven by industrial expansion; it serves as a residential entry point for immigrants, and has a wide variety of cultural groups, high unemployment and welfare rates, low educational and occupational attainment levels, low real estate rental values, and social institutions with poor community organization abilities. Despite high rates of

movement in and out of the zones, Park and Burgess argued that each zone retained its characteristics. Subsequent efforts to duplicate their findings in different countries have successfully linked high delinquency rates with areas of economic decline. Park's and Burgess' analysis of concentric zones, however, has proven to be flawed in cities where "the wealthy are often near the center of the city, while the poorer zones of the city are found near its fringes" (Wong, 2007, p. 3).

Shaw & McKay

In 1942, Clifford R. Shaw and Henry D. McKay became the most famous members of the Chicago School by trying to explain the spatial distributions of crime and delinquency set forth by their predecessors. In seeking a social causation of crime, Shaw and McKay focused on social institutions—educational, law enforcement, business, social services, healthcare, and religious entities—rather than on individual perpetrators and their social characteristics. Shaw and McKay argued that social institutions in Zone Two-type locales are too disadvantaged and disorganized to perform their major social function of training or socializing individuals to be law-abiding members of the community. Secondly, they also fail to monitor the behavior of individuals in order to ensure lawful behavior. One major assumption of social disorganization theory, then, is that crime is caused by social factors or bad places rather than bad people. Another term for this perspective is "environmental determinism."

Within this context, social disorganization is defined as "the inability of local communities to realize common values of their residents or solve commonly experienced problems" (Shaw & McKay, 1942, qtd in O'Connor, 2006, ¶ 13). In an attempt to explain why these communities faced social disorganization to such a level that criminal traditions became embedded, three reasons were set forth:

- residential instability/mobility,
- racial/ethnic heterogeneity
- poverty.

Residential instability/mobility was defined as individuals having no commitment to their locale since they moved frequently and intended to leave the area as soon as possible. The mid-20th century "White flight," the

migration of working and middle class Caucasian residents out of poverty areas along with middle class African Americans, left the poorest members of these communities behind in an even more depressed environment. Racial, cultural, and language barriers were erected as a result of racial/ethnic heterogeneity to such an extent that residents isolated themselves from dissimilar community members in small pockets of minority areas. In consequence, they forfeited the meaningful interactions that might have led to solutions to overall community problems like crime. Finally, because of poverty due to a low tax base and restricted local resources, community members did not have the resources to solve their social problems, and residents continued to seek housing in less disorganized residential zones. Poverty itself does not cause crime, according to Shaw and McKay, but it does facilitate it due to a lack of the resources necessary to eradicate criminal behavior. Subsequent researchers have added family disruption and urbanization as additional factors to the theory.

One major feature of a socially disorganized zone was that it offered an explanation for how high crime and delinquency rates can cause further disruptions in a community due to the high levels of incarceration of its residents. Obviously, according to social disorganization theorists, a pattern of frequent, repeated incarceration adds to the residential instability factors in a given community and only worsens a community's social ills. Thus, a major policy implication of social disorganization theory is to find alternatives to incarceration and crime control. Expanded remedial educational programs, youth athletic leagues, community youth services and clubs, summer camps, youth employment services, recreation programs, and other types of social service and educational interventions are championed by social disorganization theorists to create the positive socialization opportunities for youth which the community is not able offer on its own.

Viewpoints

Strain Theory

Social Disorganization Theory concerns itself with the abilities of a community's social institutions to inculcate common values of lawfulness and to monitor compliance with those values. One major criticism of the theory focuses on its foundational premise "that people will commit criminal acts when the surrounding 'society' is unable to prevent them from doing so"

(Gottfredson, 1990, p. 82). No empirical basis has been offered for this assumption, and several subsequent theorists have argued that the absence of social organization does not adequately account for crime and delinquency. Instead of social disorganization as impetus for crime, Robert Merton and other strain theorists argued that societal pressures and frustration drive crime and delinquency. Strain theory (also referred to as anomie theory) asserts that there is “a universal aspiration to accumulate material wealth,” but because our society is stratified into various classes, those in the lower economic levels do not have an equal opportunity to realize the American dream (Gottfredson, 1990, p. 78). Under pressure to reach these culturally inculcated goals, some individuals adapt by turning to crime as a means of material gain. Merton argued further that since middle class values conflict with engaging in criminal activities generally, individuals will experience high levels of strain should they consider engaging in criminal conduct. Arguably, crime is higher in Zone Two-type areas because their residents do not have the same socialization; or, in fact, because their cultural processes hold a different view of crime altogether and, as a result, they feel less strain against the “dominant” cultural value of behaving in a law-abiding manner. With subcultural values different from or even in opposition to the dominant norm of behaving in a law-abiding manner, Zone Two-type communities may even give law breakers a high status within the community due to their material success. Interestingly, strain theory argues that individuals residing in socially disorganized zones are aware of the dominant culture’s values towards material wealth, but are frustrated in achieving the same ends. Social disorganization theorists, on the other hand, would say that the dominant culture’s values have not been instilled and, therefore, are not an aspiration.

Cultural Transmission Theory

Elements of these arguments also can be found in cultural transmission theory, which has dominated discussions in criminal causation to this day. According to O’Connor (2006), this theory states that “traditions of delinquency are transmitted through successive generations of the same zone in the same way language, roles, and attitudes are transmitted” (Shaw & McKay, 1942 qtd. in O’Connor, 2006, ¶ 13). One can see from these arguments, and from the assertions of the social disorganization theorists, why there has been controversy and criticism over issues of class and criminality since the 1950s. Given their application to Zone Two-type areas with

high immigrant populations experiencing high unemployment levels, charges of racial and ethnic bias were made as well. In fairness, Shaw and McKay argued that a high crime rate was not related to any given racial or ethnic population's presence in the community. Their original theory held that the crime rates of Zone Two-type areas were high regardless of the races or ethnicities of the areas' residents at a given time. Nevertheless, social disorganization theory became unpopular by the 1960s because of its subjective evaluations, negative terminology, and race/class bias.

Although social disorganization theory was meant to be a scientific explanation of crime and delinquency, in the public policy arena it has deteriorated into accusations that individuals residing in high crime areas are immoral. Evidence of this perspective is clear in recent debates over juvenile crime. In a 1995 article in the *Conservative Weekly*, public policy analyst John DiIulio coined the word "super-predator" to describe what he believed to be a new breed of juvenile criminal. Described as having no conscience and capable of killing at the slightest whim or provocation, super-predators, according to DiIulio, were the result of children being raised in "abject moral poverty... surrounded by deviant, delinquent, criminal adults in abusive, violence-ridden, fatherless, Godless, and jobless settings" (Satterthwaite, 1997, p. 20-21). While this rhetoric has gone a long way in heightening the public's fear of juvenile criminals, it has done little to address the social causes of crime or alleviate the hardship conditions in high crime areas.

Methodological Flaws

Another failing of social disorganization theory was that the methodology employed to establish the theory was based upon circular reasoning. Using crime and juvenile delinquency as an index of social disorganization, Shaw and McKay then argued that social disorganization caused crime and delinquency. Compounding this difficulty was an inability to measure social organization and disorganization within a given community. This challenge remains and recent efforts focus on "levels of involvement across age-levels in activities coordinated by representatives of the communal institutions (e. g. family heads, pastors, school organizations, and local officials" (Jensen, 2003, p. 1). A community is deemed to be especially organized when it offers high levels of these types of activities. Another difficulty with the theory, however, is that even in communities with high

rates of crime, social organization exists: it may simply be structured or operate in a way that does not fit into the methodological framework of social disorganization theorists.

Measuring Social Organization

One outgrowth of social disorganization theory has been the effort to find less pejorative terminology for describing community structure in criminality studies. By the late 1980s, these efforts made social disorganization theory again tremendously popular as a contextual explanation of crime and delinquency. Sampson (1997), for example, coined the words “collective efficacy” to assess a community’s ability to control crime in public places. Within Sampson’s analysis, in order for a community to be efficacious, “social capital” is needed within the community, meaning that there is significant interdependence, extensive informal networks, and strong social ties that allow community members to work together to achieve common goals of law enforcement. Crutchfield, Geerken, and Gove (1982), among others, focused on “social integration” levels within communities, hypothesizing that high population turnover negatively affects a community’s ability to be integrated enough to fight crime. Related theorists, like Stark (1983) and Krohn (1986), suggested a focus on “social networks” and “network density.” Their methodology of studying direct relationships between individuals within a community provided another tangible means of determining social organization levels. The scientific means to show the direct relationship between social ties and community control, however, are still undergoing development. The intent of all of these efforts is to go beyond the negative connotations of “social disorganization,” and place the theoretical framework within more scientific and measurable contexts. Each of these contributions, however, can be traced back to social disorganization theory.

With the resurgence of interest in social disorganization theory, numerous studies have been undertaken which support the empirical framework. In 1980, Wilson undertook a study of delinquency in Birmingham, England, and concluded that when parents exercised “chaperonage” they significantly lowered the risk of their child becoming delinquent. Chaperonage was defined as parents keeping a close watch on their children and sheltering them from negative aspects of neighborhood life. This was accomplished by escorting children to and from school and forbidding them

to play with troublemakers. Similarly, a 1982 British Crime Survey by Sampson and Groves (1989) “became a criminological classic,” according to Lowenkamp and his colleagues (2003, ¶ 1), who set out to replicate the study. Their 1994 analysis offered even greater support for social disorganization theory as a means of understanding criminal causation on a contextual basis. Given advances in statistical studies, economics, and urban policy analysis, Kubrin (2003) predicted that groundbreaking work can be expected on the relevance of social disorganization theory, including its application to non-urban areas. Kubrin’s article should be required reading for anyone interested in testing this theoretical framework.

Social Control Theory

Because social disorganization theory emphasized the obligation of the community to train or socialize individuals and to then monitor individuals behavior to ensure lawful action, it gained significant interest within “social control” theory circles. Social control theorists hypothesize that an individual can turn to crime when his or her connection to or identification with the dominant culture is ineffective. In fact, like their social disorganization counterparts, they believe that people find crime useful, profitable, and enjoyable unless they are influenced by larger societal values to forego these urges. Their ideal is to preserve what many would call “WASP” (white, Anglo-Saxon, Protestant) values about lawful personal conduct. To do this, control theorists argue for interventions that control deviance and reorganize communities in order to advance and enhance traditional cultural values. Identification with these traditional values instills mechanisms of internal, individual control through a social bond that helps group wellbeing. In addition to policing mechanisms, external social control is exerted through enhanced involvement in community activities and by creating role models and peer pressure so that the individual will not want to disappoint the other members of the group. Many contemporary control theorists, like Gottfredson and Hirschi (1990), also focus on the individual’s lack of self-control over impulsive urges as a cause of crime and delinquency, but these perspectives move even further from the social disorganization theory’s attention on community-level analysis.

Social Disorganization Theory & Immigrant Populations

Family breakdown was considered an important aspect of social disorganization until the 1930s, but interest in this variable waned until the 1980s

according to Wilson (1974). He argues that family dysfunction always was a compelling variable to explain criminal conduct, but that public policy advocates were convinced that other social institutions, like schools, religious organizations, and recreational groups, were the keys to solving social ills. Although the social disorganization theorists tried to be neutral towards the various immigrant populations within their zones of study, reliance on social institutions to develop American values in youth has had a long, hostile anti-immigrant history in our social and educational policies since the early 1800s. Standardized educational settings with health education, showers, the Pledge of Allegiance, and numerous other socialization tasks that many of us now take for granted were institutionalized in our schools to inculcate American (WASP) values and behaviors in immigrant youth. The American family may have lost its exclusive influence over child development, but an even greater concern has been that the foreign values and behaviors of immigrant families might alter our dominant culture's identity to an even greater degree. New insights into the motivations and beliefs of the social disorganization theorists might be gained by comparing their writings with those of educational theorists intent upon Americanizing immigrant youth since the early 1800s. At the very least, it would be interesting to know if the social disorganization theorists were aware of the strong anti-immigrant themes in American educational policies and how they contextualized those Americanization goals within their supposedly bias-free socialization processes that looked to schools as one mechanism of social cohesion for survival.

Conclusion

By weaving cartographic data on juvenile delinquency and crime with theoretical analysis, members of the Chicago School Sociology laid a framework that has dominated criminology discussions throughout the 20th century. Beginning in the 1930s, these theories were put into practice by Shaw, McKay, and their colleagues with the advent of the Chicago Area Project (CAP). Project workers were recruited from the local community to help organize against crime and to provide advocates and role models who would assert larger social interests. Through increased recreational facilities and equipment, community clean up endeavors, and juvenile justice advocacy linked with social service assistance, CAP efforts established models for community improvement that are still practiced today. O'Connor (2006) has argued that contemporary "public housing tenant

councils; citizen task forces; citizen patrols; and neighborhood watch groups” come the closest to mirroring the CAP perspectives and activities (§ 22). This interest in the role of community action remains a salient feature of criminology theory to date. A recent example in the tradition of social disorganization theory is Wilson and Kelling’s (1982) broken window theory. They argued that “abandoned buildings and automobiles, the accumulation of trash and litter, broken windows and lights, and graffiti or profanity (signs of crime or incivilities) all invite criminal behavior” (O’Connor, 2006, § 23). Unfortunately, since such programs do not generate direct economic gain and they are not naturally self-sustaining, their failure rate is high unless they receive sustained financial support and augmented structural assistance.

Even with a brief introduction to social disorganization theory, it is easy to see the influence the theoretical framework has on our everyday lives in terms of using community organizations to steer youth into law-abiding behaviors. A bumper-sticker on a YMCA van, for example, states “Keep boys and girls in sports and out of courts.” Like so many other aspects of our culture, we know the values and beliefs, but not the underlying theoretical frameworks that both analyze our society and influence it.

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Victimless Crime

Jennifer Christian

Overview

In the United States, what actions are criminalized? Should only actions that are truly harmful be illegal? What about drugs? Should some drugs be legal because they seem to be harmless? How about polygamy? Gambling? Pornography? If nobody gets hurt, why should these activities be criminal? Moreover, what is the process of criminalization? How does society determine what is harmful enough to be illegal and what is not? Are laws created to protect people or control people? Is determining what is and is not a crime political act?

You may have thought about these very issues, or even just simply wondered why the driving age is set at 16 in some states and 15 and ½ in others, or why the drinking age is 21 and not 18. Why tobacco is legal and marijuana is not. Questions like these fit into the broader study of crime and deviance and theories regarding the social construction of crime and criminology (Vago, 2000).

The concept that binds these questions together and relates to the study and analysis of victimless crime is the notion that crime is a social construct. That is to say, that no one behavior is inherently criminal or illegal, but rather through a process in which members of society come to agree that certain actions are worthy of regulation, laws are passed that make behavior criminal.

Many scholars who study the social construction of crime and deviance use questions like these as a starting point for investigating the politics and controversies surrounding the criminalization or decriminalization of victimless crimes. Once thought of as a controversial issue, Wertheimer (1977) describes how advocates of decriminalizing victimless crime advanced their position on the grounds of what has been described as the philosophy of law and function of the criminal justice system. These scholars contend that the purpose of criminal law should be limited to those who victimize others and that the criminal justice system should not be involved in matters where there is not a victim or harm done.

On the other side of the debate, are those who argue that it is the government's responsibility to ensure an orderly community and supervise moral conduct through legislation. Such proponents argue that nearly every crime causes some harm either directly to an individual or to society at large.

Today there is still much debate in sociology, criminology, law, and criminal justice about what should and should not be criminal and how victimless crimes are to be handled, if at all, by the criminal justice system.

Further Insights

Victimless Crime: A Definitional Issue

Understanding what constitutes a victimless crime is a complex issue. Many sociologists who study crime and victimization suggest that it is imperative to have a clear and concise definition of the criminal event from both the perspective of law enforcement and the victim (Mosher, Miethé & Phillips, 2002). However, many also recognize that what is criminal is not universally understood and agreed upon. For example, some people who are thought to be victimized do not think of themselves as victims. This is often the case with drug use and prostitution. In such examples, while a crime may have occurred, it is difficult to distinguish who is the criminal and who is the victim.

One of the most widely accepted definitions of a victimless crime was first brought forth by Schur in 1965. He maintained that a victimless crime is any illegal action, which is largely consensual among two parties and

lacks a complaining participant (Schur, 1965). While we may be able to think of dozens of behaviors that fit into this category, the most commonly studied are prostitution, gambling, drug use and pornography (Veneziano & Veneziano, 1993).

While this definition provides scholarly guidance, it is still ambiguous in practice. For example, law enforcement officials and the judiciary are faced with the difficult decision of what to do with individuals who engage in victimless crimes as the pressure from society regarding these types of offenses changes over time and across communities. In some cases, like drug addiction and gambling, those who engage in behaviors that lead to problems with the law are thought to need special attention and help. Some communities even offer treatment and counseling. In other cases, like prostitution, individuals are chastised for engaging in behaviors that are far from what is considered normal by members of a society. People who engage in such behaviors are often thought to deserve punishment or at least be taken off the streets.

Victimless Crime & Changing Times

The notion of what constitutes a victimless crime is also ever changing (Conklin, 1982), as it varies in the eyes of the public, political officials and the police. Practically speaking, when law enforcement officials are investigating victimless crimes they are often referring to drug users, prostitutes, illegal gambling activities, public drunkenness, and/or vagrancy (Hagan, 2008).

However, these activities have not always been criminalized. In fact many drugs that are currently illegal have previously been prescribed or recommended by doctors for legitimate medical issues (Inciardi, 1992). For example, cocaine and amphetamines were routinely prescribed for allergies and sinus related ailments. Drugs like cocaine were given to soldiers for fatigue and used to improve concentration during WWII. It was only when society became concerned with the social and political ramifications of drug use and abuse that drugs like these became outlawed.

In addition to the changing definition of victimless crime over time, there is also variation in the notion of what constitutes a victimless crime in different areas of the county and the world. In many countries, having more

than one wife is considered legal and encouraged by religious and government officials. Prostitution is not illegal in some cities in the U.S. as well as some countries, and is highly regulated, taxed, and viewed as a legitimate occupation. Gambling, public intoxication, and vagrancy are viewed by many as symptoms of social problems and not criminal offenses. Consequently rehabilitation and treatment are often prescribed to help individuals in dire situations rather than sending them off to prison or jail.

Issues like this, buttressed against the absence of an identifiable victim, beg the question of why such behaviors and activities are criminal. Should the government decriminalize victimless crime? The answer is inherently political (Dombrink, 1993).

As a society it is arguably important to have a shared set of values and beliefs to help regulate undesirable behavior whether it is through formal pressures such as laws and city ordinances or by informal mechanisms such as social pressure. The pressure to conform is rooted in institutional ideologies about appropriate behavior and is grounded in political theories about social control and domination. Some scholars have argued that the process of criminalizing behavior and victimless crime is politically driven to control some segments of the population at the expense of others. Karl Marx, for example, while never explicitly theorizing about crime has been widely cited for this belief that the government has a vested interest in maintaining a working class and uses its power to force people into the labor pool through the use of laws and moral codes.

The following section will provide concrete examples of how scholars from both sides of the debate concerning victimless crime describe the construction of crime as a social problem and advocate how society should respond through policies, procedures, and legislative change.

Viewpoints

The Debate over Victimless Crime

There are two major factions in the debate over victimless crime and the need to regulate it. There are those who advocate for the decriminalization of crimes where no formal complaint is levied and harm is unlikely to have occurred. These scholars and activists point to the role of the government

and the capacity of the criminal justice system as being critically understaffed and inconvenienced by focusing on victimless crime when there are more serious offenses and offenders to be looking out for.

In contrast, there are those who reject the notion that the government should not attempt to protect the people even in the absence of a complaint. These scholars and activists argue that there are in fact victims in these crimes and there is harm that is caused by ignoring such offenses. Central to these arguments is the notion that it is the states responsibility to legislate morality.

Decriminalization & Victimless Crime

Two of the most common victimless crimes that have received the most attention from advocates, scholars, and the media are the use of marijuana and gambling (Veneziano & Veneziano, 1993). Central to the arguments for each offense is the notion that criminalizing these activities are draining resources that could otherwise be put to better use in controlling violent crime. Second, proponents for the decriminalization of marijuana and gambling point to changing values and norms regarding these behaviors as criminal. Much as been purported about marijuana's potential medicinal value. With respect to gambling, there is potential for states suffering from deficits to increase their tax base. These issues have recently come to the forefront of political debate in the wake of Proposition 215 which decriminalized marijuana in the state of California for medicinal purposes and in the aftermath of hurricane Katrina, where off shore casinos played a fundamental part in bringing money to the state, provided jobs to local residents, and assistance in the rebuilding efforts in Mississippi (Veneziano & Veneziano, 1993).

Marijuana

Dennis Peron, a grassroots organizer advocated extensively for the decriminalization of marijuana. His efforts ultimately lead to the passage of California's Proposition 215 in 1996 originated in San Francisco where Peron campaigned for the use of marijuana for terminally ill AIDS patients. This law would essentially decriminalize using, growing, and distributing marijuana for those who had a doctor's prescription for its use.

Opponents to Proposition 215 included many members of law enforcement, drug prevention groups, and elected officials, who thought that the decriminalization of drugs would ultimately lead to other drugs, conceivably more dangerous drugs, being decriminalized and an overall breakdown between the obligations of the government and law enforcement to protect the community and a radical new view of drug use.

After much debate, the electorate of California passed Proposition 215. The final legislation provided legal protection for patients, caregivers, and physicians who possess or grow marijuana for medical purposes. Essentially this shift in legislation illustrates how a behavior that was once criminalized and fit the definition of victimless crime has been decriminalized in a carefully crafted way based on changes in values and norms among the majority of Californians as expressed in their support for legislative change.

Gambling

The notion that gambling is a victimless crime has been around for a very long time. However, most scholars would argue that gambling has also been long tied to organized crime and corruption (Veneziano & Veneziano, 1993). Once the action of gambling is isolated from the organization of gaming it is easier to distinguish how some advocates have come to view this activity as a victimless crime. Gambling, broadly defined, involves an individual making a bet or wager based on the probability a game or a sporting event could result in a payoff or prize. Proponents of decriminalizing gambling argue that individuals are capable of making their own decisions about potential risks and benefits and therefore it is not the government's responsibility to legislate such decisions (Hagan, 2008).

Recently the issue of gambling has gained more attention in the media and among political officials after the devastation to the Gulf Coast due to Hurricane Katrina. News reports have long suggested that gambling has been a contentious issue in Mississippi. They cite on one hand, supporters who want their historically poor state to gain access to jobs and tax revenue that casinos provide. On the other hand, there are many conservative religious leaders who believe that gambling is a sin; harmful to the individual, the family, and the community.

In order to compromise, the state of Mississippi decided to allow some highly regulated gaming facilities to open up, but only on barges located off shore. This provided an enormous amount of tax revenue while at the same time preserving the state's image as against gaming. Over time, the locals shifted their attitudes towards the facilities and new laws were proposed to expand the gaming facilities. Much of this legislation stagnated through the state legislature until Hurricane Katrina nearly wiped out all of the gaming barges. In a last minute attempt to help bring money and jobs back to the state, Senator Trent Lott facilitated legislative change that allowed casinos to build on land with the assistance of federal funds. This legislative change provides yet another example of the process of decriminalizing victimless crimes in the wake of political necessity and changing attitudes (Veneziano & Veneziano, 1993).

All Crimes Have Victims

While the previous section illustrates how some victimless crimes, in some states have been decriminalized, the following section will highlight areas around the U.S. where the same activities have been met with far more resistance (Schur & Bedau, 1974). Proponents in these states argue that all crimes have victims, regardless of whether they voice a complaint or not. In order to see the real harm that drug use and gambling cause, we need to look beyond the individual and consider the harm such actions cause the family and community. Moreover, scholars who look at these issues have also noted that when you ask the public if victimless crimes are harmful, most people say yes, and that is proof that Americans support the notion that the government should regulate behavior that causes harm to more than just the individual but also the family and community.

Drugs & Addiction

Many people who advocate for the strict enforcement of drug laws point to the multitude of victims affected by drugs (Veneziano & Veneziano, 1993). Advocates contend that drug use leads to social isolation and a removal of oneself as an active participant in society. Moreover, many advocates suggest that drug use can lead to criminal activity such as theft and robbery. Also, some argue that drug use can lead to child neglect and marital problems which cause harm to both children and families and eventually lead to deterioration in morals and commitment to the com-

munity. Accordingly, those who oppose the notion of victimless crimes (particularly with respect to drug use) assert that such behaviors do not fit the definition of victimless crime as there clearly is harm, if not specifically to the individual drug user, then certainly to family members and the community. There is in fact a place for a complaint to be levied on behalf of children and those who are directly and indirectly affected by the drug user's behavior.

Compulsive Gambling

In response to those who advocate for the decriminalization of gambling, proponents for status quo often see the action of gamblers and the organizations that facilitate gaming as part of a larger social problem that undermines gamblers' work ethic, is destructive of personality and perpetuates addiction, invites fraud, and propagates social decay. Similar to the example of drug use, those who oppose the decriminalization of gambling believe that both harm and victims can be identified and therefore, this activity does not meet the criteria of a victimless crime.

Victims in the case of gambling are often the gamblers themselves, who are often viewed as having an addiction or compulsion that interferes with their ability to appropriately assess the risks of participating and the likelihood of winning (Bloch, 1951). The harm which scholars often point to when discussing gambling can be localized to the individual, or more globally applied. For the individual, gambling can result in the loss of a substantial amount of money and, in extreme cases, results in a need for public assistance or charity to provide the basic needs for survival. On a global level, gambling impacts society in so far as it arguably attracts a deeper criminal element with respect to loan sharks and corruption. Additionally, opponents to the legalization of gambling also contend that the presence of casinos impedes the formation of social bonds in a community and prohibits individuals from establishing a sense of community among their neighbors.

Conclusion

Understanding the scholarly arguments about victimless crime requires one to first understand that crime is a social construct, amenable to change overtime, between individuals, and across communities. Theories on the

social construction of crime suggest that social norms and values play a central part in determining what actions are criminalized and what are not. Currently there is much debate over how to define victimless crime and what role the criminal justice system should have in regulating behavior and legislating morality. Future research in this area will continue to look at the factors that contribute to individual perceptions of what should and should not be criminalized and how these views affect social policy.

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White Collar Crime

Karen M. Harbeck

Overview

According to the Federal Bureau of Investigation (FBI) data, white collar crime costs the United States more than \$300 billion dollars annually. While this total exceeds the annual costs of crimes in the streets, estimated by the FBI to be \$3.8 billion a year, most people are not as concerned about “crime in the suites.” In 1988, the United States Supreme Court stated that white collar crime “is one of the most serious problems confronting law enforcement authorities.” (*Braswell v. United States*, 487 U.S. 99, 115 (1988)). Despite the cost to our society, white collar crime often goes undetected. If discovered, white collar criminals frequently are dealt with within the civil law framework rather than the criminal law system. Under civil law, the regulations deal with economic losses between private parties, so repayment becomes the focus rather than punishment.

Although criminologists continue to debate which specific crimes qualify as white-collar crime, in general white collar crime encompasses a variety of non-violent crimes usually committed in commercial situations for financial gain. Types of white-collar crime include:

- Financial Fraud
- Mail Fraud
- Computer & Internet Fraud

- Counterfeiting
- Public Corruption
- Money Laundering
- Tax Evasion
- Kickbacks
- Securities Fraud
- Insider Trading
- Bribery
- Embezzlement
- Trade Secret Theft
- Back Dating Stock Options
- Phone & Telemarketing
Fraud

The tools of the trade are fast talking, paperwork, and computers. Usually, criminal complaints are brought against individuals, but sometimes corporations are held accountable as well, especially in terms of restitution and fines. Technically speaking, however, offenses committed by a corporation are called “corporate crime,” or “organizational crime.” Both are considered one type of white collar crime. This division of white collar crime categories into two types – occupational and corporate – was advanced by Clinard and Quinney in the 1960’s, and it remains influential to this day.

Although most individuals conceptualize white collar crime as being non-violent, in reality this definition is faulty. Corporations that knowingly engage in the production of substandard food, drugs, or building materials, or who intentionally expose their employees to dangerous working conditions, can be held liable for crimes that fall into the white collar framework of analysis. Charon (1986) argues that “every year in the US between 120,000 and 200,000 people die from work related illness and 14,000 die from on-the-job accidents (quoted in Long, 2007, p. 2). Despite this staggering loss of life, however, very few corporations or their leaders are held criminally liable for their misconduct. There are numerous reasons explaining why little is done about white collar crime in general, and these deaths in particular, and they will be discussed later in this article.

Given the current condition of federal and state data collection methods, it is difficult to perform statistical analyses of white collar crime. There are no socioeconomic or occupational data about offenders in the Uniform Crime Reporting (UCR) data, for example, and no information about corporate criminal actors. Similarly, FBI crime statistics collect information on only three categories of what is considered to be white collar crime: fraud, counterfeiting and forgery, and embezzlement. All other related crimes are encompassed in the category of "other." The FBI's estimate of \$300 billion of losses a year, therefore, is probably low. The collapse of the savings and loan industry, for example, cost the American public between \$300 and \$500 billion dollars, while some estimates place health care fraud alone at between \$100 billion and \$400 billion per year (Mokhiber, 2007).

Further Insights

Edwin H. Sutherland

The term "white collar crime" was used first in 1939 by sociologist Edwin H. Sutherland, who defined it as "a crime committed by a person of respectability and high social status in the course of his occupation." Since colored dress shirt fabrics did not come into use until the 1960's, executives and office workers across the nation wore white shirts to work everyday, resulting in the label "white collar crime."

Because the term "white collar crime" has gained such acceptance with the public and scholars, it is hard to appreciate the revolutionary nature of Sutherland's arguments. Previously, crime analysis had focused on street crime and violence, rather than on the illegal actions of the rich and powerful. Sutherland sought to expose these crimes and bring justice to individuals harmed by those with powerful social, political, and economic connections. Edward Ross had articulated these same concerns in an article published in *The Atlantic Monthly* in 1907, but Sutherland's presidential address to the American Sociological Association's national convention in 1939 made front page news nationwide (Wong, 2005). Albert Morris had also examined upper class criminals in his 1935 book on crime, but Sutherland's public platform, catchy terminology, and theoretical research framework launched the sub-discipline. Suddenly, the theoretical analyses of crime based upon poverty and poor socioeconomic conditions were shown to be inadequate as general explanations of criminal conduct (Wong, 2005).

Sutherland's Critics

Although the term "white collar crime" has gained public meaning and acceptance over the decades, sociologists and criminologists have engaged in an extensive debate over how to define the concept. Sutherland's argument that white collar criminals were of high status and respectability was challenged with research of the wide variety of individuals who engaged in white collar crime. Sutherland's argument that murder, robbery, and burglary were blue-collar crimes also was challenged. Similarly, scholars argued that the terms "respectability" and "high social status" were too vague and subjective for scholarly study. Thus, Sutherland's efforts to make a class-based definition of crime that focused on the perpetrator failed to withstand scrutiny. In part, this failure can be attributed to each individual's right to equal protection under the law. Within the US legal system, race, gender, wealth, occupation, and ethnicity cannot be used to discriminate among offenders.

Sutherland's assertion that white collar crime was related to occupation has enjoyed acceptance in both sociological literature and in criminal practice. In 1981, for example, the United States Department of Justice's definition of white collar crime was dependent upon the professional status and/or special knowledge of the offender. It stated that white collar crime was:

Nonviolent crime for financial gain committed by means of deception by persons whose occupational status is entrepreneurial, professional or semi-professional and utilizing their special occupational skills and opportunities; also, nonviolent crime for financial gain utilizing deception and committed by anyone having special technical and professional knowledge of business and government, irrespective of the person's occupation. (Bureau of Justice Statistics, 1981, p. 215)

Under this definition, then, white collar crime includes someone who provides fraudulent goods or services to the public. It also includes someone who works for a business or corporation and commits a crime against that entity, such as an employee who embezzles money from his or her employer.

Viewpoints

While the dual definition of white collar crime as either occupational or corporate enjoys wide acceptance, since the 1970s there has been a move to further refine the definition to focus on the actual act committed, rather than on the occupation or corporate role of the actor. In 1989, for example, the FBI changed its definition of white collar crime to:

Those illegal acts which are characterized by deceit, concealment, or violations of trust and which are not dependent upon the application or threat of physical force or violence. Individuals and organizations commit these acts to obtain money, property, or services; to avoid the payment or loss of money or services; or to secure personal or business advantage. (p. 3)

Corporate Crime

Thus, in addition to nonviolent actions, the abuse of trust has surfaced as a major element in the definition of white collar crime (Spalek, 2000). Another important development has been a focus on white collar crime as "power crimes," whether they are committed by individuals, corporations, or gangsters (Ruggiero, 2007). Slapper and Tombs (1999) have added to the debate by analyzing criminal and non-criminalized wrongdoings. Much of the harmful conduct committed by corporations, such as polluting the environment, often violates American regulatory policies rather than actual criminal statutes. Because the intent of these regulations is to prohibit conduct rather than to punish it, the fines often are remarkably low. Some argue that by making these harmful actions criminal, too great a strain is placed upon law enforcement agencies which can lack sufficient resources to deal with these problems. Slapper and Tombs, however, argue that the threat of criminal prosecution and adverse publicity would put pressure on corporations to police themselves. Though the likelihood of being caught and prosecuted would be statistically low, the corporations would still assume the costs of regulating themselves rather than the public. Wells (2001) argues further for the criminalization of regulatory violations since, by sending a message about what kinds of conduct society deems to be worthy of sanctions and condemnation, it might serve as some additional deterrence.

Intent

While it may seem logical to hold organizations and corporations to the same standards individuals are held to, how this is done is not clearly defined within the theories of criminal law. Often, for example, in order to be convicted of a particular crime, it must be shown that the perpetrator had a guilty mind or “mens rea” to commit the crime. To be convicted of first degree murder, for example, the accused must have had the intent to murder or to cause serious bodily injury resulting in death. If the intent is lacking, the perpetrator can only be charged with a lesser offense, like manslaughter. But all too often in corporate crimes the leadership lacks the specific intent to harm its victims. Instead, corporate executives weigh the risks involved in their actions, both the risks of harming others and of getting caught. Doctrines that hold corporations liable are less well developed than those pertaining to individuals in part because some would argue that there is no intent possible in a nonhuman legal entity. Lederman (2001) offered an extensive discussion on the developing legal theories to hold corporate entities criminally liable for their actions. One argument, for example, is that a corporation’s intent or culpability can be gleaned from the leadership’s directives to employees, whether verbal, written, or through everyday behaviors. It is important to realize that this entire legal development is relatively new. The first conviction in the United Kingdom for the offense of corporate manslaughter, for example, occurred in 1994 following an industrial death (Tombs, 1995). This development occurred as a response to a wave of business enterprise deaths at sea and on the nation’s rail network among others, argued that the media does not cover corporate crime in the same manner that it does street crime (Slapper & Tombs, 1999). Often a corporate crime is portrayed as a unique accident, rather than as the outcome of systemic wrongdoing and intentional neglect. Media images of street violence are intense, immediate and personalized so that the public feels the threat of danger and becomes outraged; in contrast, corporate-related deaths are portrayed as rare, specific to a unique set of circumstances, and without culpability.

Individual Crime

Like their corporate counterparts, individual white collar offenders face remarkably few consequences for their illegal behavior. Most individual white collar offenders are people who “got into financial difficulty and who

saw their way out of it through illegal and fraudulent means” (Keel, 2008, p. 2). These relatively small operators are more likely to get caught, while major criminals have the connections and resources to escape detection. In fact, estimates are that less than 5% of the perpetrators are ever caught and convicted. Of these, an even smaller percent go to jail. According to the American Bar Association, for example, 91% of convicted bank robbers go to jail, while only 17% of those convicted of embezzling bank funds do. Even when building contractors knowingly use substandard materials that result in injury and death, they face fines rather than jail time (Long, 2007). Penalties have increased over the past few years, but severe punishment still remains unlikely.

There are several reasons why white collar criminals are not as severely punished as their street crime counterparts. Sometimes the status and wealth of a perpetrator does afford him or her special protections. Cronyism, or favors from politically elite friends, may influence whether a prosecutor decides to bring criminal charges against an individual or whether local law enforcement resources are allocated to pursue certain types of crime. Access to excellent, well-connected lawyers also plays an important role in protecting these criminals from severe punishment. Since white collar individuals write the laws concerning white collar crime, vague terms and light sentences are established. And because these crimes are usually nonviolent and do not fit our image of evil, illegal conduct, the public perception of white collar crime is different and the demand for severe punishment less vocal.

Detecting & Prosecuting White Collar Crime

White collar crime often is difficult to discover. Special experts are required to trace bank fraud, securities fraud, and other very complex and technical illegal transactions. Usually the offenses are hidden within normal business practices and easily kept secret through occupational controls. Additionally, white collar criminals often commit illegal acts that are regulated by government agencies, such as the US Treasury and the Environmental Protection Agency. Understaffed and lacking resources, these agencies often fail to detect white collar crime. When corporations are the perpetrators, it can also be difficult to assign blame to specific individuals within the organization. More often than not, corporations make arrangements to pay some relatively small fine as their only punishment. In

these cases, it is believed that the removal of corporate officers guilty of the criminal conduct might disrupt the function of the entity, harming employees and shareholders who played no role in the crimes. Similarly, requiring the corporation to pay a huge fine also might affect its stability and the livelihoods of hundreds or thousands of employees. The Federal US Sentencing Commission, for example, found that between the years 1984 through 1987, nearly half of convicted corporations paid fines of \$5,000 or less, while 80% were fined \$25,000 or less (Keel, 2008).

Because white-collar crime is so difficult to detect and investigate, numerous federal and state agencies work together to control it. In fact, the National White Collar Crime Center (NW3C) exists to:

Provide a nationwide support system for agencies involved in the prevention, investigation, and prosecution of economic and high-tech crimes and to support and partner with other appropriate entities in addressing homeland security initiatives, as they relate to economic and high-tech crimes (2008, ¶8).

Organizational Deviance

Although Sutherland and his colleagues were concerned about crime perpetrated by business entities, all too often their theoretical or legal analysis of corporate crime focused on the criminal actions of individuals within an organization rather than the criminal actions of corporate entities. In 1976, however, another president-elect of the American Sociological Association, Stanton Wheeler, used his public platform to promote the study of organizational crime (Wong, 2005). Then, in 1981, Ermann and Lundman introduced the concept of “organizational deviance” (Wong, 2005, p. 15). Under their analysis, an organization is deviant if

- It commits an act that is in violation of external norms and the organization’s stated goals, but “supported by internal operating norms”
- It socializes new members to consent to the organizations “rationalizations and justifications” for the deviant act
- It gives peer support to the individuals who committed the act, and

- Its dominant leadership supports deviant acts (Wong, 2005, p. 15-16).

Later theorists distinguished between organizations with deviant goals and those “that approved illegitimate means in the achievement of organizational goals” (Wong, 2005, p. 16). Organized crime syndicates fit into the category of organizations with deviant goals, although not all of the offenses committed by organized crime syndicates fall into the category of white collar crime.

Organized Crime

The Organized Crime Control Act (U.S., 1970) defines organized crime as “The unlawful activities of ... a highly organized and disciplined association...” It can and does exist in any setting, whether it be local, state, national, or international. In order to thrive and move money throughout the economy, however, organized crime has to have strong ties to legitimate business entities. Often, cooperation from respected members of the business community is gained through bribery, extortion, and blackmail. Added protection for the criminal endeavors is achieved by bribing judicial and law enforcement officials.

In an effort to combat organized crime, in 1970 the federal government passed the Racketeer Influenced and Corrupt Organization (RICO) Act (18 U. S. C. A. § 1961 et seq.) In addition to crimes deemed to be white collar in nature, RICO encompasses gambling, extortion, prostitution, narcotics trafficking, loan sharking and murder. Punishment under RICO can be extremely harsh, including fines and up to 20 years in prison. Additionally, the defendant must forfeit any claims to the money or property obtained from the criminal enterprise, or obtained from any criminal enterprise barred under RICO (White-collar, 2008).

Political Crime

Another aspect of white collar crime that can be either individual in nature or organized is governmental or political crime. Lawmakers are frequently in a position to trade their influence and legislative votes for money and gifts. Again, the risks of being caught are low, and given politicians’ elite political connections within a governmental entity, even the loss of one’s political career is not a given. Similarly, entire governments, or groups

within a government, can commit acts that fall into the broad category of white collar crime. The Watergate break in during the Nixon administration and the Iran-Contra scandal during the Reagan administration are both examples of illegal action performed by an organized group of individuals within our government.

Despite decades of corporate criminal offenses, it was not until 2002 that Congress enacted legislation that seriously penalized corporate wrongdoing. The Public Company Accounting Reform and Investor Protection Act, also known as the Sarbanes-Oxley Act (Pub.L. 107-204, 116 Stat. 745) increased penalties for mail and wire fraud to 20 years in prison. Acts of securities fraud could be punished by up to 25 years in prison. Additionally, the Act criminalized the falsification of corporate financial reports, making it punishable with fines of up to \$5 million dollars and 10 years in prison (White-collar, 2008). Also contained within the Act was the directive that the Federal US Sentencing Commission increased the penalties for other white collar crimes. The huge financial losses from the Enron and WorldCom scandals, combined with the evidence of extensive financial report falsification by the accounting firm of Arthur Andersen, finally moved the government to take white collar crime seriously, in large part to shore up public confidence in the stock market and in corporate America. These new regulations changed the landscape of both public and law enforcement attitudes towards white collar crime.

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Crime Theory: Organized Crime

Karen M. Harbeck

Overview

The Organized Crime Control Act defines organized crime as “The unlawful activities of...a highly organized and disciplined association,” usually for the purposes of financial gain (U.S., 1970). It can and does exist on any scale, whether local, state, national, or international. In order to thrive, however, organized crime has to have strong ties into legitimate business entities so that money can be moved throughout the economy. Often, the cooperation of respected members of the business community is gained through bribery, extortion, and blackmail. Added protection for criminal endeavors is achieved by bribing judicial and law enforcement officials. Politically motivated organized crime is referred to as terrorism.

The impact of organized crime is difficult to measure since this type of crime is involved in so many legal and illegal enterprises. The Federal Bureau of Investigation (FBI) estimates that its illegal annual profits globally exceed \$1 trillion per year (FBI, n.d.b). Glenny estimates that this shadow economy nets about 15% to 20% of global GDP (gross domestic product) annually (2008, p. xv). The illegal enterprises organized crime engages in include drug and weapons trafficking, money laundering, gambling, murder for hire, prostitution, bombings, extortion, kidnapping, fraud, political corruption, loan sharking, blackmail, human smuggling, counterfeiting, illegally dumping toxic waste, and terrorism. Not counted in these statistics,

however, are the actual and indirect costs and hardships inflicted upon individuals and communities through the violence, intimidation, and corruption used by organized crime to control their criminal enterprises. One trend in organized crime is the increased ability of these organizations to work with one another around the world to achieve their illegal ends. This has increased the need for the FBI to work with its counterparts in other countries in order to disrupt these costly criminal activities.

The Organized Crime Section at the FBI is divided into three units that focus on Italian racketeering, Eurasian/Middle Eastern organized crime, and Asian and African criminal activities (FBI, n.d.b). It also maintains a Sports Bribery Program aimed at ensuring the integrity of American sporting events by educating sports officials and players about the role of organized crime in gambling, corruption, bribery, and drug trafficking. Additionally, the program investigates and prosecutes offenses related to federal gambling and corruption laws in sports.

Within sociological theory, many of the activities engaged in by organized crime come under the concept of white collar crime. Analysis of white collar crime focuses on two types: the individual perpetrator having special knowledge or occupational expertise and access that permits him or her to gain illegal financial advantage over others; and, corporate or organizational perpetrators, including organized and governmental crime. Since white collar crime is intermingled with legitimate business activities and often involves complex and sophisticated technical actions, detection is very difficult. Although white collar crime is a \$300 billion dollar annual harm to our society, few perpetrators are caught and even fewer receive any sort of punishment.

Technically speaking, when a corporation commits an offense, this is called “corporate crime” or “organizational crime,” which is considered one type of white collar crime. This division of white collar crime categories into two types, occupational and corporate, was advanced by Clinard and Quinney in the 1960s, and it remains influential to this day (Green, 2006). Another aspect of white collar crime that can be either individual in nature or organized, is governmental or political crime, for instance, lawmakers trading their influence and legislative votes for money and gifts.

In an effort to combat organized crime, in 1970 the federal government passed the Racketeer Influenced and Corrupt Organization (RICO) Act (18 U. S. C. A. § 1961 et seq.) In addition to crimes deemed to be white collar in nature, RICO provides penalties for gambling, extortion, prostitution, narcotics trafficking, loan sharking and murder. Punishment under RICO can be extremely harsh, including fines and up to 20 years in prison. Additionally, the defendant must forfeit any claims to the money or property obtained from the criminal enterprise or obtained from any criminal enterprise barred under RICO (White-collar, 2008).

Despite decades of corporate criminal offenses, it was not until 2002 that Congress enacted legislation that seriously penalized corporate wrongdoing. The Public Company Accounting Reform and Investor Protection Act, also known as the Sarbanes-Oxley Act (Pub.L. 107-204, 116 Stat. 745), increased penalties for mail and wire fraud to 20 years in prison. Those convicted of committing securities fraud faced up to 25 years in prison. Additionally, the act criminalized the falsification of corporate financial reports, with fines of up to \$5 million dollars and 10 years in prison (White-collar, n.d.). Also contained within the act was the directive that the Federal U.S. Sentencing Commission increase the penalties for other white collar crimes. These new regulations have changed the historical landscape of both public and law enforcement attitudes towards white collar crime.

Critical Criminology

In addition to traditional views on the causes of crime and deviance that focus on an individual's motivation or character, several other theories of crime deserve brief mention in relation to organized crime. "Critical criminology" often has been called the Robin Hood theory of crime in that it argues that deviance is a choice and a political act made in response to the inequities of capitalist societies. Based upon Marxist views of capitalism, Taylor, Walton, and Young, argued that oppressed groups, such as the working class, women, and minorities, may take action against the dominant, capitalist culture in order to counteract that culture's social, economic, and political power (1973). The dominant culture then labels these actions as criminal in order to maintain its power. In other words, under critical criminology, what constitutes criminal behavior is contingent upon social and historical context, meaning that the definition of criminal behavior can vary over time in relation to the interests of the

dominant group. Critics of critical criminology argue that it romanticizes violent, disruptive, and harmful acts and that it has little interest in the realities of crime.

Left Realism Criminology

Although “left realism criminology” developed out of the theoretical framework of critical criminology, it focuses upon realistic approaches to crime. By studying crime victims, left realists focus on the marginalization or powerlessness of both the victims and the perpetrators of crime. Furthermore, relative to most members of society, these individuals are deprived of financial, social, and political resources. Left realists, therefore, advocate crime interventions that create a more egalitarian relationship between the police and the public. One of left realism’s contributions to criminology has been the expansion of the basic traditional triangle view of crime as involving an offender, a victim, and the state, by adding the public or a civil society to create the square of crime. Conceptually, public attitudes and policies are brought into crime analysis in addition to law enforcement agencies.

Right Realism Criminology

“Right realism” criminological theory developed out of the rational choice and social control theories of crime. Its focus is less theoretical and more oriented towards the prevention and control of crime from a conservative “law and order” perspective. Basically, right realism advocates believe that crime is a choice and that the solution to crime is to take steps to prevent situations in which criminal conduct can occur. Through educational programs and sign postings, individuals are forewarned that should they choose to engage in criminal conduct, the consequences will be swift, harsh, and long lasting. Situational crime prevention also advocates for increased police presence, neighborhood watches, improved street lighting, alarm systems, and other measures that make committing a crime and getting away with it more difficult.

Applications

The Mafia

Traditional views of organized crime have long centered on the Italian criminal societies known as the Mafia. Formed in Italy as underground re-

sistance groups that fought against invading and exploiting armies, these secret societies offered vigilante justice to protect its members' families and friends. A member was called a "Man of Honor," because he was able to disrupt the invading forces' efforts, steal their assets, and, if necessary, die before informing on his society. Sicilians, in particular, were the most clannish and developed into the Mafia in the mid-1800s to "unify the Sicilian peasants against their enemies" (FBI, n.d.e, ¶ 12). By the mid-20th century, the Mafia had "infiltrated the social and economic fabric of Italy and now impact the world (FBI, n.d.e ¶ 1).

By the 1920s, thousands of Sicilian organized crime members had immigrated to the United States and formed La Cosa Nostra or the American Mafia. They found a criminal haven in America at that time due to the passage of the Volstead Act of 1920, otherwise known as Prohibition, which banned the sale of alcohol in the country. Highly organized bootlegging rings moved alcohol throughout the country through loose criminal alliances. Gangland killings and gang wars were common as the various groups fought for influence and territory. Also common was the prosecution of high ranking political figures, judges, and law enforcement personnel who aided the Mafia in their criminal enterprises (Organized Crime, 2008).

Prohibition was repealed in 1933 and the Mafia turned to labor racketeering, gambling, prostitution, and narcotics trafficking. Labor racketeering is "the domination, manipulation, and control of a labor movement in order to affect related businesses and industries" (FBI, n.d.e ¶ 63). In the past, the Mafia has engaged in labor racketeering by controlling the major labor unions in the building and service industries around large cities like New York, so that which companies obtain contracts involving cement, building materials, garbage disposal, construction, highway development, electricity, and plumbing are largely determined by the Mafia, which expects payments for its influence. In order to influence the public bidding processes, Mafia bosses need highly placed public officials on their payroll to rig the bids towards the Mafia providers. In addition to the increased labor and materials costs of these projects, the Mafia also controls the billions of dollars in the pension, welfare, and health funds of construction union members.

The FBI estimates that the four Italian Mafia groups currently active in the United States have over 25,000 members and 250,000 associates world-

wide. Approximately 3,000 members are working throughout the United States in major urban centers like New York, southern New Jersey, and Philadelphia. Current estimates of the Italian Mafia's worldwide profits are \$100 billion annually (FBI, n.d.e).

By the early 1950s, federal investigations into organized crime revealed that many of the top Mob officials had taken control of legitimate businesses and seemingly distanced themselves from daily criminal operations. With wealth, political influence and apparent respectability, these Mafia officials gained an even greater hold over American criminal enterprises. Today they are similar to any other multinational corporate structure, with their illegal commodities and services laundered through legitimate businesses. In addition to traditional criminal activities, today's crimes include the sale of fake telephone cards, identity fraud, stock swindles, and online extortion.

International Organized Crime

In the last two decades, organized crime has taken on new significance internationally and within the United States. One factor has been an increased mobility, both in physical space and cyberspace (Berry, 2003, p. 1). This has permitted criminal organizations from around the world to infiltrate American business interests and to transfer funds electronically before they are detected. The second factor has to do with the loosening of restrictions on the transfer of money internationally.

Up until the late 1980s, governmental restraints restricted the movement of large sums of money internationally. Corporations had lobbied for less regulation, arguing "that they needed to have money around the world faster and in much greater quantities in order to take full advantage of its value as they expanded global operations" (Glenny, 2008, p. 172). In the late 1980s, the governments of Ronald Reagan in the United States, and Margaret Thatcher in the United Kingdom, "lifted the bureaucratic barriers that blocked the free movement of capital" and "established only primitive mechanisms to regulate this massive surge in the movement of capital" (Glenny, 2008, p. 172). With the combination of technology and deregulation, organized crime has become a powerful force both internationally and within the United States.

Eurasian Organized Crime

Another factor that has influenced organized crime in the United States has been the breakdown of the former Soviet Union around 1991. Called “Eurasian crime” by the FBI, it was initially organized to profit from the Soviet prison system. When the Soviet Union collapsed, crime leaders and corrupt government officials combined to take control of the industries and natural resources that were being privatized. With this huge infusion of wealth and the legitimate means of laundering money, Eurasian crime has gained the resources to destabilize emerging political institutions that have access to the former Soviet Union’s nuclear weapons caches (FBI, n.d.d). Within the United States, Eurasian organized crime involves healthcare fraud, drug trafficking, auto theft, money laundering, extortion, securities and investment fraud, the interstate transportation of stolen property, and prostitution. Like many of their organized crime counterparts, the Eurasian group is also involved in “human trafficking,” which pertains to two categories: the “buying and selling of women and children for illegal labor and for the sex trade;” and the “movement of illegal immigrants through or into countries without fulfilling the documentation requirements of those countries” (Berry, 2003, p. 2).

Asian Organized Crime

Since the early 1990s, Asian organized crime has been active in the United States as well. Early Chinese-American immigrants started social groups, known as “tongs,” which eventually evolved into criminal operations. The FBI states that the most dominant groups have ties to China, Korea, Japan, Thailand, the Philippines, Cambodia, Laos, and Vietnam, although all of them have extensive international influence. Situated in more than 50 large metropolitan areas across the United States, these Asian criminal enterprises also use local businesses and large corporations to hide their criminal activities. In addition to traditional racketeering activities associated with organized crime, the Asian groups also “smuggle aliens; traffic heroin and methamphetamine; commit financial frauds; steal autos and computer chips; counterfeit computer and clothing products; and launder money” (FBI, n.d.c, ¶ 6).

African Organized Crime

Few organized crime groups have benefited more from communication technology and the globalization of world economies than the African

criminal enterprises that have been developing since the 1980s. Moving into the world markets, these formerly local and regional crime groups have flourished in countries like Nigeria, Ghana, and Liberia. Nigerian criminal enterprises in particular have committed massive financial fraud throughout the world and the United States. The cost to the United States alone is estimated at between \$1 billion and \$2 billion annually. Additionally, “large populations of ethnic Nigerians in India, Pakistan, and Thailand have given these enterprises direct access to 90% of the world’s heroin production” (FBI, n.d.a, ¶5). As well as typical organized crime activities, the FBI focuses on “insurance fraud involving auto accidents; healthcare billing schemes; life insurance schemes; bank, check, and credit card fraud; advance-fee schemes known as 4-1-9 letters; and document fraud to develop false identities” (FBI, n.d.a, ¶7). Since the development of e-mail, the fax machine, and the Internet, their crimes have become more profitable and more prevalent.

Viewpoints

Since organized crime in a global enterprise, the United States government is interested in countries that are hospitable to these enterprises. Berry and her colleagues argue that there are several common characteristics of such governments that provide favorable conditions for the survival and expansion of organized crime, including, “official corruption, incomplete or weak legislation, poor enforcement of existing laws, non-transparent financial institutions, unfavorable economic conditions, lack of respect for the rule of law in society, and poorly guarded national boundaries” (2003, p. 1). In their report, Berry and her colleagues discuss in detail the various countries around the world in relation to organized crime and the policy issues raised by these situations (2003).

Because of their proximity to the U.S., two countries cited by Berry and her colleagues are of significant interest: Mexico and Canada (2003). Both are staging points for bringing illegal narcotics and people into American borders. Canada, in particular, is cited as a troublesome source of terrorist entry into the U.S. (p. 143). While Canada is applauded in the report for its efforts to protect human rights, some of these efforts have added to the difficulties of policing the border between Canada and the U.S.. According to the authors, Canada serves as a base for terrorist operations and as a

transit country because it has a “generous social-welfare system, lax immigration laws, infrequent prosecutions, light sentencing, and long borders and coastlines” (p. 146). After the 9/11 terrorist attacks in New York City, however, the Canadian government enacted the Immigration and Refugee Protection Act to heighten border security with the United States by increasing immigrant screening, instituting new criminal charges and penalties for suspected terrorists, shortening the appeal process, and increasing police arrest powers (p. 146).

Terrorism

Although beyond the scope of this article, it is important to add terrorism to the definition of organized crime. Terrorism is coercion through violence, and often is recognized after a given terrorist event when the perpetrators articulate that they committed the act and give their reasons for doing so. Elements of terrorism include violence executed for a political reason with the intent to maximize psychological fear by deliberately targeting non-combatant civilians. Terrorists often disguise themselves as non-combatants in order to escape initial detection and to increase the likelihood of harm to civilians. Some of the organized crime discussed throughout this article is conducted in order to obtain weapons or funding for terrorist efforts. From the perspective of terrorists, their motivations justify their extreme actions. Others would argue that no political, social, economic, or religious motivation is sufficient to excuse these devastating acts of violence.

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Overview of Hate Crimes

Matt Donnelly

Overview

Hate crimes are a specific form of crime in which a person or group is verbally and/or physically attacked because of their gender, sexual orientation, religion, politics, ethnicity, disability or age. Sociologists have identified several ways in which hate can be manifested. These include physical attacks; property damage; bullying tactics; insults; and threatening phone calls, emails, text messages, instant messages or letters.

History of Hate Crimes

While hate crimes have received considerable attention in recent decades, the phenomenon is hardly new. One especially grievous example of hate crimes have been those perpetrated against the Jews since even before the time of Christ, and culminating in the Holocaust during World War II, which is perhaps the greatest hate crime in human history. Other well-known examples of hate crimes include genocides in Armenia, Bosnia, Rwanda and Sudan; cross burnings, lynchings and other actions of the Ku Klux Klan against African Americans in the United States; and threats and violence against gays and lesbians throughout the world.

In the 21st century, as migration patterns are resulting in a world that is more racially, ethnically, culturally, socially and religiously mixed than it has ever been, hate crimes – crimes against the Other – have attracted con-

siderable public attention. In some ways old hatreds have been given new life. "By 2003, there were more anti-Jewish hate attacks in European countries than at any time since World War II" (Levin, 2007, p. 81).

Researchers have noted that the concept of a hate crime presupposes a community that is morally outraged at prejudice of all kinds, and any particularly prejudicial attitudes and actions toward presumptive victim groups. According to Mason (2007), hate crime

. . . has a heavy investment in the capacity of its victim groups to convince the general public that they have been unjustly harmed. The process by which victim status is accorded to a given group is thus far from objective. Rather, it is the product of 'collective definitions that have been developed by watchdog organisations' and 'contested in legal and public arenas' (Jenness & Broad, 1997, p. 173) (Mason, 2007, p. 265).

Hate Crimes in the United States

Hate crimes in the United States have deep roots in American history and culture. As the U.S. Federal Bureau of Investigation (FBI) notes,

Crimes of hatred and prejudice—from lynchings to cross burnings to vandalism of synagogues—are a sad fact of American history, but the term "hate crime" did not enter the nation's vocabulary until the 1980s, when emerging hate groups like the Skinheads launched a wave of bias-related crime ("Hate Crime," 2008b).

In response to these recent and disturbing trends, 45 states have passed hate crime laws. All these states define a hate crime as a criminal act perpetrated due to the victim's race, religion, and ethnicity, while some also include sexual orientation, gender and disability as criteria for hate crimes. Only Arkansas, Georgia, Indiana, South Carolina and Wyoming do not have hate crime statutes on their books, though hate crimes in those states are prosecuted under existing statutes covering murder, theft, harassment and assault.

According to the latest FBI Hate Crime Statistics, (2007) there were 7,222 "single-bias" criminal hate crime incidents involving 9,080 offenses and

9,652 victims (defined as “a person, business, institution, or society as a whole”) in 2006. An FBI analysis of those incidents revealed the following:

Table 1: Some 2006 Hate Crime Statistics

Motivation	Percentage	Most impacted group
Racial bias	51.8%	African Americans
Religious bias	18.9%	Jews
Sexual-orientation bias	15.5%	Male homosexuals
Ethnicity/national origins bias	12.7%	Hispanics
Disability bias	1%	Mentally disabled

(from “Hate Crime Statistics,” 2007, <http://www.fbi.gov/ucr/hc2006/index.html>)

Apart from the FBI statistics, the U.S. Equal Employment Opportunity Commission reported a 24 percent increase in racial harassment reports between 2006 and 2007. The figure is now double what it was in 1991 (Bello, 2008, p. 3a).

Hate Crimes Against Muslims after September 11, 2001

The attacks of September 11, 2001, sent shockwaves through American society. Coordinated terrorist attacks in New York City and Washington, D.C. brought home to many Americans that the United States was not immune to being attacked on its own soil. Because the attacks were carried out exclusively by self-professed Muslims, the attacks also shined a spotlight, perhaps for the first time, on the 2.35 million Muslims living in the United States (Pew Research Center, 2007, pp. 9-10), as well as on college and university students from Muslim-majority nations studying in the United States.

Researchers have found that the expected spike in anti-Muslim hate crime did occur in the immediate aftermath of the September 11 attacks. As one team of researchers noted, “with over 400 cases of anti-Islamic hate crime occurring nationally in the weeks after 9/11, in-group and out-group

social psychology may have been amplified by the terrorist events” (Byers & Jones, 2007, p. 53).

These researchers also found, however, that the anti-Muslim hate crimes followed a specific pattern of intensity: “The time series analysis also showed that the effect of 9/11 largely dissipated within eight days of September 11. That is, the daily reports of anti-Islamic hate crimes began to level off yet did not return, on average, to the lower levels prior to 9/11” (Byers & Jones, 2007, pp. 53-54). Most curiously, given the locations of the terrorist attacks, “New York City and Washington, DC, anti-Islamic hate crime reports are essentially non-existent (DC did have one report). With the exception of Boston, MA, all other locations on the list of top 10 cities with anti-Islamic hate crime reports in 2001 were some distance from both NYC and DC” (Byers & Jones, 2007, p. 54).

In seeking to explain the spike in anti-Muslim hate crimes more generally, the researchers noted the pivotal role played by political, religious and community leaders, “Some of this effect may be accounted for by pleas in the media from Islamic and political leaders calling for calm and tolerance” (Byers & Jones, 2007, pp. 53-54).

As for the somewhat counterintuitive finding that anti-Muslim hate crimes were markedly absent from police blotters in New York City and Washington, D.C., the research team suggested that this

. . . could be accounted for by the leveling of social distinctions as shown by previous researchers (Blocker, Rochford, & Sherkat, 1991; Gonzolas-Garcia & Soriano-Parra, 1989; Neal, 1984; Turkel, 2002). In short, and consistent with the theory of in-group and out-group differences, such distinctions may have become less important given the collective community level trauma and the “leveling of social distinctions” (Quarantelli & Dynes, 1976) (Byers & Jones, 2007, p. 54).

In other words, the trauma of the attacks drew people in New York and Washington, D.C. together rather than driving them apart.

An extensive survey of Muslim Americans conducted by the Pew Research Center five years after the September 11 attacks found that “[a] quarter of

Muslim Americans say they have been the victim of discrimination in the United States, while 73% say they have never experienced discrimination while living in this country” (Pew Research Center, 2007, p. 4).

Illegal Immigration & Anti-Hispanic Hate Crimes

One of the most controversial social and political issues in the United States at the turn of the 21st century involves illegal immigrants, also known as undocumented workers. Should they be allowed to stay in the country, and under what conditions? Could they be stopped from coming to America altogether? The vast majority of illegal immigrants come from Mexico and elsewhere in Latin and Central America (Passel, 2005, p. 2), and a considerable portion of the American public believes there are good moral and economic grounds for taking a tougher stand against these migrants. While much of the opposition to illegal immigration is conducted within legal boundaries and doesn't spill over into hatred and violence, hateful attitudes and actions have emerged.

FBI statistics show that the number of hate crimes perpetrated against Hispanics rose 25 percent between 2004 and 2008. Some, such as the Hispanic civil rights group the National Council of La Raza, attribute the increase to a spike in media coverage of illegal immigration (Ramirez, 2008, p. 14). The Anti-Defamation League agrees; Deborah Lauter, its civil rights director adds, “When we saw the rhetoric shift from a legitimate debate to one where immigrants were dehumanized, we believe it inspired extremists and [some] mainstream Americans to act” (as cited in Ramirez, 2008, p. 14).

Further Insights

Underreporting of Hate Crimes

The FBI data cited earlier was collected by the FBI in compliance with the 1990 Hate Crime Statistics Act. However, according to hate crimes watchdog organizations such as the Anti-Defamation League, there is evidence that the number of annual hate crimes in the United States may be underreported:

In 2006, 12,620 law enforcement agencies in the United States participated in this data collection effort, compared to 12,417 in 2005. Yet, only 16.7% of participating agencies reported even a

single hate crime – and almost 5,000 police departments across the country did not participate in the FBI reporting program at all (“FBI Report Shows,” 2007, par. 7).

Sociologists reviewing the FBI statistics have shown that law enforcement agencies in the Northeast and West have been more forthcoming with hate crime data than their counterparts in the South and Midwest (McVeigh, 2003; cited in King, 2007, pp. 189-190). “Hate crime reporting appears particularly scant in the historic ‘Black Belt’ states. For example, only one law enforcement agency in Alabama and Mississippi combined submitted a hate crime incident report in 2000 (U.S. Department of Justice 2000: Table 12)” (cited in King, 2007, p.190).

Upward & Downward Law

How can this discrepancy be explained? Scholars note, for example, that when it comes to prosecuting hate crimes perpetrated by whites against African Americans, very often the concepts of “upward law” (law enforced against a higher-ranking person) and “downward law” (law enforced against a lower-ranking person) apply. According to King (2007),

Disputes that largely entail majority group offenders and minority group victims, such as hate crimes (Messner et al. 2004), constitute “upward law” (Black 1976:21-2) and may thus elicit minimal law enforcement. The present research builds on Black’s insight in conjunction with the group threat thesis as advanced in the areas of law enforcement (Jackson 1989), civil rights law (Vines 1964), and prejudice (Taylor 1998; Quillian 1996) to suggest that minority group size increases the use of law that adversely impacts minority groups but decreases the use of law aimed at protecting minorities (King, 2007, p. 190).

Jack Levin, a leading expert on hate crimes, suggests that the police also may not be seeing the distinctive marks of hate crimes:

The low police estimate [of hate crimes] probably reflects their lack of training in recognizing the criteria e.g., slurs and epithets, graffiti, membership in organized hate crime, location where previous hate attacks have occurred, propaganda, hate websites and CDs, and a perpetrator’s record of committing hate crimes.

Also, police may see hate crimes committed by teenagers as merely childish pranks or hooliganism, deserving of some unofficial reprimand but nothing more. Some youngsters are given a slap on the wrist in the form of probation with no conditions – no community service, victim restitution, or education; others never get into police reports or the courts (Levin, 2007, p. 82).

Reasons for Committing Hate Crimes

Sociologists and others have been interested to learn the reasons underlying the perpetration of hate crimes, and considerable social science research has sought to unravel the mystery.

Several lines of evidence can be brought together. First is data collected by British researchers at the Institute of Education, University of London, indicating that hate crimes were most prevalent in areas with wide disparities in educational achievement, with proportionately few students grouped in the 'average' achievement category ("Educational Inequality," 2008).

It is also the case that about 95 percent of hate crimes are committed by individuals and small groups (Levin, 2007, p. 83), and not by organized groups such as the Ku Klux Klan. Levin gives an especially lucid explanation of these individuals and their motivations:

But hate comes right from the mainstream of a society. Most hate-mongers are dabblers; they commit their offenses on a part-time basis as sort of a hobby. . . . More than half of all hate attacks are perpetrated for the thrill, for the excitement, for bragging rights with friends who think that hate and violence are pretty cool. These thrill hate crimes are typically carried out by teenagers or young adults who go out in groups of 3, 4, 5 or more looking to assault someone who is different. They are bored and idle, they are unsophisticated in terms of hate ideology; but when they bash the enemy, their vulnerable victims, they feel something they never felt before---a sense of their own superiority, a feeling of power, and dominance, and control (Levin, 2007, p. 83).

Others who commit hate crimes do so because they perceive other groups as a threat or because they desire to retaliate against previous hate crimes perpetrated against members of their own group (Levin, 2007, p. 84).

Preventing Hate Crimes

No single method has ever been effective against reducing the number of hate crimes. Experts note that it involves the coordinated efforts of law enforcement, the courts, community and religious leaders, educators and ordinary citizens to stem the tide of hate-inspired criminality. Each group has a role to play:

The Police

- Raise confidence in targeted communities that justice will be served
- Bring perpetrators of hate crimes to justice
- Educate young people about the serious costs of committing hate crimes
- Protect witnesses in hate crime cases

The Courts

- Enforce existing statutes against hate crimes
- Connect victims of hate crimes to social services
- Community & Religious Leaders
- Drive home the message that hate and violence are never the answer
- Help develop alternative and positive ways for the disenfranchised and disenfranchised – those at risk of committing hate crimes – to connect with the diverse groups in their community
- Emphasize religious traditions that put a premium on love and tolerance

The School System

- Introducing anti-hate, pro-tolerance lessons and curricula in age-appropriate ways

- Remaining vigilant about outbreaks of hate-based activities among students
- Working with parents, community groups and others to provide counseling and positive activities for those students viewed as at-risk for committing hate crimes

Ordinary Citizens

- Reporting hate crimes to the police, even anonymously
- Encouraging friends that hate and violence aren't the answer to anything
- Not tolerating or encouraging hate-filled comments or discussions about various groups

(based on "Hate Crime," 2008a)

Sympathizers & Spectators

Levin notes that two groups in particular enable the spread of hate crimes: sympathizers and spectators. These two groups are:

. . . members of society whose behavior gives encouragement and support to those who are willing and able to commit a hate attack. Sympathizers repeat ethnic and racial jokes and epithets. In the process, they teach others, especially children, to hate. Spectators are essentially decent and honorable people. But they lack the courage to stand apart from the masses. They don't hate people who are different, but they do absolutely nothing to discourage hate from being expressed in criminal behavior (Levin, 2007, p. 84).

To address the problem of hate crimes in any sufficient way, these two groups must be re-educated.

For further information on effective ways to educate for tolerance and prevent hate crimes, see the Anti-Defamation League's *How to Combat Bias and Hate Crimes: An ADL Blueprint for Action*.

Viewpoints

Hate Crimes Legislation

There has been considerable debate and discussion surrounding the proposed Local Law Enforcement Hate Crime Prevention Act, which was first introduced in Congress in 1999, but has yet to pass and go to the President for his signature. This act is also known as the Matthew Shepard Act, after a gay college student who was tortured and killed in 1998 in an acknowledged act of anti-gay hatred.

The act is designed to expand the scope of federal hate crimes legislation, which has been on the books since 1969. In its 2007 form, the act would have given federal authorities more freedom to intervene in alleged hate crimes cases not pursued by state and local authorities, provided additional hate crimes funding to state and local law enforcement agencies, and added trans gendered individuals to the FBI's annual report on hate crimes statistics. According to the Anti-Defamation League (ADL), one of the leading supporters of the legislation,

The Local Law Enforcement Hate Crime Prevention Act is designed to expand the range of assistance federal authorities can provide state and local officials prosecuting hate crimes and, when appropriate, provide authority for federal officials to investigate and prosecute hate crimes in those circumstances where state and local officials cannot or will not act themselves (as cited in, "FBI Report," 2007)

Others argue that federal hate crimes legislation is unnecessary given existing criminal statutes. Daniel Troy of the American Enterprise Institute, in testimony to the House Judiciary Committee in 1999 posited that hate crime legislation is counterproductive:

The way a society gives voice to the need for justice, punishment, and vengeance is through the criminal law. If our criminal laws are not tough enough to satisfy our communal need for justice, by all means let us make them tougher. But we should not give greater legal effect to the grievances of one group over those of another. Crimes should be punished regardless of a victim's immutable characteristics (Troy, 2000, par. 3).

Still others also argue that federal hate crimes legislation “further balkanizes American society along racial and ethnic lines, building walls instead of bridges” and “punishes thought in a manner at odds with the First Amendment” (Troy, 2000). Some religious leaders have been concerned that religious statements critical of homosexuality could be construed as hate crimes under the Local Law Enforcement Hate Crime Prevention Act.

In response, the ADL argues that hate crimes are a special category of criminal activity that demands a specific legislative remedy because they threaten the very essence of a multicultural society:

Hate crimes demand a priority response because of their special emotional and psychological impact on the victim and the victim’s community. The damage done by hate crimes cannot be measured solely in terms of physical injury or dollars and cents. Hate crimes may effectively intimidate other members of the victim’s community, leaving them feeling isolated, vulnerable and unprotected by the law. By making members of minority communities fearful, angry and suspicious of other groups -- and of the power structure that is supposed to protect them -- these incidents can damage the fabric of our society and fragment communities (“Hate Crimes Laws,” 2001, Introduction).

As of the 2007-2008 Congressional session, the Local Law Enforcement Hate Crime Prevention Act has yet to pass both houses of Congress and go to the President for his signature or veto.

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Sexual Assault & Rape

Carolyn Sprague

Overview

Sexual violence is a major social and public health problem in the United States. The statistics, according to the National Violence against Women Survey (NVAWS), state that 1 in 6 women and 1 in 33 men reports having experienced an attempted or completed rape at some point in time (Basile, Lang, Bartenfeld, & Clinton-Sherrod, 2005). While men can be victims of sexual assault, the overwhelming majority of victims are women who have been victimized by men (Franiuk, 2007).

Rape is defined as penetration or attempted penetration, but the definition of sexual assault is broader. According to the Center for Disease Control (CDC), sexual assault encompasses the following (2008):

- Completed or attempted penetration;
- Abusive sexual contact without penetration;
- Non-contact sexual abuse (harassment and voyeurism).

The definition also extends to acts of rape perpetrated during war, sex trafficking and female genital mutilation (Basile et al., 2005). This essay is limited to a discussion of the three bulleted points above.

In most states, the legal definition of 1st or 2nd degree sexual assault involves non-consensual sexual contact and/or intercourse (Franiuk, 2007). Consent is a critical factor when determining if sexual assault has occurred. If a victim doesn't consent to engaging in sexual activity with another individual, then the act is legally defined as sexual assault. Non-consent or ambiguous consent cannot be construed as affirmative consent. Victims of sexual assault may not be able to give consent due to age, illness or impairment or may be intimidated through physical violence or threats (Basile et al., 2005) and therefore afraid to say no.

Historically, rapes and sexual assaults were believed to be perpetrated against women by strangers, but current data shows that women are much more likely to be sexually assaulted by men with whom they are acquainted. In fact, estimates suggest that 82% of all victims of sexual assault know their assailant (Basile et al., 2005).

At Risk Populations

The majority of first time rape victims are young; 71% of all rapes occur before the victim reaches the age of 18. Young women between the ages of 16 and 24 are the most at risk of being raped (Feminist Majority Foundation, 2005).

According to Franiuk (2007), "although women are susceptible in almost any situation, a college campus has unique elements that contribute to higher rates of sexual assault than non-college locations" (p. 104). College women report that they "often feel emotionally and psychologically coerced into sex"; the pressure is not always physical (Feminist Majority Foundation, 2005). A 1987 study of 3000 (college) women surveyed indicated that more than 50% reported being sexually victimized and 15% were victims of rape. The statistics were re-affirmed by subsequent 1997 and 2006 studies (Franiuk, 2007).

Colleges have higher rates of sexual assault than non-college settings because of the prevalence of (Franiuk, 2007):

- Alcohol;
- Men and women living in close proximity;
- Increased exposure to others having sex.

Many trends are apparent and disturbing when it comes to sexual assault:

- Women are far less likely to report instances of assault if the assailant is known to them. Since only 15% of rapes are committed by strangers, this statistic is likely to indicate that only a small number of sexual assaults actually get reported;
- Intoxication clouds judgment and causes uncertainty about what has actually happened;
- Women and men have different ideas about what constitutes “consent;”
- Women may subscribe to sexual scripts that suggest women are prey while men are predators “this is how sex is supposed to be-maybe it wasn’t assault;”
- College students lack knowledge about sexual assault and its prevalence on campus (Franiuk, 2007).

Responding to Sexual Assault through Education

Researchers and sociologists believe that heightened awareness and education for both men and women can reduce the instances of sexual assault at colleges. One such study provided students with a number of different scenarios and asked the students to decide which of the situations constituted sexual assault. Student perceptions of scenarios revealed that many young people do not have an accurate picture (or definition) of what constitutes sexual assault. In a large number of cases, incidents that met the legal definition of rape or sexual assault went unreported simply because the young women involved did not perceive the incident as a sexual assault.

Knowing that the instances are likely to be significantly under-reported it is imperative to be able to identify which scenarios are actually sexual assault and discuss the factors that make the situations less clear (Franiuk, 2007).

“Discussing and Defining Sexual Assault: A Classroom Activity” used the following methodology to help raise awareness of sexual assault and clarify its definition. Students were required to complete the following steps (Franiuk, 2007):

- Define sexual assault (student's perception);
- Read scenarios and determine if they constitute sexual assault;
- Discuss with classmates and instructor;
- Define sexual assault post discussion – armed with the understanding of what defines “sexual assault” and “consent.”

After students read and evaluated eight scenarios about what constitutes sexual assault, they discussed the scenarios with others. Students did not accurately label some of the situations as sexual assault for the following reasons (Franiuk, 2007):

- The victim didn't explicitly give consent, but was ambiguous “I don't know if I want to have sex”;
- Intimidation and pressure were misconstrued by students and need to be clarified;
- One victim drank too much and so was labeled by students as “responsible’ for the assault: “She should have been more responsible”;
- Gender of the aggressor confused some students - woman pressured boyfriend to have sex.

Alcohol & Sexual Assault

A report from the United Kingdom documents the role that alcohol plays in increasing the chance of sexual assault and rape. While this study didn't focus specifically on college students, it did study the overall link between alcohol use and sexual assault. 81% of reported sexual assaults involved alcohol and amounts were significant enough to cause: Disorientation, memory loss and even loss of consciousness. In 60% of the cases, the amount of alcohol was large enough to “make it questionable whether the victim would have been able to even give consent” (French, Beynon,& Delaforce, 2007).

The voluntary use of alcohol is linked to an increased risk of being victimized by sexual assault by reducing inhibitions, affecting judgment decisions and generally putting the potential victim at great risk for assault.

There's increased concern about drug facilitated sexual assault (DFSA); just how prevalent the clandestine use of these drugs is not well documented. One challenge to reporting is that these drugs may cause memory loss or amnesia which may only serve to prevent or delay reporting of assault. Any delay also puts at risk the collection of evidence and makes confirmation and prosecution of assault even harder (French et al., 2007).

In the U.S., men are being informed of the legal definition of rape as part of rape prevention programs. "It is a felony for a man to have sex with a woman who's too intoxicated to give consent" (Choate, 2003) but in many cases neither men nor women define this scenario as rape. Prevention needs to focus on sex and relationship education to inform both men and women of what their responsibilities are while participating in healthy relationships (French et al., 2007).

Sexual assault and rape are enormous social and public health problems in the U.S and also in the UK. In 1994, Congress passed the Violence Against Women Act (VAWA) to draw attention to the impact that sexual violence has on society and to emphasize prevention. Successful prevention and education programs designed to reduce sexual assault provide many benefits, including: Providing individuals in the community with support and reducing the burden on community social services, health care and law enforcement agencies (Basile et al., 2005).

Applications

Gender Role Perceptions

Gender role perceptions and behaviors are formed from developmental processes and social prescriptions (Simonson & Sublich, 1999). When men and women interact on a sexual level, there are certain attributes that are viewed as traditional gender traits.

On a societal level, men are viewed favorably when they act dominant, powerful and sexually aggressive. When it comes to sexual interactions, society prefers to envision women as passive, fragile and submissive (Simonson & Sublich, 1999). Substantial research has focused on how gender role affects perceptions of different sexual assault and rape scenarios. This section discusses how gender roles and sex role learning con-

tribute to the perpetuation of sexual assault and also shed light on some ways that perceptions can be changed through education.

Sociologists are studying how gender role and sex role learning influence the perceptions that men and women have about different rape scenarios. Of particular interest to sociologists is the “relationship” that exists between the victim and perpetrator in a sexual assault and how that relationship affects rape perceptions.

Research supports the theory that men and women view sexual expectations within social interactions in very different ways. Researchers surveyed men and women about how they felt about different scenarios between the sexes. The outcome of each scenario was sexual intercourse; what differed was the type and level of relationship that the victim and perpetrator had in each scenario. Relationships were classified as the following: Stranger, acquaintance, dating or marital (Simonsen & Sublich, 1999). Observers were asked to rate their perception of the interaction using the four relationship types. Researchers found that perceptions of what constituted rape was highly dependent on how the observer perceived the relationship between the victim and perpetrator. The closer the relationship, the less likely observers were to see the sex act as rape.

Women who were surveyed for the study tended to view the world through a more egalitarian lens and thus were less likely to minimize the severity of the rape. Women’s more liberal view on gender roles was largely aligned with their egalitarian attitudes. Because women are traditionally in less powerful roles than men, they may have more to gain from an egalitarian society than men do. When confronted with a rape scenario, women were more likely to consider a rape a rape (Ben-David & Schneider, 2005). Men were seen as having a greater self-interest in defining rape more narrowly than women; they were also quicker to minimize the severity of a rape, the affect on the victim and how severe the punishment should be (Ben-David & Schneider, 2005).

Research studies also concluded that those who hold less traditional gender-role stereotypes saw rape scenarios (overall) as more serious and were less likely to ascribe blame to the victim. These views were (not surprisingly the opposite) of individuals who hold more traditional gender-role stereotypes (Simonsen & Sublich, 1999). Gender roles are the behaviors

and attitudes that are expected from individuals based on their biological sex and the learned socialization process (Ben-David & Schneider, 2005). Society has prescribed beliefs about the way that men and women should act in given roles. The role that will be discussed in this context is the one that involves sexual interaction between men and women.

One theory about rape which has gained some credence views rape as an extreme extension of traditional gender roles and associated male-female sexual interaction rather than as a result of deviant or pathological behavior (Brownmiller, 1975; Simonsen & Sublich, 1999; Ben-David & Schneider, 2005). "Rape [can be seen] as a mechanism of social control, [which has an] intimidating effect on all women, not just on victims, and the threat of rape [reinforces] traditional attitudes concerning gender roles and women's rights" (Ben-David & Schneider, 2005).

The more intimate the association between the victim and the assailant, the less responsibility was attributed to the perpetrator, and the less he was seen as responsible for violating the victim's rights. Marital rape was seen as the least serious and was often not viewed as rape at all. Marital rape is not recognized as a crime in a number of states; again supporting the perception that rape within a marriage is not widely accepted as being possible.

Judicial systems only add to the ambivalence within our society toward victims of sexual assault. Leniency is given to perpetrators who have a known prior relationship with the victim (Ben-David & Schneider, 2005). In other words, when the victim knows her assailant, her claims of rape are diminished. Sociologists question these perceptions by suggesting that a violent assault by a person close to the victim might be considered more heinous because of the "betrayal of trust." Another perception (rape myth) purports that sexually experienced women aren't really damaged by rape - particularly if the victim has had prior sexual relations with the assailant. These perceptions essentially view "rape and consensual sex as the same" (Ben-David & Schneider, 2005). Rape victims do not see rape and consensual sex as equal.

Disclosure of Assault

Community sensitivity around the topic of sexual violence [is] a significant barrier to implementing the rape prevention education (RPE) programs

(Basile et al., 2005). Most women who are sexually assaulted do not report the attack to the police or other formal agencies; but statistics show that over 50% do reveal the incident to someone (usually a friend or family member). Many women don't tell anyone about their ordeal because they are afraid that no one will believe them, they want to protect their privacy, or they are afraid that they will be blamed for the assault (Feminist Majority Foundation, 2005).

Rape survivors suffer increased psychological symptoms including: Anxiety, PTSD, depression and low self esteem; these symptoms may last for years. While statistics vary, it is well documented that many women (50- 75%) eventually disclose experiences of sexual assault and relatively few (3-10%) reveal sexual assault to formal support sources (Starzynski, Ullman, Townsend, Long, & Long, 2007).

There's evidence that women who received initial positive support reactions from a source (formal or informal) are more likely to disclose sexual assaults to a formal support network. Negative reactions from any support source generally cause women to stop talking (Starzynski et.al, 2007). Many women report that they are hesitant to report their ordeal because they anticipate negative reactions from formal support networks. "Lack of sensitivity and education among professionals result in a 'second rape'... failure to receive adequate support can be devastating" (Russell & Davis, 2007).

Victims of stranger rapes are more likely to report sexual assaults and seek professional help and in general, victims seek help sooner. Research also shows that women who experience other stereotypical sexual assaults are more likely to report the assault to formal support services. Besides rape by strangers, women are also more likely to report an assault that involves violence, bodily injury, assault with a weapon, and greater victim resistance (Starzynski et.al, 2007)

It is well documented that women who are assaulted by acquaintances are not as likely to report the incident. However, "acquaintance rape victims still experience similar psychological distress as those who are victims of stranger rape" (Starzynski et.al, 2007). When compared to other crime victims, rape survivors appear to suffer more negative psychological

outcomes which include: Depression, sexual dysfunction, substance abuse, and PTSD (Russell & Davis, 2007).

Early intervention can have a significant impact on the long term stress and negative effects that women suffer from sexual assault. The large numbers of women who never report sexual assault to formal support networks are at great risk of suffering long term consequences. The reasons that women don't access formal support networks for sexual assault are many and varied. Some women simply lack basic knowledge about what services are available while others have negative attitudes toward seeking help. Women without health insurance, the uneducated and the young are those who are the least likely to seek formal support. Researchers and sociologists suggest that educational materials and information should be given to informal support networks because so many more women rely on such informal networks.

Educating Men

According to NASPA's *Journal of College & Character*, "social learning affects attitudes, knowledge and behavior regarding date rape." Studying the effects of sex role learning is helping sociologists design and implement prevention programs with men as the target audience. Studies show that socialization focused treatment is as effective as traditional rape education programs in reducing rape. Blame and shame are just not effective methods for preventing rape (NASPA, 2007).

This essay has already discussed the pervasiveness of rape and sexual assault on college campuses. Campus rape is a significant problem and accounts for the majority of sexual assault instances. Therefore, reducing the number of sexual assaults on college campuses would significantly reduce the overall instances of sexual assault and rape. The majority of college rape prevention programs target women and include:

- Risk reduction strategies;
- Self defense classes;
- Increasing campus safety;
- Victim advocacy.

Sex role learning and gender role behaviors contribute to men's perceptions, beliefs and biases about sexual assault. College men are more likely

to view sexually coercive behavior as acceptable and rape myths are thought to be widely accepted on college campuses (Choate, 2003). Rape myths are rampant and support false information about rape, rape victims and rapists in a way that marginalizes the damage of the act (Crider, 2008).

Socio-cultural theories support the idea that gender roles are taught and then reinforced. Among the messages that men receive are that they should be “sexual aggressors or competitors and women are the gatekeepers” (Choate, 2003). This type of social message reinforces the idea that women are to blame for their own victimization. Making an association between gender role socialization and rape, participants are less accepting of rape myths and receive a very strong message that they need to obtain positive consent for sexual activity (Choate, 2003).

Dr. Tracy Davis, assistant professor at Western Illinois University has studied effectiveness of rape prevention programs for college fraternity men. Davis’s research focuses on social-learning-shaped perceptions and not just the biological differences between men and women.

Davis states that men are seen as “victims of harmful sex-related social learning.” As such, it is suggested that researchers “scrutinize the negative impact that some messages can have, explore alternatives, and make new choices.” This approach might shed light on why

“men might, for example, be prone to perpetrating sexual assault. By specifically exploring socialized messages (e.g. real men don’t cry or express sensitive emotions) men can begin to better understand themselves and take responsibility for the choices they make” (NASPA, 2007).

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Violent Crime in the U.S.

Karen M. Harbeck

Overview

What is Violent Crime?

Violent crime is defined in the Uniform Crime Reporting (UCR) Program of the United States Department of Justice as involving “force or the threat of force” while committing one of four offenses: murder or non-negligent manslaughter, forcible rape, robbery, or aggravated assault (United States Department of Justice, 2007f). The classification of all of the Justice Department crime data is based upon the decisions of police investigators, rather than upon any final determination by a coroner, court, or other judicial body. State by state data is available from the Department of Justice, as well as the Kaiser Family Foundation website.

According to the Encarta Dictionary, murder is defined as “the crime of killing another person deliberately and not in self-defense or with any other extenuating circumstances recognized by law” (2007). Manslaughter is defined by that same source as “the unlawful killing of one person by another without advance planning.” Negligence entails failing to use a proper level of care, so accidents that result in death do not come under the governmental definitions of violent crime. In summary, then, governmental data on murder does not include deaths caused by negligence, suicide, accidents, justifiable homicide (such as a police officer killing a felon in the line of duty), or attempts to commit murder (United States Department of

Justice, 2007d). Rape is defined as forced sexual intercourse, and robbery is the illegal taking of money or property belonging to another. Keep in mind that in both of these offenses violence or the threat of violence is a necessary component of the crime. Similarly, while simple assault involves a physical attack, aggravated assault involves a higher level of violence before it is categorized as a violent crime.

In 2006, the United States Department of Justice is estimated that 1,417,745 violent crimes occurred in the United States, or 473.5 violent crimes per 100,000 inhabitants (2007f). Although there was a slight 1.9% increase in overall crime when 2006 data was compared with data from 2005, national crime rates had still fallen by 13.3% over the previous ten years.

Prevalence

According to the 2006 government data, aggravated assault accounted for 60.7% of violent crime in our nation, or 287.5 offenses per 100,000 individuals. In 21.9% of these situations, firearms were used in the commission of the crime, a slight increase from previous years (United States Department of Justice, 2007a).

Robbery accounted for 31.6% of all violent crimes, and guns were used in 42.2% of these offenses. The most dangerous locations for acts of robbery were streets and highways (44.5%), while only 14.3% of the offenses occurred in the victim's home. On average, the stolen property value per crime was \$1,268 dollars, while bank robberies accounted for 2.1% of the crime and averaged \$4,330 dollars per offense. Total loss estimates for the year 2006, however, were a staggering \$567 million (United States Department of Justice, 2007e).

Forcible rape accounted for 6.5% of all violent crime, or 60.9 offenses per 100,000 female inhabitants. Included in these figures are "attempted forcible rape, or assault with attempt to rape" (United States Department of Justice, 2007c, ¶2). Statutory rape, defined as sex with a minor, is not included in the data unless force was used in the commission of the crime. Interestingly, the definitions used by the Department of Justice concerning forcible rape use the word "female." Notations, however, disclose that "sexual attacks on males are counted as aggravated assaults or sex offenses, depending on the circumstances and the extent of any injuries" (United

States Department of Justice, 2007c, ¶2). The government does not keep data on the use of weapons in the commission of these felonies (United States Department of Justice, 2007c).

Although a detailed analysis of the causes of sexual offending is beyond the scope of this article, Ward and Beecher provide a useful integrated theory that includes genetic predisposition; adverse developmental experiences (such as child abuse, rejection); psychological dispositions/trait factors (interpersonal problems, mental disorders); social and cultural structures and process (sexism, masculinity and other learned behaviors); and, contextual factors (such as stress or intoxication) (2008). While their theoretical framework is related to sexual offending exclusively, it is useful in considering the development of theories of violent crime in general.

Finally, an estimated 17,034 people were killed in the United States in 2006. Murder was the least common violent crime, making up only 1.2% of the overall picture, or 5.7 murders per 100,000 inhabitants. Firearms played a role in 67.9% of the cases. Handguns alone accounted for 88.4% of all firearm-related deaths. Additionally, murders committed in metropolitan areas accounted for 90.6% of the total deaths (United States Department of Justice, 2007d). Nearly 80% of the murder victims were male, and 90.9% of the offenders were male as well. Most of the offenders (93.8%) were individuals 18 years of age or older. Just over 90% of female victims were killed by male offenders. Approximately half of the victims were African-American, and in 93.2% of these incidences the victims were killed by African-American assailants. White deaths accounted for 47.1% of the total murders, with white offenders killing white victims at a rate of 82.9% overall (United States Department of Justice, 2007b).

Victims

With the crimes in which the relationship between the victim and the offender was known, stranger murders accounted for 23.1% of these killings. In 21.6% of cases, the victim was killed by a family member, and in 55.3% the victim was killed by someone he or she knew, such as a neighbor, parent, or spouse. Of these totals, 32.2% of women were killed by their husbands or boyfriends. Interpersonal arguments, including those related to sexual intimacy, accounted for 26.1% of the 2006 murders, while 16.3% of the victims were killed during the course of some related crime

like robbery or rape (United States Department of Justice, 2007b). According to Polk, if the murder occurred in the home of either the victim or the offender, more often than not the parties had a close relationship of some nature (1994). The murder may relate to conflict resolution over shared space, stolen belongings, physical assault, or to silence the victim who may have witnessed or participated in other illegal activities.

Viewpoints

How does Violent Crime Occur?

In this book on homicide in Australia, Polk (1994) offers an excellent summary of crime statistics from the United States, along with contemporary theoretical analysis. In his summary of studies by Wolfgang (1958), Wallace (1986), and Daly and Wilson (1988), for example, a picture of emerges of a male offender, over the age of 25, who is from a poor economic background, and who has a 54% chance of being unemployed. About half of the murders take place in either the home of the victim or that of the offender, and, on average, only about 12% of the murders occurred between individuals who did not know each other.

Sexual Intimacy

Violence often arises out of sexual intimacy, and in Polk's study about 23% of the murders committed in Victoria, Australia between 1985 and 1989 involved "sexual ownership" and control issues. The first type of sexual ownership and control was violence triggered by jealousy or the threat of separation from a sexual partner. Four percent of these murders were of perceived rivals, while the majority involved the murder of a current or former sexual partner. In both of these instances, numerous acts of physical assault and threats usually preceded the actual murder, and the use of temporary restraining orders and police interventions was ineffective (Polk, 1994). The second type of sexual partner murders involved suicidal thinking and depression on the part of the offender, whose issues of ownership of and control over his or her sexual partner led to the assumption that the partner would be better off dead too. Often, these murderers were older and in failing health, but younger killers facing medical and/or economic problems resorted to this murder/suicide pattern as well. Most of the killings related to sexual partner control involved pre-

meditated planning on the part of the murdered, even those that seemed to be based on violent, immediate expressions of anger.

Confrontations

The vast majority of homicides are “confrontational” in nature, involving strangers, acquaintances, or friends (Polk, 1994). Often these interpersonal disputes are spontaneous arguments sparked by some perceived threat to the “honor” of one or both of the participants. Alcohol or drug impairment plays a significant role in these dynamics. Many murders occur outside of bars and clubs, and often youth gang violence is a factor. In analyzing these confrontation murders, Luckenbill, set forth a six-step transactional analysis of the actions of both the offender and the victim that lead to the death (1977).

- The first step involves an opening move by the victim that is perceived by the offender to be some act of dishonor. Intentional and unintentional acts, gestures, facial expressions, or comments by the victim can set off the offender regardless of how trivial or meaningless.
- In the second step, the offender takes the victim’s behavior as meaning offense.
- The offender making some retaliatory move against the victim rather than ignoring the situation is step three.
- In step four, though the victim may have numerous options, he or she chooses to exercise those that stand up to the offender’s challenge.
- In step five the parties fight, and step six is the killing of the victim. Usually, these murders are resolved in three ways: the killer flees, remains to face the police, or is held by observers until the police arrive (Polk, 1994).

Collins also argues that traditional views of crime are not helpful in understanding violent situations (2008). Rather than focusing on the pathology of the individuals involved, he also engages in a transactional analysis of the violent situations. Violence, according to Collins’ analysis, “is a set of pathways around confrontational tension and fear” (2008, p. 8). In

contrast to traditional criminological theory, however, Collins argues that violence is not easy even if the motivation exists because so many conditions are required for violence, and there are numerous turning points that could diffuse the event. Social control and routine activities theorists, for example, would say that “the formula for crime is a coincidence in time and space of a motivated offender, an accessible victim, and the absence of social control agents who deter crime” (Collins, 2008, p. 21).

Others might argue that violence stems from poverty and low status in a capitalist economy. Social learning theorists would argue that the techniques of violence are learned and acquired through “deliberate tutelage, training, and socialization of offenders” (Akers & Silverman, 2004, p. 19). Collins, however, argues that “most violence is bluster and standoff, with little actually happening, or incompetent performance with mostly ancillary and unintended damage” (2008, p. 32). Like Luckenbill, Collins takes a micro-sociological view of violence by analyzing each step each actor might take that either diffuses violence or causes it to escalate. Unlike Luckenbill, though, Collins believes that each comment or action by the parties is important in the analysis, not just the process that steps up the violence. The significance of acts of griping, whining, arguing and quarreling all receive extensive regard under Collin’s theoretical framework.

Unplanned Violence

The third category of homicides involves what Polk refers to as “exceptional rush” killings that occur during some other high-risk criminal activity, such as an armed robbery. In these situations, the victim is most likely a stranger to the murderer. Smaller categories of homicides include victims killing attackers, professional killings for hire, prison murders, serial killings, mass murders, and law enforcement individuals being killed in the line of duty.

Family Violence

In most situations in which children are the victims of a murder, they fall into a category labeled “family killings” (Polk, 2004, p. 141). In these instances, women perpetrators are as frequent as male killers. According to Polk, there are four sub-themes in parental murders of their children.

- The first type involves parents who batter or beat their children; the murder occurs as an outgrowth of this conduct.
- The second type mirrors the murder of a sexual partner as noted above; the murderer is suicidal and believes that the children need to die along with him or her.
- The third subcategory of parental murder involves neonaticide, or the killing of an infant during the first 24 hours of its life. Mothers are the most typical killers in these instances.
- The final subcategory involves neglect of a child leading to his or her death (Polk, 2004).

Organized Crime

Thus far, the discussion of violent crime in America has focused on individual perpetrators. Violent crime also occurs in the course of organized crime, including gang violence. The Blackwell Dictionary of Sociology defines organized crime as having several essential elements. First, some formal organizational structure has to exist, including a hierarchical governance process and a division of duties or labor. The organization also has to have management systems in place, including rules of conduct and record keeping (Blackwell, 2000, p. 216). It would seem that an additional element necessary would be a purpose or focus for the organization. These characteristics fit both traditional organized crime, such as the mafia, and youth gangs.

The Organized Crime Control Act defines organized crime as “The unlawful activities of ... a highly organized and disciplined association” (U.S., 1970). It can and does exist in any setting - local, state, national, or international. It also can flourish within prisons. In order to thrive, however, organized crime has to have strong ties with legitimate business entities so that money can be moved throughout the economy. Often, cooperation from respected members of the business community is gained through bribery, extortion, and blackmail. Criminal endeavors are additionally protected by bribing judicial and law enforcement officials. In order to achieve its goals and to protect its interests, organized crime can resort to violence.

Competition between organizations can lead to violent crimes, although today these groups are increasingly working together.

In an effort to combat organized crime, in 1970 the federal government passed the Racketeer Influenced and Corrupt Organization (RICO) Act (18 U. S. C. A. § 1961 et seq.) In addition to crimes deemed to be white collar in nature, RICO includes gambling, extortion, prostitution, narcotics trafficking, loan sharking, and murder. Punishment under RICO can be extremely harsh and include fines and up to 20 years in prison. Additionally, the defendant must forfeit any claims to the money or property obtained from the criminal enterprise, or obtained from any criminal enterprise barred under RICO (White-Collar Crime, 2008).

Gang Violence

Although any in-depth discussion of gang violence falls outside the scope of this article, some degree of violence in America is caused by gangs. Klein and Maxson, define a youth gang as “any durable, street-oriented youth group whose involvement in illegal activity is part of its group identity” (2006, p. 4). Estimates of the numbers of youth who join gangs engaged in illegal activity are difficult to obtain, but Gottfredson and Gottfredson believed that 7.1% of males and 3.6% of females in our nation’s secondary schools had been members of a named gang during the twelve months prior to their national survey (Klein & Maxson, 2006, p. 21). In high risk neighborhoods across our nation, the estimates increase to between 15% and 30% of youth (Klein & Maxson, 2006, p. 67). Some of the violent crime perpetrated by gangs includes murder, home invasions, armed robbery, aggravated assault, carjackings, and drive-by shootings.

In his studies of youth gangs in Chicago, Hagedon, argued that instead of relying on traditional sociological theories of crime, scholars should be engaged in cultural studies of the gang populations (2008). Hagedon believes that “if gangs are indeed made up of alienated youth who are angry with an unresponsive government, undying racism, and a blank future,” then focusing on geographic zones of social disorganization or attributing rational choice analysis to these situations not only fails to provide a meaningful explanation of gang violence, it also affects the interventions posed to help alleviate crime in America (2008, p. 135).

While some gang violence is related to drug trafficking, the “vast majority of violent incidences involving gang members continue to result from fights over turf, status, and revenge” (Gang Violence, 2002, ¶1). Successful methods of intervention are necessary. The State of California’s SafeState: Preventing Crime in California task force, for example, calls gang violence “one of the greatest threats to the safety and security of all Americans” today (SafeState, 2008, ¶2). Rates of gang-related murders continue to escalate around the country. Although gang violence is a law enforcement problem, it also is a community problem that requires the involvement of educators, healthcare professionals, business leaders, politicians, and other community-based organizations.

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Race, Ethnicity & Law Enforcement

Jeremy Baker

Overview

Background: Race in America

Due to complex histories of contested interactions, issues of race and ethnicity often prove difficult to study. This is especially true in regard to the way criminality is studied in the context of race and ethnicity, but, despite complexity, the relationship between crime and racial or ethnic identity is quite useful for understanding American inequalities.

The concept of race is generally associated with physical characteristics which an individual possesses that set her apart from individuals of other racial groups. These characteristics include skin pigmentation, eye color, and facial features. Ethnicity is culturally based and generally associated with regional ancestry. Examples of ethnic characteristics include food, dress, or religious practices. Another concept often closely associated with racial and ethnic groups is that of a minority. While the concept of “minority” may seem without need of explanation, the sociological definition of a minority group should be defined. From a sociological standpoint, a minority is any group of people that is held subservient to a dominant group of people. Thus, the concept of minority, as far as the sociologist is concerned, is not a matter of numbers. It is a matter of power. For example, while blacks outnumbered whites in some parts of the South during the

era of segregation, they remained a minority in sociological terms due to their level of relative powerlessness in comparison to whites.

The context in which the racial dynamic developed in America is complicated and has developed over several centuries. The existing racial hierarchy in which whites are favored and blacks are oppressed was carefully created by the efforts of slaveholders in the American southeast. Unlike other immigrant groups, Africans were initially brought to the United States by force. Once they arrived, they were placed into subservient positions from which they could not escape, and they were forced to perform tasks that were seen as “unfit” for whites (Zinn 2003). Slaveholders actively subverted African culture among their slaves by preventing them from speaking their own language, reading or writing English, or practicing religion in independent ways (Zinn 2003). After the direct oppression of slavery ended, slightly more subtle forms of oppression continued with laws dictating the segregation of blacks from whites in public places. In those workplaces in which blacks were not separated from whites, they were often pitted against each other by employers who sought to break up labor unions and keep worker wages as low as possible.

In the second half of the twentieth century, Civil rights leaders made great strides to achieve equal rights for people of all racial groups. While this goal may have been legislatively achieved, racial privilege remains a significant issue with which we as a society must grapple. It is fortunate that direct racism in the form of name calling, overtly discriminatory hiring practices, and racist intimidation has largely evaporated from our society; for this, we owe a great deal to the civil rights leaders. However, our current society copes with more subtle forms of racism that are built into our social structure and of which most of us are not even aware. These subtle forms of racism are the residual effect of generations of discrimination against blacks perpetrated by whites (Wilson 1978). The result is class subordination of blacks under whites (Wilson 1978).

Class Subordination

The class subordination identified by Wilson (1978) is subtle, and not as simple a form of discrimination to recognize as a “Whites Only” sign. In fact, one must carefully catalog demographic data before a clear picture of this subtle discrimination develops. Whites tend to live in more upscale

neighborhoods, with less crime and better educational systems. They have higher levels of education, and high rates of college attendance and graduation. These benefits are the result of generations of economic privilege and greater access to the cultural capital of the dominant culture. Cultural capital is the knowledge accrued through experience with a cultural group. Examples of upper-middle class white cultural capital include knowing to wear a suit to an interview and how to prepare a resume. Unfortunately, whites are not always aware of their racist tendencies and attitudes. In fact, poor whites often consider themselves better off than blacks by sheer virtue of race. This is due to a need for people who are not well off to elevate their status, if only in their own minds (Macdonald 2000).

In distinct opposition to their white counterparts, life circumstances are harder and fewer opportunities are available for African Americans. African Americans tend to live in poor, urban areas. These areas often have crumbling infrastructures, poor local economies, and lower levels of public services. People living in these areas often have poorer quality education (due to a lack of funding for schools) and high dropout rates among high school students. The cultural capital of people living in these areas often does not match up with that of the dominant culture, thus they do not have the skills necessary for getting a good job (Bourgois 2003). For example, concepts of how to behave in the workplace or how to dress in a formal situation may differ dramatically in poor black areas. This lack of social capital may be highly detrimental in attaining meaningful, well paying employment. In turn, an inability to get a good job may cause people to turn to crime in order to live comfortably. In this way, sociologists are able to account for higher levels of crime in poor, black, inner city areas.

Other Race Relations

While race relations in the United States are dominated by white-black relations due to the historic relationship between these groups, it would be a gross oversimplification to give the impression that other groups are not significant in the United States racial dynamic. The nation's ideological stances on immigration have guaranteed that the racial dynamic of the United States has been in a state of near constant flux. In the later 19th century, Irish and Italian immigrants came to the east coast of the United States. While these groups are currently considered to be "white," they were not at the time of their arrival. In fact, many social commentators of

the time considered members of both of these groups to be racially more similar to Africans than Europeans. This was due in large part to attitudes of earlier-settling white Europeans at the time that Africans were physically, intellectually, and morally inferior. This prejudice was extended to Irish and Italian immigrants and caused people of these groups to be discriminated against in the same ways as if they had been black in the existing racist American social structure of the time.

Also during the later 19th century, large numbers of Asians began to immigrate to the West coast of the United States. This group suffered even greater persecution from whites who had been in the country for several generations prior. This increased persecution was exacerbated by the tendency of Asian communities to isolate themselves in immigrant enclaves within urban areas. Within these enclaves, immigrants would maintain their own cultures, speak the language of their country of origin, and send money to family back in their country of origin. These enclaves allowed immigrant populations to resist assimilation with the greater Anglo-American culture. While such resistance allowed for a degree of comfort to these immigrants, it caused resident whites to fear the “otherness” of these people. This fear, unfortunately, caused a great deal of persecution and greatly hindered the acceptance of Asians by the majority of whites for several generations.

The current generation of immigrants hails primarily from Latin America. Much controversy surrounds this group, centering around issues of language and illegal immigration. While it may seem that worries about the ability of this group to properly integrate with American society and the fear that these immigrants may be taking American jobs are not new. Indeed nearly every previous wave of immigration was accompanied with these same fears. It is unfortunate when such fear leads to racist attitudes, but, with time, these controversies are likely to fade away as this most recent wave is accepted into American society.

In the background of all of this American racial turmoil continues to be the plight of the American Indian. These people have suffered greatly at the hands of the United States government and have been pushed from their ancestral lands and onto reservations. Indian reservations are often places in areas with few natural resources and are most times incapable of sustaining any sort of agriculture that would sustain traditional ways of

life. Reservation residents are plagued with poverty, alcoholism, and high teen suicide rates (Schaefer 2006). While efforts in recent decades have been made to preserve and revive American Indian culture, they remain a group pushed to American society's periphery and largely forgotten by society as a whole.

Race as a Social Construction

The construction of racial group identity by both the group and the dominant culture goes a long way to illustrate the social construction of race. From the sociological viewpoint, race, like other social categories, is socially constructed and heavily dependent on the time period and social setting in which such constructions occur. It is true that a significant component of what we call racial characteristics is based on physical appearance such as skin tone and facial features. However, these characteristics are not as concrete across a racial category as many may think. In the instance of skin tone, individuals who are categorized as black, both in the United States and even across Africa, have a wide scope of pigmentation shades. This variance of skin tone of the "black" category is due in large part to the social construction of this category in the United States (Schaefer 2006). Much debate among scholars of race has centered around various racial categories becoming more or less "white." The argument generally centers around how possible it is for a racial category to shift from the white to the black category or vice versa (Schaefer 2006). Irish and Italian immigrants, for example, have over time moved from being associated with the "black" category, and now are firmly associated with the "white" category. Arab-Americans, on the other hand, have been argued to have been forced out of association with the "white" category and closer to the "black" category due to racist suspicions surrounding fearful responses to Islamic-fundamentalist terrorism.

Applications

Race & the Law

Much controversy has surrounded law enforcement in the United States on issues of race and ethnicity. On the surface, it may appear that either all police are bigots, or that certain racial groups are paranoid that the police are out to get them. Either of these attitudes, however, are great oversimplifications on a highly complex truth.

The Police

Much of what police officers do focuses on the detection of lies. Unfortunately for police (and society as a whole), lying criminals are often very good at what they do. Often police have very little to work with in solving a case other than suspicions and hunches (Rubenstein 1973). This work can be made even more complicated by hostile attitudes civilian populations may have. Since the complacency of the population is critical to law enforcement, a hostile neighborhood can make an officer's job quite difficult. Therefore, a hostile neighborhood makes law enforcement difficult and police hostile toward the neighborhood (Rubenstein 1973). If an officer harbors racist assumptions, even if he is unaware of these assumptions, these hunches that a case may be based on have a potential to be racially motivated (Rubenstein 1973). These racist assumptions are further complicated by the fact that individual police officers have a great deal of discretion when deciding to arrest the individuals they encounter (Rubenstein 1973). For this reason, a white police officer who is subconsciously racist may be more likely to arrest a black suspect than a white suspect both because of his hunch, which may or may not be based in reality, and because he is legally permitted to do so. In certain jurisdictions, racial relations between police and civilians are not limited to hunches but extended to practice by a practice known as racial profiling. Racial profiling is the process through which individuals of a particular race or ethnic group are targeted by police officers as part of their everyday patrols. This practice is often subtly sanctioned by the police department (Rubenstein 1973). Examples of racial profiling could include police pulling over a car of young black males, or searching people of middle-eastern descent in an airport for no reason other than the fact that they are members of a particular race or ethnic group.

Racial Profiling

In order to better understand the relationship between crime and race, Kowalski and Lundman (2007) conducted a study in which he studied vehicle stop and vehicle search data and citizen observation reporting of police traffic stops. His goal was to understand the phenomenon commonly known as "driving while black," in which it is generally believed that African Americans are targeted and pulled over because of their race. Initial research seemed to indicate that African Americans were

being pulled over in a disproportionate number of cases when compared to whites. With only this evidence, of course, it could be argued that it was merely a tendency for blacks to drive faster, and not racial profiling, that gets blacks pulled over more frequently. For this reason, Kowalski and Lundman observed reports of police pull-overs at night under the premise that race could not be determined at night to allow racial profiling. The findings for this phase of the study showed that blacks continued to be pulled over with greater frequency when compared to whites, thus indicating that African Americans, particularly young African American males, tend to drive faster than other demographics.

Upon reviewing the citations given to the accused, however, Kowalski and Lundman found an important trend in understanding this phenomenon. He found that when he compared similar offenses across racial groups, such as comparing a white male individual going 80mph to a black male going 80mph, that the black individual tended to be given a harsher sanction than his white counterpart. Thus, Kowalski and Lundman's research illuminated the understanding of the complexity of racial profiling in two ways: first, African American males do tend to drive faster than individuals of other demographic groups; second, after the pullover has occurred, police tend to sanction African Americans with harsher penalties than people of other racial groups. They explained these puzzling findings by examining the behaviors of both the officer and the driver. Due to subconscious racism, police have a tendency to issue stronger sanctions (in this case traffic tickets) to black individuals than they do to people of other racial groups. Kowalski and Lundman continue to explain this phenomenon by theorizing that young, black males are more likely to break traffic laws because of their discontent for a legal system that they feel to be unjust.

Viewpoints

Controversies of Law Enforcement & Race

After discussing issues of race and crime in a sociological way, we are left with a number of troubling moral questions about our society. First, and most fundamentally, is our society fundamentally racist? There are governmental policies that clearly favor whites over blacks and other racial groups. While the intentions of these policies may not have the intention

of being racist, they are inadvertently so, and this is caused by the fact that they were devised by whites, who likely were not racist, without consulting people of other racial groups. Aside from simply not wanting to live in a racist society, there are other unpleasant implications of accepting the fact that the United States is inadvertently racist. If we work from the premise that we live in a racist society, there are many controversial issues that become more complicated. Most obviously, how valid is racial profiling if we live in a racist society? In such a society, racial profiling would merely serve as a mechanism through which the dominant group furthers the oppression of the subservient group. Other issues surrounding the prison system come into question if we accept the premise that we live in a racist society. A disproportionate number of African Americans are in the prison system when compared to the greater society, and this disproportion becomes even greater when examining death row inmates (Schaeffer 2006). This suggests that society more severely punishes black males. If this is the case, it is not only a scathing indictment on capital punishment; it calls into question many elements of the criminal justice system.

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Juvenile Crimes in the U.S.

Karen M. Harbeck

Overview

Juvenile crime is defined as illegal acts against people or property committed by individuals under the age of 18. It is a complex social concern inextricably linked with issues of race, poverty, gender, child abuse and neglect, family breakdown, educational failure, urban decay, substance abuse, child development, and failed social services and networks. In addition to the science relevant to these issues, however, the debate over juvenile offenders is also governed by the media, public opinion, and personal beliefs. Our own fears and vulnerability help shape personal and public policy views towards juvenile criminal offenders and the mechanisms by which crime can be reduced in our cities and towns.

It is clear that most people believe that juvenile violent crime to be a national crisis. In January of 2007, for example, the National Council on Crime and Delinquency (NCCD) completed a national poll of U. S. voters and 9 out of 10 respondents agreed that “youth crime is a major problem in our communities” (Krisberg & Marchionna, 2007). Stories like the following fuel our fears and sense of helplessness. In March of 1998, for example, Andrew Golden, 11, and Mitchell Johnson, 13, were students at the Westside Middle School in Jonesboro, Arkansas. Coming to school dressed in camouflage fatigues and possessing a van full of ammunition, Golden set off the school’s fire alarm. While their classmates filed out of the building,

the boys opened fire upon them. Fifteen people were injured, five fatally (Ramsland, 2007). In Chicago, an 11-year-old boy murdered a 14-year-old girl in order to impress his fellow gang members (Satterthwaite, 1997, p. 18). In Clearfield, Pennsylvania, 16-year-old Jessica Holtmeyer was having a sleep-over with several friends who were planning to run away together to Florida. Worried that one of the girls might inform their parents of their plans, they hanged the girl from a tree and then Jessica beat her to death with a rock when the hanging failed (Ramsland, 2007).

Many experts in juvenile crime, however, fault the media for what they believe to be sensationalistic, ratings-driven coverage of a relative few gruesome criminal events. Media reporter, Susan Douglas, (1993) and others argue that this emphasis on specific incidences of juvenile violent crime is evil in its own right because it fails to consider the institutional violence in our society that fosters juvenile crime, such as poverty, racism, unemployment, lack of gun control, poor educational opportunities, failed drug treatment policies, violent homes and communities, and inadequate social and medical services. We do know that relatively few juveniles (five to eighteen percent) account for over 75 percent of violent juvenile crime (Seifert, 1999). Unfortunately, Seifert also notes that the fastest growing delinquent population is boys under the age of 12.

Juvenile Crime Rates

One salient topic concerning juvenile crime, then, is the nature and extent of it in our society. Experts on juvenile crime usually rely on annual data provided by the Federal Bureau of Investigation's (FBI) Uniform Crime Report (UCR) that tracks arrests involving all offenders and the Office of Juvenile Justice and Delinquency Prevention (OJJDP). Additionally, the National Criminal Victimization Survey released by U. S. Department of Justice surveys thousands of households nationwide to gather data on criminal victimization that was not reported to the police. A brief review of the FBI and OJJDP data for 2006 suggests that 12.6 percent of all violent crime in America involved only juvenile offenders. Juveniles accounted for 19.1 percent of all property crimes nationally. Arrests of juveniles for murder were up 3.4 percent in 2006 when compared with 2005 data, while robbery increased 18.9 percent during that same two-year period (FBI, 2008).

While this data raises alarm for some public policy advocates, others, such as Michael Jones and Barry Krisberg (1994) of the National Council on Crime

and Delinquency argue that juvenile crime rates have not soared over the past three decades, and, in fact, they have declined or remained constant when one considers more detailed and reliable indicators. Since juvenile offenders are more likely to commit crimes with their peers (“co-offend”), for example, the successful arrest of three juveniles for one murder inflates the actual juvenile crime data to suggest that there were three murders, not one. According to Annette Fuentes’s (2008) review of more long-term FBI data, murder rates for juveniles dropped from 1,224 in 1997 to 710 in 2006 for a 42 percent decline and other violent youth crime dropped 20 percent during that same time period. Thus, one major challenge in any analysis of juvenile crime and resulting public policy is one’s interpretation of the data available about the nature and extent of juvenile criminal actions annually.

Applications

Causes of Youth Violence

Seifert (1999) reports that the Office of Juvenile Justice and Delinquency (OJJDP) identified six risk categories for youth violence that provides a useful way of organizing causal conditions for youthful offenders: Community/society, economic, family, individual, school, and peers.

- “Community/society” entails cultural norms for weapons, violent media and video games, hostile attitudes towards women, easy availability of illegal drugs, and the acquisition of things and power.
- Economic risks pertain to poverty, homelessness, and joblessness.
- Family risks include violence, child abuse and neglect, conflict, and lack of nurturing and support. Additionally, Mocan and Tekin (2006) found that “gun availability at home is positively related to the propensity to commit crime for juveniles.” Despite research suggesting that the public believes parents have some responsibility for the crimes of their children, there seems to be little public support for laws making parents liable for those crimes (Brank & Weisz, 2004).
- A failed educational experience and failing educational systems reflect the category of “schools” in the OJJDP

report. One interesting study on the short-term effect of attending school on juvenile crime is reported by Jacob and Lefgren (2003). During periods of school attendance, juvenile property crime decreased by 14 percent. Unfortunately, during that same period of school attendance, the concentration of youth in schools increased violent crime by 28 percent. School-safety, then, remains a grave educational concern. While policing efforts, such as metal detectors and locker searches remain a necessity, greater attention needs to be paid to the emotional climates of our schools. Anti-bullying programs, conflict resolution measures, diversity, inclusion and gender equity efforts, and other community-building and social service endeavors must become paramount interventions in our goal to make schools safe, just and compassionate for all youth.

- These efforts, however, are complicated by the pervasive existence of gangs in our culture today, which encompasses of OJJDP category of “peers.” While gangs are not new to American society, the vast increase in their numbers, their blanket coverage of our nation throughout urban and rural areas, their subculture of violence, and their enhanced influence in all facets of American life make them a deadly and powerful force in juvenile crime.
- Due to recent scientific inquiry, however, the OJJDP risk category of “individual” is receiving compelling consideration today in the debate over juvenile crime. Through magnetic resonance imaging (MRI) studies, scientists believe that the brain of a juvenile is less developed than that of an adult, especially in the front lobe which is responsible for executive, high order functioning, such as memory, planning, and inhibition. Bower (2004) and others suggest this condition presents some juveniles with difficulties in “regulating aggression, long-range planning, mental flexibility, abstract thinking, the capacity to hold in mind related pieces of information, and perhaps moral judgment.” In addition to the recent findings on apparently inherent diminished brain functioning capacity in children,

MRI research now suggests that exposure to violent video games and television might impact frontal lobe development and function negatively (Playing, 2003; Phillips, 2004). Because of these findings, advocates in juvenile justice, such as the Human Rights Watch, are pressuring politicians and judicial leaders to reconsider harsh, punitive measures in sentencing juvenile violent offenders.

While the above risk categories provide some characteristics of juvenile offenders, they do not inevitably lead to crime. Additionally, most of them would be characterized as psychological theories of crime; emphasizing the traits of an individual as the primary factor in criminal causation.

Viewpoints

Child Accountability

Prevailing beliefs about children and criminality can be best viewed as a continuum, with one extreme being the belief that evilness and criminal intent are defined early on, whether by nature (one's biological composition) or nurture (one's upbringing and/or life circumstances). Public policy advocates holding this belief champion imprisonment, and even the death penalty, as the most appropriate mechanisms for dealing with the specific offender and sending a message to other potential offenders. The opposing belief system on the continuum would be that children are too immature to be held accountable for their actions to the same degree as adult offenders and that racism, poverty, and other societal ills are also factors in criminality. Improving societal failings and providing services and special rehabilitation experiences for juvenile offenders are more likely to be championed as goals for these public policy advocates. Whatever one's beliefs on juvenile crime, it is clear that violent, multiple murders committed by juvenile offenders, when combined with sensationalized media coverage, shocks the public and raises fears about public safety and moral order. Juvenile crime is a complex social problem and competing belief systems and public opinion will continue to be factors in ongoing responses to youthful offenders.

Reform Over Punishment

Although we may find it hard to imagine today, up until the early 1800's our governments adhered to the traditional beliefs in Western civilization

that there was little difference between an adult and a child, and thus, little difference between an adult criminal and a youthful offender. Those found guilty of a criminal act received the only recognized outcome – punishment. According to Ellen Heath Grinney (1992), children as well as adults faced imprisonment, solitary confinement, branding, fines, whippings, the cutting of ears, and/or death. As ideals of the European Renaissance gained in popularity, new views emerged concerning the innocence of children and their susceptibility to good or bad influences. Judicial and religious leaders began to question the culpability of the youthful offender’s parents and community in failing to provide proper guidance, diligence, restraint, and values. Processing children through the adult criminal justice system and punishing them in the adult prisons gradually gave way to beliefs that children should be guided and mentored by judicial agents (probation officers) who would correct the apparent failings of the offender’s parents and lead to reform and morality. Rehabilitation, not punishment was the new goal and so by the 1850’s, reform schools grew in popularity (Grinney, 1992).

Independent Juvenile Court Systems

Since innocence, role modeling, and developmental concerns gained new prominence in social policy, exposing youthful offenders to hardened adult criminals during processing and punishment would provide the worst possible outcomes. By the early 1900’s, numerous cities and states had developed separate formal juvenile court systems and intervention processes focusing on second chances, rehabilitation, contrition, and reform (Grinney, 1992). In fact, systems were developed to divert youthful offenders from formal labeling as criminals altogether and to hide the accounts of their misdeeds from scrutiny during their subsequent adulthood. If a young person under the age of 18 is not tried for murder as an adult, for example, and they are found “delinquent” (guilty) under their state’s laws, they can be held in a juvenile correctional facility or on probation until the age of 21. At that time, then, their records are sealed and they have no criminal record following them into adulthood.

Programs for Aiding Re-Entry

Despite decades of focus on the rehabilitation of juvenile offenders, nearly 100,000 youth leave correctional facilities every year and face the daunting task of re-entry into their communities without coordinated social services

and public assistance (JustChildren, 2004, p. 5). In an effort to deal with offenders and reduce rates of recidivism, juvenile justice advocates have been lobbying Congress to pass two federal models of interagency coordination of youth services. The Second Chance Act of 2005 (H.R. 1704/S. 1934) links federal funding of state and local government programs to evidence of extensive collaboration between public and private agencies overseeing "health, housing, child welfare, education, substance abuse, employment services and local law enforcement (H.R. 1704, Sec. 3(f)(3)).

The Federal Youth Coordination Act (H.R. 856/S. 409), passed into law in October of 2006, establishes a Federal Youth Development Council that is empowered to leverage and coordinate the resources of the twelve different federal agencies that currently administer youth programs and fund state-level coordination of services as well (Service, 2006; Federal, 2006). Although the Federal Youth Coordination Act enjoys bipartisan support in Congress, it remains hampered in its effectiveness due to less than adequate funding at this time.

Restorative Justice

One interesting trend in juvenile punishment and rehabilitation is the restorative justice movement. Based upon the principal that a criminal act harms both the victim and the community, restorative justice entails mediated, face-to-face meetings between the victim and the offender focused on making the victim as whole as possible, economically, socially, and emotionally. Through this process of repairing the harm, the offender learns the consequences of his or her acts on both the specific victim and the community as a whole. This more personalized rehabilitative process also highlights deficiencies in the life of the offender and provides a means for more direct social service interventions, such as education, job training and employment, mental health and drug treatment.

Punishment Over Reform

While much of the framework and belief system of this more lenient view of youthful offenders remains intact in American society, the pendulum has swung back to more rigid beliefs about the innate characteristics of criminality and the necessity of punishment rather than reform. During the mid-1980's, American cities struggled with waves of increased, more

violent juvenile crimes, based in part by the introduction of crack cocaine and other illegal drugs, the increased availability of guns, and gang-related violence. In a 1995 article in the "Conservative Weekly," public policy analyst John DiIulio coined the word "super-predator" to describe what he believed to be a new breed of juvenile criminal. Described as having no conscience and capable of killing at the slightest whim or provocation, DiIulio attributed this development to being raised in "abject moral poverty... surrounded by deviant, delinquent, criminal adults in abusive, violence-ridden, fatherless, Godless, and jobless settings" (Satterthwaite, 1997).

Adult Treatment

Left with apparently unsuccessful alternatives and rocked by the tremendous increase in violent crime by juvenile offenders and by sensational, extensive media coverage of those crimes, states began enacting legislation to adjudicate youthful offenders as adults around 1990. Today, according to Nagin and his colleagues (2006), "in almost every state, youths who are 13 or 14 years of age (or less) can be tried and punished as adults for a broad range of offenses, including nonviolent crimes." Despite this trend, according to the NCCD national survey, by a margin of 15 to 1, U.S. voters believe that our current system of review is effective and that the "decisions to transfer youth to adult court should be made on a case-by-case basis and not be governed by a blanket policy" (Krisberg & Marchionna, 2007).

Once adjudicated to be an adult, the punishments become harsher for youth offenders as well. Nineteen states enacted the death penalty for juvenile offenders before the United States Supreme Court was asked to rule on the legality of that punishment in 2005. In a 5-4 ruling in *Roper V. Simmons*, 543 U.S. 551 (2005), the Court categorically barred the imposition of the death penalty for crimes committed prior to the age of 18, finding that such punishment violates the Eighth Amendment of the United States Constitution prohibition against "cruel and unusual punishments." Seventy-two youthful offenders in twelve states were facing execution at the time of the Court's ruling and they will now spend the rest of their lives in prison (Greenhouse, 2005; Lane, 2005; Justices, 2005). Hundreds of other juveniles nationwide also face lifetime imprisonment. According to a study by Human Rights Watch, for example, there are currently 223 individuals serving life sentences without the possibility of parole in California prisons who were sentenced as juveniles under the 1990 legislation. Almost half

of these people (45 percent) were accessories to murder rather than the actual murderer themselves, meaning that they served as a lookout or in some other facilitative capacity during a criminal act that caused a death (Fuentes, 2008). Arguably, according to Fuentes and others, this less-culpable population of young people would be excellent candidates for rehabilitative efforts instead of spending their lives in prison without proper services and assistance.

On the other hand, in their study of co-offending and juvenile crime, the National Institute of Justice (NIJ) found that interaction among delinquents increased the likelihood of criminal activity and its violent severity. Co-offending also increased rates of recidivism. When younger offenders committed a crime with older, more violent youthful offenders, the younger offenders were more likely to go on and commit violent crimes later in their youth (National Institute of Justice, 2005). This research suggests that intervention programs for juvenile offenders need to pay close attention to the interactions between the peers so that they do not “unintentionally provide negative peer learning” and enhanced co-offending behaviors.

Conclusion

Although the current debate over juvenile justice tends towards this punitive “get tough” perspective, Daniel Nagin and his colleagues (2006) have conducted some compelling, sophisticated polling research on public attitudes and our “willingness to pay” (WTP) for incarceration or rehabilitation for serious juvenile offenders. Using cost-benefit analysis, they calculated approximate actual costs and estimates of economic value of juvenile incarceration and various early intervention and rehabilitation programs. Then using “contingent valuation” (CV) methodology, they asked respondents to select their intervention preferences based on these economic projections. Not only were the “reforms that emphasize leniency and rehabilitation... justified economically,” they were valued by respondents who expressed a willingness to fund them over harsher incarceration options. This view was mirrored in the NCCD national poll in which over 80% of respondents believed that “spending on rehabilitative services and treatment for youth will save tax dollars in the long run,” and 91% believed that such measures would prevent future crime (Krisberg & Marchionna, 2007). Quite possibly the public is expressing a preference for rehabilitative measures except in the face of extreme, violent criminal acts by youthful

offenders. Having tested the extreme means to which this country would go to punish juvenile offenders, we are now poised for a more moderate, get tough position in the years to come.

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Gang Membership

Maureen McMahon

Overview

West Side Story is a tragic love story depicted through a turf-war between two rival gangs – the Jets and the Sharks. Both the film and the Broadway production are based on fictional events starring fictional characters. However, neither Tony nor Maria saw the realistic ending of their romance before it happened; gang activity often involves violence, and violence often results in death. While Tony didn't anticipate his impending demise, school administrators, criminalists, and the federal government do realize the danger of gang membership and try to prevent it whenever they note new affiliates being pursued.

According to Dictionary.com, a gang is defined as “a group of youngsters or adolescents who associate closely, often exclusively, for social reasons, esp. such a group engaging in delinquent behavior.” In most instances, an allegiance forms, and the gang members become loyal to each other and the gang as an entity. As odd as it may seem, a gang can be compared to a fraternity, with the exception of higher education of the latter. To gain entrance into fraternities, young men endure a pledging process in which they prove their loyalty oftentimes by illegal means, as underage drinking is a large part of the initiation process. Another part is swearing allegiance to the other members of the group, vowing to protect and stand by each of them. This allegiance is what identifies members of the Ku Klux Klan

and other cult-like organizations as well. In this vein, gang activity crosses education, racial, socioeconomic, and geographic boundaries.

Juvenile Delinquency

Primarily, though, gangs in America contain male youth, adolescents generally ranging in age from ten to twenty. In most instances, the members of a gang are considered juvenile delinquents, as they tend to behave in ways that are defined as offenses of deviance. A general definition of a juvenile delinquent includes people who are under the age of 18 committing one or more acts that violate the law. Violating the law for a juvenile can include not attending school, running away from home, or drinking alcohol; it can also include many of the same offenses committed by adults, like theft or assault (Smith, 2008).

Smith (2008) also notes that juvenile delinquency has been identified with other youth behavior issues, like antisocial behavior, conduct disorder, and oppositional defiant disorder. Sadly, these disorders are often “seen in combination with other mental health disorders and conditions such as Attention Deficit and Hyperactivity Disorder” (Smith, 2008, p. 4). Young men feeling like they behave differently than their peers may see the community of gang membership as a positive move toward social integration, not to mention a status builder. Peers who never noticed these young men will surely take note when the social misfits become the school drug dealers or the bullies on the playground. What’s critical to note here is that most youth will decide to enter a gang by the time they reach the age of fifteen. Any adolescent who violates the law should receive immediate intervention, especially if he’s a young teenager.

In fact, Gatti, Tremblay, Vitaro & McDuff (2005) conducted a longitudinal study of 756 male youth in Montreal, Canada. In the study, gang members between the ages of 14-16 were evaluated based on self-reported activity as well as court documents. Gatto et al. (2005) focused on the frequency of several behaviors they considered to be delinquent. Drug use, property damage, theft, and violent offenses were the concentration (p. 1178). Of the several hundred youth in the study, those affiliated with a gang were the most likely to act delinquently (p. 1178), so much so that once all of the data was correlated, membership in a gang was noted as an actual predictor for delinquency (p. 1186). This is a circular reference: those who behave delin-

quently tend to be gang members and gang members – as the study notes – will be delinquent. This is not to say that good kids don't do bad things because they do. However, in this study, those adolescents who used drugs, destroyed property, or behaved violently were members of gangs.

Further Insights

Gang Mentality

Pinizzotto, Davis & Miller III, (2007), conducted over twenty-years of research interviewing gang members in prison regarding their violent behaviors toward members of law enforcement. During their interviews, Pinizzotto et al. (2007) learned that,

. . . gang members either attempted to or inflicted injuries of greater severity than appeared warranted under the circumstances. They exhibited no remorse for their actions but, rather, appeared to take pride in attacking sworn law enforcement professionals (p. 3).

For example, attacking a police officer is a high-status endeavor.

What is not surprising is that Pinizzotto et al. (2007) noted similarities among the inmates.

- First, all of the gang members they interviewed had no male role models when growing up;
- Second, none of the gang members graduated from high school;
- Third, the average age for the first criminal offense of the interviewees was nine;
- Fourth, all of the inmates interviewed “experienced some form of verbal or physical abuse within the family setting. Outside this unit, all became the victim of at least one physical assault during their early childhoods”;
- The fifth similarity involves work; none of the gang members had a non-gang affiliated job when they were arrested;

- Finally, each of the inmates identified their neighborhoods as being an integral part of their lives (Pinizzotto et al., 2007 pp. 3-6).

Summarizing their findings, the researchers identify a gang mentality that should cause alarm:

The goal of every gang member was to achieve status and respect within their gangs. Respected only when feared, gang members achieved this through repeated acts of physical violence against others ... Once perceived as willing to use violence without conscience, especially when directed toward law enforcement officers, gang members obtained status (p. 7).

Girls in Gangs

The popular saying, “behind every good man is a good woman” is even true when gang construction is considered. According to Wes McBride, a retired L. A. County Sheriff’s investigator and an authority on street gangs, “a lot of gang fighting is about girlfriends. It’s really a turf dispute. The woman is a man’s property, and if she’s insulted, he’s insulted ... There used to be fistfights, but now shooting the other guy is the only means of problem solving” (as cited in Junod, 2008, p. 100). Someone may wonder why a young woman would join a gang. Eghigian & Kirby (2006) note some possible reasons:

Girls join gangs for the same reason most boys do -- multiple factors and circumstances that have existed throughout their lives: financial opportunity, identity and status, peer pressure, family dysfunction and protection. However, some girls readily admit that they join because they are bored and look to gangs for a social life; they are looking for fun and excitement and a means to find parties and meet boys. Regrettably for those who naively join expecting harmless social rewards, they may find out too late about the actual violent nature of street gang existence. Still, others join simply because gangs are there in the neighborhood and are viewed as an everyday way of life (Eghigian & Kirby, 2006, p. 48).

Even if it is a way of life, young women need to endure initiation before gaining member status within a gang. In some gangs the practice of initiation would be dictated, like in a hazing or pledging situation. In other cases, however, the person who will endure the circumstances has the opportunity to choose by what method she is welcomed into the gang (Eghigian & Kirby, 2006). In general, most initiation types fall into one of the following categories:

- “Violated” or “jumped in” refers to a physical beating the candidate must absorb to prove her toughness, loyalty and commitment to the gang;
- The mission method simply requires the girl to commit a criminal act, perhaps ride along on a drive-by shooting or even be dropped off deep in enemy territory and forced to get out alive;
- “Sexed in” is not the most common, but certainly the least respected initiation, in which a female may elect to participate in sex with a gang member. However, both girls and boys alike look down on this initiation, and those who elect this course are usually typecast and have extremely low status; and “Walked in” or “blessed in” is reserved only for those girls who have had generations of family as gang members, who have a family member in good gang standing, or who have grown up in the neighborhood, are well known, respected and have proved their loyalty beyond question (Eghigian & Kirby 2006, p. 49).

One of the roles that young women have within a gang community is to transport contraband like drugs and guns in and outside of a prison. The theory behind this job is that criminalists are less likely to search women. Young women also tend to find employment within the law enforcement system, perhaps in a clerk’s office to gather information regarding gang members or witnesses of crimes committed by gang members. Another role is much more dangerous and requires dependability. Some young women act as lures, turning the tables on rival gang members to gather information or to set up the rivals for an ambush. Some young women also sell drugs and participate in other criminal activities in support of the gang. Finally, others take care of the children of gang members and some-

times find steady work to assist in gaining a regular income (Eghigian & Kirby 2006).

In addition to taking on different roles within a gang, young women also take on different positions of power. For example,

. . . girls range from hardcore members to “groupies” looking for a good time and someplace to hang out. Unfortunately, their numbers appear to be growing. Law enforcement has documented their participation in all forms of violence, and today they are appearing in “girls only” gangs. These gangs form from direct recruits or from the ranks of dissatisfied former members of male gangs looking for more opportunity (Eghigian & Kirby 2006, p. 48).

It is important to note that to build and sustain a “girls only” gang, the power structure would have to be that of any other gang, with people in power calling the shots (i.e., ordering the commission of crimes like drug dealing, theft, and violent offenses). Within these gangs, there would also need to be young women with a lower power status who will commit the crimes as well as youth in the lowest position to keep lookout and recruit new members. What may be shocking is that the delinquent behaviors within the gangs – theft, intimidation, drug dealing, and violent offenses – will be similar regardless of a leader’s gender. Indeed, “the percentage of girls arrested as a proportion of all juvenile arrests rose from 20% in 1980 to 29% in 2003, a trend evident across all offense types including violent offenses” (Snyder & Sickmund, 2006, as cited in Smith, 2008, p. 5).

Getting Out of the Gang

For gang members of either gender, getting out of a gang offers hope for a normal life, free of criminal activity and violence. Leaving a gang can be more difficult than becoming part of one, as gang members are considered the property of the gang itself. Also, it is important to note that as much as parents and school officials want a youth to walk away from the gang life, if the young man or woman doesn’t truly want to leave, a half-hearted attempt could be dangerous for the whole family. However, with the careful consideration of the following things, a safe exit is possible if a person truly wants to leave.

Seeking help from nongang members is crucial to a safe exit. Trusted adults like counselors at school, law enforcement, or clergy can offer assistance in creating an effective exit plan (Eghigian & Kirby 2006).

It is essential that anyone wanting to leave a gang understands the rules of conduct for the gang. For instance, is there a clear guide to what will happen if someone tries to leave? Understanding these rules can help create a plan for leaving (Eghigian & Kirby 2006).

- Fading away by gradually becoming less active in a gang is a typical method for getting away from the illegal activity of a gang (Preventing Gang Involvement, 2006).
- Creating distance from the gang by being less available for gang activities is a way to fade away. Having a job, participating in supervised and organized recreational programs, or volunteering for a local church are ways to occupy the time that used to be spent with gang members (Preventing Gang Involvement, 2006).
- Finally, relocating the entire family to a community that does not have heavy gang activity may be necessary. This is an extreme way to sever ties with a gang, but in some cases, it is the only way (Preventing Gang Involvement, 2006).

What is important here is that “getting out” is always a possibility as the connection and loyalty felt toward the members of a gang can be redirected toward family and non-deviant friends. However, the reason(s) that youth rejected family and friends in exchange for the community of a gang will still be present once they make the move to reenter their old lives. Going back to the issues and possible conflicts they left will be a difficult adjustment, and the entire family unit should be involved in the transition process, which could be lengthy.

Gang Tattoos

While a lot of people think tattoos are cool and get them to be identified as such, gang members get them as a form of branding, a way to outwardly show the loyalty expected of gang membership. Tattoos are an interesting form of culture with various implications. In some cases, teenagers get tattoos as an act of defiance toward parents or the mainstream culture. In

others, getting a tattoo is a sign of loyalty toward a community of people within a gang. In others still, within prisons for instance, tattoos can advertise the crimes committed by those wearing them. The commonality in all of these situations is that the ink on the end of the needle is permanent.

Piley (2006) notes that tattoos are not only representative of gang membership or criminal activity, they represent a mode of communication among and between gang members. For example, gang tattoos can be in the form of numbers, letters, and/or symbols, and the characters mean something different, perhaps a geographical location of the gang's home-base or the numbers of members it has lost to death (Piley, 2006). In any event, one gang member can determine who is friend or foe depending on the tattoo of the person standing next to him.

It should also be noted that "the tattoo is a symbol of membership in the gang and, thus, is 'gang property.' Removal of a gang tattoo may be an outward nonverbal method demonstrating termination of gang membership" (Piley, 2006, p. 46). Furthermore, for criminalists, identifying a tattoo on an offender can help determine if a gang has moved home bases or increased in number, not to mention leaving the offender with no choice but to admit association with the gang whose name is tattooed across his chest.

Viewpoints

What to do With Deviant Youth: Prevention & Treatment Programs

When children misbehave in day care settings, a time-out is rendered; the child is removed from the situation in which he did something wrong and put into a situation where he is isolated from games, fun, and other children. He is not taken from the place where he misbehaved and put into a room with other misbehaving children as a form of punishment. Most people would think that putting two naughty kids together when they can't behave by themselves would do little with respect to helping them behave correctly. However, as Dishion, Dodge, & Lansford (2008) note, many communities respond to youthful offenders in just such a way: the offender is taken out of the community and locked in a facility with other youthful offenders (p. 8).

Warr (1996) identified that much of the illegal/deviant activities of youthful offenders are committed when they are in groups, as peer culture

is a priority in their lives (as cited in Dishion et al., 2008, p. 8). Furthermore, Elliot & Menard (1996) have noted that “deviant peer affiliation is a stronger predictor of delinquent behavior than such variables as family, school, and community characteristics” (as cited in Dishion et al., 2008, p. 8). This is a thought-provoking idea in that when defining at-risk youth, family life, attendance in school, and the socioeconomic status of a child’s neighborhood are primary tools of identification. However, according to Warr’s research, hanging out with the wrong crowd leads to a significant possibility of gang membership. And in turn, when the wrong crowd gets caught behaving badly, they are confined – with little adult supervision – to hanging out with more of the wrong crowd. Dishion et al. (2008) note the irony and effect of this resolution:

. . . when the reason that deviant youth are placed with each other is because they are deviant, their identity and common ground become deviance . . . high exposure to deviant peers and minimal adult interaction fail to reduce recidivism and in some cases, may exacerbate it” (pp. 8-9).

Indeed, the 2002 Commission on Deviant Peer Influences studied several programs and means of intervention for youth within a three-year period. Dishion et al. (2008) notes that the Commission discovered specific instances in which deviant peer influences are the strongest on youth (p. 9). Using these criteria, it is important to understand that gang membership and negative influences can be combated by providing meaningful experiences for youth in the following situations:

- First, youth in early adolescence are primary targets for gang affiliation. The Department of Justice (2000) narrows down this time period: “[F]or many children, gang influences begin in elementary school. By the fifth grade, many students are already at the affiliate level, meaning they are making their way into initiation” (as cited in Struyk, 2006, p. 13).
- Second, young people who have perhaps experimented with behavior of a deviant nature but have not yet become delinquent are more at risk to cross over to deviance than youth who have not experimented.

- Third, young people who are exposed to and interact with other youth of a more deviant stature – especially in unsupervised settings – are also more likely to fall into a deviant lifestyle.
- Finally, substance abuse, violent behaviors, and delinquency are social activities, and at this young age those activities rarely occur in isolation. As such, the activities can be used secondarily to create a social construct of deviance (Dishion et al., 2008, p. 9).

It seems impossible that children this young would consider gang membership to be enticing. However, if they are primarily left alone – before and after school – and if their friends, older siblings, or older neighbors are already affiliated, it would make sense to join the ranks of the only community involvement they may know. If one’s friends are making money carrying drugs for an older buddy, carrying drugs may seem like a way to be included, to prove and to feel loyalty. “Gang membership creates a unique bond between its members that is exclusive to all other individuals ... loyalty is to the gang above all else, including family, school, or community” (Struyk, 2006, 11). Furthermore, carrying enough cash to purchase the things poor parents cannot provide is incentive to remain in this community.

Discussion

In February 2006, an initiative to stop gang violence was created by the U.S. Department of Justice. The initiative proposes to “prioritize prevention programs to provide America’s youth and offenders ... with opportunities that help them resist gang involvement ... [and also to] ensure robust enforcement policies when gang-related violence does occur” (Department of Justice’s Youth Gang Prevention Initiative, n.d.). The initiative was created on the basis of information collected in 2004. According to the data,

... 760,000 gang members and 24,000 gangs were active in more than 2,900 U.S. jurisdictions in 2004, representing all 50 states and all cities with a population over 250,000. As most gang members join between the ages of 12 and 15, prevention is a critical strategy

within a comprehensive response to gangs that includes law enforcement, prosecution, and reentry (Department of Justice's Youth Gang Prevention Initiative, n.d.).

Gangs are everywhere and their members do anything from drinking underage to killing police officers to gain respect. Most gang members are in their teenage years when peer pressure and social status are two primary concerns. When lashing out at a person who threatens his friends and community is all that he knows, changing a young man's behavior will not be easy. Put a gun in his hand, and lashing out turns to murder for the sake of turf maintenance. According to the 2004 Teen Gun Survey, "in 2000, 40 percent of teens [surveyed] said they could get a handgun if they needed to" (Vanden Berk, cited in "2004 Teen Gun Survey," 2004). With odds like that, who wants to disagree with anyone?

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The Prison System

Sinclair Nicholas

Overview

Growth of the Prison System

President Richard Nixon began a “War on Drugs” during his presidency with a formal announcement. Ronald Reagan first developed harsh drug policies at the state level as Governor of California, after which he became U.S. President and significantly expanded Nixon’s “War on Drugs” as a federal policy. Smith and Hattery point out that the U.S. Government’s “War on Drugs” instituted four major policy changes that directly increased the prison population:

- Longer sentences;
- Mandatory minimums;
- Some drug offenses were moved from the misdemeanor category to the felony category; and
- The institution of the “Three Strikes You’re Out” policy (Smith & Hattery, 2006, p. 5).

California governors of the 1980s and 1990s strongly encouraged more prison construction, and helped set a national trend, while the California legislature enacted more than 400 pieces of legislation that increased criminal penalties, and thereby ensured that the state would need even

more prisons (Simon, 2007, p494). To date, California has continued its trend for increasing the number of prisons. Saskal (2006) reports that the governor of California, Arnold Schwarzenegger, in 2008 called for the issuance of \$8.7 billion of lease revenue bonds to expand the capacity of California's overfilled prison system. Saskal also reports that the governor expects California lawmakers to comply because there are several lawsuits pending over poor and overcrowded conditions in the system, and federal judges are close to intervening (Saskal, 2006, p. 1). The \$8.7 billion of lease revenue bonds will increase California's prison capacity by creating "16,238 new beds at existing sites, 5,000 to 7,000 beds in new secure re-entry facilities designed to help acclimatize prisoners who are close to release, and a modernized death row" (Saskal, 2006, p. 40).

California is not alone in expanding the prison system. Albanese reports that in 2008, Texas Lieutenant Governor David Dewhurst intends to add 5,000 new beds to its prison system. Dewhurst argues that Texas "has not added any significant number of beds to its prison system since the 1990s when it issued about \$1 billion of bonds for prisons." Since that time, the prison population has boomed, with Texas prisons currently holding 160,000 inmates. Dewhurst says "having the extra prison capacity will benefit the state in the long run" (Albanese, 2007, p. 9), which indicates his expectation for the number of incarcerated to increase.

The end result of our change to a punitive approach to crime – and particularly our severe laws on nonviolent crimes such as drug sales or use – is that the U.S. far outstrips every other country in the world in per capita incarcerations. The U.S. currently incarcerates a much higher proportion of its population than Russia or even China, a country that Smith and Hattery note has incarceration practices that are "frequently the target of investigations and reports by human rights watch groups such as Amnesty International" (Smith & Hattery, 2007, p. 275).

California and Texas demonstrate a national trend that is about to cause America to even further outstrip all other countries for incarcerations. Johnson reports that the most recent analysis of the Pew Charitable Trusts (the Pew report) predicts the number of inmates in U.S. prisons will probably rise an additional 13% during the next five years, and will cost states approximately \$27.5 billion in new operating and

construction expenses (Johnson, 2007, ¶ 1). Frederickson observes that “the costs of the American penal system are astonishing,” and notes that, in the past 20 years, “state prison costs have jumped from about \$12 billion to just under \$50 billion.” The author also notes that these costs are estimated to grow to \$75 billion by 2011 (Frederickson, 2008, p. 11). Thus, we can expect much more tax money to go into our burgeoning prison system.

Incarceration & Crime Rates

Since our prison population has been rapidly increasing in the last few decades, it seems logical that the cause would be an increase in the number of violent crimes, but there has not been an increase in violent crimes. In fact, there has been a significant decrease. According to Smith and Hattery, “since 1991 the rate of violent crime in the US has fallen by about 20%, while the number of people in prison or jail has risen by 50%” (Smith & Hattery, 2007, p. 274). Clear gives us yet more specific information about the nonexistent relationship between incarceration figures and crime rates:

...a 500 percent generation-long growth in imprisonment has had little impact on crime. Broadly speaking, crime rates today are about what they were in 1973, though they have fluctuated dramatically over the 33-year time span since then. Beginning in 1973, crime rates went up into the early 1980s, went down for a few years at the end of that decade, went back up again, and then experienced a lengthy downward trend starting in the late 1990s. Prison populations, on the other hand, have risen every year since 1990 (Clear, 2007, p. 613).

As noted above, one of the biggest reasons for the increase is our harsh approach to nonviolent crimes — especially our punitive laws on drug distribution, sales and use. The Pew analysts have determined that the phenomenal growth “is being fueled by mandatory minimum sentences that have stretched prison terms for many criminals, declines in inmates granted parole and other policies that states have passed in recent years to crack down on crime” (Johnson, 2007, ¶ 2). The Pew report specifically cites harsher drug laws as one of the main factors in increasing the nation’s prison population (Johnson, 2007, ¶ 14), and the report also confirms that the number of incarcerated women is expected to increase even more than

men. Pew analysts predict that “the number of female inmates will rise at a faster rate (16%) than males (12%)” (Johnson, 2007, ¶ 10). Also, by 2011, Florida’s prison system will join California and Texas by becoming the third state system to surpass 100,000 inmates (Johnson, 2007, ¶ 11).

The Prison Population

There are currently more than 2.6 million Americans serving prison sentences in State and Federal prisons. According to Smith and Hattery (2006), one million – or 43% of all prisoners (including men and women) – are African American men. If we examine the statistics by gender, then African American men represent about two thirds (62%) of the male prison population. African American men comprise only 13% of the total U.S. male population (Smith & Hattery, 2006, p. 6). This seems a clear indication that something about American culture – a combination of its socioeconomic, legislative and judicial systems – is causing a significant disproportion in our prison population.

Spear observes that the United States incarcerates a disproportionately large number of poor and uneducated Americans; thus, nearly all of the prisoners are from poor and uneducated backgrounds, and many of them are African Americans. Citing statistics from the nonprofit organization The Sentencing Project, Spear notes that “black males born today have a one in three chance of going to prison during their lifetime – as compared to a one in 17 chance for white males.” Spear also observes that the “mentally disturbed, lacking support in the community, gravitate toward the prison system, where they will find little help” (Spear, 2006, p. 22). Clear (2007) observes that people who go to prison “come disproportionately from a handful of neighborhoods, impoverished places where schools are bad, the labor market weak, and housing inadequate” (p. 615). He then concludes that the “social effects of incarceration are hyperconcentrated among young, poor, black men and urban black communities” (Clear, 2007).

Smith and Hattery offer another interesting statistic and comparison. They point out that, as of 2006, 450,000 of the more than 2 million inmates are serving sentences in state and federal prisons for non-violent drug offenses. They also point out that this number (450,000) represents more prisoners than the European Union has in prison for all crimes combined – and the EU has a larger population than the U.S., by 100 million people

(Smith & Hattery, 2006, p6). Smith and Hattery note that African American males represented only 9% of the prison population in the 1970s, but after harsher drug law sentencing came into effect, the population climbed to its current 62% representation (Smith & Hattery, 2006, p. 22).

Over the last decade, the U.S. jail and prison population has continued to rise sharply. Spear and other researchers concur that a “get-tough” legal approach to the distribution and use of illicit drugs is the primary cause for the increase. Spear notes that many of the prisoners who are there for drug offenses actually have no record of violent offenses; that there are other expanding groups in the prison population. The rise of “tough-on-crime” laws has allowed far more juveniles to be tried in an adult court at much younger ages than previously, and according to The Sentencing Project, these adult sentences that are imposed on children are “unduly severe.” As we shall see, the conditions in juvenile prisons are also unduly severe. Spear notes that the female prison population has also increased significantly, and comments that this situation usually leaves their children with a family member or the children end up as wards of the state. This of course weakens or perhaps destroys the family structure of the imprisoned (Spear, 2006, p. 23). To summarize, the prison population is mostly poor and uneducated, predominantly African American, increasingly consisting of women, children, and the mentally disturbed, and the biggest cause of this increase are the changes in drug laws.

Further Insights

The Prison Industrial Complex

The private business sector benefits in various ways from increased incarcerations, and this should be examined more closely. Smith and Hattery note that many Fortune 500 companies have been taking advantage of the cheap labor resources available through prison populations. The use of prison labor allows corporations to save significantly on labor costs and thereby increase their profits “much like plantations, ship builders, and other industries did during the 200 plus years of slavery in the United States” (Smith & Hattery, 2006, p. 11). Smith and Hattery use a term that seems appropriate, and will probably come into common use when discussing the U.S. prison system. The authors refer to it as the “Prison Industrial Complex (PIC)”, and they argue that the capitalist economy and the

prison system that characterizes the PIC create a symbiotic system. Prisons only make money when the prison beds are occupied, and that “the more prisons provide labor for corporations, the more prisons will be built.” Their conclusion is alarming. They propose that “the PIC and its attendant industries contribute to the increased rates of incarceration in the US and the continued exploitation of labor, primarily African American labor” (Smith & Hattery, 2006, p. 11). It makes basic economic sense that, when there are empty prison cells, the prison loses money, and “prisons beds” – as industry insiders refer to their economic units – need full capacity for optimal profit. The authors argue that the PIC is a self-perpetuating system:

We must impose harsher and longer sentences and we must continue to funnel inmates into prisons... and this funnel is not being filled with white collar offenders such as Bernie Ebbs (WorldCom), Ken Lay (Enron), or Martha Stewart, but rather by vulnerable, unempowered populations, primarily young, poor, African American men (Smith & Hattery, 2006, p. 13).

A recent change in inmate labor regulations has created a system wherein inmate labor is increasingly subcontracted for a variety of business sectors. Subcontracting companies act as middlemen for many of the largest companies in the United States. The middlemen subcontracting companies that are hired by America’s largest companies use prison labor for tele-marketing, call service, manufacturing, packaging, and distributing their products, though in some cases there is no middleman and the companies directly outsource to prison labor. Smith and Hattery note that, although Americans are unaware of it, every day they are the beneficiary of the work done by ten to 15 prison laborers (Smith & Hattery, 2006, p. 17), and Americans use about 30 products daily that were produced, packaged, or sold out of a prison. The authors also make an astute observation on the ultimate reach of this economic system by observing “prison industries have truly infiltrated the global market” (Smith & Hattery, 2007, p. 283).

Corporations pay prisoners a sub-minimum wage (often less than \$1 per hour), and are making enormous profits on prison labor (Smith & Hattery, 2006, p. 13). Additional advantages to the use of prison labor, besides the obvious advantage of paying very low wages, are that companies who use

prison labor don't have to provide health insurance or vacation benefits, and they need not be concerned about severance pay or lay-offs (Smith & Hattery, 2006, p. 14). They can conveniently increase the number of prison workers during peak sales periods, and send them back to their cells whenever sales decline (Smith & Hattery, 2006, p. 19).

Although big companies pay prison workers much less than they pay for workers on the outside, they aren't actually reducing the markup to the consumer; of course, they retain the increased profits (Smith & Hattery, 2006, p. 19). The system thus benefits the wealthier citizens who might own stock in these companies, but it does not help the average American worker or consumer. In fact, evidence suggests that, if anything, the system creates negative effects for the average American worker. Smith and Hattery note that the exploitation of inmate labor can cause higher unemployment and lower wages in local communities (Smith & Hattery, 2006, p. 17).

Corporations & Prisons

Another benefit to the private sector is the outsourcing of both, the construction of prisons and the operation and management of those prisons. For example, the Corrections Corporation of America (CCA), which builds and staffs prisons, currently manages "67,000 beds (approximately 62,000 inmates) in 63 facilities – from California to Oklahoma to Montana to the District of Columbia – and have plans to build more" (Smith & Hattery, 2006, p. 12). CCA trades on the New York Stock Exchange and employs approximately 15,000. Private corporations such as CCA not only make high profits on building and operating prisons, they also profit on many outsourcing services, such as food service or other services, and they profit on "leasing" prisoner labor to the multinational corporations in the above-described scenario (Smith & Hattery, 2006, p. 21). In short, the Prison Industrial Complex is booming in spite of the 20% decrease in violent crime over the last few decades.

After the recent loosening of the laws that prohibited the direct competition between prisons and free enterprise, some prisons have also begun directly producing their own goods for the mainstream market. For example, an Oregon prison that started out making denim uniforms for all the inmates in the entire Oregon State Prison system has successfully marketed its own denim clothing line. The Prison Blues Garment Factory operates behind

barbed wire, and Americans are now ordering the prison factory's "Prison Blues"® clothing through the internet (Smith & Hattery, 2006, p16). Supporters of the PIC argue that "this is a positive movement in the evolution of prisons because it provides work, it teaches job skills that are transportable, and it allows inmates to earn some money while they are on the inside" (p. 18). Although these arguments are founded in a rehabilitative mentality, we should ask whether the system is actually based on a rehabilitative philosophy, or whether it is entirely based on convenient exploitation of prisoners to maximize corporate profits (Smith & Hattery, 2006).

Exploitation & Corruption

Corporate exploitation of prisoners can also occur from the customer end. For example, prisoners pay much higher fees for making collect calls to speak with their families. According to the New York Times, prisons all over the country have been "gouging inmates and their families when telephone companies started paying legalized kickbacks — called 'commissions' — to the state prison systems for monopoly on the service" ("A Good Call in New York," 2007, Abstract). The state of New York recently set a national precedent by forcing its corrections department to change its policy of charging inmates and their families "more than six times the going rate for collect calls made from prison." As the article observes, "these schemes place a huge financial burden on inmate families, who tend to be among the poorest in the nation, and who must often choose between paying phone bills and putting food on the table" ("A Good Call in New York," 2007, Abstract).

There are also many cases of corruption and scandal from corporations operating prisons. For example the GEO Group, a company that runs private prison facilities across the country and is publicly traded, is once again facing accusations of human rights abuses against inmates in its facilities (Dahl, 2008, ¶ 1). In 2000 the same company was known as Wackenhut Corrections Corporation, and they were sued for "excessive abuse and neglect" of inmates at the Jena Juvenile Justice Center in Jena, Louisiana (Dahl, 2008, ¶ 5). A scandal involving the same company also occurred in Texas, where 11 juvenile girls successfully sued the Wackenhut prison, and two Wackenhut employees pled guilty to criminal charges of sexual assault. Unfortunately, the girl committed suicide on the day of the legal settlement ("Locked inside a nightmare," 2000, ¶ 10). Apparently, the

company used the strategy of changing its name to escape the bad press, and is now facing new accusations in Oregon. Dahl observes that, despite this, "California Governor Arnold Schwarzenegger recently granted GEO a five-year, multi-million contract extension with the state" (Dahl, 2008, ¶ 8).

Politics & the Prison System

Simon (2007) notes that our current program of

Mass incarceration threatens to recreate the worst features of post-slavery America while escaping most of the protections provided by the Reconstruction constitutional amendments and the civil rights legacy they produced . . . young men, and increasingly women, are being shunted into a system whose not so unintended effect is to cast them into a permanently diminished citizenship (p. 499).

Additionally, our prison system strips the social capital from minority communities by the removal and degradation of their human capital. Simon writes, "it is not difficult to reach the bleak conclusion that the prison has become an engine of social war against some of America's most vulnerable communities" (Simon, 2007, p. 499).

In other words, the "War On Drugs" is in reality a politically-based "War on the Poor and Uneducated." Smith and Hattery (2006) note that harsh sentencing guidelines have filled America's prisons with a surprisingly large number of young Black and Hispanic men who are guilty of little more than untreated drug addictions (p. 21). It should be added that socioeconomic status highly influences whether harsh sentencing guidelines are applied to a person's drug addiction. This becomes quite clear if we consider that, with money and connections, an affluent cocaine user will end up in an expensive private "rehab" center rather than in the prison system. For example, in 2002 Jeb Bush, former governor of Florida, entered his daughter Noelle Bush into a drug treatment program after she was arrested trying to use a counterfeit drug prescription at a pharmacy. While in the treatment center, she was caught in possession of "a small white rock substance" (crack cocaine), that the police lab-tested as positive for cocaine, but no charges were filed and she remained in the center ("Police investigate Jeb Bush's daughter," 2002, ¶ 2-3). In Florida, there are much

harsher laws for possession of crack cocaine than powder cocaine. The poor and uneducated do not receive the same patient and compassionate rehabilitative system when they are caught in possession; rather, they face a quick and very punitive legal and judicial system.

Viewpoints

The Politicization of Crime

A good question to ask is “to what extent has crime been politicized?” Blumstein (2007) writes that, concurrent to the growth period of the prison system, “being ‘tough on crime’ and especially being able to label one’s opponent as ‘soft on crime’ provided great political advantage in a nation that was becoming increasingly concerned about the crime problem” (Blumstein, 2007, p. 4). The author then reminds us of the classic political TV advertisement of the period, which was “a 30-second ‘sound bite’ showing the candidate vigorously slamming shut a cell door and then proclaiming his toughness on crime.” Blumstein observes that this particular form of advertising became so popular that it bordered on cliché, but he reasons that this kind of political ad campaign was effective since it was simple enough to fit the typical 30-second TV advertising format. The author argues that politicians saw great political advantage in demonstrating their toughness on crime, and because of this the U.S. experienced a wide variety of legislative changes that directly contributed to increasing our prison population (Blumstein, 2007, p. 5). The author also makes an important distinction between the growth of crime, and the growth of punitiveness, which essentially explains how violent crimes could go down even while the number of incarcerated doubled. It is not that violent crimes have increased, but that laws have become much more punitive for nonviolent crimes — and these harsh laws were probably enacted for essentially political reasons.

Jones brings up another angle to the politicization of crime, and that is the role of lobbying from the Prison Industrial Complex. For example, the “correctional officers union in California has become one of the state’s top political contributors, and that their lobbying efforts push for tougher laws and longer sentences” (Jones, 2006, ¶ 6), presumably to ensure steady if not increased employment of corrections officers. Jones also notes that “private

firms quickly get addicted to the government cash. They, too, have poor rehabilitation rates and spend their time lobbying state legislatures for tougher laws and longer sentences” (Jones, 2006, ¶ 8).

Once the tougher laws get pushed through, state governors further benefit the private sector from tax dollars by increasing the prison system budget. Frederickson (2008) notes that growth in spending for our prison system has pushed aside other priorities. For example, for the past 20 years state spending on higher education has increased by 21 percent, but the spending for our prison system has increased 127 percent (Frederickson, 2008, p. 11). Politics has changed government into a system of governing through politicized crime in society, and Frederickson asks what the end result of governing through crime has done to government:

Whether one values American democracy for its liberty or its equality-enhancing features, governing through crime has been bad. First, the vast re-orienting of fiscal and administrative resources toward the criminal justice system at both the federal and state levels has resulted in a shift aptly described as transformation from the ‘welfare state’ to the ‘penal state.’ The result has not been less government, but a more authoritarian executive, a more passive legislature, and a more defensive judiciary than even the welfare state itself was accused of producing (Frederickson, 2008, p. 11).

Blumstein (2007) writes that because the politicization of crime has been occurring for some time, and is likely to accelerate, it is all the more urgent to intercept it (p. 14). Jones points out the biggest problem with the Prison Industrial Complex by asking a central question and providing the answer: “Where are the financial incentives for prisons to properly perform their rehabilitative function? If anything, the captains of the incarceration industry have a perverse incentive to rehabilitate as few people as possible and keep business booming” (Jones, 2006, ¶ 4). Gonnerman and Brown point out that the punitive philosophy reigning within the Prison Industrial Complex makes the odds of rehabilitation far less. They observe that America’s prisons are filled with illiterate men and women who never graduated from high school (75 percent of state inmates), and who will have a very difficult time finding employment. The punitive measures continue once a prisoner is released from the prison system: “Once freed, they become second-class citizens. Depending on the state, they may be

denied public housing, student loans, a driver's license, welfare benefits, and a wide range of jobs." The authors point out that this may be the reason that, within three years of being released, half of the ex-convicts will be convicted of a new crime (Gonnerman & Brown, 2008, ¶7).

Solution to Prison Growth

The most fundamental solution to the unnecessary growth of our prisons lies within Gonnerman and Brown's final analysis: "We've become a two-tier society in which millions of ostensibly free people are prohibited from enjoying the rights and privileges accorded to everyone else — and we continue to be defined by our desire for punishment and revenge, rather than by our belief in the power of redemption" (Gonnerman & Brown, 2008, ¶ 8).

The most basic change that needs to occur is a change in our belief as to what function prisons should serve for our society, and also in our perception of what constitutes crime worthy of lengthy incarceration. Spear suggests that a good starting place for reform is to change the mandatory-minimum drug laws that keep low-level drug offenders incarcerated for decades. He also believes citizens should urge lawmakers to change drug law sentencing to treatment rather than to prison. Spear and other researchers of the prison system believe that "the goal of criminal justice should not be simply to punish, but to prepare prisoners for re-entry into the communities to which they will eventually return" (Spear, 2006, p. 23), meaning rehabilitation.

Education

From a rehabilitative perspective, education in prisons is of primary importance. According to Bracey, research on "the impact of education on recidivism finds positive effects, whether the program provides basic secondary education, vocational education, or college education." The author cites research into the efficacy of education in reducing recidivism, and writes that "participation in prison education programs reduced recidivism by about 29% overall, recidivism being defined as re-arrest, re-conviction, or re-incarceration" (Bracey, 2006, p. 253). However, education in prisons has significantly diminished since America has taken its punitive approach. Gonnerman and Brown observe that congress eliminated Pell grants for prisoners, "a move that effectively abolished virtually all of the

350 prison college programs across the country” (Gonnerman & Brown, 2008, ¶6). Thus, the most powerful tool to prevent recidivism has been significantly reduced, and is at this time under siege.

Accountability

Jones suggests we begin holding the prison system accountable for reducing recidivism, and that we look at any other creative alternatives, such as community-based programs, that seem to hold promise. “If a community-based program can do a better job at keeping people out of prison with dimes than incarcerators have been doing with dollars, let’s reallocate those funds,” suggests Jones, and he gives the example that YouthBuild USA helps unemployed 16- to 24-year-olds prepare for a high school diploma while they learn job skills. The author suggests we increase funding into such programs (Jones, 2006, ¶ 13). The current policy of “zero tolerance” does not work and feeds a perverse prison market system that is counterproductive to American society in many ways. The change will not be easy since the current philosophy and sentencing policies are deeply rooted. As Simon observes, “the carceral state is not likely to disappear any time soon. Behind the surface of political rhetoric about crime is a vast and interwoven circuitry of knowledge and power, one that links politicians and media celebrities to security experts and law enforcement, to parents and employers” (Simon, 2007, p. 503). The first step, however, is to recognize the damage and social injustice that the current system propagates.

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Criminal Recidivism

Maureen McMahon

Overview

Recidivism is the act of reoffending or relapsing into criminal behavior for a person who has already been incarcerated. It can mean that an offender commits the same crime for which he was originally incarcerated, or it can mean that he has offended in a different way while in jail, on probation, on parole, or after a period of time once reentering society. For practical use, recidivism here means reoffending in any manner after a period of incarceration. The issues with regard to recidivism are many and cross societal, legal and monetary boundaries.

Many people recidivate because they know no other way of life. In most instances, incarceration is a temporary fix for an immediate problem. Eventually, inmates will return to the societies they have offended. Unfortunately, for more than 60% of the inmates sent home, being outside of prison becomes the temporary situation. Most studies report that up to two-thirds of the inmates released will reoffend within three years of walking away from prison life. They will violate parole or probation or they will commit new crimes, being arrested and prosecuted and then placed back into the hands of the United States Department of Corrections.

For a majority of recidivists, incarceration has done nothing to assist them with the transition from convict to everyday citizen. They went in without

an education; they came out without an education. The same can be said for job skills, social skills, and socioeconomic status. In 2003 the Serious and Violent Offender Reentry Initiative (SVORI) was started by the federal government to fund nation-wide reentry programs focusing on education, employment training, and personal and family counseling. SVORI's \$100 million budget was spread out between state and local agencies and then distributed to various civic organizations. Lattimore (2007) points out that there is an inequity in such a distribution: "\$100 million represents less than \$200 for each of the more than 600,000 individuals released to parole each year. Further, the SVORI funds were spread over three years" (p. 89). Ironically, the SVORI program was not refunded after its three year trial period.

Re-Entry Programs

In a report for the Washington State Institute for Public Policy (WSIPP), Aos, Miller and Drake (2006) analyzed 291 evaluations of offender reentry programs and noted that many weren't successful, despite government funding. While some programs show no difference in reducing recidivism, others were positively correlated with recidivism reduction. For example, adult drug courts have been shown to reduce recidivism by almost 11% for those incarcerated for drug offenses. On the other hand, education and cognitive-behavioral treatment has been shown to cause no reduction in recidivism for domestic violence offenders (p. 3). While an eleven percent reduction in recidivism may seem small, that figure equates to less crime, fewer victims, fewer prosecutions, and fewer tax-payer dollars spent on incarceration (Aos, Miller & Drake, 2006).

In addition to the programs listed above, Aos et al. (2006) identify the following programming strategies as reducing recidivism.

- Within prison settings
- Cognitive-behavioral drug treatment;
- Correctional industry programs;
- Drug treatment;
- Vocational education programs;
- General and specific cognitive-behavioral programs;

- Cognitive-behavioral treatment for sex offenders (in prison or in the community)

Within the community settings:

- Drug treatment;
- Treatment-oriented, intensive community supervision programs;
- Employment training and job assistance in the community (Aos, Miller & Drake, 2006, p. 3)

Again, it should be noted that even though these programs have been shown to decrease recidivism rates, the reductions may be small. For example, employment training and job assistance within the community has shown a 5% decrease in recidivism. That figure may equate to only a handful of offenders not reoffending, but the impact on society is much greater.

Further Insights

According to Lattimore (2007), offenders as a population face a great deal of challenges that make for a difficult reentry into society. For example, various studies indicate that inmates share the following damaging characteristics.

[L]ittle education, few job skills, little job experience likely to lead to good employment, substance and alcohol dependency, and other health problems, including mental health problems. In addition, their family and friends are often involved in crime and substance abuse, and they disproportionately return to neighborhoods with few economic opportunities and few, if any, positive role models. Finally, each must cope with a criminal record that can stand in the way of opportunities following release (Lattimore, 2007, p. 89).

Furthermore, the systems created to support society, have failed most inmates in some way or another. For example,

. . . many of those who end up incarcerated did poorly in the school systems that provide educational foundations for a suc-

cessful adulthood. Many offenders have histories of abuse and neglect and may have been referred to, or in the custody of, family and social services. Adult inmates often have histories of juvenile confinement and adult probation that failed to provide the services, programming and support to reform and rehabilitate. And finally, many inmates have received alcohol and drug treatment outside the criminal justice system, but may remain addicted to drugs and alcohol (Lattimore, 2007, p. 89).

Race & Recidivism

Reisig, Bales, Hay, and Xia (2007) note that in the U.S. "recidivism is highest among males, African Americans, and those under the age of 18 (Beck & Shipley, 1989; Langan & Levin, 2002, as cited in Reisig et al., 2007, p. 409). In addition, "African Americans make up nearly half of both the prison population and the offenders reentering society from prison" even though they make up less than 15% of the population as a whole (Harrison & Beck 2004, as cited in Reisig et al., 2007, p. 411). Furthermore, of those offenders rearrested within a three year time period of being released from prison, African Americans are 16% more likely to be rearrested than other populations (Langan & Levin, 2002, as cited in Reisig et al., 2007, p. 411).

Reisig et al. (2007) conducted a study to predict the recidivism rates of inmates based on the economic stability of each county in the state of Florida. They based their predictions on the racial inequality (the unequal distribution of economic resources based on race) of various communities where inmates would be released. According to census and economic reports the researchers were able to determine that "reconviction rates for Black males are highest in counties where adverse economic conditions (e.g., income, joblessness, and poverty) disproportionately affect Black families" (Reisig et al, 2007, p. 419).

To be specific, Reisig et al (2008) determined that Saint John's County, Florida has the highest degree of racial inequality in the state. As such, they predicted a 100 % recidivism rate for offenders released into that county. That is, 100% of the African American offenders released into that county will reenter the criminal justice system based on the lack of economic resources within the community (p. 428). With no viable job opportunities, a former offender may view criminal behavior as the only means for sup-

porting himself and/or his family. This pattern was repeated across the state; the counties showing high degrees of racial inequality were predicted to have high rates of recidivism for Black males (p. 419). Conversely, White male recidivism rates were not impacted by racial inequality (Reisig et al., 2007, p. 419).

Women & Recidivism

About one in three women will make a successful return to the community once released from prison (Fortuin, 2007). Reentering society is challenging with few job skills and little education, and as such, recidivism rates for women are high. A program created by the Volunteers of America Northern New England was established to assist women in the transition process from prison to the community. In Maine, the incarceration rate for women doubled from 1994 to 2002, a jump of over 52% (Fortuin, 2007). For those women participating in the Transition, Reunification and Re-entry program, however, recidivism rates have decreased, and women are finding the resources necessary to live successful in society. According to Fortuin (2007), the program includes

. . . case-management services that attend to housing, employment, education, family reunification and empowerment, birth control, and continuity of care for mental health, physical health and substance abuse . . . In the early days, transition planning for a female offender began three months prior to her release. It now begins six months prior to release and extends up to six months after release, providing a more comprehensive transition plan and greater support during the critical days immediately following release (Fortuin, 2007, p. 34).

In addition to the services it provides, this program encourages women to believe in their ability to be successful and responsible once in their communities. And, it isolates – from person to person – the services most necessary for each inmate in preparation for her release. For example, where one woman may need mental health services as a priority, another may need basic literacy skills, and another may need family counseling prior to reuniting with her children. Fortuin (2007) notes that this initiative is replicable in most women's correction centers, since much of the assistance is community based and already provided by civic organizations. With the

help of many volunteers, this program simply sees to it that prisoner and services are united and that newly released women are mentored closely immediately following their release.

Another initiative created by the Volunteers of America is Women Building Futures. This program teaches construction skills to women by allowing inmates to assist in the building of modular homes for low-income Maine families. The women participating in the program learn skills offering construction certification and opportunities to continue building homes once they leave the DOC. Representatives of the program boast an 80% success rate in transitioning women from incarceration to society (Koegel, 2008).

Juvenile Recidivism

Recidivism is not only committed by adults. In fact, more juveniles will reoffend than adults will with national recidivism rate percentages running about 80 and 67, respectively (Soering, 2007). About ten percent of the juveniles detained each day are sent to adult prisons and jails (Soering, 2007). "Minors sent to adult facilities are eight times more likely to commit suicide, five times more likely to be sexually assaulted and twice as likely to be beaten by staff as youths confined in juvenile detention centers" (Soering, 2007, p. 30).

As is the case with adult criminals, an inequity of race arrests and convictions exists for juveniles. Soering (2007) points to this nation-wide disparity, noting that 44% of all the juveniles incarcerated are African-American. Further,

While there is some evidence of higher offense rates among minorities in certain crime categories, both state and federal studies have found that for the same offenses, African-American adolescents are more likely to be arrested or detained than white teens. Black children are also sent to detention facilities more frequently than whites--in the case of drug crimes, 48 times as often--and their sentences are 41 percent longer. Why the difference? A study published in the *American Sociological Review* in 1998 suggested that probation officers preparing pre-sentence reports on juvenile criminals tended to characterize white teens as reformable and redeemable victims of circumstances, while black

adolescents were often depicted as intrinsically bad (Soering, 2007, p. 28).

Considering this information, it is not a stretch to think that upon release, a black youth represents a better chance of being arrested again in contrast to a white youth. With a previous record, rocket scientists need not be consulted on the chances for leniency, either. Disparity aside, it may be that a newly released black youth is expected to reoffend and is watched more closely by law enforcement than his white counterpart.

An alternative to either juvenile or adult prison sentences for youth can be taken from the following example.

Missouri achieves its remarkable 8 percent recidivism rate by housing juvenile criminals in small, residential-style facilities whose staff all have college educations. Instead of spending their days turning keys, these officers are encouraged to form positive, nurturing, one-on-one relationships with the adolescents in their charge. Groups of nine to 12 wards and two staff members stay together throughout the wards' sentences, forming a kind of alternate family unit. And the annual cost of housing one minor in this type of facility is \$10,000 to \$30,000 less than the cost of punitive incarceration (Soering, 2007, p. 31).

Youth who offend often lack role models who do not offend. As such, there is a disconnect between society's expectations and what the offender has experienced. Programs that work for juvenile offenders are those that focus treatment on building personal relationships between youth and the people who are paid to care for them.

Pedophilia

There is no sexual deviant more despised than the person who preys on children. Most people do not know that while the action of molesting a juvenile is criminal, the basis for the deviancy is psychological in nature (Snyder, 2000; Lanning, 2001; as cited in Hall & Hall, 2007). According to the Diagnostic and Statistical Manual of Mental Disorders (4th ed.) (2000),

... a pedophile is an individual who fantasizes about, is sexually aroused by, or experiences sexual urges toward prepubescent children (generally <13 years) for a period of at least 6 months.

Pedophiles are either severely distressed by these sexual urges, experience interpersonal difficulties because of them, or act on them. Pedophiles usually come to medical or legal attention by committing an act against a child because most do not find their sexual fantasies distressing or ego-dystonic enough to voluntarily seek treatment (as cited in Hall & Hall, 2007, p. 457).

When any of these offenders are incarcerated, they do not have access to their victims like rapists or murderers do. As a jail cell cannot lock up an offender's mind, it is fair to say that no pedophile is "rehabilitated" by the incarceration process alone. In light of the serious nature of pedophilic offenses, reentry interventions are an essential part of promoting safety for society.

Treating pedophiles is not easy, and Stone, Winslade & Klugman (2000) note that no treatment is fool-proof: "Individuals can offend again while in active psychotherapy, while receiving pharmacologic treatment, and even after castration" (as cited in Hall & Hall, 2007, p. 465). Again, this is a psychological – rather than a biological – disorder. Even if an offender is castrated or locked up away from children forever, the desire to have sex with children does not go away simply because the physical act of having sex is impossible. Therefore, "much of the focus of pedophilic treatment is on stopping further offenses against children rather than altering the pedophile's sexual orientation toward children" (Hall & Hall, 2007, p. 465).

The current treatments vary depending on the state and the people overseeing treatment. Hormone therapy to decrease levels of testosterone (known as chemical castration), mandatory reporting and monitoring, the use of Selective Serotonin Reuptake Inhibitors (SSRI), and surgical castration are all forms of current treatment to reduce recidivism rates for pedophiles (Schober et al, 2005; Rosler & Witztum, 1998; as cited in Hall & Hall, 2007, p. 465). Hall & Hall (2007), report that a multiple-strategy approach is the most effective when pedophile recidivism is the goal. "The combination of pharmacologic and behavioral treatment coupled with close legal supervision appears to help reduce the risk of repeated offense" (p. 469).

Drug Use & Driving Under the Influence of Alcohol or Drugs (DUI)

Drug use convictions and incarcerations (possession, trafficking, sales, etc.) do little to deter offenders from reoffending (Huebner & Cobbina, 2007).

In fact, Olson and Lurigio (2000) note that people on probation who have a history of drug use are “twice as likely to violate their probation or have it revoked and 60% more likely to be arrested for a new crime while on probation when compared to individuals without a history of drug abuse” (as cited in Huebner & Cobbina, 2007). Similarly, people arrested for driving under the influence of alcohol or other drugs (DUI) are more likely to recidivate if they have been arrested for a non-drug offense in their lifetime when compared to DUI only offenders (LaBrie, Kidman, Albanese, Peller, & Shaffer, 2007, p. 603).

This is notable data as many post-arrest and release programs are focused on treating the individual through drug and/or alcohol rehabilitation services. In many instances, a successful probation or parole is contingent on completion of such a program. In a study conducted by Huebner & Cobbina (2007), over 3,000 responses to a drug questionnaire were analyzed. The questionnaire had been presented to drug users who were on probation to determine effective support programming in the state of Illinois. According to the analysis,

... most offenders with a history of drug use (71%) received drug treatment while on probation, and most (71%) completed the full course of treatment ...[however], 45% of the sample was rearrested for any offense and 18% were rearrested for a drug-related offense ... within four years following discharge from probation (Huebner & Cobbina, 2007, p. 625).

Similar results were found for DUI offenders in a residential facility in Massachusetts. LaBrie et al, (2007) identified DUI recidivists as those who were reconvicted of a second DUI within a ten-year period (p. 606). Looking at over 1000 offenders, LaBrie et al, (2007) note that of the people convicted of a DUI offense at least twice in their lives, those who also had a history of an additional crime were more likely to recidivate (p. 612). Those who had only been convicted of the DUI offenses were the least likely to recidivate (LaBrie et al., 2007, p. 609). Again, as most treatment plans enforce attendance at meetings, counseling sessions, or residential facilities that offer specific programming aimed at addiction/abuse rehabilitation, there is an entire “corrective” piece missing with regard to helping these people not reoffend.

Viewpoints

One of the biggest issues behind preventing recidivism is the lack of evidence that programs actually work. The Aos et al. (2006) study analyzed almost three-hundred program evaluations rather than the programs themselves, as a compilation of data was their goal. The actual evaluation is timely and costly. For this reason, Snyder (2007) notes that for over thirty years DOC administrators were divided into two camps. The first was that society, rather than programming was the issue. The belief was that society encouraged criminal behavior, and that “fixing” society would help the overall problem of offenders. The Reisig et al. (2007) study seems to support this notion, as racial inequality is a clear predictor of criminal behavior.

The second camp was based solely upon a reaction to the lack of evidence regarding reentry interventions. This side of the argument held that nothing was going to work and therefore, criminals simply needed to be off the streets. However, since the 1970’s when this argument began, prisons have exceeded capacity across the country, juveniles are housed alongside the worst offenders of society, and the cost of criminal justice (law enforcement, prosecution, incarceration, etc.) has increased placing a large burden on taxpayer dollars to keep society safe (Snyder, 2007).

According to Snyder (2007), the problem with reentry intervention programs is that

... a substantial level of effort is needed to prove that a program reduces recidivism. At a minimum, a program must be replicated in more than one site and evaluated using either random assignment or carefully selected control groups. For multiple sites to implement the same program, the program must be well scripted and documented. New programs are not good candidates for replication because they are likely to change and adapt during the first few years of existence. Thus, it takes a lot of time and money to develop, test and eventually give a program the evidence-based seal of approval (Snyder, 2007, p. 6).

Snyder (2007) also suggests that a combination of funding between states would be a solution.

Together they [various states] could select an existing, promising program that might be able to serve one of their unmet needs and then lend their support to an empirically-sound, multiple-site evaluation of it. Funds to support the work could come from state legislatures that are demanding evidence-based treatment programs and from local foundations eager to be part (at relatively low costs) of a large R&D [governmental Research & Development] effort that has the potential to produce a model recidivism-reduction program. If the test proved successful, the field would have a new tool to use; if the program failed to produce the desired effects, the costs to each member of the collaborative would be minimal (Snyder, 2007, p. 28).

In addition to the minimal cost, these states would be taking a proactive stance and at least attempting to provide documentation of a program's success.

Recidivism is not just a strange word, it is a strange concept. After being arrested, experiencing the court system, losing – quite possibly – everything he owns, including his family, and being incarcerated for a period of time, who would resort to criminal behavior once released? On the inside, one knows from where his meals are coming. In addition, an offender also knows who his friends and enemies are. Once back in society, it is difficult to distinguish who is friend or foe. Furthermore, with few job skills, little (if any) education, and no family support, it would also be difficult to find the motivation to avoid criminal behavior.

For those who do not recidivate in the first three years of release (approximately 30%), the likelihood that they will reoffend is low (Greenfeld, 1985, as cited in Reisig et al., 2007). This might point to the fact that those not reoffending have figured out how to stay clean on their own. It may also be that transitional programming during or shortly after incarceration has worked for these individuals. With little evidence pointing toward successful programming, it is difficult to tell. As there is proof that some interventions work, there continues to be progress for America's criminal justice field. On the other hand, it is necessary to point out the bigger problem: As most of us are guilty of breaking the rules at some point in our lives, recidivism prevention should be a priority, but clearly is not.

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Re-Entering Society From Prison

Jennifer Christian & Katherine Walker

Overview

The United States has one of the largest prison populations in the world (Reiman, 2004). In three decades, the number of prisoners has gone from around 300,000 to around two million, which means that the US has the highest imprisonment rate in the developed world. There are many explanations for this high rate: the excessive rate of violent crime in the US, the association of crime with stigmatized groups, increasingly harsh penalties for non-violent crimes, especially drug crimes, and a focus on punishment rather than rehabilitation (Mauer and Coyle, 2004). Despite the attention paid to the increased number of prisoners, little public discussion exists about the inevitable result of this increase: there has also been an enormous increase in the number of former inmates who have re-entered society. Most prisoners will eventually re-enter society, a process that has changed substantially in the last few decades. The increase in the incarceration rate, decrease in funding for many social programs, a harsher societal attitude toward crime, and stricter legal penalties for reoffending have all made the experience of re-entry different and more difficult than in the past (Seiter & Kadela, 2003).

Felons are people who have been convicted of a felony; a crime that has been characterized by the state as serious in nature and warrants a prison term over 1 year. Classification of crimes as misdemeanors or felonies

differs from state to state. Minorities are charged with felonies at a higher rate than whites (Walker, Spohn and DeLone, 2004). Minorities are more likely to be arrested, more likely to be convicted, and more likely to receive stiffer sentences for crimes. This results from both racial profiling and also from legislation that is written in such a way as to disproportionately impact minority groups (Mauer, 2007). Social attitudes toward race create yet another obstacle to reintegration into society after prison. In addition to barriers based on preexisting racial and ethnic cleavages, there are also barriers to obtaining adequate housing and well-paying jobs created by ones' felony status (Liker, 1982; Copenhaver, Edwards-Willey, & Byers, 2007).

Many felons are released back into the communities in which they previously lived. Some ex-offenders are monitored by the Board of Parole, or by half-way houses that offer social services and provide some education, job training, and reintegration programs to help ex-felons learn the social and work skills necessary to stay out of prison. In some cases, half-way houses function as a step towards addiction management, and in other cases they provide low cost living for those who have no other options. Unfortunately, many ex-felons are returned to a life of poverty, which increases the risk of re-offending (Berk, Lenihan, & Rossi, 1980).

Exoneration

According to the Innocence Project, over 200 people have had convictions overturned through the use of DNA testing since 1989. Evidence gathered by the New York Times on ex-prisoners who were exonerated by DNA evidence, while not generalizable, suggests that exonerees face a unique set of problems upon release. There are not organized transition or support programs for those who have been declared innocent. Additionally, many exonerees convicted by states are not awarded compensation by the state for their time wrongly served, although there is now federal legislation that guarantees compensation for anyone exonerated of a federal conviction (Roberts & Stanton, 2007).

Transitional Programs

Programs that aid re-entry to society can begin in prisons themselves and carry over into the outside community, or they can focus only on the post-release transition. Most prisons have some sort of release curriculum, although

these can range from brief interviews or orientations to more tailored programs dealing with employment, drug use, health issues and life skills. Vocational training programs, work release, halfway houses and drug treatment programs reduce recidivism. Educational programs and programs aimed at ex-offenders have more mixed results (Seiter & Kadela, 2003).

Recidivism

The Bureau of Justice Statistics has operationalized recidivism as “rearrest, reconviction, resentencing to prison, and return to prison with or without a new sentence” (Langan & Levin, 2002, p. 1). As Maltz (2001) argues, the definition and measurement of recidivism has serious implications. Older measures captured rearrest rates within a year of a prisoner’s release, which overestimated the effectiveness of the corrections system’s goals of protection and rehabilitation.

In a study of prisoners released in 1994, Langan and Levin (2002) found that within three years, 67.5% had been rearrested, and slightly over half were back in prison for either a new crime or a parole or probation violation. Those who had been in prison for homicide, rape, and driving under the influence had the lowest recidivism rates as did women (compared to men), Hispanics (compared to non-Hispanics), whites (compared to blacks), and younger prisoners. The highest rearrest rates were for prisoners convicted of robbery, burglary, and similar property crimes.

These high rates indicate that the current system fails in terms of rehabilitation. Maltz (2001) points out that recidivism data has contributed to a sense that “nothing works” by not paying enough attention to the type of crime most likely to be repeated and the demographics of offenders likely to reoffend.

Parole

The parole process – the conditional release of a prisoner before his or her term is finished, under court supervision, with rigid behavioral requirements for continued freedom – varies from state to state. Generally decisions to grant parole are made by a parole board set up by the state. Parole became more popular through the first half of the 1900’s, as corrections philosophy focused more on rehabilitation. When the parole rate hit its highest point in 1977, 72% of prisoners were granted parole. Seiter and

Kadela (2003) argue that parole had many positive functions Parole was part of a larger corrections structure aimed at reintegrating ex-prisoners back into society; as such, it worked as a “gatekeeper” to keep more dangerous prisoners behind bars while allowing others out only under supervision. Parole boards made sure that released prisoners had a residence lined up before release and connected parolees to social services and treatment options. Over the last twenty years, most states have moved away from the parole system and back to a system of set sentences, which means that many former inmates are released without any post-prison supervision or state-sponsored transition.

Parole is not always granted fairly. For example, Huebner and Bynum (2008) found that parole boards are more likely to grant earlier parole dates to white offenders than to black offenders, and Maltz (2001) pointed out that parole rates increased when prisons became overcrowded, suggesting that it is more tied to the needs of the prison system than to individual prisoners’ readiness for release.

Further Insights

Labeling

Once an individual is convicted of a felony his or her life changes in many ways. Time away from society can affect ones’ social skills, work related abilities, and connections to the community. In some cases being labeled an ex-felon increases the likelihood of recidivism, and in other cases there are consequences for voting rights and job opportunities. Regardless, the label of “ex-felon” negatively impacts ones’ life chances (Chiricos, Barrick, & Bales, 2007).

Labeling theory suggests that people often react to labels placed on them by others by adopting the labels as their self-identities. Thus the label of felon might result in an ex-offender identifying as such and committing acts of deviance that conform to this self-image.

Being labeled a felon transforms a subject on both the micro- and macro-level. On the micro-social level, the label can cause the subject to self-identify as a criminal, and embrace the concept of what it means to be and act like a felon. This can cause offenders to engage in more risky behaviors and

commit more crimes; since they have adopted the lifestyle they perceive to be consistent with the label of felon. Second, the label of felon will have a structural impact on an offender's life: bringing about changes ranging from increased surveillance to a loss of citizenship rights such as voting, serving on a jury, or owning a gun (Chiricos, Barrick, & Bales, 2007).

Being labeled as a felon increases the likelihood of recidivism. In a study comparing adults who were convicted of a felony with those who were found guilty yet had adjudication of guilt withheld, Chiricos, Barrick, & Bales (2007) found that being officially labeled a felon led to significantly higher rates of recidivism, especially among whites and women.

Felon Disenfranchisement

Along with the rapid growth in the prison population has also been an increase in the number of felons who have lost their right to vote. In many states, election laws bar anyone convicted of a felony (whether currently serving time or released from prison) from voting. It is estimated that as many as 4.7 million Americans are unable to vote because of their felony convictions (Manza, Brooks, & Uggen, 2004).

Scholars who investigate the impact of felon disenfranchisement on electoral outcomes (Havey, 1994; Manza & Uggen, 2004; Manza, Brooks, & Uggen 2004; Manza & Uggen, 2007) have found empirical evidence that suggests the electoral decisions in many gubernatorial and presidential contests would have been different had there not been the systematic disenfranchisement of felons throughout the United States.

Central to these concerns is the issue of race and felon disenfranchisement in terms of voting rights. Because minorities are far more likely to be charged with and convicted of a felony, disenfranchisement of felons has a disproportionate impact on minority groups. These findings are troublesome when we consider that a felony conviction can remove one from civic participation and potentially lead to the total exclusion of certain racial and ethnic groups from participating in the democratic process of electing local, state, and national representatives.

Given the close presidential elections of 2000 and 2004, this imbalance is of growing concern to many who value the notion of an open democracy (Manza & Uggen, 2004).

Manza and Uggen (2002; 2004; 2007) have demonstrated that the disenfranchisement of Blacks (and some Latinos) in southern states has resulted in electoral outcomes that favor Republican candidates over Democratic and Independent candidates. Their data shows that the disenfranchisement of minority voters has had a significant impact in both senate elections as well as the 2000 Gore vs. Bush presidential election.

Health Risks

Rosen and Wohl (2008) found that the mortality rate for men released from state prisons was higher than the mortality rate for other men residing in the state, although black ex-prisoners had lower than expected rates of lung cancer, heart and respiratory diseases, and diabetes.

Discrimination in the Work Place

Employers who conduct background checks for criminal history are much less likely to hire ex-offenders, especially if the employer is legally required to conduct such a check (Stoll & Bushway, 2008). The effect of a criminal record on employment is further influenced by race. Pager (2007) has demonstrated several noteworthy trends in employment opportunity by race and having a criminal label. First, she looks at how accessing jobs differs for blacks and whites with and without a criminal conviction. The data suggests that even when the experience and skills for each job candidate are exactly the same, a white male with a criminal record is more likely to be called in for an interview than a black man without any previous convictions. This demonstrates an overall lack of trust for blacks among many employers, and especially for those blacks who have a criminal conviction.

Scholarship in the area of penology has demonstrated that one way to reduce crime and recidivism is to help ex-felons reintegrate into society through meaningful work and suitable housing. Pager's work may account for some of the disparity in recidivism rates between blacks and whites.

Liker (1982) found that ex-felons re-entering society suffered less emotional distress if they were employed. Employment reduced their sense of stigma and helped reintegrate them into society, while also providing the security of income.

Discrimination in Housing

Pager(2007) studied whether blacks and whites with criminal convictions are treated differently with respect to obtaining credit and access to housing by sending black and white actors to apply for credit and rental housing. She randomly assigned some of them fictitious criminal records. The actors were wearing nearly identical clothing and had exactly the same credit scores and work experience to try and obtain lines of credit and/or rental housing. When blacks showed up, they were told that there were no apartments available or that the advertisement was incorrect. This was exacerbated when blacks reported having a criminal conviction on their rental applications. Whites had no such experience when they attempted to get credit lines or enter a contract for rental housing. Even with a criminal conviction they were met with less hostility and suspicion than their black counterparts.

Previous scholarship has demonstrated that stable housing helps to minimize criminal involvement. When people feel connected to their communities or at the very least feel as though engaging in crime can adversely affect their lives, they are less likely to engage in criminal activity.

Access to Higher Education

Copenhaver, Edwards-Willey and Byers (2007) found that there is a stigma associated with being labeled a felon which negatively affects individuals' experiences in the classroom. Access to financial aid is restricted for those who have been convicted of drug-related crimes (FAFSA 2009). Limiting access to financial aid puts forth yet another barrier for those felons who are trying to turn their lives around by learning new trades or skills in order to enter the workforce. Given what we know about access to meaningful employment and the links between higher education and job opportunities, this type of legislation negatively impacts the opportunities for ex-felons and disproportionately impacts the opportunities for poor minorities who are trying to work their way out of impoverished, crime-ridden neighborhoods.

Viewpoints

Social & Political Consequences of Labeling Felons

By labeling and stigmatizing those who are convicted of a felony as felons, we are, as a society, limiting individual access to employment opportunities, basic citizenship rights, and education. Policies that support limiting access to these basic services exacerbate the likelihood of recidivism and continue to perpetuate the cycle of violence and the revolving door that has come to typify our criminal justice system. If real change is to be done to help offenders reintegrate into society and leave a life of crime behind, we need to put in place policies and resources that help ex-felons obtain meaningful work, adequate housing, job training and social development. Through these types of policies we can be assured that community ties develop and reduce crime at the same time.

Surpassed only by the former Soviet Union, the United States has one of the largest prison populations in the world. The majority of offenders, violent and non-violent will be released back into society; most never received any rehabilitative services while in prison. With the increasing number of ex-felons being released back into society the question remains what do to help reintegrate those who are leaving prison? How do we address the issue of discrimination in employment and housing and what role does voter disenfranchisement play into the revolving door that has become stereotypical of our criminal justice system. Until greater attention is given to the loss of citizenship rights and access to opportunities, crime and recidivism will continue to be a problem facing the United States. Much has yet to be learned as to how we, as a society, can intervene and increase the odds of ex-felons making it rather than returning to a life of crime.

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Terms & Concepts

Acculturation: A change in the cultural behavior and thinking of a person or group of people through contact with another culture.

Adjudicated: A determination made by a judge.

Adversary System: A system in which the parties (and their lawyers) control the case. The judge acts as an arbiter. This is the type of court system used in the United States

Aggregation: Putting similar people together as a form of isolation and/or punishment.

Amateur Labelers: Average citizens who initiate the labeling process by reporting to the police an act that they consider deviant

Anglo-American Culture: The dominant culture of the United States; a culture that stresses the attitudes and behaviors typical of those of European descent.

Aantisocial Behavior: A disorder in which a person's behavior is hostile or indifferent to the needs of those around him/her.

At-Risk (youth): A general term meant to identify children who are in danger of failing school, committing criminal acts, or physical violence.

Attention Deficit / Hyperactivity Disorder: A condition in which the person has difficulty sitting still or focusing on specific tasks (especially while in school).

Bailiff: Responsible for courtroom security and enforcing etiquette and order. This individual usually has law enforcement experience and police training

Bribery: The act of attempting to induce someone to do something, especially something illegal, by offering him or her money or some other enticement.

Broken Windows Policing Model: A model of policing that stresses the importance of taking an interest in disruptions in a community that may not be illegal but could lead to or indicate criminal activity.

Censorship Region: The public or private social space that police control and keep secret for the purposes of a criminal investigation.

Collective Efficacy: The group's ability to accomplish a goal—more specifically meaning the ability to maintain order in public places.

Community Policing Model: A model of policing that stresses the importance of working with individuals in the community when attempting to solve a criminal case. This is in contrast to the traditional model which views using information from the community as unprofessional and unreliable.

CompStat Policing Model: A model of policing that stresses the importance of maintaining hierarchy and discipline throughout the department.

conduct disorder: Refers to a disorder in which a person behaves (conducts himself) inappropriately.

Consensual Behavior: Behavior that is agreed upon by two willing, capable, and reasonable adults.

Consent: To give assent or approval (Consent, 2009). In terms of sexual activity, consent can be much contested; the legal definition of rape or sexual assault requires that both parties consent to engaging in sexual intercourse-free of coercion, ambiguity or the influence of alcohol.

Contingent Valuation: Survey-based economic technique used to value non-market (no specific actual monetary value) resources such as the preservation of the environment or crime prevention.

Co-offending: Crime committed jointly by two or more individuals.

Corrections Corporation of America (CCA): The largest private prison service provider in the U. S., whose stock more than doubled in the first eight months of 2006. In addition to 63 other facilities, CCA runs a prison in Texas that holds immigrant detainees.

Corruption: Any crime committed by a police officer. The most common forms of police corruption are those relating to financial benefits such as kickbacks, bribes, material favors, or unsanctioned gifts.

Costs/benefit Analysis: Attribution of best estimates of actual cost and gain/loss in comparison to each other.

Court Interpreter: Used in the case that parties involved do not speak English; may be hired on an as needed basis.

Court Reporter: Makes a record of court proceedings by taking extensive notes.

Courtroom Clerk: This individual is a representative of the clerk's office in the courtroom. The courtroom clerk is in charge of cases that are assigned to the judge. He/She also organizes cases for the judge and generally keeps track of courtroom information such as minutes, names of parties, procedures, and each side's exhibits.

Criminalization Theories: Theories that pertain to the process of understanding why some actions are determined to be criminal and others are not.

Cronyism: Preferential treatment given to one's friends or colleagues regardless of their abilities or qualifications.

Cultural Capital: knowledges an individual possesses by virtue of being exposed to life experiences.

Decriminalization: The process of making an action that was at one time illegal legal.

Defendant: The person in the trial who is accused of doing something illegal.

Department of Corrections (DOC): Federal agency under the supervision of the Department of Justice; oversees correction facilities and regulations in the U.S.

Deviance: Behavior that is different from society's standard.

Diagnostic Statistical Manual of Mental Illness (4th ed.) (DSM-IV): A reference book published by the American Psychiatric Association; describes mental illnesses and other psychological disorders.

Disenfranchisement: The removal of one's citizenship rights, especially the right to vote.

Downward Law: A law that involves legal restrictions to defend members of a majority group against members of a minority group.

Driving Under the Influence (DUI): A motor vehicle conviction for driving under the influence of alcohol or drugs.

Due Process: The fair and accepted procedures for enforcement of the law.

Ecology: The study of the interactions between living organisms and their environments.

Egalitarian Attitudes: General beliefs that men and women should enjoy the same rights and privileges. Egalitarian views eschew gender stereotypes.

Embezzle: To take for personal use and without permission the money or property belonging to others with which one has been entrusted.

Environmental Determinism: The idea that all behavior, including human action, is caused by the surroundings of the acting subject.

Ethnicity: The cultural characteristics that set a group of people apart from others.

Eurocentrism: The attitude that the peoples and cultures of European descent are superior to those people of other parts of the world.

Evidence Based Policing Model: A model of policing that stresses the importance of evidence collection and analysis in solving crimes.

Excerpter Witness: Individuals with expert knowledge on a topic pertinent to a case.

Extortion: The use of threats, force, or other illegal methods to gain money or information from someone.

Felony: In the United States, a crime serious enough in nature to warrant more than one year in prison or jail.

Filing Clerk: Stamps, files, collects fees, gives docket numbers, routes filed property, etc.

Formal Social Control: Revolves around laws and/or policies, and which serves as the starting point on which widespread norms, behaviors and attitudes follow.

Fortune 500 Companies: Fortune Magazine ranks the top 500 American public corporations as measured by their

Gang: A group of people (usually youth) who form a network to work together for some criminal or antisocial purpose.

Gender Roles: Social, cultural and psychological aspects that distinguish between the sexes in a given social context.

genocide: An extreme form of hate crime in which a dominant group engages in mass killing and slaughter of a subordinate group.

Grand Jury: This jury is larger than a petit jury and is responsible for deciding if there is enough evidence for a trial prior to the actual trial.

Gross Domestic Product (GDP): The total market value of all goods and services produced within a country during a specific period of time, usually annually gross revenue.

Hate Crime: A specific form of crime in which a person or group is verbally and/or physically attacked because of their gender, sexual orientation, religion, politics, ethnicity, disability or age.

Hot Spots Policing Model: A model of policing that stresses the redistribution of resources toward those areas identified as high risk.

Immigrant Enclaves: Small communities in which immigrants may isolate themselves so that they may maintain the cultures of their home country and speak their own language.

Incarceration: Jail or imprisonment.

Informal Social Control: Subtle forms of control that include non-verbal communication or community involvement.

Ingroup: A social group to which an individual feels like he or she belongs.

Judge: The individual who, in an adversarial judicial system, acts as a neutral arbiter so that the jury may come to a conclusion.

Jury Commissioner: Oversees the compilation of jury lists, monitoring policies, and other functions surrounding jury selection.

Juvenile Delinquents: People under the age of 18 committing acts that violate the law.

Juvenile Offender: A person under the age of 18 who commits a crime.

Labeling Theory: Labeling theory states that people perceive the labels that others place on them and these labels become part of their identities, influencing their future actions

Law Clerk: Performs legal research, prepares legal memoranda and drafts proposed legal decisions; most serve for one year following law school.

Law Librarian: Exactly that, they rarely have legal training.

Laws: Social conventions that have been recorded by a society's elite. The violation of these conventions may result in specified punishments.

Mafia: Term for Sicilian vigilante groups organized during the middle ages to covertly combat Spanish occupation of the land.

Mens Rea: Criminal intent. The requirement that, to be found guilty of a criminal offense, the accused must have intended to commit the offense and known that it was a crime. Literally, "guilty mind."

Minority: Any group of people that is treated differently because of characteristics that the individuals have little or no control over.

Minority-Threat Hypothesis: The theory that mainstream America increases punitive admonition toward minorities in order to prevent them from flourishing.

Oppositional Defiant Disorder: Refers to behaviors that are inappropriate at a specific age; behaviors can range from simple irritability to defiance to outward opposition to authority figures.

Outgroup: A social group to which an individual feels animosity, and, in extreme cases, the desire to fight and destroy.

Parole: Conditional release before the completion of a prison sentence, under the supervision of the court system, with stringent behavioral conditions

Pedophilia: A sexual deviancy with a psychological basis; offenders desire sexual relations (and/or relationships) with children and adolescents.

Pell Grant Program: A post-secondary, educational federal grant program sponsored by the U.S. Department of Education. Named after U.S. Senator Claiborne Pell, it was originally known as the Basic Educational Opportunity Grant. Grants are awarded based on a "financial need" formula.

Petit Jury: The jury we typically think of when we conceptualize a jury. This group of people is responsible for making a decision of guilt or innocence at the conclusion of a trial.

Pew Charitable Trusts: Independent nonprofit nongovernmental organization which serves the public interest by improving public policy, informing the public, and stimulating civic life. One of its many missions is working on issues related to state correction policies.

Plaintiff: The person who supposedly has suffered some legal wrongdoing in a trial police work.

Post Traumatic Stress Disorder (PTSD): After experiencing a severe trauma, victims may suffer long term effects from the event that inhibit recovery, productivity and lead to a number of other outcomes such as substance abuse and depression.

Precedent: The law must be based on previously established principles. This shows fairness with how others in the past were treated.

Prison Industrial Complex (PIC): Refers to the complex of organizations that have financial interest in the operation of the prison facilities, includ

ing prison guard unions, construction companies, subcontracting companies, surveillance technology vendors, etc.

Probation: The suspension of all or part of a jail sentence, whereby the offender will remain under the supervision of the court for a specific period of time.

Problem Oriented Policing Model: A model of policing in which the root causes of a community's problems are identified and police devise solutions for eliminating the causes.

Professional Labelers: Those individuals who are paid to identify individuals as deviant. Police are professional labelers.

Prohibition: The Volstead Act of 1920 made the sale of alcoholic beverages illegal in the United States until 1933. This period of time is referred to as the Prohibition era.

Publicity Region: The social space police use to release information to the public and maintain their public persona.

Pulling Levers Policing Model: A model of policing that stresses the use of a variety of resources and solutions to detect criminal activity. Criminal justice intervention, social services, and community resources might all be utilized to resolve a single case.

Race: A group of people defined by similar physical characteristics.

Racial Inequality: An unequal distribution of economic resources that affects certain races and not others.

Racial Profiling: Focusing on individuals of a certain racial group for the purposes of crime detection. This practice is performed under the assumption that members of certain racial groups are more likely to commit crimes than members of other racial groups.

Racketeer Influenced & Corrupt Organization Act (RICO): A federal law passed in 1970 that provided stiffer penalties for those convicted of participating in criminal acts as part of an organized crime syndicate.

Racketeering: Criminal activity by a structured group.

Rape Myths: "Prejudicial, stereotyped, or false beliefs about rape, rape victims and rapists" (Crider, 2008).

Recidivism: Generally described as the act of re-offending once released from jail or prison, it can include rearrest, reconviction, resentencing, and any return to prison.

Re-entry: Returning to one's home and/or community from incarceration.

Research Attorneys: Full time, licensed attorneys who provide research at the request of judges.

Restorative Justice: "Repair" of the personal and economic harm caused by a criminal act through mediated face-to-face meetings between the perpetrator and the victim with the goal of making the victim as "whole" as possible under the circumstances.

Retribution: The perspective that criminals need to suffer for their wrongdoings; words that encompass this position include "payback" and "vengeance."

Retributive Justice: Punishment policies aimed at vengeance or payback.

Secrecy Region: The social space that police use to conduct the secret work of policing. This area is maintained so that delicate elements of investigations may be protected and less savory elements of police work may be hidden from public view.

Selective Serotonin Reuptake Inhibitor (SSRI): Antidepressant that blocks serotonin (a chemical that sends messages to the brain about mood) from being absorbed in the body, thus increasing the length of its effect.

Serious and Violent Offender Reentry Initiative (SVORI): A program created to reduce recidivism by offering various transition services to released offenders.

Sexual Violence: Non-consensual sexual contact or sexual intercourse which results in a trauma (physical or psychological) to the victim.

Social Capital: The many informal, interdependent networks that help a community or individual function effectively and achieve its goals.

Social Construction of Race: The process through which racial categories are created by society.

Social Construction: The Durkheimian notion that any phenomenon that is agreed upon by participants in a particular culture or society exists and

therefore becomes embedded into the institutional fabric and structure of society, subject to the rules and regulation therein.

Social Control: The formal or informal processes that regulate individual and group behavior

Spectators: Those who watch hate crimes being committed and do nothing to come to the aid of victims.

Status Offense: A crime that can only be committed by people occupying a particular status.

Stigmatization: Severe social disapproval of personal characteristics that violate cultural norms and shared values.

Subculture: An identifiably separate group within a larger cultural, especially one regarded as existing outside of mainstream society.

Sympathizers: Those who lend tacit, but not active, support to individuals and groups that commit hate crimes. They agree with the motivations behind hate crimes, but often don't perform the hate crimes themselves.

Third Party Policing Model: A model of policing that stresses the expansion of crime prevention to third parties. By using third parties such as civil courts, community organizations, and civil organizations, police recognize that social control requires and can benefit from institutions other than themselves.

Three Strikes You're Out: Also called "three strikes laws" or habitual offender laws. Statutes enacted by state governments requiring the state courts to impose a mandatory and extended period of imprisonment to anyone who has been convicted of a serious criminal offense on three or more separate occasions.

Token Resistance: A rape myth which holds that women offer token resistance to sexual advances from men; when she says no to sex, she really means yes.

Tongs: Chinese-American social groups that developed into organized crime entities in the United States.

Upward Law: A law that aims to protect disenfranchised groups at the expense of the dominant group.

Vice: A practice, behavior, or habit that is considered immoral by society.

Victimless Crime: An infraction of criminal law that occurs without any identifiable individual (victim) who has suffered damage or been caused harm by the infraction.

Wackenhut Corrections Corporation: A United States-based private security and investigation firm. Wackenhut was founded in 1954 by former FBI agents. In the 1960s, Wackenhut began providing food services for prisons and in 1984 started a subsidiary to design and manage jails and detention centers for the growing private prison market. Critics have claimed the company's guards abused inmates in many states.

War On Drugs: A term first used by President Richard Nixon in 1971, it refers to a prohibition campaign undertaken by the U. S. government to "curb supply and diminish demand" for certain psychoactive substances deemed "harmful or undesirable" by the government. This includes a set of laws that are intended to discourage the production, distribution, and consumption of targeted substances.

Working Personality: The set of social skills and behaviors developed by police officers to deal with the stresses of

Contributors

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Matt Donnelly received his Bachelor of Arts degree in Political Science and a graduate degree in Theology. Currently a graduate student in history at the University of Massachusetts-Boston, he also is the author of *Theodore Roosevelt: Larger than Life*, which was included in the New York Public Library's Books for the Teen Age and the Voice of Youth Advocates' Non-fiction Honor List. A Massachusetts native and diehard Boston Red Sox fan, he enjoys reading, writing, computers, sports, and spending time with his wife and two children.

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