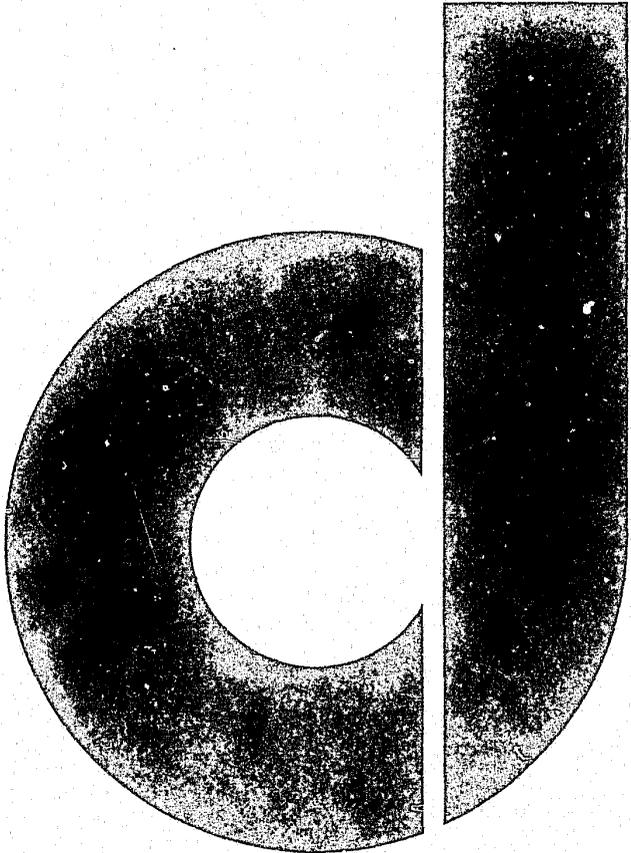


NATIONAL INSTITUTE OF MENTAL HEALTH

# Strategic Criminal Justice Planning

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Crime and Delinquency Issues

CRIME AND DELINQUENCY ISSUES:  
A Monograph Series

# Strategic Criminal Justice Planning

by  
Daniel Glaser, Ph.D.  
University of Southern California

National Institute of Mental Health  
Center for Studies of Crime and Delinquency  
5600 Fishers Lane  
Rockville, Maryland 20852

This monograph is one of a series on current issues and directions in the area of crime and delinquency. The series is being sponsored by the Center for Studies of Crime and Delinquency, National Institute of Mental Health, to encourage the exchange of views on issues and to promote indepth analyses and development of insights and recommendations pertaining to them.

This monograph was written by a recognized authority in the subject matter field under contract number HSM 42-73-237 from the National Institute of Health. The opinions expressed herein are the views of the author and do not necessarily reflect the official position of the National Institute of Mental Health or the Department of Health, Education, and Welfare.

## FOREWORD

*Strategic Criminal Justice Planning*, The second Crime and Delinquency monography by Dr. Daniel Glaser, joins his *Routinizing Evaluation: Getting Feedback on Effectiveness of Crime and Delinquency Programs* (DHEW Publication No. (HSM) 73-9123, 1973) as an important contribution to the improvement of programs in the juvenile and criminal justice systems. While Glaser's monograph on evaluation focused on the design, conduct, and use of impact studies for improving or eliminating programs in the crime and delinquency field, the current monograph considers the various planning processes needed to reach those goals.

In his most recent effort, Dr. Glaser develops a number of important topics. These include the planning process in our modern, highly complex society; the importance of valid information, and the organization of that information within a conceptual-policy oriented framework; the utilization of available data and research findings; and the generation of additional data when needed. These considerations, along with several theoretical orientations to crime, are developed by Dr. Glaser to make specific suggestions about improving planning as a process in the juvenile and criminal justice systems. Moreover, he develops a set of planning propositions and outlines specific programs to provide guidance to planners and policymakers.

As in *Routinizing Evaluation*, we provided the author complete freedom to develop the various issues on the topic of planning. No detailed specifications or outline were set in advance and no substantive changes have been made by the National Institute of Mental Health. The views expressed are those of the author.

SALEEM A. SHAH

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**PART I:**

**Introduction**

## Chapter 1

### PLANNING IN AN AGE OF TENTATIVITY

Criminal justice is a major American industry. It supports millions of people, directly or indirectly, and consumes much public and private wealth. Yet few are very satisfied with the justice system as a whole, and each of its major parts—police, courts, correction, and prevention—evokes many complaints.

Public discontent with the criminal justice system stimulates frequent change. Pressures for change reflect, in part, new developments in society that create new conceptions of crime and delinquency, new dimensions in the behavior previously called crime, and new distributions of political power and influence among persons affected by both crime and criminal justice agencies.

The Federal Government's Law Enforcement Assistance Administration annually disburses hundreds of millions of dollars to expedite improvements in the criminal justice system, and many other Federal, State, and local agencies augment these expenditures. In an effort to bring order to their alterations, organizations in this system increasingly emphasize planning. Federal funding policy requires that each State have a criminal justice planning agency and that it work with regional planning groups within the State. In addition, large police, court, and correctional organizations have their own planning units. Most important for our concerns is a polar duality in approaches to planning.

#### Tactical Versus Strategic Planning

Most long-established service agencies of government prepare their plans by projecting the past into the future. They compile statistical tables and plot graphs to reveal trends in the volume and type of clientele received and services provided during a preceding decade or two. Estimates of future needs are then made by extending these trends into the next 3, 5, or even 10 years. Personnel and facility requirements for the coming years are thereby assessed, allowing for population migration or other demographic shifts that might affect potential clientele. Current practices and standards of service provide the primary basis for these estimates, although plans usually call for some upgrading of services, thus requiring additional funding. Little more increase is requested than is assumed will be tolerated by budget-reviewing authorities, who customarily demand some cut-backs in all plans.

The process previously described often is called "long-range planning." even when it is but an extension, without great methodological innovation, of the 1-or-2 year budget planning that is routine in all government and much business. It is tactical in the sense that it is concerned only with specific and immediately foreseeable contingencies. This procedure rests on confidence that current developments or the recent past are the best predictors of the impending future, an assumption that is often valid. For many decades, organizations with such diverse functions as postal service, highway maintenance, food inspection, and the manufacture of nuts and bolts, as well as police, courts, and correctional agencies, have employed these planning methods.

All such tactical planning is a variation of what Robert N. Anthony calls management control, which he defines as:

. . . the process by which managers assure that resources are obtained and used effectively and efficiently in the accomplishment of the organization's objectives (1966, p. 17).

Such procedures are based on an assumption that the agency's objectives and its resources will not change appreciably. Whenever this assumption is rejected, as it increasingly should be in much of the criminal justice system, management control must be replaced by what Anthony calls strategic planning defined as:

. . . the process of deciding on objectives of the organization, on changes in these objectives, on the resources used to attain these objectives, and on the policies that are to govern the acquisition, use, and disposition of these resources (1966, p. 16).

Tactical planning corresponds closely to what John Friedmann (1973, p. 17) calls "allocative planning," which he describes as concerned with "the distribution of resources among competing users." Strategic planning corresponds to what Friedmann calls "innovative planning," which is concerned with "producing a structural change in a system of social relations." Therefore, strategic or innovative planning must be less inhibited than tactical or allocative planning in contemplating the alteration of long-institutionalized organizational and even societal arrangements. To be effective, however, strategic planning no less than management control requires feedback on effectiveness and close integration of planning and operational leadership and staffs. This implies what Friedmann calls "the transactive style of planning," which emphasizes a continuous dialog among planners, researchers and action specialists, whereby all share in learning through experimental evolution.

Strategic planning is consistent with Bennett's (1973) theme that changing the system can more dramatically affect the crime problem than merely trying to change the offender within the existing system.

Just changing the system, however, does not guarantee progress; research on effectiveness still is needed to permit innovators to respond rationally to negative results as well as to justify their cautious acceptance of success. Progress in crime control probably will occur in periodic leaps of strategic innovation, rather than as a continuous process because, as Kuhn (1962) pointed out, the growth of knowledge occurs more by periodic jumps of reconceptualization than by routine refinements and extensions.

Increasingly in recent years, criminal justice planning by tactical methods misleads all branches of government that depend upon it, as well as the public. For example, the California Board of Corrections in 1964 planned to construct 10 new correctional institutions in the next 10 years—an average of one per year—at a cost exceeding \$90 million in 1964 or much more with the inflation of the decade that followed (Smith 1972, p. 11). This was a logical plan based on the growth of California's population from about 7 million in 1940 to 10 million in 1950 and 16 million in 1960. It took into account the increase of inmates in California Youth Authority institutions from 3,758 on January 1, 1958, to 6,656 by the beginning of 1964. It also reflected the population growth in its prisons for adults from 11,056 at the end of 1950 to 21,660 by the end of 1960, a growth that continued at this approximately thousand-per-year expansion rate during the early sixties. Thus, the construction planning was all very logical. It did not work, however, because the Probation Subsidy Act and other factors produced a sudden spurt in use of probation and local detention during the last half of the sixties, making the proposed State institutions unnecessary. By the early seventies only three of the projected 10 new facilities had been constructed, and these were all or mostly empty much of the time.

One implication of many recent criminal justice developments is that strategic planning cannot be done by any component within the system acting alone. This is evident from the probation subsidy experience, for example, which drastically affected both courts and institutions. It is also evident in police diversion of juveniles from the courts. Another example is in the effort of crime prevention agencies to provide trade training as a condition for pretrial release for those whose poor employment record makes them unable to post bail as well as poor risks for unconditional recognizance. All these practices indicate that changes in police activities will affect courts, that changes in the courts will affect both police and correction, that changes in correction will affect police and courts, and that any effective crime prevention measures will affect all criminal justice agencies.

Because of this interdependence of parts—because, though poorly coordinated, criminal justice is indeed a system—strategic planning is

best done by government agencies that are superordinate to police, courts, corrections, and prevention agencies, though receiving advice and information from all of them. This monograph, therefore, is addressed to those concerned with the totality of criminal justice services in a nation, State, or local community, rather than just with a particular type of justice agency or occupation. Furthermore, since criminal justice systems and even total governments are parts of larger systems that we call societies, this monograph is concerned with linking strategic criminal justice plans to trends in society as a whole.

The primary source of literature for most current training on criminal justice planning appears to be public administration and business writings on the planning process. While much of this training literature calls for strategic rather than tactical thinking about the criminal justice system, its rhetoric is rooted more in popular "futurology" than in rigorous social science; it seldom gets to specifics when exhorting planners to think imaginatively, scientifically and in systems theory terms. This monograph tries to supplement such training literature by showing criminal justice officials more specifically what they can learn for policymaking and strategic planning from the social and behavioral sciences, especially sociology and psychology.

In all industrially advanced nations there have been relatively rapid changes in the definitions of crime and in the reactions of the State to offenses as well as in the public's behavior. Strategic criminal justice planning copes with such developments not just by projecting past trends to estimate future demands for correctional services, but by investigating the causes of these trends and their probable modification with new developments in society. In an age of rapid change, predictions cannot be accurate if they are very specific. What is dependable are not statistical projections of current or past conditions, but generalizations on the scientific principles that explain change and permit us to cope with it realistically.

Strategic planning is not intended to replace tactical planning, but to subordinate tactics to long-term concerns whenever possible. Although specific projections and budget estimations for personnel recruitment and training, contracted services and construction, for example, will be continuing components of tactical planning, strategic plans give them direction. The strategic plans are statements of objectives to be sought and perspectives to be maintained in spite of the immediate pressures and vested interests or habits that dictate tactics too exclusively; expediency rules most readily when no strategic principles are formulated, or when those that are asserted are not grounded in scientific rationales and data. This monograph presents and tries to justify guideline propositions useful in strategic

planning for the criminal justice system of any State, region, or locality of the United States. Of course, this monograph itself is not a plan for any specific jurisdictional area; any such plan will have to be formulated with detailed propositions addressed to the unique history, circumstances, and criminal justice problems of its particular area.

## Stages of Strategic Planning

The first stage in strategic criminal justice planning should be to identify the general principles which determine shifts in the definition of crime and the reaction to offenses. As chapter 2 indicates, patterns in the evolution of criminal law are evident that account for changes in both clientele and objectives of police, courts, and corrections. Analysis of these trends is most useful if it goes beyond description to explanation, for only if change is understood rather than just described can there be a solid foundation, hence less guesswork, when anticipating the future.

An understanding of criminal law changes can approach adequacy only if it takes account of developments in the total society, apart from the justice system. Thus an understanding of societal evolution in our time must be the basis for strategic criminal justice planning if it is to be effective in an age when all anticipations of specific crime rates and State practices must be tentative. These changes too are concerns of the next chapter.

The second stage of strategic criminal justice planning is to determine, as rigorously as possible, the causes of the behavior that society designates as criminal. A key aspect of both the first and second stages is the differentiation of offenses and offenders along critical dimensions, so as to identify types that call for variations in planning because of differences in societal reaction to them as well as differences in their causation. Scientific assessment of causal theories requires examination of the empirical evidence that tests these theories. Such assessment will be a concern of the second and third parts of this monograph, each consisting of several chapters and discussing separately four broad types of offender—the adolescent, the violent, the addicted, and the adult property offender.

These types are not set forth as mutually exclusive. When individual persons fit more than one of them, the considerations discussed under more than one of these rubrics may be applicable. Other types could also be differentiated, and indeed, further distinctions are made in analyzing these four, but it is believed that this quartet of broad categories covers the offenders that most concern current criminal justice agencies and are likely to be among their central problems for some decades to come. Evidence of growing attention of criminal justice systems to other types of offender, such

as corporate predators, will also be pointed out, however, especially in chapters 2 and 8.

The focus on demographic trends that distinguishes traditional tactical planning for management control also is relevant to strategic criminal justice planning, but it becomes most useful if guided by sound criminological knowledge. Pertinent statistics do not just project crime and population trends, but relate them together in a manner that furthers or tests causal explanation of crime trends. Such statistical analysis is necessary for effective criminal justice strategies.

The third broad stage in strategic criminal justice planning is to devise policies for the allocation of resources and responsibilities among various agencies, in and out of the justice system, that are optimum for accomplishing three functions with particular types of offender: identification, modification, and prevention. We shall recognize frequently that practices oriented primarily to only one of these functions may also affect the others, and that preferred strategies for accomplishing any of them will vary with subcategories of offense and offender. By identification we refer not only primarily to police and court functions in the determination of guilt, but also to the classification of offenders for correctional purposes. Since, as we shall point out, correctional concerns often shape even the earliest police and court activities in a case, and since both identification and modification policies vary somewhat with the type of offender, the second and third stages of planning are discussed in the sections of this book on specific kinds of criminals.

Any generalizations on criminal justice policy that are true and useful derive their validity from the fact that they are deducible from valid abstract propositions on human psychology and on social relationships. Identifying the grounding of criminal justice policies in more abstract scientific theory facilitates sound revision of plans, perhaps extending them to new subjects or new situations, through understanding the principles on which planned policies have been based rather than applying them in an arbitrary and dogmatic manner. Indeed, all levels of abstractness in knowledge are tested simultaneously and thereby enhanced, only if all levels—from the most abstract general proposition to the most specific statement on a particular case and situation—are conceptually connected so that findings on one level can be interpreted in terms of implications on the other. This broad statement will be illuminated here by relating social and behavioral science theory to the criminal justice policies that concern us.

It should be stressed that in the ongoing activities of many organizations, especially those of the criminal justice system, decisions cannot wait for absolutely certain knowledge. Responses of police,

courts, and correctional agencies to crimes, criminals, victims, and other persons or agencies must instead be made only by whatever seems the soundest judgment available at the moment when action is required. Strategic planners are less pressed for time than operations personnel, but plans also cannot always be deferred until all their details express principles validated by rigorously procured scientific data. Among the distinctive features of strategic policy guidelines such as those in this monograph, however, are the following:

- (a) Each basic proposition summarizing a policy recommendation is accompanied by synopses of the evidence and inference on which it is based.
- (b) The scientific adequacy of this knowledge is indicated.
- (c) Statements also are made on the types of research needed to reduce deficiencies in this knowledge.

This brings us to the final component of the strategic planning process that will be distinguished here.

The fourth stage in strategic criminal justice planning is to provide for steady improvement of planning in the future. This requires procurement of better information for tactical planning as well as sounder ideas and data on which to base strategic plans. Thus, the fourth stage is to plan a knowledge-building apparatus, to try to institutionalize research organizations and procedures for evaluating criminal justice practices, and to deliver feedback on effectiveness to key decisionmakers. This implies that a well-planned criminal justice system is prepared to be self-correcting should its initial plans and policies prove deficient. This fourth stage is the concern of part 4 of this book.

This introduction should also point out that a number of topics appropriate to strategic criminal justice planning are not covered in this monograph, which deals mainly with correction and prevention, although touching on the performance of these functions by police and courts as well as by correctional and other agencies. For example, we discuss procedures for identification of offenders mainly as an aspect of policies for modifying criminal behavior. Yet other aspects of the identification process also are important to the criminal justice system, such as criminalistics (scientific detection and analysis of evidence on crime), as well as efficient and fair court procedures. These are topics that must be left to other writings.

## Conclusion

Several works on planning were quoted, and more could be cited (e.g., Mayer 1972; Michael 1973) that set forth conceptions of a type of planning that can be called strategic, as most appropriate in an era of rapid change. Strategic plans are based on broad trend projections, not on numerical forecasts. They produce policy guidelines, not

precise budgets. They are concerned with the explanation, projection, and government manipulation of those key variables on which most aspects of crime and delinquency depend. Only sound theoretical formulations can generate principles that fit the facts of the past and the present well enough to help governments cope with diverse developments in the future.

Strategic criminal justice planning contrasts with tactical planning, even when the latter is formulated in long-term programs that project specific statistical estimates of crime dimensions and agency needs for particular dates years hence. Such estimations are easily made, but they usually are futile, thus misleading, in an age of change and tentativeness when abstract principles are the main long-range guidance resource. Current training programs and literature in criminal justice planning exhort officials to think scientifically, futuristically, and in general systems terms. This monograph tries to supplement that type of instruction by summarizing the most salient contributions of the social and behavioral sciences to such thinking.

One assumption in the chapters that follow is that sound theoretical principles are a necessary preparation for the frequently simultaneous occurrence of contrasting tendencies in criminal law and its application; the principles can suggest reasons for and longrun consequences of each development. Strategic plans that consist of guiding principles can facilitate preparation for a variety of contingencies, yet provide a unified conception of the predominant direction of societal and criminal justice changes and of their relationship to dominant goals. This potentiality in planning will be illustrated by analysis of how definitions of crime alter as the conditions of life are modified in the historical evolution of modern societies.

## Chapter 2

### CRIMES, POWER, AND SOCIETAL MODERNIZATION

Criminological literature offers two competing explanations for the designation of some behavior as criminal or delinquent. One view asserts that a consensus of values in the society is expressed in and in part created by its criminal laws (e.g., Durkheim 1893); the other argues that laws result from conflict among interest groups in a society, with the most powerful using the States to impose their values on the less powerful (Chambliss and Seidman 1971; Chambliss 1974).

Evidence can be marshaled for both perspectives. A criminal statute, like any other legislation, usually is enacted against opposition, rather than by unanimous vote. Therefore, a conflict view generally describes the lawmaking process in the short run. In the long run there may or may not be societal consensus in support of the criminal law. As will be shown here, that depends upon the type of behavior with which the law is concerned.

One assertion about crime that usually can be made with confidence is that any assertion about all crime or all delinquency probably is wrong to a large extent. This distrust of global generalizations is warranted in criminal justice planning because the diversity of behavior denoted by the terms "crime" and "delinquency" is so great that few assertions could possibly describe or explain it all with much precision. Therefore, as a preliminary to strategic planning, one should identify the most useful distinctions among kinds of offense.

#### Definition of Crime

As a first step, it is important to specify what is meant by an offense or crime. This task sometimes creates great difficulties for philosophers, but for planners of government services the problem of definition is initially simple: Crime is any conduct lawfully punishable by the State. The State here refers, of course, to local, State, or Federal units of government.

This definition of crime has some ambiguity in application today because not all legislation authorizing punishment for certain types of conduct is called criminal law and adjudicated in criminal courts. Penalties also are lawfully imposed by so-called regulatory agencies, such as the Federal Communications Commission and the Food and

Drug Administration, but their penalties may be appealed to the regular courts. There seems to be a tendency for some regulatory agency rules gradually to become codified in criminal statutes, or in interpretations of laws on traditional crimes, such as fraud. We shall include in "crime" the regulatory agency rule violations that are subject to lawful penalty, but as a marginal category. Our major concern is with the regulation of conduct by the regular police, court, and correctional organizations of American cities, counties, States, and the Federal Government.

Delinquency is another concept marginal to crime. Legally, delinquency consists of: (1) all conduct by a person under a legally specified age, usually 18, that would be designated crime if the perpetrator were older; (2) a variety of conducts presumed to be conducive to crime, such as truancy from home or school, violation of curfew laws for juveniles, and persistent disobedience of parents or teachers (incurability), which are not crimes when committed by persons older than the specified age. Delinquency laws are applied by a separate juvenile or family court system, a separate juvenile correctional system, and often by a specialized juvenile unit within police departments. Also, the age borderline between persons chargeable for crime and those who can only lawfully be complained against for juvenile delinquency usually is subject to some discretion in the courts; statutes generally specify that under certain circumstances, such as when they are accused of murder, persons within part of the juvenile age range—for example, 14 to 18—may be adjudicated in criminal courts as though adults. Our concern here is with delinquency as well as crime, particularly delinquency of the first type, which would be called crime if committed by an older person. Frequently, however, when little ambiguity results, both delinquency and crime will be implied by the term "crime."

### **Predatory and Nonpredatory: A Key Duality in Crime**

Although there are innumerable ways of classifying crimes, one duality is most strategic both in interpreting the history of criminal law and in anticipating its future. This is the distinction between crimes in which one party feels victimized, and offenses in which all parties usually participate willingly and without complaining afterwards that they have been victimized.

The victimizing acts may be called predations or predatory crime. These are what is most frequently connoted by the term "crime" in common speech. They include all FBI index crimes—murder, rape, robbery, assault, theft, and burglary—as well as forgery, embezzlement, confidence games, and kidnapping. In all of these offenses there usually are persons who unambiguously view themselves, and are regarded by others, as victims.

Nonpredatory offenses, the so-called victimless crimes, include narcotics usage, gambling, public drunkenness, prostitution, vagrancy, homosexuality, and adultery. Formerly, and to some extent still, they included violations of laws restricting activities on Sunday, public nudity, and pornography. Although all these crimes, in some instances, result in physical or mental injury to a portion of the participants or their families, they are called nonpredatory or victimless because they usually involve only persons who participate willingly, do not regard themselves as offended against, and therefore do not complain to the police that they have suffered from these crimes. This contrast between such offenses and predatory crime makes a tremendous difference in the societal consequences of efforts to punish those who commit nonpredatory crimes, as compared with penalizing predations.

For planning purposes, our main concern with this distinction is the fact that these two types of crime—predatory and nonpredatory—have different histories and different probable futures in the criminal law, are related to different societal conditions, and pose much different problems for enforcement. Predatory activities presumably are defined as crimes because of the damage they do to others, but this enlistment of State aid on behalf of victims generally does not occur before one or both of the following developments:

(a) When efforts of victims or their friends and relatives to gain vengeance and restitution of damages from predators generates such persistent and violent conflict as to disrupt commerce or other important activities;

(b) When victims have sufficient political power to enlist the assistance of the State in their efforts to protect themselves.

Government assistance tends to be disproportionately on behalf of powerful victims against politically weaker offenders (e.g., the State acts on employee crimes against employers more than on employer crimes against employees) unless individually weak victims form organizations that are strong. As will be indicated later in this chapter in discussing corporate offenders and the evolutionary process of inclusion, the collective political power of individually weak victims has increased in procuring services of the State against powerful predators.

Laws declaring predatory behavior to be criminal grew out of tort laws, which are on the private rights of injured parties to restitution from those who injured their persons or property. Only relatively late in the history of the law did deliberate injury to the person or property of another person legally warrant punishment of the offenders by the State. Contrastingly, State penalties for nonvictimizing crimes, especially for religious heresy, are very ancient (see Hall 1952; Jeffery 1957; Chambliss 1969, part 1). These acts were designated as crimes when they were repugnant to persons with sufficient political power to

nave the law impose their standards of conduct on others. Nonpredatory offenders usually are condemned not so much by alleging that they tangibly injure anyone else, but that they are bad examples to children or others who might imitate them.

### **Trends in Definition and Reaction to the Two Types of Crime**

Contrasting generalizations are needed to describe succinctly the total history of law on predatory and nonpredatory crime. The variety of nonpredatory behavior lawfully punishable by the State and the severity of the penalties has diminished over the years, although this trend has been far from steady. Only for the nonpredatory offenses has conflict long persisted over whether they deal with conduct that should be regarded as criminal. Conversely, the kinds of predatory conduct that the State punishes have continually increased, with little cessation or reversal; there is a cumulative consensus that predations are criminal, although some qualifications may grow, as for example, on those excused because of insanity.

In colonial Massachusetts, criminal penalties were imposed not only for blasphemy and other violations of Puritan religious norms, but also for dressing in inappropriate attire, letting one's hair grow too long, bragging, and even talking too much (Erikson 1966, p. 168). Since then, State punishment for deviant religious beliefs or practices has declined greatly in the Western World, but the repeal of Sunday Blue Laws in Pennsylvania and many other parts of the United States became nearly complete only around the middle of the 20th century. In the first half of this century men were arrested for indecent conduct on many American public beaches if their chests were bare; women still are sometimes arrested for this type of exposure, but much less coverage now is permitted them than the police and the courts previously tolerated, and even complete nudity increasingly is overlooked. There also has been a marked but irregular growth in tolerance of bodily exposure and sexual activities in films, magazines, and other mass media during the past half century, despite periodic crackdowns against pornography.

On the other hand, some reactions to nonpredatory offenses seem to be episodic or cyclical, rather than having a clearly predominant unidirectional and continuous trend. For centuries the criminal law was not invoked to stop the distribution of alcoholic beverages in the United States, except for scattered local temperance statutes and ordinances; in 1919, however, the 18th amendment to the U.S. Constitution was ratified to legitimize this type of criminal law throughout the Nation, yet it was repealed 14 years later by the 21st amendment. Our government was largely permissive toward opiate

use until the Harrison Act of 1914, but until the thirties it regulated the drugs without much resort to criminal penalties, as other prescription drugs now are regulated. For three decades thereafter, however, we increasingly penalized opiate and other drug possession or sale as criminal conduct, but in the late sixties started reducing marihuana penalties in many jurisdictions and legalizing much use of the synthetic opiate methadone. In the seventies, various States were moving in different directions with respect to severity of narcotics penalties on their statutes but the predominant trend in practice was more leniency toward drug-taking. The history of antigambling and antiprostitution laws has been similarly chaotic; prostitution formerly was licensed in many parts of the United States and currently is legal on a county option basis only in Nevada, while gambling has long been legal in Nevada and is increasingly being legalized in other States.

The progressive increase in predatory law offenses is due mainly to the cumulative nature of technological change. One could not have today's crimes of forgery, embezzlement, and stock manipulation until modern financial institutions and accounting systems were developed, just as one could not have auto theft and airplane hijacking before automobiles and airplanes were invented. A fuller understanding of both predatory and nonpredatory crime-defining trends, however, requires a study of evolutionary developmental patterns in total societies.

Four main processes of evolutionary change in societies, pointed out by Parsons (1971), tremendously influence operation of criminal justice systems and the designation of some conduct as crime. The four processes are differentiation, adaptive upgrading, inclusion, and value generalization. All societies, but especially those of Western Europe and the United States, have been characterized by each of these processes through most of their histories. The four processes provide useful gradients for assessing change from older to more modern societal characteristics. Indeed, all four processes have been occurring at an increasingly rapid rate in this century, and they are what is creating an age of tentativity.

### **Differentiation, Adaptive Upgrading, and Predatory Crime**

Differentiation, as used in analysis of societal evolution at any time or place, refers to the development of new types of organization, each specializing in one or more of the several functions previously performed by a prior type of institution or organization.

The primordial institution, from which most organizations today seem to have evolved in a long chain of successive differentiations, is the extended family or kinship group. In the least differentiated current societies, those of so-called primitive peoples and large segments of some underdeveloped nations, kinship groups perform all functions—education, economic production, recreation, medical care, adjudication of disputes, punishment of offenders, and many additional necessary activities—with little aid from other types of social unit. Specialized institutions for religious worship and for military defense or aggression—the church and the State—seem to become differentiated from kinship groups quite early in societal evolution. Whenever barter is replaced by some type of money, business and financial organizations seem to be formed apart from kinship groups, and there soon follow courts, police, and legal counsel. That there probably is a fairly standard sequence in such differentiation of specialized units and occupations in societies has been rigorously demonstrated (see Freeman and Winch 1957; Schwartz and Miller 1964).

The rapid differentiation that has occurred in modern societies can readily be observed. Simply take any major social function—education, food production, manufacture, selling, banking, medical care, or almost anything else—and note the changes that have occurred in the social units performing this function in the United States during the 20th century, especially during the last few decades.

Let us take education as an example. Until the 1920 census, most of the population of the United States was classified as rural. The typical elementary school had few, if any, separate classes for different grades, while secondary schools and colleges were also relatively small and undifferentiated. Today most children in the United States attend separate elementary, junior high and senior high schools. As they progress, they are grouped in a different class not only for each grade, but also for separate subjects within each grade. In large cities there are also specialized types of high schools, and a variety of technically specialized educational establishments apart from the regular school systems, plus highly differentiated colleges and universities. A similar differentiation of organizations can be traced for almost every function, including government itself.

Adaptive upgrading refers to the improvements in performance that are a consequence of differentiations that endure. New organizations and specialized roles tend to survive only if they perform their functions more efficiently or effectively than did the less differentiated organizations or roles they replaced. In the economic area, this is primarily a matter of the new organization producing at less cost per unit of goods or services, hence being more profitable, whether in a capitalist or other economy. In education, government,

and many other service functions, it is often debatable whether quality of service and survival of the system that delivers it are correlated, since quality and quantity of productivity are difficult to measure. Nevertheless, it can generally be assumed in most societies that each differentiation of an institution or an occupation into more specialized units that endure results either in old functions being performed more effectively than they could be done previously, or new functions being added to those previously performed, or both. As a result of adaptive upgrading, therefore, and as a correlate of differentiation, societies tend increasingly to mobilize their resources for performing particular functions more adequately than ever before.

The most obvious impetus for differentiation and adaptive upgrading is technological innovation, such as mechanization of farming and automation of industrial and clerical work by laborsaving devices with computerized controls. A classic principle in economics, however, is that the division of labor depends upon the extent of the market. Because differentiation of organizations gives people more specialized roles, it makes them more dependent on exchange of goods and services with others. Therefore, differentiation requires a concentration of population or good transportation, or both. The proliferation and improvement of automobiles, roads, and airplanes at an increasingly rapid rate, plus the concentration of population in urbanized regions, have been major factors in the rapid rate of differentiation in the United States in recent decades.

Most successful differentiations of social organization for a particular function give advantages to a new group at the expense of those still committed or trained only for an older type of organization. Sometimes those in power through an established organization of a particular function can impede efforts to introduce new types of differentiation beneficial to the total society but less advantageous to themselves. This was how feudal and quasi-feudal landowners restricted the rise of independent businesses, professions, and skilled tradesmen—hence the rise of a middle class—in 17th and 18th century Western Europe, in 19th and 20th century Eastern Europe, and in many developing countries still today. This restriction was a major cause of revolutions in these areas. Such restriction of differentiation at the expense of the general standard of living has also been accomplished by monopolies and cartels in restraint of trade in much of Western Europe and the United States, presumably more in the early portion of the 20th century than currently. Similarly, in all branches of the criminal justice system—police, courts, and correction—persons with vested interests in established types of organization frequently impede changes that would diminish their relative autonomy and power, or even eliminate their jobs entirely.

The relationship of predatory offenses to differentiation was suggested in the preceding section by noting that new types of predation are created by new types of technology, such as bank checks, automobiles, airplanes, and computerized accounting systems. Each creates new ways in which people can be victimized; each, therefore, generates new types of interest groups of the victims and their sympathizers, who seek State aid in reducing the type of victimization from which they suffer by having it declared a crime. Through this process the public finally gained protection from many types of banking and stock market fraud after the Great Depression, and in recent years it is gaining protection from misrepresentation in advertising, sales, and contracts, from defective manufacture of automobiles and other products, as well as from pollution of public water and air (on this growth and its recent relationship to the Nader phenomenon, see Geis 1974).

The protection of the public from these types of predation, that are not traditionally regarded as crime, usually begins by the passage of regulatory laws and the establishment of regulatory commissions. Gradually more severe State penalties are imposed, both by these agencies and by the courts, if these types of victimization persist. This trend is creating a new type of criminal, the corporate offender, which may either be a corporation itself or some of its officers and employees. A future edition of this monograph would have to devote at least a chapter to this type of criminal, but at present there is too little established knowledge on policies for dealing with them. Nevertheless, corporate offenders already are a central concern of several criminal justice system components.

The more differentiated a society becomes into highly specialized business, medical, and other types of organization, the more dependent each unit of the society becomes on reliability of performance by the other units, hence the greater the demand for regulation of predations by law. Probably this is one major reason laws defining victimizing acts as crimes have seldom been repealed (except when they are reformulated, for example, in defining new types of theft or fraud, or in codifying old laws). Explanation of this retention of laws on predation but frequent repeal of laws on nonpredatory offenses, however, requires consideration of the other evolutionary processes in societies.

### **Inclusion, Value Generalization, and Crime**

Inclusion is the process of expanding the proportion of a society's total units that influence and benefit from its norms, such as those norms expressed in the criminal law. Inclusion is exemplified by the development of democratic government, by the gradual extension within democracies of the right to vote, by social welfare legislation,

by progressive income taxes and reduction of tax loopholes for the wealthy, and by reduction of the special powers in government of those who make large political campaign contributions. The right to vote in the United States was extended to women only in the twenties, and was effectively extended to blacks and other poor ethnic minorities only in the sixties. Public welfare legislation, to reduce the extremes of suffering from poverty and other deprivation, dates mainly from the thirties in this country and has been increased to some degree by almost every congressional session since then, particularly in benefits for the aged. Government action to reduce tax loopholes and the disproportionate influence of the wealthy on elections is primarily a development of the seventies, at this writing more widely proposed than legislated, although strong election reform laws are now enacted in several States, notably California.

Inclusion is partly a consequence of differentiation and adaptive upgrading, for these require a wider distribution of ability, hence of rewards for education and performance. Less differentiated societies generally have a smaller proportion of the population who are educated, an elite that has a relatively large concentration of wealth and power, primarily from landownership. The vast bulk of the people in such technologically underdeveloped countries are uneducated, unskilled, and impoverished. With differentiation, a middle class grows, public education increases, disparity between working-class and middle-class income diminishes, and there is progressive pressure of these two groups to expand their influence upon and benefit from government policies and functions.

A segment of the population that is highly impoverished may persist for a long time, especially where a heritage of ethnic prejudice keeps it from educational and economic advancement, hence from political influence. Yet the inclusion process gradually reduces the number who are extremely deprived and increases the political impact of those who remain relatively deprived. Nevertheless, the most handicapped people still generate a disproportionate share of major problems for criminal justice systems, as several sections of this monograph will show.

Nonpredatory conduct—such as getting drunk, using narcotics, gambling, engaging in sexual activity outside of marriage, violating religious taboos against Sunday activity, being a vagrant, and dressing atypically—becomes crime when it offends the taste of those with sufficient political power to get State backing in their efforts to impose their standards of conduct on others. The now-repealed prohibition amendment and most of our laws against prostitution and gambling, reflect primarily the organized political efforts of persons of white Anglo-Saxon descent and Protestant religion, especially Methodists, to impose their conduct standards on the descendants of

later immigrants to the United States. The later immigrants were disproportionately of Catholic religion and of Irish or Eastern and Southern European descent, from countries where drinking, prostitution, and gambling were more tolerated (on prohibition, see Gusfield 1963).

Frequently only a small part of the population has succeeded in having its standards of nonpredatory conduct enacted in the criminal law and enforced on all others. This was the case, for example, with the prohibition amendment, where the prohibition activist minority was disproportionately wealthy and influential. Sometimes the conduct banned by the criminal law is behavior, such as gambling, that the wealthy themselves indulge in but think of as a problem to poor people; they accept it for those with leisure to attend the track or with money to invest in the stock market, but prohibit it at off-track locations. These laws have been repealed or modified in part because of the inclusion process, whereby a larger proportion of the population affects the success of political office seekers.

Narcotics users never were appreciable in numbers or influence in the United States when laws against them were enacted or made more severe during the fifties and most of the sixties, but this situation is reversing with respect to marihuana; since 1971, according to the Gallup polls, a majority of college students had tried this drug. Those who have used it are, therefore, a rapidly growing percentage of the electorate and of the Nation's leadership, thus making the reduction of penalties for marihuana use an inevitable trend.

The repeal of many laws which define nonpredatory conduct as criminal reflects not only this inclusion process, but also that the laws are difficult to enforce because these crimes do not send complainants to police as do predations. In addition, especially when the conduct declared illegal is widespread, such laws foster corruption of officials and create huge profits for organized crime; these were conditions evoking support for the repeal of prohibition and for legalized gambling even from persons who did not themselves drink or wager. The inclusion process, however, increases support for laws against predations, since the victims of these offenses include the bulk of the population, especially the poor. This growing lower class power probably explains not only the retention of such criminal law, but its recent extension to more of the corporate or white-collar crimes of misrepresentation in manufacture or selling, and of predation by pollution.

The fourth societal evolution process is an additional factor in the progressive elaboration of laws against predations but general diminution of laws against nonpredatory conduct. Value generalization is the process of modifying a society's standards of right and wrong to make them compatible with a larger variety of social

structures and roles. Generalized values, as compared with specific norms, are less concerned with particular forms of conduct—such as speech, choice of apparel, or drinking—and place more stress on abstract moral principles, such as not injuring the person or property of others, being honest, fulfilling contracts, and meeting obligations.

Value generalization reflects the fact that differentiation and inclusion make a larger number of people, in more diverse roles and organizations, more dependent upon each other, more equal in political power, and in contact on an equal status basis with many more strangers that have cultural backgrounds different from their own.

Value generalization thus fosters more tolerance of diversity in conduct that does not victimize others, but more reliance on the State to ensure honesty in meeting the reciprocal obligations that differentiation creates among people. It also reflects the fact that with more concentration in urban areas and more extensive travel for work and other activity, people have less personal relationships with most of the other persons whom they meet than they would in less differentiated societies.

The shift in focus of the law because of differentiation was what Durkheim (1893), a founder of modern sociology, referred to as a shift from repressive to restitutive law. He showed its association with change from what he called the mechanical solidarity of a society that is based on a sense of common identity, to the organic solidarity that is based on interdependence due to specialized roles and organizations. He also showed that punishment for deviation from prevailing conduct standards was more passionate and cruel before societies became more differentiated. Not just execution, but torture, burning, and branding were customary, especially for heresy.

With greater differentiation there was more stress on obtaining restitution for failure to meet obligations, hence more tort law, and less stress on severity of punishment for any crimes. As indicated, tort law on the collection of private damages tends to be supplemented by laws on predatory crime, when the State enters into private disputes to take over the task of punishing those who fail to respect the rights of others.

The penalties for predations, however, and indeed all criminal law, tend with value generalization to be more oriented to changing the behavior of offenders than to expressing pure passion about the flaunting of customary moral standards. People are less often morally outraged at others "doing their own thing" than they formerly were, but they are more insistent than formerly that the State protect them from victimization by others. These trends can be expected to continue.

The mass media, especially television, probably are among the major factors in a decline of passion to punish nonvictimizing crimes in recent times. These media make people with deviant behavior

standards—"weird" dressers, homosexuals, prostitutes, drug abusers, and others—much more familiar to the bulk of the population than they ever were before. Via television, especially through the talk shows, they come right into the homes of millions of people and are revealed as having ordinary human qualities. In addition, adaptive upgrading has resulted in an elevation of the general educational level of the population, and there has been a burgeoning in both school and mass media dissemination of the social and behavioral sciences. These give people a more analytic and objective reaction to criminal or other deviant conduct, as opposed to judging it by standards of an absolute morality.

Despite these overall forces and trends for reduction of demands that the State punish nonpredatory behavior, as noted earlier in this chapter, the law on many of these crimes has had a cyclical character. The criminal justice approach to alcohol use went through a complete cycle from permissiveness to prohibition to limited regulation (e.g., penalties for drinking when under age, already drunk, or driving). Laws against narcotics use, gambling and prostitution may be going through a similar cycle, but these changes are not as clear-cut nationally as were the changes of laws on alcohol use, as only alcohol regulation involved amendment to the U.S. Constitution. To understand much of the instability and inconsistency of criminal justice reaction to crime, it is important to examine two other aspects of societal change that are opposite in character and seem to alternate in dominance.

### **Liberalism, Fundamentalism, and the Criminal Justice System**

It is in periods of rapid change that one finds the most intense feelings of discontent in a society, for change brings a variety of stresses, as compared with continuing in practices and arrangements that are customary.

Liberalism can be defined as a desire to accelerate change, and specifically, to accept more generalized values than have been prevalent heretofore. Radicalism seeks a more drastic change in practice and policy, hence values. Both gain support when inclusion is blocked and discontent is widespread.

In countries such as the United States and Sweden, for example, firmly institutionalized election procedures make the government frequently subject to peaceful change that reflects shifts in the public's political preferences. As the inclusion process accelerates, liberals win control of the government whenever there is much pressure for change, and long before radicals have enough support to gain power through either electoral or revolutionary methods. When

liberals introduce reforms, the revolutionary movements lose support. Thus, whenever radicalism begins to gain support it is likely to accelerate reforms benefitting those to whom its potential appeal is greatest, but the reforms are enacted by liberal rather than radical governments.

The foregoing discussion implies that revolution is impossible in the United States. Before any revolutionary cause obtains sufficient popular support to have any prospect of gaining power the policies that gave it support are championed effectively in the elected government, since competing candidates win or lose on the basis of their appeal to the populace. Thus any cause on a particular policy issue that polls indicate much of the public endorses soon is also endorsed by many candidates and elected officials.

Fundamentalism, contrastingly, is resistance to value generalization (Parsons 1971, p. 100); it is an appeal for retention or restoration of the older more specific conduct norms, for going back to the legendary good old days. It is often called conservatism, though this usually connotes more moderate resistance to change. Fundamentalism is a persistent and recurrent but only relatively briefly dominant feature of all modern governments.

It usually achieves dominance, or at least enough influence to help conservatives gain power, following periods of unusually rapid change. Shifts from liberalism to conservatism occur regularly because most rapid changes designed to relieve one set of tensions create new stresses from the adjustments and adaptations that they require, and from the unanticipated and undesired side-effects that most new developments generate in complex societies.

As indicated earlier, differentiation usually creates some stress for members of established organizations who see some or all of their functions being taken over by newer and more specialized social units. Inclusion also creates some stress for members of hitherto advantaged groups; they view themselves as losing influence when persons of lower status gain power and become more comparable to them in income or status. Therefore, the two main exponents of fundamentalism, especially when there is widespread discontent of any sort, are (a) those with a vested interest in older arrangements and (b) those accustomed to a relatively higher status than the people who now are upwardly mobile. In the past few decades in the United States these fundamentalistic or reactionary groups have been comprised disproportionately of small businessmen who found it difficult to compete with chain stores or other large corporations, and white rednecks and hardhats—the white workingclass—who no longer could look down so readily on blacks, Mexican-Americans, or other minorities.

Although liberalism tends to evoke support mainly from those who will benefit from new differentiation and inclusion, the supporters and

beneficiaries often become especially impassioned when promised improvements do not materialize as rapidly as they had expected. It is thus in periods that historically give lower status groups their most rapid rates of advancement that they frequently become most intensely militant in their strivings for further enhancement of their opportunities. This paradox, sometimes called the revolution of rising expectations, occurs because dramatic shifts from a traditional and stable denial of equal opportunity arouse visions of the possibility of full equality. Thus in the sixties much more intense discontent was manifest among blacks in the United States than in the twenties or the forties when their rights compared to those of whites were much less; the Supreme Court decisions and civil rights bills of the fifties had evoked expectations that equality was achievable, but in the early sixties these prospects seemed much slower in materializing than had been expected. The militancy of this period, however, was followed by fundamentalistic backlash in the late sixties and early seventies that brought more conservative politicians to power.

As has been suggested, the laws against nonpredatory offenses are primarily an expression of fundamentalism, an intolerance of more liberal values. Reaction to predations may also be fundamentalistic, however, when it consists of an emphasis on returning to severe punishment, as was more characteristic of undifferentiated societies. When punitive reactions prove inadequate to control an offense, fundamentalists tend to react to such frustration by escalating penalties to extremes. This pattern formerly was most conspicuous in reactions to religious heresy, as in the burning of alleged witches; it has been exemplified in the United States most recently by narcotics statutes permitting life or even death penalties for drug sellers, and many years in prison for possession of even small amounts of marihuana, a relatively mild drug when compared to many legal ones in common use, including alcohol.

The reactions of liberals to crime tend to be less punitive than those of fundamentalists; liberals stress rehabilitation efforts more than deterrence, especially for offenses presumed to be adaptations of low status groups to their lack of opportunities for legitimate endeavors. As a rule neither liberal nor fundamentalist types of reaction are based on objective evidence as to which policy is most effective in reducing crime; both these modes of coping with crime are emotional tendencies which become intensified when there is diffuse general discontent in society.

All strategic criminal justice planning, to be realistic, must anticipate that any proposal will encounter a full range of reactions, from radical to fundamentalistic, by various leaders and factions that try to influence public policy. Most units of government—local, State and national—have cycles of liberal and conservative domination,

although some elements of both always are present. Apparently the strains from adjustment to rapid change generate a backlash of increased support for conservatism, but the strains that result from the conservatives' failure to do much about persistent social problems then stimulate support for liberal and even radical ideas.

Suppression of crime is so difficult that there often are marked swings by the public and its leaders from one position to another on criminal justice policies, in reaction to failure of either a liberal or a conservative program to eliminate high crime rates or unusually heinous offenses. Indeed, many leaders as well as the public-at-large tend to be unstable or inconsistent with respect to criminal justice issues, as is evident from the short-term shifts in public opinion poll findings; there is fluctuating support for capital punishment as well as for rehabilitation programs. Political leaders often alter their public rhetoric more quickly than their private views on criminal justice issues. They are sensitive to changes in public attitudes on these matters, and to the clamors of the mass media, but their cries for change tend to occur only periodically and briefly following some highly publicized incidents. Most of the criminal justice apparatus is inconspicuous most of the time, and that which is out of sight the public and the politicians put out of mind.

Because of these fluctuations in public support, criminal justice officials must make many plans on a contingency basis, anticipating a frequent need to delay or compromise. If they develop an adequate explanatory theory, however, and can support it by clear factual evidence, they can elicit more consistent public support for their policy proposals than would otherwise be available. That is why the topics of the ensuing chapters are so important for planners.

## Conclusion

A most critical distinction for the solution of crime problems is that between predatory and nonpredatory offenses. Predations, the crimes which clearly victimize others, derive from torts and increase cumulatively in the law as technological development occurs in a society, because there is growing consensus that their reduction contributes to the welfare of most people. Nonpredatory offenses have a much more sporadic and conflict-ridden history in the criminal justice system. Reaction to many of them goes through a cycle from permissiveness to prohibition to regulation.

Differentiation and adaptive upgrading are societal evolutionary processes fostering the elaboration of laws that impose government penalties on the perpetrators of what once were regarded as only private injuries—torts. Thus, these processes expand the criminal law with respect to the victimizing crimes—the predations.

Inclusion and value generalization are processes fostering retention of laws against predations, but abolition of laws against nonpredatory offenses. Fundamentalism, a resistance to value generalization, frequently impedes these societal evolutionary processes. Most societies tend to oscillate between liberal and fundamentalist reactions to the stresses of change, but dominance by fundamentalism tends to be more short-lived in modern times.

The criminal justice planner must anticipate both these types of passionate reaction, but must strive to confront them with theoretical explanations and objective evidence that can make criminal justice policy decisions not only more effective, but more consistently supported. The remainder of this monograph is intended to provide guidelines for this accomplishment.

## **PART II:**

# **Adolescent Crime: The Growing Criminal Justice Focus**

## Chapter 3

### ADOLESCENCE, SOCIETAL CHANGE AND CRIME RATES

Any criminal justice planning that is to be effective in dealing with crime in our society must focus on adolescence. There are two main reasons for this requirement. First, as will be shown, arrest and adjudication for crimes generally regarded as of the highest seriousness occur most frequently during the adolescent stage of life. Secondly, it is in this stage that adulthood is shaped, so that prevention of crime or of recidivism by adolescents may greatly change the rest of their lives.

Adolescence is defined in a special manner for this monograph's analysis. It is conceived as beginning with a child's sexual maturity, usually from 12 to 15 years of age, and ending when he or she is no longer dependent on parental figures for economic support. By this definition, adolescence is a period of highly variable duration. It is brief when, for example, a 16-year-old boy and his girl friend get married, leave the homes of their parents, procure employment, and live immediately as an autonomous and self-sufficient new family of adults. It lasts much longer in the more typical pattern today, when youth consider themselves independent and travel on their own to a large extent from about the age of 16, often driving their own vehicles, but are largely dependent upon their parents for economic support until they are well into their twenties.

Adolescence, as thus defined, is an era of transition between the less ambiguously conceived statuses of childhood and adulthood. Whenever the rights and privileges of people in this age group are discussed by persons of diverse age, there is likely to be much more vagueness and disagreement than when they discuss the more clearly subordinate relationship of a younger child to its parents or the more clearly independent role of an older adult. As societies become more differentiated, adolescence becomes a longer period. Indeed, it may describe a lifetime of economic dependence on parents or relatives for some people, a recurrent pattern of dependency and status ambiguity for others (discussed in ch. 6), and an increasingly strong influence on the lifestyles of all persons in rapidly changing societies. Adolescence has always been associated with high rates of crime; as it changes in duration or in other respects, the correlation of age with crime rates also changes.

## Societal Evolution and Adolescent Segregation

The alteration of family roles as a result of society's differentiation has produced changes in the social and cultural life of adolescents which have far-reaching consequences. Changes in family life have made the activities of adolescents in many ways more separate from and more contrasting with the activities of adults than ever before, although in some other respects that will be indicated, adolescent roles have become more similar to those of adults than they formerly were.

One consequence of societal differentiation is that life becomes increasingly age-segregated. When the family performed all major functions, including economic production, education, and recreation, a child's total social interaction with other people was proportionately more with parents or other adults than is customary today (for cross-cultural comparisons, see Eisenstadt 1956).

Adolescents in past decades prepared for adulthood by working with adults more often than do today's adolescents. They had more tasks to share in the household or the family business, if not holding part-time jobs. Their work in roles like those of adults and in the company of adults began even before they reached physical maturity. A majority terminated school attendance prior to completing high school and they then started full-time unskilled or semiskilled manual labor. Those male adolescents who had prospects of becoming skilled workers started employment as apprentices to craftsmen—bakers, butchers, masons, carpenters, printers, and so forth. Girls, especially in the middle class, had more limited employment choices, and most were oriented to careers primarily as housewives; any other occupations they could anticipate would be terminated with their marriage, or at least, with their first pregnancy. Those youth who stayed in school through high school or college were then much more predominantly male than they are today, especially in college, and they aspired to white-collar employment, generally making their plans for professional vocations early and directing their schooling to fairly specific types of occupation. In most cases, however, schooling was terminated early in adolescence and the adult phase of life was then initiated.

With great reduction in family businesses, easing of household chores, increase in full-time employment of both parents away from home, reliance on schools for a larger variety of education functions and for a longer period, plus more provision of recreation for children and youth in specialized centers for this purpose (both public and commercial), the adolescent generation spends less and less time with adults. More than ever before, preadults have their closest personal relationships with others of their own age and status.

Such evolutionary change in the social structure of adolescent life in the United States is perhaps most conclusively demonstrated by census data on schooling. The median school years completed by the total U.S. population age 25 or older has risen an average of almost 1 school year per decade, from 8.6 school years in 1940 to 12.2 years in 1970 (Bureau of the Census 1970a, PC(1) C1, table 75; 1970b, table 2). Thus by the seventies a majority of the adults in our country had schooling beyond high school, whereas 30 years earlier not much over half had finished elementary school.

In some respects, adolescents and even young children have more autonomy today than formerly; being more socially separated, they manage their activities without as much adult supervision and control as previous generations experienced when at the same ages. The schools, especially the high schools, try to inculcate adolescents with adult values and concerns to such an extent that Friedenber (1959) blamed them for "the vanishing adolescent." Whether the loss of idealism in adolescence that he deplored was the statistically predominant trend can be debated. Any changes of this type that did occur, however, probably were due mainly to age segregation and to technologically fostered changes in family, school, and occupational roles.

Adolescents are economically dependent for more years now than formerly because they remain students longer. The longer period of obligatory or expected school attendance today means a longer period in which youth are physically mature but economically not self-supporting or spouse-supported. The difference between adolescents and adults in work activities is perhaps the most fundamental source of the other contrasts between adolescents and adults in today's society.

Being in school means for the students being in a separate social world of their own age peers. This is especially true when the school is large. The longer they are students—from nursery to elementary to high school, and on to college or university—the larger usually is the educational institution they attend, and the more impersonal are the relationships of students to faculty there.

Even in elementary levels, but especially in high school and college, school has for some youth ceased to be just a place away from home 5 days per week for 6 or 7 hours per day. It is a place that involves many in extracurricular activities through numerous additional hours. Such activities appeal to these students partly because they provide a more personal relationship to teachers than does the typical classroom, and they often offset limited contacts with parents. Students not in extracurricular functions, and those youth who are truants or dropouts from school and are not employed, are likely to be more separated from adults than the students in extracurricular activities. This

segregation of adolescents in their separated social world, plus a reduction in the perceived vocational implications of education for a large fraction of students, have had profound consequences for the attitudes of many youth in today's society.

### Adolescence, Innovation, and Crime

A basic law of sociology and anthropology is that social separation produces cultural differentiation. Therefore, the more the adolescent segment of our population lives in isolation from those who are older, the more likely it is that adolescents will collectively develop unique forms of language, clothing styles, music, and other components of culture, including values—their shared ideas of what is morally good and bad.

Some difference in taste among age groups has always existed, but youth today appear to have become more innovative and to have a culture that contrasts more drastically with that of older people than ever before. Thus long hair, unisex clothing, and especially, an unprecedented tolerance of diversity in personal appearance and conduct became widespread among adolescents during the sixties and seventies. Also distinctive of youth, perhaps now more than ever, is involvement in crime.

Table 3.1 indicates that of the seven predatory offenses which the FBI calls "Index Crimes" and which police generally regard as the most serious offenses, the three most frequent—burglary, grand theft, and auto theft—result mainly in the arrest of adolescents. More than half of those arrested for these crimes are under 18.

Before further discussion, one should note the limits of arrest data as a basis for generalization on adolescent participation in these crimes. As table 3.1 indicates, less than a fifth of the burglaries, thefts, and auto thefts reported to the police are cleared by arrest. These cover only thefts of over \$50, called grand theft or grand larceny in most States; it is probable that adolescents are even more involved in smaller thefts. Furthermore, victimization inquiries by public opinion polls indicate that only about a third of the victims of burglaries and less than half those who suffer thefts of over \$50 report the crimes to the police.

Juveniles may be a high proportion of the perpetrators of crimes that are not reported, for victims often decline to call the police when kids in the neighborhood are believed to be responsible for a crime, or they do not press charges when juveniles are apprehended, and therefore, arrests are not made. If juveniles predominate among the unarrested offenders, the median ages for burglary, grand theft, and auto theft may be lower than the ages shown in table 3.1. It may well be, however, that adolescents are arrested for a larger proportion of

Table 3.1. Median age at arrest, arrest rates, and crimes known to the police; rates for FBI's index offenses, 1972

Offense	Median age at arrest <sup>1</sup>	Rates per 100,000 persons		Percent of crimes cleared by arrest <sup>4</sup>	Crimes reported to police as percent of crimes reported to pollers <sup>5</sup>
		Arrests <sup>2</sup>	Crimes known to the police <sup>3</sup>		
Murder and nonnegligent manslaughter . . . . .	26.8	9.4	8.9	82	170
Forcible rape . . . . .	22.7	12.1	22.3	57	27
Robbery . . . . .	20.4	68.1	179.9	30	65
Aggravated assault . . . . .	25.9	97.0	186.6	66	49
Burglary . . . . .	17.9	196.0	1,126.1	19	32
Theft (over \$50) . . . . .	18.0	423.1	882.6	20	44
Auto theft . . . . .	17.7	76.0	423.1	17	110

<sup>1</sup>FBI, 1973, table 32.

<sup>2</sup>FBI, 1973, table 1.

<sup>3</sup>FBI, 1973, table 27.

<sup>4</sup>FBI, 1973, p. 31.

<sup>5</sup>Based on 1965 opinion poll. The rate of murder in the United States during 1965 was only 5.1 per 100,000 persons, so the 170 percent figure could be caused by chance fluctuations. SOURCE: President's Commission, 1967, table 4, p. 17.

some types of crime that they commit than are older offenders, because the adolescents are less deliberate and skilled in planning their offenses and in avoiding detection and apprehension. In any event, table 4.1 does indicate that adolescents comprise the major police burden for the most frequent felony predations.

As table 3.2 indicates, the most distinctly adolescent felony is auto theft. The peak age of arrest for this crime is only 16. The rate of arrest during the age-range 15-19 is well over three times the rate in the next highest rate 5 year age-span, 20-24, and has usually been 10 or more times as high as the rates at still older or younger 5-year spans. The age differential diminished slightly during the sixties,

Table 3.2. Auto theft arrests per 100,000 population in each age group in the urban United States, average annual increase in rates, and median age at arrest, 1952, 1960, and 1970

Age group	Rates per 100,000 persons <sup>1</sup>			Average annual increase in rates <sup>3</sup>	
	1952 <sup>1</sup>	1960 <sup>1</sup>	1970 <sup>2</sup>	1952 to 1960	1960 to 1970
Under 15.....	30	35	54	2.1	5.4
15.....	(4)	751	750	(4)	-0.001
16.....	(4)	811	795	(4)	-0.002
17.....	(4)	558	631	(4)	1.3
18.....	(4)	359	417	(4)	1.6
19.....	(4)	273	313	(4)	1.5
Total, 15-19.....	438	558	580	3.4	0.4
20-24.....	106	132	178	3.2	3.5
25-29.....	54	51	88	-.7	7.3
30-34.....	34	30	52	-1.5	7.3
35-39.....	19	21	31	1.3	4.8
40-44.....	11	13	20	2.3	5.4
45-49.....	6	7	12	2.1	7.1
50 and over.....	2	2	3	.0	5.0
All ages.....	54	66	98	2.7	4.8
Median age at arrest	17.8	17.0	17.4	-	-

<sup>1</sup>Linear interpolation of 1950 and 1960 census data used for 1952, which was the earliest year of FBI tabulations of urban police arrests by age and offense.

<sup>2</sup>Only urban data used for 1970 as only urban arrest totals available for earlier years.

<sup>3</sup>Noncompounded average annual increase rates: first column consists of 1960 rates as percentage increase from 1952 rates, divided by 8; second column consists of 1970 rates as percentage increase from 1960 rates, divided by 10.

<sup>4</sup>Data not available.

NOTE: Age group arrest rates estimated by using FBI arrest totals for U.S. cities 2,500 population and over and U.S. Census age group data for urban population correcting the latter by the percentage of the U.S. population in the FBI urban reporting area.

when the greatest rate of increase in auto theft arrests occurred among those under 15 and over 25, but these changes did not suffice for this offense to cease being the felony most distinctive of adolescence. About 94 percent of arrestees for this offense were males during 1972, a decline from 96 percent in 1962, reflecting the fact that preoccupation with autos still is a sex-linked feature of American culture, although this is slowly changing.

Adolescents mainly "borrow" vehicles for a specific trip or for joyriding, then abandon them while older auto thieves more frequently take vehicles for long-term retention or sale. The "borrowing" results in a high rate of recovery and a low rate of arrest when cars are reported stolen. One might speculate that the greater rate of increase in auto theft arrests at the older age ranges during the sixties reflects improvements in police detection of vehicles stolen for sale or long-term retention; there was a rapid rate of professionalization and of improved transportation and communication in police forces during the sixties (more squad cars, airplanes, and helicopters; better radio systems; speedy computer record checking for registry numbers of stolen vehicles).

It seems reasonable to infer that the increase in auto theft arrests of those under 15 years of age during the sixties reflects the earlier freedom of juveniles from close parental supervision, for mothers increasingly ceased to work exclusively as housewives; the greater need for autos with the tremendous growth of suburban residence; the near doubling in the number of multiracial families, hence increased accessibility of automobiles to steal, especially in residential areas.

Theft of money or goods valued at \$50 or more was the index crime which had the highest rate of increase in the 1960-70 decade, and as table 3.3 shows, those under 15 years of age had the greatest rate of increase in arrests for this offense. Much of this increase, however, must simply reflect inflation and affluence; there were more portable things to steal each year during the prosperous fifties and sixties, and many more items were priced over \$50 when each of these decades ended than when they began. As with auto theft, the peak age in arrest rate for grand theft in 1960 was 16, but by 1970 it had dropped to 15. Although there is a drop in the rate of arrest for grand theft in the late teen ages, this crime's arrest rate does not decline with age thereafter nearly as much as does the rate of arrest for auto theft. The rate of change in arrest rate for this offense was remarkably uniform for all ages during the sixties.

Thirty percent of arrestees for grand theft in 1972 were females, according to the FBI's Uniform Crime Reports, making this offense much less exclusively a male activity than any of the other index crimes. Among arrestees for grand theft who were under 18 years old, 36 percent were females. Ten years earlier, in 1962, the FBI data showed females comprising only 19 percent of arrestees for grand theft and 16 percent of those under 18 among the arrestees. This offense has thus been the major area of women's liberation in criminal activity. It is noteworthy also that although women were increasingly included among those arrested for property offenses, they became a smaller proportion of arrestees for murder and for aggravated assault, although there was some increase in the female percentage of arrestees

Table 3.3. Theft of over \$50 (money or merchandise) arrest rates in each age group in the urban United States 1952, 1960, and 1970, and percentage change in rates between these years

Age group	Rates per 100,000 persons			Average annual increase in rates <sup>3</sup>	
	1952 <sup>1</sup>	1960 <sup>1</sup>	1970 <sup>2</sup>	1952 to 1960	1960 to 1970
Under 15.....	149	226	465	6.5	10.6
15.....	(4)	1,306	2,407	(4)	8.4
16.....	(4)	1,412	2,341	(4)	6.6
17.....	(4)	1,205	2,017	(4)	6.7
18.....	(4)	971	1,675	(4)	7.3
19.....	(4)	783	1,307	(4)	6.7
Total 15-19.....	689	1,145	1,947	8.3	7.
20-24.....	296	479	832	7.7	7.4
25-29.....	233	298	478	3.5	6.
30-34.....	188	227	360	2.6	5.9
35-39.....	152	175	276	1.9	5.8
40-44.....	137	138	214	.1	5.5
45-49.....	112	114	164	.2	4.4
50 and over.....	54	55	81	.2	4.7
All ages.....	181	253	493	6.1	9.4
Median age at arrest	22.2	18.2	17.8	-	-

<sup>1</sup>Linear interpolation of 1950 and 1960 census data used for 1952, which was the earliest year of FBI tabulations of urban police arrests by age and offense.

<sup>2</sup>Only urban data used for 1970 as only urban arrest totals available for earlier years.

<sup>3</sup>Noncompounded average annual increase rates: first column consists of 1960 rates as percentage increase from 1952 rates, divided by 8; second column consists of 1970 rates as percentage increase from 1960 rates, divided by 10.

<sup>4</sup>1950 urban population data by these specific age groups not available.

NOTE: Age group arrest rates estimated by using FBI arrest totals for U.S. cities 2,500 population and over and U.S. Census age group data for urban population correcting the latter by the percentage of the U.S. population in the FBI urban reporting area.

under 18 years old for aggravated assault. On the whole, then, while sharing increasingly with males in economic pursuits, both legal and illegal, women have not espoused the male role in violence.

Undoubtedly a major factor in the increase of grand theft and burglary rates, during both the fifties and the sixties, was the growth of opiate addiction during this period. Most victims of this compulsive habit can afford the drugs they crave only by stealing a \$100 or more in goods per day to sell at a fifth to a third of their retail value to a

fence or other quick customer (Preble and Casey 1969). An additional factor in the apparent growth of these two crimes was a rapid increase in homeowners' and renters' insurance policies, so that more victims were motivated to report these offenses in order to collect restitution from their insurance firms. As table 3.1 indicates, less than half the victims of grand thefts and only about a third of the victims of burglaries reported these crimes to the police, according to a national poll in 1965 conducted for the President's Commission on Law Enforcement and the Administration of Justice. Part of the increase in rates of these offenses known to the police during the fifties and sixties may simply have been increases in the percentage reported to the police, rather than increases in actual crimes committed.

Table 3.4 shows that 16 has been the peak age of arrest for burglary, during the past two decades, and that rates of arrest by age trail off quite rapidly after the age of 30. During the fifties, the rate of increase in arrest rates for this offense was greatest in the early twenties, but in the sixties the peak increase was among those under 15 years of age. Females comprised only 5 percent of arrestees for burglary in 1972, up from 3 percent in 1962, with no appreciable difference in these percentages for arrestees under or over 18 years old.

The role of drug addiction and insurance in the increase in burglary rates during the fifties and sixties has been indicated in discussing grand theft. It was concluded that shifts in the rate of reporting these offenses may make the rate of crimes known to the police somewhat spurious as a measure of actual change in the frequency of these offenses. Nevertheless, insurance increases probably do not account for changes in the distribution of arrest rates in various age groups during this period.

Although tables 3.2-3.4 are presented to justify a focus on adolescence in strategic criminal justice planning, if applied to the geographic jurisdiction of a criminal justice agency, such tabulations would also be very useful for management control or allocative planning. The implications of age and offense specific analyses of an agency's recent past, however, become meaningful only as they are projected into the future. A first step in such projection is an analysis of trends in the age distribution of the total population, as illustrated for the United States as a whole in table 3.5.

Changes in the birth rate obviously affect the supply of adolescents 15 to 20 years later, and table 3.5 shows dramatically the effects of the baby boom after World War II. The high proportion of the population under 10 in 1950 and 1960 became high proportions in the peak felony arrest ages of 15 to 19 during the late sixties and the early seventies. This moving population bulge certainly was a primary factor in the high property crime rates during these years; it will become a

Table 3.4. Burglary (including breaking and entering) arrest rates in each age group in the urban United States 1952, 1960, and 1970

Age group	Rates per 100,000 persons			Average annual increase in rates <sup>1</sup>	
	1952	1960	1970	1952 to 1960	1960 to 1970
Under 15 .....	104	115	178	1.3	5.5
15 .....	(2)	813	1,096	(2)	3.5
16 .....	(2)	851	1,113	(2)	3.1
17 .....	(2)	705	986	(2)	4.0
18 .....	(2)	598	802	(2)	3.4
19 .....	(2)	523	634	(2)	2.1
Total, 15-19 .....	534	703	925	4.0	3.2
20-24 .....	213	340	413	7.4	2.1
25-29 .....	124	173	230	4.9	3.3
30-34 .....	79	108	141	4.6	3.1
35-39 .....	49	70	93	5.4	3.3
40-44 .....	35	42	57	2.5	3.6
45-49 .....	23	27	31	2.2	1.5
50 and over .....	7	8	8	1.8	0.0
All ages .....	103	134	207	4.6	5.4
Median age of arrest ...	18.5	17.9	17.7	-	-

<sup>1</sup>Noncompounded average annual increase rates: first column consists of 1960 rates as percentage increase from 1952 rates, divided by 8; second column consists of 1970 rates as percentage increase from 1960 rates, divided by 10.

<sup>2</sup>1950 urban population data by these specific age groups not available.

NOTE: Age group arrest rates estimated by using FBI arrest totals for U.S. cities 2,500 population and over, and U.S. Census age group data for urban population, correcting the latter by the percentage of the U.S. population in the FBI urban reporting area. Linear interpolation of 1950 and 1960 census data used for 1952, which was the earliest year of FBI tabulations of urban police arrests by age and offense. Only urban data used for 1970 as only urban arrest totals available for earlier years.

principal source of high murder and assault rates during the middle and late seventies, for as table 3.1 showed, the median age for these violent offenses is about 26. (The current and prospective age distributions for these offenses will be discussed in greater detail in chapter 6). Meanwhile, as the shifting age distribution sends the violent crime rate up, it should also be a major factor in the decline of property crime rates, a decline that became briefly evident in 1973.

Table 3.5. Age group trends and projections in the United States population: Percentages in each age group and median age

Age group	1950	1960	1970	1980	1990	2000
Under 10 .....	20	22	18	16	17	15
10-14 .....	7	9	10	8	8	8
15-19 .....	7	7	9	9	7	8
20-24 .....	8	6	8	9	7	7
25-29 .....	8	6	7	9	8	7
30-39 .....	15	14	11	14	17	15
40-54 .....	18	18	17	15	17	21
55-64 .....	9	9	9	9	8	9
65 and over ...	8	9	10	11	11	11
Total .....	100	100	100	100	100	100
Median age .....	30.2	29.4	28.0	29.6	31.8	34.0

NOTE: The above percentages are calculated from series E figures of the U.S. Bureau of Census which assumes an average of 2.1 births per woman.

SOURCE: U.S. Bureau of the Census, 1973, table 3.

Criminal justice agencies have been taking credit for the achievement of this drop in crime rates without acknowledging the contribution of demographic trends to its accomplishment.

The birth rate in the United States has been fickle. During the thirties, apparently due to the great depression, it declined sharply. Even the great pioneer of futurology in the social sciences, the late William Fielding Ogburn, projected this shift as permanent when he told my undergraduate class at the University of Chicago in 1938 that the population of the United States would level off in the last half of the 20th century at around 160 million people. Instead, of course, the birth rate rose again and we reached 203 million in the 1970 Census (plus an estimated 5.3 million uncounted).

It follows that the projections in table 3.5 must be taken with some caution in any planning ahead for more than a decade or two. The current decline in the birth rate of the United States seems rooted in the prolongation of adolescence, as well as in spread of contraception and abortion practices, but one of its consequences is greater deferral of commitment to a specific career in adulthood. Concomitantly, there have been changes in attitudes towards stability of marriage and towards traditional forms of family life. Also probable in the remainder of the 20th century, due to our lower birth rate and continuing demand for cheap labor, is a growing influx of legal and illegal poor migrants from high birth rate areas of Latin America, and

to a lesser extent from the Middle East and the Far East. Their children may be the next generation of high crime rate adolescents in urban slums—assuming we do not learn and practice as much strategic criminal justice planning as we should. Although the above generalizations apply to the United States as a whole, somewhat different ones will apply to the specific geographic areas of jurisdiction of various criminal justice agencies within the United States, and each should analyze the separate prospects for its area.

Although we cannot predict future birth rates and migrations with confidence, we certainly can project the effects of already established shifts of birth rate from the recent past. We have not been very successful at this in the post-World War II years. The consequences for education of the rising birth rates and longer years in school began to be evident in the fifties, but only in the sixties were frantic efforts made to expand the funding of education and the recruitment of teachers. By the time this happened a sharp decline in the birth rate had occurred, but its consequences in the seventies were not quickly foreseen. Therefore, we now have a surplus of persons trained for public school teaching, many of whom incurred National Defense Education Act loans to pay for their college educations. These loans carried the stipulation that 10 percent of the loan obligation would be cancelled for each year of employment in teaching, for up to a total of 5 years, but many of the recipients cannot now procure such employment.

Tables 3.2-3.4 demonstrate that the same trends in age distribution which fill our high schools and colleges also fill our juvenile and criminal courts and our correctional programs, for all of these institutions enroll the same age groups. Indeed, as indicated in chapter 4, our educational system and our criminal justice system play a sort of zero-sum game with each other, such that the loss of clients by one tends to be the gain of the other, particularly when neither meshes well with the employment opportunities of our economic system.

The limitations of forecasting trends for planning purposes can be offset, as argued in chapter 1, by progress in understanding how to cope effectively with various societal developments as they occur. That is the focus of strategic planning and the concern of the remaining two chapters on adolescent crime.

## Conclusion

In this chapter and those which follow it becomes evident that to understand the kinds of offense that seem currently to concern the public most (such as the FBI's seven index crimes), it is useful to focus on adolescents, defined here as those who are physically mature but not yet fully self-supporting economically. Young people today fit

this definition for a longer number of years than did former generations and during adolescence they are more segregated from the rest of society than ever before. Major causes of these changes include the larger number of years that the current younger generation devotes to schooling, the larger size of schools and, especially, changes in the functions of the family as a social unit. These, in turn, are consequences of technological changes which differentiate societal roles increasingly, altering the organization of economic pursuits and the educational requirements of occupations.

Adolescents, like everyone else, are subject to the basic sociological and anthropological law that social separation creates cultural differentiation; as they become more segregated from the rest of society they also become more innovative in distinct age-group norms and usages. It is interesting that adults seem increasingly to copy youth, so that adolescents have become the fashion leaders for the rest of society in hairstyles, clothing, musical taste, and tolerance for diversity. This tolerance includes less rejection of people who engage in nonpredatory crimes, such as homosexual activities and use of marijuana, than was traditional in older generations. Whether or not adolescent leadership in rates of property crime is also spreading to other age groups, as tables 3.2-3.4 suggest, is too early to tell. In any event, these tabulations as well as tables 3.1 and 3.5 illustrate types of simple statistical analysis whereby criminal justice planners, for management control objectives, can anticipate some of their problems.

Although adolescents are the segment of society with highest rates of auto theft, burglary, and grand theft, as these are legally defined, not all adolescents engage extensively, if at all, in such predation. Perhaps the most important knowledge for strategic criminal justice planning is an understanding of the causal processes fostering more crimes by some youths than by others.

## Chapter 4

### CAUSES OF CRIMINAL CONDUCT BY ADOLESCENTS

After determining the dimensions of adolescent crime, criminal justice planners must try to establish its causes. This causal study is somewhat simplified by the fact that young people usually are less specialized than their elders when breaking the law. Research indicates that juveniles who have committed numerous crimes are likely to have perpetrated not just one type of offense but many (Hindelang 1971a), and the most recidivistic of them are the least specialized in their offenses (Wolfgang, Figlio, and Sellin 1972, pp. 160-61, 188-189). Therefore, this section will discuss theory and research on the causation of all types of delinquency and adolescent crime viewed collectively. The objective here is to establish a sound knowledge base for strategic planning of identification, modification, and prevention programs for adolescent crime. Later chapters will deal with more specialized offense patterns, and thereby, with persons more diverse in age.

#### Crime Causation Theory

Much of the widely cited causation theory in criminology has been concerned only with juvenile delinquency rather than with both juvenile and adult crime. Presumably this focus on juveniles in basic theorizing and research reflects a belief that the typical adult criminal career is spawned in childhood misconduct. This view is supported by findings that the most recidivistic prison inmates have had extensive conflict with the law as juveniles and continuously thereafter (Glaser and O'Leary 1966, p. 12). Unfortunately, delinquency studies seldom are extended to cover the career patterns of offenders for a long period after they outgrow the juvenile age range. Nevertheless, the delinquency causation theory and research literature can provide the criminal justice planner with a valuable foundation for understanding and coping with both adolescent and adult crime.

As indicated in chapter 2, juvenile delinquency is a legal term for criminal offenses and a variety of other misconduct by persons younger than a particular age, usually 18, although this term's usage varies somewhat from State to State. Delinquency thus encompasses most crimes by those whom this monograph calls adolescents, but it also includes a variety of behavior presumed conducive to crime, such

as persistently disobeying parents or teachers, that is not against the law for those over 18. Yet the primary concern of this chapter is with serious crimes and their relationship to the increasing extension of the sociological condition of adolescence (as it is defined here) into ages beyond that to which the legal status of juvenile is limited.

For crime causation theory, the differentiation of some young offenders from other adolescents by an arbitrary legal age is irrelevant; our interest is in adolescence as a criminogenic status rather than as a specific age span or as the legal category of "juvenile delinquency" in a particular jurisdiction. But since little research has focused on adolescence as it is defined here, the empirical data to be cited are derived mainly from populations that are legally called "juvenile." Although almost all these youth fall into our category of adolescent, they do not include the somewhat older persons whom we also regard as adolescents.

The school and the family, augmented by various additional organizations and individuals (e.g., employers, preachers, and scoutmasters), generally are presumed to instill in adolescents those attitudes, skills, and beliefs that foster the avoidance of crime. Other types of persons or organizations, such as young companions, gangs, and even the bulk of adults in lower-class neighborhoods, have traditionally been viewed by theorists as the main promoters of crimes by young people. Recent research, however, has repeatedly indicated that most adolescent offenders are more markedly and consistently differentiated from nonoffenders by their conflict with the school, the family, and other agencies normally presumed to be crime prevention influences, than by their rapport with the presumed crime-promoting persons or groups in their neighborhoods. These recent findings suggest some need for modification of traditional sociological explanations for delinquency, although how drastic the reformulation need be depends upon how one interprets the old theories and the new data.

Evidence will be considered separately on the differentiation of criminal from noncriminal adolescents by socioeconomic class and by their relations with schools, families, and friends as well as some additional variables. Finally, the interrelationship of all these factors as aspects of more general causal processes will be examined.

#### Schools and Crime Prevention

In a classic study, the Gluecks (1950) compared 500 boys in a State training school for delinquents with 500 youth without delinquency records who were similar to the training school inmates in age, ethnicity, intelligence, and home neighborhood. Of more than 400 features of these two groups of boys on which statistics were

tabulated, delinquency of their companions in the community differentiated the inmates from the nondelinquents most, but the second greatest contrast between the two groups was in the percentage with a history of school truancy, and the third greatest contrast was in the proportions having a record of misbehavior in public school. In this and many other studies (notably Robins and Hill 1966), conflict with school authorities appeared to be one of the best predictors of a juvenile's subsequent conflict with the police and courts for more serious offenses. This predictive relationship ostensibly justifies the juvenile court's concern with such noncriminal misconduct as truancy and incorrigibility in school, although whether court intervention in such cases increases or decreases the prospect of further crime may often be a debatable issue.

Much recent research has assessed delinquency, not by police and court records, but by the admissions of adolescents in response to questionnaires on whether or not they have committed criminal acts. Criminologists have thereby studied representative samples of adolescents, rather than just those with juvenile court records. Questionnaires that list delinquent acts and ask people to check those they have committed apparently can always greatly differentiate a cross-section of junior high or high school students as relatively delinquent or nondelinquent. This self-reporting method of studying the crimes of adolescents has been strongly justified by: (1) evidence that arrests occurred in only a small fraction of the offenses people report (see, for example, Erickson and Empey 1963); (2) evidence that the number and seriousness of crimes that are admitted on questionnaires are not greatly changed when the respondents are subsequently probed by personal interviews or even with a lie detector (Clark and Tift 1966).

In one of the most sophisticated studies by the questionnaire method, Hirschi (1969) not only asked a large and fairly representative sample of students from 11 high schools and junior high schools in a metropolitan area a great variety of questions, but he also investigated whether they had police records for delinquency. In addition, he asked them on his questionnaire whether they had committed assault, vandalism, or any of four types of theft, and he procured their school aptitude test scores and some of their grades. He has thus far reported his findings only for the male students.

Hirschi found that among the items most correlated with both police and self-reported delinquency were poor performance on aptitude tests and poor grades. Also associated with delinquency were responses indicating dislike for school, a low number of hours devoted to homework, indifference to what teachers think of them, belief that the teachers "pick" on them, and contention that a student's smoking is none of the school's business. School grades have also been found

inversely correlated with delinquency in other studies (e.g., Empey and Lubeck 1971, p. 82), and dislike of school was directly associated with delinquency (e.g., Gold 1963, p. 121), though one study of sixth graders, confined to inner-city schools, found that neither grades nor teachers' predictions of subsequent delinquency had much statistical relationship to subsequent arrest rates (Reckless and Dinitz 1972).

In an earlier study of high school students of both sexes, Stinchcombe (1964) classified them not by crime, but according to their rebelliousness toward school, as measured by their reporting that they had skipped school with a gang of kids, received a failure notice in a noncollege-preparatory course, or been sent out of the classroom by the teacher. Those thus classified as rebels most frequently reported that they found half or more of their classes pretty boring, found their work there unrewarded, considered grades unimportant, perceived the teacher as unfair, and claimed the right to smoke. On these and many other inquiries about the school, Stinchcombe's rebels responded similarly to Hirschi's delinquents.

Stinchcombe found rebellion in the high school to be especially associated with a failure to perceive a connection between schoolwork and future occupational prospects. Those not in college preparatory curricula, those not expecting to go to college or to use their high school education occupationally, and girls expecting to marry by age 18, were especially rebellious. Hargreaves (1967), Schafer and Olexa (1971) and Kelly (1974) all found noncollege curricula highly associated with delinquency. Hirschi (1969, pp. 170-83) also found educational aspirations and expectations inversely related to delinquency rates.

When Hirschi (1969, pp. 131-132, 156) made statistical analyses of the independent effects of different factors (technically called the assessment of each variable while "holding the others constant"), he found that liking school proved more closely associated with nondelinquency than either communication with father or liking teachers, and this was almost as closely associated with nondelinquency as low number of delinquent friends. Such recent research findings create the impression that as the average duration of school attendance has become protracted for American youth, a closer relationship has developed between lack of gratification in the school experience and adolescent crime rates. Change in delinquency causation theory may now be warranted because differentiation of society has increased the relevance of schooling to late adolescent and early adult life. This impression might be tested if one could find studies from different past eras that used similar procedures to measure the relationship of delinquency or crime rates to aspects of schooling, or could construct past correlations from school and court records, to see if this relationship has changed.

It is noteworthy in tables 3.2-3.4 of the preceding chapter, that the arrest rates for the leading property felonies drop off rapidly after age 16, the most prevalent upper limit of compulsory schooling, and even more after 17 and 18, which also are frequent ages of school termination. Elliott (1966) cites data that in England, during the fifties when most boys left school and entered the working force at age 14 or 15, arrest rates dropped off rapidly after these ages.

Elliott's own fascinating study (1966) in San Diego schools traced the delinquency records of high school dropouts before and after they left school. He found that boys from lower socioeconomic status neighborhoods who dropped out of school had police referral rates thereafter that were less than one-third their pre-dropout rates, whereas boys from higher status neighborhoods who were dropouts had only slightly lower delinquency rates after they left school than before. One may infer from these data that for lower-class boys dropping out of school meant satisfactory termination of adolescence as we have defined it, since they now could go to work at low-skill jobs and be autonomous at a status level comparable to that of adults in their neighborhood, or comparable to that which these adults had when they first left school.

One may speculate that delinquency rates for youth from higher status neighborhoods were similar before and after dropout because, when out of high school, they either did not have to seek employment as often as in the lower status area or if they did work, the only jobs open to them could not provide enough funds for the lifestyle of their neighborhoods or for a sense of adult status there, and they could not plan on going to college for higher status gains as most of their neighborhood peers could. The previous statements refer to all dropouts in these areas, most of whom were never adjudicated delinquent. For those higher status youths who had acquired an official delinquency record while still in school, their delinquency referral rates declined after they dropped out almost as much as these rates declined for lower-class boys who were official delinquents before dropping out. It could be highly informative to investigate more intensively the lives of such boys before and after leaving school, to try to trace the changes in experiences and self-perceptions which make postschool life less "criminogenic" than schooldays for them.

At the turn of the century, Zeller (1966, p. 5) estimates, 85 to 95 percent of the youth in the United States who entered high school dropped out before completing it, and many did not enter. Not until 1950 did the rate of graduation exceed the dropout rate from American high schools, he reports. The decline in delinquency rates after dropping out of school and a drop in scholastic achievement test scores at many schools since the reduction in dropout rates have stimulated some rethinking of the traditional policy of trying to keep

youth in school as full-time students as long as possible. Before discussion of educational change proposals relevant to criminal justice planning, however, it may be well to consider separately other alleged causal factors in adolescent crime.

## The Family and Crime Prevention

Emphasis on the family as the key factor in crime causation and prevention has had several distinctly contrasting sources. During the first third of the 20th century, those who studied juveniles in correctional institutions regularly proclaimed the broken home as the main cause of delinquency since 70 or 80 percent of these inmates lacked one or both natural parents in their homes and many had parents who were disabled by alcoholism or other handicaps. This interpretation was modified somewhat after studies of high delinquency areas found that broken or impaired homes were frequent there for all youth, and that the absence of an adequate parental figure in the home is often a major factor in the juvenile court's decision to institutionalize a child. Thus the broken homes of juveniles, somewhat independently of the seriousness of their alleged delinquent behavior, may cause a judge to adjudicate them delinquent to authorize their placement in foster homes or institutions.

During the second and third quarters of this century, emphasis on the family as the primary cause of delinquency was furthered by psychoanalytic theory. This field's perspectives probably dominated the thinking about delinquency causation of most social workers, clinical psychologists, psychiatrists, and, of course, psychoanalysts. Such specialists were employed or consulted by officials in all branches of the criminal justice system, but much more often to diagnose than to treat adolescent offenders. Although the validity of their explanations in terms of unconscious mechanisms could not be tested, their interpretations were especially sought in dealing with the most puzzling cases, such as lone sex offenders and "bad boys" from affluent homes, rather than the more typical youths in the custody of government agencies. One major theme in psychoanalytic writings, that separation from a mother figure or other deprivation of maternal affection during the first 5 years of life is a major cause of delinquency, is contradicted by statistical evidence that there is not more prospect of delinquency in children from homes broken by loss of one or both parents before the child is 5 years old than in homes broken when the child is at a later age (Hirschi 1969, pp. 86-87).

In sociological literature on delinquency causation, stress on the family has had a variable history. Although rarely rejected as completely irrelevant, it has simply not been discussed extensively in research and theory monographs which focused on the neighborhood and on peer group influences as causes of delinquency in metropolitan

slums. Yet the family has been a major concern of a few sociological studies during the fifties and sixties, most of which dealt with representative samples of youth in small cities.

Hirschi (1969, p. 85) has asserted: "... the fact that delinquents are less likely than nondelinquents to be closely tied to their parents is one of the best documented findings of delinquency research." The rigor of much of this research other than his own study and that of Nye (1958), however, can be seriously challenged. Relationships of the offender with his or her parents are a somewhat vague and subjective matter, and they usually were assessed by researchers only, who interviewed members of the family while knowing in advance whether or not the child of the home had been adjudged delinquent. Also, the researchers were often of a social class or ethnic background different from that of the family members and did not have enough contact with the family for an intimate acquaintance (e.g., the Glueck studies and many clinical psychological and psychiatric studies). Under these circumstances, researchers oriented to explain delinquency as resulting from deficient family relationships might readily regard any evidence of deviation from their own style of speech, discipline, drinking or other behavior in the home as defects of the parents.

Nevertheless, studies which address the topic with more rigorous procedures also find that some aspects of family relationships have a high probability of affecting the prospects of delinquency. Hirschi (1969, ch. 6), for example, found that self-reported delinquency rates were appreciably associated with a boy's reporting: (1) that his mother seldom knew where he was; (2) that he seldom discussed personal matters with his mother or father; (3) that they seldom explained their rules or feelings to him; and (4) that there were few or no ways in which he would like to be the kind of person his father was. The separate relationships of boys to their fathers and to their mothers were highly correlated, and there was no appreciable difference between the parents in their apparent impact on male delinquency rates.

Hirschi found that the association between intimacy of communication with father and low delinquency rates was unaffected by differences in the race or occupation of the father. Nevertheless, for families with a history of unemployment or being on welfare, delinquency was as high when the boy reported frequent intimate communication with his father as when he reported little such communication; delinquency was lower with intermediate frequency of communication. This suggests that youth with extremely impoverished fathers who are close to their fathers are just as likely to commit delinquent acts as youth who are alienated from their fathers.

The Gluecks (1950) and others found that parents with criminal records were more frequent among children adjudicated delinquent

than among juveniles with no record of law violation. The parental record, of course, may have been a factor in the court decisions on the children independent of the actual influence of the parents on their progeny. In the pioneer intensive study of the family and delinquency using an admitted delinquency questionnaire, Nye (1958) asked high school students in three small cities of Washington State how often they felt each parent was not telling the truth. Those who said they never felt that way about either parent were three times as high a proportion in the group reporting least delinquency as in that reporting most delinquency. Predominantly similar results were yielded by the question, How honest do you feel your parent is?

Nye's queries on discipline (1958, ch. 9) indicated marked association between delinquency of both boys and girls and the offspring's perception of parental discipline as unfair, showing partiality, or nagging. There seemed to be a U-shaped curve in the impact of strictness, with both extreme strictness of rules and extreme permissiveness being associated with delinquency, but an intermediate level of control with nondelinquency. Apparently extreme parental regulation impinges so much on the adolescent's sense of autonomy that it evokes rebelliousness. On the other hand, extreme permissiveness may reduce the children's normal acquisition of self-regulation habits through attachment to their parents and awareness of their parents' values.

Gold (1963, ch. 6) compared interviewed boys with and without police records of delinquency. He found that a smaller proportion of delinquents than of nondelinquents reported sharing family activities and taking problems to their fathers, and that delinquents more frequently than nondelinquents reported that their fathers used corporal punishment. Empey and Lubeck (1971, pp. 77-81) compared adjudicated male delinquents with apparent nondelinquents in Provo, Utah, and Los Angeles, finding in each city that conflict between a boy's parents, and also his conflict with them, were more frequent among the delinquents than among the nondelinquents. One might reasonably assume, however, that some of the differences in punishment, conflict, and alienation between delinquents and nondelinquents are consequences rather than causes of delinquency; not only does the offsprings' behavior estrange them from their parents and generate parent-child quarrels, but the delinquency often evokes conflict between the parents when each blames the other for their child's misconduct.

The broken home issue in delinquency causation theory is far from resolved by the already indicated fact that it probably is in part an artifact of judicial concern with finding adult supervision for children brought before them. The Gluecks (1950) concluded that the institutionalized delinquents they studied were even more differentiated

from nondelinquents by more often having parental figures (parents or stepparents) in conflict with each other and by more often having conflict with whatever parental figures they had than by less often having both natural parents in the home. They implied that one parent in the home with whom the child has a good relationship generally provides more protection against delinquency than two with whom relationships are severely strained.

The broken home has a statistical relationship to official delinquency rates for different types of delinquent that is hard to explain as just an artifact of court practice. From analysis of juvenile court statistics for Cook County, Ill., in 1929 and for several New Jersey counties in 1952-53, Toby (1957b) concluded that broken homes were associated with delinquency at all juvenile ages, but especially for girls rather than boys, and more for younger boys than for older boys. One should note that parent-initiated complaints to the police or courts about distinctly juvenile status delinquency, such as being away from home at night without permission, are especially frequent for girls and for young boys. Possibly these rates are especially high among the delinquents from broken homes because of there being but one parent in the house or conflict with a stepparent.

One notable study contradicted Toby's conclusions for whole counties, but it involved a followup of black males only, 20 years after they entered first grade in slum area schools in St. Louis. For this group Robins and Hill (1966) found absence of the father from the home highly correlated with a record of delinquency beginning only after the boy's 15th birthday but very inversely related to delinquency records that began at an earlier age; these results balanced each other out, so that for their total sample they found no difference in percentage of broken homes between those having no police record of delinquency at any age and those having some delinquency record.

One can infer that in a slum neighborhood, where higher than average rates of street crime prevail, a mother in a fatherless home has an especially difficult time keeping her boys out of delinquent activities when they become teenagers.

It seems obvious that family relationships should have a strong bearing on delinquency since, despite the growing functions of the school, parents still provide a large part of the instruction that a child receives, particularly in moral principles, and especially when the child is young. Psychoanalytic theory implies that a person's conscience is inculcated mainly by his or her parents, and is relatively fixed in early childhood, but as Hirschi (1969, p. 87) points out, how do we then account for the increase in delinquent activity during early adolescence and its later decline? He explains the impact of parents on delinquency rates by asserting:

The more strongly a child is attached to his parents, the more strongly he is bound to their expectations, and therefore the more strongly he is bound to conformity with the legal norms of the larger system (Hirschi 1969, p. 94).

If the child's attachment to his or her parents is the primary reason for the child's obedience of the criminal law, then attachment to persons other than the parents, during childhood or later, might also greatly influence rates of criminality. Accordingly, it may be well to defer further analysis of the mechanism of parental influence until the impact of other associates has also been considered.

### Friendships in Adolescence: Crime Promoters or Crime Preventers?

Much of the early sociological literature on delinquency stressed the impact of companions, especially youth gangs, as determinants of the delinquency of individuals. The gang was portrayed as a close-knit mutually loyal group rendered cohesive by its conflict with adults and with other gangs. It was said to provide affection and esteem for boys who did not get such sentiments from their parents. It gave recognition and a sense of personal competence to boys who were handicapped and humiliated in the competition for such satisfactions at school (Thrasher 1927, Tannenbaum 1938, and Cohen 1955).

Some writers challenged these views of the impact of delinquents on each other. Among them, perhaps the most prominent were the Gluecks, despite the fact that a predominance of offenders among close companions statistically differentiated delinquents from nondelinquents more than did any of more than 400 other factors analyzed in their 1950 work. The Gluecks argued that this finding only proves "birds of a feather flock together"; that delinquent companions are a consequence rather than a cause of delinquency. This argument against the early sociological views was also used by many psychoanalytically oriented writers.

The traditional sociological view received its first strong opposition rooted in sociological research from Hirschi (1969, tables 44, 46-48, 50), who found that boys reporting the least number of delinquent acts or reporting least often thinking themselves as delinquents would most often report that they would like to be the kind of person their best friends are, that they respect their best friends' opinions about the important things in life, and that the worst thing about getting caught stealing would be the reactions of their friends (as compared with the reaction of parents or the way they would be treated by the police). He also found that the percentage who reported that they had little or no respect for the opinions of their close friends was greatest among those who said that they and their close friends had committed

delinquent acts and was least among those who said that neither they nor their friends had committed delinquent acts. Thus, on the whole, good boys appear to be more deeply attached to their buddies than are bad boys.

Empey and Lubeck (1971, pp. 14, 59-63), when comparing adjudicated delinquent with nondelinquent males, asked several questions more clearly derived from portrayals of gangs than were the Hirschi inquiries. Both in Los Angeles and in Utah, their delinquents more often than their nondelinquents indicated that they would hide their friends in case of trouble (the Ace-in-the-Hole scale), that they would go with friends to participate in activities of a delinquent nature (the Deviancy scale), and that they would also go with friends to participate in activities that were of a social but nondelinquent nature (the Sociability scale). There was no appreciable or consistent difference between delinquents and nondelinquents, however, in response to queries on whether they would inform on their friends to teachers, parents, or the police (the Ratfink scale). Apparently norms against informing are shared by the more as well as the less criminally oriented youth in American society.

Hirschi's finding that friendships among nondelinquent boys generally are more cohesive than those among delinquents may partly result from all youth being more often conflicted about their delinquent than about their nondelinquent associates. This is quite evident in delinquents not responding nearly as often as nondelinquents that they would like to be the kind of person their best friends are (Hirschi, 1969, p. 146). Many youth apparently are ambivalent about some delinquent associations in which they get involved, perhaps because these companions strain their relationships with adults and even with some adolescents toward whom they have positive feelings. Suggestive of such feelings of conflict about involvement in delinquency is the finding of Short and Strodtbeck (1965, ch. 3) that although delinquent gang members differ from presumed nondelinquents in their approval of criminal methods for gaining wealth or status, they share with the nondelinquents a positive valuation of legitimate pursuits—such as getting and holding a job—that are alternatives to crime. Such conflicted offenders are discussed further in chapter 5 which cites data suggesting that large fractions of adjudicated offenders have or readily develop attachments to anticriminal as well as to criminally oriented persons. It appears that the youths labeled delinquent usually have more mixed than contrasting norms and values when compared with youths dubbed nondelinquent.

Some of Hirschi's data (1969, tables 24, 25, 40 and 49) clearly indicate close association among delinquent peers, though this data also show that they are not as cohesive as the average nondelinquent

friends. The number of criminal acts self-reported by his subjects was highly correlated with the number of their close friends whom they reported had been picked up by the police and with their reporting that teachers would not like the group of friends they go with. Consistent with sociological views of the gang as a substitute for the family, boys who indicated least communication with their father (or stepfather) had the largest number of friends picked up by the police, in addition to the highest rates of reported delinquency. There is evidence, however, that most of the association in delinquent pursuits occurs in small friendship pairs and cliques rather than in gangs (Lerman 1967).

The foregoing information does not indicate causal priority—whether boys, unlike birds, become similar by flocking together or flock together because they already are similar. Such a question is somewhat sterile because so many delinquent pursuits are companionate activities to begin with, so that friendship and delinquent attitudes may develop concomitantly as a collectively shared set of beliefs. Research indicates that grouping in the actual commission of delinquent acts varies by type of offense, but that most adolescent crimes of a felony type are committed by two or more youths acting together (Shaw and McKay 1931, Eynon and Reckless 1961, Hindelang 1971*b*, and Erickson 1973). The behavior that constitutes some types of crime, such as much theft from shops and the passing of forged checks, is most efficiently performed by only one person at a time, but those who do commit these crimes separately may nevertheless encourage and assist each other before and after their separate criminal acts.

The question of causal sequences between crime and association with other offenders might be more fruitfully investigated by probing causation separately for each possible sequence in certain specialized types of offense pattern, such as arson and shoplifting. There are consistently lone and consistently group perpetrators of each of these offenses, as well as those who have committed such crimes both alone and in groups, in various sequences. The purely lone and purely group patterns, as well as the mixtures, may reflect somewhat different causal processes.

Rather complex statistical methods have been developed for inferring the predominant sequence, hence the probable causal relationships, among intercorrelated variables (Blalock 1971). In perhaps the most adequate of the applications of such methods to data on delinquency, Liska (1973) concludes that the most frequent sequence in vandalism and assaultive delinquency is to have attitudes favorable to such acts, then to acquire friends with similar attitudes, and then to engage in the activity. Contrastingly, he found that the predominant sequence for theft is first to have attitudes conducive to stealing, then to steal, and then to acquire similarly inclined friends.

The latter conclusion is compatible with Hindelang's (1971b) finding that adolescent theft of things (or money) worth less than \$10 is most often committed alone, while thefts of larger amounts of money or more valued goods are most often done in groups; perhaps petty stealing leads to the acquisition of friends inclined to steal and this fosters larger thefts. The problem of such polarization in criminal patterns is addressed in the next chapter.

Delinquent pursuits may appeal mainly as a second choice to many youths, as an alternative to the three major goals and sources of prestige that Coleman (1961) found predominant among American high school students: good grades, popularity (primarily among girls), and athletic distinction (primarily among boys); Turner (1964) reduced these goals to two objectives, in teenage vocabulary—being a brain or being a wheel. Although friendships among delinquent adolescents may average a lower intensity than friendships among nondelinquents, Hirschi's data on the weak ties of delinquents to parents and teachers suggest that the delinquents' ties to other adolescents may still be the strongest attachments that these youth have to anyone, and, therefore, the bonds most influential on their values; apparently nondelinquents, on the whole, have stronger attachments to both adults and adolescents than do delinquents. Indeed, the paucity of attachments and commitments of delinquents to adults and to nondelinquent youths appears to be the principal source of their amenability to gang socialization, as Karacki and Toby (1962) persuasively argue. Extreme paucity of attachments or commitments may also make an adolescent or an adult more amenable to any other type of available socialization or to anomic individual expression of impulses to commit crimes or to engage in other types of behavior judged by others to indicate mental illness because its motivation is unclear.

At the close of the preceding section, on families and crime prevention, a quote from Hirschi implied that the more closely a child is attached to his parents, the more he is bound by their expectations, hence controlled from committing offenses. This is an aspect of what he calls the control theory of delinquency, and he indicates that such a control mechanism operates also in other attachments, including ties to nondelinquent friends; delinquency is explained by this theory as resulting from a breakdown of such anticriminal controls. Yet by the same principle, if an adolescent is attached primarily to persons of his own age or older who favor criminal conduct, surely the expectations of such persons may have considerable control over how the adolescent behaves.

Adolescents frequently suggest that their offenses are peer fostered, in the sense that they had misgivings about joining in the criminal acts but felt obliged to go along with the others. This would

seem to be an unacceptable excuse in many if not most cases, since no group can consist entirely of followers any more than it is likely to consist purely of leaders. Nevertheless, numerous social psychological experiments since the classic work of Asch (1956) show that people will accept deviant beliefs and commit deviant acts more readily when these are endorsed by others who are present than when they are alone. Such tendencies to conformity by both leaders and followers in a group, especially if they are friends, is predicted by the well-validated balance and cognitive dissonance theories in social psychology (for synopses, see Brown 1965, pp. 573-590 and Schrag 1971, pp. 53-55). This type of compulsion to conformity must be an important aspect of much group criminality, but there are other types of conformity pressures among adolescents.

Extremely relevant to an understanding of adolescent crimes is the observation that much of life with others is what Goffman (1967, pp. 149-270) calls a character game. This is exemplified by challenging, teasing, flirting, showing off, debating, kidding, bluffing, and other types of social interaction in which the response elicited in front of others is meant to suggest the character or ability of the respondent. For persons insecure in status, as are many if not most adolescents of both sexes when their degree of adulthood is placed in doubt by their being challenged to do something risky, these games can be extremely influential. None can back out without being humiliated as timid or "chicken", as being less experienced or sophisticated in adult behavior than he or she had pretended, or as being more dependent or subservient to parents or teachers than their peers. Therefore, delinquent acts often are performed by an adolescent when with peers that he or she would not do if alone or if unchallenged. Furthermore, for those adolescents who crave more prestige than they obtain from other activities, delinquent acting out with or before companions represents an easily accessible opportunity to acquire what is perceived as favorable attention; many, therefore, will goad others to challenge them (well illustrated in Werthman 1967).

That great concern with expressing their adulthood and having companions who like them especially distinguishes adolescents who become involved in delinquency is suggested by findings that delinquents attach more importance than do nondelinquents to having cars, smoking, and dating. Stinchcombe (1964, pp. 42-45, 119, 122) found that rebellious students—of both sexes—most often claimed the right to smoke, thought cars were necessary for students, owned cars, dated, and said that being accepted and liked is more important than pleasing parents. Hirschi (1969, pp. 194-195) found that delinquents spent more time riding around in a car and talking to friends than did nondelinquents, yet more often complained of having nothing to do; as already indicated, they spent much less time on

homework. These types of differences, Stinchcombe argues, mainly reflect contrasting expectations of the future:

. . . For those students who form an image of their future in the bureaucratic and professional labor market, the tests, grade averages and respect of teachers are meaningful . . . But (they) . . . function badly for symbolising progression towards the "good working class life" . . .

The working class and future housewife subcommunities in the high school find other . . . symbols of identity. These symbols constitute much of "teen culture"; dating, smoking, car ownership, masculinity and aggression, athletic achievement, all can be transformed into symbols of the kind of person one is, or is becoming (1964, pp. 106-107).

The law has evolved beyond some former puritanic statutes that defined smoking per se as delinquency if done by a juvenile. Driving around in cars, smoking, and engaging in sexually stimulating activities of diverse sorts are activities enjoyed by relatively non-delinquent as well as by highly delinquent youth; to all adolescents such activities frequently convey a feeling of adulthood. What distinguishes the more delinquent from the less delinquent, on the whole, appears to be the delinquent's engaging in these acts more avidly, at an earlier age, more readily in lieu of completing homework or other obligations, and with greater hostility to adult opposition.

The importance that some adolescents attach to maintaining a sense of adulthood and getting a favorable response from companions by teen culture achievements or delinquency, even at the expense of schooling or a reputation of being respectable, often snares them in a form of what Wiley (1967) has called a "mobility trap." Their status gains in the adolescent community come from activities that impede their subsequent status pursuits as adults, in contrast to those who as adolescents attain distinction through studies or in approved extra-curricular activities that are likely to enhance their subsequent status prospects as adults. Turner (1964) documents the great concern of adolescents of all class backgrounds with attaining eminence in whatever they pursue. This often extends shortsightedly to all varieties of avocational pursuits and becomes an alternative to realistic vocational preparation endeavors.

Not only whether adolescents have close friendships, but the types of association that they are in, greatly affect their prospects as adults, Loeb (1973) points out. As society becomes more differentiated through industrialization and urbanization, a larger proportion of adult life requires participation in formal organizations, in contrast to the informal or primary group family life of parents and small children. There also tends to be an increase in the extent to which decisions among adults are made through participation in formal negotiations, written contracts, orderly discussions or voting, rather

than through more informal and authoritarian processes of some people giving orders and others obeying or protesting and rebelling. Therefore, as Eisenstadt (1956) pointed out, industrialization increases the discontinuity between childhood and adult social life, hence the gap that adolescents must bridge if they are to be successful in society as adults. The school is the major agency for bridging this gap.

The severity of discontinuity between the informality of preschool life and the lifestyle required of adults in urban organizations, Loeb (1973) stresses, is greatly affected by the nature of group experience in childhood and adolescence. To begin with, children's prospects of being culturally prepared in the home for participation in formal rather than informal social relationships probably will be greater if their parents have white collar rather than manual occupations, work in large organizations rather than small ones, belong to a formal type of church or other religious organization rather than an emotional one, have had extensive rather than minimal schooling, and are from a social and ethnic community that has for generations been predominantly in the middle class rather than in the lowest status levels of American society. Such factors affect the extent to which an adolescent is likely to be comfortable in formal groups, Loeb points out; she therefore differentiates adolescent groups by their degree of formality and the degree of membership participation in decision-making, for these traits are seen as greatly affecting a group's ability to prepare an adolescent for adult roles in a highly industrialized society.

Largely following Loeb's (1973) presentation, the interrelated features which contrast a purely formal with a purely informal adolescent group can be delineated as follows, assuming that most adolescent groups are closer to one or to the other:

**Informal groups are:**

*Uninstitutionalized*, that is, they tend to change or to be terminated readily, especially with turnover of membership— for example, in a group of friends—but this applies, of course, only to informal groups other than the family;

*Without clear purpose* other than the members' attraction to each other as companions in diffuse mood-expressive activities;

*Primary groups* exclusively, in being characterized purely by face-to-face or other very personal communication among members, seldom via intermediaries;

**Formal groups are:**

*Institutionalized*, that is, they have continuity as organizations despite turnover of membership (e.g., the Boy Scouts or a high school club)—indeed, they have continuity partly because adults are involved in them;

*Organized for particular goals or purposes*, to conduct more or less specific kinds of instrumental activities;

*Secondary groups*, to a large extent, in that they have much very deliberate communication made a matter of official record in writing and use intermediaries who cite the official documents;

**(Informal groups are: cont'd)**

*Ambiguous or indefinite in roles allocated to various members;*

*Governed by personal influence of some members over other members, reflecting whatever respect, fear, sense of obligation or other subjective sentiment leaders arouse in members;*

*Structured socially purely by personal ties that members develop from their activities with each other;*

*Selective in admission of new members only on the basis of subjective assessment of whether or not old members will like them;*

*Spontaneous, impulsive, and arbitrary in most collective decisionmaking;*

*Ignorant, unconcerned, or even defiant about many laws or other explicit societal norms applicable to their preferred activities;*

*Promotive of discontinuity between adolescent habits and skills and adult role requirements in advanced industrial and post industrial societies.*

**(Formal groups are: cont'd)**

*Relatively definite as to positions or offices assigned to various members;*

*Governed by rules that prescribe rights and duties for each position or office, and for the membership as a whole;*

*Structured socially by objectively differentiated role relationships formally assigned to specific offices, jobs, committees, etc.;*

*Selective in admission of new members on the basis of formal admission requirements and application procedures;*

*Deliberate, rational, and explanatory in most collective decisionmaking;*

*Informed and concerned about compliance with most laws or other explicit societal norms applicable to their preferred activities;*

*Promotive of continuity between adolescent habits and skills and adult role requirements in advanced industrial and postindustrial societies.*

Loeb (1973) differentiates "closed" from "open" adolescent groups by the membership's participation in decisionmaking; open groups have the most extensive and equalitarian participation. This dimension is somewhat independent of formalism. For example, a teacher-dominated classroom or a coach-dominated athletic team are closed formal groups, while a youth group operating with elected officers and parliamentary procedure, with minimum interference from adult supervisors, is an open formal group. An equalitarian friendship pair or clique is an open informal group, but an unequally dominated friendship group or clique is a closed informal group.

In summary, adolescent companions probably are most frequently important as crime preventers, as Hirschi's data suggest, but they also may be significant crime promoters for other youth, and they may even have both functions at different times for the same youth. Much of the impact of companions among adolescents depends on the other attachments and commitments of the adolescents, on the

dynamics of their gamelike social activity and, especially, on the formality and openness of their groups. These activities prepare them with the interaction habits and skills or deficiencies that largely determine their success or failure as adults in the formal organizations of today's society.

## Adolescent Crime and Social Class

The ascription of crime to membership in a low socioeconomic class has had a meandering history. Perhaps the only identifiable group of writers from different eras who have been fairly consistent in their comments on this topic from one generation to the next have been the socialists and the communists. They ascribe most prosecuted crime to poverty, for which they blame capitalism.

The proposition that crime is caused by poverty is contradicted in part by the highly uneven distribution of crime rates among those who are poor. This distribution will be discussed in this chapter only with respect to adolescent crime and in later chapters as an aspect of other types of offense. That poverty does not fully account for adolescent crimes is suggested also by the already discussed relationships of these offenses to school participation, family relations, and companionship.

Discrimination against the poor in law enforcement and in the courts is not just a matter of personal bias in some officials. Personal bias doubtless exists, sometimes operating for and sometimes against poor people. It is probable, however, that a much more extensive impact on crime rates results from institutionalized discrimination in bail, fines, police patrol policies, and other long-established and firmly entrenched government practices, some of which will be discussed in later chapters. The extent to which social class discrimination in the criminal justice system affects the measurement of adolescent crime rates is an important consideration that will be examined in some detail when assessing empirical tests of theories on adolescent crime and social class.

In the approximately 50 years in which sociologists have been investigating causes of high crime rates among the poor, they have been much less consistent in their conclusions than were the socialists. The classic sociological studies of delinquency (Shaw 1929; Shaw and McKay 1931, 1942; Thrasher 1927) demonstrated statistically that high rates of adolescent arrest and adjudication for crime were concentrated in the urban slum neighborhoods that had the highest poverty rates, and that these areas also had high rates for many other types of social problems, from physical and mental disease to overcrowded housing and illegitimate births (although these other problems, of course, also result in part from poverty). But some poor

rural areas, they pointed out, had low delinquency rates (and, we should note, there is much closer involvement of adolescents with adults in rural than in urban life). As indicated in the preceding section of this chapter, these early sociological writers interpreted the life histories of delinquents from the slums as showing that the prime cause of delinquency there was not poverty but the social groups and subcultures of adolescents.

The apparent concentration of delinquent gangs and subcultures in the slums was explained by these early sociological writers as due to social disorganization of these neighborhoods and to the continuity there of youth gangs and criminal adults who transmitted these subcultures. (Yet these gangs and their contacts were an important feature of hidden organization—rather than disorganization—in traditional slums.) Disorganization was ascribed to the repeated settlement of slum neighborhoods by new poor migrants to the city, who were powerless to prevent their neighborhood from being a sanctuary for all types of crime and political corruption. (Yet organized crime and political machines, as well as ethnic group organizations and churches, provided much of the welfare assistance in the slums during the twenties and thirties, when the early sociological studies were conducted, which was prior to extensive development of government welfare services.)

Although the adult immigrants in the slums had low crime rates and often controlled their children in their homes, they were unable to comprehend and regulate the social world of the streets in which their children were growing up. On these streets not only did juvenile gangs provide a mandatory social world for slum children and adolescents, but professional adult criminals of all sorts operated more openly there than elsewhere and recruited older youth from the adolescent gangs. The leaders and employees of organized crime groups often were the most attractive and accessible models of adult economic success and social prestige for slum youth to emulate.

During the fifties the influence of functional approaches in sociological theorizing led to Cohen's (1955) revision of the social disorganization and enculturation explanation for lower-class delinquency. Cohen did not focus on the ecological datum of poor urban neighborhoods having high juvenile arrest and juvenile court appearance rates, which was the concern of Shaw and McKay (1942), but sought to explain instead the demographic fact that arrest and adjudication rates were higher for young male offspring of the working class than for any other population group. His explanation, which Hirschi (1969) calls the "strain theory," was that the middle class set standards for school performance and conduct which the working-class families did not prepare their children to meet as well as the middle class did. Therefore, according to Cohen's theory, the boys

who found school most frustrating collaborated in development and support of an alternative delinquent subculture with behavior standards that they could meet. Evidence for this reaction formation or expressive view of delinquency, Cohen contended, is the fact that a large proportion of delinquent acts are not utilitarian but negativistic, exemplified by vandalism of school property and other deliberate expressions of defiance of adult authority. Just how large this proportion is—whether a vast majority as his presentation suggests or a small minority as some have implied—is difficult to establish because of measurement problems, but it is easily demonstrated that an appreciable amount of adolescent crime does have these expressive features.

Anthropologist Walter B. Miller (1959; also in Kvaraceus and Miller 1959, ch. 9) proposed a still different explanation for the higher delinquency rates of lowest socioeconomic class juveniles. He argues that their offenses simply express a subculture distinguishing both juveniles and adults of their stratum from people of higher socioeconomic status in our society. Especially characteristic of all age groups in the poorest segments of our city populations, including most of those who are not arrested as well as those arrested, Miller claims, are the following focal concerns:

*Trouble.* Being arrested, having an illegitimate pregnancy, injuries, illness, and being unemployed are all viewed as varieties of "trouble," an obsession of the very poor. Criminal behavior tends to be assessed among them not so much by moral absolutes as by whether it will get one into or out of trouble. From the lower-class juvenile's perceptions of the alternative actions feasible to get out of trouble, delinquent behavior is often much more rational than it would be to those of another class with different perceived options.

*Toughness.* Physical strength, endurance, insensitivity to pain, and courage are much more highly valued in the lower class than in other classes as proof of masculinity and of adulthood; it justifies their greater tolerance of assault and fosters greater stoicism toward physical punishment or discomfort in police or correctional experiences.

*Smartness.* Skill in gaining advantages by deception is admired more in the lower socioeconomic class than in the middle class, thus encouraging lower-class adolescents in manipulative orientation to teachers, police, therapists, and each other, as well as to crimes of fraud.

*Excitement.* The monotony of work and of affordable legal forms of recreation for the lower class, as compared with higher classes, makes members of the lower class much more attracted to the excitement in delinquency and crime than those in other classes would be.

*Fate.* The unpredictability of earnings in the lower class, as compared with higher classes, makes the lower class much more attracted to reliance on luck, hence their greater participation in long-shot gambling such as the numbers racket and their greater risk-taking in crime.

*Autonomy.* Similar to the emphasis on toughness, in Miller's view, is a lower-class pride in control over their own behavior, rather than having other people tell them what to do; this, he claims, accounts for the greater rate of disciplinary infractions by lower-class males than by males from other classes in school, the armed forces, and elsewhere.

These delinquency-fostering values, Miller claims, are adaptive to lower-class life; they enhance the prospects of gratification for the majority of this class, namely, those who have little prospect of upward mobility by legitimate means, but they also increase the prospect that they and their children will commit crimes, he claims.

Cloward and Ohlin (1960) modified the older social disorganization and enculturation theories to explain what they perceived as the emergence of distinctive new types of delinquent subculture among youth from very poor homes in American cities during the post-World War II years. They accepted both the enculturation and the strain explanations for older patterns of delinquent subculture development, which they identified as the "criminal" patterns. They contended, however, that there had been a decline of a major factor in the former development of such subcultures, namely, the access of slum youths to professional criminals, dealers in stolen goods, and other models and resources for profitable property offenses. With the postwar decline of many slum political machines, residence of more of the professional and organized crime leaders outside the slums, and domiciling of the poor in public housing projects, they contended, less of the slum's former socialization of youth into adult types of utilitarian crime occurred.

Because opportunities for poor youth to learn adult criminal occupations are less prevalent in the housing projects and newer slums than in traditional slums, Cloward and Ohlin argued, delinquency of working-class males in these locales had to be more purely expressive than it was in the older slums. The newer areas generated primarily conflict subcultures, they asserted, subcultures exemplified by the large-scale fighting gangs of major cities during the fifties and sixties. Youth who outgrew involvement in such conflict subcultures and could not accept the much lesser excitement of the unskilled jobs to which their poor school records limited them, comprised what Cloward and Ohlin called the "double failures," those who were unsuccessful in both criminal and noncriminal pathways to adult prestige and autonomy. It was this group, they claimed, who

were most attracted to the retreatist delinquent subcultures devoted to drug use.

The older social disorganization and enculturation explanation for high delinquency neighborhoods was attacked with contrary ecological data by Lander (1954), because he found that delinquency rates in Baltimore census tracts were correlated more closely with percentage of homes nonwhite and percentage of homes not owner-occupied than with variables more directly indicative of poverty. He argued that his data supported an anomie explanation of delinquency rather than one based on social disorganization or poverty. Critics questioned whether anomie was conceptually distinct from social disorganization, and replications of Lander's study in other cities as well as a check on the mathematics of his Baltimore study led Gordon (1967) to conclude that only poverty had been shown to be ecologically correlated with delinquency rates.

Ostensibly the most devastating blows to all theories on the relationship of socioeconomic class to delinquency rates were delivered by a series of studies that used questionnaires on admission of delinquency by junior high and high school students instead of arrest or adjudication rates. The economic status of the student's family, as indicated by the occupation reported by the student for his or her father, had no marked or consistent relationship to the rates of delinquency admitted by the students (Nye, Short, and Olson 1958; Dentler and Monroe 1961; Akers 1964; Erickson and Empey 1965; Hirschi 1969). The implication was that the relationship of arrest and adjudication for delinquency to low economic status is due purely to police and court bias against poor juveniles.

These findings clearly challenge the strain theory. They support the Marxist theme—shared by many non-Marxists—that the police and courts prosecute the poor disproportionately. Yet, whether such survey data refute slum neighborhood delinquency subculture theories can be questioned. First, all the correlations between admitted delinquency and occupation of father in the major studies cited previously were within a single school or a single set of school districts, mainly in small cities; they did not compare delinquency rates of urban neighborhoods of contrasting socioeconomic levels, as the earlier ecological studies had done. It is conceivable that children within a single school district share a single adolescent youth culture regardless of their parents' occupations, since the school is their common meeting ground and it segregates them from children of other neighborhoods.

Second, there is much variation of income within each of the major occupational categories in the recent studies, and income—hence social status—within any single occupation probably varies with the predominant social class of the neighborhood. Accordingly, children

from homes of somewhat diverse class background, as measured by the breadwinner's occupation, can be expected to share the subcultures of their associates within a given neighborhood and school. Therefore, one might expect differences in the delinquent subcultures in separated school districts markedly contrasting in predominant socioeconomic class even with little or no correlation between parental occupation and admitted delinquency.

The strongest evidence based on admitted delinquency statistics for such persistence of distinctly neighborhood delinquent subcultures as causes of delinquency, and for their correlation with socioeconomic class, comes from a survey undertaken by Clark and Wenninger (1962). They gave admitted delinquency questionnaires to students from 6th through 12th grade in four communities: a poor rural consolidated school district; and three contrasting neighborhoods within one of our largest metropolitan areas—an extremely wealthy residential suburb, an inner city black ghetto high school district, and a small industrial suburb. In the wealthy residential suburb about four-fifths of the students had fathers whose occupations were in the upper half of the Duncan Index for classifying occupations by their average socioeconomic status, while in the slum only one-sixth were in this upper range. (It is probable that persons in a given occupation, such as business manager, also had higher income if they lived in the wealthy suburb than if they lived in the slum.) The rural area had only about one-sixteenth of the fathers of students in this upper half of the occupational status score range, although the industrial suburb had one-third.

Clark and Wenninger found no relationship of admitted delinquency to occupation of father within any of these four communities, but considerable difference in quantity and type of admitted delinquency rate from one community to the next. On the whole, delinquency was least often reported by the rural students and most often reported by those in the slums, but the contrast occurred mainly in more slum students reporting theft, violence, truancy from school, vandalism, and deliberately trying to disturb school or church activities than did students in other communities. Slum schools have higher truancy, dropout and expulsion rates due to delinquency than do schools in other types of neighborhood, but Clark and Wenninger (as well as Hirschi, Dentler and Monroe, and most other questionnaire-using delinquency surveyors) only queried students in school; therefore, it seems probable that the above contrasts in delinquency rates for different status neighborhoods understate actual differences, as the slum schools probably had more delinquents absent when the questionnaires were distributed.

Contrasts among the different areas in edifices may account for the Clark and Wenninger findings that slum area students less frequently

than students in other areas reported going into houses or sheds of other people without permission, while contrasts in habitual access to reading matter for recreation may account for the slum area students least often reporting delinquency involving pornographic literature. The wealthy suburb's youth most often admitted delinquent acts reflecting affluence, such as gambling for money. On most types of delinquency probed, students in the industrial suburb responded most similarly to those in the slum, and students in the wealthy suburb responded most similarly to those in the rural school district. It should be emphasized in conclusion, however, that the contrasts in admitted delinquency rates that Clark and Wenninger found among areas of different socioeconomic class were not nearly as great as the contrast in arrest or adjudication rates differentiating such areas.

Unfortunately, the Clark and Wenninger type of study has not been repeated, and their study did not cover a wide range of felony-type offenses. Yet there is a variety of statistical evidence to supplement case study impressions that growing up in an urban slum has effects upon rates of adolescent crime appreciably different from the effects of growing up in other types of neighborhood. Already noted in this chapter were dissimilarities of lower and higher status areas in the contrast of delinquency rates before and after dropping out of school (Elliott 1966), and a failure to find in inner city schools of a metropolitan area the same relationship of sixth grade misconduct to subsequent arrest rates that others report in more representative school districts (Reckless and Dinitz 1972). Also reported was the finding by Robins and Hill (1966) that absence of the father from the home in a black slum was only associated with a delinquency record for males after the age of 15, whereas tabulations from cross-sections of the population of large areas (Toby 1957b) found it most distinctly associated with delinquency for boys below that age. Noteworthy, in addition, is Hirschi's (1969) finding that the inverse relationship of admitted delinquency and intimacy with father became curvilinear if the family had a history of unemployment or welfare. All of these were hints, one might say, that the social and cultural conditions or urban slums may have a different significance for delinquency than conditions elsewhere.

Consistent with the Clark and Wenninger finding for admitted delinquency, Reiss and Rhodes (1961) found that the rate of official and unofficial court-recorded delinquency in a large city was much more closely related to the predominant occupational status of the fathers in a neighborhood than to the variations of parental status among youth within any neighborhood. They also found in an interview inquiry on self-reported delinquency among 156 white boys (2 percent of their official delinquency sample), that virtually all of what they called the "career delinquents," (those who seemed oriented to

crime as a lifetime occupation) came from the neighborhoods lowest in average occupational status of fathers. Nevertheless, these career delinquents were only a minute fraction of all delinquents, even in these areas.

Some aspects of Cohen's strain theory seem to be supported by the Stinchcombe and the Hirschi data that delinquency and various other adolescent efforts to flaunt their independence from adult authority are especially associated with frustration in school. Their data indicate, however, that such a sense of frustration in lower-class youth apparently is not related to the extent of their contact with the middle class or with their degree of aspiration for school or occupational success. Delinquency is apparently more a function of the average social class level of a neighborhood or school district than of the contrast within the area, so that sons of lower-class parents have less delinquency if in a predominantly middle class than in a predominantly lower-class locale.

Aspects of Miller's theory on lower-class values and delinquency seem roughly supported by the findings of Hirschi (1969, p. 183) that a juvenile's aspiration or expectation of a manual labor adult occupation is associated with delinquency, but Miller's theory and Hirschi's datum are also quite compatible with the Shaw and McKay, the Clark and Wenninger, and the Reiss and Rhodes evidence of predominant class in a neighborhood determining its subculture. Hirschi, however, found Miller's themes unrelated to father's occupation (pp. 212-223). In general, the Miller account of the concerns of slum residents makes their mentalities appear much more homogeneous than innumerable more systematic surveys indicate is the case.

The Cloward and Ohlin theory on factors differentiating subcultures within lower-class slums and housing projects has not been well tested, Short and Strodtbeck (1965) could not find gangs in Chicago slums oriented to property crime rather than to conflict, but property crime is most efficiently and typically pursued by a few companions or alone rather than by a gang. The evidence that large-scale adolescent theft generally is companionate has already been cited, although such data are not available separately for slum areas, let alone for diverse types of slum. It certainly is clear from the literature on delinquency in the sixties and seventies, however, that both adult models and adolescent opportunities for property crime are far from absent in the new slums and the housing projects. The Cloward and Ohlin theory on retreatist subcultures will be discussed further in the chapter on addiction and crime.

Innumerable illustrative cases of extremely law-abiding youths and adults in slums support the proposition that a close attachment to anticriminal persons or institutions has a high probability of strongly

counteracting procriminal subcultures even in areas of high crime rate and low socioeconomic status areas. The validity of this impression is suggested somewhat by the relatively lower differences between areas in the Clark and Wenninger study than the within-area difference found in other studies between youths of contrasting school performance, attitudes toward school, or home attachment.

Further indication of an insulating effect of family and other relationships in high crime rate neighborhoods was provided in the study by Glaser, Lander, and Abbott (1971) which found that addicted and nonaddicted siblings in a slum area were most differentiated by the nonaddict's earlier and greater attachment to home, work, and school, and lesser participation in adolescent street life. The slums appear to be more mixed than other areas in the prevalence of values supporting adolescent crime, rather than in complete contrast to other areas.

In summary, the predominant thrust of available evidence seems to be that socioeconomic class markedly affects adolescent crime rates only insofar as youths from the very lowest status levels are concentrated in separate residential areas or school districts. It is apparently not the strain suffered by poor youths from perception of their contrast with middle-class associates as much as their social separation from such associates—their segregation in urban slums—that results in their developing the most criminally oriented adolescent subcultures. Nevertheless, even among the lowest socioeconomic class youths who are highly separated by residence and school assignment from youths of a different class background, some attachments to anticriminal persons or institutions frequently develop that effectively reduce the prospects of their involvement in serious crime.

## Ethnic and Personal Factors in Adolescent Crime

The causal factors most relevant to the discussion in the next chapter, on strategic planning policies for unspecialized adolescent crime have already been covered in this chapter. These causal complexes are the school (especially in its relationship to occupational opportunities), the family, and the companions of adolescents, plus the segregation of poor adolescents and their families in urban slums. The interrelationships of these causes of adolescent crime will be discussed at the conclusion of this chapter, and their implications for strategic planning will be elaborated in the chapter which follows. Nevertheless, before proceeding to the conclusion, it is appropriate to consider two sets of factors frequently alleged to be causally important in adolescent crime. These factors are enumerated below.

## Race and Nationality

In every separate era of the history of the United States, a different set of ethnic groups has been overrepresented among the adolescents arrested, adjudicated, and incarcerated for crime. In the late 19th and early 20th centuries the Irish were most prominent, later they were replaced by Poles and Italians, and, since the forties, blacks, Mexican-Americans, and Puerto Ricans have been conspicuous. Always they were disproportionately the children of recent poor migrants to urban slums.

Some of the distinctive slum conditions for these youth that account for their extensive conflict with the law were indicated in the preceding section in which socioeconomic class and adolescent crime were discussed. To a large extent, these slum conditions were independent of race and nationality; they characterize whatever ethnic group happens to be settled there, and criminal records diminish in the offspring of these ethnic groups when they move out of the slums. There are some exceptions, however, in that ethnic groups with great emphasis on cohesive family life, family businesses, and educational pursuits manage to have relatively low official delinquency rates even when resident in the slums; this has characterized the Jews, the Chinese, the Japanese, and more recently the Cuban refugees (of predominantly middle-class background) in slum areas, especially when their children were least assimilated into the larger slum society. Blacks, on the other hand, found it especially difficult to move out of the slums and to rise from a very low economic status because they had a history of slavery in the United States and of white resistance to granting them full equality after slavery was abolished. This resulted in their suffering discriminatory treatment by police and other white-dominated governmental agencies and conditions that produced generations of poor schooling, poverty, broken families, limited political power, and segregation.

Highly interrelated historically in determining whether an ethnic group stays in the slum or leaves it, and whether it has a high or a low official crime rate, are its political power, economic status, educational attainment, and social separation. A change in any one of these four aspects of ethnic group relations in the direction of a group's greater equality and greater participation in activities with the rest of society tends to change the remaining three aspects in the same direction.

The black segment of the United States population began to move relatively rapidly in the direction of equality in these four dimensions in the late sixties, and then mainly for the younger generation in the North and the West who completed high school or college. By the 1970 census it could be reported, for the first time, that there was no appreciable difference of income between white and black

husband-wife families outside the South where the head of the family was under 35 years old, and that for those under 25 with both husband and wife working, the black family earnings were 113 percent of that of such white families (Bureau of the Census, 1971). As Andrew F. Brimmer, the first black to become a Governor of the Federal Reserve Board pointed out, however, the major schism in income within the black community is between the earnings of its high school or college educated and its less educated components (quoted in Moynihan 1972).

Only as this educational schism is lessened in black youth, as well as in Mexican-American and other poor minority youth, will the other sources of high adolescent crime rates diminish for these ethnic groups. The causal problems of adolescent crime thus remain: (1) problems of schooling and of its relation to employment; (2) problems of insufficient involvement of adolescents with anticriminal family, other adults, and peers; (3) problems of segregation in the slums. These are the central causal problems, regardless of the ethnic group that happens to be suffering from them in a particular area at a specific moment in history. Strategic criminal justice planning that successfully addresses these problems for any ethnic group will also be reducing whatever difficulties with adolescent crime happen currently to be distinctive of that group.

## Personality, Physique, and Physiology

If personality is defined as the organized totality of behavioral and emotional tendencies distinguishing an individual, then obviously various traits of personality, such as aggressiveness or deceptiveness, should be associated with particular types of crime. The difficulty is that these behavioral tendencies may also be expressed in law-abiding activity and measures of personality traits have not been as useful as school and social data in predicting unspecialized adolescent crime. The only personality test scores appreciably correlated with delinquency rates are those that come from what are essentially admitted delinquency questionnaires, such as the Pd scale of the Minnesota Multiphasic Personality Inventory and the So scale of Gough's California Personality Inventory (Waldo and Dinitz 1967). Indeed, people with complementary personalities, such as domineering and submissive, seem to collaborate better in much crime than people of similar personalities, as appears also to be the case in many legitimate enterprises, including marriage.

The Gluecks (1950) found that a muscular body build (mesomorphic physique) was more common among institutionalized delinquents than among nondelinquents of the same age, ethnicity, IQ, and home area. Eysenck (1964) claimed that this was because extroverted personalities tend to come with such physiques, and because corporal punishment affects learning less for such persons than for introverts.

Others have speculated that the Glueck findings reflect the greater success of muscular and extroverted youth among peers in delinquent group activities, as well as a tendency of police to arrest the outspoken and tough looking boys more readily than those who are quiet and either scrawny or paunchy in physique. In any case, legitimate as well as criminal careers are associated with all types of personality and physique. For criminal justice planning purposes, special policies for particular physiques certainly are not practical considerations.

A variety of neural defects, physiological changes, and biochemical imbalances affect the emotionality and irritability of individuals. Such causes of disturbance in mood and behavior include menstruation, low blood sugar, endocrinal abnormalities, neural conditions producing epilepsy, possible the effects of encephalitis, and other physical states. All have been found to have a somewhat disproportionate prevalence in criminals at the time they committed offenses, especially assaultive crimes (Shah and Roth 1974). The same relationship has repeatedly been demonstrated for alcohol in the blood, as indicated in chapter 7.

Nevertheless, none of the bodily states mentioned seems sufficient alone to explain the crimes with which they have been correlated. Most people with these conditions do not have a high crime rate, and most of those who commit offenses apparently are physiologically normal. Various disturbances of the body from the above conditions reduce the mind's inhibitory capacity or lower the threshold of irritability, but these conditions appear most likely to evoke crimes only with those people who attitudinally and situationally already are most prone to engage in crime. In addition, social settings and cultural expectations associated with alcohol imbibing, and perhaps with some drug use, may have a direct relationship to certain types of criminal behavior, but these factors (discussed further in chs. 5, 6 and 7) are not so distinctively associated with unspecialized adolescent crime.

## Conclusion

The research findings reported in this chapter indicate that perceived opportunities for adult-like autonomy, as well as personal attachments, are primary determinants of criminal or noncriminal behavior during adolescence. Perception of school as a gratifying pathway to adult status and attachment to anticriminal persons (parents, peers, teachers, or others) appear to distinguish the least delinquent youth. Yet those alienated from school tend to avoid crime if they obtain employment.

In addition, it was theorized in this chapter that experience in formal groups during adolescence, especially in formal open groups, greatly increases subsequent prospects for achieving job satisfactions

in the modern work world, and thus avoiding crime (per Loeb 1973). High valuation of schooling, of jobs, or job expectations, and of reputation with law-abiding persons, gives people what Toby (1957a) calls a stake in conformity, for the items thus valued are all jeopardized if one commits serious offenses.

The reported research also indicated that youth who are not gratified with school attach the greatest importance to short-run expressions of adult status, emphasizing driving and owning cars, dating, smoking, and drinking as essential rights in adolescence. Although other youth also have such interests, those who value these activities most were shown to be the ones most likely to engage in crime. Their prospects of law violation are enhanced, however, if they have no strong attachments to other persons (such as parents, teachers, or peers), or if their strongest bonds are to persons who engage in crime. The latter appear to be especially accessible to youth in slums but do not seriously criminalize most adolescents there. Such attachments to offenders, however, may also be enhanced by the State's reaction to an individual's crimes, a reaction that is discussed in the next chapter.

## Postscript on General Theories of Adolescent Crime Causation

It might be convenient if the central theme of all the data and theory presented in this chapter and summarized in the preceding few paragraphs could be formulated in a single sentence or two as a general theory of adolescent crime. The utility of any valid theory, especially if concise, is that it is a quick guide to the most probable explanation, and therefore, to countermeasures most likely to reverse the causal process. The limitation of such summary theory, of course, is that it is necessarily in very general terms, so that one must proceed from the broad categories of the theory to specifics of individual cases in order to account for any particular offense.

Some writers (for example, the Gluecks, 1950) have asserted that "multicausality" is the only tenable criminological theory, but this assertion does not provide efficient guidance unless it concisely specifies what the multiple causes are most likely to be and how they are interrelated. Sutherland's differential association theory directs us to seek explanation for criminality in the learning experiences that occur in intimate interpersonal relationships, and it pinpoints causation as learning "an excess of definitions favorable to violation of law over definitions unfavorable to violation of law" (Sutherland and Cressey 1970, p. 75). This certainly focuses attention on the relationships of youth to parents, peers and other close associates, which the reported research indicates are indeed relevant to adolescent

crimes. His formulation does not directly foster much concern with school or with jobs in preventing crime, however, and its "excess of definitions" terminology does not evoke a clear notion of what one should try to look for in applying and testing the theory.

Several theories explain crime simply as a breakdown of controls. Psychoanalysis, since Aichhorn's (1925) classic work, has stressed inability of the offender's ego and superego to control the antisocial instincts that comprise the id. Reiss (1951) dropped the instinct postulation, as have neo-Freudians, when he explained delinquency as a failure of personal and social controls to force individuals into conformity with the norms of their society. Nye (1958) differentiated direct control by the individual's personality from indirect control by outside forces, particularly social relationships. Gold (1963) equated control primarily with favorable attitudes toward persons opposed to crime, and thus could call Sutherland's differential association a form of control theory (p. 26). Hirschi (1969) has the fullest and most sophisticated formulation, equating control with bonds to conventional society. He distinguishes four elements in such bonds: *attachment* to conventional persons, *commitment* to conventional pursuits (e.g., investment of time, effort, and funds in academic or noncriminal occupational endeavors that crime would jeopardize), *involvement* in conventional activities (i.e., being too busy with other things to have much time for crime), and *belief* in conventional values (i.e., moral objection to crimes).

Certainly, as thus elaborated, Hirschi's version of control theory accounts for most of the statistics summarized in this chapter. Its main deficiency was in not accounting for the relationship of delinquency to the predominant occupational class of the neighborhood. Indeed, a neglect in many control theories (about which Hirschi 1969, p. 34, is explicit) is that they only ascribe offenses to the absence of conditions fostering conventional activities, ignoring variations in conditions encouraging criminal pursuits. These variable conditions might include experiencing success and a sense of competence in crimes, attachment to persons devoted to crime, and sincere acceptance of beliefs which justify crimes. While focusing on conventional culture and stakes in conformity, control theories neglect criminal subcultures and stakes in nonconformity.

This neglect is not serious if one seeks only to explain the delinquency revealed by typical questionnaires applied to representative samples of American high school and junior high school students, which was Hirschi's concern. As Reiss and Rhodes (1961) point out, there are few career delinquents in such populations and, in any case, the typical admitted delinquency scales would not reveal them, for these instruments either do not ask about or attach little weight to the regular commission of major property crimes as a means of livelihood.

As was indicated earlier in this chapter, such an omission is probably more serious in studies which concentrate on slum residents. It would be an especially unfortunate neglect in studying the typical inmates of juvenile correctional institutions and other populations adjudicated delinquent or criminal, with whom the next chapter is more concerned.

Preferred here as a concise summary explanation and as a guideline for criminal justice planning is what has been called differential anticipation theory (Glaser, 1969, pp. 337-340). In explaining crime, it directs attention to both procriminal and anticriminal learning experiences and to the subjects' perceptions of legitimate and illegitimate opportunities for gratification, at the times and places that crimes might be committed. Thus it compares stakes in conformity with stakes in nonconformity for particular types of individuals in specific types of situations, to judge whether criminal or noncriminal alternatives would be most attractive to them there.

The differential anticipation perspective not only accounts for the research findings, summarized in this chapter, on the relationship of school, employment, personal attachments, residential area, and social structure to adolescent crime, but it is especially relevant to the analysis of crime prevention and correctional endeavors. For this purpose, it must be supplemented with other theoretical formulations, however, such as escalation of commitments to alienation or to conformity, and recurrence of adolescence in adulthood.

## Chapter 5

### GUIDELINES FOR POLICIES ON CRIMINALITY DURING ADOLESCENCE

Strategic criminal justice planning seeks to utilize knowledge of crime causation in its guidelines for government policies on particular types of offenders. In this task, as chapter 1 indicated, identification, modification, and prevention are the major policy concerns. Prevention is in many ways the most important of these, but we shall begin by discussing the first two as they are the traditional functions of criminal justice agencies while prevention may be based mainly outside the justice system.

#### Identification of Adolescent Offenders

Perhaps the most intense controversies among police, court, and delinquency prevention personnel are over questions of when and how adolescents should be defined as offenders. These issues are of long standing because they involve difficult decisions. Although much scientific and philosophical literature has accumulated on them, they have not become easier to resolve with the passage of time. Indeed, research and discourse on such decisions only make their complexity more evident and thus complicate the controversies.

The first responsibility of officials or other citizens in identifying people as offenders is, of course, to determine whether or not the accused have violated the criminal law. For police and prosecutors, and for grand juries and judges in various pretrial procedures, this duty is formulated in the Fourth Amendment to the U.S. Constitution as determining whether there is "probable cause" to believe that those who are accused committed offenses, hence grounds for holding them for trial. At the trial, the responsibility becomes that of determining their guilt "beyond any reasonable doubt." In practice, however, especially for juveniles, these two tasks often are supplemented quite early by yet another concern: even if there is probable cause or cause beyond a reasonable doubt to consider the accused persons guilty as complained against or charged, will their criminal behavior or that of others be expanded or reduced by further efforts to identify them formally as guilty?

Diversion of alleged offenders from court by the police through station adjustments, warning and release, or referral to agencies other

than the courts, is widely practiced and is justified by the belief that crime is reduced through use of these procedures rather than holding them for court hearings to determine their guilt. For the same reason, even when the accused are brought by the police or others to a juvenile court intake office, the probation officer there usually has some authority to release or refer them, perhaps on informal or unofficial probation, rather than to schedule them for a formal court hearing. Finally, at any stage in court proceedings the judge or hearing officer often has authority to terminate or suspend adjudication and to release the accused, with or without imposing restrictions on their conduct while released.

The history of police and court innovations in criminal justice, especially for juveniles, is one of alternate merger and separation of identification and modification concerns. In the official procedure of classic Anglo-American criminal law these functions are separated, although both occur in the courtroom: the trial determines if accused persons should be called criminal, and then, for those convicted, the sentencing hearings determine what should be done to modify their behavior, and perhaps to prevent crimes by others who may be deterred by the sentence. The juvenile court deliberately undertook to merge guilt and disposition discussions, to probe immediately the life conditions and character of the accused apart from the offense charged. The Supreme Court's Gault ruling in 1967, however, and some State laws even before then, tried to reinstitute this separation in the juvenile court. Plea bargaining and other informal negotiations, however, in both juvenile and adult courts and at the police level, prevent this split; such negotiations merge: (1) the consideration of whether the accused persons can be proven delinquent or criminal as charged; (2) judgments on what are the most effective crime modification and prevention measures in dealing with them, and (3) estimation of the most expeditious use of time of prosecution, defense and judicial personnel with the various cases on their dockets (cf., Sudnow 1965, Newman 1974).

In waiving charges and procedures or releasing the accused, but at the same time imposing or threatening severe and often illegal restrictions (e.g., banning the accused from a town or neighborhood), police and court officials often exercise great control over the rights of the accused to due process and over the interests of victims in prosecution. Legislation and court edicts attempt to limit negotiation powers,

but their restrictions are imprecise because: (1) it is impossible to specify all the contingencies that can be negotiated in diverse criminal proceedings; (2) there are strong pressures for flexibility to reduce the time and cost that more formal processing might require; (3) flexibility can bring humanitarian considerations into justice actions; (4) there is little prospect of appeal of plea-bargained dispositions since most deviation from official sanctions benefits the accused and is agreed to by the prosecution in exchange for time-saving deviations from formal proceedings; and (5) most of these negotiations receive no publicity. Therefore, in all criminal proceedings, from the first police involvement in a case to the last court ruling, we tend to have a discretionary justice (cf., Reiss 1974). This lack of a rigid rule-of-law over official actions creates risks of corruption and callousness that only the highest professional standards, maximum channels for appeal, and a vigilant mass media can offset, but there are advantages to flexibility that make some risk warranted.

Many flexible methods, and the juvenile court itself, were established largely to reduce the difficulties of deciding when and how to identify adolescents as offenders. These developments give criminal justice personnel more alternative types of legitimate action possibilities than existed when there were fewer choices at each police and pretrial decision point, especially for juveniles. The central problem for any thoughtful policymaker remains: Are adolescents made more or less criminal by the system's decisions? A basic guideline for resolving this problem, that should instruct all decisions on accused or convicted persons, can be formulated as:

**A. If you will at some future date wish to release offenders with minimum risk of their committing further crimes, do not set them apart from and out of communication with law-abiding persons any more than safety necessitates.**

This precept can readily be justified from the previous chapter on adolescent crime causation, but its phrase "any more than safety necessitates" highlights the police, judicial and correctional dilemma in following it. There are both legal requirements and criminological grounds for setting some offenders apart from the community. Criminological grounds for incarceration or other restraint exist when release would be extremely conducive to further crime by the accused or by others; legal and ethical justification can then be found for imposing deprivation of liberty only if, as a penalty, it is not disproportionate to the damage done by the crime for which the accused is convicted, and if decisions that confinement is warranted are not made unlawfully, arbitrarily, unfairly, or inflexibly. It is important to formulate guidelines on when this setting-apart is criminologically warranted, and on how the degree of separation can be minimized even then.

A key consideration in many criminal justice decisions is the effect of labeling on the subsequent behavior of the person called delinquent or criminal and perhaps ex-convict. This was a major concern in writings on the juvenile court and in the justifications for unofficial probation and police diversion practices long before the sixties when the concept of labeling achieved prominence in social science theory. Each decision on whether to designate an adolescent as delinquent or criminal, especially if the alleged offense and any known prior infractions are not regarded as serious, calls for judgment not just on guilt but also on how adolescent criminality is reinforced, how it is inhibited, and what processes orient youth to criminal careers. The latter judgments require guidelines indicating when it is the wiser policy for crime reduction to release an offender to a lesser State control or none at all, and when and how the State should intervene. Because identification and modification concerns thus become merged, these two criminal justice functions will be discussed together.

## Reinforcement of Crime in Adolescence

Surely nobody is reared through childhood and adolescence without being taught some conventional anti-criminal values, but few if any refrain from committing and rationalizing some behavior that could be called criminal. Therefore, the vast majority who drift into clearly illegal conduct in this period must be in conflict about it at times, despite most people's impressive ability to rationalize their offenses and to compartmentalize their criminal life so it does not affect, and is not affected by, their more legitimate activities. Whether children and adolescents who engage in crime subsequently become more devoted to it or complete the transition to adulthood without further offenses may depend greatly on the consequences of their initial criminal activity. These consequences may be divided into two broad categories: the first are relatively direct psychological reinforcements and the second are more indirect reinforcements that can be called social polarization pressures, such as labeling. Only the first will be discussed here; the second will be examined in the section that follows.

It is well established by an immense variety of psychological experiments that behavior which is rewarded tends to be repeated. Nevertheless, rewards and punishments for criminal acts are much more subtle and diverse in the complex social world in which we live than are the positive and negative reinforcements that a psychologist can manipulate in his laboratory. Thus even people successful in crimes do not always repeat them until caught. Some do persist in this fashion, of course, like gamblers who stay with the roulette wheel, slot

machine, or poker game until they are "cleaned out." Most people whose experience at committing crime starts with ordinary types of property predation, however, seem to begin in adolescence but quit while they're ahead, not long after they start and before the consequences become severe. This is evident in the tapering-off of such offense rates with age.

Chapter 3 showed that adolescents predominate among arrestees in property felonies—burglary, grand theft, and auto theft. The rewards in these acts, of course, are money or goods, but they often also include much that is less tangible, such as a sense of competence from success in these crimes, and the mutual admiration and support of any companions in the illegal activity. These intangible rewards frequently prove more important than those which are tangible. Subjective penalties, however, may be suffered that are more influential than the physical or psychological pain of arrest, adjudication and legal punishment, and can counterbalance the rewards. The subtle negative consequences include second thoughts on the morality of the act (especially if the victim is a person rather than a corporation), fear of legal penalties, but especially, fear of what people to whom the adolescent offender feels attached might think, say, and do if they knew of the offenses.

Not nearly enough is known about the illegal acts of unapprehended adolescent offenders. Nevertheless, there is strong reason to believe that a typical adolescent's crimes do not continuously increase in frequency or severity until he or she is caught (or afterwards), although some do have such a linear progression. In undergraduate criminology classes, for example, the author has found at several universities that about three-fourths of the students will admit on an anonymous questionnaire that they have engaged in shoplifting, although 90 percent say this was never anything worth over \$50. When asked to indicate the age when their shoplifting was as a peak, the most frequent answer is 12; when asked at what age they last did it, the most frequent answer is 15. Yet there are also responses of stopping at later ages and about a fifth of those college students who report having shoplifted admit that they have not stopped the practice. When those who say they did stop are asked the reasons for termination, 45 percent indicate "became afraid of being caught," one-third check "decided it was morally wrong," a quarter report being caught, about one-tenth mark "felt I was too old for this," and still lower numbers explain "stopped going with people who did this sort of thing" or "felt it would now threaten my reputation." (Multiple reasons were acceptable; the above precoded "check off" categories were derived from the most frequent responses to earlier questionnaires when students were asked to put their reasons for stopping entirely in their own words; even in the above, an "other reason" category remained, but it was seldom used.)

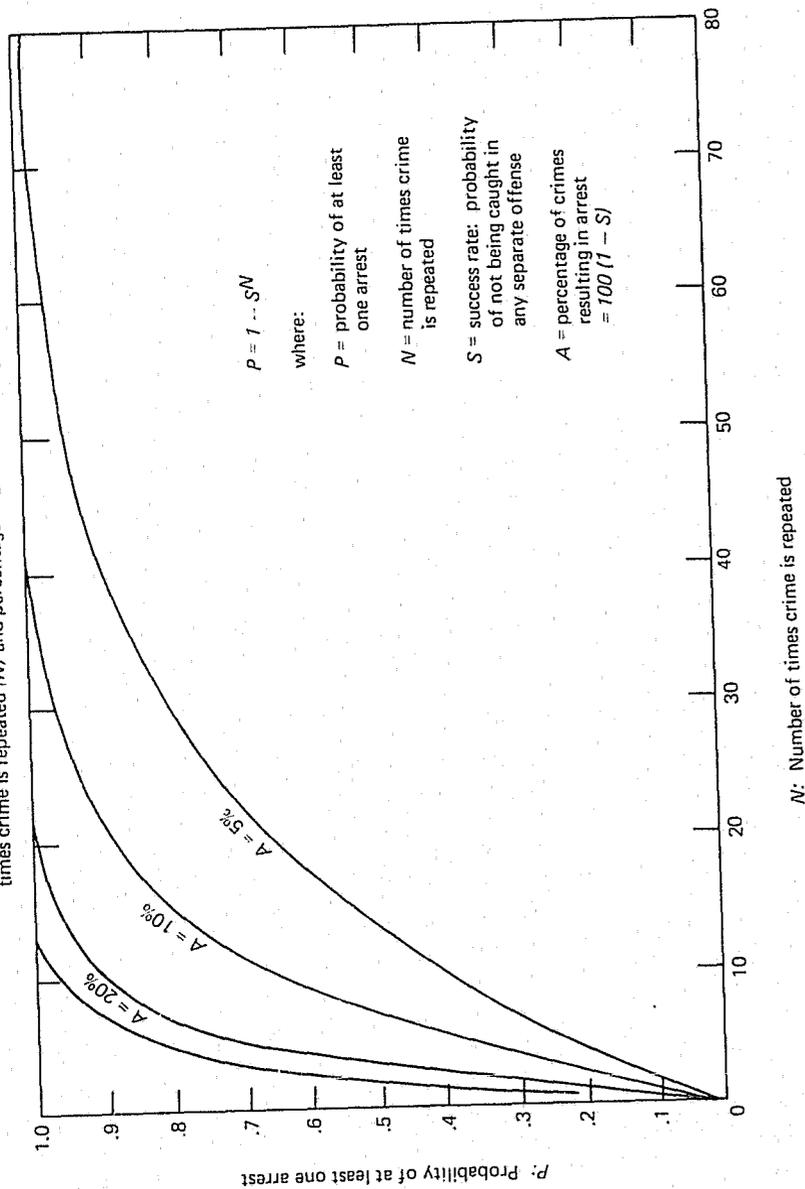
Being college students, most of the subjects of the surveys probably had a strong stake in conformity. A criminal record for predatory offenses could bar them from the types of jobs or professions to which they aspire, jeopardize their student status, and create great strains in their reputation and relationships with families and peers.

A lower stake in conformity more typically characterizes younger adolescents, as well as persons who already have a criminal record, or persons with advanced opiate or alcoholic addictions—the three most frequent components of the population arrested for burglary or grand theft. It is notable that the reason most often given by college students for stopping their shoplifting activity is fear of being caught, rather than actually being caught; even though they get away with their thefts, they become increasingly apprehensive of the risk of humiliation, stigma, and other negative consequences of being caught. It is presumed that similar responses would be given if these polls were of people who did not go to college, since statistics on age and crime rates indicate that most of them also terminate the stealing they did as adolescents.

Figure 5.1 summarizes the mathematics which may explain why very few of those who engage in ordinary theft and burglary can long pursue it as a livelihood without being arrested. According to the FBI (1973, p. 31), the police in the United States cleared by arrest 30 percent of the robberies reported to them, 19 percent of the burglaries, 20 percent of the grand thefts, and 17 percent of the auto thefts. As table 3.1 indicated, public opinion polls suggest that only about two-thirds of robberies, one-third of burglaries, and half of grand thefts are reported to the police. Multiplying these two percentages indicates that the fraction cleared both by having their crimes reported and being arrested must be about 20 percent for robberies, 6 percent for burglaries, and 10 percent for grand thefts. The polls indicated that virtually all auto thefts are reported to the police, in which case its 17 percent FBI clearance rate is a fairly accurate statement of the risk of arrest—about one per six car thefts.

The probability calculations on which figure 5.1 is based show that with a 20 percent risk on each separate offense, a robber has a 90 percent chance of being arrested once in any 10 robberies and a 99 percent chance of being arrested once in any 21 such crimes. Assuming that a burglar has only a 6 percent chance of being arrested on any separate burglary, he has a 90 percent prospect of arrest once in any 37 such offenses and a 99 percent probability of one arrest at any time before he perpetrates 75 burglaries. For the thief with a 10 percent chance of arrest on each offense, there is a 90 percent likelihood of one arrest in 22 larcenous endeavors and a 99 percent chance of arrest once in 44 of these crimes. The family of curves in figure 5.1

Figure 5.1 Probability of at least one arrest ( $P$ ) as function of number of times crime is repeated ( $N$ ) and percentage of crimes resulting in arrest ( $A$ )



also indicates the probabilities of arrest in committing large numbers of crimes for persons whose low or high competence gives them arrest rates above or below these averages for major crimes. Furthermore, of course, an average is distributed over all offenses; a person with a 90 percent chance of one arrest in 22 similar crimes is just as likely to be arrested on the first as on the 22nd offense.

According to the FBI (1973: 117), the average criminal's "take" in 1971 was \$243 per robbery, \$308 per burglary, and \$111 per grand theft. These figures are from victim reports, hence they probably are inflated, especially for burglary; goods rather than cash usually are taken in this offense and are peddled for about a fifth of their retail value. It is clear that offenders do not usually get enough from one offense to meet their financial needs for more than a few days, especially as they have a tendency to spend stolen income quickly—"easy come, easy go." The average yield seems to be less for adolescents than for older more professional criminals, and adolescent rates of arrest probably are above the average for their offenses, because of their lack of experience. Therefore, it seems most probable that those who persist in any of these property felonies as their main source of income at any age, but especially as adolescents, must generally be caught in a few months or a year at most, and for many it is a matter of only days or weeks. From the suggestion in our polls that most college-bound adolescents quit before—rather than after—being caught, one may infer that a close call or worry about being apprehended, or just an awareness of others being caught, deters them.

These figures may provide some insight into why rates of committing crime are so sporadic and episodic for most adolescents. On the one hand, because there is a high probability of success in most separate offenses, the gamble may readily seem practical, as Goffman (1967, pp. 170-174) puts it, if stake in conformity is low and the temptations or pressure to commit a crime are great. The frequent alienation of adolescents from school, parents, and others, and their not being employed or even in the job market, often make their sense of stakes in conformity low. Furthermore, if adolescents are at a time and place where companions challenge their daring to commit a crime, and where they infer that their success at the offense will be admired, they develop a stake in nonconformity. Thus differential anticipations often favor illegal acts by adolescents (cf., Short and Strodtbeck 1965, ch. 11).

On the other hand, the rates of arrest with persistence at crime are high enough to make prospects of nearly getting caught, or of knowing someone who is caught, a frequent experience to anyone who commits offenses or knows others involved in crime. These events may make perception of the risk in illegal behavior increase,

regardless of success at it thus far. An adolescent's sense of a stake in conformity, his or her sense of "what people will say" or do, is somewhat variable with conflict and mood from day to day, fluctuating with the way things go at home, at school, and at jobs, and with the situation and company. Furthermore, getting caught in a crime may have diverse consequences for the adolescent: parents finding out, teachers learning about it, neighbors knowing, schoolmates telling it around, police becoming involved, going to court, being confined in a correctional institution, and other events. All these may occur, or none, or almost any combination of them. Thus many variables may explain why, as Matza (1964, p. 28) says, a delinquent's involvement in crime is casual, intermittent, and transient. Nevertheless, one summary guideline follows from discussion thus far on causality and reinforcement:

**B. The recidivism rates of those apprehended for committing crimes depend upon their prior stakes in conformity and nonconformity, hence on their anticipations from crime, and on whether these anticipations are changed by their experiences from being caught.**

The expectations that adolescents have in committing crime certainly reflect their attachments to other persons, their prospects at school or work, their conceptions of themselves, and their momentary moods, fears, and social support. When their infractions or crimes are discovered, however, their feelings, anticipations and relationships may be greatly affected by the way they are identified as offenders.

### **Labeling and Other Polarization Pressures in Criminal Careers**

A recurrent theme in sociological writings on crime and other types of deviance, generally much too simplistically expressed, is that being labeled a delinquent or a criminal fosters persistence in law-violating behavior. This assertion is patently false in many instances, although valid in others. While recent writings (e.g., Lemert 1967 and Schur 1971) emphasize the effects of the label on the reactions of others to the persons labeled, they neglect the effects of the labeled persons' own prior self-conceptions and stake in conformity or nonconformity on their reactions to being labeled.

Two opposite consequences of labeling, as well as the circumstances where it will have little or no impact, have been distinguished in a reformulation of prevailing theory on this subject (Glaser 1971, ch. 4). The first and probably most frequent consequence is the rehabilitative effect that follows when persons with a strong stake in conformity, who have been regarded as noncriminal by others whom they esteem, are exposed as having done something these others would regard as crime. Most adolescents and adults have this kind of predominant

stake in conformity and, therefore, when caught for something criminal, for violating laws they do not oppose (e.g., laws against theft or cheating), they make great efforts to redeem their reputation as noncriminal. They offer excuses, apologies, and regrets, they try to say or do things to salvage their reputations with persons who now may have a lesser respect for them because of the offense; and they are likely to be more careful not to commit offenses in the future. This pattern explains the dramatic decline in crime by most people after a first arrest, especially when progressing in school, holding a job, or in an established marriage.

This rehabilitative first type of response to labeling is vividly described in Cameron's (1964) account of middle-class housewives and adolescent shoplifters who, when apprehended, abruptly terminate what has often been a fairly extensive career of such crime. The rehabilitative reaction is statistically documented and interpreted in England's (1957) analysis of the high rate of success of first offenders on probation. Unfortunately, the most readily visible offenders in all criminal justice agencies are the failures of prior police, court, and correctional actions, the cases these agencies deal with longest and most repeatedly; their visibility leads to oversight of the majority whose first police or court disposition for a criminal offense, even when it is an informal disposition, is either the last one altogether or the last for a long time.

A majority of people, as adolescents and perhaps as adults, engage in some illegal or deviant behavior. They try to hide it from most of their associates, however, and they abstain or become much more cautious if their efforts to hide it are unsuccessful. Since this rehabilitative reaction to labeling results from a stake in conformity with the criminal law, it is important to minimize the extent to which the consequences of arrest and labeling for crime decrease this stake in conformity.

The second, or criminalizing effect of labeling, is more diverse and complex in its mechanisms but, in general, it occurs when being labeled delinquent or criminal generates a stake in nonconformity with the law or decreases the stake in conformity. Schur (1971, 1973) points out that stereotyping is a major aspect of the process that results in an adolescent's being criminalized through being labeled as a criminal by others. People acquire specific ideas of what a delinquent or criminal is like, and as soon as they hear that someone has committed a crime they assume that he or she has all the traits they associate with such offenders. Indeed, the convenient terminology used here—delinquents, offenders, and criminals—as well as the labels that identify persons by their specific crime—such as burglar, thief, and rapist—unavoidably facilitate the tendency to categorize large and very diverse groups of people as though those given the same label

actually all are identical. There are no time limits on these labels; once a person has stolen something, there are no rules on when to stop calling him or her a thief, and the same applies to all other labels for people who have committed crimes.

Criminalizing labels decrease stake in conformity when they become the basis for prejudice and discrimination against people trying to pursue a legitimate course of behavior, perhaps in a job, at school, or in law-abiding social groups or organizations. Often the label becomes the reason for making them the scapegoats or the suspects for crimes they did not commit. Indeed, any indication to the labeled persons that such prejudice may exist makes them uncomfortable and self-conscious. Many quit school or jobs, or leave conventional social groups as a result of such encounters with prejudice and suspicion. Thus a false allegation becomes a self-fulfilling prophecy, to use Merton's (1957, ch. 11) apt phrase; it often creates conditions which make it true. Therefore, to publicize a person's delinquent or criminal record may produce only a greater probability of crime repetition. Usually the record need be known by only a few officials. Accordingly, an important aspect of planning for crime reduction is to provide for the security and restricted access of criminal record information.

Criminal labels generate a stake in nonconformity with the criminal law when they become a source of pride, perhaps the basis of a reputation to live up to. This occurs with adolescents when the criminal act is one that gives them a sense of manliness, of adult autonomy, or of toughness, a perception especially fostered by criminally oriented associates. Therefore, the more the official reaction to an individual's offenses is to segregate him or her exclusively with others who have broken the law, the more probable it is that being labeled criminal will generate in the offender a favorable view of himself. This is suggested by the findings of Fiedler and Bass (1959) that both military and civilian offenders have more favorable views of themselves when incarcerated than when on probation in the free community; they tend to evaluate themselves from the standpoints of the people they are with. If persons apprehended for crimes are deemed so dangerous that confinement is necessary, the less they are regimented in large groups of prisoners who are treated en masse, and the more their contacts with noncriminals are maintained, the less criminalizing the incarceration will be. This theme will be elaborated repeatedly here.

When a criminal label can be discounted readily by the labeled person it usually has only minimum effects on behavior. Several circumstances foster such discounting. The most familiar examples are offenses such as conscientious objection to the military draft, crimes that are endorsed by those who commit them since they regard the law as unjust. Such lawbreaking is what Merton (1971, pp. 829-832) distinguished as "nonconformity," in contrast to "aberrant

behavior," the violation of laws that one would not wish repealed. As chapter 2 indicated, nonconformity is most common in nonpredatory offenses.

Nonconformist views of laws on the use of marihuana are frequent among young people today, a majority of whom have tried this drug and see nothing immoral in this, even in jurisdictions where its possession is a felony. Nevertheless, if others label them as criminal because of these law violations and therefore discriminate against their engaging in legitimate activities, the label may have criminalizing effects even on those who discount the label they are given. Contrastingly, most predations are aberrations rather than nonconformity; the thief usually does not want laws against theft abolished and stealing made legal for everyone.

Even when offenders view crimes they commit, such as robbery or other predations, as aberrant if done by someone else, they often are able to discredit and reject condemnatory labels that they themselves receive. This rejection reflects the process called "neutralization" by Sykes and Matza (1957), "conventionalization" by Lofland (1969), and "rationalization" by Freud; in crime it is the process of applying favorable labels and interpretations to one's own acts, as having special justifications not applicable in all such offenses. Common devices are to blame the victim as having provoked the act or as morally inferior or stupid and therefore deserving to be victimized, or as being so well off that the stolen goods "won't be missed." The latter is the usual rationalization when the victim is a corporation or the government—The Establishment—rather than an individual. Sometimes perpetrators explain their crimes as due to lapses from their normal mental conditions—to drunkennes, desperate straits, the wrongs they have suffered, or temporary psychological moods or ailments.

Persons who are morally derogated by others customarily condemn their condemners by claiming that the condemners are themselves dishonest or corrupt. People convicted of crimes tend to "collect injustices," as Matza (1964) puts it, harping on every alleged or actual defect in the criminal justice system, and thereby feeling ethically superior by comparison. "Censoriousness" was Mathiesen's (1965) term for the tendency of those imprisoned for violating society's norms to preoccupy themselves with the norm violations of their keepers; as he put it, these are "the defenses of the weak."

Anyone who works with prisoners and gains much personal rapport with them—especially outsiders such as researchers from a university, employees of social work or religious organizations serving prisoners, or other sociable visitors of inmates—can always expect to be plied by the prisoners with endless and repetitive accounts of the moral and other defects of various criminal justice officials. The most

**CONTINUED**

**1 OF 3**

articulate inmates—usually known in the institution as “politicians” and disproportionately employed in front offices, prison hospitals, and prison newspapers—are especially preoccupied with and adept at such communication. While frequently there may be basis in fact for their criticisms, the avidity with which they are narrated reveals the functions of these accounts for those who tell them. One should note: (a) this phenomenon of censoriousness has existed in prisons for decades, long before inmates were extensively organized to seek political support from outside the institution; and (b) that censoriousness is a major factor in neutralizing the sense of guilt or remorse that criminal justice officials often hope to inspire by punishing offenders.

The contrasting rehabilitative and criminalizing effects of labeling and the need of humans to justify their crimes on moral grounds reflect efforts that people automatically make to avoid the strain of feeling ambivalent about their moral worth—to avoid feeling oppressed by a sense of guilt. Parsons (1951, ch. 7) argues that this stress generates motivation to uphold a strongly polar position with respect to the dominant people or the rules of one’s society: either a dedicated deviance or a rigid conformity reduces ambivalent feelings about one’s morality. The extreme deviant reaction often accounts for the rebelliousness and the expressive destructiveness in the crimes of adolescents, notably their vandalism, much of which is directed against school property. The opposite extreme is represented by persons in authority who insist upon complete dominance over subordinates and on the absolute enforcement of rules in all cases, deriving from this rigid stance a sense of their moral superiority.

When criminal justice employees with such a compulsive enforcement perspective confront an adolescent who has intensely rationalized his or her law violation or rule breaking, hostility rapidly escalates and the opposing positions become still more polarized. Those familiar with many correctional institutions soon learn that unless limits can be imposed on the severity of disciplinary penalties, punishment of disobedient inmates tends to be much more extreme in juvenile and youth facilities than in prisons for adults. This difference develops because stubborn rebelliousness, as an assertion of autonomy and of what is perceived by them as their manly or womanly strength of character, is more common among young than older offenders. This escalation is especially fostered by large institutions where inmates are highly regimented, since mass handling of many prisoners by each staff member is especially conducive to stereotyping of all inmates by staff and of all staff by inmates. The separate cohesiveness of staff and that of inmates is thus promoted. Hostility between offenders and criminal justice personnel reaches passionate levels whenever the most actively and compulsively alienated offenders get into an escalating exchange of hostile

gestures with the most actively and compulsively conformist members of the staff.

An alternative to overt and aggressive defiance is surreptitious evasion of the laws and rules, as well as manipulative deception of officials. This gives the offender a sense of smartness, of having conned the authorities, and is thus quite as compatible with an extreme commitment to law violation as open rebelliousness. This alternative is what Parsons calls the “passive alienation” form of polarized deviance, as contrasted with the “active alienation” form manifested in open defiance. Offenders who mature without losing a strong stake in nonconformity with the law tend to become more passive, hence evasive, in their law and rule violations and their dealing with personnel of the criminal justice system. These are well-represented by the inmate politicians among prisoners with recidivistic records, who are astute at conning correctional officials to get front-office jobs, and about whom case study prognoses of success on parole most often contradict actuarial predictions (and in fact, are most often erroneous). Such adult offenders are presaged by what Warren (1967, 1969) has called the “manipulative” type of delinquent. Their stake in nonconformity is enhanced each time they feel they have successfully conned officials or others, just as the actively alienated get a stronger commitment to crime by gaining self-acclaim and peer praise through openly defiant acts.

A passive form of compulsive conformity also is pointed out by Parsons. This form is illustrated by the ritualistic perfectionism of some officials who devote themselves to the dogged checking and enforcement of every detail of bureaucratic procedural requirement, regardless of the case or circumstance. A further escalating polarization tends to be generated whenever staff and offenders with either the passive or the active forms of extreme conformity and extreme alienation, respectively, confront and interact with each other; both represent passionate and moralistic commitments to their own positions.

The implications for criminal justice policy of the discussion in this and the preceding section can be summarized as follows:

C. To reduce recidivism, criminal justice officials should try to diagnose how greatly each offender has already been polarized in commitment to a criminal career, and how polarization might be affected by their possible decisions on each case. Such a diagnosis requires analysis of the offender’s past and prospective experiences, to assess the extent to which they make him or her either conflicted about engaging in crime, or oriented to a criminal career. Criminal career orientations reflect experiences that:

(1) instill pride and confidence in success at crime or in misleading authorities and create little competing stake in conformity with the law;

- (2) produce criminalizing rather than rehabilitative effects from being labeled delinquent or criminal;
- (3) increase the subject's hostility toward authorities or toward the law through escalated conflict with counter-escalating representatives of the criminal justice system.

All three of these processes tend to convert what was called a conflicted initial offender, who retains a high stake in conformity with the law, to a potential or actual career criminal with a high stake in nonconformity. A primary objective of criminal justice planning should be to prevent conflicted offenders from becoming career-oriented criminals, and to make both types become noncriminal as soon as possible. In pursuing these objectives it is important to realize that methods which reduce recidivism in conflicted offenders often increase it in career-oriented criminals.

### **Contrasting and Complementary Guidelines for Modifying Conflicted and Career-Oriented Offenders**

Conflicted offenders, as the term is used here, are persons on whom the three polarization pressures summarized in proposition C have not yet had a great effect. Although these people may have been involved in serious crimes on one or more occasions, they also have not yet become completely discouraged about their prospect of success at school or work, they retain close attachments to and acceptance by distinctly anticriminal people, they have not yet been long and consistently successful at crime, and they have not been in such long and intensely hostile interaction with authorities as to feel an overwhelming stake in being persistently rebellious or evasive. Also, they are not the products of an additional polarization process discussed in chapter 7, that of addiction to alcohol or narcotics under circumstances where funds to purchase drink or drugs can only be procured through crime. Most adolescent and adult offenders who receive probation, and a decreasingly smaller but still appreciable proportion of those who get more serious penalties, including prison, are conflicted rather than career-oriented in crime, since they definitely attempt to go straight after each release. Of course, many are unsuccessful in these legitimate endeavors, or impatient despite some success, and revert to crime that, through the processes in proposition C, may be polarized into a criminal career orientation (for data on recidivism patterns, see Glaser 1969).

The career criminals, on the other hand, are the product of repeated polarization pressures, either in the active form of escalated hostility and rebellious interaction with authority, or in the passive form of gratification from manipulating and deceiving those perceived as in opposition to them. They become career oriented criminals as they

acquire a stake in nonconformity, although this orientation is often well-hidden when they have a manipulative approach to others. Such a polarized criminality orientation is especially common among the types of offenders whom John Irwin (1970) called "state-raised youth." They have been continually in trouble with the law since childhood or early adolescence, when they were often wards of their county or State correctional agencies. They have most often experienced a sense of competence and felt like big shots in aggressive or manipulative delinquent or criminal activity, in or out of confinement. They generally have very poor school records and little job-holding experience, and the highest rates of recidivism of any category of prisoners or parolees of their age. Some become seriously addicted, but the implications of their addiction problem will be discussed primarily in part III. They are disproportionately, but not exclusively, from the most economically deprived, familiarly disrupted, ethnically discriminated segments of the United States population.

It should be admitted at the outset that this distinction between conflicted and career offenders has three major limitations. First, it is not precise, since many individuals are somewhat inbetween these two extremes of a continuous dimension, between clear predominance of commitment to conformity with the criminal law and marked predominance of commitment to nonconformity. Between these extremes is a gradually increasing career orientation in crime. Therefore, it is not difficult to identify convicted persons who are near the conflicted or the career criminal extremes, but many in an intermediate range are difficult to classify. This problem is encountered whenever one applies a dichotomous classification to a continuous dimension, such as separating the strong from the weak or the intelligent from the stupid, for such differences are a matter of gradations and degrees. By focusing on extremes, however, useful differential treatment guidelines can be developed for dealing with those who are clearly contrasting; for intermediate cases it is then often possible to mix and modify the policies that are used for the extremes. This possibility is especially useful when employing a distinction, such as that between conflicted and career-oriented offenders, in which the people classified may be changing, perhaps as a result of policies designed to foster change. Then, as change occurs, a shift from policies appropriate for one extreme to those appropriate for the other can gradually be made.

The second limitation with this distinction between conflicted and career offenders is that humans are fickle in their commitments and their differential anticipations, so that a classification on one day may be rendered somewhat inappropriate by developments on the next. Some of the sources of instability in commitments to conformity and

nonconformity have already been discussed in this chapter, under the heading of "Reinforcement of Crime in Adolescence," and others will be discussed in ensuing sections, especially in discussing the recurrence of adolescent crime patterns in adulthood. It is precisely this fickleness that makes the criminal justice system's objective of preventing the return of offenders to crime a continuous problem; it is never perfectly achieved or achievable, but if the degree to which it is achieved is augmented there may be an increase in the probability that particular types of offender will not return to crime. In general, uncertainty of generalizations about individual offenders tends to be least when they are nearest to one or the other extreme of our distinction between the conflicted and the career-oriented criminal.

The third limitation of this distinction is that it does not take into account all of the other variations among offenders. This certainly is true, but an excess of distinctions often makes the analysis of a policy planning problem unnecessarily confounded, for the analyst then "cannot see the forest because of the trees." The differentiations emphasized in this volume are those considered most strategic.

Three types of abstract behavioral science theory have already been relied upon in this and preceding chapters and should be identified more explicitly here before proceeding to specific propositions offered as criminal justice planning guidelines. One type of theory is from psychology, one from social psychology, and one from sociology and anthropology.

The first type of theory—which some of its exponents naively deny is theory—consists of the laws of behavior modification (Skinner 1953, Staats and Staats 1963, Bandura 1969). These laws have such themes as: behavior that is positively reinforced (rewarded) tends to be repeated; behavior that is not reinforced tends to be extinguished; behavior that is negatively reinforced (punished) tends to be enduringly extinguished only if there also is positive reinforcement for behavior that is an alternative to that which is punished. All the additional behavior modification laws, such as those on schedules of reinforcement and on discriminative stimuli, are also applicable to explaining the effects of criminal justice practices in changing the behavior patterns of offenders.

The second type of theory that is highly informative in criminal justice planning is from symbolic interactionist social psychology. It sees humans as representing the world to themselves in symbols—that is, language—and viewing themselves on the basis of their perceptions and interpretations of how others view them. This type of theory conceives of thought as a continuous interaction process in which people communicate with themselves as well as with others, often simultaneously, to formulate a symbolic—that is, linguistic—

representation and evaluation of what they are doing and who they are. All of this is quite compatible with behavior modification theory if a person's perceptions of the responses of other people, and the linguistic evaluations a person employs are regarded as important—often the most important—positive and negative reinforcements modifying human behavior.

The third body of highly informative theory for criminal justice planning consists of the laws of sociocultural relativity in sociology and anthropology. These view language, customs, values, and other shared ideas and understandings in societies, and in partially segregated groups within societies, as continually changing, and the changes diffusing among people who communicate with each other. The most fundamental law of this body of theory is that social separation produces cultural differentiation, already cited in chapter 4. Other laws emphasize the independence and cumulative nature of most change in technology, and the fact that alterations in technology, especially in the means of economic production, produce dislocations in other aspects of social life. These principles were explained in chapter 2 (Crimes, Power, and Societal Modernization).

From the standpoint of behavior modification theory, the conflicted type of offender has been shown to consist of persons who have not yet received reinforcements from their criminal behavior sufficient to offset clearly their reinforcements from legitimate pursuits, although the reverse balances characterize the career criminals. From the standpoint of symbolic interactionist theory, the conflicted offenders still identify themselves primarily with legitimate reference groups and role models, while the career criminals have conceptions of themselves as master criminals or as having an overwhelmingly predominant stake in illegal conduct and no favorable anticipations from legitimate alternatives to crime. From the standpoint of sociocultural theory, greater isolation of career criminals from conventional society, plus escalation of their alienation from symbols of conventional values, has made them more culturally differentiated from the rest of society than are conflicted offenders.

Deductions from all three of these types of behavioral science theory form the basis for each of the propositions more specific to criminal justice planning that will now concern us as guidelines for modification of conflicted and career-oriented offenders so as to reduce their rates of return to crime—their recidivism rates.

The propositions presented here are among the most adequately tested of the many researched hypotheses in applied criminology, although no guidelines for correctional policy have been tested as thoroughly as is desirable to specify in detail their range of applicability and to qualify and refine them for special circumstances. While these propositions have been developed and tested primarily in

corrections, they have major implications for the other two branches of the criminal justice system, the police and the courts, as the following will indicate.

The first of these propositions is:

**D. Recidivism rates of conflicted offenders diminish more often when they have counseling-oriented correctional supervision than when they have impersonal and rule-oriented staff or regimented and mass-handled programs.**

This guideline was tested in a controlled experiment with Navy prisoners by the Grants (1959) at Camp Elliott, where the more conflicted inmates were called the "high maturity" type. It was tested by the California Youth Authority in the PICO (Pilot Intensive Counseling) Project at Duel Vocational Institution, where the more conflicted inmates were called the "amenables" (Adams 1961). It was also tested by the California Youth Authority in its Community Treatment Program, where those most clearly comprising the conflicted offenders were called the "I<sub>4</sub> Neurotic" types (Warren 1967).

In each of these studies, after the subjects were classified into the conflicted and one or more other types, all were randomly divided into an experimental group in which close personal relationships of clients with staff were stressed and into a control group receiving the traditional more regimented institutional confinement. In each of these experiments this conflicted type, and this type alone, had clearly lower subsequent arrest, conviction and reconfinement rates if given personal counseling and rapport-oriented assistance by staff than if subjected only to the more traditional institutional life.

Several quasi-experimental studies, rather than rigorous experiments, also support proposition D. Psychotherapy sessions in a Massachusetts State prison were found to be associated with less recidivism, but only for those inmates who participated in the program for 25 weeks or longer, had five or fewer prior arrests, or regardless of prior arrests, were over 33 years old (Carney 1969). Apparently sufficient contact with a psychotherapist to build up a personal relationship was effective in reducing crime, but only for those inmates approximating most closely our conflicted type. Similarly, group counseling in California prisons, though highly over-rated as a device to reduce recidivism rather than merely to foster adjustment to prison life (cf., Kassebaum, Ward, and Wilner 1971), did yield one interesting parallel with the Massachusetts' finding. A nonexperimental analysis of the records found it associated with somewhat lower parole violation rates only for one category of participant, those in the middle-risk actuarial categories from a parole prediction standpoint (hence, presumably conflicted) and only when

they were long-term participants in a counseling group that had no turnover in staff (Harrison and Mueller 1964). Indeed, one of the longest controlled experiments in the history of corrections, California's SIPU—Special Intensive Parole Unit—finally showed some difference in recidivism between experimentals and controls in its phase 3, but only for parolees in the middle parole risk categories who spent much time in small caseloads with the same parole agent (Havel and Sulka 1962). Again, only with development of a personal relationship and only for conflicted offenders were these correctional innovations effective.

In general, the relatively high success rate of probation with unadvanced offenders, as compared with jailing, suggests the validity of proposition D. In the Saginaw Project and other quasi-experiments involving simultaneously a greatly increased use of probation and of personal services to probationers, much reduction of recidivism was reported (cf., Michigan Crime and Delinquency Council 1963).

It seems probable that with such conflicted offenders a friendly, flexible, and counseling orientation is most effective if it reaches them early, during their police and pretrial processing, instead of being deferred until they are assigned to correctional activities following conviction. The adolescents and adults who comprise the conflicted group are sincerely seeking assistance to get out of the trouble they are in and often are isolated from helpful adult friendship and aid. The earlier their needs of this type are met by capable anticriminal personnel, the less they are likely to be misled by criminally oriented or misguided fellow inmates of juvenile or adult detention facilities or correctional institutions, or by their associates in the community with whom they got into difficulty with the law in the first place.

Rigorous tests of this orientation at the pretrial level have also been conducted in Washington, D.C.'s, Project Crossroads (Leiberg 1971), in New York City's Manhattan Court Employment Project (Vera Foundation 1970) and the Des Moines Community Corrections Project (National Council on Crime and Delinquency 1972). These enterprises dealt primarily with persons accused of misdemeanors but included some charged with felonies. They could not make bail, were not addicted, and were not qualified for release on recognizance because they lacked employment, even though they were unadvanced in crime and had family and other roots in the local community. They were then released on what might be called conditional recognizance, instead of being held in jail. In New York and Washington they were required to report regularly to centers for subsidized job training or employment referral. The centers also provided counseling and other aid. The Des Moines conditions overlapped these but were more diverse and flexible.

If the pretrial releasees failed to behave as required, if they did not

work or train for work, their release could be revoked. But when, at the court hearing, the judge was informed that they participated constructively in the program, he often dismissed charges or granted probation. Thus most of these people, who would have been poor risks for probation after months of enforced idleness under criminalizing conditions in local jails, were in fact largely rehabilitated by pretrial aid. They had lower recidivism rates than control and comparison groups not in the program. While all such assistance programs must be provided on a purely voluntary basis (and indeed, it is unlikely that any counseling-oriented program works well unless it is accepted voluntarily), these enterprises demonstrated the wisdom of proposition D for planning crime reduction services that are available on request even to those not yet convicted of crimes.

The police are society's first line of defense against predatory crime and the criminalization of adolescents, since their contact with offenders precedes that of courts and of correctional agencies. Proposition D applies to police work with unadvanced offenders, particularly juveniles, as well as to diversion of conflicted offenders from the courts and the correctional system, if, by doing this, there is any prospect of increasing their stake in conformity. Certainly, when juveniles are not immediately dangerous it is much preferable to get them involved more closely in families, school, jobs, and other sources of anticriminal influence than to lock them up and formally label them criminal. This calls for a high level of judgment by police juvenile officers, probation staff, judges and institution or parole personnel, as to the kind of offenders that confront them, for our next guideline stresses that many methods which reduce recidivism rates for conflicted offenders increase them for career-oriented criminals:

**E. Recidivism rates of career-oriented criminals increase more with correctional supervision that is flexible and counseling-oriented than with traditional regimented programs.**

The career-oriented criminals are much closer than the conflicted offenders to what were called the "low maturity" cases in the Camp Elliott project (Grants 1959), the "nonamenables" in the PICO Project (Adams 1961) and the "I<sub>3</sub> Manipulative and I<sub>3</sub> Conformist Cultural" in the Community Treatment Program (Warren 1967). The latter two categories are combined and labeled "Power Oriented" in that program's more recent reports (e.g., Palmer 1974). All these types, in the controlled experiments cited, had higher recidivism rates with special staff oriented to personal rapport, counseling, and diffuse individual assistance than in the usual correctional institution and parole programs. Similarly, in the Massachusetts quasi-experiment (Carney 1969), penitentiary inmates under 34 years old with six or more prior arrests—thus those most approximating the career criminal type of "State raised youth"—who participated in 25 or more

weeks of psychotherapy, had higher recidivism rates than those of this age and arrest record who did not receive psychotherapy.

This counterproductivity of policies with career-oriented criminals that reduced recidivism with conflicted offenders may be explainable by the fact that career criminals have developed favorable conceptions of themselves and prestige with their peers primarily by frustrating authority figures. The people who seemed most career-oriented, in the various research projects cited, were predominantly the failures of prior correctional efforts. Yet, though traditional correction methods proved more effective than rapport and counseling-oriented methods with them, it does not follow that they are markedly deterred by traditional penal programs.

The next proposition deals with methods that may be helpful for many offenders, but will make the greatest difference for career-oriented criminals, and may thus make them gradually become conflicted and ultimately distinctly noncriminal. This proposition is the simple summary of behavior modification principles:

**F. The recidivism rates of career-oriented criminals become lower if they are given programs that emphasize tangible rewards (e.g., pay or privileges) for significant achievements in the pursuit of legitimate alternatives to crime (e.g., earning academic credits or mastering usable vocational skills) than if they are given programs emphasizing counseling or psychotherapy.**

For positive reinforcement from legitimate employment, most career-oriented criminals must first increase their academic and vocational education. Although they have often been "big shots" in delinquent activities, they qualify only for the most menial unskilled jobs. School has frequently been a humiliating experience for them except when they could manipulate school authorities and evade academic requirements. Programmed education and token economies, by providing tangible rewards for each feasible increment of learning, have demonstrated repeatedly that the academic and vocational skills of offenders can be much improved. This is verified in experiments and quasi-experiments in institutions and in the community (Cohen and Fillipczak 1971, Odeli 1974). Furthermore, in the few cases where it has been researched, appreciable increments in education, such as procurement of diplomas and licenses rather than merely nominal school attendance, are associated with less recidivism (Glaser 1969, pp. 186-190).

Propositions E and F do not imply that a traditional large and regimented institution is optimum for career-oriented criminals. Such an institution isolates them with criminally oriented peers more exclusively than ever. Successful academic and vocational studies can be completed in smaller facilities, and for juveniles, even privately operated State-supported homes (Bakal 1973, ch. 14), especially with

programmed instruction. In small facilities, staff can supplement tangible rewards by more personal influence. This impact on career-oriented delinquents requires instructional and supervisory personnel not readily conned, but also not hostile and unjust, as Goldenberg (1971) and others have demonstrated, both in institutions and in the community.

As career-oriented criminals acquire new types of gratification from legitimate pursuits and are assisted by firm but fair staff whom they cannot successfully manipulate, personal rapport often develops between them and staff. This occurs particularly with work supervision personnel, rather than with professional counselors (Glaser 1969, pp. 90-94). Inmates thus change from career-oriented offenders to conflicted ones and may eventually become clearly anti-crime in orientation. Nevertheless, such perspectives and legitimate vocational skills acquired in an institution often do not suffice to prepare a prisoner who had long been committed to crime for the social expectations of work and leisure in conventional circles of the outside community in which he or she often has little experience. This leads us to a further proposition:

**G. The more the social relationships, roles and rights of law-abiding citizens in the free community are accessible to incarcerated offenders, the less criminalizing the confinement experience will be for conflicted offenders, and the more rehabilitative it can be for career-oriented criminals.**

Traditional confinement separates conflicted offenders from the anticriminal persons in the community to whom they retain attachment. It places them more exclusively with career criminals than they were on the outside. Incarceration, by separating prisoners from the conventional world, is likely to impair whatever contacts, ease, and ability they had in anticriminal social circles. Accordingly, whenever institutionalization of certain offenders is deemed essential, a major effort to foster their maintenance or expansion of legitimate relationships and responsibilities in the free community should often reduce their recidivism rates. In addition, these rates should be reduced if their ability to behave appropriately in conventional organizations is enhanced while they are confined.

These objectives represent implementation of the first guideline in this chapter to not set apart from the community any more than is necessary even the career-oriented predators; many strategies are available to further this goal. Measures to make prison life more like the outside world in the type of behavior it rewards are especially important with selection of most of the conflicted offenders for probation; as a result of this practice, prison inmates consist more exclusively than ever of career-oriented criminals, and they are the ones most in need of experience with tangible rewards for legitimate pursuits.

The two following strategies are especially important applications of proposition G:

1. *Maximize visiting of prisoners by outside persons of probable rehabilitative influence.* A first step in this direction is to close first or use least those institutions most remote from the communities from which the inmates come and to which they are likely to return and to establish any new confinement facilities as small units in or near these communities. In addition, providing comfortable accommodations for visitors would often help to attract them.

The problem of facilitating visits, correspondence and other communication with the outside world varies greatly from one correctional institution to the next, and even from one prisoner to the other. At jails there often is not even comfortable seating and a convenient time schedule for visitors, deficiencies that generally can be corrected. When inmates are long confined in any kind of correctional facility, two-way correspondence, collect telephone calls or even occasional prepaid calls are justifiable to the maximum extent compatible with costs. Experience in the Federal prison system and elsewhere is increasingly demonstrating that controls over the choice of persons with whom communication occurs can be minimal, limited primarily to excluding some known criminals, and censorship is rarely warranted (although an official record of correspondents and telephone numbers contacted may be justifiable as a precaution against the possible subsequent need to investigate crime or escape activity). To preserve family ties, the maintenance of contact between spouses and between parents and children is crucial.

Mississippi prison farms for half a century have had provisions for a few hours of private conjugal visitation by a prisoner with his wife (and, according to Hopper 1969, formerly for visits of unmarried prisoners with girl friends or prostitutes). Sexual intimacy of inmates with their visiting spouses was not condoned in other correctional institutions of the United States (although prevalent throughout Latin America and many other parts of the world) until the initiation of visiting by entire families at the Tehachapi prison in California in 1968. Such family visiting for up to several days was extended to all other California prisons in the next few years, each providing motel or hotel-like accommodations for this purpose. When well managed, these visitation arrangements not only were custodially safe but also were associated with higher inmate morale and lower recidivism rates (Holt and Miller 1972).

Apart from family visiting, participation of approved outsiders in education, hobbies, sports, religion, public service, or purely social activities has grown in many American jails, youth correctional institutions, and prisons. With the coming growth in the United States population of retirement age (indicated in table 3.5 of chapter

3), people available as voluntary visitors should increase. Budgeting staff positions purely for promoting, coordinating, and supervising such visiting should be a most profitable correctional plan, since any capable person in such a position at a well-located institution should be able to recruit free services worth several times his salary. In this connection, the recruitment of visitors who are culturally and ethnically similar in background to the inmates may enhance rapport of visitors with them and increase the prospects that inmate contacts with outsiders while in prison will facilitate their involvement with legitimate outside organizations and individuals after their release.

2. *Maximize participation of prisoners in the management of their own affairs and simulate outside legitimate responsibilities for them as much as possible while they are incarcerated.* As chapter 4 indicated, adolescent offenders tend to be unsuccessful in legitimate occupations in large part because of a cumulative incompetence due to their early alienation from school. They are rendered more incompetent if confined in a correctional institution where they cannot engage in formal open group activities and receive guidance in them. The traditional institution that is fair though firm adapts the offender to a formal organization, but one which is closed in the sense that he has little participation in its decisions; at best, such institutional life increases an inmate's ability to perform successfully in many types of authorization organizations, such as the Armed Forces (except that a criminal record renders a person ineligible for military service). At the same time, however, the typical correction facility reduces, more than life on the outside ever does, the offender's control over the organization of his own activities—when he awakens and when he goes to bed, when and what he eats, with whom he associates, and how he budgets his expenditures. Nor does it prepare him well for resolution of differences with peers without resort to force or threat of force, or for any participation in formally organized group decisionmaking.

Many correctional institutions have demonstrated the practicality of a variety of steps to overcome the previously mentioned deficiencies. Eliminating large dormitories, especially for juveniles and youthful offenders, and for unsentenced prisoners in jails, would tremendously reduce the extent that the confined offender's life is dominated by the most aggressive individuals and cliques with whom he or she is involuntarily congregated. Nevertheless, the provision of separate rooms to which the residents carry their own keys, and where they have their own alarm clocks and are alone responsible for getting to work and to meals, has been initiated primarily at institutions for adults. Although such programs are most easily managed by staff if provided only for adults, the refuge from group pressure and the self-management opportunities they provide are much more important for the rehabilitation of young than for older offenders, as the young are least experienced at self-management. As an

intermediate but less significant measure, subdividing large dormitories into small units would reduce the architectural necessity of regimentation and the denial of self-management experience to residents, in addition to increasing prospects of personal relationships the young are least experienced at self-management. As an intermediate but less significant measure, subdividing large dormitories into small units would reduce the architectural necessity of regimentation and the denial of self-management experience to residents, in addition to increasing prospects of personal relationships between staff and inmates.

Token economy systems of reward for study and work, either simulating or actually involving legal tender, are a major contribution to the inmate's experience at management of his time and effort to determine his rewards. At many progressive juvenile and youth institutions, such as those of Connecticut and of the Federal Government, the inmates not only greatly determine their earnings by their efforts but also have considerable choice in the expenditure of these earnings for variations in food, clothing, housing, recreation, and other components of their standard of living.

Before the thirties in the United States, and in many other countries still today, prisons employed their inmates at regular jobs in factories and shops within the walls or in the adjacent community. Usually, however, the prisoners were underpaid or not paid at all, and driven brutally at their toil. Such employment has largely disappeared in American prisons since Federal law in the thirties banned interstate commerce in prison-made goods, a response to pressures from labor unions and businesses seeking to reduce the high unemployment of nonprisoners during the depression. The Federal prisons and some State facilities simulate outside work conditions for a minority of prisoners in manufacturing goods for State use or intrastate sales and in service and maintenance jobs, but the monetary incentives, work regulation, and skill-training provided at most jobs for institution inmates are much inferior to those of the outside community. Sweden and a few other countries are demonstrating, however, that it is possible to have private and government employment of prisoners under prevailing wages and working conditions and even with union organization of the workers. The inmates then pay room, board, and other fees, thus saving money for the State while preparing themselves for self-support and self-management after release. Any rational strategic criminal justice planning should be oriented to achieving change in these directions, in whatever sequence of specific steps is most feasible.

Even the best systems of linking rewards to personal management are deficient if the rules for rewards and costs are determined exclusively by those in authority. Participation of institution residents in their own collective regulation—including formal

legislation of rules, adjudication of disputes, and even budgeting of institution funds—has had a long but sporadic history in the United States (cf., Glaser 1969, ch. 9). Although such practices can be abused by manipulative inmates, they are perhaps most often subverted by domineering staff more interested in simplifying their work through exercising arbitrary authority than in expanding the capacities of prisoners for orderly participation in a society of complex formal organization. Inmates gain useful experience if they have maximum possible participatory democracy with staff in planning and administering within legal and security limits, food and recreation budgets, and other matters, including disciplinary regulation. Also, organization of residents with similar legitimate interests into democratic clubs, preferably federated with outside groups that share their interests, is much better preparation for a civilized society than today's frequent organization of inmate activities exclusively by strong-arm pressure cliques. Extreme segregation of prisoners by age probably contributes to the strength of such cliques and impedes transition from adolescent to adult orientations.

Expansion of visiting to permit heterosexual intimacies of married inmates has already been discussed, but many of the community difficulties of prisoners, especially youthful ones, were related to pursuit of sex outside of marriage. Furthermore, the greatest self-regulation of human behavior in all respects—language, dress, manners, play, and work—seems to occur in social settings where both sexes participate. Therefore, the traditional operation of correctional institutions as purely one-sex communities impedes the ability of residents to conduct themselves successfully in a heterosexual outside world and fosters extreme homosexual pressures during confinement.

Mississippi's State institutions for juveniles and those of some Southern counties desegregated sexually decades before those in the rest of the United States did (and long before they desegregated racially); for the rest of the country, the Federal correctional facilities for youth and adults and the juvenile institutions in Connecticut and a few other locales finally reversed sexual separation traditions in the early seventies. They retain separate housing of the sexes, but no separation for dining, classes, jobs, and recreation.

Coeducational training schools and prisons quickly produced great improvements in the behavior of many of their residents, of both sexes, despite some problems in the regulation of public expressions of heterosexual affection, problems comparable to those that colleges and businesses often have. Apparently coeducational institutions not only prepare their residents better for heterosexual relationships when released, but also encourage settlement of differences among inmates of the same sex verbally rather than by violence. These effects were reported by staff to be quickly evident when Federal prisoners from

one-sex prisons, including riot leaders from a women's prison, were transferred to the newly coeducational Federal Correctional Institution at Fort Worth in 1972. While rivalries between prisoners in a coeducational institution may develop when they love the same person of the opposite sex, these rivalries replace, and are less violent and unconventional than, the more traditional sources of conflict among prison inmates, including those associated with homosexuality.

The ultimate in preparation for release from a prison, of course, is actual experience in the free community. This leads to an additional formal proposition as a planning guideline:

**H. Procedures for graduating release (e.g., residence in community correctional centers, furloughs, or work release) improve both the diagnostic and the rehabilitative potential of a correctional system whenever there is doubt about a prisoner's ability to achieve a law-abiding lifestyle in the free community, and whenever these procedures facilitate the prisoner's search for postrelease residence and employment.**

Parole boards often proclaim a policy of releasing prisoners only when they are presumed rehabilitated, but the free community provides the only rigorous test of an inmate's ability to earn an income and gratify other desires in postrelease life without law violation, and it is also the best place to learn these abilities. By graduating the release process through furloughs, work release, school release, and halfway houses, a correctional system permits its prisoners to cope with postrelease adjustment problems on a piecemeal basis instead of being abruptly overwhelmed by them in outright release under parole or discharge. The releasees can learn how to deal with job problems while not also struggling with readjustment to family life, for example. Graduated release also permits assistance to be more readily available if needed and provides officials with more immediate evidence of a releasee's difficulties, or even return to crime, than is usually procured when release from uninterrupted incarceration occurs abruptly. For long-confined prisoners lacking close friends or kin, the halfway houses are a major "decompression device" to facilitate gradual familiarization with the outside world.

In many respects, halfway houses operated by a correctional institution staff, to which inmates are transferred while still legally prisoners, are preferable to those in which releasees are required to stay as a special condition of their parole, or those privately operated for unusually handicapped releasees. Because the latter two types tend to concentrate problem cases, their residents have little contact with successful releasees. Also, the special parole requirement to reside there, that is not imposed on other parolees, creates resentment. On the other hand, while transfer to a halfway house is welcomed by a prisoner as a reduction of his confinement, such transfer may lose much of its rehabilitative and diagnostic potential if the house is

administered in a highly regimented and authoritarian manner, as though it were a prison.

In the Federal prison system the recidivist auto thief has been the category of youthful inmate not only with the highest parole violation rates but with the greatest reduction in these rates if released from a halfway house rather than from a youth prison (Hall et al. 1966). By the end of their 3-month stay in a halfway house they often have failed at several jobs in the community, but by that time they usually are somewhat successful at other jobs, and these months frequently provided the longest and best employment experience they have ever had at an adult-type job.

In relatively intensive community correctional programs, such as work release and halfway houses, the State-raised youth or career-oriented criminal may be a greater problem to management than other types. The Federal youth parole data and the Goldenberg study provide clues, however, that if these are small unit operations with sound and humane behavioral modification and management policies, they may make a greater reduction in recidivism rates for the difficult career-oriented criminal cases than for any other clientele.

Another proposition on reduction of recidivism, applicable to all branches of the criminal justice system, is the commonsense assumption that:

**I. Commitment to criminality is increased if offenders perceive their treatment by a criminal justice agency as unjust and is diminished if they view their treatment as just.**

Although it seems reasonable to assert that a sense of injustice provides rationalization or even strong motivation for committing crime, such a proposition is not easily tested because of the near universality of a sense of injustice among offenders. As suggested earlier, citing Matza (1964) and Mathiesen (1965), offenders almost always seem to collect injustices and become censorious toward the criminal justice system as a normal defense against the strain of viewing themselves as guilty and to offset stigmatization by others. Indeed, Blumberg (1967, p. 90), from interviewing a random sample of 724 defendants in a metropolitan court after they pleaded guilty, reports:

52 percent claimed clear innocence, but said they pleaded guilty because of expediency, pressure, etc.; 34 percent neither pressed a claim of innocence nor admitted guilt when asserting that they pleaded guilty because of expediency or pressure; 13 percent admitted guilt; and 1 percent refused to respond.

In addition, most of those who admitted their guilt of the crime as charged still claimed that their sentence or some other aspect of their treatment by the court was unjust.

Despite these findings, it is possible to conduct much criminal justice processing in a manner that minimizes the client's sense of injustice. Indeed, there are means of maximizing a sense of fair treatment in the accused and even to foster their assumption of responsibility for offenses that clearly victimize others. Supreme Court and other judicial review of the past 15 years has encouraged correction of many abuses in criminal justice procedure. Nevertheless, the following five strategies highly relevant to proposition I merit special consideration:

1. *Expand and improve communication among all parties in the negotiation of discretionary police, court, and correctional decisions, to maximize mutual understanding of the purpose of any stipulations, concessions, or arrangements; emphasize modification of criminal behavior and increase of successful experience in alternatives to crime as primary purposes.* Our legal system is described in its statutes and portrayed on television as though it always used formal trial procedures but, as indicated earlier in this chapter, most criminal justice cases are to some extent negotiated informally, in and out of court (cf., Reiss 1974). Such negotiation is a consequence of the considerable discretion that officials are not only permitted but are actually encouraged to exercise in the interest of expediency for all parties, but also to reduce recidivism, as suggested in propositions A and D.

Discretionary justice seems antirehabilitative when the reasons for decisions are vague to any of the parties involved, when decisions grossly neglect rehabilitative and societal protection interests, or when the severity of penalties markedly exceeds norms on what is appropriate to the offense. Rehabilitative concerns are at least introduced if it is clear to all parties that reduction of penalties is contingent on there being no further serious crime by the accused and, ideally, on a change being made in conditions which the offender and officials agree were conducive to his or her crime. It is important that the absence of a penalty not be perceived by the accused as evidence of ability to "beat the rap," or an encouragement to do so, although this impression may sometimes be difficult to avoid with a shrewdly manipulative criminal. It is also important that penalties do not grossly exceed in severity the customary punishment for the offense or the damage the offense does to others. This consideration suggests a second objective:

2. *Incorporate in all penalties, if possible, the principle of restitution for damage done by the offense.* As discussed in chapter 2, since predations are crimes that grew out of torts, they clearly involve damage to some victim, and there is cumulatively increasing consensus in society that they should be penalized. But neither such consensus nor damage to others is readily apparent in many

nonpredatory offenses, the so-called victimless crimes. As indicated earlier, however, most predators seem to regard their type of crime, if not their own personally-rationalized illegal acts, as aberrant behavior that they would not want others to do to them; they would not want themselves or their friends to be victims of their type of offense. Yet in most cases no compensation is procured for harm done to person or property by a predator. Unless the police find what can be proven to be the specific property taken, the victim must institute a civil suit against the criminal to regain the value of money or goods lost, and the apprehended offender usually does not have the resources to make restitution, or the legal costs of collecting make the endeavor not worthwhile. The only exception occurs when the court, as a condition of probation, requires that the offender pay restitution of damages to the victim.

An obligation to make restitution for predation focuses the offender's attention on the damage his or her crimes have done. There can be less question or controversy about the justice of such penalties than about any other type of court sentence. Accordingly, if feasible, it is often appropriate to have as a condition of probation the payment or restitution for loss or damage inflicted. If such payment by the offender is not feasible, however, the justice of a penalty may still be highlighted if some requirement of restitutive activity is part of a sentence for predations, both in probation and even in prison. Thus offenders who cannot repay stolen money in full or restore damage they inflicted on persons or property might undertake such restitutive conduct as providing unpaid service to a public cause, preferably related to the interests of victims of crimes or other mishaps. (In addition, as a separate matter of course, a growing number of States provide State compensation to victims of violent crime if payment by the offender or by insurance is not available.) In conformity with the first strategy listed in this sequence, agreements on appropriate and feasible restitutive activity should be discussed and to some extent negotiated with the offender in terms that clarify the fairness and justice of a restitution requirement.

It has been argued by many psychologists and psychiatrists in recent decades that such restitutive good works, preferably unpublicized, are a major requirement for a favorable self-conception as noncriminal and for good mental health (cf., Mowrer 1964). It is clear that much more imaginative sentencing and parole conditions could somewhat counter the tendency of predatory offenders to evade a sense of responsibility for damages they have inflicted, and it seems reasonable to infer that such restitutive penalties would be rehabilitative. For the determination of such penalties, however, an additional strategy is proposed.

3. *Augment or replace judicial sentencing with local or regional sentencing boards.* It is perhaps not too visionary to question the wisdom of having the judge who determines guilt—or any judge, for that matter—determine sentences. Nothing in the training that judges receive prepares them for wise sentencing; they are only trained to weigh the evidence of guilt and to assess the legality of proceedings and of the sentence. This accounts for the tremendous disparity in sentencing policy from one judge to another in many courts. In addition, they often are so preoccupied with the tasks of determining guilt and assuring proper procedure in overcrowded courts, that they do not have much time for the study of sentencing policies. Although many resolve this problem by relying heavily on the advice of their probation officers, these functionaries often prefer to avoid the administrative chores of supervising restitution or other such probation conditions, and this frequently is a factor in their rather unimaginative recommendations. In the typical probation office, job relationships foster assigning first priority to preparation of presentence reports rather than to supervision and assistance tasks (cf., Glaser 1969, pp. 299-303; Wallace 1974).

Strategic planners might usefully propose experimentation with local sentencing boards comprised of persons representing diverse relevant points of view, for example, behavioral sciences, law, and the general public's interest. Such boards might do a much more thoughtful job of sentencing, in which they would specialize, than judges now perform as an adjunct to their other duties. These boards should be provided with staff to conduct investigations of the implementation of restitutive sentences and to do research on the correlates of the alternative types of sentences with recidivism by particular types of offender. On the basis of such information, the board might periodically review sentencing policies and particular sentences. Sentencing practices now are rarely reviewed by courts in a systematic manner, and when outsiders review sentencing practices in multijudge courts the findings regularly reveal shocking disparities (e.g., Greenwood *et al.* 1973). Such a local sentencing board would specialize in dealing with the conflicted predatory offenders it regards as not meriting long terms of incarceration, if any; modification of longer prison sentences would remain a function of parole boards, which will be discussed shortly.

The question of penalties for nonpredatory offenses is considered in chapter 7. As already indicated, an important aspect of imposing restitution requirements is discussion with the offender of the reasons for expecting restitutive acts and endeavoring to reach some consensus on a penalty appropriate for damages done by the crime. This leads to another innovation in sentencing procedure and our fourth strategy under proposition I:

4. *Endeavor to make court sentences and parole board rulings mutual agreement contracts rather than arbitrary and unexplained orders.* Formerly, the final decision on what duration of imprisonment would be most appropriate for someone convicted of a felony was made exclusively by the judge, shortly after determination of guilt. The fact that it is impossible to know the safest release date years in advance was one of several arguments for the introduction of indeterminate sentencing. Under the latter type of penalty determination, statutes and the courts may fix minimum and maximum confinement durations, but there usually is a wide gap between these two periods (e.g., 1 to 20 years), and a parole board decides on the exact date of release. (A so-called definite sentence of a fixed number of years is here regarded as indeterminate if, in fact, a parole board can order release of the prisoner after only a fraction of this period has been served.) The parole board is presumed to be able to make its decisions on the basis of more information about the offender than is available to a judge at the time of sentencing. The board is also expected to rule in a more deliberate and less arbitrary manner than the judge, since the board's decision is reached after the passions of the trial have subsided.

Although parole boards probably produce less disparity of penalties than occurs when each judge has wide latitude in sentencing, there has been much complaint in recent years about the arbitrariness of parole decisions. Currently unpublished studies by Professor Joseph E. Scott of Ohio State University confirm the impression of numerous observers that many boards make most of their rulings after only a few minutes of deliberation on each case and that the decisions reflect stereotypes and questionable principles. Inmates complain about the years of confinement prolongation that boards often impose because of nonfelonious violations of prison rules and without fair trial procedures in the rule violation determinations. Also, until new procedures were pioneered in Minnesota and Iowa during the sixties, parole boards seldom made a systematic effort to explain to inmates the reasons for decisions to deny or defer parole. Finally, the fact that an indeterminate sentence imposes continual uncertainty about length of confinement has been protested as an inhumane psychological strain on prisoners.

One major innovation to correct these complaints about parole boards is the parole contract, experimentally introduced in Minnesota early in the seventies, and soon thereafter followed in about a dozen other States, in three as a controlled experiment administered by the American Correctional Association. Under these programs, after the inmate's initial testing and investigation, a conference is held with him to try to reach mutual agreement as to what changes in his abilities, habits, and relationships might facilitate his avoiding

further crime. A contract then is prepared in which the parole board promises that the inmate will be released on parole with stipulated parole conditions on a particular date, if he performs a set of specific activities. The following examples of inmate commitments, paraphrased from Minnesota contracts, may be of interest, although there can be disagreement on the merits of some of them:

I will raise my academic level to that of a high school graduate by enrolling in high school in December 1971, and graduating in June 1972.

To reduce the number of my vocational areas of interest from seven to those three in which successful employment seems best indicated, I will undergo testing and evaluation by the State Division of Vocational Rehabilitation.

To develop and demonstrate persistence, I will enroll in the welding school and complete this course with a satisfactory certificate of completion beginning 1-2-72 and ending 6-30-72.

I will develop the ability to accept criticism by actively participating in the Gavel Club with 85 percent attendance from January 1972 to June 1973.

To develop positive social relationships and civic responsibility, I will immediately enroll in AA. I will actively participate in AA activities as evidenced by 80 percent attendance at general meetings and 90 percent attendance at squad meetings. I will assume a leadership role as a chapter officer or squad leader. Goal attainment will be considered successful when I complete the 5th step of the 12 step program to sobriety.

A condition of parole will be continued active participation in an AA chapter.

I will demonstrate a moral responsibility for restitution by paying at least 1 day's wages per month to an agreed-upon helping agency in my community or perform at least 10 hours per month of voluntary service for such an agency.

These contracts may be renegotiated at the initiative of either the board, the institution officials or the inmate, but otherwise they are binding on all parties. The extension of the contract principle not just to adult parole, but also to probation and to juvenile parole, has already begun. They should alleviate much of the sense of injustice and helplessness with which offenders view the restrictions imposed upon them and should motivate much educational and restitutive activity presumed to increase their stake in conformity. There may still be complaints about wrongs done to clients by correctional agencies, however, and for these an additional remedy will now be suggested.

5. *Establish independent agencies, preferably of ombudsman type, to investigate complaints and seek remedies for those that are warranted.* Those who labor long to have correctional reforms adopted and rehabilitative services provided frequently find that officials soon fail to carry out promised reforms, allow services for inmates to deteriorate, or administer them callously and unjustly, since doing so brings no negative sanctions to them, saves them work, and augments their authority. Although, as previously mentioned, those who are convicted of crimes tend to be censorious toward authorities and collect injustices to assuage their own guilt, it is also true that criminal justice functionaries who have much power frequently abuse it. The sense of powerlessness to obtain redress of injustice or to challenge official interpretations of their rights is often extremely demoralizing to offenders and impedes efforts to assist them.

The ombudsman concept originated in early 19th century Sweden and Finland (then one country), and finally spread in the second half of the 20th century to Norway, Denmark, and New Zealand. Analogous offices with other titles exist in several European countries, and they gradually are being established in many levels of government in the United States. It is a nonpartisan position, appointed by the legislature for a term of several years, with staff to receive and investigate complaints from citizens about a given component or set of units of the executive branch of government. The ombudsman office has no explicit authority over other agencies but derives great influence from the fact that it can make direct inquiries on any matter without formal procedures and is expected to seek remedies for any problem it encounters by going up the hierarchical ladder of government as far as proves necessary. All officials are expected to cooperate with it, and no person is authorized to impede or censor communications to it, even if these come from a prison inmate or a patient of a mental hospital. In practice it has procured rapid solutions for a tremendous variety of predominantly small problems, at relatively low cost compared with the cost of more formal agencies (cf., Gellhorn 1967, Anderson 1968).

Another pioneering step by the Minnesota Department of Corrections, in addition to the parole contract, has been creation of an ombudsman office to receive and act upon complaints about the department. Several other jurisdictions have since adopted or are considering adoption of this type of solution to the problem of a sense of injustice among correctional clientele. Among noteworthy achievements of the Minnesota ombudsman in its initial experience has been compensation to each prisoner for property destroyed in rough shakedowns of their quarters by prison staff, financial accounting to inmates of the Inmate Welfare Fund from profits of the commissary they patronize, appointment of a chairman of the State prison's disciplinary court who is not an employee of the prison,

clarification of policies and creation of appeals procedure in prison discipline, and formulation—in consultation with inmates and officials—of a statement of prisoners' rights. These do not exhaust the accomplishments of this office, but they suggest its potential salutary functions in creating a sense of justice in prisoners and the elevation of their sense of a stake in conformity.

Another proposition might now be considered, primarily for offenders who, having become conflicted in their pursuit of crime, try to terminate their illegal activities but become discouraged by their repeated failure to get or to hold a job, or to refrain from behavior that pressures them to return to crime. Such persons include adolescents and youths who have never experienced much success at either legitimate or illegitimate pursuits, and chronic alcoholic or addicted criminals, who have had repeated cycles of abstinence or moderation followed by relapses to the point where they must resume crime in order to purchase the means of satisfying their cravings. A general proposition applicable to these offenders, especially when they are in community correctional programs, is:

**J. The rehabilitation of those who have had repeated failure and discouragement in their efforts to achieve a noncriminal life will in most cases be especially facilitated by persons once involved in a similar criminal behavior pattern who have successfully made the transition to a noncriminal lifestyle.**

This proposition refers to the potential function of ex-offenders in aiding persons similar to them in background and experience. An important aspect of this approach to combating recidivism is that the ex-offenders not only help others but thereby reinforce their own commitment to refraining from further offenses.

The pioneer model for overcoming a behavior problem through mutual aid by its victims is Alcoholics Anonymous. Their methods have been copied, with diverse variations, by numerous ex-addict organizations, such as Synanon, as well as by associations of ex-gamblers, ex-child abusers, and many analogous groups. They will be discussed further in chapter 7. Government agencies in the criminal justice system have adopted this approach to recidivism prevention by employing ex-delinquents and ex-criminals as part of their staffs, often calling them paraprofessionals and giving them civil service titles, such as casework aide or community worker.

Evidence on the effectiveness of these personnel has not been consistent. Many factors apparently are responsible for their variable impact. Often these programs share, as a first step, a preoccupation with getting the offenders to accept the idea that they deserve the derogatory labels given them by more conventional persons. Thus Alcoholics Anonymous members are urged to admit that they are different from other people in being alcoholics; the members of

ex-addict organizations call each other "dope fiends," and the emphasis in offender self-help groups is on breaking down the rationalizations and ego defenses acquired by career-oriented criminals.

It is presumed that the task of breaking down rationalizations and manipulations of offenders is performed most effectively by ex-offenders, since they are familiar with these defenses from having behaved in the same way themselves. Yet those who come purely voluntarily for assistance already are conflicted about their illegal or addictive behavior and may not be so defensive, while those who come only as a condition of an indeterminate correctional sentence participate insincerely and can often manipulate even the paraprofessional staff. In any case, unless these programs result not just in verbal exercises, but in an enduring gratification from conventional behavior in the free community, they cannot compensate for the sources of pride in self that they break down.

The initial rewards from participation in these programs are primarily social and symbolic, such as pride in belonging to a group that claims distinction in being ex-offenders and deriding those who have not changed. Ex-offender groups thus convert what was a deviant label to one that is conventionalizing (Warren 1974), and those who are active in these groups have a sense of achievement from helping others make this transition. Not all persons who terminate a type of problem behavior, however, can procure steady employment as full-time paraprofessionals helping others who have their former behavior problem. Furthermore, those who are skilled at converting others to think of themselves as no longer deviant in character and as not barred from conventional roles frequently lack resources or skills for moving their converts into conventional occupations and social circles.

Because of their limited successful experience in other legitimate roles, paraprofessionals may often have more long-run impact on most offenders if they operate not as a group apart from other staff, but rather in a close-knit team with an equal or greater proportion of staff and volunteers from more conventional backgrounds. For example, although ex-addicts long employed as paraprofessionals in treatment centers become extremely skilled at advising addicts on adaptation to life at the center, they are often as the blind leading the blind in assisting transition to other types of legitimate occupational and social roles with which neither they nor their clients have much experience.

Criminal justice agencies should plan for a mixture of personnel that work together well in small units. This mixture should include staff, such as paraprofessionals, who are optimum for the conversion of discouraged offenders to a desire for change and a belief in its possibility but should also include those who are skilled at facilitating

movement of offenders into conventional employment, education, and social life. The latter tasks call for people with extensive experience, contacts, and training in the conventional world who are able to work in close rapport with paraprofessionals or others of a different background, perhaps thereby helping the paraprofessionals become familiar with other social worlds and other jobs.

Such a diversity of employees, working in teams, is also desirable to maximize the availability of assistance for clients who seek aid when in stress, since different kinds of staff will have different types of problem-solving abilities, as well as differences in the types of client with whom they readily gain rapport. As demonstrated in the Connecticut State correctional facilities for juvenile offenders, an ideal staff unit consists of a small group of people, of both sexes, who contrast in age and education, yet coordinate their activities well. A team of such people should be assigned a common clientele group or caseload, shared in whole or in part, and small enough so that each can know every client personally. Each employee can thus not only learn from the other employees but, if necessary in crises, each can do some work for the other. Such casework teams, in both institutional and community corrections and often in police juvenile units, seem to approximate the ideal organizational arrangement for aiding in the transition of offenders to a noncriminal life.

A special advantage in use of paraprofessionals as part of mixed personnel teams instead of in units that segregate them is that this facilitates their own social and occupational shift. They should be encouraged and aided in gaining the education or experience necessary to move from purely paraprofessional to professional or other types of employment, if they wish. This will not only prevent their job from being a blind alley, but it also will make them outstandingly skilled in working with new paraprofessionals if this is what they wish and, in any case, it will create more opportunities for new converts to become paraprofessionals.

### Preventing Recurrence of Adolescent Crime Patterns in Adulthood

The proportion of released prisoners who are reincarcerated seems to vary greatly from one State to another within the United States, and from one type of prison to another, according to the grossly inadequate followup research thus far conducted. The range of return rates is apparently from about one-third to two-thirds, being higher for institutions with young offenders, in jurisdictions where probation is used extensively (hence only poorer risks go to prison), and in areas where the community crime rates are high (cf., Glaser 1969, ch. 2; Glaser 1973, pp. 177-178). (These conclusions could readily be made

more precise by an FBI study from its fingerprint records, or even from such studies by the criminal statistics agencies of large States.) Apparently the rate of recidivism is highest in the first year after release, then tapers off from year to year thereafter. Inferences from interviews with reincarcerated Federal prison releasees suggest that 90 to 95 percent of them were at first oriented to getting a job and becoming self-sufficient without resorting to crime; only 5 or 10 percent revert to crime immediately upon release (Glaser 1969, pp. 54-58).

The longer a releasee pursues legitimate endeavors successfully, the greater is the probability that recidivism will not recur. Those who eventually revert to crime, however, whether sooner or later after release, often seem to do so in a manner that suggests their earlier adolescent behavior patterns, even when their recidivism occurs after what had appeared to be a period of stability in a clearly adult role. Adolescent-like patterns also are characteristic in many late initiations of careers in ordinary types of crime, particularly in such diverse offenses as armed robbery and embezzlement by adults without prior criminal records.

Recidivism of parolees by recapitulation of adolescence has been described (Glaser 1969, pp. 331-333) as a rather impulsive and emotional striking out against renewed childlike dependence on or domination by parents, spouses, other kin or authority figures; the parolees seemed to repeat the attitudes and behavior that characterized their relationship to their parents during adolescence. The recurrence of adolescent offense patterns seems especially evident during the first year out of prison, when about half the releasees must initially depend on their families for room and board. Many are then subjected to moral posturing and unwelcome advice by those who support them. Although there is a sincere welcome and mutual affection immediately upon their return—absence makes the heart grow fonder—prior tensions are often renewed. Even when releasees are economically self-supporting immediately, the family home is at first where they wish to be and the only place where they feel at home among "straight" people. Any history during their adolescence of conflict between them and other members of their households, however, tends soon to repeat itself, so that they do not long feel at home there and seek more congenial company elsewhere, often among those with whom they previously committed crimes.

A common precipitant of offenses and of recidivism that involves a recurrence of adolescent patterns even in adulthood, is "high rolling" (Lewis and Glaser 1974). This consists of the expenditure of large sums of money all in one spree, carried on in a manner intended to impress others with his or her affluence by suggesting that this is the spender's customary behavior, when actually it may involve spending

in one day or evening all the earnings of a week or more. Frequently, for men, the expenditure is on some combination of gambling, drink, drugs, and efforts to impress a woman, often at clip joints and strip clubs—bars with women paid to create an illusion of sexual intimacy with male customers while urging them to spend money lavishly (cf., Boles and Garbin 1974). Sometimes it is a spree of excessive altruism, of helping others beyond one's means in order, apparently, to purchase friendship, occasionally with pseudofriends who exploit such generosity.

High rolling seems to be a fatalistic "don't give a damn" type of gesture that suggests the existence of deep-seated and acute alienation and frustration. When this behavior pattern leads to crime, even by those who have ostensibly achieved a noncriminal life, it usually reflects some major disruption or profound dissatisfaction in a vital component of life, such as employment or marriage, or the loneliness of newly isolated persons. As already indicated, other forms of crime recurrence express stresses that develop from the renewal of the types of interpersonal conflict that characterized an offender's adolescence. Although stresses cannot be eliminated, their causes may be combatted and ability to cope with them may be developed by methods that can be summarized as:

**K. Preventing the recurrence of adolescent crime patterns, even during adulthood, requires measures that increase the resources of ex-offenders for coping with social, economic, and personal stress.**

Social resources develop if an individual participates in a number of different noncriminal informal social groups and diverse organizations, so that he or she has many alternative sources of good company instead of being entirely dependent upon one or a few relationships. A major advantage of a halfway house as a method of initial return to the release community is that the releasees can gradually make new acquaintances and get involved in various organizations before returning to their family homes, and they always have some companionship and recreation available at the halfway house. If they decide to reside apart from parents or kin, they can make arrangements for this before actually moving out of the halfway house, instead of being uncomfortable in the family home soon after they leave prison and departing emotionally after a family quarrel, with no satisfactory alternative arrangements or resources. The halfway house should also be available as an emergency shelter for parolees to fall back on briefly after they first leave it. Some highly prisonized individuals seem to be stable only in an institution-like setting, and benefit from continuous access to group residence during crises they may experience after parole or even discharge from their prison sentence.

Economic resources also are provided by halfway houses. They not only reduce expenses for their residents in many cases but give them time to become accustomed to handling money and anticipating expenses (especially important when they have been confined for a long time). They can provide counseling on care in purchasing and budgeting. Loan funds for releasees, expanding their eligibility for unemployment insurance, and, as already indicated, expansion of their earning and saving opportunities while incarcerated, also reduce the risk of their economic needs becoming desperate (cf., Glaser 1969, ch. 15).

Personal reserves refer to the capacity to control one's impulses when under psychological stress, so as to guide behavior with appropriate deliberation and foresight. A number of psychological training programs currently popular in the United States, such as transactional analysis and transcendental meditation, as well as the older and less inner-directed Dale Carnegie and toastmaster programs, are largely oriented to discourage emotional outbursts and to foster skill at disagreeing without quarreling. They have been introduced into many prisons, and there have been proposals to test their impact experimentally. Presumably such programs give the participants more ability to avoid further quarrels with those who seem to duplicate the patterns of parental domination against which the offenders previously rebelled. In addition to this building of personal resources, these programs often provide social resources by welcoming the releasee into the community groups preoccupied with self-improvement activities.

None of the measures described here provide guarantees against recurrence of an adolescent offense pattern, but they may reduce its probability. Our discussion, however, has not yet addressed the prevention of adolescent crime rather than the modification of adolescents known to be offenders.

## Prevention of Serious Crime by Adolescents

Although the primary responsibilities assigned to criminal justice agencies involve only reacting to offenses after they occur, the system's burden with adolescent criminals justifies its officials having a great interest in preventing crime by children and youth. Yet the major correlates of serious delinquency, as shown in chapter 4, are such variables as maladjustment in school, lack of attachment to parents, inexperience in formal open groups, and economic deprivation in slums, all of which presumably are beyond the control of the justice system. Nevertheless, it is appropriate for the components of the system to support and collaborate in any programs of agencies outside

the system that will alleviate these causes of crime. It should be noted that measures to prevent initiation of serious crime in adolescence, even when they are not completely successful, may still make the adolescent offenders that develop more conflicted about their crimes and more amenable to rehabilitative efforts than they would otherwise be.

From the implications of chapters 3 and 4, and from our discussion of reinforcement and polarization in this chapter, one can infer the following general proposition on prevention:

**L. Criminal justice agencies should support, as crime preventive, all programs and policies that foster in adolescents a continuing stake in conformity, less favorable anticipations from criminal than from non-criminal activities, positive attitudes toward the criminal justice system, and successful preparation for as well as gratifying experience in legitimate adult roles.**

This broad span of concerns implies support for a large variety of more specific programs and policies. From the discussion of causal processes in chapter 4 it seems appropriate to focus prevention efforts on schools, youth employment, family relationships, slum life, and youth group participation. Several objectives more definite than proposition L may be usefully stated, each related to a variety of particular strategies.

*Make school a less age-segregated and more gratifying, instructive, and relevant experience for all students.* As indicated in the preceding chapters, the increased differentiation of roles and organizations in modern societies makes separation of adolescents from adults more complete and longer-lasting than ever before. Since social separation produces cultural differentiation, adolescents are more prone to develop youth cultures with values in conflict with those of the adult world. The school today is more than ever the key institution in which to bridge these two cultures.

Involving neighborhood adults as volunteer or paid teaching aides, tutors, or recreational and hobby group leaders in schools, and also recruiting older students for these roles with younger students, would help reduce the age segregation of adolescent life. Compartmentalizing schools of 1,000 or more pupils into multigrade units of only a few hundred or less and having participatory democratic student government in these units would make relationships in large schools more cohesive. These student governments should be responsible not just for organization of recreational and social activities, but also for cleanliness and decoration of their segment of the school, with meaningful group rewards that are contingent on the unit's performance at building maintenance. Such student organization and function should serve several anticriminality objectives: It would unify students of diverse ages and adults in their school unit by giving them common objectives of striving for group rewards; it

would create in students a pride in the quality of the school environment that can discourage school vandalism; it would increase student experience in quasi-adult roles and formal groups. Converting schools into neighborhood recreation and educational centers, to be used in the late afternoon and evenings by people of all ages, with student and volunteer aides as previously described, would also augment the anticrime impact of these educational institutions.

Individualized programmed instruction, with tangible rewards for increments of self-improvement, have been shown to make education a much more successful and gratifying experience to those who have been handicapped or retarded in relation to their age or class level at school. Such special education techniques are especially relevant to a second objective:

*Link school more closely with employment.* Data were cited in the preceding chapter showing that delinquency rates decline markedly when employment replaces school attendance. The employed youth is in an adult rather than an adolescent role, and the rewards and responsibilities associated with a job confer a stake in conformity. Research also was cited showing that delinquency is closely related to the students' failure to perceive any relevance of the school program to their personal futures. Such findings, plus the disciplinary problems that result from forcing students to attend school when they hate it, have provoked proposals for drastic changes in American public education policies.

Increasingly voiced scholastic reform suggestions include lowering the compulsory full-time schooling age from its present 16 or 18 years in many States to perhaps 14 and increasing availability of part or full-time employment for students leaving school. Especially emphasized are combinations of employment and related schooling, with wages dependent on satisfactory performance at both. Subsidizing employers to provide jobs with training, coordination with school systems, often is cheaper than vocational education in schools alone and increases the realism of the training experience. At the same time, giving youth money or other incentives to return to school while working full or part time, or on a leave of absence from their job, can mesh with the suggestions for increasing the age mixture and the hours of school activity.

While the foregoing strategies are especially applicable to adolescents, many education and delinquency problems in this age period may be diminished by programs that begin at an earlier age, especially for the most economically deprived and familially handicapped children. The following objective, therefore, while appearing to be quite unrelated to adolescent crime, may in fact be a major step toward reducing it:

*Expand economic incentives to family cohesion and school attendance by income maintenance and free school meal programs.*

Delinquency must have been greatly fostered in America's slums by 40 years of a welfare policy which penalizes families financially if a low-income father remains in the home and thus encourages unwed motherhood. Under our program of Aid to Families with Dependent Children, families have been ineligible for aid if they had an employed father in the home, regardless of how little he might earn. This makes a father only a small asset to the family financially or none at all unless his income is appreciably above what they can obtain from welfare. Strategic criminal justice planners, to be effective in combating delinquency, should be concerned with promoting welfare programs that foster, rather than deter, ties between children and parents or other adults.

In recent years there has been a sliding scale of reduction in welfare payments for low-income mothers who work, so that all of their earnings are not subtracted from their welfare checks. They also receive allowances for work-related expenses. This conversion of welfare to a graduated negative income tax provides such mothers with incentives to accept employment, even at jobs that do not immediately pay enough to get them off welfare. During 1969-74, efforts were repeatedly made in Congress to pass legislation providing such a sliding scale of welfare payments also to families in which the father remains at home even when his income is so low or unstable that the household's potential income would be as great or greater if he left, because his departure would make them eligible for welfare payments. These legislative efforts were blocked by an unusual coalition: Conservatives opposed any increase in government welfare costs, although this might have reduced welfare rolls in the long run; and northern liberals wanted the proposed Federal contributions to families with low-income fathers to be at higher rates than the bills under consideration would have initially provided (for further details, see Burke and Burke 1974).

The food stamp and school lunch programs for poor families are a growing gesture toward income maintenance, since they are based on total family income in relation to mouths to feed. Thus they offset the penalties that the welfare system imposes on households headed by a low-paid but fully employed father. Unfortunately, these food programs not only ignore the family expenses, but their availability has fluctuated sharply in most of the country and has varied from one community to the next, even within the same State or county.

Free school lunch, or minimally, free milk and some experimental school breakfast programs, are reported to have greatly improved school attendance and performance for children from very poor families. For areas in which extreme poverty or poor nutritional habits, or both, cause many children to suffer organic brain and body deterioration, free meals have a greater preventive impact if begun at

the preschool level in daycare or nursery programs, and if included in summer school and recreation programs. Such measures should improve later school performance, hence reduce delinquency. In school districts of mixed income level, free lunch sometimes is offered only to the children of families on welfare. It can be kept from being stigmatizing to them by having all children pay for meals by ticket rather than cash; the more affluent families can be required to purchase the tickets while the others receive them free or inexpensively.

In mixed income areas, as reported in chapter 4, the school achievement and delinquency records of poor children were found to be more comparable to those of middle class than in neighborhoods predominantly poor. This suggests a fourth objective highly relevant to reduction of adolescent and other types of crime:

*Abolish segregation of poor people in slums.* This objective requires elimination of substandard and overcrowded housing but, most important, reducing as much as possible the segregation of a narrow range of income levels within any separate neighborhood or school district. Also essential are policies to prevent the conversion of public housing projects into slums. Such policies might include making the projects smaller, dispersing into all neighborhoods, including more diverse types of housing unit in each, and relaxing of ultimately low-income requirements for remaining in them. Subsidizing private rental payments of welfare families may be preferable to public housing for the poor, from this standpoint. Mandatory mixed income construction in large private housing developments, as a zoning or mortgaging requirement, is another method of preventing the extreme segregation of poor families. Taxing real estate on land value but not on improvements may be the most important strategy for combating deterioration of housing conditions.

The prevention objectives mentioned thus far do not require direct involvement of criminal justice personnel, although their support might be helpful. A final objective, however, warrants definite allocation of criminal justice manpower and other resources:

*Minimize estrangement between youth and the criminal justice system.* It is reasonable to infer that a view of police, courts, and correctional agencies as hostile or unjust enhances youths' attraction to criminal activities, or at least diminishes valuation of law observance. Involving criminal justice employees in school educational programs, and in neighborhood activities with children and adolescents, should make their work in combating crime better understood and more effective in many ways. Certainly the data in chapter 4, indicating that adolescents are affected by the values of those to whom they develop personal attachments, implies that their rapport with police whom they personally respect should bolster their stake in

conformity with the law. In some cities, such as Los Angeles, police department efforts to build such ties with youth include having officers who are accredited secondary school teachers give high school courses in criminal justice, having other officers as visiting speakers in classes at all levels from kindergarten to college, and sponsoring police cadet or police athletic organizations for adolescents in high-crime-rate neighborhoods.

Criminal justice personnel trying to achieve rapport with adolescents will be greatly handicapped if they focus on condemning nonpredatory acts that are increasingly being decriminalized. Today, for example, when most youths in their late teens have used marijuana and do not regard it as immoral, speakers who present a much different view of this activity will evoke disrespect and mistrust. A more influential anticrime model for youth would focus on combating victimization by predators and stress values on which there is consensus, including civil rights.

The enumerated crime prevention objectives listed in this paper are far from exhaustive, and most of the strategies proposed under each are much more easily stated than achieved. Nevertheless, they deserve to be highlights in any program to reduce adolescent offenses as well as in programs to achieve other values.

## Conclusion

The identification of persons as offenders by police and courts persistently becomes merged with their consideration of how to modify the alleged criminal behavior of the accused and how to deter others from crime. Efforts to introduce formal proceedings that separate these preoccupations have never had pervasive success. Our discretionary justice, however, contributes to reduction of crime if it does not remove offenders from the community of the law abiding or from contact with this community, any more than safety necessitates.

The rewards in adolescent crimes, of course, are a factor in their perpetuation, but negative sanctions usually offset these rewards. The rates of arrest for the major adolescent felonies—burglary, grand theft, and auto theft—preclude mathematically the possibility that an appreciable fraction of those who engage in such crimes can long pursue them without arrest or a close call. Yet each separate offense may still be enough of a practical gamble to be risked occasionally, under social or other pressures.

Evidence and inference show that the consequences of deviant labeling for the careers of those labeled may be rehabilitation more often than criminalization, but the outcome depends upon the labeled person's prior stake in conformity and on whether this is offset by the effects of the label in creating a stake in nonconformity. Rationalizations reduce the strain of conflict between criminal activities and

personal values. Following Parsons, it can be theorized that all strain from ambivalence regarding one's moral worth fosters polarization to either a more conforming or a more alienated orientation. When compulsively conformist criminal justice personnel interact with actively alienate adolescents, hostility readily escalates, and polarization of both parties increase.

Offenders should be differentiated by the extent to which they are conflicted or career-oriented with respect to criminal pursuits. Research and theory support propositions that flexible and rapport-oriented criminal justice treatment reduces recidivism in conflicted but increases it in career-oriented offenders, although behavior modification approaches are more distinctly advantageous for recidivism reduction in the career than in the conflicted criminals.

Recidivism rates should be reduced by maximum feasible preservation of citizen roles and rights for offenders, by minimizing perception of their treatment as unjust, and by graduating the release process. Measures for attaining these ends include: family visiting and other outside contacts at prisons; coeducational institutions; inmate representation in institution management committees; types of employment and pay conditions for inmates resembling those in the community, with charges for their room, board, and recreation; restitutive acts as obligations in sentences for predations; local sentencing boards; mutual agreement parole and probation contracts; correctional ombudsmen; and better use of paraprofessionals.

Much recidivism of released offenders and some late initiation of criminal activity involve a recapitulation in adulthood of behavior patterns from adolescence. High rolling, a careless variety of conspicuous consumption, exemplifies such reactions that only escalate stress and the prospects of recourse to impulsive crime. Prevention of such recidivism requires measures that increase social, economic, and personal resources.

Criminal justice agencies have an understandably strong interest in supporting crime prevention measures, even those conducted mainly by agencies outside the system. Objectives in prevention of serious crimes by adolescents, inferred from our discussion of crime causation and polarization, include: reducing age-segregation and increasing gratification in the school experience; linking schooling more closely with employment; expanding family income maintenance and school feeding programs; reducing slum segregation; and diminishing estrangement of youth from the criminal justice system. Each of these, in turn, requires a variety of more specific strategies.

### PART III:

## Violence, Addiction, and Adult Crime

## Chapter 6

### CRIMINAL JUSTICE PLANNING FOR VIOLENCE PREVENTION

The preceding chapters dealt mainly with the crimes of adolescents and thus focused primarily on property offenses. This was partly justified by the fact that the FBI's property index crimes—burglary, grand theft and auto theft—are most distinctive of adolescents, since the median age of arrest for them is under 18. Arrests for the index crimes of violence—murder, aggravated assault, robbery, and rape—have a somewhat older age distribution, although the median age of these arrestees is rapidly becoming lower. A more important reason for separate discussion on crimes of violence is that they differ somewhat from property crimes in causation, and they also fall into groups that usually differ from each other in cause or motive. Accordingly, this chapter will consider causation, modification, and prevention somewhat separately for each of three broad categories of violent offense: assaults (homicidal and other), robbery, and sexual aggression.

Violent offenses may be defined as criminal acts intended to hurt, injure, or kill a person, or to coerce a person physically or by threat to do something against his or her will. Crimes of this kind disturb the public more than any other type.

#### Homicide and Assault

##### Identification and Enumeration

Legally, and in collections of criminal statistics, the felonious killing of another person with intent and malice is called murder or nonnegligent manslaughter, or, collectively, criminal homicide. Aggravated assaults are acts of maliciously and intentionally inflicting serious bodily injury or attempting to injure seriously or to kill, while aggressive attacks that are oriented only to hurt or impede and do not do more than this are called assault, simple assault, or other assault. Although such acts are thus differentiated in the law and in the categories of statisticians, they will often be discussed together here, since they seem similarly motivated by hostility, and they have approximately the same correlates (cf., Pittman and Handy 1964). Of course, motives alone do not determine whether effects of an assault are painful, injurious, or lethal, for the outcome of an attack on

another person also depends upon the weapons, skill, tactics, and luck of both the attacker and the attacked.

Murder and nonnegligent homicide statistics are accepted by experts as much more accurate than most other crime figures, but confounding their interpretation is the fact that these figures cover both deaths that result purely from hostile efforts to injure or kill—still the majority of murders—and deadly assaults occurring in the course of another crime, such as robbery. Frequently the initial motive of robbers is only to obtain money or property, but they kill when the victim, or the police, or others intervene. Indeed, any killing is designated murder in the law—even accidental killing—if it occurs as a consequence of committing another felony. Thus an accomplice in another type of felony who is not at all involved in the lethal behavior, such as a lookout or a driver of a getaway car in a robbery or burglary waiting some distance away from the killing, may also be charged with murder. Data on increases in the frequency of robbery and other crimes suggest that a growing proportion of murder and nonnegligent homicide may be incidental to attempted robbery or to escape efforts after committing other offenses. Nevertheless, intensive studies of murders that will be cited indicate that hostility toward the victim at the moment of the offense probably is the most frequent motive.

One striking feature of violent crime rates is their increase in recent years. Although table 6.1 shows that rates of murder or nonnegligent homicide for the United States as a whole doubled in the decade 1962-72, it is noteworthy that this returns them close to their rates in the early 1930s. In 1933 the FBI data were based on the population of only a scattered fraction of the United States, as not all areas had their police departments using the then new uniform crime reports procedure; the rate of murder and nonnegligent manslaughter for the reporting areas was 7.1 per 100,000. The U.S. vital statistics reports, which come from physicians' certifications of the causes of death, give a homicide rate of 9.6 in 1933, 4.9 in 1962, and 8.5 in 1971. The vital statistics figures include deaths legally deemed justifiable homicide, such as killing in self-defense, but these are less than 5 percent of the total.

A minor source of the recent increase in murder rates probably has been a small but steady improvement in postmortem medical analysis that increases the completeness with which murders are distinguished from accidents and other causes of death. Countering this, however, is the progress in medicine which permits the saving of lives of persons wounded or injured by assaults that previously would have been lethal. One should also note that murder rates apparently were much higher in the United States during the 19th century and earlier when frontier conditions were widespread (cf., Graham and Gurr 1969).

Table 6.1. Murder or nonnegligent homicide and aggravated assault crimes known to the police, per 100,000 persons in the U.S. by region, 1962 and 1972

Region	Murder or nonnegligent homicide		Aggravated assault	
	1962	1972	1962	1972
<u>New England</u>				
Conn., Me., Mass., N.H., R.I., Vt. ....	1.6	3.3	22.7	111.5
<u>Middle Atlantic</u>				
N.J., N.Y., Pa. ....	3.1	8.5	67.4	178.0
<u>E. North Central</u>				
Ill., Ind., Mich., Ohio, Wisc. ....	3.6	7.9	78.5	157.2
<u>W. North Central</u>				
Iowa, Kans., Minn., Mo., Nebr., S.D., N.D. ....	2.7	4.2	34.4	105.8
<u>South Atlantic</u>				
Del., Fla., Ga., Md., N.C., Va., S.C., W. Va. ....	7.7	13.4	109.7	263.8
<u>E. South Central</u>				
Ala., Miss., Ky., Tenn. ....	7.3	12.4	69.1	185.1
<u>W. South Central</u>				
Ark., La., Okla., Texas ....	6.9	11.6	84.9	196.6
<u>Mountain</u>				
Ariz., Colo., Ida., Mont., Nev., N.M., Utah, Wyo. ....	4.5	7.0	51.6	196.8
<u>Pacific</u>				
Alaska, Calif., Hawaii, Ore., Wash. ....	3.6	7.9	96.3	225.7
Total, U.S. ....	4.5	8.9	75.1	186.6

SOURCE: FBI Crime in the United States (Uniform Crime Reports) for the year indicated.

A second striking feature of the statistics in table 6.1 is the contrast in homicide and aggravated assault rates among different parts of the country, particularly, the high rates in the South. A third feature is the reduction of regional differences in these rates between 1962 and 1972. All these features will be interpreted in our causal analysis in terms of four factors: subcultures of violence, urbanism, age, and weapons. In addition, alcohol and insanity, as factors in assault, will also be briefly discussed before considering guidelines for modification and prevention of violent offenses.

### Causal Explanation

*Subcultures of violence.* As indicated repeatedly in previous chapters, social separation fosters cultural differentiation. Thus in any society in which one culture predominates, people who are largely isolated within their own group tend to develop a subculture divergent from the dominant culture. In the United States it has long been true that the Southeastern States had a pronunciation of the English language—their Southern accent—as well as food preferences, and patterning of race relations different from the rest of the country. The causes of the historically distinctive features of this region include: its receiving a much smaller proportion of new immigrants from Europe than the rest of the country during the 19th and 20th centuries; its persistent lower industrialization, lesser urbanization, and greater prevalence of frontier conditions than the Northeast and much of the rest of the country; its cultural heritage from having blacks as slaves and whites as indentured servants; after the Civil War, its organization of agriculture (e.g., sharecropping), and of political control by mass disenfranchisement and other methods different from those that prevailed elsewhere (details on most of these historic differences are documented in Gastil 1971). Such regional contrasts have diminished in recent decades, perhaps partly because migration and television have increased the diffusion of cultural variations among Americans of all regions. In addition, Supreme Court decisions, Federal legislation, demonstrations by Southern blacks and their supporters, and, especially, technological changes in Southern agriculture, have altered the Southern patterns of race relations, and other regional culture attributes (for details, see McKinney and Bourque 1971).

Table 6.1 suggests that the Southeastern States also differ from the rest of the country in the prevalence of assault. Their rates of criminal homicide were the highest in the country and four times those of New England, both in 1962—the earliest year for which the FBI provides combined urban and rural data—and in 1972, the most recent year for which statistics are available at the time of this writing. The States of the “Old South” were also highest in rates of aggravated assault in both of the years covered by table 6.1, but the proportionate

difference between their rates and those of the rest of the country diminished more for this offense than for homicide between 1962 and 1972. As table 3.1 in chapter 3 showed, however, although murders seem quite fully tabulated in national statistics, polls indicate that nationally only half the aggravated assaults are recorded by the police. Therefore, convergence in assault rates between the South and the rest of the country could be largely a matter of more uniformly complete official records on these offenses.

The Southeastern States do not lead the country in rates for any type of index crime other than homicide and aggravated assault. During 1972 and other recent years the Pacific States had the highest regional rates of rape, burglary, and grand theft. The Middle Atlantic States were highest in robbery, and New England led the Nation in rates of auto theft.

As a matter of fact, of all the regions shown in table 6.1, the East South Central States were lowest in burglary, grand theft, and auto theft. Therefore, the high rates of assaultive crimes in the Southeast do not suggest a higher prevalence there of all criminogenic conditions, such as subcultures supporting property theft, but only of values supporting physical aggression when angry. Violence is more often expected there than elsewhere, it seems, in response to verbal insults, to challenges of one's honor or to other perceived wrongs, or simply as a manifestation of outrage at someone else's belief or behavior. This cultural difference from other areas may be diminishing, but it still is suggested by the persistent popularity in their elections of politicians who had as their major claim to fame their having threatened assault toward those who disagreed with them on the desegregation of restaurants or schools. This also is suggested by the South's apparent lesser moral outrage at killing; not only have they led the Nation in homicide rates and in use of capital punishment, but since suspension of the death penalty due to Federal court rulings the South has imposed shorter durations of imprisonment on murderers before parole than have any other States (Glaser and Zeigler 1974). Thus the South, both in past years and recently, has demonstrated a more customary condoning of violence than is evident in other regions of the United States. Indeed, Gastil (1971) shows that violence rates in the rest of the country are partly explained statistically by the proportion of their population that came from the South.

It should be noted that the prevalence of a subculture of violence also seems to vary from one country to another. On the whole, Latin American countries have had the highest national rates of homicide, with Colombia leading the world in many recent years, and Mexico's murder rates considerably above those of the United States (Wolfgang and Ferracuti 1967, pp. 273-284). Much lower rates than

those of our country prevail in Western Europe, Canada, and Australia. In Latin American countries assaultive behavior is closely related to the great emphasis placed on machismo, or manliness, as a value that makes it morally obligatory for a male to respond by violence to any gesture impugning his manhood. The most recent available international comparative data, presented in table 6.2, largely confirm these past trends, but with some interesting variations. Rates are not available from many developing countries or are not tabulated by methods comparable to those on which the rates in table 6.2 are based.

That most assaults are among persons who share a subculture of violence is suggested not only by the regional data but by a series of studies of records from police investigations of homicides in several cities (Wolfgang 1958; Bensing and Schroeder 1960; Mulvihill and Tumin 1969, ch. 5 and appendix 13; Hepburn and Voss 1970). The studies show that in 90 percent of these deadly events, victim and killer were of the same ethnic group; in a near majority of cases they were relatives or friends; about 80 percent of the killings were the last step in an escalating exchange; frequently the precipitating quarrel was over what appeared to others as a trivial matter. Indeed, these several studies find that from a quarter to over a third of the lethal altercations were victim-precipitated, in that the slain persons had struck the first blow in the exchanges that culminated with their deaths. (The data summarized in this and the preceding paragraphs employ indicators more conceptually relevant to the demonstration of a shared subculture regarding use of violence than the highly questionable indicators in Ball-Rokeach 1973, alleged to discredit subculture of violence theory.)

Within the United States the rates of homicide and aggressive assault apparently vary greatly with ethnicity. In 1972, according to the FBI, two-thirds of the persons arrested for homicide in the United States were black, although blacks comprised only 11 percent of the United States population. That racial differences in homicide rate reflect the preservation among blacks of a Southern subculture of violence is suggested by the finding that black homicide rates for any State can be predicted with impressive accuracy by the white homicide rates of the State in which the black population was born (Pettigrew and Spier 1962). In cities such as Detroit and Chicago, where there were large migrations of Southern poor whites during and after World War II, high homicide and assault rates prevailed in the neighborhoods where these migrants and their children were concentrated, according to several reports from sociologists conducting research with the police.

In the Southwest, high rates of homicide and assault prevail where poor Mexican and Mexican-American migrants to the cities and towns

Table 6.2. Annual deaths due to homicide per 100,000 population for various countries by year

Country	Rate	Year
United States . . . . .	10.0	1970
Canada . . . . .	2.5	1970
Chile . . . . .	23.1	1968
Costa Rica . . . . .	5.5	1969
Ecuador . . . . .	15.3	1969
El Salvador . . . . .	34.3	1969
Mexico . . . . .	46.3	1970
Paraguay . . . . .	8.7	1969
Uruguay . . . . .	3.7	1970
Venezuela . . . . .	10.0	1969
Hong Kong . . . . .	3.2	1970
Israel . . . . .	20.9	1970
Japan . . . . .	2.4	1970
Singapore . . . . .	4.0	1970
Australia . . . . .	3.2	1970
New Zealand . . . . .	2.1	1970
Austria . . . . .	1.6	1970
Belgium . . . . .	2.4	1969
Bulgaria . . . . .	2.7	1970
Denmark . . . . .	1.9	1969
Finland . . . . .	5.0	1969
France . . . . .	2.5	1970
West Germany . . . . .	2.5	1970
East Germany . . . . .	.7	1970
Greece . . . . .	1.9	1970
Hungary . . . . .	2.7	1970
Ireland . . . . .	3.4	1970
Italy . . . . .	1.1	1968
Netherlands . . . . .	.9	1970
Norway . . . . .	1.6	1969
Poland . . . . .	4.4	1970
Spain . . . . .	.1	1968
Sweden . . . . .	2.9	1970
United Kingdom:		
England and Wales . . . . .	3.0	1970
Northern Ireland . . . . .	2.4	1970
Scotland . . . . .	5.2	1970

NOTE: Homicide defined as criminal, noncriminal homicide, and warfare, though mainly criminal homicide is reflected in these statistics.

SOURCE: United Nations, *Demographic Yearbook*, 1971. New York: United Nations, 1972 *Mortality* sec. 33, pt. B.

cluster, carrying their ancestral country's machismo culture. Evidence that in this region homicides by Mexican-Americans and by blacks stem more often from a subculture of violence than do killings by whites is provided by the California Bureau of Criminal Statistics (undated) findings for 1972. The proportion of homicides against friends and acquaintances was much higher among these two minorities than among whites, while the proportion of homicides that occurred in robbery, rape, or other crimes was twice as high among Anglo whites as among these minorities.

National crime statistics do not differentiate offense rates of the poor Southern white migrants and the Mexican-Americans from those of other whites. Blacks are the only one of several culturally differentiated groups with high violence rates that have their crimes tabulated separately in FBI statistics. The Pettigrew and Spier finding that black homicide rates are lower in areas where most blacks are two generations away from the South than where they are more recent migrants suggests that blacks lose their Southern subculture of violence when they become acculturated into the subcultures of other regions. Their segregation into racial ghettos in the communities to which they migrate, however, must impede such acculturation.

While the subculture of violence explanation may account for the regional and ethnic variations in murder and assault rates, they do not account for their increase in the United States during the sixties and seventies. To explain this increase and to recommend measures to reduce these rates, one should examine other correlates of these offenses.

*Urbanism and Assaults.* A distinctive feature of crime in developing countries is that murder and other assaults are the most frequent felonies for which people are sent to penal institutions. In technologically developed countries these crimes are often a larger fraction of rural than or urban felonies. In the United States, rates of murder and nonnegligent manslaughter per 100,000 people, as recorded by the FBI from police reports, were higher in rural areas than in metropolitan areas until 1964. Thereafter these criminal homicides gradually became more a big city than a rural phenomenon, so that in 1972 the urban rate was 9.9 per 100,000 people, and the rural rate was 7.4.

The metropolitan rate for property offenses (those tabulated as index crimes) was over three times the rural rate in 1972, and the aggravated assault and rape rates were about twice as high in metropolitan as in rural areas. It is only with respect to homicide that rural districts were distinctly criminal. Yet it is probable that assault, rape, and some other offenses are less fully reported in rural than in urban statistics, so that the relationship of urbanism to these crimes may not be as great as official rates indicate.

Why did the metropolitan areas finally exceed rural areas in homicide rate in the sixties? A clue to the answer may well be the fact that nonmetropolitan cities have persistently had the lowest homicide rates, 30 to 40 percent below the rural and the metropolitan rates. The subculture of violence has long been associated with frontier conditions, low education and informal relationships, most prevalent in rural areas, while the expression of hostility by purely verbal means or other nonviolent action—such as merely avoidance—are more characteristic of urban life. But within every large city there are two types of neighborhood where the most unsuccessful and unstable rural residents resettle first as new migrants, and where they remain to perpetuate subcultures of violence if unable to improve their lot in the big city. One of these districts has always been the skid row or hoboemia where migrant railroad and farm laborers and assorted other homeless men and derelicts congregate; violence, drunkenness, and prostitution usually are much more prevalent here than in the rest of the city (cf., Bogue 1963, Wallace 1965, Spradley 1970, Wiseman 1970). The second concentration point has been the slum, where new, poor, migrant families settle, many in recent decades coming from high subculture of violence areas. As indicated in chapter 4, these poor people segregated in slums tend to get poor schools, poor police services, and other consequences of their relatively low power in the community, in addition to being handicapped by the density, age, and deterioration of residential structures in these areas. These factors also create in the slum greater tolerance of deviance than prevails elsewhere in the metropolis (cf., Glaser 1971, ch. 2).

During the fifties and sixties, when the mechanization of agriculture was accelerating and urban employment generally was booming, there was more rapid migration to American slum neighborhoods than ever by the most unsettled residents of predominantly rural areas with traditionally high subcultures of violence: the rural South, Mexico, and the islands of the West Indies (Puerto Rico, Cuba, and Haiti). They migrated by the millions during the fifties and sixties. This changed traditional slum areas, now more crowded than ever, into black ghettos and Spanish barrios that expanded into other old neighborhoods of our large cities. Children and often grandchildren of these migrants were frustrated in schools based on language or grammar different from that of their homes, and they had over twice the unemployment rate of white youth when, as adolescents, they tried to enter the labor market. New generations were reared in the slums under welfare legislation encouraging fatherless families, hence greater socialization of teenagers by the street culture. Thus the imported subcultures of violence were intensified through concentration and exacerbation in slum settings.

It was among slum youth in this period that the delinquent conflict subculture developed, so strikingly expressed by gangs more oriented to fighting than their predecessors, and inspiring the Cloward and Ohlin revision of delinquency theory described in chapter 4. This change in youth culture brought a new age dimension to violent offenses, suggesting causal factors in assault characteristic of all adolescent crime.

*Age and assault.* Table 6.3 reveals dramatically that the increase in urban homicide rates in the United States during the sixties came disproportionately from an upsurge in killings by teenagers. Although

Table 6.3. Murder and nonnegligent homicide arrests per 100,000 population in each age group in the urban United States, average annual increase in rates, and median age at arrest, 1952, 1960, and 1970

Age group	Rates per 100,000 persons <sup>1</sup>			Average annual increase in rates <sup>2</sup>	
	1952	1960	1970	1952 to 1960 (percent)	1960 to 1970 (percent)
Under 15.....	0.2	0.2	0.5	0.0	1.5
15.....	( <sup>3</sup> )	4.3	11.1	( <sup>3</sup> )	15.8
16.....	( <sup>3</sup> )	8.2	17.7	( <sup>3</sup> )	11.6
17.....	( <sup>3</sup> )	12.5	21.4	( <sup>3</sup> )	7.1
18.....	( <sup>3</sup> )	14.8	27.4	( <sup>3</sup> )	8.5
19.....	( <sup>3</sup> )	13.5	25.2	( <sup>3</sup> )	8.7
Total, 15-19.....	7.0	10.6	20.6	6.4	9.4
20-24.....	11.6	14.7	25.8	3.3	7.6
25-29.....	12.8	13.8	22.4	1.0	6.2
30-34.....	11.1	11.0	18.3	-.1	8.6
35-39.....	9.3	9.6	14.7	.4	5.3
40-44.....	8.7	7.2	11.1	-2.2	5.4
45-49.....	5.9	6.1	8.1	.6	2.8
50 and over.....	2.9	2.7	3.6	-.9	3.3
All ages.....	5.8	5.5	9.7	-.6	7.6
Median age of arrest....	30.2	31.2	26.8	-	-

<sup>1</sup>Age group arrest rates estimated by using FBI arrest totals for U.S. cities 2,500 population and over and U.S. Census age group data for urban population, correcting the latter by the percentage of the U.S. population in the FBI urban reporting area. Linear interpolation of 1950 and 1960 census data used for 1952, which was the earliest year of FBI tabulations of urban police arrests by age and offense. Only urban data used for 1970 as only urban arrest totals available for earlier years.

<sup>2</sup>Noncompounded average annual increase rates: first column consists of 1960 rates as percentage increase from 1952 rates, divided by 8; second column consists of 1970 rates as percentage increase from 1960 rates, divided by 10.

<sup>3</sup>1950 urban population data by these specific age groups not available.

these figures represent arrests rather than convictions, the high prosecution and conviction rates with homicide arrestees make it probable that the age distribution for persons convicted of this offense is not significantly different from that for arrestees. Between 1952 and 1960, the median age of homicide arrestees rose from 30.2 to 31.2, but by 1970 it had dropped to 26.8. The 5-year span highest in homicide arrest rates in 1952 was from 25 to 29 years old, but by 1960 peak rates occurred in the 20 to 24-year-old age span, though 18 was the single year of age with the highest homicide arrest rate. These 18-year-olds and the 20 to 24 age span still had the highest homicide arrest rates in 1970, yet the greatest increases in these rates during the sixties were among 15 and 16-year-olds. This largely explains the drop in the median age of arrest in this period. Nevertheless, during the sixties, an upward movement in homicide rates for every age group contrasted with the fifties, when these rates declined for those over 40 years old and were fairly stable for all those above the teenagers.

The younger average age of arrestees in recent decades is even more dramatic for aggravated assault than for homicide, according to table 6.4. The median age of such assault arrestees declined from 31.4 in 1952 only to 30.5 in 1960, but plummeted to 21.0 by 1970. This sharp drop in the median occurred because adolescents, especially those less than 15 years old, were the most rapidly increasing group among arrestees.

Females were 15 percent of arrestees for murder and 13 percent of arrestees for aggravated assault in 1972, a slight decrease from 1962. Among arrestees under 18 years old, females were only 8 percent of the total for murders but 16 percent of the total for aggravated assault, the former being unchanged from 1962, but the latter up one-third.

As already indicated, aggravated assault is a much less fully reported and recorded crime than homicide. It is probable that a larger fraction of assault has been brought to the attention of the police with each passing year, and that a greater proportion of them lead to recorded arrests than formerly. Such trends, that would produce increasingly complete statistics on assault, can be inferred because there has been a steady increase in the proportion of the population living in urban areas where, when fighting occurs, police are more readily called than in rural districts. Also, the number of police in relation to population has been increasing and their mobility has been enhanced by more squad cars, better communication equipment, more efficient record systems, and increased professional training.

These trends in urbanism and policing explain only the increased number of assault arrests—not the change in age distribution of the

Table 6.4. Aggravated assault arrests per 100,000 population in each age group in the urban United States, average annual increase in rates, and median age at arrest, 1952, 1960, and 1970

Age group	Rates per 100,000 persons <sup>1</sup>			Average annual increase in rates <sup>2</sup>	
	1952	1960	1970	1952 to 1960	1960 to 1970
Under 15.....	4	8	20	12.5	15.0
15.....	(3)	91	111	(3)	2.2
16.....	(3)	122	205	(3)	6.8
17.....	(3)	136	222	(3)	6.3
18.....	(3)	143	226	(3)	5.8
19.....	(3)	146	220	(3)	5.1
Total, 15-19.....	69	127	207	10.5	6.3
20-24.....	112	164	224	5.8	3.7
25-29.....	118	156	205	4.0	3.1
30-34.....	107	135	178	3.3	3.2
35-39.....	92	114	148	3.0	3.0
40-44.....	74	86	109	2.0	2.7
45-49.....	50	62	76	3.0	2.3
50 and over.....	22	24	28	1.1	1.7
All ages.....	54	64	94	2.3	4.7
Median age at arrest....	31.4	30.5	21.0	-	-

<sup>1</sup>Age group arrest rates estimated by using FBI arrest totals for U.S. cities 2,500 population and over and U.S. Census age group data for urban population, correcting the latter by the percentage of the U.S. population in the FBI urban reporting area. Linear interpolation of 1950 and 1960 census data used for 1952, which was the earliest year of FBI tabulations of urban police arrests by age and offense. Only urban data used for 1970 was only urban arrest totals available for earlier years.

<sup>2</sup>Noncompounded average annual increase rates: first column consists of 1960 rates as percentage increase from 1952 rates, divided by 8; second column consists of 1970 rates as percentage increase from 1960 rates, divided by 10.

<sup>3</sup>1950 urban population data by these specific age groups not available.

arrestees. The decline in age could reflect some increased police concentration on youth, but there was also a rise in their interest in diverting juvenile offenders from the criminal justice system rather than arresting them. It seems probable that the drop in the age distribution of assault arrestees is due mainly to all the factors discussed in chapters 3 and 4 to account for the general increase in crime by adolescents—more years in school, more segregation of adolescents, and more consequent cultural differentiation. In addition the Cloward and Ohlin (1960) explanation for changes in delinquent subcultures during the fifties and sixties may be relevant; the decline in this period of contacts between slum delinquents and

adult criminals could explain a growth in adolescent emphasis on violence rather than on quasi-professional crime. This is what Cloward and Ohlin called the growth of conflict subcultures rather than of criminal delinquent subcultures, a trend confirmed in the Short and Strodtbeck (1965) findings.

In addition to the felony arrest data, the FBI tabulates information it receives from police departments on their arrests for misdemeanor offenses. Since the distinction between the felony of aggravated assault and other assaults that are misdemeanors is often an arbitrary matter of interpretation by the police and of stationhouse bargaining for lower bail by the accused or by counsel, it seemed appropriate to calculate age-specific arrest rates for "other assaults" also. These are presented in table 6.5, which shows that the increase in urban arrests of persons under 15 years old was even greater on this charge than for aggravated assault. Indeed, the arrest rate for this age group tripled between 1952 and 1960 and just about tripled again during the next decade. Arrest rates for misdemeanor assaults increased only for those under 25 during the sixties and much more for those under 20 than for the older population during the sixties. Therefore, for those over 40, other assault arrest rates in 1970 were lower than in 1952.

It should be stressed again that the distinction between aggravated and other assault charges is often a matter of arbitrary interpretation and bargaining. If there were changes during recent decades in the usual police classification of assaults by teenagers, for example, classifying as a misdemeanor now what formerly was called an aggravated assault, this could account for some of the age-specific arrest trends in tables 6.4 and 6.5 independently of actual changes in the behavior of adolescents. An increase may well have occurred in the completeness with which these offenses are reported to the police, however, and in police arrest rates when called because of juvenile assault incidents.

The foregoing paragraphs and tables reveal that the subculture of violence not only has spread to the cities but has more than ever become an adolescent belief and behavior pattern. Assaultive acts, as a means of expressing manliness, have long been more prevalent in childhood and adolescence than in adulthood. A most important difference between youthful violence of the sixties or early seventies and adolescent aggression in prior years, however, is a new dimension—the weapon used.

*Weapons and assaults.* Whether an expression of hostility becomes a simple assault, an aggravated assault, or a murder often depends mainly on what kind of weapon, if any, is both acceptable and accessible to the attacker in his anger. Although it is possible to kill with any weapon or with none, the widely available handgun is the most lethal, since death can be inflicted more quickly and easily with

Table 6.5. Other (nonaggravated) assault arrests per 100,000 population in each age group in the urban United States, average annual increase in rates, and median age at arrest, 1952, 1960, and 1970

Age group	Rates per 100,000 persons <sup>1</sup>			Average annual increase in rates <sup>2</sup>	
	1952	1960	1970	1952 to 1960 (percent)	1960 to 1970 (percent)
Under 15 .....	7	21	62	25.0	19.5
15 .....	(3)	190	403	(3)	11.2
16 .....	(3)	246	464	(3)	8.9
17 .....	(3)	279	500	(3)	7.9
18 .....	(3)	323	504	(3)	5.6
19 .....	(3)	362	489	(3)	3.5
Total, 15-19 .....	218	278	471	3.4	6.9
20-24 .....	419	452	531	1.0	1.7
25-29 .....	489	440	493	-1.3	1.2
30-34 .....	457	366	428	-2.5	1.7
35-39 .....	353	297	355	-2.0	2.0
40-44 .....	283	217	266	-2.9	2.3
45-49 .....	202	158	181	-2.7	1.5
50 and over .....	74	53	58	-3.5	0.9
All ages .....	207	164	225	-2.6	3.7
Median age of arrest .....	31.6	30.2	25.8	--	--

<sup>1</sup>Age group arrest rate estimated by using FBI arrest totals for U.S. cities 2,500 population and over and U.S. Census age group data for urban population, correcting the latter by the percentage of the U.S. population in the FBI urban reporting area. Linear interpolation of 1950 and 1960 census data used for 1952, which was the earliest year of FBI tabulations of urban police arrests by age and offense. Only urban data used for 1970 as only urban arrest totals available for earlier years.

<sup>2</sup>Noncompounded average annual increase rates: first column consists of 1960 rates as percentage increase from 1952 rates, divided by 8; second column consists of 1970 rates as percentage increase from 1960 rates, divided by 10.

<sup>3</sup>1950 urban population data by these specific age groups not available.

it than with anything else. Knives can also be fatal, but analysis of Chicago police records for 1967 showed that the percentage of attacks resulting in death was over five times as high for guns as for knives (Zimring 1968).

The production and import of handguns in the United States increased from less than one-quarter million annually before 1947 to one million in 1965, then accelerated to almost 2½ million in 1968 (Newton and Zimring 1969, p. 174). Annual totals then remained this high or higher. Apparently the violence of urban riots and the assassinations of national leaders in these years, plus large-scale

importation of cheap guns known as Saturday Night Specials, spurred citizens to arm themselves. A 1968 Harris Poll found 49 percent of households reporting ownership of a firearm, but handguns were reported in only 20 percent, the remainder having rifles or shotguns; a total of 90 million firearms in 60 million homes was their estimate of the domestic armory in the United States. Firearms were reported in 59 percent of households in the South, 51 percent in the Midwest, 49 percent in the West, and 33 percent in the East (Newton and Zimring 1969, pp. 6-10).

The effects of this armament soon became evident in assaults and accidents. The FBI in 1963 reported that firearms were used in 56 percent of murders and 13 percent of aggravated assaults. Their Uniform Crime Report for 1972 showed firearm use in 66 percent of murders and 25 percent of aggravated assaults; these figures for the Southern States were 74 and 29 percent, respectively, but 52 and 20 percent for the Northeastern States, where guns are fewer. The rate of accidental deaths by firearms per 100,000 people reported by the National Safety Council declined steadily from the thirties until the sixties, when a slight upward trend began. Almost a third of the accident victims were 10 to 19 years of age. The accident rate per 100,000 persons was 2.5 in the South, 1.25 in both the Midwest and the West, and 0.6 in the East (Newton and Zimring 1969, ch. 5).

In the 1968 Harris Poll, two-thirds of the householders listed "protection" as one of their reasons for owning guns, yet tabulations by various city police departments show that the number of criminals successfully resisted by an armed citizen is negligible. A Cleveland study reported in the *Los Angeles Times*, Nov. 17, 1973, indicated that the average household gun has six times as much chance of being used to kill a member of the household by accident as to kill a robber or intruder. There are additional risks of its being used in an impulsive murder or suicide. The murder and accident rate ascribed to guns in several large cities has increased in direct correlation with the number of handguns registered (Newton and Zimring 1969, ch. 10 and 11).

Table 6.6 shows that the rate of urban arrests for weapons offenses, such as illegal carrying or possession, just about doubled in the United States during the sixties. The age with the highest rate of arrest for these offenses was 18, but there was a greater annual percentage increase in these rates for persons over 25 than for younger individuals. These arrests greatly reflect variations in the laws and in police initiative, since possession or carrying a gun is an offense seldom reported to the police; they generally discover guns only when investigating other crime.

Prevalence of handguns among conflict-oriented juvenile gangs as well as individual adolescent offenders has made delinquency and youth crime more frequently deadly in the seventies than formerly. The

Table 6.6. Weapon offense (carrying, possession, etc.) arrests per 100,000 population in each age group in the urban United States, average annual increase in rates, and median age at arrest, 1952, 1960, and 1970

Age group	Rates per 100,000 persons <sup>1</sup>			Average annual increase in rates <sup>2</sup>	
	1952	1960	1970	1952 to 1960	1960 to 1970
Under 15.....	4	8	14	12.5	7.5
15.....	(3)	105	140	(3)	3.3
16.....	(3)	142	195	(3)	3.7
17.....	(3)	145	219	(3)	5.1
18.....	(3)	150	242	(3)	6.1
19.....	(3)	142	219	(3)	5.4
Total, 15-19.....	79	137	203	9.2	4.8
20-24.....	82	133	213	7.8	6.0
25-29.....	79	92	176	2.1	9.1
30-34.....	68	72	146	0.7	10.3
35-39.....	50	54	119	1.0	12.0
40-44.....	40	40	89	0.0	12.3
45-49.....	30	32	63	0.8	9.7
50 and over.....	12	12	25	0.0	10.8
All ages.....	37	42	83	1.7	9.8
Median age at arrest	29.2	25.9	25.1	-	-

<sup>1</sup>Age group arrest rates estimated by using FBI arrest totals for U.S. cities 2,500 population and over and U.S. Census age group data for urban population, correcting the latter by the percentage of the U.S. population in the FBI urban reporting area. Linear interpolation of 1950 and 1960 census data used for 1952, which was the earliest year of FBI tabulations of urban police arrests by age and offense. Only urban data used for 1970 as only urban arrest totals available for earlier years.

<sup>2</sup>Noncompounded average annual increase rates: first column consists of 1960 rates as percentage increase from 1952 rates, divided by 8; second column consists of 1970 rates as percentage increase from 1960 rates, divided by 10.

<sup>3</sup>1950 urban population data by these specific age groups not available.

accessibility of lethal weapons has also made aggressive moods and violence-evoking situations increasingly dangerous.

*Alcohol and assaults.* Homicide and assaults occur disproportionately on weekends, when partying is most extensive. About half of those charged with murder had been drinking when the crime occurred and about half of the victims were drunk when killed. Indeed, alcohol is most often present in both parties in victim-precipitated killings, those in which the victim struck the first blow (Mulvihill and Tumin 1969, pp. 642-644).

Physiological, social-psychological, and cultural causal processes are responsible for the association of alcohol with violent behavior. By impeding the functioning of the brain in controlling the body and emotions, alcohol reduces human capacity to inhibit impulses and slows reasoning processes. These physiological effects of alcohol cause a greater probability of accidents in driving and make people who have been drinking less thoughtful than they otherwise would be about the persons they may offend or the risks that they take. But this only partly explains the foolhardiness of the drunken person.

In most societies the behavior expected of those who have been drinking is somewhat different from that expected of sober persons. Behavior expectations associated with drinking also vary in different settings within a society; they depend partly on the occasion for drinking and on the drinking place. Part of the subculture of violence tradition, especially prominent in adolescent and youth groups, is that it is manly to drink, and that a male is expected to show manly behavior when drinking with other males by not tolerating insults and not displaying cowardice. This fosters the escalating altercations found in about four of five murders. Much use of alcohol also is associated with party occasions where, once people feel high, they are granted license to show less restraint in expression of emotions than would otherwise be expected; the fact that they are drunk results in others excusing them somewhat. Furthermore, people who think of themselves as drunk or perceive that others regard them as drunk are thereby encouraged to act in what is stereotyped as a drunk role, and this role connotes readier expression of aggressive or other moods (cf., Cavan 1966, MacAndrew and Edgerton 1969). Thus physiological, cultural, and social-psychological effects of alcohol often operate concomitantly in ways which account for the association of drinking with violence.

Ascription of crimes to alcohol raises the issue of whether an individual is personally responsible for crimes he or she commits when in an abnormal mental state. The public is most shocked by extremes of senseless violence, the kind without any readily understandable motivation, or, if motivated by understandable anger, with much more cruelty than the provocation warrants. The 1 percent of a city's total felonies that are the most sensationally and senselessly violent occupy more front-page newspaper space, receive more television news coverage, and are the subject of more conversation, than the remaining 99 percent of the crimes combined. They often generate most of the public's concern about "crime in the streets" and most pressure for more effective law enforcement, but they are the offenses over which the criminal justice system is likely to have least control.

An assault is senseless to others if it seems to them that a sober and rational person, even if inclined to crime, would not be so violent. If

the person who commits such a crime is extremely drunk, alcohol is blamed, but if the offender is sober or only slightly intoxicated, he or she is assumed either to be deranged by a drug other than alcohol or to be insane.

The logic of the law is that if alcohol or some other drug is blamed for the offense, the culprits are punished on the grounds that they should exercise restraint in taking these substances, and to warn others that such restraint is required. If the senselessness of the offense is blamed not on alcohol but on the perpetrator's inability to exercise reason and control as a mentally normal person would, however, he or she is found not guilty by reason of insanity.

*Violence-prone individuals, paranoid groups, and pseudopolitical assaults.* Within the various groups that the tables and text of this chapter indicate have high violence rates, some individuals are more violent than others. Even among people who have predominantly low violence rates, some assault occurs. A challenge to psychology, distinctively pursued by Hans Toch (1969), is to explain why some people are more prone to violence than others.

By studying police officers and prisoners distinguished from their fellows by their more frequent involvement in fights, Toch identifies fairly standard patterns in the use of violent actions by such persons to promote or defend their self-image. Psychologically these men are bullying, exploitative, or emotionally explosive individuals who seem to seek out or manufacture opportunities to assault others physically. The same types of personality in other settings and other roles, such as middle-class professionals and upper-class executives, are culturally restricted from expressing violent inclinations. The criminal justice problem is to keep aggression nonviolent; mental health specialists or others may concern themselves with verbal aggression. Our main concern here, therefore, is with subcultures of violence and their manifestation as seriously criminal behavior.

A major limitation to the focus on individual violence proneness in criminal justice administration thus far is simply that efforts to predict individual violence have been persistently unsuccessful. Especially with youthful offenders, violent activity is so widespread, is so mixed with other types of criminality, and is so incompletely known to officials, that efforts to identify offenders more likely to engage in violence than others have not been usefully accurate in differentiating those with subsequent violence records from those without further known violence (cf., Wenk et al, 1972).

The problem of individual violence proneness becomes a problem of group ferocity when the inclinations to violence in some individuals become collectively reinforced. The mental ailment traits most distinctively associated with violence are those of paranoia, identified by delusions of superiority and delusions of persecution. The delusions may be purely private or shared by others.

Paranoid symptoms occur in an almost continuous gradation of intensity from clearly psychotic delusions to the normal inclinations of humans to exaggerate their own virtues and blame others for their difficulties. They may be a form of the personality defense mechanism which Freud called "projection"—seeing one's own faults in others, or they may be based upon a somewhat realistic view of others, only slightly exaggerated. Their intense forms develop gradually, and their manifestation usually varies with situational conditions.

Because of the ubiquity and diversity of paranoid symptoms, their association with a variety of other symptoms, and their subtle gradation from normal to abnormal intensity, psychiatrists decades ago ceased to regard paranoia as a separate mental ailment. Instead they use "paranoid" as an adjective to describe other conditions in which paranoid symptoms are present (e.g., paranoid schizophrenia). It is an adjective with a wide range of applicability, descriptive of a variety of behavior in both criminal justice and mental health clientele, as well as behavior by people not likely to be formally designated criminal or mentally ill.

A readily evident feature of paranoid complaints about others is that they enhance one's view of oneself. A second important feature is that, like other beliefs, an individual's commitment to them is strengthened by group support. A group with an ideology that exaggerates its own virtues and presents delusions about the deficiencies of others may appropriately be called a collective paranoid group.

Psychiatrists have frequently observed group delusions in bizarre forms, even shared illusions, among pairs or larger groups of schizophrenic patients; this pattern acquired the French designation *folie a deux*, *folie a trois*, and so on. Paranoid delusions in less extreme forms, however, have from time immemorial been a common characteristic of innumerable groups that have suffered humiliation, failure, or frustrations of any sort; examples include the defeated and bankrupt Germans in the twenties and thirties who cultivated Nazi myths of Aryan superiority and of victimization by Jews, as well as many other nationalistic groups cultivating rigid stereotypes and intense hostility towards nationals of another country that once conquered them. They include less persistently, but often with as much paranoia, the fighting youth gangs that claim superiority to another gang and allege that the other gang has wronged them in some way. Isolation of these groups, often self-induced because of their conflict with opposing groups, and their suspicion of disloyalty or betrayal whenever their own members communicate with outsiders, intensifies their delusions. Thus paranoid myths of group superiority or group persecution become buttressed by self-serving rationalizations and distorted accounts that reinforce paranoid ideologies.

A sense of persecution need not necessarily be based on paranoid delusions. America's Civil Rights movement in the fifties and sixties, and its involvement in the Viet-Nam War that many of its citizens bitterly opposed as immoral and unconstitutional, brought punishment—arrest, jail, and prison—to numerous persons for nonconformity rather than for aberrant behavior, to repeat Merton's (1971) apt distinction. Unlike traditional predatory offenders, they were convicted of acts they would not object to everyone else doing, such as defying efforts to curb their political demonstrations or resisting the military draft.

The often tenable notion that the nonconformist persons were convicted because of their political beliefs, even when they were charged with infractions of the criminal code, led to purely predatory offenders also calling themselves political prisoners. The more paranoid predators thus readily adopt a label much less degrading than the traditional designations for predatory offenders, such as "murderer" or "crook." By defining themselves as victims of the system, they justify attacking the system by methods that are primarily self-aggrandizing and are incompatible with any political or economic ideal.

Perhaps because of the attractiveness of the political prisoner label, as a badge of honor rather than of disgrace, many persons convicted of clearly criminal predations have collectively cultivated identification with purely nonconformist law violators, such as those in radical political parties or less radical civil rights, welfare rights, and peace movements. In this way they can regard themselves as imprisoned on political rather than on traditionally criminal grounds and feel identified with legitimate outside organizations. Thus prison inmates of minority groups often point to their minority status as evidence of their persecution, conveniently forgetting that their offenses were thefts and assaults against other members of their own minority group.

Both in correctional institutions and in the outside community, predatory groups seem increasingly to rationalize their aberrant acts by borrowing or creating nonconformist slogans and ideologies. Many evoke outside support and imagine far greater potential backing as they nurture delusions of mass followings from the people whom they claim to represent. Some thereby develop collective paranoid patterns that make them among the most difficult groups for the criminal justice system to bring under control. During the seventies, these groups ranged from the highly personalized Manson family to the apparently more formalized Symbionese Liberation Army. More identified with ethnic ideological movements are groups centered primarily in correctional institutions, such as the Mexican Mafia and the Aryan Brotherhood in California prisons.

These paranoid assaultive groups have ideologies that mix themes from the criminal world to justify predations with values such as personal autonomy and manliness from subcultures of violence, and they rationalize all of these with moralistic arguments from groups that are not predatory, are not particularly paranoid, and may even be pacifistic and exemplify the highest levels of ethical idealism. Although some ordinary predators appear to believe devoutly in these ideologies, others adopt them as a tactical front or stance for particular confrontations only. Since principles for coping with violent paranoid groups are a special case of methods appropriate for reducing assaultiveness generally, further discussion of these groups will be deferred until the overall problems of violence modification and prevention are reviewed.

### Modification of the Violent

In the preceding pages the several legal categories of hostile assault—homicidal, aggravated, and simple—were, on the whole, ascribed to the same collection of causes, for chance alone often determines whether their outcome is lethal. Therefore, strategies warranted for modification of persons convicted of murder and of those convicted in serious or repeated assaults can be largely similar. The most frequent need, in trying to change their behavior, is to reduce the influence of subcultures of violence.

Two key principles—one sociological, the other psychological—must be applied if the impact of any subculture is to be diminished. The sociological principle that cultures are learned only through communication implies that to reduce violence the social experience of assaultive people should be restructured to facilitate their acquisition of cultural norms that call for nonviolent resolution of differences. The psychological principle is that behavior which is not reinforced tends to be extinguished, particularly if alternative behaviors provide the reinforcements that the now unreinforced behavior formerly elicited. It follows that assaultiveness will diminish if made less gratifying than alternatives to assaultiveness.

All the measures proposed in chapter 5 for reducing the segregation of adolescent offenders from the adult world and increasing their opportunities for legitimate occupations can be applied to people with norms from a subculture of violence; desegregating violent adolescents fosters their learning nonviolent adult behavior standards. Indeed, most types of crime are reduced by all measures that increase the offenders' stakes in conformity. Since the age data presented on arrests for murder and assault indicate that these increasingly are adolescent offenses, the goals of reducing adolescent crime and diminishing violence can be pursued simultaneously, to a large extent. Continuing the series of guideline propositions initiated in chapter 5, a general statement on correctional strategies for reducing the assaultiveness of offenders can be formulated as:

**M. The modification of assaultiveness requires that offenders gain experience and reward in nonviolent resolution of differences, identify with persons from nonviolent subcultures, and share group pressures against violence.**

Methods for carrying out this broad strategy include the pursuit of five objectives:

1. *Minimize as much as manageable the concentration of persons from subcultures of violence in the same groups and facilities.* Many large correctional institution systems become locked into the simplistic practice of reacting to violent behavior by inmates primarily by housing together those who have shown similar degrees of violence. As a result, the most violent offenders are concentrated in one institution or in separated parts of one or more institutions. Although much differentiation of institutions in degrees of custodial security is essential for safety, too much emphasis on it has several side effects that may actually increase violence and reduce safety for inmates and staff alike, as well as endanger the community more when the prisoners are released.

The possibility of readily transferring problem cases discourages officials from coping imaginatively with the modification of the behavior of inmates who exhibit violence during confinement. Less thought and effort are required to send them higher in the custodial hierarchy and, ultimately, to a continuous solitary confinement in an adjustment or administrative segregation center than are required to change them.

Furthermore, the transfer process results in extreme concentration of those from a subculture of violence, so that they are more exclusively with each other. This diminishes their opportunity to learn values and skills that encourage nonviolent achievement of influence and resolution of conflict. Indeed, being in violence-supporting circles maximizes both provocation to violence and prestige from engaging in it. Extreme custodial grading thus makes the maximum security institutions become centers of continual violence, or, as an unimaginative recently retired warden of one asserted, "unmanageable."

Safety requires plans that place dangerous prisoners in facilities with secure perimeters, with architecture that permits their behavior with others to be continuously observable and where superior force can be promptly available to suppress violence and remove the participants to temporary isolation. This need not mean as much segregation of the violence-prone as now prevails in many States, although it does mean that several additional objectives should be pursued to change the violent.

2. *Increase participation of persons from a subculture of violence in open formal group activities.* A frequently successful achievement of

street workers with delinquent gangs and of group counselors in correctional institutions and halfway houses has been a reduction of violence, even when neither of these correctional and crime prevention specialists greatly affected rates of property crime. The success of street workers in cooling incipient rumbles between street gangs has frequently been reported (e.g., in New York City Youth Board publications). Group counselors at institutions have innumerable accounts of tension among residents being talked out at group sessions. There have also been recurrent instances of disturbances being prevented by patiently nurtured inmate self-government groups that were given responsibilities in correctional institutions, notably in recent years at the Washington State Penitentiary at Walla Walla. Unfortunately, the violence reduction efforts of all these undertakings—street work with gangs, group counseling, and inmate-governing groups—have not had sufficiently systematic research.

Hostility expressed verbally in formal groups can be talked out if the norms of orderly discourse are sufficiently well established. The violent person's customary recourse to loud threat, abusive language, and physical aggression becomes discrediting where it is not the norm. More or less formal organizations of many types foster peer support for verbal and orderly rather than physical manifestation of hostility and provide experience in giving and receiving nonviolent communication. In some so-called encounter groups, utterances and gestures become highly provocative, but norms still preserve nonviolence and the oral resolution of conflict. A large variety of formal groups among institutionalized offenders may have as a byproduct the development of nonviolence norms and skills—art, chess, or sports clubs, or service organizations such as the Inmate Welfare League, Alcoholics Anonymous, and Lifers With Hope club—provided they are conducted democratically with maximum membership participation in decisions and tasks.

The more difficult subculture of violence manifestations to cope with are those of paranoid assaultive groups. They not only share widely prevalent norms supporting violence, but buttress these with a distinctive ideology to rationalize their choice of target or their method of attack. Furthermore, if the group is called paranoid by psychiatric definition, it is because their ideology is based, at least in part, on delusions about the justification for their assaultive activities.

It usually is quite frustrating to argue with core members or leaders of a well-established paranoid group. Fringe members of sympathizers may be persuaded to shift their support on the basis of evidence or logic. The dedicated group members, however, base their conception of their own moral worth on the claims of their ideology, and the leaders most effectively express this ideology. They have a

personal stake in resisting change and see those who challenge their views as threats. Therefore, they resort to unwarranted ad hominem, to ignoring evidence or argument they cannot discredit, or to other questionable argumentative devices. Usually, however, there are sound or, at any rate, not readily disproven allegations in their ideology, mixed with delusions or distortions; some success may be gained in separating the verifiable, the uncertain, and the clearly fallacious.

As special cases of subcultures of violence, paranoid assaultive groups are changed by application of the same principles as were set forth in discussing the problem of changing subcultures of violence. Psychologically, positive reinforcements of group activities must be diminished if they are to change, and an alternative gratifying enculturation must be facilitated. Again, this is more easily done with fringe members than with core members and leaders, and it is most effectively pursued when they are separated from their group and mingled with offenders of other backgrounds or affiliations, thus exposing them to other views.

Dealing with a group collectively, segregating its members and labeling them all with the same terms, tends to unify them. Making their leaders feel important by dealing with them as spokesmen for a larger group rather than just for themselves intensifies their gratification from affiliation with their group. The alternative approach is to recognize their aptitudes as individuals and to attract them into legitimate activities which reward these aptitudes. Often the sound idealism that may be a component of a paranoid ideology can be channeled into constructive activities for a legitimate cause but in a legitimate manner and with a nonviolent group.

It is presumed here that those in correctional custody who are in paranoid groups are convicted of criminal acts, rather than confined because of their ideologies. It is also assumed that the political viewpoints of most prisoners are neither paranoid nor violence-oriented. Finally, it follows from all our discussion thus far on modification of offenders that any feasible participation of prisoners in legitimate political organizations while confined is not just a civil right but is, in most cases, an experience strengthening what chapter 5 called their social and personal resources for the avoidance of further crime. This is relevant to a further objective:

4. *Foster formal and informal interaction of persons from subcultures of violence with persons from nonviolent subcultures.* Participation of inmate or delinquent gang representatives in outside organizations such as sports, study groups, and service clubs, increases the ease of persons from diverse background in interacting with each other and thus acculturating each other. This function is often served at correctional institutions by outside group visitors. A

number of religious organizations, notably the Quakers, have long histories of systematic visiting at correctional institutions. A growing number of colleges and universities near correctional institutions have extensive programs of student participation in collaborative learning, recreation, and service activities with inmates. The programs of Whitman College at the Washington State Penitentiary at Walla Walla are an outstanding example. Ex-offender visitors, however, may be a more effective first step in reaching hard-core offenders and have become increasingly involved in this through ex-prisoner organizations.

Inmates value contacts with outsiders as a respite from their isolation. Some students and faculty of nearby colleges become highly committed to prison visiting as an ongoing voluntary activity. Academic credits for student teaching or counseling of offenders can sometimes be arranged. Many other students and faculty are fascinated by activities in prison only while it is a novelty to them, but they can contribute some new perspectives to inmates in any informal contacts, and they are replaced as participants each year by new classes.

Sound correctional planning assigns officials a specific responsibility for maximizing visiting between the correctional and educational or other outside establishments. This can be part of an assignment to encourage and coordinate volunteer services for offenders and to involve the violence-prone instructively in formal open group activity with persons of nonviolent background.

4. *Penalize groups rather than individuals for the violence of their individual members, and reward them for nonviolence, to foster group norms of nonviolence in individual conduct.* One of the least effective disciplinary policies in many collective situations is to restrict penalties for violence to the individuals who commit the violence. Although this practice is mandated in free society, in many closed institutions as well as in classes, clubs, and teams in the community, a more effective control often is achieved by establishing at the outset that the whole group will suffer if any of its individuals engage in violence. If such a policy is enforced fairly and instructively, it fosters nonviolent behavior of all individuals in a group of youth or adults, even in those sharing a subculture of violence. This practice motivates them to mutual control of violence and generates group norms of "cooling it" when quarrels occur. By contrast, punishing an individual from a subculture of violence for engaging in physical assault simply makes this person heroic from the standpoint of the group's norms.

Group penalties for the violence of individuals are often resented by those punished who are not involved in assaults. After a while, however, most inmates may appreciate a group penalty policy if it

diminishes their risk of victimization by assault. Staff must be alert that the group itself does not become violent toward its violent members. Persistence of violence can be made a challenge to group responsibility and a means of mobilizing group efforts to identify and correct the causes of violence, if officials discuss it in this fashion in the group as a whole. The complaints of many prison officials that the inmates of their institution cannot assume responsibilities often become self-fulfilling and criminalizing statements in effect when they serve as rationalizations for not permitting inmates to have responsibilities.

It should be obvious that any penalties, whether against individuals or groups, are likely only to augment norms of violence if the penalties themselves are violent, unfair, unexplained, or cruel. Furthermore, the repeatedly validated psychological laws of reinforcement indicate that group rewards from peaceful resolution of difficulties, if timely and relevant, will be more effective in changing norms than group punishments for violence.

Tangible rewards for nonviolence become unnecessary when virtue is its own reward, that is, when nonviolent methods of handling disputes clearly produce more mutually acceptable settlements of differences and greater group effectiveness than violence. To achieve such success with open formal group procedures and group penalties or rewards requires staff that shows consistent support of such methods, within a framework of reasonable rules. They must demonstrate and maintain orderly discourse and not become conned or bullied. Although these standards require more effort and thought by staff than does arbitrary authoritarian domination, the success that group-decision methods achieve in maintaining an orderly institution is much more likely to be reflected in nonviolent norms and skills of the inmates after release than is orderliness that is achieved by fiat alone.

5. *Reduce the prestige of violence.* In a society with its mass media, especially movies and television, publicizing and idolizing real and legendary violent people, it is difficult for criminal justice agencies to alter significantly the prestige that is acquired by being violent. Nevertheless, these agencies could be of some influence against rather than a source of promotion for such prestige with those in their custody.

A blatant advertisement of lack of imagination and leadership in correctional administrators is the common finding that the most readily available and visible hobby and exercise for prison inmates is weightlifting. The most organized form of athletics and of television sports watching provided for inmates also frequently is boxing. While these activities may reduce tensions of prison life, relieve inmate boredom, and encourage good behavior if inmates are barred from

them when caught in serious rule violation, the emphasis on such pursuits reinforces subcultures of violence. In practice, the most muscularly developed of the weightlifters frequently bully other inmates into homosexual enslavement and extort other favors. The power of the strongarm individuals encourages manufacture of knives by inmates not so capable of defending themselves through muscle alone, and there is a consequent escalation of arming and of organized violence.

In many correctional institutions, this situation is so deeply entrenched that it cannot quickly be altered. Order often prevails, even if rehabilitation is retarded, when official indifference to the exploitation of the weak by the strong results in the strong enforcing a reasonable degree of order. To try to alter this situation abruptly is to invite riots by threatening the power of an inmate leadership that has attained its influence through actual or threatened violence. The strength of the subculture of violence may be diminished, however, by emphasizing other types of physical activity and nonviolent sources of inmate influence.

These emphases may include team sports to which all are recruited to play and the already discussed inmate governmental functions in democratic organizations. As these are developed, weightlifting, boxing, and other activities that further subcultures of violence can be phased down. To most inmates an inordinate preoccupation with physical culture and boxing skill is another mobility trap providing prestige and self-esteem at the moment but impinging on the time required for acquisition of abilities more useful in a diversified legitimate community life and in occupations more accessible than the boxing profession.

### Prevention of Lethal Violence by Gun Control

Evidence was cited indicating that a major source of increased homicide and aggravated assault rates in the United States during the sixties was the tremendous growth during this period in the prevalence of handguns. (In a later section of this chapter the relationship of guns to the rise in robbery rates is discussed.) Also cited were statistics indicating the mythical nature of the belief that having a handgun increases one's protection from victimization by criminals; actually, a gun creates a greater risk that it will injure someone in the household through accident, suicide, or homicide. What can be done to reduce the availability of handguns and their contribution to crime? The following summarizes what may be the most appropriate public policy for the criminal justice system to support:

N. To reduce homicide, aggravated assault, robbery and accidents, a license indicating both competence and responsibility should be required for handgun ownership; distribution of these weapons should be closely controlled; monetary incentives should be provided

for turning in illegal guns; and extra penalties should be imposed for use of guns in crimes.

The second amendment to the U.S. Constitution reads: "A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms shall not be infringed." This portion of the Bill of Rights was added to the U.S. Constitution in 1791 by representatives from the original American colonies in which British troops had disarmed citizens in local militia units (many of whom became volunteers in the American Revolutionary forces, though originally organized for protection from Indians or other attackers).

In recent years, organizations financed largely by arms manufacturers and arms dealers publicized only the last part of this sentence in the Constitution—"the right of the people to keep and bear Arms shall not be infringed"—in order to argue that their deadly trade should not be subjected to restriction by the government. As the courts have repeatedly affirmed, however, the second amendment's reference to a militia makes it clear that this Constitutional amendment applies only to today's militia, the National Guard units of the 50 States (for case summaries and citations, see Newton and Zimring 1969, appendix J).

One highly questionable emphasis in gun control proposals was that all guns be registered. The Supreme Court ruled in 1968 that to require registration of firearms held privately, whenever possession is illegal, is to violate the fifth amendment by requiring self-incrimination. A measure not violating this decision was adopted by the city of Chicago in 1968; it bans the presence of guns in the State that are not officially licensed and thereby registered, thus making possession of an unlicensed gun illegal but does not make failure to register illegal. Many States have laws requiring dealers to register any sale of a gun, thus creating an official record of dealer transactions but not of private sales or exchange. Even when laws require the registration of private gun transactions, the laws are not readily enforceable, for there is no complainant with an interest in reporting unregistered gun sales to the police, and possession or transfer can readily be kept secret. The limitation of relying on registration laws as the only method of gun control is that law-abiding persons who own guns generally register them, but criminals do not. The laws, however, create a basis for arrest and prosecution, as well as confiscation of weapons, when known ex-offenders are caught with guns.

The primary need, if murder and aggravated assault are to be reduced, is a reduction in the number of handguns in the general populace, including their widespread proliferation today among children. The present situation would have been prevented if years ago, at least in the early sixties, severe restrictions had been imposed

on the importation and manufacture of guns for private sale, at least of handguns. When legislation was passed on a Federal level in 1968, following the assassinations that year of Robert Kennedy and Dr. Martin Luther King, the law was extremely loose. Among its many loopholes was the absence of restriction against the importation of parts for guns, so that the "Saturday night specials" that have proliferated since then consist largely of cheap foreign-made components assembled in the United States with a few parts made here.

To elaborate proposition N, the most effective measures for reducing the prevalence of handguns among people likely to use them in criminal activity are a combination of the following: (a) License the right to own a handgun, issuing licenses only to those who establish a legitimate need to own one, have no record of serious crime (especially violent crime), and demonstrate ability to use guns safely or pass a course in gun safety. They should be required, under threat of revocation of license plus added penalty, to guarantee that they will conscientiously endeavor to keep the gun from falling into the possession of other people and that they will report promptly any theft of the gun. (b) Closely restrict and supervise the manufacture, importation, and sale of handguns, and parts and ammunition for handguns. (c) Offer money for handguns turned in by those not eligible for or not seeking a license to possess them; grant amnesty from prosecution for possession of guns voluntarily relinquished; conduct advertising campaigns to encourage turning them in. (d) Impose criminal penalties for illegal possession of handguns and additional penalties for crimes committed with a gun, with criminal misfeasance charges applicable against police, attorneys, or others who suppress evidence on the use of a gun in plea bargaining or other judicial processes.

## Robbery

The word "rob" is used diversely in ordinary speech but in the criminal law it refers to taking someone's money or other property by force or threat of force. Robbery is thus both a crime against persons and a crime against property, though it usually is separated from other crimes against property in statistical tabulations. The FBI generally classifies robbery with homicide, assault, or rape as a violent crime, yet includes it with property crimes in tabulations of "Crimes Cleared by Arrest" and "Crimes by Month."

A legal distinction usually is made between armed and unarmed robbery, according to whether or not a weapon is used. Although the armed type can more easily become lethal, actual use of force occurs in less than one-sixth of robberies with firearms, and in this sixth the victim is more often struck blows with the weapon than shot with it. In about three-eighths of robberies with knives, however, and about

three-fourths of unarmed robberies, the victim is physically assaulted rather than merely threatened (Conklin 1972, pp. 112-116; yet Ball-Rokeach 1973 oddly classifies unarmed robbery as nonviolent!). The objective in robbery with a firearm is most often intimidation, and for this it is so effective that many robberies are successful when only a toy gun, an unloaded gun, or just an object in the pocket simulating a gun is used. An expression of hostility or sadism toward the victim seems to occur more often in unarmed than in armed robberies, but, of course, injuries are more likely to be grave or deadly when a weapon is employed.

The FBI's *Uniform Crime Reports* for 1972 describes two-thirds of robberies as armed, a proportion that had increased by about 1 percent per year in the preceding decade. Nevertheless, robberies reported to the police declined in 1972 from the number reported in the preceding year for the first time in over a decade. This followed a dramatic overall increase in robbery arrests during the preceding 20 years, especially among adolescents, as revealed for urban areas in table 6.7. The rate of robbery arrest for 15-year-olds went up, on the average, about one-sixth per year during the sixties, and more than doubled in this decade for all those under 19 years old; the overall rate for all ages doubled almost exactly.

Three-fourths of robberies by juveniles were unarmed. Since most of the great increase of robbery arrests during the third quarter of the 20th century occurred among juveniles, increase in the proportion of robberies that are armed has not been dramatic. Over 40 percent of juvenile robberies are purse snatchings committed disproportionately against aged victims. Also, over 40 percent of the total unarmed robberies involve two or more accomplices, but these are most frequent in robberies by juveniles other than purse snatchings.

Although violence is threatened but not applied in most robberies by firearms, its use is three times as probable if the victim resists than if he does not. Contrastingly, force is applied in over 70 percent of unarmed robberies in which the victim does not resist, for in most of these muggings the robbers try to surprise and overwhelm the victim before resistance is possible. Force is used in almost 90 percent of unarmed robberies in which resistance occurs. But whether or not the victim resists, the force used by muggers often far exceeds what is necessary to their taking money or other property. Frequently personal sadism or hostility toward the group that the victim is perceived as representing is evident.

These unarmed strongarm robberies appear to have been a main source of the public's growing fear of crime during the sixties and seventies. Many people became afraid to go out at night or to enter certain neighborhoods of the cities even by day, when previously such fears were not so prevalent (Conklin 1972, chs. 1, 5, and 6).

Table 6.7. Robbery arrests per 100,000 population in each age group in the United States, average annual increase in rates, and median age at arrest, 1952, 1960, and 1970

Age group	Rates per 100,000 persons <sup>1</sup>			Average annual increase in rates <sup>2</sup>	
	1952	1960	1970	1952 to 1960 (percent)	1960 to 1970 (percent)
Under 15 .....	7	13	30	10.7	13.1
15 .....	(3)	116	251	(3)	16.4
16 .....	(3)	144	307	(3)	11.3
17 .....	(3)	164	331	(3)	10.2
18 .....	(3)	156	315	(3)	10.2
19 .....	(3)	190	297	(3)	5.6
Total, 15-19 .....	124	159	300	3.5	8.9
20-24 .....	99	141	221	3.5	5.7
25-29 .....	63	80	120	3.4	5.0
30-34 .....	37	47	66	3.4	4.0
35-39 .....	22	28	36	3.4	2.9
40-44 .....	15	14	19	0.8	3.6
45-49 .....	7	9	10	2.7	1.1
50 and over .....	2	2	2	0.0	0.0
All ages .....	30	36	72	2.5	10.0
Median age of arrest	23.2	19.7	19.9	-	-

<sup>1</sup>Age group arrest rates estimated by using FBI arrest totals for U.S. cities 2,500 population and over and U.S. Census age group data for urban population, correcting the latter by the percentage of the U.S. population in the FBI urban reporting area. Linear interpolation of 1950 and 1960 census data used for 1952, which was the earliest year of FBI tabulations of urban police arrests by age and offense. Only urban data used for 1970 as only urban arrest totals available for earlier years.

<sup>2</sup>Noncompounded average annual increase rates: first column consists of 1960 rates as percentage increase from 1952 rates, divided by 8; second column consists of 1970 rates as percentage increase from 1960 rates, divided by 10.

<sup>3</sup>1950 urban population data by these specific age groups not available.

Among robbery arrestees, adults have a record of prior violent offenses more often than juveniles do; if the juvenile has any prior criminal record it is usually for theft (Conklin 1972, pp. 102-104). Normandeau (1968) concluded that most Philadelphia robbers come from a subculture of theft rather than of violence, although instances of a focus on violence occur and include some highly sadistic individuals.

The nonprofessional adult robber in Boston was found by Conklin (1972, ch. 4) frequently to be an alcoholic from a subculture of violence who robbed his victims only incidentally, after he had gotten into

fighters with them and beaten them. In contrast, narcotic addiction-supporting robbers and opportunistic juvenile or young adult robbers have a background of theft but occasionally resort to robbery when they encounter what appear to be a good chance of quick gain by it. The professional robbers Conklin found in prison were predominantly older white males, neither alcoholic nor opiate-addicted, but habitually leading lavish lives after each robbery and thus soon feeling the need to plan new offenses; they exercised the care and planning described in chapter 8 as characteristic of professional heavy criminals. Einstadter (1969) found that his sample of professional robbers in prison or on parole were disproportionately self-centered entrepreneurs. They did not collaborate in such mutual aid as retaining lawyers or bribing officials, as other professional criminals do, although there was teamwork among them when actually performing robberies.

Banks, savings and loan establishments, and other places where large sums of money are handled, have increasingly experienced holdups by lone individuals with a gun. Indeed, the FBI found 72 percent of the robberies of national banks were by lone individuals, as contrasted to a Pennsylvania study that found only 32 percent of robberies of all types committed alone (Sagalyn 1971, p. 13). The lone offenders at banks and similar places frequently are persons without prior involvement in serious crime who become desperate in a period of unusual financial strain and take a gun to a place where money is concentrated. They appear generally to have had more prior stake in conformity than most felons and enough stable family ties to be better parole risks than most other prisoners with the severe sentences that the law often makes mandatory for armed robbery. Many would be better than most felons as probation risks in jurisdictions where their offense prohibits their receiving probation.

The diversity of behavior involved in robbery indicates that no single modification strategy is optimum for all major types of perpetrators of this offense. Adolescent robbers, being unspecialized in their crimes, require primarily the programs recommended in chapter 5. For those muggers or other robbers whose offenses reflect a subculture of violence, the measures suggested in this chapter for reducing the impact of such subcultures are appropriate. In some robbery, drunkenness is expressed or addiction is a motivation, phenomena discussed in chapter 7. The vocationally-oriented robbers known as professional heavy criminals are discussed in chapter 8.

The gun control measures proposed earlier in this chapter should prevent impulsive armed robberies to some extent simply by making guns less readily available. Many robberies also have been prevented by target hardening—making establishments with much cash or other valuables more difficult to rob. Familiar measures for this objective

include requiring exact change or only small bills in buses, taxicabs, and gas stations, with receipts deposited immediately in a safe that the operator cannot open.

The prevention of robbery, especially by professionals, is one of continuous warfare between the offenders and specialized police units for robbery cases or commercial money protection services. Whenever armored cars, alarm systems, automatic bank-vault timelocks, and other security devices or services are improved to foil some tactic used in a successful robbery, the older robbery methods diminish, but new robbery techniques soon are devised and the cycle of innovations in protection and predation begins again. Rates of clearance by arrest remain relatively high in commercial robberies (cf., Conklin 1972, p. 135), however, suggesting that security strategies are meeting their challenges fairly well.

### Sexual Aggression

Sexual conduct becomes a predatory crime when one party is forced to engage in it unwillingly. This description most clearly denotes rape—the use of force or threat of force to make a person participate in sexual intercourse.

If a female whom the law deems incapable of informed consent—such as a child, an idiot, or a heavily-drugged woman—engages in sexual intercourse, her male partner may be found guilty of rape even if the female participated willingly—indeed, even if she took the initiative in seduction and proposed intercourse. This nonforcible rape usually is called “statutory,” and in most jurisdictions it has a lower maximum penalty than forcible rape.

An additional type of predatory sex offense is child molestation, or indecent liberties by an adult with a child. As a rule, this activity does not involve sexual intercourse or use of force; it most often consists of fondling the child’s genitals. It can be a felony or a misdemeanor, and sentencing practice for it is quite diverse.

Policing, adjudication, and correction of sexual aggression are among the most haphazard, biased, and uninformed activities of criminal justice agencies. They are haphazard because the fraction of the total sexually aggressive behavior of an illegal nature in society that comes to the attention of police and courts probably is minute. They are biased because this fraction probably is an unrepresentative sample of the total. No one knows how this fraction is selected and distinguished from the mass that remains hidden from official view. Furthermore, our understanding of much of the behavior involved in crimes of sexual aggression is highly limited; it is often equally puzzling to laymen and experts.

Table 3.1 of chapter 3 reported that pollsters, asking if anyone in the household had been a victim of rape in the past year, identified

about four times the rate of rape the police statistics indicate. Yet even the responses to pollsters probably yielded an incomplete inventory, since the respondents probably did not always know of rape experienced by members of their households, and many probably would not tell a pollster what they did know. Rape is an experience most often kept private.

Some years ago a tactfully administered inquiry of 291 female university students revealed that 11 percent in the previous year suffered forceful attempts at intercourse, and for 6 percent this involved menacing threats or coercive infliction of physical pain, yet none of these episodes was reported to authorities (Kirkpatrick and Kanin 1957). Similarly, Gagnon (1965) showed that much child molestation is not reported by children to parents and if parents learn of it, they do not report it to police, because public inquiry would humiliate them and the child too severely.

The enforcement of most rape laws is biased by the double standard that tolerates sexual freedom in males but judges women as immoral if they engage in sexual intercourse outside of wedlock. Indeed, the State's reaction to rape often is much more painful for the victim than for the offender:

. . . the woman is disarmed unless she can show major physical injury since she is working against the problem of being a credible victim. . . . The police have standards for . . . victims. To the degree that the woman is known to the man, has had sex with him before, has a bad reputation, seems nonhysterical and uninjured, she ceases to be a victim . . . someone who was a tease and deserved what she got . . . (Gagnon 1974).

As a result of the women's liberation movement, much public attention is directed in the seventies to the fact that police and court interrogation of the victim often results in her being punished by extreme humiliation, discomfort, and embarrassment while her assailant goes scot-free. In several large cities, centers for the assistance of rape victims now exist and pressure is directed to police and courts to be more considerate of the victim.

In view of the foregoing, the data in table 6.8 on trends in the age-specific urban arrest rates for rape must be regarded as primarily a documentation of police activity that may not correctly indicate the age distribution of rapists. It has been assumed thus far that the age of arrestees for a particular offense is a fairly good index of the age of persons committing the offense, both those caught and those uncaught. This assumption is more tenuous for rape than for any of the other FBI index offenses for which age-specific arrest rates were similarly tabulated in this book, since the proportion of rapes reported to the police probably is lower than that for any of the other six index crimes, and the proportion of reported offenses resulting in arrests is

Table 6.8 Rape arrests per 100,000 population in each age group in the urban United States, average annual increase in rates, and median age at arrest, 1952, 1960, and 1970.

Age group	Rates per 100,000 persons <sup>1</sup>			Average annual increase in rates <sup>2</sup>	
	1952	1960	1970	1952 to 1960	1960 to 1970
Under 15 . . . . .	1	1	2	0.0	10.0
15 . . . . .	(3)	17	27	(3)	5.9
16 . . . . .	(3)	31	34	(3)	1.0
17 . . . . .	(3)	36	41	(3)	1.4
18 . . . . .	(3)	41	42	(3)	0.2
19 . . . . .	(3)	44	42	(3)	-0.5
Total, 15-19 . . . . .	39	33	37	-1.9	1.2
20-24 . . . . .	30	30	36	0.0	0.2
25-29 . . . . .	17	18	25	7.4	3.9
30-34 . . . . .	12	11	17	-1.0	5.5
35-39 . . . . .	9	6	10	-4.2	6.7
40-44 . . . . .	6	4	6	-4.2	5.0
45-49 . . . . .	4	2	3	-6.3	5.0
50 and over . . . . .	2	1	1	-6.3	0.0
All ages . . . . .	9	7	11	-3.6	5.7
Median age at arrest . .	24.0	22.5	22.3	-	-

<sup>1</sup> Age group arrest rates estimated by using F.B.I. arrest totals for U.S. cities 2,500 population and over and U.S. Census age group data for urban population, correcting the latter by the percent of the U.S. population in the F.B.I. urban reporting areas. Linear interpolation of 1950 and 1960 census data used for 1952, which was the earliest year of F.B.I. tabulations of urban police arrests by age and offense. Only urban data used for 1970 as only urban arrest totals available for earlier years.

<sup>2</sup> Noncompounded average annual increase rates: first column consists of 1960 rates as percentage increase from 1952 rates, divided by 8; second column consists of 1970 rates as percentage increase from 1960 rates, divided by 10.

<sup>3</sup> 1950 urban population data by these specific age groups not available.

still lower. Therefore, the figures in table 6.8 could be misleading if there is more tendency to call police, and for police to make arrests, in rapes of one age group than in rapes of a different age group.

Table 6.8 shows that during the fifties and sixties there was less increase in urban rape arrests than in arrests for other offenses discussed thus far. These rape rates actually decreased during the fifties for all age groups except those under 15 and the peak arrest rate group, those in their twenties. During the sixties rape arrest rates increased markedly for those under 16 and 25 to 49, but the peak arrest rates remained in the twenties. Whether males in these age ranges were becoming more aggressive sexually, were reported more by their victims, or were more diligently sought out and arrested by the police, we cannot know. It seems probable that with the growth of urbanism and its greater anonymity there has been an increase in the proportion of rapes that are done by strangers. Such a trend, plus the increased liberation of women, could make the increase in rape statistics largely a product of a growing willingness of victims to report rape to the police and to press for prosecution.

Criminal justice policies on sexual aggression cannot now be as rigorously informed by scientific research as policies on other types of offense may be, but evidence from available recidivism statistics and research reports points to the efficacy of two policies:

**O. Modification of criminal sexual aggression seems generally to require:**

- (1) a deterrent (penalty or threat of penalty), and
- (2) realistic instruction of the offenders on the physiology and psychology of sexual responses by persons of their own age and sex and of the age and sex of those they victimized.

Of course, other correctional measures—such as reducing age segregation, increasing open formal group experience, and training vocationally—may also be appropriate if the sexual aggressors have a record of other types of crime, such as those patterns described in the preceding chapter and thus far in this chapter. At present, however, convicted sexual aggressors seldom receive correctional measures different from those for property or other types of offenders.

In one of the older but best scientific studies of male juvenile sex offenders, Doshay (1943) divided 256 subjects seen in the New York Children's Court during 1928-34 into 108 primary cases with only sex offenses in their records and 148 mixed cases with other types of juvenile delinquency (theft, burglary, running away from home, incorrigibility, and school truancy) as well as sex offenses. Doshay searched for their subsequent records in New York City and State criminal justice files and social welfare registers 6 to 12 years later, in addition to locating and interviewing some of them. This search revealed that only 3 percent of the primary group had a subsequent

criminal record, as contrasted with 27 percent of the mixed group, and the record for the 3 percent primary group rearrestees was only for disorderly conduct, while about nine-tenths of the mixed group rearrests were for felonies, 80 percent nonsexual.

The differentiation in Doshay's two groups also seems evident among adults in a study of imprisoned sex offenders initiated by Alfred C. Kinsey and completed after his death by his associates (Gebhardt *et al.* 1965). Their study is less useful than Doshay's because they did not undertake a followup, a majority of their assaulters also had a mixed prior offense record, mainly of adolescent property crimes. Doshay's mixed group were predominantly from high delinquency areas and many were in gangs, unlike the primary cases. The mixed cases would essentially try to steal sex, particularly with group support, just as they stole other things from those whom their subculture defined as appropriate victims.

The male definition of a woman for whom rape is justifiable reflects two kinds of double standards traditional in American society, but perhaps diminishing in recent years as women gain more equality. The first is the double standard that views premarital or even extramarital heterosexual intercourse as proper for males but immoral if done by women. The second is the related male double standard of classifying women as "good" only if they were virgins at marriage and were never adulterous, but as "bad" if they had sex outside of marriage. With these standards comes the traditional male view that equates masculinity with the ability to seduce, trick, or coerce a "good" girl into becoming "bad," and their gossiping that exaggerates the sexual accessibility of the females about whom they talk. With this chauvinist mentality a man does not take a woman's light rebuff as signifying the limits she wishes to place on sexual intimacy; he tries instead to become more intimate than she readily permits. Indeed, if she has been labeled bad in gossip (often irresponsible character assassination) or if he defines her as accessible because she allows more intimacy earlier in their acquaintance than he perceives as a good girl's norm, his advances may be limited only by what is physically possible.

The above describes especially the first of three types of rapist distinguished here, the group delinquent rapist. These adolescent males share norms of pride in sexual conquest and rationalizations for aggressiveness with the women whom they define as "bad" to justify their behavior. When several such youths pick up one or more girls, especially if they outnumber the girls, the females may be raped successively by several males—the so-called "gang shag."

In about half the rape cases the man has been drinking, which dulls his judgment (and potency, but not his desire) and may define the situation to him as calling for an orgy. Male drinking settings are

culturally associated with norms calling for a show of manliness, including its display in sexual conquest. As the quotation from Gagnon indicates, male police officers and court personnel often share this double standard, hence their effort to probe the girl's sexual reputation.

A second type of rapist, both forcible and statutory, is the faulty communicator, who commits rape more from genuine misunderstanding of the female's messages than from initial inclination to brutality when seeking sexual intimacy. In the communication between males and females while necking and petting, messages are exchanged more by subtle gestures than by words. The culture prescribes that the female say "no" completely to all physical contact if the relationship has been pleasant and she wishes it to continue, but not to go too far if she wishes to remain respected. In these circumstances there can readily be errors in judgment in interpreting the messages, especially as a result of inexperience by one or both parties.

Amir (1971) claimed that 19 percent of Philadelphia rapes he studied from police records were initiated by the victim's encouragement, suggesting erroneous or naive communication. A woman, of course, may collaborate in an act that she later regrets, especially if spurned by the male or caught and reprimanded by parents, who may file statutory or forcible rape charges.

A third type is the sexually naive rapist, generally a youth whose ideas of the feminine psyche come mainly from the mythology of male banter about females, and who therefore feels increasingly frustrated when his clumsy overtures elicit no encouragement from females. Preoccupied with sexual fantasies, such men follow females, often strangers, and try successively blatant request, physically holding, extremely violent or surprise assault, or threat with a deadly weapon; failure with each of the lesser degrees of violence in this sequence, especially the humiliating but in most cases anatomically inevitable failure of attempts to achieve sexual entry merely by trying to force the female into an intercourse position against her resistance, leads to a more violent method on the same or another female (for an example of this escalating pattern, much like several the author found among Illinois prisoners, see Martin 1953).

The older a male sex offender against a female is, the younger the age his victim is likely to be. Men over 40 and into their seventies are most frequent among child molesters, while young men attack women of their own age or older. Child molestation by older men is a syndrome regularly represented in State prison systems, although in some States such offenders are more often committed to mental hospitals. Generally those in prison are of low education and of working class background, frequently with a history of alcoholism. A minority commit the offense homosexually with male children. The heterosexual offenders tend to disavow culpability in any crime, claiming they were only properly fondling the child, or if they admit to

improper conduct, they blame it on alcohol. Those denying responsibility for the crime are most recidivistic (cf., McCaghy 1966, 1968). Child molesting often is interpreted psychiatrically as a man's reaction to his sexual inadequacy with mature females, and it sometimes reflects senility. Therapy—when available—is oriented to getting the subject to accept the changes that come with age and to take responsibility for his acts.

From analysis of Kinsey survey data, Gagnon (1965) estimated that 20 to 25 percent of girls reared in middle-class environments experience some victimization, such as genital touching, and that it is more frequent in lower-class settings. About three-fourths of those in the Kinsey sample who had such experience told their parents about it, but the police were notified in only about 5 percent of the cases. Only one of 20 victims that the Kinsey group interviewed claimed that the experience caused them serious psychological or other problems in adult social and sexual life. The rates of orgasm reported by women who as children were the victims of molestation were about the same as those reported by other women of the same age levels in the Kinsey study.

On the whole, the parole records of rapists, especially of those convicted of statutory rape, are among the best of any type of offender. A 2-year followup of a national sample of prisoners paroled in 1969 (National Council on Crime and Delinquency 1973) found less than 3 percent of 589 rapists recommitted to prison with new major convictions (general for nonsexual offenses). Forcible rapists were somewhat more often reimprisoned for technical violation of parole rules than were statutory rapists, but at the end of 2 years after their release, 78 percent of forcible and 85 percent of statutory rapists were still on parole. For all other types of male sex offenders in prison (such as child molesters, panderers, bigamists, persons convicted of incest, and sodomists with animals) 4 percent had no major reconstructions and 76 percent continued on parole in this 2-year followup period. The only offense categories with comparable parole success rates were negligent manslaughter cases (84 percent continued on parole) and willful homicide parolees (82 percent continued on parole).

Evidently sexual aggressors are more deterred by imprisonment than are most other types of criminal, perhaps because they are mainly persons with a predominant stake in conformity to the law for their livelihood. Of course, this stake is often diminished by the stigma of a prison record. Usually sexual aggressors seem to have either rationalized their offense as done only with the girl's encouragement, or have been humiliated as sexually incompetent when arrested but have later been given concentrated advice by relatives, friends, or others on safer, easier and more gratifying ways of getting sexual experience. That minority of rapists who have had much prior criminality are, of course, the ones most likely to commit further crimes, but their new offenses are most often not sexual crimes.

In the rare instances when a released rapist commits new sexual assaults, the public clamors for longer confinement of all sex offenders. Several States have passed sexual psychopath or sexually dangerous persons laws that give psychiatrists much discretion in imposing long confinement on sex offenders. These laws were passed without questioning the ability of psychiatrists to predict accurately the repetition of offenses. Yet virtually every objective test has indicated that the probability of recidivism is predicted more accurately by actuarial data on the offender's prior convictions, than by psychiatric prognoses (cf., Glaser 1962, Sawyer 1966, Johns 1967).

Psychotherapists claim some success with treatment of older child molesters. Doshay observed, however, regarding the juvenile sex offenders whose careers he traced:

... orthodox psychoanalytic treatment of the juvenile sex offender is not indicated and should be avoided, because of the likelihood of severe and lasting damage to the personality arising from the long-drawn-out procedure and the inevitable overemphasis on the original sex offense, which is diametrically opposed to the needs of these juvenile cases (Doshay 1943, p. 175).

He recommended sex education for them in the presence of the parents, but no severe spying or restriction, and moving to another neighborhood if there is much problem from the stigma of the offense.

Apparently the most adequate correctional services for a convicted rapist are: (1) those that would be most appropriate for him as an unspecialized adolescent offender if he is still primarily striving for adult-like autonomy (discussed in chapter 5); (2) those policies pertinent to assault if he has a general pattern of violence (discussed in this chapter); and (3) those for addictions, if he has alcohol or other drug problems (discussed in the chapter that follows). If special education and counseling on sex are needed, and that may be all that is needed besides the deterrent of arrest, it probably is most effectively provided as part of regular individual counseling services.

With the inclusion process evident in the women's liberation movement, the frequency of sexual aggression may decrease while the extent to which it is reported to the police and effectively prosecuted increases. The net effect of such trends might be studied by planners through periodic surveys (described in ch. 10) to determine if these are incipient trends, and, if they are, their approximate dimensions.

## Conclusion

Expression of hostility toward others by attempting to injure or kill them has been a more frequent behavior of Americans than of most Europeans, and it has been much more common in the Southeastern and South Central portions of the United States than in the rest of the country. Our rates of assault and murder declined from a peak during the depression (and probably still higher earlier in our history) to a low point in the fifties, then increased rather precipitously during the

sixties so that by the seventies murder rates were about as high as in the thirties. Only a few nations, mainly in Latin America, have much higher murder rates.

Groups with above average rates of violence seem to be distinguished primarily by their sharing a subculture of violence, that is, norms which endorse physical attack as the proper response to personal insult or moral outrage. These norms are exemplified in the Mexican machismo values, idolizing a dominating manliness as a prime virtue, and by the Southern tradition of violence for defense of honor or intimidation of rivals to power. Statistical indicators of such subcultures include the high assault and homicide rates in these two regions, as well as among the offspring of migrants from these areas who have not become well-assimilated into their new communities. Further evidence of the subculture of violence influence are the findings that most homicides result from an escalating altercation in which it is often the victim who strikes the first blow, that the victim and assailant usually are from the same subcultural group—indeed, friends or relatives about half the time—and that such prior relationships between assailant and victim characterize most often the killings in those groups that have the highest overall homicide rates.

Traditionally, homicide and aggravated assault rates have been highest in rural areas, although assault probably is more underreported there than in the cities. This reflects the prevalence of frontier values, low education, and informal relationships in the least prosperous portions of the countryside, as contrasted with the urbane behavior standards of the most long-settled city residents. Since 1964, however, urban homicide rates have increasingly exceeded rural rates, consequent to the accelerated depopulation of Southern rural areas by mechanized agriculture and mining, and migration of their most unsuccessful residents to slums of our largest cities. There they were augmented by poor migrants from high violence rate Latin American areas, mainly Mexico and Puerto Rico. The subculture of violence then became hyperconcentrated in the new slums because of prejudices elsewhere in the city against allowing these migrants to be neighbors, because of the school problems of the migrants' slum children and grandchildren due to cultural differences, and because of welfare policies perpetuating broken homes in the slums. These problems of new poor migrants from less developed countries probably will be a chronic condition for several coming decades in the United States, since our prospects of zero population growth and the probable booming birth rate in Latin America and the Middle East make it likely that there will be much legal and illegal migration from these areas to this country.

The increased dangerousness of adolescent crime when it is in a subculture of violence setting is evident from the sharp rise in teenage

arrest rates for homicide and, especially, for aggravated assault. The conflict variety of delinquent subcultures became prominent in the new slums and public housing projects during the sixties. Fourfold increase in the import and manufacture of guns between 1962 and 1968, and continuation of this heavy domestic armament since then, were factors in the sharp peaking of lethal and aggravated assault rates at early ages; the slum's bopping gangs of the sixties were replaced in prominence by its gun-carrying children during the seventies.

Physiological, psychological, and cultural aspects of drunkenness operating concomitantly explain the fact that about half the victims and half the assailants in homicide and assault cases were drunk at the time of their violent altercation. Attacks generally deemed senseless are not excused by the law, however, if the offenders are shown to have committed them when intoxicated, but pleas of not guilty are accepted if the court is convinced that the crime resulted from the insanity of the accused.

Increasingly, criminal justice agencies confront paranoid groups among traditional predators who grasp at opportunities to escape the stigma of preying on their neighbors by claiming identification with legitimate social movements. They rationalize illegal methods with allegations of persecution and claims to moral superiority. As a result, individuals or cliques who normally commit crime separately are unified into groups undertaking predations in a more organized and dedicated fashion, with support from some noncriminal adherents to their stated social goals. Their ideologies, when sincerely held and shared, constitute special types of subculture of violence that foster predatory crimes, whether by a whole nation (e.g., the Nazis) or by a limited criminal group (e.g., the Manson family).

The most important strategy in correctional planning for reduction of violence is to weaken subcultures of violence by changing the communication patterns of their adherents, by diminishing the reinforcement of violent values, and by maximizing learning and reinforcement of alternative conduct. Most important for this objective, both in community and institution programs, is to promote participation of target individuals (e.g., violent youth, and inmates) in open formal groups of diverse sorts, preferably with people (such as ex-offenders) who can gain rapport with them and have had more successful experiences outside the subcultures of violence. This should be a stepping-stone to rapport in straight groups, rather than a terminal objective. Assigning to target groups responsibility for preventing individual violence by their members may also be useful in mobilizing group support for learning nonviolent methods of resolving conflict, whereas individual penalties for the violent individuals reinforce their achievement from the perspectives of their peers in the subcultures of violence. Some other traditional recreation services to offenders, such as stress on individual muscle building rather than on team sports,

also reinforce their emphasis on violence and divert them from activities that would enhance their achievement of self-sufficiency in legitimate community activities. In addition, of course, violence will be reduced by all of the measures stressed in chapter 5 for prevention of adolescent crime, diminishing the segregation of age groups, and increasing occupational opportunities at an early age.

Paranoid groups, a special case of subculture of violence, are also weakened by changing the communications and rewards of their members. Treating them as a group and communicating to them through their leaders unify them. Constructive discussion of issues on an individual basis, most easily done with fringe members, and motivating their participation in other groups, including legitimate political parties, may weaken paranoid groups.

Assaults could be made less lethal with effective gun control. Making only licensed guns legal, controlling distribution of handguns and their ammunition and parts, and following this with amnesties as well as payments for turning in unlicensed guns, could diminish the deadliness of our domestic armament.

Two-thirds of robberies are armed robberies, but they less often involve actual use of force against the victim than those that are unarmed. The latter consist disproportionately of surprise assaults, the muggings that have made people in many American cities afraid to venture out on the streets at night. There has been dramatic growth in rates of juvenile arrests on robbery charges in urban areas, mostly for unarmed offenses, particularly purse snatchings, but pairs and trios frequently commit muggings. They rarely are specialized in this crime, however, and thus are similar to other adolescent offenders, but are perhaps more often socialized in a general subculture of violence. Adolescent, narcotic addict, and alcoholic robbers generally are opportunistic and unspecialized predators, gaining relatively small sums from scattered chance targets. Financially desperate but previously noncriminal lone offenders are most frequent among robbers of banks and other establishments known to handle large sums of money. These are also the targets of professional robbery teams, who are increasingly blocked by security technology, but gain some advantages from the scattering of small branch banks.

Sexual aggressions, primarily rape and child molestation, are among the most haphazardly reported of major offenses. Most rapes reflect two double standards in American culture: one condones or even attaches prestige to premarital (and sometimes extramarital) sexual promiscuity by males, but morally condemns it in women; the other is the male's evaluation of women as morally good if sexually inaccessible and bad if it is alleged that they can be readily seduced. Many males excuse rape of any female labeled bad by this standard,

and therefore, many victims of sexual assault are subjected to humiliating and irrelevant badgering about their sex life by police and court personnel who share this male perspective. Most arrested rapists have prior records of other types of criminality and, when recidivistic, are less likely to recidivate with a sex crime than with a property offense. They often adhere to a subculture of violence, and alcohol is associated with much of their raping. Many rapes, however, are by males with little or no prior crime, who either: (1) misinterpret the female's attitude toward their relationship, or (2) are utterly naive about women, are humiliated by their failure to conquer females as readily as they think their peers have managed it, and resort increasingly to violent measures to overcome this failure.

Older male sex offenders are disproportionately child molesters. They frequently deny crime completely or disavow blame by ascribing it to alcohol. Therapy claiming some success seeks their acceptance of responsibility for their deviance and explains it as due to their failure to accept unavoidable changes that come with older age.

National parole statistics indicate relatively high success rates of released forcible and statutory rapists, as well as other sex offenders. Only a few percent are convicted of new serious crimes, but most of these are not sex crimes. Those who propose that even such few instances of recidivism by a subsequent rate could be prevented by screening sex offenders before release and detaining those whom case studies conclude are dangerous, have been shown by research to be utterly unrealistic in their assumptions about any person's ability to predict this relatively rare recidivism; they cite successful predictions but overlook erroneous ones.

It should be stressed that all of the strategies for coping with violent offenses presented in this chapter merely supplement those discussed in the preceding chapter, on preventing the perpetuation of adolescent offenses. The diversity of assaulters, and especially of robbers and sexual aggressors, implies that there is no single policy appropriate for all. Those who are adolescent are less likely to persist in crime if they can be aided in attaining autonomy in legitimate adult roles, while those who are enmeshed in a subculture of violence will be less prone to aggression if they gain experience in formal open groups with persons of less violent orientation. The many violent offenders who commit crimes related to their alcohol dependence are a more difficult problem, to which the next chapter will be relevant. Most of the policy recommendations in this and other chapters of this monograph are relatively independent strategies. Each offers some potential benefits on its own, but each is more relevant to some criminal justice clientele and to some situations than to others. It is believed that all add to the probability that more persons now victimizing others will achieve satisfaction and stability in purely nonvictimizing roles in the complex organizations of modern society.

## Chapter 7

### VICES, ADDICTIONS, AND THE CRIMINAL JUSTICE SYSTEM

The term "vice" is used in common speech to refer to any abuse of one's health. Overeating is a vice, from this standpoint, as is drinking too much coffee or too much whiskey, smoking, taking drugs not medically recommended or taking them in excessive doses when they are. Although these activities may impair one's own health, they do not necessarily involve other people, but injuring one's health indirectly affects others, of course, if it impedes ability to support oneself and one's dependents. Most of these vices usually are not regarded as morally evil in themselves, although opinions vary on this, and the moral reaction to them is not closely related to the extent to which they impair health (e.g., overeating probably is more dangerous than marijuana use).

Other types of behavior that usually do not injure one's health, but which many regard as morally objectionable, are also called vices in popular speech. These include gambling, engaging in homosexual acts, and purchasing the services of prostitutes. In this monograph the term "vice" is used as a convenient collective label without implying any moral assessment.

#### Four Laws of Addictive Vice Control

For purposes of discussion in this chapter, an addiction will be defined as an extremely compulsive habituation to a vice. A person is addicted as long as he or she finds it extremely difficult or impossible to stop the vice. Overeating, smoking, drinking, drug abuse, gambling, and patronizing prostitutes are activities that some people pursue very compulsively.

Sociological, psychological, and physiological processes all become involved in explanations for these compulsions. Our immediate concerns are their economic consequences, since these provide the main explanation for the burden and frustration that such compulsive behaviors have always imposed on criminal justice officials. From the classic laws of economics and the characteristics of certain vices, law-like propositions can be formulated that predict some of the consequences of efforts to control addictions by criminal justice measures.

The most important economic aspect of compulsive activities is that they create an extremely inelastic demand for the goods or services

that are required to maintain them. Many people will pay almost any price and take almost any risk, if necessary, to satisfy these appetites. Therefore, whenever the supply of goods or services that addicted persons crave becomes restricted, other persons can make highly attractive profits in selling them. Indeed, addicts will exhibit great ingenuity, risk their social status, and commit predatory crimes for money to purchase what their vice requires. Therefore, a law can be asserted that history has repeatedly validated:

**P. Enforcement of prohibition laws against a vice generally will diminish its visibility more than its actual pursuit by addicted persons.**

This law appears to be true regardless of how severe the penalties are for the vice. During the fifties an effort by medical personnel to have the Harrison Act and its administration against opiate use made less punitive backfired, when extreme rhetoric about drug fiends was collected by a Congressional committee. Laws were then promulgated by the Federal and most State Governments imposing severe penalties not just against opiates, but also against marihuana and a variety of other abused substances (cf., Lindesmith 1965). Nevertheless, these forms of drug abuse are reported to have grown in almost every jurisdiction. Of course, a variety of factors probably were involved in this growth; while the severe penalties did not cause it, they certainly did not prevent it. The same experience of failure of severe penalties to eliminate compulsive behavior can be recounted from the history of criminal justice control efforts against gambling, alcohol consumption, prostitution, and homosexuality.

It is an established tenet in criminal law that, after sufficient severity of penalty is imposed to make an act distinctly not worthwhile if punished for it, increases in certainty and speed of penalty are more important than additional severity in deterring behavior. All the vices can be hidden readily; people involved in them regard themselves as collaborators rather than as victims of criminals and have no incentive to report their illegal acts to the police. Our law is true, therefore, because law enforcement can only markedly affect the visibility of these types of behavior; it cannot markedly prevent their pursuit by persons already highly addicted to them, although it can often make it briefly more difficult for them to find sources of supply for the goods or services they desire.

Those who regard a vice as evil will argue that making a vice less visible and more difficult to pursue contributes to its diminution if not its elimination. Reducing the visibility of prostitution, alcohol or drug intoxication, or homosexual courting also is defended as removing unpleasant sights from those who find such conduct repugnant, which may well be a majority of the electorate. Britain, for example, forbids public solicitation for prostitution but not prostitution itself. In the

United States there is some restriction on advertising alcoholic beverages. Some proposals for marihuana decriminalization include bans on advertising. If lesser visibility makes a vice less readily adopted by adolescents or others, those who regard it as evil can claim additional social benefits from suppressing its visibility even if it still prevails among persons already addicted to it. Reduction of visibility can readily be justified for those vices that clearly jeopardize public health and safety, as do some of the dangerous drugs.

While efforts to prohibit the supplying of goods or services for a vice do not eliminate it, they often produce an increase in the price charged. Those who are strongly addicted will pay a high price if necessary, even a price that exceeds their legitimate financial resources. A logical consequence of the foregoing is our second law:

**Q. The higher the financial cost of gratifying a vice, the more those addicted to it will engage in predatory crime.**

The validity of this law has been dramatically demonstrated with opiate addiction. Before World War II most people in the United States who became addicted to opiates procured morphine through medical channels or obtained various nonprescription medicines containing codeine, paregoric, or laudanum. Sometimes they forged prescriptions or burglarized pharmacies or physicians' offices to get their supplies, but this was exceptional. Most often they could purchase opiates with only moderate deception and at a price they could pay from legitimate earnings.

As the channels for procurement of opiates were reduced, particularly during World War II, and again with the expansion of narcotics law enforcement in the fifties and sixties, they had to pay more for these drugs than most could earn. Costs of \$20 to \$100 per day to satisfy opiate cravings became familiar, even when price and wage levels in the United States were much lower than they are today. Consequently, established addicts and persons newly addicted, who once could support their vice by legitimate earnings, soon resorted to theft and burglary for funds to buy drugs. The long-term opiate addict today is almost invariably a highly professional predator, and in many cities (e.g., New York and Washington) experts assert that addicts have for some years been responsible for a majority of burglaries, thefts from cars, and many other types of theft.

Not many addictions are as compulsive as opiate dependence, but crimes by chronic alcoholics to procure money for alcohol are also a familiar experience in criminal justice agencies. Every State prison is burdened with the so-called naive check forgers (Lemert 1967, ch. 7) who forge small checks just to maintain a drinking spree. It is a highly recidivistic offense because of the compulsiveness of alcoholism, and they are often able to avoid prosecution because the checks are small and are frequently drawn on the accounts of friends or relatives. They

are imprisoned only when their victims finally tire of being abused or are not available to urge that charges be dropped.

Evidence for the validity of our second law, that higher financial cost of a vice increases predatory crime by its addicts, is provided by the fact that opiate addiction causes much more property crime than does alcoholism, although there are estimated to be about 27 times as many alcoholic persons as opiate addicts in the United States—9 million alcoholic persons; one-third million addicts (Pittman 1974; Glaser 1973, p. 43). This simply reflects the fact that the money needed for enough whiskey or wine to support alcoholism is relatively small and thus does not generate nearly as large a volume of crime per alcoholic person as does opiate addiction per addict.

The opiate vice engenders a tremendous amount of crime because it is expensive. Evidence from most methadone programs suggests that making opiate addiction less expensive reduces the property crimes it generates. Indeed, the expansion of methadone programs to the point where waiting lists for admission to them were largely eliminated during the early seventies may well have been a major factor in the decline of property crime rates in New York City and Washington, D.C., during these years. The fact that addicts usually are not permitted to receive methadone legally until they have been addicted for such a long period and on such heavy dosages that they had to become professional thieves or prostitutes to support their habit, diminishes the extent to which methadone alone can change their crime patterns (cf., Vorenberg and Lukoff 1973).

The cost of gambling varies more with the personal style of the gambler—whether addicted or not—than does the cost of most other vices; whenever gambling is available at all, some people take larger risks than they can afford and some do not. Nevertheless, if greater visibility and accessibility of large stake gambling accompany its legalization, this could increase the number of persons who bet more than they can afford and consequently increase their undertaking predatory crime. Many lone first-offense robberies and embezzlements are committed by persons feeling financial desperation from gambling losses. This is alleged to occur frequently in Nevada.

The relatively inelastic demand by addicted persons for the goods or services they crave is the basis of our third law:

**R. The higher the profit in illegal goods or services, the more organized, resourceful, and ruthless the suppliers will become, when necessary, to make their sales.**

Organized crime in the United States developed much of its initial strength from operation of houses of prostitution and other services to vices that were illegal, but its major growth came in the 14 years in which the 18th amendment to the United States Constitution barred legitimate businessmen from making or selling alcoholic beverages.

Since those supplying such drink were operating illegally, they developed their own armed forces not only to protect themselves but to prey upon others. Indeed, organized crime provided a more remunerative and secure career for those who first demonstrated their qualifications for illegal work by ordinary robbery and other predatory crime.

Both before and subsequent to repeal of the 18th amendment, organized crime also supplied other vices, especially illegal gambling—a major industry. Conflict among such criminal organizations and their predatory orientation produced their expansion into violent predations, such as extortion and professional assassination (e.g., Murder, Inc.). These crimes facilitated their other illegal dealings, such as usury, stolen securities, and hijacked truckloads of merchandise. They used criminal methods to gain control of some unions, as well as many legitimate businesses, and their money or threats gained them much influence, if not control, in political offices (Cressey 1969, Inciardi 1974).

Also validating our third law is the regular expansion of new sources or channels for bringing prostitution, drugs, or gambling to customers whenever law enforcement closes an old one. Supplies soon emerge to meet high-paying demands. Police claims to having eliminated these vices from a city usually are either invalid or short-lived, but most often invalid.

The extreme wealth and power gained by organized crime from servicing those interested in illegal drinking and gambling reflect the widespread public indulgence in or tolerance of these vices. Indeed, public tolerance of vices inevitably undermines efforts to enforce laws against them, because of the operation of our fourth law:

**S. Widespread tolerance of a vice that is illegal fosters disrespect for the criminal justice system as well as corruption in enforcement and adjudication of the law; legalization reduces these effects.**

The 1933 report of the Wickersham Commission on the large-scale growth of organized crime and on the corruption of police and courts in enforcement of the 18th amendment generally is regarded to have been an important factor in hastening repeal of that amendment, even though the commission itself recommended only more rigorous enforcement of the law. Many people who did not wish to drink supported repeal because of the high social costs of unenforceable prohibition laws. Similarly, evidence of corruption of law enforcement through organized gambling probably has encouraged support of legalized off-track gambling in New York and elsewhere even by some persons who do not gamble.

The prevalence of some marijuana use among a majority or near majority of people in their late teens or early twenties in most parts of the United States, according to public opinion polls, probably has

been a major factor in the extremely haphazard enforcement of laws against this drug even when youth are caught with it. While increased professionalization of police forces and the judiciary may have reduced their corruptibility, as compared with their dominance by political patronage in prohibition days, their enforcement of laws against soft drugs that young people have found not harmful doubtless diminishes the respect that the criminal justice system can command in the younger generation. In sections of New York city where studies in 1969-70 indicated that as high as 20 percent of the males 16 to 44 years old had used heroin, there was much blatant inconsistency and repeated exposure of corruption in enforcement of severe laws against hard drugs.

These four laws, together with society's increased generalization of values and tolerance of deviant conduct, doubtless influence the course of criminal justice policy on vices and addictions and determine its effects. In most cases, when official penalties reduce visibility of a vice they probably do reduce its propagation in the general public, especially if the vice is not yet widely known (although possibly as forbidden fruit it becomes more attractive to some rebellious adolescents). On the other hand, when criminal justice measures increase the price of a vice to which many people are highly addicted, these measures make professional predators out of addicts and stimulate a ruthless and powerful organization of the suppliers. The suppliers deliberately push the vice to expand their trade and may corrupt or otherwise impede law enforcement against it. Prohibiting a vice can thus have contrasting effects, depending upon the addictiveness and the prevalence of the vice.

The sequence of events described probably accounts in large part for the tendency, noted in chapter 2, for government reaction to nonpredatory crimes to shift abruptly from permissiveness to prohibition when sufficiently influential people are outraged by a vice, but ultimately to change to regulation when the social costs of prohibition become evident. Regulation may include measures to reduce the visibility of an offense, although not increasing its cost to those already addicted and not augmenting the power and wealth of organized crime. For example, advertisement and places of sale of alcohol often are restricted when these vices are legalized; more reduction of visibility undoubtedly could be achieved. Also, some drug addicts are legally supplied with drugs free or at low cost, under medical supervision, such as methadone for opiate addicts and prescribed dosages of barbiturates to youths dependent on illegally procured downers. Ideally, such provision of drugs is accompanied by measures to diminish their addiction, if possible, and to increase their stake in conformity by expanding their employment or educational opportunities and incentives.

This monograph will not address such questions as the morality of various vices or of restrictions on the freedom of individuals to indulge in them.

The point of the analysis presented in the foregoing pages has been to indicate the realities that criminal justice planners must anticipate if they are to have effective strategies in vice control, regardless of their views on its morality. Further considerations also merit discussion with respect to the two specific vices, alcohol and opiate abuse, that currently create greater burdens on the criminal justice system than any other vices.

### Alcohol and the Criminal Justice System

A survey cited by Pittman (1974) indicated that 32 percent of Americans drink less than once a year, 15 percent drink less than once a month, 28 percent drink at least once a month but only in small quantities, 13 percent drink several times per month but no more than three or four drinks on each occasion, and 12 percent drink almost every day, frequently consuming five or more drinks per occasion. Most of the compulsive chronic alcoholics probably are in the last category, although some people who disrupt their lives seriously through drinking do so only on periodic sprees. Pittman estimates that in the United States about one drinker in 12 will become an alcoholic person.

Earlier sections of this book have indicated a close relationship of alcohol to assaults, robbery, rape, and forgery. The most frequent basis for arrest in the United States—19 percent of all arrests reported to the FBI in 1972—was drunkenness (usually defined in the law as public intoxication, for it is legal in private). Another 9 percent of all arrests were for driving under the influence, and 8 percent were for disorderly conduct, most of which probably involved drunkenness, as did many in such arrest categories as vagrancy and liquor laws. Indeed, a conservative estimate is that about half the arrestees in the United States are drunk when taken into custody, and their arrest is primarily for drunken behavior (this may include assault on others or vandalism and, more often, drunken driving). Although other types of drug intoxication, such as that from marijuana, also are the basis for arrest, few competing drugs impair public behavior or driving as readily as alcohol does, and so they do not lead to arrest for intoxication. If the decriminalization of marijuana led to its use replacing much alcohol drinking, one result probably would be a decrease in accidents due to intoxication.

Actually, both the percentage of total arrests of all types and the absolute number of arrests that are for drunkenness have declined in the United States in recent years. In 1963, for example, 34 percent of the nontraffic arrests reported to the FBI were for drunkenness, 5

percent were for driving while intoxicated, and 11 percent were for disorderly conduct, in addition to many assault, vagrancy, and other arrests often reflecting inebriation. The increase in arrests for driving while intoxicated since then doubtless reflects the larger numbers of automobiles and drivers and the intensification of law enforcement against drunken driving, but the decline in arrests on drunkenness and disorderly conduct charges probably results more from change in police policy than from decline in drunken behavior.

Increasingly, drunken conduct (apart from drunken driving, assaults, and other clearly dangerous behavior) is ignored by the public and the police, or the drunken person's removal from a public place is facilitated by the police, without arrest, if removal is not resisted. This flexibility reflects recognition of the futility of the arrest trial-incarceration cycle in deterring drunkenness and of its high financial and social cost. Also influencing this decline in arrests were some challenges to the legality of the way they were conducted, or processed, such as alleged police quotas for drunk arrests mechanically fulfilled in skid row areas, arrestees almost never represented by counsel, and arrestees almost always found guilty without adequate inquiry. Periodically people are callously arrested as drunk and not carefully checked when they collapse from a heart attack, diabetes, or some other ailment.

Detoxification centers, many connected with public hospitals or clinics, are increasingly being established where those found publicly drunk can be transported, if they consent, and get showers, medical attention, temporary housing, food, and access to social welfare and counseling services. There is evidence that this detoxification procedure costs less and is more effective in reducing subsequent public drunkenness than the traditional revolving door practice of arrest, adjudication, and brief jailing (cf., Law Enforcement Assistance Administration 1970).

Although problems of alcoholism come at all ages, on the whole it is an older age addiction. In 1970, for example, the median age of urban arrest for drunkenness reported to the FBI was 42 and the median age of arrest for driving while intoxicated was 37. Eighteen years earlier, in 1952, the median age for drunkenness arrest was the same, and the median arrest for driving while intoxicated was 36. The estimated urban arrest rates for drunkenness in 1970 were 3.8 times as high for those in their forties (about 2,775 per 100,000 persons) as for those 15 through 19 years of age (739 per 100,000); those in their twenties had an arrest rate of about 1,500 per 100,000 and those in their thirties had an arrest rate of about 1,750 per 100,000.

Chronic alcoholism has always been difficult to cure. Research has found involuntary treatment effective only briefly or not at all, in most cases. Indeed, a sincere motivation to terminate alcoholism

appears to be necessary—and occasionally is sufficient—to end it, but this motivation does not come until, as the ex-alcoholics say, they have hit bottom. Bottom for one alcoholic, however, is not the same as bottom for another. Some stop at the first trauma, such as seeing their job or their marriage in jeopardy, while others do not stop until long after they have lost all jobs and status they may once have had, are rejected by all kin, dwell homeless, and mendicant on skid row, are repeatedly incarcerated, and experience declining health, blackouts, and delirium tremens. An appreciable proportion never stop, and many die of cirrhosis of the liver or other ailments caused by alcohol.

A model for cure of addictions that has since been copied by persons suffering from almost every other type of vice was established in 1935 when two patients in a ward for relief of acute intoxication, one a former physician and the other a former stockbroker, founded Alcoholics Anonymous. Its principles include regular meetings of small groups of alcoholics wishing to stay sober, their recognition and public avowal that they are alcoholics, their confession of all wrongs they have done others, and their endeavor to make restitution, their faith in a Higher Power, and their constant availability to assist other alcoholics. The notions that only one who has suffered from an addiction can understand and gain sincere rapport with another person who has the same addiction, and that mental health is regained by helping others, have acquired widespread application in efforts to help people alter behavior that is a problem to them. Unfortunately, this verbal participation in somewhat formal groups appeals mainly to those whose education or prior middle-class background makes them comfortable in such groups and not to less articulate persons unaccustomed to participating in groups with strangers.

A frequent complication in helping alcoholics to help themselves is that their spouses and children have learned not to trust or depend on them. A woman whose husband is an alcoholic learns that she must be both mother and father to their offspring; the child learns that no matter how affectionate the father is and how sincere his promises seem, he is not likely to fulfill them. Accordingly, an alcoholic who has begun to recover often is not able to gain acceptance as a responsible member within the family, and this situation engenders relapse into alcoholism. Indeed, some people seem to need to retain the role of moral superiority to their alcoholic spouses and resist their efforts to become less dependent on them. Alcoholics Anonymous has organized auxiliary groups of spouses (Al Anon) and of teenage children of alcoholics (Al Teen) in an effort to prepare the family and the alcoholic for achievement of normal family relationships. Their contacts there with others who share the same family burdens also foster mutual aid among them and reduce the stigma of having an alcoholic in the family. Nevertheless, the probability of periodic relapse is appreciable

with all formerly addicted persons, whenever new stress or temptation occurs, although the longer any period of abstinence lasts, the less the probability of relapse becomes.

The treatment philosophy of Alcoholics Anonymous makes this organization a major resource for any criminal justice agency that deals with alcoholic clients. Their members visit alcoholics in custody, and, when the prisoners are released, welcome them to the community and often provide more tangible assistance. This aid has proven clearly beneficial in most cases only when available on a voluntary basis, so there may be legitimate reasons to question the wisdom of requiring participation in this organization as a condition for granting probation or parole. Many jails and prisons encourage inmates to form units of Alcoholics Anonymous, permitting them to meet regularly regardless of their other assignments as inmates, and to invite outside members as visitors and speakers for the group (intergroup visiting is a popular feature in many AA groups). Such outside contact and other attractions often result in inmates participating who were never really alcoholics. Nevertheless, this does not prevent the group's usefulness for both alcoholic and nonalcoholic participants. It may often be helpful to consult members of Alcoholics Anonymous in planning programs for alcoholic offenders.

### Opiates and the Criminal Justice System

Since 1914, our laws have closely regulated the possession and distribution of opiates to assure their exclusive use for medical purposes, but only since the thirties have they been rigorously enforced as a prohibition measure. As already indicated, the penalties for illegal possession or sale of opiates became extremely severe during the fifties, and they are somewhat variable in different jurisdictions since then.

A distinctive feature of opiates is the extreme physiological dependence they create. The body gradually becomes tolerant of larger dosages, so increasing amounts must be used to achieve a given psychological effect. Sudden cessation of opiate use will cause severe illness, but quick recuperation occurs if the drug-taking is resumed. Only the barbiturates, among widely abused drugs, have as clear and marked a physiological abstinence syndrome or withdrawal effect. In addition, it has recently been demonstrated rather conclusively that heavy dosages of opiates create a definite euphoric effect, the so-called chemical orgasm, that many users seek (McAuliffe and Gordon 1974).

The relationship of opiate addiction to various forms of property crime has already been indicated as an illustration of the validity of our second law, that the higher the financial cost of a vice, the more those addicted to it will resort to predatory crime. Although opiates

tend to induce indolence by creating narcosis, addicts between periods of nodding from their drugs must be alert and diligent to steal, sell stolen goods, and procure drugs; indeed, they become frantic when in fear of withdrawal effects or when already suffering them. To support their habit they must avidly "hustle." Their efforts to procure rehabilitation often are motivated more to reduce the cost of their habit by partial detoxification than to become totally abstinent. There are increasing reports of their shifting from crimes of stealth to robberies. Female addicts commonly engage in prostitution and, in some cities, are said to comprise the majority of streetwalkers. Many panderers are addicts, and a large fraction of addicts support their habit, in part, by dealing in illegal drugs.

Most addiction to opiates in the first half of the 20th century seems to have been acquired initially through using these drugs for medical purposes, to relieve pain, and most users were rural middle-aged females. Since the fifties most users have been young males in metropolitan areas (Ball 1965). They now generally take these drugs initially, and often continually, as a social gesture in a group emphasizing appreciation of the physiological and psychological effects of drugs.

In recent years, the drugs purchased by addicts are often not concentrated enough to create true withdrawal effects and physiological dependence readily; indeed, much street heroin is contaminated with substances that are deadly. The opiate content of drugs and the amount taken are highly variable, so users sometimes unknowingly overdose themselves, or are surprised by suddenly experiencing withdrawal symptoms that had not followed their prior opiate injections. The social use of opiates is extensive in some components of society, and the drug subculture there creates a high probability of return to heroin-taking circles by many who fail to find other equally absorbing social intimacy when pursuing an alternative lifestyle (cf., Lewis and Glaser 1974).

Initiation as well as termination appears to occur at earlier ages for opiate than for alcohol addiction but the process of termination is similar for both. Voluntary abstinence, once a person is really dependent on opiates (strung out), seems to require a sense of having hit bottom, and self-confidence in being able finally to kick the habit. For some, a sense of having hit bottom, an involuntary abstinence, and some faith in their ability to continue drug-free, are provided by a long incarceration experience; many addicts never revert to drugs after a jail or prison term. Indeed, statistics indicate that addicts in civil commitment institutions often have lower postrelease abstinence rates than addicts imprisoned and paroled, perhaps because institutions exclusively for drug addicts expose them to more continuous talk of the drug world than prevails in prison. Perhaps

more often a conversion process occurs through the many ex-addict groups modeled in some respects on Alcoholics Anonymous, as was Synanon, the pioneer of these mutual aid groups by former opiate addicts. Some of the newer groups that appear to be among the most effective, such as Teen Challenge, are strongly religious in their orientation.

In many countries of the world, but most notably Britain, opiate addicts are permitted heroin or other opiates through medical channels and at nominal cost. The number of British addicts registered to receive drugs remained for decades less than 500, in a nation of 50 million, but increased somewhat in the postwar years, allegedly reflecting the influence of West Indies migrants and American visitors. It still remains relatively low there, most are law-abiding, and those who are not reflect prior behavior patterns more than the impact of their opiate addiction. Those with disorganized or criminal backgrounds, however, are most likely to take a variety of illegal drugs in addition to their government-allotted heroin (Stimson 1973).

Methadone, a synthetic opiate, was developed in Germany during World War II as a substitute for morphine in medical practice and was introduced by the U.S. Public Health Service shortly after the war as a drug to detoxify hospitalized addicts. They were given enough methadone to relieve withdrawal pains but the dosage was then tapered down gradually to zero. During the mid-sixties it was applied by Dr. Vincent Dole of Rockefeller University for the maintenance of addicts at a dosage so high that their taking additional opiates had no appreciable effect. Because methadone is taken orally instead of being injected, and one intake eliminates withdrawal discomfort for about 32 hours whereas a physiologically dependent person must replenish heroin every 2 to 4 hours, the methadone addiction from maintenance programs interferes with employment much less than does heroin addiction. During the early seventies, methadone maintenance programs in the United States grew rapidly and are currently estimated to have around 100,000 patients. It is, in many respects, an American parallel to the British system.

Ex-addict mutual aid groups representing variations on the Synanon model, involuntary government programs for civilly committed or criminally sentenced addicts, and methadone maintenance are today the principal modalities for treatment of addiction in the United States. Individual and group psychotherapeutic services are provided to a diverse extent in various programs of each of these three types, and ex-addict staff are employed in many of them.

The ex-addict groups depend on inspirational conversion and an ideology of moral superiority, furthered by their mutual aid, by a fundamentalist religion in some of the groups, and by derogation of

those who remain addicts either in no program at all or in methadone maintenance. Each group has its distinctive clientele of people whose background and personality find it most compatible and appealing, but most groups tend to attract only the more verbally articulate addicts. Therefore, relatively few of the numerous addicts from culturally deprived minorities are in mutual aid groups, as compared with the proportion of addicts from middle-class backgrounds in them. This probably reflects the lesser experience in open formal groups among highly impoverished minorities, especially those of slum or rural background.

The success claims of ex-addict groups are usually phenomenal but are almost always suspect because of their practice of counting as program clientele only those currently resident in their commune-like houses, after ejecting those who do not conform and counting as entrants to the program only those who have been in it for a long time. An independent followup of new admissions to a large number of programs demonstrated that 1 year after admission ex-addict groups had retained only 29 percent of their admittees, and methadone programs still had 65 percent (Joe, et al. 1972, p. 30). Civil commitment rates of retention on aftercare in the community are variable, depending on the extent to which some drug use is tolerated, but range from under 10 to more than 30 percent. Paroled addicted prisoners have about the same or higher success rates.

It is noteworthy that methadone maintenance programs usually accept only advanced addicts who were repeated failures in other programs. Also, success rates in methadone programs seem to increase when they are selective about intake—e.g., having a long waiting period for admission—but they are then not reaching the most unstable and predatory, hence are not benefiting society as much as they might. In addition, methadone programs seem to be slightly more successful if combined with mutual assistance programs aimed at integrating their clients into nonaddict groups and increasing their employment skills.

In New York City and Washington, D.C., where programs for addicts finally proliferated in the seventies, so that any addict who wished to kick his habit could be admitted voluntarily to any of a variety of programs without waiting, it became evident that some entered just for temporary relief, or for assistance only in reducing the dosage they needed to take to avoid withdrawal effects, and most addicts were probably still in no program. This condition appeared to prevail in New York even after a marked increase in penalties imposed for opiate possession in 1973. Therefore, more widespread advocacy of a British type program has developed, calling for heroin maintenance to those who accept no other program. The British, incidentally, began in the seventies to experiment with methadone maintenance,

and several American methadone programs were experimentally shifting to acetylmethadol, a modification of methadone that prevents withdrawal effects even when taken only every 3 or 4 days.

It appears that the best treatment policy for opiate addicts—and probably for all other types of addicted persons—is of a cafeteria variety, offering all types of programs that can attract an appreciable number of customers when in competition with the others. Each seems to attract a distinctive type of clientele, and some addicts must shop around, finding the one which satisfies them only after some trial and error—in which their change may be partially aided by several programs instead of exclusively by any single one. There are problems of manipulation and exploitation of programs by addicts, who accept material and other types of assistance from many but are sincerely involved in none. Experienced program staff, however, become somewhat adept at coping with this conning. There is also much unwilling enrollment in programs, just to conform with probation or parole requirements or other pressures, which apparently has less prospect of success than purely voluntary entry, but may nevertheless initiate a participation that ultimately becomes congenial and voluntary.

There are little or no data on the extent to which any programs for opiate addicts ultimately facilitate the assimilation of ex-addicts into a completely drug-free social world of persons who have never been addicted and are not criminal. Most programs achieve much of whatever success they attain in keeping their clients free from illegal drugs by creating an indefinite term of dependence on remaining in the program. Methadone maintenance creates a chemical dependence comparable to that of the diabetic on insulin, but there is also a social dependence because addicts cannot purchase their own supply of methadone as readily as diabetics with proper prescriptions procure insulin; the addicts generally must report almost daily to a methadone center. Many organizations promoting abstinence, such as Synanon, have successful ex-addict alumni in the community, but so do many prisons and civil commitment establishments. The number of such alumni and their percentage of the total persons admitted to each program are unknown.

There seems to be a maturing out in opiate addiction (Winick 1962), regardless of whether or not the addict is in any treatment program, though age of permanent abstinence varies. The fact that this maturing out occurs, however, suggests an implication of the Cloward and Ohlin (1960) double failure theory, that most of today's drug abuse is primarily part of the meandering adolescent search for a sense of adult-like autonomy, for some eminence that is respected by others, for a sense of personal success. The ultimate maturing out of most young addicts indicates that their self-images as connoisseurs of exotic kicks and as smart hustlers are usually detours—whether short

or long, single or recurrent—in paths to a nonaddicted life. Yet to some the comradery and excitement of their drug use remains a lure effective whenever setbacks or loneliness become intense in their legitimate occupations or social worlds. What is needed is more research on which programs are most effective in accelerating and maintaining persistence in the passage to abstinence and for which types of addict.

## Conclusion

The following principles help explain the tendency of government action on vices to follow a sequence from permissiveness to prohibition to regulation: (1) Enforcement of prohibition laws generally diminishes the visibility of a vice more than its pursuit by addicted persons; (2) the higher the cost of gratifying a vice, the more those addicted to it will engage in predatory crime; (3) the higher the profit in selling illegal goods or services to addicts, the more organized, resourceful, and ruthless the suppliers will become, if necessary, to maintain their business; (4) widespread tolerance of a vice that is illegal fosters disrespect for the criminal justice system, as well as corruption in law enforcement and adjudication. No criminal justice planning on vice control is realistic that does not take these principles into account.

Probably half the arrests in the United States are of persons in a drunken condition. Formerly the percentage was even higher, but there has been a sharp decline in use of criminal justice agencies to combat public drunkenness. Instead, inebriates are processed more cheaply, effectively, and legally in detoxification centers.

Termination of alcoholism or other addiction cannot begin until the addict not only hits bottom but also wishes freedom from addiction; yet bottom, for different persons, is quite diverse. Alcoholics Anonymous provided a model for the next step to recovery by promoting mutual aid among addicted persons, to help themselves by helping others. This model has been copied with some success for all other types of addiction, but its major limitation is its tendency to attract only articulate persons already comfortable in relatively formal groups of strangers. Therefore, its recruitment is less effective with lower-class than with middle-class persons. Nevertheless, Alcoholics Anonymous groups can be a major resource for criminal justice officials in programs for alcoholics.

Due to our laws, opiate addiction is much more costly than alcoholism, and, therefore, generates a much greater dollar value of property crime per addict than does alcoholism. Today, social groups whose lifestyles stress appreciation of the psychological effects of drugs seem to motivate persistence in opiate use more than does the physiological dependence that these drugs may sometimes create.

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**2 OF 3**

Mutual aid groups of opiate addicts, modeled on Synanon—which was modeled on Alcoholics Anonymous—have proliferated in extreme diversity. The British system of maintaining addicts on medically prescribed opiates has been adopted in modified form in the United States as methadone maintenance, and it is much more successful in retaining participants than are the other treatment modalities. Opiate addicts seem generally to be younger than alcoholics at both initiation and termination of addiction in their meandering adolescent search for a satisfying lifestyle.

In general, the trend in modern society appears to be to decriminalize vices, so that they no longer in themselves are a basis for intervention by the criminal justice system. Instead, problems of addiction to vices are dealt with by public health and education agencies. Nevertheless, people are apprehended by the criminal justice system when they commit predations that are in whole or in part a consequence of their vice or addiction. It is, therefore, appropriate for criminal justice planners to try to alter the extent to which addictions are causal or contributory conditions to predations, coordinating their efforts with those of other agencies more fully concerned with addictions.

## Chapter 8

### ADULT PROPERTY OFFENDERS: AVOCATIONAL AND VOCATIONAL

The statistics in earlier chapters showed a predominance of adolescents and young adults among those arrested for FBI index crimes. Yet older persons are extensively involved in other types of offense of much concern to the public, as well as in index crimes. Adult property offenders will be divided here into two categories: avocational, where crime is not the offender's principal occupation and major source of income, and vocational, where it is.

#### Avocational Crime

Avocational crimes are thefts and frauds distinctive in being committed by people who not only procure most of their income legally but also do not regard themselves as criminals. Their predations vary mainly with their legal occupation, and opportunities for illegal activity abound in almost every type of legitimate job. These offenses range from pilfering by employees to exaggerating records of hours worked, from cheating on expense accounts, to prevaricating on income tax deductions, from illegal fee-splitting to falsifying insurance claims, and from misleading the customer in selling or extending credit to collusion in bidding, and other monopolistic practices that reduce competition. Shoplifting is largely an avocational crime widely associated with the occupation of housewife.

The victim of avocational crimes sometimes is the employer, sometimes the customer, sometimes the seller, and sometimes the government in its tax collections. The general public is always victimized, however, by having to pay unnecessarily high prices because of these crimes. Although the separate amounts involved in such predations are a small percentage of an individual offender's total income, these thefts and frauds in predominantly legitimate employment and business are so numerous that in the aggregate they total much more than any other type of crime. Furthermore, even when the predations of a rich man are a small percentage of his income, they may amount to what a poor man regards as an immense figure.

Crimes by lower-level employees frequently are tolerated by employers as long as they stay within a customary range; the supplies taken home or time off the job not recorded are regarded as a fringe benefit that goes with certain positions in the firm. The Internal

Revenue Service is the main challenger of middle- and upper-class illegalities in reporting earnings and expenditures.

Because these crimes are not the major source of income for the offenders, but especially because they do not regard themselves as criminal, one can assert the following: (Geis 1974):

T. Avocational crimes are deterrable by the prospect of publicly labeling the offender as criminal and also by fines that make the offenses unprofitable.

New concerns for some traditional criminal justice agencies include the investigation of misrepresentation in selling, deception in extending credit, polluting the air and water, careless manufacture or construction, and illegal interference with competition. These growing law enforcement, adjudication, or correction problems create pressure to expand fraud investigatory units, sometimes located in district attorney offices rather than in police departments, or in special regulatory agencies with police powers. The expansion of criminal law to impose fines and even incarceration for such offenses reflects the leadership of Ralph Nader and others, but such an expansion of criminal justice functions probably was an inevitable consequence of the inclusion trend in society.

Criminal justice planners should anticipate that this expansion will continue, probably at an accelerating rate, as technological innovation speeds up. Since the new categories of offender involved in these new types of crime have a primary stake in conformity with the criminal law, any appreciable penalties imposed on them—such as fines large enough to make their activities unprofitable, and especially, incarceration of their officials—are highly deterrent. The struggle to combat these types of crime, when the offender is a large corporation, is primarily a struggle against their lobbyists at the legislatures; these crimes can be suppressed only if enough funds are appropriated to investigate and prosecute them, and if the penalties are sufficient to endanger the status or profits of the perpetrators. When adequate laws and appropriation measures are enacted, much technical training of investigative and judicial personnel is needed to enforce them, and planning the administration of the laws usually is a problem for technical specialists in these types of crime, as consultants to criminal justice agency administrators.

## Vocational Crime

Probability calculations from arrest rates were presented in chapter 5 indicating that only a minute percentage of those who engage in burglary, robbery, grand theft, or auto theft can persist in these crimes to support themselves for many months, let alone years, without being arrested. Yet there are a few people who pursue such crimes as a vocation, with or without arrests. Obviously, if they are

not often arrested despite committing these crimes frequently for many months or years, they are likely to be exceptionally skilled at their illegal profession. Some are actually caught in an appreciable proportion of their offenses but commit highly remunerative crimes, so they do not have to take the risk of apprehension as frequently as do criminals committing smaller-scale offenses for a livelihood. What appears to be more common among vocational criminals, however, is that they shift to safer types of crime.

Inciardi (1974) distinguished three types of vocational law offender by their common designations in criminal justice circles: *Professional criminals* engage in nonviolent property predations as an occupation; *professional heavy criminals* support themselves by property predation in which force or threat of force is used; *organized criminals* operate large-scale businesses that sell illegal goods or services, simultaneously employing legal and illegal means to acquire legitimate businesses. All three of these categories are distinguished from ordinary criminals by their expertise, their extensive personal contacts with diverse sources of assistance in avoiding prosecution and, in most cases, their criminal teamwork.

Professional criminals formerly included many teams of pick-pockets and shoplifters; these are reported to be declining but they have by no means vanished. Professional burglars today include groups who concentrate on highly valuable items, such as jewelry and furs, and groups that use trucks to carry off entire stocks of merchandise from high-priced clothing stores. There are gangs that steal automobiles for interstate or international resale; they were more active before the gasoline shortage because their major profits were in large cars that are no longer in great demand. Professional forgers, confidence game teams, blackmailers, and sellers of confidential personal or industrial information round off the list. They all generally make enough profit in their average operation and manage their expenditures well enough to maintain themselves, and often a family, comfortably without having to repeat their offenses in the careless and hasty manner of a nonprofessional offender trying to support himself by crime. Those who are professionals plan their offenses carefully, thoroughly investigate opportunities before seizing them, make sales arrangements before taking merchandise, and prepare detailed methods of avoiding detection or prosecution prior to undertaking their crimes.

Being a professional criminal is a fulltime job that usually requires extensive hanging out with other professionals to exchange information and discuss tactics and strategies, apart from the time actually involved in criminal acts. The professionals have favorite gathering places at taverns and hotels in most large cities, and this association generates a subculture of specialized argot, nicknames,

lore, norms of proper behavior, and a shared ideology of rationalizations for their activity. Most professionalism in crime requires considerable mobility, contacts in different cities, and a reputation for competence and dependability when securing commitments of assistance (Inciardi 1974).

Acquisition of professional qualifications is gradual. Initial recruitment to professional ranks occurs both on the street and in prisons. Tutelage continues for some time thereafter, and reputation accumulates slowly, requiring evidence of accomplishment and reliability.

Setbacks in this professionalizing process occur with failure, especially with long incarceration. The equivalents of insurance payments are made to guard against such failure. These investments in security consist mainly of expenditures and favors for various types of fixers—lawyers, corrupt police or officials, and other criminals whose obligation and friendship can be drawn upon to impede successful prosecution should arrest occur. There is some pooling of "fall money" among professional criminals who work together or have frequent contacts; if any of them are arrested these funds are drawn upon for lawyer's fees, bribes, paying off victims and witnesses on condition that they not testify, and other purchases of deception. From interviews with 20 professionals, Inciardi (1974) estimates that only 3 or 4 percent of their arrests led to incarceration for a year or more.

Many of these traditional types of professional criminal probably are declining, but new types emerge to replace them, reflecting changes in the technology of business security as well as new business operations that are vulnerable to new forms of criminality. Rings of credit card thieves and users, manipulators of computer accounting, stealers and forgers of securities, and new types of fraudulent investment promoters develop to replace the specialized offenders of former years.

Professional heavy criminals in the United States today specialize especially in armed robbery teams, freight hijacking, burglary by overpowering guards or occupants, and extortion by threat of assault, vandalism, or arson. They include professional kidnappers for ransom and, formerly, pirates on the high seas and mobile gangs of bandits in the countryside. Although these have declined in the United States and other developed countries, they persist in developing countries where they become confounded with political guerilla activists, and they periodically emerge again in developed countries.

Theft of goods in transit, primarily by taking loaded trucks, requires espionage to monitor routing and schedules, information on guards or other armed employees, and outlets for the stolen

merchandise. Most robberies of banks, loan companies, supermarkets and other establishments with much cash in recent years have been committed by amateurs; but professional gangs still prey on these establishments, concentrating on isolated branches and carefully studying their activities in advance to determine when available cash will be at a maximum and security measures least effective.

The professional heavy offenders tend to recruit criminals with backgrounds in juvenile gang violence and correctional institution experience. They have many of the subculture attributes of the professional criminal. Because the separate offenses of professional bank and commercial robbers are less frequent and more scattered geographically, however, and their conviction is likely to lead to long confinement, these specialists do not have as much chance to build up as large a circle of potential criminal accomplices or sources of assistance in the free community as that of the nonviolent professional thieves and confidence men. As indicated in chapter 6, they tend to operate quite individualistically and live lavishly in the generally brief periods of freedom between their offenses and their long terms of incarceration. Freight hijackers and extortion rings are more organized, often working with crime syndicates, so that their supportive contacts and resources are frequently extensive.

Organized crime connotes the collaboration of many people in specialized roles coordinated through hierarchies of authority and reciprocal assistance. These features are necessary for the large-scale distribution of such illegal goods and services as narcotics, gambling, prostitution, loans to persons who cannot get them from legitimate financial institutions, and sale of stolen goods. Organized crime has also been involved in corrupt unions and business associations, coercing and exploiting their members.

Organized crime has had a long and continuous history in most of the United States, especially in large cities. Its relationship to addictive vices was explained by the four laws in the preceding chapter. It reached its peak dimensions, it is generally believed, when the prohibition amendment was in force, giving illegal sources a monopoly in supplying the constantly large demand for alcoholic beverages. A major basis for its strength at all times, but allegedly more in former days than currently, has been corrupt government, particularly on the local level; criminal organizations are reported to have regularly made sizable campaign contributions to most major political parties and to the separate candidates and factions within parties. Use of violence to coerce noncooperation with law enforcement, and professional assassination, have also been prominent among their methods of resistance to prosecution. There is wide disagreement on the extent of national and international cohesion of organized criminal activities, but it appears most likely

that ties of this large a geographic scale involve only the loose federation of fairly autonomous local and regional groups, rather than a tightly integrated unification. (For further details, see Cressey 1969, 1972; Inciardi 1974.)

The processes of societal change described in chapter 2 apply to the development of vocational crime and to its control. Differentiation and adaptive upgrading of business activities create many new types of vocational crime, such as computer fraud, and also generate new types of security technology. Inclusion, the participation of more of the population in the electoral process and the increased government attention to their welfare, has reduced the relative power of corrupt politicians by forcing them to be more responsive to people who cannot make major financial contributions, by banning secret contributions, and even by greatly restricting the dependence of politicians on contributions as a source of campaign expenses. It has also led to more professionalization and more resources in the policing of vocational criminals, especially of organized crime. Value generalization, finally, has increased tolerance for private behavior that does not victimize others (as was indicated in ch. 7), which has resulted in increasing legalization of gambling and tolerance of deviant sexual expression. It has been presumed that these trends deprive organized crime of a major portion of its illegal income, although the validity of this presumption still is in dispute.

Strategic criminal justice planners should take all of the societal changes described previously into account in devising their approach to vocational crime. New types of legislation, court procedure, and prosecution strategies to combat these types of offender offer some promise but need further development and testing: support for these measures reflects the growing interest in protecting the ordinary citizen from depredations, as evident in the burgeoning support for legislation against consumer fraud. As Inciardi (1972) points out, however, the major problem that will remain is the relatively low visibility of many of these offenders.

To some extent the price we pay for a high degree of freedom to move about anonymously in our society is that of more difficulty in enforcing the law against vocational criminals than is experienced in most European countries and Japan. They have nationally administered government offices in every community which maintain fairly complete records of everyone's residence and employment and work closely with the police, which also is a national organization. Most Americans believe their greater autonomy is worth whatever it may cost in crime.

## Conclusion

Some predation as a routine concomitant of the job is widespread in almost every type of legitimate occupation. The offenders, therefore, do not think of themselves as criminal and are readily deterred by the prospect of prosecution for their crimes. The offenses of this type that are increasingly subject to criminal law penalties are misrepresentation in selling or in extending credit, industrial pollution of air or water, and impeding fair competition. These types of law enforcement create new problems for the criminal justice system, but because these offenders are visible and are readily deterred by adequate penalties, the problems are soluble by adequate legislation.

Adult careers in crime that become vocations shift from adolescent-type offenses to less risky and more profitable crime involving teamwork, skill, extensive contacts, and a favorable reputation among potential collaborators and protectors. Organized crime employs an especially extensive hierarchy of specialized roles and units for the distribution of illegal goods and services. The societal evolutionary process of differentiation creates new types of vocational predation, but inclusion and value generalization diminish the types of goods and services that organized crime can distribute illegally and reduce sources of political corruption. These trends deprive vocational criminals of their major sources of protection and evoke support for more police and prosecution resources to combat them. Nevertheless, the low visibility of all types of vocational offenders makes their survival probable, and in part their offenses are a price we in the United States pay for freedom from the close policing of citizen movements and identities that occurs in many other countries.

**PART IV:**

**Toward Scientific Criminal  
Justice Strategies**

## Chapter 9

### SURVEYS AS REINFORCEMENTS FOR OFFICIAL STATISTICS

There are two sources of confidence in the validity of theoretical guidelines for criminal justice planning: Their logical compatibility with established scientific knowledge and the cumulative evidence that tests them. In planning, just as in science, no formulations should be accepted as eternally true without prospect of qualification or even of drastic reformulation on the basis of new theoretical concepts or new information. This final part of our book deals with two types of procedure for such expansion of knowledge: survey research and evaluation research. For each, the most important questions to be addressed are: How can it best serve the criminal justice system? How can it be routinized?

#### Official and Survey Statistics as Complementary

Criminal justice policymaking based on crime rates almost always relies on official statistics, whether they are offense trends over time, crime rates for different categories of people (e.g., age, sex, or ethnic groups), or contrasts in these rates for different areas. Our concern here is with correcting, as much as possible, two major deficiencies in official statistics as a basis for planning: They are almost always incomplete, and they do not provide all the types of statistical information needed for adequate policy guidelines.

Crime statistics from sources other than the official reports of criminal justice agencies may also have severe limitations, but if their figures have an origin or a processing that is quite independent of the official figures, they may tell us something about the validity of the official data. For example, national statistics on homicide have long been tabulated by the U.S. Public Health Service from county health department reports on the causes of death, derived in each county from the certificates that physicians or coroners must submit on each death.

The homicide rates for the United States tabulated by the FBI from the reports sent to it by local police departments were at first quite different from those of the Public Health Service, but as the number of police departments reporting to the FBI increased and the quality of their record systems was improved, the two rates began to converge.

This convergence inspired confidence that the FBI was procuring quite complete and representative reports on homicides from the police. Police statistics on other types of offense, however, can only be checked by other types of independent data. There are several types of survey research useful for this and other purposes, of which the following are especially noteworthy:

a. *Victim survey research* is done by asking samples of the public if they or members of their households were victims of crimes in a past period (e.g., in the last 6 months or in the past year). Obviously, such inquiries are limited to predatory offenses, since only these are indisputably victimizing. Surveys usually are concerned with specific types of predation, such as the FBI's seven index crimes, or misrepresentation in selling. To be sure that the respondents clearly understand what these are, they are given a brief definition and illustration of each type of offense, such as a burglary or a robbery. If they report such predation, they are asked a few questions about it to be sure it is classified in the appropriate legal category. A variety of additional questions may then be asked, such as: Were the police called? Was the police work satisfactory? If police were not called, why not? Although these surveys may also yield incomplete or imperfect information, they usually reveal much crime that the police do not know about. This provides an estimate of the proportion of various types of crime that are not reported to the police, suggests the reasons for nonreporting, and indicates attitudes toward the criminal justice system.

b. *Admitted crime surveys* ask people whether they themselves have committed certain crimes. This is about the only way to estimate the frequency of crimes that have no clear victims, such as marijuana use, or of crimes that the victim does not discover promptly, if at all, such as shoplifting and some types of fraud. The inquiry usually covers a specific past period, sometimes asking adults about their adolescence, but more often just asking whether the subject did each of several acts (such as smoking marijuana) during a particular number of past months or years. Usually this is done with questionnaires on which the subject is not required to place his or her name, so that crimes admitted cannot be traced to them. Often they are mailed questionnaires with return envelopes or questionnaires are distributed in a classroom. Even when names are requested or the identity of the respondent obviously is known, as when they are interviewed at their homes, the amount of crime admitted is impressive. As reported in chapter 4, checks by followup interviews and even by a lie detector show that people usually respond to these inquiries quite truthfully (Clark and Tiff 1966).

c. *Information and attitude surveys* are the criminal justice system's equivalent to what business does in market research. The

inquiry may be on whether people know what to do to protect themselves against crimes, what they know about the criminal law, how they regard their police or courts, and so forth. Frequently an information and attitude inquiry is combined with a victimization or admitted crime survey, or the responses of persons with a known delinquent criminal record are compared with those of persons known to have no such record. Information also is collected on age, education, occupation, or other variables, so that an analysis can be made of how these matters are associated with their crime experience.

## Victim Surveys

It has long been known that not all crime is reported to the police or counted by them when it is reported. The FBI selects only seven index crimes on which to compile national statistics on offenses known to the police, and justifies this, in part, by claiming that these are among the most fully reported crimes. Of course all seven are predatory crimes, since these are much more fully reported than nonpredatory offenses. Among the important predatory crimes omitted are forgery and fraud, perhaps because these are difficult to divide into separate categories and units for counting; for example, how many crimes are to be enumerated when it is suddenly discovered that a bookkeeper has regularly been embezzling small amounts for several years and the total is enormous? As pointed out in chapter 7, nonpredatory crimes such as narcotics offenses are not tabulated because the volume of such crimes that the police know about is as much or more determined by how much effort they devote to looking for narcotics offenses as by the amount of drug usage in the community.

As indicated in the discussion of table 3.1 in chapter 3, in 1965 the President's Commission on Law Enforcement and the Administration of Justice (1967a, 1967b) hired a national survey research agency to ask a representative sample of 10,000 Americans whether any member of their household had been victimized by any of the seven index crimes in the previous year. Smaller victim surveys also were conducted independently in high crime rate neighborhoods of several large cities. The national survey revealed, as table 3.1 showed, that only about a third of the burglaries and about half the grand thefts and aggravated assaults that had occurred were reported in FBI statistics. The high crime neighborhood surveys indicated that the percentage of underreporting probably is greatest in the neighborhoods in which the total crime reported to the police is also greatest.

Victim survey research does not provide an exact count of crimes, but it is valuable as our best source of information on the dimensions of the much greater inaccuracy in official crime statistics, based on crimes known to the police. The surveys show that to assume that, because official statistics are tabulated by a precise procedure and

counted to the last digit, they accurately indicate crime rates, is to live like some Alice in a wonderland where saying something precisely makes it precise.

Reports of crime to the police, no matter how accurately counted, cannot provide community crime rate statistics that are more complete than the citizenry's rate of reporting. Survey data may not only indicate the extent of not reporting crime to the police, but the reasons for it, and a variety of additional information that might improve both crime statistics and police and court effectiveness.

As indicated in table 3.1 and at several scattered points in this book's discussions on specific crimes, a first benefit from victim survey research such as that of the President's commission is an approximation of the relative degree of error in police statistics for different kinds of crime. To estimate the total index crime rate for the United States, according to this 1965 survey, one would have to approximately double the FBI tabulations, but most of this increase would come from underreporting on the two most frequent crimes—burglary and grand theft—with the burglary figures having to be tripled. The auto theft and murder rates of the official statistics would probably not be altered at all from survey research.

A second benefit from victim survey research is knowledge on differences in the error of official rates for different geographic units. The surveys for the President's Commission indicated more underreporting in officially high than in officially low crime rate neighborhoods, thus providing estimates of neighborhood multipliers that police should employ to assess how much crime is not reported to them. State survey data could show differences in the accuracy of official crime rates for different counties, and national data might reveal differences in the accuracy of official rates for various States or metropolitan areas, to modify State or Federal assistance plans for criminal justice agencies.

A third potential benefit from victim survey research is that it could provide appropriate multipliers for official rates for different categories of victims of crime (e.g., by age, sex, and ethnicity). The President's commission (1967a, pp. 38-43) collected such personal data with their victimization inquiries.

Perhaps the most important potential benefit from victim survey research has been least appreciated by our criminal justice leadership: its value as a check on the accuracy of official data on crime trends. If in 1965 only one-third of burglaries and two-thirds of robberies were reported, it might well be that increases in these crimes since then were largely the result of increases in the percentage of crimes reported.

Unless trends in the completeness of reporting can be estimated, trends in official crime rates must be considered highly inaccurate.

Some have said that one should be satisfied with official crime rate statistics as they are the best that can be procured, but this is obviously not true; the official data are much improved if modified by a multiplier for each major type of offense, as estimated from victim survey research. They are further improved if one knows how the multiplier should be changed, if at all, from one period to another (as well as from one neighborhood, county, or State to another).

To obtain multipliers that improve the accuracy of information on predatory crime rate trends, victim survey research has to be routinized, that is, the same types of survey must be repeated periodically. This would indicate the extent to which underreporting had increased or decreased. Thus far, victim surveys have been one shot activities.

The first large-scale surveys were done in 1965, and only a few scattered ones were undertaken thereafter until 1971, when pilot surveys were conducted in Dayton and San Jose. Then, in 1973, a national crime panel of about 10,000 households and 2,000 businesses was interviewed in each of our five largest cities (Chicago, Detroit, Los Angeles, New York, and Philadelphia). These surveys were performed by the U.S. Bureau of the Census under contracts from the Law Enforcement Assistance Administration. The five-city survey found approximately twice as many burglaries or thefts from households, nearly three times as many assaults or robberies against persons, and about a third more burglaries or robberies of businesses than were reported to the police in these cities (Law Enforcement Assistance Administration 1974). At this writing only a part of this survey's findings has been published. Although it clearly provides many improvements and checks upon police statistics, one of its obvious limitations is its restriction to these five cities. Periodic surveys in the Census would make victim survey data routinely available to all police jurisdictional areas for evaluation of the effectiveness of their law enforcement efforts.

Queries on crime victimization might well be a routine component of a random sample of all U.S. Census questionnaires. These surveys would provide at least decennial indication of trends in the completeness of official crime data for all major areas and segments of the population of the United States. Indeed, adding such inquiries to a randomly selected 1 percent of U.S. Census questionnaires could yield by far the greatest single increment in knowledge about crime rates in the United States ever obtained in a single project. On a smaller scale such surveys also could be done in conjunction with sample census surveys undertaken for some communities in intercensal years.

It should be noted that victim surveys, while usefully augmenting official statistics, also have limitations. In the first place, to find an appreciable number of people that suffered from index crimes in the

past year, one has to interview so many that the process can be quite costly. Indeed, ordinary victim survey research probably is useless for murder rates because of the low frequency of this crime compared to other types of offenses, the fact that the victims themselves are not available, and the already superior statistics on this offense. Such surveys also are of quite limited value for rape, as this offense is less frequently reported than the index crimes other than murder even in victim surveys, and probing of it may be resented. Special surveys of women by women probably are most appropriate for knowledge on rates of rape. Thus murder and rape might well be omitted in routine victim surveys, and perhaps auto theft too, since it is quite fully reported to authorities because of the value of a car and the prospects of police recovering it.

The FBI reports about 2,800 index crimes per 100,000 people in the United States. From the findings of past victim surveys one can expect twice that frequency or about 5,600 index crimes to be reported for every 100,000 people surveyed, but much variation in these figures for different communities. Assuming an average of nearly four persons per household, the average sample yielding data on 5,600 crimes would comprise about 25,000 households. Estimating the total cost of planning, conducting, and analyzing the results of a large survey as \$20 per household covered, it would cost one-million dollars. The more people are surveyed, the more confidence there will be in generalizations about crime rates of the less frequent categories of offense, locale, or attributes of victims, but sample surveys rather than complete censuses would be adequate for most large police jurisdictions. Considering the additional information that such a survey might gather on public attitudes and experience with criminal justice agencies, a small percentage investment in survey research to augment effectiveness of the billions spent on criminal justice budgets could be quite worthwhile. Such surveys would be especially useful if conducted in a standardized manner, at regular intervals, to assess trends. If done on a smaller or more sporadic basis, the cost per household covered would be higher; if on a larger scale or as part of another survey, such as the decennial U.S. Census, the cost could be lower.

It should again be stressed that although victim surveys help pinpoint deficiencies in official data, the surveys are by no means absolutely accurate. Interviewers in such surveys must be carefully trained in probing to be sure that respondents understand the questions about different types of predatory offense, and that they clearly describe the offenses they experienced. Memory cue questions are needed to be sure that recollections go back a full year, and the probing is necessary to be certain that offenses are not reported that occurred more than a year ago. The fact that more of the offenses reported are dated as less than 6 months ago than as 6 to 12 months

ago indicates that there is some forgetting; absolutely accurate multipliers of official crime rate data for the five index offenses other than murder and auto theft doubtless should be higher than past survey findings indicate. In addition to omissions due to poor memory, of course, the respondents may not know of all the index crimes experienced by other members of the household, despite the seriousness of these crimes; this has already been discussed in chapter 6 in assessing statistics on rape. Also, some people refuse to cooperate in such surveys; indeed, offering respondents small payments for their time often is an overall economy due to its fostering dependable appointment schedules for interviewers or return mailings of questionnaires and its decreasing the number of people who refuse to be interviewed.

Sometimes more specialized victim surveys can gain data useful in alleviating the crimes suffered by particular types of victim. Thus persons who come to work at dark hours or by specific routes, occupants of given types of residential structure of certain neighborhoods, or operators of particular types of business, may be the subjects of special victimization surveys. In addition, samples of the general population may be queried about non-index offenses, such as receiving a worthless check or being cheated or misled in a purchase of goods or services.

### Admitted Crime Surveys

As indicated earlier, directly asking people if they committed certain crimes is especially useful in estimating the prevalence of nonpredatory offenses, such as use of various types of drugs. For predatory crimes this type of survey can provide information on the number of offenders who are not caught, and their attributes, including the duration and circumstances of their careers in delinquency and crime, information not available from victim surveys or police statistics. As already reported, there is much evidence, including a lie-detector followup, to indicate that most people will be quite frank in confessing their crimes on a questionnaire, particularly to offenses committed over a period of several years in their lifetime. Several of these studies were given in chapter 4, for example, those of Gold (1963) and Hirschi (1969).

Admitted crime surveys have thus far been conducted mainly with high school and college students. Usually they ask not only about crime but about many delinquent activities for which the criminal justice system takes no action against adults, such as staying out late at night without parental permission. There have also been national surveys by the Gallup Poll and various commercial survey firms asking people if they have committed certain crimes, especially drug offenses. Such inquiries could be made simultaneously with a

victimization survey, thus making the cost per subject less than if each survey were conducted separately.

In all survey research, but especially in admitted crime studies, the way in which the questions are introduced and their wording may greatly affect the answers received, and even whether the public cooperates with the inquiry at all. Pilot studies are necessary to determine what differences in response rate occur with various verbal formulations and whether respondents seem to understand the inquiries correctly. These are especially important in some of the miscellaneous inquiries for which surveys may be employed.

### Information and Attitude Surveys

Large businesses now regularly conduct a variety of survey research, often called market research when it polls actual or potential customers for a firm's products. Frequently they also survey the opinions of their staffs as a guide to personnel policies. Universities and other educational establishments increasingly collect student assessments of every course taught, and this feedback is an important factor in their retention or promotion of faculty. Criminal justice agencies lag greatly behind these other organizations in collection of information on their public impact.

Important adjuncts to the victimization inquiries in the President's commission surveys were questions on why victims did not report crimes, or if they did report them, on what their experiences were with the police and prosecution officials investigating the offenses and prosecuting alleged offenders. Most official knowledge about the occurrence of crime and most apprehension of offenders depend greatly on information volunteered by citizens. By knowing differences among groups in rates of cooperation with the police, and knowing how citizens justify being uncooperative, the police may more sharply focus their efforts to increase the help they get from the public. Similarly, prosecution depends on concerned witnesses, judges depend on conscientious jurors, and all public officials depend on public goodwill. Accordingly, standardized surveys of relevant public attitudes and experiences, if conducted at regular intervals, could provide criminal justice agencies with the kinds of guidance long recognized as extremely valuable by business and other organizations more directly dependent on client goodwill.

Surveys also are useful in basic research on the causes of crime. This type of study usually combines knowledge from diverse sources and asks a variety of questions, such as an admitted crime survey, information from police or school records, and questions on attitudes, behavior, or experiences that are hypothesized to be causally related to crime (e.g., academic or employment history, attitudes toward

school, discipline by parents, behavior when with friends). Of course, appropriate protection of privacy is required, usually accomplished by replacing names with code numbers in research records and by limiting access to these. Chapter 4, on the causes of adolescent crime, drew heavily on such studies (e.g., Hirschi 1969), and this became the basis for the guidelines in chapter 5, thus showing that such causal research may have practical implications. In these basic science studies the relative causal importance of school, work, family, and peer relationships in fostering crime was suggested by the statistical correlations between answers to questions on these topics and to inquiries on whether the respondents had committed various offenses.

In trying to explain observations and test new ideas there is continuous interplay between theoretical inference and empirical evidence, with new evidence stimulating new inferences testable only by collecting additional types of empirical information. Hence, for the advancement of scientific knowledge on innumerable theoretical and practical issues, a criminal justice agency may desire objective data that can be gained by adding relevant questions to a survey conducted for other purposes, or by a special survey. (For an inventory of public surveys on criminal justice topics, see Biderman 1972).

### Conclusion

The validity of the theories on which strategic criminal justice plans are based must be continually tested. Such testing requires use of official statistics, but also an effort to supplement or check on these figures by independent sources of information. Survey research can be a major asset in this endeavor.

Victim survey research yields estimations of the correction factor by which official crime rate statistics must be multiplied to make them more closely approximate true crime rates. This correction factor is only procurable for predatory offenses, but it still varies with the type of predation; it is low on homicide and auto theft, for example, but high on household burglaries and on rape. The multiplier also varies for different neighborhoods, age groups, and other population attributes. Making such surveys standardized and repeated at regular intervals will reveal trends in the size of this multiplier, indicating thereby the validity of official crime rate trends. By asking all surveyed persons claiming to have been victimized whether they reported the crimes to the police, evidence of the nature, location, and dimensions of police-community relations problems may be collected.

Admitted crime surveys indicate the prevalence and personal attributes of perpetrators of nonpredatory crimes, such as drug abuse. Policymakers do not have any other type of information on the dimensions of these offenses nearly as adequate as the imperfect data

from these surveys. Such surveys also are useful for identifying the components of the population that shoplift and commit some other types of predatory crime on which victimization data are sparse and arrests appear to identify only a minute fraction of perpetrators.

A large variety of theories on the causes of crime and the impact of criminal justice agencies can also be tested by appropriately designed survey research. These yield statistics on the knowledge and attitudes of various segments of the public, and for some types of theory testing such data can be correlated with admitted crime reports or with information extracted from official records on their school, work, arrest, or other personal history. Surveys are a valuable addition to official data and unobtrusive measures (cf., Webb, et al. 1966) in the factfinding arsenal of criminal justice planners; each serves special functions the other lacks or is available when the other is not. Of course, more powerful weapons against ignorance are desirable, such as experiments and quasi-experiments, to be discussed in the next chapter. Yet surveys frequently are the quickest and most valid method available for improving on knowledge when otherwise policy must be based only on subjective impressions or on the most loud-spoken of conflicting opinions.

## Chapter 10

### ROUTINIZING EVALUATION

The routinization of evaluation research to provide feedback to crime and delinquency projects was the sole concern of a companion volume in this series (Glaser 1973). Hence this topic will be but briefly touched on here, primarily by summarizing the themes of that work.

#### Defining and Measuring Goal Attainment

Evaluative research is concerned with measuring the extent to which a practice, a policy, a separate agency, or a total criminal justice system is attaining its goals. It is important to be aware that there usually are multiple objectives in the operation of any agency, but some goals are latent in that they are unrecognized or unadmitted (or even denied and disavowed), yet they may influence practice more than the official or manifest goals. For example, a parole board may proclaim that its aims are to protect society and to rehabilitate offenders, but its actual decisions may be governed primarily by an interest in (a) reducing the disparity in confinement resulting from diversity of judicial sentencing practices, and (b) rewarding conformity to prison rules on inmate comportment. Special research on the contrast between precept and practice may be needed to identify the influence of latent purposes. Only if latent goals are made manifest, however, can their relative importance be considered and their separate attainment be assessed. Measurement may frequently demonstrate that the pursuit of one objective impedes achievement of another.

In measuring attainment of any goal, a variety of indicators (criteria) may be employed. Some are better than others, so it usually is desirable to employ the best for which data can be procured and to work toward getting data on those that are better still. Often all criteria for which measurement is feasible are quite imperfect, each having somewhat different disadvantages, but it is useful to employ several of them. Confidence in attainment of a particular goal with a specific type of client may then be enhanced if the findings are similar by each of several separately inadequate criteria (e.g., adjustment scores and continuation in the program after release may be known before recidivism rates can be determined).

In general, it is desirable to seek the most objective criteria (such as rearrest or reconviction rates, or employment rates) rather than

subjective criteria (such as ratings by staff as to how well someone has participated in a treatment program). Even ostensibly objective criteria, such as change in numerical scores on a psychological test of adjustment given to offenders before and after they are in a counseling or therapy program may be misleadingly subjective; the program may teach its clients a vocabulary of adjustment with which they can complete personality or adjustment tests more satisfactorily but may not appreciably alter their subsequent behavior. Generally a criterion measured as a continuous variable—for example, percentage of time reconfined in a given postrelease followup period—is more sensitive to slight improvements resulting from a particular program than a criterion that yields only dichotomous information, such as recidivist or not recidivist (no matter how recidivism is defined). The continuous variables are also likely to be more readily convertible to the most support-relevant criteria, those expressed in monetary terms as costs and benefits or profits and losses.

There are many methods of estimating costs and benefits to society from a criminal justice practice. Some methods involve data extremely difficult to acquire or are expressed in complex mathematical formulae or in discount rates and other language more appropriate to industrial investment. It usually is more practical in the criminal justice field to start with the simplest manageable method of estimating the costs and benefits per case of similar groups of clients in alternative programs.

Costs may be estimated on a per case basis simply by dividing the total operational expenditures for each program per year by the average number of clients who can be expected to complete that program in 1 year. Benefits are estimated most simply (for a specific followup period) by the average days of reconfinement of clients from each program multiplied by an estimate of the dollar cost to the public of reconfinement per day. The average total cost of reconfinement of clients from one program compared with the average for clients from other programs is the dollar per case benefit, in the followup period, from using the program with lowest costs of reconfinement. This benefit can then be compared with the difference in the average program expenditures per client in the alternative enterprises, to yield an estimate of whether the low reconfinement program is profitable and how profitable. Gradually these benefit estimations can be refined by procuring additional data, such as estimated total costs to society per client, of all the crimes committed by the clients from each program during the followup period. Estimation of expenditures for each program can also become increasingly more thorough (for examples of diverse cost benefit analyses, see Glaser 1973, ch. 4).

Criminal justice planners should be alert to the many spurious methods of evaluating programs, so that they can cope as well as

possible with unwarranted types of objection to some plans. Perhaps the most misleading of spurious methods is to cite individual cases of success or failure rather than statistical data. In criminal justice activities, success or failure, by any criteria, seldom occurs for all clients; therefore, cases can always be found to illustrate any outcome, including all of the many mixtures of success and failure associated with—and not always caused by—any program. The illustrative cases, therefore, do not demonstrate a program's effectiveness or ineffectiveness compared to alternative programs. More common are logically inappropriate statistics, such as referring to the percent of recidivists from a particular program (for example, probation), rather than the percentage of offenders of a particular type placed in that program who became recidivists, as compared with the percentage of recidivists from similar offenders in alternative programs. Also familiar is argument by testimony of alleged experts without objective evidence. Effectiveness is known with maximum confidence only if it is measured as systematically, objectively, and precisely as possible, rather than assumed from faith in someone's opinion.

## Designing Followup Studies

Evaluation requires comparison of people in a followup period. The most rigorous method of accomplishing this is the classic controlled experiment. This is feasible whenever a new program, such as stipends to purchase vocational training services or mutual agreement parole contracts (or any other program), is to be started on a small scale and is desired by many more clients than can initially be accommodated. A fraction of those admissible to the program can then be selected for the program by purely random methods to form an experimental group, the remainder becoming a control group. Following up the two groups to determine their subsequent crime rates or to assess them by other criteria can then yield a more rigorous evaluation of the new program than would otherwise exist.

Frequently the classic controlled experimental design cannot be followed because random selection of cases is not feasible, but this design can then be approximated in various ways by quasi-experiments. For example, if the police begin releasing certain categories of juvenile arrestees on the basis of station adjustment or referral to social welfare agencies, rather than bringing them to juvenile court, it may be impractical to randomly select those who are diverted from the court. Nevertheless, one can followup a group of the diverted juveniles and a comparison group of similar cases sent to court before the diversion program was initiated, procuring recidivism rates of the two groups in post-release periods of the same duration to

evaluate the effectiveness of the alternative practices. Similarly, random selection may be impractical when police start taking skid-row drunks to a detoxification center after ascertaining that they are not wanted for any crime, rather than arresting and jailing them for public intoxication. By determining if police contacts with these individuals in the 6 months preceding their transport to the detoxification center were more frequent or on more serious charges than in the 6 months afterwards, one can assess the effectiveness of these centers in reducing police burdens from such drunks (for an example of this, see Law Enforcement Assistance Administration 1970). There are a variety of other quasi-experimental procedures, each having some advantages and some disadvantages in particular situations. All provide more adequate program evaluations than the subjective hunches or arbitrary opinions that may otherwise determine criminal justice policies.

Followup information on the criminal activities of a group of offenders is never complete, just as their recorded prior criminal history never includes all their offenses; all such records omit crimes for which the subjects were not apprehended. Followup information can be useful for comparing cohorts of clients, however, if it is procured for each cohort in the same fashion; one can then assume that the information is equally incomplete for each cohort for which followup crime rates are procured.

Followup data on groups to be compared are most readily collected if all remain under correctional supervision throughout the followup period, as when all are on parole or probation. Performance data may then be in the agency's case files. When some or all clients studied no longer are under such supervision, some other source of criminal record information must be sought.

A record of felony arrests and convictions is available in the fingerprint reports (rap sheets) of the FBI. If a large number of such sheets are requested at once, however, for evaluative research purposes rather than for police or prosecution investigation, they are not always made available. It is then necessary to rely for followup information solely on State criminal records or even local police records. Although the most complete followup possible is desirable, partially complete sources of followup information are acceptable if they are the same for every group of cases compared; criteria statistics can then be assumed to be equally complete for each group.

While the longer the followup period the more accurate an evaluation will be, there usually is pressure to make an assessment quickly. Several methods are available for estimating whether a longer followup period would alter one's conclusions. For example, one may note whether the difference in post-release crime rates of two groups of

offenders is increasing or decreasing with each increment of added followup time. If it is increasing, one assumes that conclusions as to which group is most successful would not be altered by later information.

## Improving Criminal Justice Records

Most operational records in criminal justice agencies have serious deficiencies in standardization and in relevance for both operations and research purposes. Records maintained exclusively for research tend to have major shortcomings also, regardless of who maintains them. Ideally a single system of records can be developed to serve both research and operations more satisfactorily, but this requires (a) studies of information utilization in operations (for which there are several models), and (b) the development of efficient and salient pre-coded information forms that can largely replace narrative reports. Computerization of records is accelerating this development (for extensive illustrations, see Glaser 1973, ch. 8 and appendices).

While the processes cited in the preceding paragraph tend to convert verbal information to numerical data for storage purposes, it often is more useful to convert it back into verbal form than to develop numerical scores or indices, when presenting the findings to decision-makers. Configuration tables maximize the variables used in reaching a given-sized set of prognostic conclusions. Prognostic and predictive recommendations are more likely to be utilized by officials in decision-making if in configuration tables than in numerical scores, since these tables indicate the variables on which each recommendation is based (hence their limitations for any particular case), while most numerical scores can be based on several different combinations of variable inputs that the decisionmaker is unable to identify in the scores. Therefore, configuration tables should help to routinize actuarial guidance both in separate criminal justice case decisions and in overall policy and program planning.

## Who Should Evaluate Whom

A major cause of much poor quality evaluation research in criminal justice agencies, and of the nonuse of some evaluations that are done well, is that program administrators have a vested interest in getting only favorable information on programs they direct or which they praised highly when soliciting funds. Such situations can be prevented if planners propose new practices and inhouse trials, as small-scale controlled experiments or quasi-experiments, rather than calling for widespread adoption of a new practice before its effectiveness is well tested. The inhouse trial approach, if honestly done, can

both gain funding for new practices more readily than large-scale proposals and be less discrediting to the agency if research shows that the practice does not produce the benefits initially expected.

Outside agency evaluations within a criminal justice organization are exemplified by special projects that a university professor conducts, employing university staff. These can only yield adequate knowledge for guiding policy if both the researcher and the agency are more committed to the research than to action alone or to other types of spinoff research and if both share a clear understanding of the purpose and requirements of the research. It is preferable to have the requirements clearly stated and agreed upon in advance as a formal written contract.

Another method of improving the quality of evaluative knowledge about the effectiveness of some practices in a criminal justice agency is to have it monitored by an outside and independent agency. This is especially effective if the outside agency is engaged in monitoring several programs of the same type or for the same type of client in different organizations (for example, if it monitors a number of narcotic addict treatment programs in different States or counties, or if it monitors education programs in several different correctional institutions). Outside monitoring sometimes is arranged by a government agency or foundation that finances many treatment projects and, as a condition of this funding, requires that recipients cooperate with the independently hired monitoring agency. Outside monitoring is perhaps most effectively done, however, as hierarchical auditing, where a research unit of a higher level of government collects evaluative information on the operations of the separate agencies that it partly or wholly finances or controls (e.g., State monitoring of local clinics or probation offices).

A major deficiency of all the survey research and evaluative research described thus far is that it frequently is not sweeping enough. It generally is based on the premise that criminal justice programs and agencies can always be improved most effectively by gradual changes that permit piecemeal learning. Experience from many past reform movements and a few dramatic upheavals suggests, however, that vested interests and deepseated habits often impede or reverse reforms, so that pilot programs have negligible impact. Occasionally dramatic upheavals may be the only changes likely to be achievable when severe faults in the status quo persist despite all efforts to correct them. This appears to have been the case in Massachusetts during the seventies, when instead of trying once more to improve its large and regimented State juvenile correctional institutions, it closed them all (cf., Bakal 1973).

Small private family and agency homes were then hired for State wards who could not be kept by their parents. These homes were

rigorously inspected, and supplementary service at the homes was provided by visiting State employees. This was not done without evaluation, for the Center for Criminal Justice of Harvard University was engaged as an outside monitor of this effort right from the start. This model for achieving rapid change and for learning from change may merit serious consideration in some criminal justice planning.

## Conclusion

Routinizing evaluative research requires identifying latent goals and making them manifest, then measuring attainment of each, and deciding on their relative priority when pursuit of one impedes gaining another. Optimum criteria of goal attainment are objective and continuous, and these are most relevant to eliciting financial support if converted to cost-benefit estimations, expressed in dollars.

Experiments and quasi-experiments permit rigorous comparison of outcomes for evaluation purposes, although they have many pitfalls to be avoided. To assess recidivism of those whom they study, they require criminal record information during a followup period. Although this information can best be supplied by the FBI, in practice it often must be procured locally. All followup methods yield incomplete knowledge about crimes, but whenever the method is the same for all clients compared, the degree of incompleteness can be inferred to be about the same for all groups compared. Therefore, experiments and quasi-experiments can yield much more dependable evaluations than the alternative evidence of effectiveness usually employed—illustrative cases, descriptive rather than followup statistics, or the conflicting opinions of alleged experts.

Both scientific evaluation and operations of criminal justice agencies can be made more effective and efficient, if their records are integrated. This requires studies of information utilization and evaluation of the contribution of records data to sound decisions. Precoding of much narrative information in the records facilitates its collection, its assessment, and its computer storage and retrieval. If followup findings on different types of cases in different programs are shown by configuration tables, the implications of research findings for case decision policies can most effectively be conveyed to officials. Such tables provide statistics on the probable risks in alternative decisions.

Small-scale inhouse trials of planning ideas reduce the prospect of criminal justice policies not being evaluated, or of their being grossly wasteful and discrediting to an agency if shown to be ineffective. Major advances, however, may sometimes require not such gradual improvements, but sweeping elimination of large components of criminal justice activity and a nonroutine type of outside monitoring by the best social science centers.

Outside agency evaluations and outside monitoring provide independence and expertise in assessments, but risk communication problems, for the questions that outside researchers answer may not be those of most concern to planners. This difficulty can be prevented, of course, by improved communication and by contracts that specify the type and quality of research that must be provided if payment is to be made. Hierarchical auditing programs permit a higher government agency to monitor subordinate units. This assessment by a government agency of the programs for which it is responsible, even if it does not directly administer the programs, is likely to yield findings relevant to evaluation concerns but sometimes challengeable as not completely disinterested.

## Chapter 11

### POLICY GUIDELINES AS PERPETUAL

### INVENTORIES OF SCIENTIFIC KNOWLEDGE:

### A SUMMARY AND CONCLUSION

So many findings and opinions on optimum criminal justice policy are presented in professional journals, organizational reports, and conference speeches that officials have difficulty in keeping up with current knowledge and perspectives that might guide their activities. How can the implications of scientific findings for criminal justice plans be efficiently compiled, to make them up-to-date and readily accessible when needed?

### Endorsed Standards vs. Tested Principles

Perhaps the most common method of trying to increase the influence of current knowledge on criminal justice practitioners is the promulgation of sets of standards, but such publications have serious limitations for planners. These products of committees, commissions, or conferences organized by professional associations or by government offices present the consensus of opinion among a set of leaders in the field, such as police chiefs, judges, correctional officials, professors, and, occasionally, representatives of the general public. When the members of these assemblages do not agree, special procedures for structuring discussion—such as the Delphi technique—may be employed to try to resolve differences, or a vote may simply be taken on what a standard should be. None of these procedures involves scientific testing of the claims made in arguing for or against a particular idea. Furthermore, standards often are issued as though they were permanently optimum solutions to common problems, when at best they are only optimum at the moment of formulation and may soon become obsolete.

Sometimes criminal justice standards are formulated as very specific dicta on how many of what types of personnel or other resources should be sought for a given size unit or workload, and what policies and practices should be employed in various types of circumstance. They are presented as though clear evidence existed that these standards are optimum for all times and places. Alternatively, some groups attain consensus on standards only by expressing their views in such vague and indefinite terms that they offer no

guidance. Both of these approaches conflict with the goal of grounding decisions in scientific knowledge, for that goal requires a continuous effort to make clear the explanatory principles that guide specific decisions and to test these principles as rigorously as possible.

General explanatory principles are preferable to specific standards as guidelines for policy formation and planning because criminal justice problems change rapidly and criminal justice agencies operate under diverse conditions. Scientific knowledge consists of that testable explanatory theory that has been most adequately confirmed by research. Since such knowledge always is tentative and should continually be subjected to further research that might lead to its revision, guiding principles should be presented only as summaries of current knowledge and should be accompanied by synopses of the evidence and inference that supports or opposes them. Thus, whenever new knowledge becomes available or new theories are supported, the need for modifying these principles would be readily evident. Examples of such guidelines, at least in a preliminary stage, are provided by the formal propositions presented in chapters 5 through 8 of this monograph and the supporting discussion there.

Ideally, a standing committee of a professional organization with appropriate staff, or a permanent government agency with a part-time scientific advisory board, should compile and continually improve such a collection of guidelines and summaries of the supporting and opposing scientific arguments on each. The statements could be periodically revised when new knowledge and thought warrant change, so that they might be considered perpetual inventories of the current basis for strategic criminal justice planning. Inventories of the most strategic policy guidelines for their purposes could well be maintained by any criminal justice planning agency, or by federations of such agencies, although national leadership in this task would be ideal.

The propositions and objectives from chapters 5 through 8 are collected here as a concluding synopsis of some of this monograph's principal guidelines for strategic criminal justice planning. They are preceded and supplemented, however, by a synopsis of the rest of the contents.

## Crimes and Societal Evolution

Strategic criminal justice planning deals with general principles for the guidance of practice, rather than with the specific details of tactical plans. A very useful distinction for such principles is that between predatory offenses, in which one party clearly feels victimized and is likely to complain about it to the police, and nonpredatory offenses, in which all participants usually engage willingly. Laws

defining predatory acts as criminal accumulate progressively, and are seldom repealed; they gain increasing public support as society becomes more differentiated in the proportion of the population with whose welfare the government is concerned expands.

Laws against nonpredatory crimes—such as prostitution, gambling, and use of alcohol or other drugs—ultimately shift from efforts at complete prohibition to more limited regulation. This shift occurs because the prohibitions are largely unenforceable, foster disrespect for the law, and often promote predatory crime (e.g., theft or forgery to support an illegal addiction). Furthermore, societal values become more generalized as groups and occupations become increasingly differentiated, so that citizens are allowed to act more as they please provided they do not victimize others. Conduct that threatens the physical or mental health of those that engage in it then becomes primarily a public health and education rather than a criminal justice concern.

These historic trends in government reaction to nonpredatory offenses do not occur at a steady rate. Instead, societies tend to oscillate between periods of liberalism, when value generalization grows, and periods of fundamentalism when it diminishes. Frequent "crackdowns" occur during these fundamentalistic phases, when more severe penalties are enacted, and law enforcement staffs specifically for these offenses are expanded. Such reactions usually prove futile, however, as the offenses become more widespread. The crackdowns may then simply be intensified, but eventually it becomes clear that this approach is largely counterproductive, and a liberalizing approach begins. Often this is presaged by the many police and courts that become indifferent to such crimes, so that penalties are enforced more haphazardly than ever. Indeed, in numerous jurisdictions the laws are ignored, but people who become lax in obeying such laws there are caught when they continue this disobedience in other areas. Thus, frequently, prominent persons or members of their families are arrested for offenses (e.g., for gambling, drugs, or homosexuality) when they are away from home, thus publicizing disparities in law enforcement and obedience. Eventually a movement for lesser penalties becomes effective, and ultimately such nonpredatory activities are decriminalized under specified circumstances, such as in State-operated or licensed public facilities (e.g., for gambling and for methadone use), or conversely, in privacy among adults (e.g., for homosexuality).

Another consequence of societal evolution is a prolongation of the span of years comprising adolescence, defined here as the period of a person's life between the physical maturity that terminates childhood and the age at which full-time adult roles and responsibilities are assumed. Adolescents today are more segregated from other age

groups than they were in former decades and therefore, they become more divergent culturally from older people. This divergence is especially great in those adolescents who are least successful in the school system, yet do not join the employed labor force, lack experience as participants in formal groups, and have no strong attachments to law-abiding persons (and often, to no one else either). It is increasingly they who predominate among offenders arrested for serious crimes; regardless of age—for some do not securely terminate adolescence for decades—these are the people least adequately socialized for legitimate adult roles in a complex society.

A differential anticipation perspective appears to be the most useful general orientation for causally explaining and effectively correcting criminal behavior. This approach directs attention to both the procriminal and the anticriminal learning experiences of offenders and to their perceptions of their legitimate and illegitimate opportunities of various sorts (e.g., economic, social, or sexual). Derived from this perspective, in large part, are the more specific guidelines that are the concerns of this monograph.

### Key Guidelines

A. If you will at some future date wish to release offenders with minimum risk of their committing further crimes, do not set them apart from and out of communication with law-abiding persons any more than safety necessitates.

B. The recidivism rates of those apprehended for committing crimes depend upon their prior stakes in conformity and nonconformity, hence on their anticipations from crime, and on whether these anticipations are changed by their experiences from being caught.

C. To reduce recidivism, criminal justice officials should try to diagnose how greatly each offender has already been polarized in commitment to a criminal career, and how polarization might be affected by the possible decisions on each case. Such a diagnosis requires analysis of the offender's past and prospective experiences, to assess the extent to which they make him or her either conflicted about engaging in crime, or oriented to a criminal career. Criminal career orientations reflect experiences that:

- (1) instill pride and confidence in success at crime or in misleading authorities, and create little competing stake in conformity with the law;
- (2) produce criminalizing rather than rehabilitative effects from being labeled delinquent or criminal;
- (3) increase the subject's hostility toward authorities or toward the law through escalated conflict with counter-escalating representatives of the criminal justice system.

D. Recidivism rates of conflicted offenders diminish more often when they have counseling-oriented correctional supervision than when they have impersonal and rule-oriented staff or regimented and mass-handled programs.

E. Recidivism rates of career-oriented criminals increase more with correctional supervision that is flexible and counseling-oriented than with traditional regimented programs.

F. The recidivism rates of career-oriented criminals become lower if they are given programs that emphasize tangible rewards (e.g., pay or privileges) for significant achievements in the pursuit of legitimate alternatives to crime (e.g., earning academic credits or mastering usable vocational skills) than if they are given programs emphasizing counseling or psychotherapy.

G. The more the social relationships, roles, and rights of law-abiding citizens in the free community are accessible to incarcerated offenders, the less criminalizing the confinement experience will be for conflicted offenders and the more rehabilitative it can be for career-oriented criminals.

Specific objectives for making this principle most effective include:

(1) Maximizing visiting of prisoners by outside persons of probable rehabilitative influence.

(2) Maximizing participation of prisoners in the management of their own affairs and simulating outside legitimate responsibilities for them as much as possible while they are incarcerated.

H. Procedures for graduating release (e.g., residence in community correctional centers, furloughs, or work release) improve both the diagnostic and the rehabilitative potential of a correctional system whenever there is doubt about a prisoner's ability to achieve a law-abiding lifestyle in the free community, and whenever these procedures facilitate the prisoner's search for postrelease residence and employment.

I. Commitment to criminality is increased if offenders perceive their treatment by a criminal justice agency as unjust and is diminished if they view their treatment as just.

Specific objectives for applying this principle include the following:

Expand and improve communication among all parties in the negotiation of discretionary police, court, and correctional decisions, to maximize mutual understanding of the purpose of any stipulations, concessions, or arrangements; emphasize modification of criminal behavior and increase of successful experience in alternatives to crime as primary purposes.

Incorporate in all penalties, if possible, the principle of restitution for damage done by the offense.

Augment or replace judicial sentencing with local or regional sentencing boards.

Endeavor to make court sentences and parole board rulings mutual agreement contracts rather than arbitrary and unexplained orders.

Establish independent agencies, preferably of ombudsman type, to investigate complaints and seek remedies for those that are warranted.

J. The rehabilitation of those who have had repeated failure and discouragement in their efforts to achieve a noncriminal life will in most cases be especially facilitated by persons once involved in a similar criminal behavior pattern who have successfully made the transition to a noncriminal lifestyle.

K. Preventing the recurrence of adolescent crime patterns, even during adulthood, requires measures that increase the resources of ex-offenders for coping with social, economic, and personal stress.

L. Criminal justice agencies should support, as crime preventives, all programs and policies that foster in adolescents a continuing stake in conformity, less favorable anticipations from criminal than from noncriminal activities, positive attitudes toward the criminal justice system, and successful preparation for as well as gratifying experience in legitimate adult roles.

Specific objectives for applying this principle include the following:

1. Make school a less age-segregated and more gratifying, instructive, and relevant experience for all students.
2. Link school more closely with employment.
3. Expand economic incentives to family cohesion and school attendance by income maintenance and free school meal programs.
4. Abolish segregation of poor people in slums.
5. Minimize estrangement between youth and the criminal justice system.

M. The modification of assaultiveness requires that offenders gain experience and reward in nonviolent resolution of differences, identify with persons from nonviolent subcultures, and share group pressures against violence.

Specific objectives for applying this principle include the following:

1. Minimize, as much as manageable, the concentration of persons from subcultures of violence in the same groups and facilities.
2. Increase participation of persons from a subculture of violence in open formal group activities.
3. Foster formal and informal interaction of persons from subcultures of violence with persons from nonviolent subcultures.
4. Penalize groups rather than individual persons for the violence of their individual members and reward them for nonviolence, to foster group norms of nonviolence in individual conduct.
5. Reduce the prestige of violence.

N. To reduce homicide, aggravated assault, robbery, and accidents, a license indicating both competence and responsibility

should be required for handgun ownership, distribution of these weapons should be closely controlled, monetary incentives should be provided for turning in illegal guns, and extra penalties should be imposed for use of guns in crimes.

O. Modification of criminal sexual aggression seems generally to require:

- (1) a deterrent (penalty or threat of penalty), and
- (2) realistic instruction of the offenders on the physiology and psychology of sexual response by persons of their own age and sex and of the age and sex that they victimized.

P. Enforcement of prohibition laws against a vice generally will diminish its visibility more than its actual pursuit by addicted persons.

Q. The higher the financial cost of gratifying a vice, the more those addicted to it will engage in predatory crime.

R. The higher the profit in illegal goods or services, the more organized, resourceful, and ruthless the suppliers will become, when necessary, to make their sales.

S. Widespread tolerance of a vice that is illegal fosters disrespect for the criminal justice system as well as corruption in enforcement and adjudication of the law; legalization reduces these effects.

T. Avocational crimes are deterrable by the prospect of publicly labeling the offender as criminal, and also by fines that make the offenses unprofitable.

This monograph has concluded by repeating its suggested guidelines for the modification of offenders and the prevention of crime. They are neither exhaustive of all statements that might be made for these purposes, nor of optimum format. The list could also be extended to deal with additional functions of the criminal justice systems, such as efficient and fair identification of offenders by police and courts.

It is hoped that the statements presented here stimulate planners to draft analogous inventories for their agencies as an aid in keeping their plans strategic despite the pressures for immediately expedient tactics. By thus grounding their policies in explicit and testable general principles, they can challenge their critics to marshal more adequate evidence rather than more flamboyant rhetoric to justify alternative policies. But if these inventories are to remain bulwarks against shortsighted pseudosolutions to complex problems, they must always be subject to revision as scientific knowledge grows.

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