

CHAPTER

3



OBJECTIVES

Understand the social context of neoclassical theories and their rise to prominence in America during the 1970s.

Grasp the central concepts in deterrence theory, including specific, general, and marginal deterrence.

Understand what the various empirical tests indicate about the empirical status of deterrence theory.

Know the central concepts in the routine activity and lifestyle approaches to criminal behavior.

Understand rational choice theory and its relation to deterrence.

Understand the policy implications of rational choice theory, including criminal justice policies and situational crime prevention.

Neoclassical Criminology

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If you want to know why crime proliferates in this nation, don't look at statistics on income and wealth; look at statistics on arrests, prosecutions, convictions, and prison populations . . . The primary problem is in a criminal justice system that seems to have lost much of its capacity to determine the truth, prosecute and punish the guilty, and protect society.

—Ronald Reagan, 1975¹

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Crime has tripled in two decades because crime pays. It is the nation's growth industry because it is an exciting, enjoyable profession where the criminal element runs little risk of being forced to pay an unacceptable price. In a decade, tens of thousands of men, women, and children have been murdered. In retaliation, our defender, the state, has executed exactly one killer.

—Pat Buchanan, 1977²

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YOU ARE THE CRIMINOLOGIST

Can Drunk Driving Be Deterred?

It was the middle of the summer: July 25, 2003. Melanie, 13, had a birthday party to go to after spending the previous night at a friend's house. Later, walking to the beach with friends, Melanie was hit by a car and died of her injuries. It was the second drunken driving arrest for the driver, Pamela Murphy, age 49.

James Broadbent Jr. and his fiancée, Lisa Squillacioti, loved to do volunteer work. They were also looking forward to getting married and raising children. As they drove home from a charity golf tournament in September 2001, they were killed by a drunk driver. Police reported that Russell Curran, the driver, had been drinking for hours that night. Curran pleaded guilty, and he was sentenced to three to four years in prison.

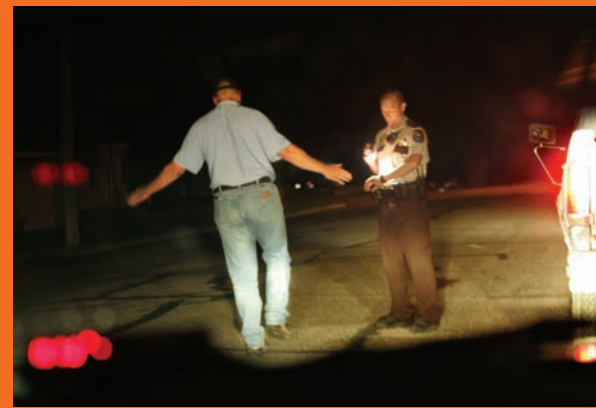
As these stories illustrate, drunk driving can have tragic results. Can these tragedies be averted by increasing legal penalties? Mothers Against Drunk Driving (MADD) and legislators across the country make this argument. MADD was established by a group of women in California outraged after the death of a teenage girl killed by a repeat-offender drunk driver. Since 1980, MADD has pressured government officials to increase penalties for driving under the influence. MADD's lobbying has resulted in the passage of thousands of federal and state anti-drunk driving laws.

On May 27, 2005, Governor Mitt Romney of Massachusetts filed legislation he dubbed "Melanie's Bill," a new proposal that cracks down on repeat drunk driving offenders. Romney said the legislation is necessary to preserve federal funding and protect the lives and safety of Massachusetts citizens. The bill increases penalties for drunk driving-related offenses, particularly with regard to individuals who repeatedly drink and drive.

Will increasing penalties for drunk driving reduce this behavior?

Do individuals considering driving after having consumed alcohol think about the consequences (including legal sanctions) of their actions?

What effect does increasing punishment have on other kinds of criminal offenses?



A police officer administers a sobriety test to a driver.



If this person is arrested, what impact will it have on his future behavior?

Sources: Janice Lord, "Really MADD: Looking Back at 20 Years," available at <http://www.madd.org/aboutus/0,1056,1686,00.html>, accessed July 9, 2005; *The Patriot Ledger*, "Victim Profiles. Lives Lost: Some Victims of Drunken Driving Accidents on the South Shore," available at <http://www.southofboston.net/specialreports/drunkendiving/2c.shtml>, accessed July 2, 2005; Massachusetts Registry of Motor Vehicles, "Legislation Stiffens Penalties for Repeat Offenders, Preserves Federal Funding," May 27, 2005, available at <http://www.mass.gov/rmv/rmvnews/2005/melanie.htm>, accessed July 9, 2005.

Introduction

The quotations on the previous page illustrate the fact that, toward the latter part of the 1970s, politicians, commentators, and scholars started to revive classical school ideas. As rehabilitation came under

attack as the dominant goal of corrections, so too did the sociological and psychological theories of crime that supported this model. Throughout the 1980s and 1990s, the federal government and individual states passed legislation (e.g., mandatory minimum sentences, longer prison terms, "three

strikes” laws) designed to deter people from criminal behavior by increasing punishment. One result of this effort has been a massive increase in the number of prisoners held in jails and prisons — but — have these laws and prison expansions reduced crime? Do stricter legal penalties deter offenders from engaging in future crimes? Does capital punishment deter homicide?

As the name suggests, neoclassical theory builds on the work of classical school theorists. The emphasis is therefore often on the role of the criminal justice system in preventing crime. In this chapter, two complementary theories that place emphasis on punishment are discussed: Deterrence theory suggests that swift, certain, and severe punishment reduces crime, while the rational choice perspective holds that human beings calculate both the costs and benefits of criminal behavior before they decide whether to engage in crime. Additionally, routine activities theory is discussed in this chapter because it also assumes that criminals behave in a rational manner. Before getting to the individual theories, it is important to consider how and why neoclassical theory emerged.

The Rise of Neoclassical Theory

As noted in Chapter 1, the popularity of the classical school of crime diminished toward the end of the 1800s, and the positive school gained popularity. Throughout most of the 1900s then, sociological, biological, and psychological theories of crime dominated the landscape. Because positive theories identify potential causes of criminal behavior (e.g., poverty, personality, delinquent peers), they naturally fit with the corrections goal of rehabilitation. In essence, such theories provide the “targets” of rehabilitation efforts. During the early 1970s, however, the corrections goal of rehabilitation was attacked and labeled as a failure by both liberal and conservative commentators.³ When rehabilitation faltered as a goal of corrections, many scholars called for a return to the use of prisons to punish and deter, rather than rehabilitate, offenders. These commentators recommended punishments such as lengthy prison terms, corporal punishment,⁴ and the death penalty.⁵

The so-called “get-tough” movement also included calls to make prison itself more painful. Indeed, some jurisdictions reinstituted “chain gang



Sheriff Joe Arpaio, the self-proclaimed “toughest sheriff in the country.”



Do pink underwear, chain gangs, and camera-equipped dogs make the jail experience so miserable that inmates will refrain from future criminal behavior?

crews” and old-time striped uniforms. Perhaps nobody has taken this trend further than Sheriff Joe Arpaio of Maricopa County, Arizona. Arpaio has cultivated a reputation as the “toughest sheriff in the country” through his management of the county jail. Some of the sheriff’s policies are⁶:

- Inmates are issued pink underwear and striped uniforms.
- Cigarettes and coffee are prohibited.
- Inmates are housed in tents outside of the jail (the jail is located in a desert).
- Inmates are allowed no recreation.
- Television is generally limited — those allowed to watch television can choose from CSPAN, the Disney channel, and cooking shows.
- Inmates in chain gangs pick up garbage on city streets.

- Camera-equipped dogs roam the jail.
- Inmates are served only two cold meals per day (at a total cost of 62 cents per day per inmate).

The “get-tough movement” brought together several different perspectives that emphasized the importance of punishment, including retribution, just deserts, incapacitation, and deterrence. The concept of **just deserts** suggests that punishment rightfully reflects the pain caused and thus earned by the criminal. Punishment also serves as a collective expression of society’s disapproval for criminal acts.⁷ The goal of punishment, then, is sentences that are commensurate with the seriousness of the crime, the extent to which it adversely affects society, and the culpability of the offender. Moreover, persons who commit the same type of crime should receive the same sentence.

Retribution is similar to just deserts and implies that criminals deserve to be punished because they have violated a legal system from which everyone benefits.⁸ They have taken unfair advantage of the law-abiding citizens in society. Punishing offenders restores the social balance and reaffirms social bonds — it sends a message that crime will not be tolerated. According to Earnest van den Haag, “Retribution must be paid because it is owed, because it has been threatened, and a threat is a (negative) promise.”⁹

The idea of **incapacitation** is simple — someone who is incapacitated (through death, prison, or some other method) can no longer commit crimes against the public. Thus, the goal of incapacitation is to prevent crime by locking up criminal offenders. Like retribution and just deserts, incapacitation is a theory of punishment that does not rest on any particular theory of crime. Unlike them, however, incapacitation is designed to reduce future criminal behavior. A substantial body of literature addresses whether and how incapacitation affects crime. See the **Theory in Action: Lock ’em Up — Incapacitation as Goal of Corrections** for more information.

In addition to retribution, incapacitation, and just deserts, some scholars emphasize the deterrent value of punishment; that is, punishment has the potential to reduce criminal behavior by sending a message to both the offender and society that crime “doesn’t pay.” It is this link that clearly ties the get-tough movement with the classical school. In this case, a deterrence theory of punishment rests on an explicit theory of criminal behavior.

Deterrence Theory

Drawing on the work of classical school theorists such as Beccaria and Bentham, deterrence theorists portray humans as rational, pleasure-seeking, pain-avoiding creatures. This assumption leads to a relatively simple theory of crime: People will engage in criminal behavior when it brings them pleasure (generates rewards) and carries little risk of pain.

LINK In Chapter 1, we discussed the emergence of the classical school. Leaders in this school were legal reformers — they argued that penalties that were proportionate to the offense would deter potential offenders.

Consequently, formal punishment has the potential to reduce crime in two ways. One objective of punishment is to send “a message addressed to the public at large. The punishment of an offender deters others by telling them: ‘This will happen to you if you violate the law.’”¹⁰ In other words, punishing offenders broadcasts to society that there is a substantial amount of “pain” associated with criminal behavior. The idea that punishing offenders will deter the rest of society is termed **general deterrence**. Of course, punishing offenders might also have an effect on the offenders themselves; that is, offenders who feel the pain of punishment should be less likely to reoffend in the future. This is the principle of **specific deterrence**. A summary of the elements of deterrence theory is provided in

TABLE 3-1

Deterrence theorists, again drawing from the classical school, point out that punishment is most effective when it is swift, certain, and severe enough to outweigh the potential rewards of criminal behavior. In essence, neoclassical theorists restated and refined classical school statements about deterrence, rather than making any major changes. The main contribution of deterrence theorists was to generate empirical tests of deterrence theory.

Empirical Tests of Deterrence Theory

The basis of deterrence theory — that formal punishment reduces criminal behavior — is very straightforward. Testing deterrence theory, however, is more complex. Researchers have studied both specific and general deterrence. Further, they have tried to gauge the relative importance of the certainty and severity of punishment (very few look at swiftness). To help organize this research, the different tests of both general and specific deterrence

TABLE 3-1

Key Elements of Deterrence Theory

Assumptions: Deterrence theory assumes that humans are rational and hedonistic.

Levels of Deterrence: Deterrence can take place on two levels that differ in the purpose of the punishment. Specific deterrence focuses on the individual offender. It seeks to teach criminals a lesson, so that they will learn from experience and “go straight” in the future. General deterrence is concerned with society as a whole. Here, individual punishment is aimed at sending a message to everyone — the punishment demonstrates what will happen to them if they violate the law.

Effective Punishment: Deterrence theorists argue that effective punishment is swift, certain, and severe. Deterrence may also be **conditional**; that is, legal threats deter only persons who have a stake in conformity and are tied to conventional society in such a way that they will suffer from the stigma of punishment. Finally, deterrence may be **marginal**, which refers to the inhibiting effect of one punishment as compared with another.

discussed are outlined in **TABLE 3-2**. Prior to discussing this research, it is important to distinguish between absolute and **marginal deterrence**. Absolute deterrence is the notion that having a formal system of punishments deters criminal behavior. Indeed, few would argue that a complete absence of

police and prisons would have no effect on crime. Marginal deterrence addresses whether incremental (marginal) increases in punishment produce decreases in crime. For example, does doubling the prison sentence for robbery lead to reductions in that particular crime? Almost all empirical tests of deterrence theory test marginal deterrence rather than absolute deterrence.

General Deterrence

General deterrence is the proposition that increases in the certainty, severity, or swiftness of punishment produce decreases in criminal behavior for the population at large. Most researchers test either the certainty or severity of punishment. The severity of punishment is relatively easy to measure. One could look, for example, at the average prison sentence for crimes in different jurisdictions. Studies on capital punishment (the ultimate in severity), though, are by far the most common tests of this aspect of deterrence theory.¹¹ Obviously those who are executed will never commit another crime (this is incapacitation rather than deterrence). The issue is whether the death penalty serves as a general deterrent against homicide. Concerning the

TABLE 3-2

Empirical Tests of Deterrence Theory

Specific Measures/Tests	Findings
General Deterrence	
Death penalty research (Severity)	Most studies find that the death penalty has no effect on homicide rates. A small minority of studies find a brutalization effect, a deterrent effect, or both.
Clearance rate studies (Certainty)	Most studies find that the clearance rate has no effect on crime. A minority of studies find that a deterrent effect emerges when the clearance rate reaches a certain tipping point. Even here, the effect is limited to small cities.
Police experiments	The Kansas City Preventative Patrol experiment found that doubling police patrols had no effect on crime. Later experiments using directed patrols, saturation patrols, and zero-tolerance policing produced reductions in crime. These deterrent effects tend to be short lived.
Perceptions research (Certainty and Severity)	Those who believe that the punishment for crime is severe and that their likelihood of apprehension is high are less likely to engage in crime. However, this is mostly because offenders, over time, lower their estimates of severity and certainty (the experiential effect).
Specific Deterrence	
Police arrest experiments	An initial experiment found that arresting domestic violence perpetrators reduced later calls for service more than other options (e.g., warning, separating). Later studies suggest that this finding applies only to those who have conventional ties to society (e.g., employment).
Comparison of probation versus intensive programs	Intermediate sanctions (e.g., intensive probation, shock probation, boot camps) do not appear to reduce recidivism more than regular probation.
Scared Straight	Numerous experiments indicate that scared straight programs have no positive effect on criminal behavior. The weight of the evidence suggests that they actually increase crime.



THEORY IN ACTION

Lock 'em Up — Incapacitation as Goal of Corrections

The basic premise of incapacitation, that “A thug in prison cannot mug your sister,” is simple to grasp. When offenders are in prison, they no longer have the opportunity to engage in crime. If society locks up enough offenders, crime should decline. Scholars identify two types of incapacitation. *Collective incapacitation* refers to the reduction in crime achieved through a change in sentencing (e.g., mandatory minimum sentences) that affects a large proportion of offenders. *Selective incapacitation* attempts to control crime by sentencing individual offenders. Here, offenders who are thought to pose the greatest risk of future crime receive longer sentences. This policy provides for the identification and removal of chronic offenders from society so that crime can be controlled.

Incapacitation came to be a primary goal of corrections (especially prisons) in the 1980s largely by default. Rehabilitation was attacked as a failure, and evidence emerged that neither specific nor general deterrence was likely to have a great impact on crime. During this period, scholars began to argue that incapacitation, if done ruthlessly, could have a substantial impact. The promise of selective incapacitation, in particular, was seductive. James Q. Wilson argued that, if much serious crime is committed by repeaters, isolating these repeaters from society would produce major reductions in crime rates. In other words, long-term incarceration of the career criminal will lower the crime rate because a small, hard-core group of chronic offenders is responsible for a vastly disproportionate share of serious crimes.

In the past 25 years, the United States has in many ways conducted an experiment in incapacitation. According to the U. S. Department of Justice, the number of individuals in secure confinement has increased from under 200,000 in 1980 to over 2 million in 2003. During that same time, the incarceration rate increased from roughly 150 prisoners per 100,000 citizens to almost 500 prisoners per 100,000 citizens. The rate of secure confinement (which includes jail populations) was 718 per 100,000 people at the end of 2003. What has been the effect of such massive increases in the use of prison and jail? Has incapacitation worked?

Evaluations of Incapacitation

Critics of incapacitation often point out that throughout the 1980s and early 1990s, when many states were dramatically increasing their prison populations, crime rates continued to rise. Incapacitation supporters contend that crime rates would have risen even higher without the increased use of prisons, and they point to the recent decline in crime as evidence that incapacitation works. Researchers have tackled this issue in a number of ways, including:

- Surveying inmates as they enter prison to assess how much crime they committed in the past year. This is then used as an estimate of how many crimes they would commit in the future if they were not incarcerated.
- Comparing states that dramatically increased their prison population with states that did not during the same time period.
- Using statistical models to estimate “crime saved” through incapacitation in a single state.
- Studying the crime committed by offenders who were released from prison early due to court-imposed prison population caps.
- Studying offenders who were sentenced to death, but had their sentence commuted, and were eventually released.

Although different studies reach somewhat different estimates of the incapacitation effect, a common theme runs through the research — large increases in prison population produce moderate decreases in some forms of criminal activity. For example, a study by researchers Thomas Marvell and Carlisle Moody Jr. sought to assess the impact of state increases in prison population in the 1970s and 1980s on serious crimes. The researchers found that the increases had little or no impact on the crimes of rape, murder, or assault. There were moderate effects, however, for robbery, larceny, and burglary. Adding roughly 300,000 inmates over the course of the 1980s, for example, decreased robbery by about 18%.

Frank Zimring and his associates examined the effects of California’s huge prison increase in the 1980s. They first estimated what the crime rate would have

been without any prison increase and then compared these figures with the actual crime rate to get an estimate of the incapacitation effect. They found that each “person year” (incarcerating one person for a year) of prison prevented roughly 3.5 crimes per year. Virtually all (93%) of the reduction, however, was due to reductions in burglaries and larcenies.

The general finding then is that huge increases in the use of prison produced moderate reductions in offenses such as robbery, larceny, and burglary, but had little impact on assault, homicide, or rape. This finding makes sense because the former crimes tend to be high-rate offenses, while the latter do not. A single person might commit many burglaries or robberies over the course of a year. A crime like homicide, however, is extraordinarily rare — very few individuals ever commit more than one in their lifetime.

For example, several recent studies have traced the recidivism rates of former death-row inmates who had their sentences commuted because of the 1972 *Furman v. Georgia* ruling. Because many of these offenders were eventually paroled, these studies test the argument that the death penalty, through incapacitation, prevents future murders. A study that followed the entire cohort (558 inmates, of whom 233 were paroled) learned that only one committed murder following release from prison.

Criticisms of Incapacitation

Although this evidence offers some support for incapacitation, the massive increase in prison rates in the United States did not produce the type of reductions anticipated by supporters of this theory. Several factors may impede the incapacitation effect:

- By the time some offenders are incarcerated for a lengthy period, they may already be aging out of criminal activity.
- Selective incapacitation has proved elusive, because one cannot predict who will be a “chronic offender” with the necessary accuracy.
- Locking up drug offenders, because they are readily replaced in society, yields no reduction in drug crime.

Further, even those who support incapacitation recognize that further increases in imprisonment will generate even smaller reductions in crime. As states

lock up a greater proportion of offenders, the remaining pool of offenders is inevitably a less serious and chronic group. Thus, while doubling the prison population might initially produce a 15% to 20% reduction in some crimes, doubling it again will not have the same effect. For this reason, even John DiIulio, a noted and vocal supporter of incapacitation, argued recently that the country has “maxed out” on the benefits of prison.

Elliot Currie points out an even greater flaw in the incapacitation literature: The question, “Does incapacitation work?” is not a very good question. The better question is “How well does incapacitation work compared with other strategies?” Reframing this issue recognizes that building and maintaining prisons generates huge costs. Could the money spent on prisons have created more crime reduction if spent elsewhere? A 1996 cost-benefit analysis suggests that is the case. The researchers compared early prevention programs with an incapacitation program (California’s three-strikes law) and found that prevention generated similar crime reductions at a fraction of the cost. Those who support prevention and early intervention programs point out that while a thug in prison can’t shoot your sister, he *already* shot somebody’s sister to wind up in prison.

Over the past decade, support for the strategy of incapacitation has waned, but not because of scientific evidence or ideological arguments. Instead, the enormous cost of this strategy has caught up with many states. Indeed, corrections costs are the fastest growing items in many state budgets. With recent budget shortfalls, some states have closed prisons, delayed the opening of new prisons, and/or reduced sentences for some criminal acts. It may be fiscal limitations, rather than scientific evidence, that end the great incapacitation experiment.

Sources: Cristy A. Visser, “Incapacitation and Crime Control: Does A ‘Lock ‘Em Up’ Strategy Reduce Crime?” *Justice Quarterly* 3 (1987): 513–533; Peter W. Greenwood, *Selective Incapacitation* (Santa Monica, CA: Rand Corporation, 1982); James Q. Wilson, *Thinking About Crime* (New York: Random House, 1975); Paige M. Harrison and Allen Beck, “Prisoners in 2003,” *Bureau of Justice Statistics Bulletin* (Washington, D.C.: U.S. Department of Justice, 2004); Anne Morrison Piehl and John J. DiIulio Jr., “Does Prison Pay? Revisited,” *Brookings Review* 13 (1995): 20–25; Steven D. Levitt, “The Effect of Prison Population Size on Crime Rates: Evidence from Prison Overcrowding Litigation,” *Quarterly Journal of Economics* 3 (1996): 319–351; James W. Marquart and Jonathan R. Sorensen, “Institutional and Postrelease Behavior of Furman-Commuted Inmates in Texas,” *Criminology* 26 (1988): 677–693; James W. Marquart and Jonathan R. Sorensen, “A

THEORY IN ACTION

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National Study of the Furman-Commuted Inmates," *Loyola of Los Angeles Law Review* 23 (1989): 5–28; Thomas B. Marvell and Carlisle E. Moody Jr., "Prison Population Growth and Crime Reduction," *Journal of Quantitative Criminology* 10 (1993): 109–130; John J. DiIulio Jr., "Two Million Prisoners Are Enough," *The Wall Street Journal* (March 12, 1999). A-14; Elliott Currie, *Crime and Punishment in America: Why*

the Solutions to America's Most Stubborn Social Crisis Have Not Worked and What Will (New York: Henry Holt, 1998): 65; Peter W. Greenwood, C. Rydell, and J. Chiesa, *Diverging Children from a Life of Crime: Measuring Costs and Benefits* (Santa Monica, CA: RAND, 1996); Fox Butterfield, "Tight Budgets Force States to Reconsider Crime and Penalties," *New York Times* (January 22, 2002): A1.

death penalty, the most common research strategies focus on a comparison of homicide rates (1) between states that have the death penalty and those that do not and (2) before and after executions within the same jurisdiction.

Among the studies of the first type, the vast majority of studies find that there is little difference in homicides between states that have or do not have the death penalty.¹² One study used a matching technique to compare the murder rates of death penalty states with nondeath-penalty states for the years 1920–1955 and 1920–1962.¹³ The research discovered no difference between the two — executions appeared to have had no effect on homicide rates.

Many of the studies looking at the same jurisdiction over time also fail to find a relationship between executions and homicide rates. These studies take advantage of the moratorium on capital punishment that resulted from the 1972 Supreme Court *Furman v. Georgia* ruling. This decision stated that the capital sentencing system was arbitrary and discriminatory and that it violated the defendant's right to due process of law. McFarland examined the pattern of homicide rates in the United States following the first four executions after the death penalty was reinstated in 1976.¹⁴ He failed to find significant evidence, nationally or locally, of a deterrent effect for executions. This study also found that executions and the amount of television coverage given to them did not affect the number of felony homicides committed in the United States between 1976 and 1987.¹⁵

A small minority of studies do find that capital punishment has an effect on homicide rates. These findings, however, cut both ways. Some research documents a deterrent effect, while other studies find an increase in homicide. One study examined the national data on the relationship between the homicide rate and executions for 1943–1969.¹⁶ In particular, the study examined the "execution risk": the ratio of the number of executions to the number of homicides. The central hypothesis was

that higher execution rates would produce lower homicide rates. The study found that a 1% increase in the execution rate accounted for 6% decrease in the homicide rate. Although the methodology and results of this study have been severely criticized,¹⁷ it is still cited by supporters of capital punishment.

Two pieces of research examined the results of Oklahoma's 1990 return to the use of capital punishment after a 25-year moratorium.¹⁸ In each study, using different methodologies, weekly homicide figures were tracked for 1 year before and after the execution. Little or no evidence of deterrence emerged from these studies. Both studies, however, found that certain types of homicides actually increased following the execution — a **brutalization effect**. Scholars suggest that the state's execution legitimizes the use of violence, demonstrating that it is appropriate to kill people who have gravely offended.¹⁹

An analysis of California's resumption of executions (again, after a lengthy moratorium) revealed a more complex pattern.²⁰ The authors categorized homicides as stranger/nonstranger and felony/nonfelony. Felony murders occur when an offender commits homicide to further another felony (e.g., an armed robbery that results in homicide). Because the underlying felony is rationally planned, the offenders might be deterred by the existence of the death penalty. The analysis revealed a small but significant deterrent effect for felony murder, but only when it involved nonstrangers. This effect, however, was overshadowed by a much larger brutalization effect for homicides resulting from arguments among strangers.

In sum, most studies of the death penalty find that they have no effect on homicides. The small minority of studies that document a relationship between the death penalty and homicide find a mix of brutalization and deterrent effects. Research on the deterrent effect of nonlethal penalties (e.g., length of prison terms) is no more encouraging to deterrence advocates. Again the most common



A hospital table used in lethal injection executions at the Osborne Correctional Institution in Somers, Connecticut. In May 2005, serial killer Michael B. Ross became the first person to be executed in Connecticut in 45 years.



According to available research, what happens to homicide rates when states return to the death penalty after such a moratorium?

finding for these studies is that the length of prison terms has no effect on crime rates.²¹

Evidence regarding the deterrent effect of the certainty of punishment is perhaps a bit more promising. Clearance rate, the proportion of total crimes cleared by arrest, is a common measure of certainty. A high clearance rate means that offenders' odds of getting caught are also high. Deterrence theory predicts that crime should be lower when the clearance rate is high. Like death penalty studies, researchers compare different jurisdictions to see whether clearance rates predict arrest rates. Although some early studies found that high clearance rates were associated with lower crime rates, recent studies (using better methodology) have failed to replicate these findings. Again, the most

common finding among these studies is that clearance rates are not related to crime rates.²²

A couple of studies, however, appear to have identified an exception to the general finding that clearance rates do not predict crime. A study of Florida cities discovered that when the clearance rates reached a certain "tipping point" (roughly 30%), a modest deterrent effect emerged.²³ A later study of Pennsylvania cities documented the same pattern, but with a higher (about 40%) tipping point.²⁴ In both studies, however, the deterrent effect was limited to small cities. Unfortunately, small cities with high clearance rates are rare — this limits the importance of the tipping point finding.

Researchers have also tested whether the certainty of punishment reduces crime by experimentally manipulating policing practices. Evidence that increased police presence (which increases the certainty of detection) reduces crime would support deterrence theory. The most famous study in this realm is the [Kansas City Preventative Patrol Study](#). In this experiment, conducted in the early 1970s, police beats were randomly assigned to one of three conditions.²⁵ In the reactive beats, police only entered the area to respond to calls for service. In the second group, police doubled or tripled the normal level of patrol. The final group of beats was patrolled as usual. The researchers discovered that neither increasing nor reducing police presence had any effect on the crime rate. Some have criticized the study, however, primarily because police cars left the normal or preventative beats to answer calls for service in the other beat.²⁶

The effect of certainty is more apparent in studies of directed or saturation patrols. This research suggests that increasing police presence in high crime areas can lower crime. Cities tend to have a few hot spots of criminal activity, which generate most of the calls for police service. Directed patrols focus police attention toward these areas, during times when criminal activity is highest (typically at night). For example, in an experiment in Minneapolis, patrol was doubled for 55 hot spots by taking patrols away from low crime areas. Normal patrol levels were continued in an additional 55 hot spots. Analyses of crime-related calls for police service revealed that the additional patrols produced a moderate reduction in crime.²⁷

Saturation patrols, as well as zero-tolerance policing, and other forms of police crackdowns raise police presence further. Typically, police target certain offenses (drunk driving, drug dealing)

Headline Crime

The Amadou Diallo Shooting — An Unintended Consequence of Aggressive Policing?

In February 1999, four plainclothes New York City police officers searching for a rape suspect confronted Amadou Diallo. The officers thought Diallo was acting suspiciously because he kept looking up and down the block. The officers claimed that they identified themselves, but Diallo did not heed their repeated commands to halt, and instead entered the vestibule, opening the door to his building. At that point, Diallo turned around while reaching into his pocket. The officers believed that Diallo was reaching for a gun and shot at him 41 times, hitting him with 19 bullets. The object Diallo was reaching for turned out to be his wallet. The officers involved in the shooting were subsequently charged with (among other counts) second-degree murder. On February 25, 2000, a jury acquitted all four officers of all charges.

Some commentators believe that the Diallo tragedy was the unintended consequence of aggressive policing. New York City has enjoyed a dramatic drop in violent crime, and many attribute this decline in crime to the police department's emphasis on order maintenance and zero-tolerance policing. Here, police target minor crimes, such as graffiti and subway turnstile jumping, as a way to demonstrate control of the streets, to apprehend individuals who may have outstanding arrest warrants, and to seize illegal firearms. Certain high-crime neighborhoods (such as Diallo's) are targeted for specialized squads of police, who use aggressive policing tactics (e.g., stop and question, stop and search) to ferret out crime.

Supporters of this tactic point to evidence that aggressive police tactics can indeed reduce crime. Critics, however, point out that many cities that have a different model of policing (e.g., "community policing" rather than zero-tolerance policing) also enjoyed a healthy crime drop in the 1990s. They also worry that such tactics can alienate police officers from the citizens they are serving and lead to tragedies such as the Diallo shooting.

Do you think that the Diallo shooting was a consequence of New York City's zero-tolerance policing model?

If zero-tolerance policing is an effective deterrent to crime, what could be done to reduce the unintended consequences of these policies?



Demonstrators hold signs protesting the shooting of Amadou Diallo in New York City. Diallo, an immigrant from West Africa, was shot 19 times by New York City police officers.



Does aggressive policing make such tragedies more likely?

Sources: Humans Rights Watch, "A Look at Aggressive Policing and Civil Rights Abuses," available at <http://www.hrw.org/reports98/police/uspo99.htm>, accessed July 10, 2005; Felice F. Guerrieri, "Law and Order: Redefining the Relationship Between Prosecutors and Police," *Southern Illinois University Law Journal* 25 (2001): 353–387; Fred Mazelis, "Inequality and Police Brutality in New York City: The Social Underpinnings of the Murder of Amadou Diallo," *World Socialist* March 12, 1999, available at <http://www.wsos.org/articles/1999/mar1999/dial-m12.shtml>, accessed July 10, 2005.

in certain geographical areas, and saturate these areas with police. The idea of zero-tolerance policing is that in addition to simply patrolling, police aggressively pursue even small infractions (e.g., loitering, panhandling, traffic violations). Policing crackdowns have had some success in lowering certain offenses (drunk driving, robbery), but appear to be less effective for drug-related crimes. Further, the deterrent effect of such crackdowns tends to be short-lived and may sometimes shift crime to neighboring areas. Zero-tolerance policing, targeted traffic enforcement, and other aggressive policing strategies might also produce some negative consequences. In particular, massive increases in arrests for minor (traffic, loitering, etc.) offenses may alienate residents, lower police legitimacy, and cause other long-term problems. Many commentators point, for example, to the New York City police shooting of Amadou Diallo as the result of aggressive police tactics. The Diallo shooting is discussed in more detail in the **Headline Crime** box.

In addition to looking at objective official measures (e.g., death penalty, clearance rate) and conducting experiments in policing, investigators also use survey research. These researchers raise the issue of whether the average citizen (or criminal) can identify with any accuracy the clearance rate or specific punishment for a particular crime. In that sense, peoples' *perceptions* about the severity and certainty of punishment are more important than the actual levels. People are asked survey questions such as, "If you committed auto theft on 10 different days, on how many of those days do you think you would be caught?" Similarly, to gauge estimates of severity, one might ask a question such as, "What punishment do you think you would receive if you got caught stealing an automobile?"

These "perceptual" measures of deterrence yield findings that are fairly consistent with research using objective measures. First, the studies suggest that perceptions of certainty are better predictors of crime than perceptions of severity. Second, even the effects of certainty perceptions on crime are modest.²⁸

There is evidence, however, that the relationship between perceptions and criminal behavior may not reflect deterrence. Individuals who engage in more crime may become likely to lower their estimate of the certainty or severity of the punishment. Because experience with crime causes people to change their perceptions (and not the reverse, as deterrence theory suggests), researchers have dubbed this an *experiential* effect.²⁹

Specific Deterrence

Specific deterrence, also called *special deterrence*, refers to the effect that punishment has on the offender. Deterrence theory predicts that offenders who are punished swiftly and severely will be less likely to engage in future crime. The available empirical evidence concerns mostly the effect of severity. One simplistic way to look at specific deterrence is to ask how often those who are imprisoned commit new offenses upon release. Follow-up studies of those released from prison consistently indicate that 60% to 75% are rearrested within three years — hardly comforting to advocates of specific deterrence.³⁰

A more sophisticated approach would be to compare groups of similar offenders who are punished differently. The emergence of intermediate sanctions in the 1980s allowed researchers to conduct just such an experiment. Intermediate sanctions are designed to be more painful than traditional probation, but less severe than prison. The two most popular types are **intensive supervision probation (ISP)** and correctional boot camps. ISP, which includes increased contact with the probation officer, curfews, drug testing, and other enhancements, was designed to "turn up the heat on probationers."³¹ In a very rigorous (random assignment of subjects, multiple program sites) experiment, however, researchers discovered that ISP programs did not reduce arrests for new offenses when compared with traditional probation.³²

Correctional boot camps, sometimes called *shock incarceration*, are also designed to be more painful than traditional sanctions. Following the military boot camp model, these programs emphasize physical training and military drill.³³ Although the research here is less conclusive, there is little evidence that boot camps reduce recidivism.³⁴ In a review of intermediate sanctions, Francis Cullen and his associates note that, although these programs are perceived by offenders as more "painful" than regular probation, they are no more effective at reducing recidivism.³⁵

Even Sheriff Joe Arpaio's jails, discussed earlier, appeared to have little effect on inmates' behavior once they were released. In a study commissioned and paid for by Arpaio comparing jail inmates under his tenure with inmates who served time prior to his arrival, researchers found no differences in recidivism rates.³⁶ In other words, wearing pink underwear and sleeping out in the desert heat



Youth offender at a correctional boot camp.



Is there any evidence that boot camp graduates are less likely to engage in crime?

was no more of a deterrent than the normal jail experience.

Some programs attempt to increase delinquents' perceptions of the severity of prison. The most widely recognized example is "Scared Straight," a program featured in two separate television specials, one of which won an Academy Award. In this type of program, youth are brought into a prison where inmates aggressively confront them and graphically describe the horrors of prison life. Although both television specials portrayed these programs as a success, scientific evaluations consistently show that at best, the programs have no effect on criminal behavior. There is some evidence that Scared Straight programs actually increase criminal behavior.³⁷ (A more detailed analysis of the Scared Straight phenomenon is presented in *Theory in Action: And the Oscar Goes to . . . Scared Straight!*)

Researchers have also examined and manipulated police behaviors to test the principle of specific deterrence. In particular, they have examined the consequences of police officers' decision to arrest. Arrest can be considered punishment because it leads to booking and in most cases to at least some short-term incarceration. Indeed, Lawrence Sher-

man refers to arrest as "the aspirin of criminal justice, the most widely dispensed incarceration 'drug' in the United States."³⁸ Important here is the fact that police have a great deal of discretion in choosing whether or not to arrest an offender. Deterrence theory would predict that those who are arrested would be less likely to engage in future crime than those whom the police choose not to arrest.

An analysis of data from the 1948, Racine, Wisconsin birth cohort revealed that arrest appeared to serve as a specific deterrent.³⁹ Among novice offenders, arrest was somewhat more likely to end a criminal career. Among more hardened offenders, arrest significantly reduced future rates of crime. Other studies suggest, however, that arrest and formal processing either have no effect on, or actually increase, future criminal activity.⁴⁰ These mixed findings probably reflect the difficulty in untangling cause-and-effect relationships using nonexperimental data.

Given this difficulty, a series of experiments focusing on police response to domestic violence may shed more light on the effect of arrest. In the first study, suspects in Minneapolis were randomly assigned to one of three potential responses by the police: (1) arrest, (2) threat of arrest (with the suspect leaving the home), and (3) a "talking to" by the police (with the suspect left at the scene). The results supported the use of arrest in domestic violence cases as a way to protect the victim — the suspects who were arrested had the lowest rate of recidivism. Arrest appeared to have a specific deterrent effect upon domestic violence.⁴¹

This study had a dramatic impact on policing in domestic violence cases. Although the authors were careful to recommend against the passage of mandatory arrest laws until further research was conducted, the results of the Minneapolis experiment contributed to the passage of such laws in 15 states by 1991.⁴² The study was replicated (repeated with the same methodology in a different location) in Omaha (Nebraska), Charlotte (North Carolina), and Milwaukee (Wisconsin) with dissimilar results.

Sherman and his colleagues specifically examined the impact of arrest on domestic violence cases in ghetto areas. The Milwaukee experiment was conducted in inner-city, crime-ridden neighborhoods. Suspects were randomly assigned the same potential police responses as in the Minneapolis experiment. Although interviews with victims in such cases revealed that arrest had a short-term



THEORY IN ACTION

And the Oscar Goes to . . . *Scared Straight!*

In 1978, the Academy Award for best documentary film went to *Scared Straight!*, a film that followed a group of 17 juveniles through the Juvenile Awareness Program. In the movie, juveniles are confronted by the “lifers,” a group of inmates serving lengthy sentences at the maximum security Rahway Prison in New Jersey. The inmates describe prison life in graphic detail (e.g., rapes, murder) and physically confronted the youth. The theory of deterrence is clearly the rationale for this program. It is an attempt to increase juveniles’ fear of punishment by emphasizing the nastiness of prison life. In the documentary, the program is described as extremely successful, having a success rate of 80% for the more than 8,000 youth that attended the program.

Given the social context of the late 1970s (the attack on rehabilitation and the start of the get-tough movement), this film, which aired on television in 1979, captured the imagination of the public and policymakers alike. Not surprisingly, similar programs spread across the United States and the rest of the world, and the phrase “scared straight” is now used to describe them generically. Unfortunately, scientific research on these programs indicates that they do not reduce criminal behavior and may in fact have a negative effect. Anthony Petrosino, Corly Turpin-Petrosino, and James Finckenauer reviewed seven of the most methodologically sound evaluations of scared straight programs. The programs under evaluation varied on the level of inmate confrontation (from very aggressive to an educational-type approach), whether females participated, and the average age of participants. Despite these differences, a consistent finding emerged: In none of the seven studies did the scared straight group do better than a control group. Indeed, these programs under study actually *increased* delinquency anywhere from 1% to 30%.

Because these studies were all conducted between 1967 and 1983, one might think that the scared straight type of programs would have vanished from the earth. While enthusiasm for such programs did wane throughout the 1980s, many of them are still operating. In 1999, “Scared Straight: 20 Years Later” aired in the United States. Hosted by Danny Glover, the program followed up on the 17 kids from the original documentary and claimed that only one became a serious criminal. At the same time, MTV aired a new scared straight documentary, again showing a group of juveniles being confronted by inmates and portraying the intervention as successful.

In August 2003, the governor of Illinois signed into law a bill that requires the Chicago public school

system to set a program called “Choices.” This program would identify children at risk for committing crime and give them tours of a state prison. Chicago Mayor Richard M. Daley supported the measure, saying, “As a freshman at De La Salle, they brought us down to Stateville. It shows you how harsh life is.”

Why do scared straight programs continue to draw support and funding from policymakers in the face of evidence indicating they actually increase delinquency? Anthony Petrosino and his colleagues identify a number of reasons. Chief among them is the belief that, as Mayor Daley put it, “If you save one child, it’s worth it.” The problem with this statement is that it ignores that fact that on balance, scared straight programs are doing more harm than good. A good analogy would be producing a new seatbelt that, when activated during crashes, killed more people than it saved. If the seatbelt saved just one life (but ended more lives than it saved), would anyone want it installed in their car? Apart from faulty logic, Petrosino and his colleagues identify a number of other reasons that contribute to the staying power of scared straight programs, including:

- Public appeal — The program does make intuitive sense. Many in the public respond to the film by saying, “Well, it scared the hell out of me.” This is a powerful incentive for policymakers to support the program.
- Institutional staying power — Once a program is started, it sometimes takes on a life of its own and becomes difficult to dismantle.
- “It’s good for the inmates.” — Some defenders of scared straight point out that although it may not benefit the juveniles, it may benefit the inmates by giving them something positive to work toward.
- The “true believers” — Some people believe so strongly in the program that they are simply not persuaded by scientific evidence of failure. Indeed, the policy response to findings from one experiment was to end the evaluation rather than the program.

Sources: Arnold Shapiro, *Scared Straight!* (Santa Monica, CA: Pyramid Films, 1978); Anthony Petrosino, Carolyn Turpin-Petrosino, and James Finckenauer, “Well Meaning Programs Can Have Harmful Effects! Lessons From Experiments of Programs Such as Scared Straight,” *Crime and Delinquency* 36 (2000): 353–379; Al Swanson, “Scared Straight,” United Press International, available at <http://newsmax.com/archives/articles/2003/8/22/225025.shtml>, accessed August 23, 2003.

deterrent effect, analysis of calls to police revealed no difference among the three sanctions. The authors concluded that short-term arrest may even cause harm by increasing anger at society without increasing the fear of rearrest. Thus, “a little jail time can be worse than none.”⁴³

A subsequent analysis of the Milwaukee experiment suggested that suspects without a stake in conformity were less likely to be deterred by arrest. They found that unmarried, unemployed, and black subjects were more likely to become involved in domestic violence again. The authors believe that the results confirm that the effectiveness of legal sanctions (e.g., arrest) is dependent on informal controls (e.g., employment, marriage).⁴⁴ A second replication of the domestic violence experiment was conducted in Dade County, Florida. Here, evidence of the influence of social bonds was also registered. Arrest had a significant deterrent effect on employed suspects and the opposite effect on unemployed suspects. The study's authors felt that these results highlighted the interrelationship between formal and informal sanctions.⁴⁵ Policies should take into account that arrest seems to deter only those who have something to lose (e.g., a job).

Finally, researchers synthesized the findings of these three domestic violence experiments with a fourth in Colorado Springs.⁴⁶ They found that overall, arrest appeared to do little to either increase or decrease the likelihood of repeat offending in domestic violence cases. In all four locations, however, arrest seemed to have a deterrent effect on employed suspects but to increase the risk of future violence by the unemployed. These authors caution not to take these findings too literally. For example, employment may be a measure of exposure — employed subjects are less likely to be at home and thus have less interaction with the victim. They also note that the findings do not suggest that arrest should be dropped as a policy option.

In sum, these studies reveal that the deterrent effect of arrest is difficult to determine. Social bonds and a stake in conformity may be more effective restraints against crime than the threat of punishment. The experiments raise the possibility, however, that formal sanctions may “kick off” these social controls. Williams and Hawkins make this exact argument and outline three indirect “costs” of arrest:⁴⁷

1. *Commitment costs*: Arrests may have an adverse effect on future opportunities (e.g., employment or education).

2. *Attachment costs*: Arrests can result in harm to or loss of personal relationships.
3. *Stigma*: Arrests can cause a loss of reputation.

Celerity

Celerity, or the swiftness of punishment, is the least studied aspect of deterrence theory. Psychological studies with animals suggest (and anyone who has successfully trained a dog understands) that swift punishments are more effective at reducing unwanted behavior than delayed punishment. The few available studies on offenders suggest, however, that immediate punishment does not decrease recidivism any more than delayed punishment.⁴⁸ Nagin and Pogarsky note that, unlike other animals, humans have the cognitive ability to connect an offense with punishment, regardless of whether or not that punishment is swift. They also point out that throughout criminal justice processing, offenders are reminded repeatedly of their offense.⁴⁹

Summary of Deterrence Theory

Deterrence theory predicts that swift, certain, and severe punishment will reduce crime, both among the general public (general deterrence) and for those being punished (specific deterrence). Deterrence theory, because it is derived from classical school theorists, focuses on formal (arrest, prison) punishment rather than informal controls. As noted, the empirical evidence regarding these predictions is mixed (and in some cases downright confusing), but it seems fair to make two generalizations. First, if any ingredient in the punishment mix is potent, it appears to be certainty rather than swiftness or severity. Second, even where deterrent effects emerge, they tend to be modest. In other words, measures of deterrence sometimes predict offending, but not nearly as well as measures from other theories of crime. Although deterrence theory seems to make sense, there are several possible explanations for the negative findings:

- Deterrence theory may rest on a faulty assumption; that is, people may not be as rational as they are portrayed in this theory (see the following rational choice theory).
- Almost all empirical tests focus on *marginal* increases in certainty and severity, rather than the absolute effect of deterrence.
- The capabilities of the criminal justice system are somewhat limited in a democratic society.

For example, a society in which secret police assassinate suspected offenders on the spot might have lower crime rates, but few people want to live in such a society.

Rational Choice Theory

Deterrence theory hinges in large part on the assumption that humans are rational beings, however, this assumption is tested only indirectly by looking at the effect of punishment on behavior. If people are rational and want to avoid pain and punishment, they should be deterred by formal sanctions. Rational choice theory explicitly examines the reasoning process followed by offenders. The main propositions in rational choice theory are that individuals will (1) weigh the costs or consequences of crime against the benefit of crime prior to engaging in criminal behavior and (2) choose criminal behavior when the rewards outweigh the costs.

Rational choice theorists allow for both formal (e.g., arrest, prison) and informal (e.g., shame, loss of job) sanctions. Furthermore, the benefits of crime can be tangible (e.g., money, property) or intangible (e.g., psychological thrill, respect of peers). In this sense, rational choice theory is much broader than deterrence theory; offenders consider multiple costs and rewards prior to making decisions about crime. Few rational choice theorists, however, portray criminals as *purely* rational.⁵⁰ Rather, the rationality of the decision process is constrained or “bounded” by such factors as time, cognitive ability, and moral values.

Cornish and Clarke’s Rational Choice Theory

Derek Cornish and Ronald Clarke’s rational choice theory distinguishes between two types of decision making.⁵¹ **Criminal involvement** decisions involve whether to engage in crime in general, as opposed to satisfying needs and wants with noncriminal alternatives. Cornish and Clarke portray this as a multistage process that unfolds over a long period of time. Rationality (a pure cost-benefit analysis of whether to engage in crime) is constrained by a host of factors. The **criminal event** involves decision making about the how, where, and when of a particular crime. In other words, a person has decided that they are ready to engage in crime, but still considers a host of situational factors before

choosing to follow through with (or refrain from) criminal activity.

Cornish and Clarke argue that separate theoretical models are necessary for particular types of crime. The decision process leading to the use of illicit drugs, for example, is different from the decision process for burglary. Also, separate models are required to explain initial involvement, the criminal event, and the decision to persist in or desist from criminal activity.

A Rational Choice Model for Burglary

As an example, consider Cornish and Clarke’s explanation of burglary in a middle-class neighborhood. As just noted, decisions about whether to engage in crime (criminal involvement) tend to be multistage and unfold over an extended period of time. The model presented here is a simplified version of Cornish and Clarke’s explanation of criminal involvement for the crime of burglary. Note that both background factors and previous learning experience contain items that constrain a purely rational assessment of costs and benefits. For example, someone with a strong conscience, strong moral values, and a cautious temperament might choose a legitimate solution (e.g., work) to a need, even when a criminal solution would have a better payoff and carry little risk of detection or punishment. Indeed, such a person might never think to consider crime as an alternative.

- **Background factors:** Temperament, intelligence, cognitive style, broken home, parental crime, sex, class, education, neighborhood
↓
- **Previous learning experience:** Direct and observational experience with crime, contact with law enforcement agencies, conscience and moral code, self-perception
↓
- **Generalized needs:** Money, sex, friendship, status, excitement
↓
- **Evaluation of solutions:** Degree and effort, amount and immediacy of reward, likelihood and severity of punishment, moral costs
↓
- **Solutions:** Legitimate (work, gambling, marriage); illegitimate (burglary)

The criminal event model for burglary is a bit simpler and has few constraints on pure ra-

tional decision making. Again, this model pertains to individuals who have already decided to engage in burglary. In selecting both the area to engage in crime, and the particular house to burgle, offenders consider many situational factors that impact the rewards of the crime and the probability of detection.

- **Selection of area**
 - **Select:** Easily accessible, few police patrols, low security housing, larger gardens
 - **Reject:** Unfamiliar, distant, neighborhood watch, no public transportation
- **Selection of home**
 - **Burgled:** No one at home, especially affluent, detached home, patio doors, bushes and other cover present, corner site
 - **Not Burgled:** Nosey neighbors, burglar alarm, no rear access, visible from street, window locks, dog

Criticisms of Rational Choice Theory

Critics identify two related problems in rational choice theory. First, empirical tests find little evidence of pure rational decision making. If one was to ask, “Do individuals choose to begin engaging in crime after a thorough comparison of all costs and benefits associated with that crime to other non-criminal alternatives?” the answer appears to be no. For example, interviews with 3300 adult offenders, drug addicts, and high school dropouts from 1975–1979 found that the respondents were motivated by the reward aspect of rational choice theory (i.e., the benefits of the crime), but underestimated the cost or deterrent effect (i.e. the risk of punishment).⁵² In other words, offenders are likely to be irrational regarding the threat of apprehension, which contradicts one of the premises of rational choice theory.

An interview with offenders imprisoned for property crimes revealed that the thought of punishment is rarely part of the crime selection process.⁵³ The offenders considered thoughts about the risk of punishment a distraction and focused instead on the benefits of the crime. Their experience with the criminal justice system also led them to discount the negative aspects of a prison sentence.⁵⁴ The author noted the discrepancy between what offenders said about planning a burglary in general, and the actual burglaries they committed:

Most of our burglar informants could design a textbook burglary . . . [T]hey often described

their past burglaries as though they were rationally conceived and executed. Yet, upon closer inspection, when their previous burglaries were reconstructed, textbook procedures frequently gave way to opportunity and situational factors.⁵⁵

A similar study, using focus groups and interviews with a sample of “street robbers,” concluded that:

At first sight, it appeared that street robbers chose to commit an offense only after they weighed the relative advantages and disadvantages. However, after we examined to what extent impulsivity, moral ambiguity, and expressivity could make sense if considered as part of a rational choice process, we began to doubt whether the spontaneous and moral aspects of criminal behaviour can be understood if we assume that the crimes were committed as the result of rational and deliberate choice.⁵⁶

Of course, most rational choice theories do not portray humans as purely rational. Cornish and Clarke include a host of background and learning experience factors in their criminal involvement model. Indeed, the impulsivity and moral ambiguity cited in the study just noted are concepts within their criminal involvement model. This brings one to the second major criticism of rational choice theory. The problem with including concepts like “impulsivity,” “moral values,” and “temperament” is that they are all borrowed from competing theories (e.g., social learning theory, psychological theory) of crime. Further, many of these things serve to *constrain* or *limit* a purely rational decision-making process. For example, a very impulsive person might not take the time to weigh the costs and benefits of their actions — their actions may be *irrational*. Similarly, someone with a strong moral code might never consider a criminal response to most circumstances, and therefore never weigh the risks and rewards of crime.

Rational choice theorists often portray themselves as the only theorists that allow for human choice and free will. Ronald Akers points out, however, that virtually all theories of crime allow for some rational choice, but emphasize the factors that limit or constrain that free will. For example, a social learning theorist would argue that delinquent peers and one’s moral code (learned from parents and others) influence the decision to commit crimes.⁵⁷ In that sense, rational choice theories are not as different as some may think. In-

deed, some view rational choice models not as independent theories, but rather as an attempt to integrate many theories into a single explanation of crime.⁵⁸

Despite this criticism, rational choice theory maintains an important place in criminology because it focuses attention on situational factors that may influence specific criminal events. There is much evidence, for example, that criminals rationally plan to avoid detection by their selection of general areas and/or specific targets. For example, a study of professional burglars found that burglars often called ahead or rang the doorbell once they arrived to make sure that no one was home. If someone answered the door, they simply claimed that they were looking for a friend and had the wrong address. Further, the authors of the study discovered that burglars will avoid households with dogs or doors with deadbolt locks.⁵⁹ Understanding what makes a good target for crime leads to very concrete policy implications, which are described later in this chapter. First discussed, however, are routine activities and lifestyle approaches to crime, because they fit very well with rational choice theorists' focus on the criminal event.

Routine Activities Theory and the Lifestyle Approach

Routine activities theory and the “lifestyle approach” share some similarities with deterrence and rational choice theory perspectives. Like deterrence and rational choice theories, both of these perspectives assume that offenders make rational assessments about crime targets. Yet, unlike rational choice theory, they shift attention away from offenders and toward the victims of crime.

Routine Activities Theory

Routine activities theory was originally developed by Lawrence Cohen and Marcus Felson to explain “direct contact predatory crimes where at least one offender comes into direct physical contact with at least one victim.”⁶⁰ Marcus Felson has since extended the theory to include crimes such as illegal use and sale of drugs and white-collar crime.⁶¹ The theory postulates that for any crime to occur, three elements must converge: (1) a motivated offender, (2) a suitable target, and (3) the absence of a capable guardian.



FIGURE 3-1 Routine Activities Theory

Although routine activities theory identifies three elements necessary for crime (see FIGURE 3-1), most of the discussion and empirical testing involves target suitability and guardianship — the availability of motivated offenders is typically taken for granted. Guardianship could include police, but according to Felson, the most significant guardians in society are “not usually someone who brandishes a gun or threatens an offender with quick punishment, but rather someone whose mere presence serves as a gentle reminder that someone is looking.”⁶² Guardians discourage offenders from committing the crime in the first place.

Felson identifies a number of factors that influence the suitability of a target⁶³:

- **Value:** Sometimes value (money) is almost universal; other times it depends almost entirely on what is popular in the offender's world (e.g., specific CDs, sneakers, or jackets).
- **Inertia:** Some valuable property (e.g., large appliances) is simply too difficult to move; other property (cars, bicycles) provide their own get-away.
- **Visibility:** This might include valuables left in plain sight or living on a busy street.
- **Access:** Easy access, such as being within walking distance of a shopping mall (which attracts motivated offenders) or living on a street with exits on both sides as opposed to a cul-de-sac, contribute to suitability.

Cohen and Felson applied routine activities to explain why crime rates in most western countries

increased substantially between the 1950s and the 1970s.⁶⁴ They argue that while traditional theories that focus on the motivation of offenders cannot explain this phenomenon, a routine activities approach holds promise. For example, during this time period, women became more likely to work outside of the home (and men no more likely to stay home). Thus, guardianship over homes during the daytime diminished. Advances in technology produced an enormous variety of lightweight, valuable items (e.g., stereos, televisions, VCRs) that increased the number of suitable targets. The advent of the interstate highway system and general improvement of roadways also made many targets more accessible.

Of course, routine activities theory is also used to explain current criminal behavior. This theory has been applied to explain a wide variety of crime problems, both within the same jurisdiction and across jurisdictions. One analysis looked at routine activities theory using an international crime data set drawn from several official sources.⁶⁵ This study discovered that routine activities theory applied more to property than to personal crime. Across countries, property crime was related to:

1. a per capita income between the low and high range (target attractiveness)
2. a level of hard-goods manufacturing between the low and moderately high range (target accessibility)
3. a high level of inequality (motivation)
4. a low level of urbanization (access)
5. a low-to-moderately high proportion of women in the work force (guardianship)

Many of the empirical tests of routine activities theory focus on victimization and overlap to some extent with the lifestyles approach.

The Lifestyle Approach

Closely related to routine activities theory is the lifestyle approach developed by Michael Hindelang, Michael Gottfredson, and James Garofalo.⁶⁶ This theory, grounded in victimization data, attempts to explain why certain groups of people (i.e., youths, males, the poor, singles, racial/ethnic minorities) have higher rates of victimization than others. The gist of the theory is that these groups, by virtue of their lifestyle, place themselves at greater risk of victimization. A *lifestyle* refers to the “patterned way in which people distribute their time and ener-

gies across a range of activities.”⁶⁷ The lifestyle of a college student, for example, differs markedly from that of an elderly person in terms of companions, leisure activities, and how and where time is spent. Hindelang and his associates point out that lifestyles are not solely a matter of choice — they reflect role expectations and the constraints of one’s position in society. A poor person living in the inner city, for example, cannot just decide to be a wealthy suburbanite.

Lifestyle theory includes several propositions that summarize the link between lifestyle and known correlates of victimization⁶⁸:

- The more time that individuals spend in public places (especially at night), the more likely they are to be victimized.
- Following certain lifestyles makes individuals more likely to frequent public places.
- The interaction that individuals maintain tends to be with persons who share their lifestyles.
- The probability that individuals will be victims increases according to the extent to which victims and offenders belong to the same demographic categories.
- The proportion of time individuals spend in places where there is a large number of non-family members varies according to lifestyle.
- The chances that individuals will be victims of crime (particularly theft) increase in conjunction with the amount of time they spend among nonfamily members.
- Differences in lifestyles related to the ability of individuals to isolate themselves from those with offender characteristics.

The overlap between these lifestyle propositions and routine activities theory should be apparent. For example, time spent in public places at night (the first proposition) is a risk factor because there is less guardianship present in public places, especially at night, and a greater number of motivated offenders. Individuals who spend more time away from home have higher risks of victimization; due to their increased visibility and accessibility, they are more likely to become a target. In addition, their homes and property may be more at risk due to their absence (i.e., their decreased guardianship). For example, Cohen and Felson show that dispersion of activities away from the home is positively related to increased rates of homicide, rape, assault, burglary, and larceny.⁶⁹ The point here is that lifestyles predict victimization because they

are often related to guardianship and target attractiveness.

In Chapter 2, the high rates of violent crime victimization among blacks was noted. A routine activity/lifestyle perspective can explain this finding. For example, blacks are more likely to live in segregated, public housing and spend their time in contact with motivated offenders. There may be an absence of capable guardians (e.g., neighbors who watch the area). Residents of public housing may tend to “mind their own business” and be reluctant to get involved because of fear of reprisal. Thus, a higher victimization rate for inner-city blacks is partly a function of an environment that increases the probability of crime.

LINK The lifestyles explanation of black victimization is similar to the social disorganization theory of offending outlined in Chapter 7. Ultimately, both victimization and offending are traced to characteristics of the neighborhoods where African-Americans disproportionately reside.

As this example makes clear, many aspects of lifestyle cannot easily be altered. A person cannot simply choose to move to a house in a nice area of the city. Are there aspects of a lifestyle that individuals might change to reduce their risk of victimization? An examination of data from three years of the U.S. National Crime Survey sought to answer this question.⁷⁰ The researchers found that persons with greater daytime and nighttime activity outside the home (greater target visibility or exposure to motivated offenders) and who had a reduction in the number of household members (reduced guardianship) had higher rates of both personal and property crime victimization. Persons who maintained high levels of nighttime activity outside the household were also more likely to remain victims across the time periods covered by the surveys. The most perplexing finding, however, was that persons who took extra precautions did not reduce their risk of victimization.

A similar study from Canada, based on survey results from the Canadian Urban Victimization Study,⁷¹ examined the same research question: What makes people prone to victimization? The results suggested that getting older and getting married reduced victimization by reducing time spent in risky settings. For example, males who spent time in bars had an increased risk of victimization. In sum, risky settings were more likely to produce dangerous results.

In addition, the effect of personal lifestyle characteristics may depend on a person's neigh-

borhood. A survey conducted in Seattle, Washington, revealed that lower levels of guardianship and high-target attractiveness strongly increased the risk of burglary for residents of more affluent areas.⁷² However, these variables were unrelated to the risks of burglary among residents of more socially disorganized areas. This type of study demonstrates the importance of considering both individual and neighborhood characteristics in victimization studies.

The lifestyles of adolescents have also attracted some attention under this theory. With data from the National Youth Survey, a study investigated the relationship between routine activities and the risk of assault and robbery victimization among adolescents. Certain adolescent activities were related to the risk of violence. The most dangerous activities were delinquent behaviors. Delinquents were approximately two to three times more likely to be victimized by assault and robbery than nondelinquents. Engagement in conventional activities had little effect on risk once sociodemographic characteristics and delinquent involvement were considered.⁷³ Further analysis by the authors found a strong relationship between delinquent lifestyles and increased risk of both personal and property victimization.⁷⁴

A routine activity/lifestyle approach has even been used to explain the victimization of inmates within prison. A study of inmates within three different prisons revealed that inmates who spent more time in structured, supervised activities (education, working) were less likely to be victims of a violent offense. This reflects the increased guardianship associated with such activities (participation in *unsupervised* recreation actually made violent victimization more likely). Unfortunately, time spent in supervised activities increased the likelihood of theft victimization, presumably because the inmates' property was left unguarded in their cells.⁷⁵

Policy Implications: Situational Crime Prevention

Rational choice theory, routine activities theory, and the lifestyles approach share a focus on the situational factors (e.g., guardianship, target suitability) that impact whether victimization occurs. For this reason, they are sometimes grouped together under the title of opportunity theories (e.g., a focus on structure of opportunities for engaging in

crime). The policy implications among these theories are therefore similar but vastly different from other theories of crime. Most crime prevention efforts, including rehabilitation and deterrence, focus on offenders because the theories from which they are derived focus on properties (e.g., personality, learning history) of offenders. The exception to this rule is incapacitation, where the opportunity for crime is removed simply by segregating the offender from society. Like incapacitation, the policy implication of opportunity theories is to reduce the opportunity for offending. Rather than target specific offenders, however, these theories focus attention on the *context* of crime.⁷⁶ In other words, opportunity theories lead one to ask, “Can the environment be changed in a manner that reduces the opportunity for crime?”

LINK Theories discussed in the following chapters (see Chapters 4–7) tend to highlight deficits of offenders that cause them to engage in crime. In turn, crime prevention is typically equated with attempts to correct (through correctional treatment, or “rehabilitation”) these deficits.

One of the first criminologists to focus on this question was C. Ray Jeffrey, who coined the phrase **crime prevention through environmental design (CPTED)**.⁷⁷ The basic premise of CPTED is that the way an environment is designed can promote or prevent crime. The term *environment* can mean something as broad as a community or as narrow as a convenience store. Around the same time (1972), an architect named Oscar Newman wrote *Defensible Space*, a book geared toward designing safe public housing (as opposed to high-rise projects). Newman’s main idea was to create as much private space in housing developments as possible, so that people maintain more guardianship over themselves and their property.⁷⁸

From these initial contributions, a large body of literature has emerged. Some scholars and policymakers continue to use CPTED to describe this work, although others prefer environmental criminology or situational crime prevention. Regardless of the terminology, the literature provides numerous methods or “principles” for crime prevention. Marcus Felson organizes these methods into three groups⁷⁹:

1. **Natural strategies:** Security results from the design and layout of space.
2. **Organized strategies:** Security guards or police play the central role.

3. **Mechanical strategies:** Alarms, cameras, and other hardware are employed to control access and provide surveillance.

Felson believes that crime can most often be prevented by following nature as closely as possible. This means avoiding, so far as one can, the use of the criminal justice system, armed guards, violence, and threats. Instead, it is preferable to set up situations and environments in which acting legally feels like the comfortable thing to do. Natural crime prevention should occur as a consequence of everyday life. For example, Felson offers the following tips for preventing crime in college and university parking areas⁸⁰:

- Arrange for nighttime students and workers to have parking near building doors, but not so close that they block the view of the parking area from the building.
- At low-use times, close off unneeded parking area or sections of large parking areas to concentrate people and cars for supervision.
- Require students and staff to sign up by name and have a sticker, even for nighttime or free areas.
- Eliminate nooks and corners in parking structures.
- Build parking structures as slopes so people on foot will have clear sight lines.
- Make seeing into parking structure stairwells easy.
- Orient buildings to face parking areas.
- Trim hedges and lower limbs of trees around parking areas and avoid thick foliage.
- Post signs and organize the flow of traffic so neither cars nor pedestrians will get lost.

Ronald Clarke has created a list of situational crime prevention techniques based on successful crime prevention programs; some of these techniques, along with examples, are illustrated in **TABLE 3-3**. Techniques such as those outlined by Clarke have been evaluated in many different contexts.

One of the earliest evaluations came from CPTED Demonstration Program directed by the Westinghouse National Issues Center. This was a 4-year (1974–1978) effort sponsored by the Law Enforcement Assistance Administration. One of the sites was Portland, Oregon, where the CPTED commercial demonstration program was designed

TABLE 3-3

Opportunity-Reducing Techniques of Situational Crime Prevention

Technique	Examples
Increase the perceived effort of crime	
Harden targets	Steering column locks
Control access to targets	Electronic access to garages
Deflect offenders from targets	Street closures, tavern locations
Control crime facilitators	Photos on credit cards, plastic beer glasses in taverns
Increase the perceived risks of crime	
Screen entrances and exits	Electronic merchandise tags, baggage screening
Formal surveillance	Red light and speed cameras, park attendants
Surveillance by employees	Park attendants, pay phone location
Natural surveillance	Street lighting, defensible space
Reduce anticipated rewards of crime	
Remove targets	Removable car radios, women's refuges
Identify property	Vehicle licensing, car parts marking
Reduce temptation	Rapid repair of vandalism, off-street parking
Deny benefits	PIN for car radios, graffiti cleaning

Source: Ronald Clarke, *Situational Crime Prevention: Successful Case Studies*, 2nd ed., (New York: Harrow and Heston, 1997).

to reduce crime in the Union Avenue Corridor (UAC). Due to socioeconomic changes, the UAC faced a rising crime rate and a rapidly deteriorating neighborhood. Businesspeople felt that crime was the single greatest obstacle to the successful operation of their businesses.

A number of tactics were implemented in the UAC to bring about changes in the physical and social environments, including the installation of high-intensity street lighting and creating a safe street for the people. Survey results suggested that the CPTED changes contributed to a reduction in the residents' fear of crime.⁸¹ Furthermore, CPTED had a moderate degree of success in bringing about positive and lasting changes in the physical and social environments. It increased access control and surveillance (target hardening) in the area.⁸² However, these commercial effects did not appear to carry over to residential neighborhood areas. A final study examined commercial burglary data from UAC to determine if CPTED applications were effective over time. The results indicated that commercial security surveys and street-lighting changes led to a significant reduction in commercial burglaries in the area. This effect had been maintained since the beginning of the project.⁸³

For a number of reasons, situational crime prevention is more popular in other countries than in the United States. Indeed, throughout the 1980s and 1990s, situational crime prevention was the dominant strategy employed by the British government to reduce crime.⁸⁴ This focus led to a plethora

of demonstration projects and evaluation research. For example, a 1997 study examined a program that sought to improve street lighting in an English neighborhood. Old street lights were replaced with 129 high-pressure sodium lights in one neighborhood, but left intact in a similar (control) neighborhood. Over the next year, household victimization decreased in the experimental, but not the control, neighborhood.⁸⁵ Other advantageous effects included an increase in the number of people on the street (especially women) after dark and a reduction in the fear of crime.

A more extensive program designed to reduce burglary also yielded favorable results.⁸⁶ The Safe Cities Program, in effect from 1985 to 1995, set up over 500 individual programs designed to prevent domestic burglary in British neighborhoods. Many of these programs involved situational crime prevention, such as improving household locks on doors and windows, providing gates for alleyways, and fencing back yards. When compared with similar areas where no improvements were made, the "improved" areas had substantially lower levels of burglary.

Despite such evidence, situational crime prevention is not without critics. The primary concern about such programs is the potential for **crime displacement**; that is, improving the environment in one area may simply shift crime to a different location. Far too often, the displacement effect of a crime control strategy is ignored. After all, most persons are satisfied when crime is moved out of



Burglar entering through a window.



What situational crime prevention techniques might reduce burglary?

their area or neighborhood, no matter where it goes. Such a limited view ignores the fact that crime has social costs for everyone, regardless of where it exists. This criticism has been answered in recent years by research indicating “real” prevention. In the Safe Cities program, there was some evidence of displacement. Also, there was evidence of “crime switching,” in which offenders switched from burglary to other forms of theft. In the areas where the most intense changes were made, how-

ever, there was actually a diffusion effect. The crime reductions occurred not only in the program areas, but also in surrounding areas.⁸⁷

To be sure, situational crime prevention is not a panacea. Some crimes can be controlled through environmental design (e.g., vandalism, burglary) but they may have little or no effect on underlying problems. Further, many violent crimes (such as rape and murder) and instrumental crimes such as robbery may not be amenable to situational crime prevention. Nevertheless, based on the positive results thus far, it appears that momentum is building to increase this type of prevention program in the future.⁸⁸

Conclusion

Theories from the classical school display the cyclical nature of criminological theory. To a great degree, Beccaria and Bentham were protest writers, attacking the arbitrary nature of punishment at the hands of the state. Their call for uniform sentencing was a direct assault on the unjust forms of punishment that existed then. They were critical of the exercise and abuse of power by the state. Conservative criminologists such as James Q. Wilson and Earnest van den Haag helped usher in the get-tough movement that brought the classical school back to the forefront. Their call for a return to determinate sentencing, incapacitation, and the death penalty were attempts to strengthen crime prevention policies. Thus, ideas that were once liberal are now conservative. It should be noted, however, that not all parts of the get-tough movement are consistent with the classical school. Indeed, Beccaria's 1764 essay *On Crimes and Punishment* argues for the abolishment of this penalty.

Politically, many neoclassical policies are very attractive because they give the impression of being tough on crime. However, the research on inca-

pacitation and deterrence calls into question the effectiveness of such policies. In addition, their proposed benefits are not achieved without great increases in the prison population. The research also suggests that crime control policies should focus on increasing the certainty of arrest, conviction, and sentencing rather than on lengthening prison sentences — yet, the first response to a perceived new threat is typically the reverse. Most likely, this is due to the fact that altering the severity of punishment is much easier (simply pass a new law) than increasing the certainty of punishment.

The preventive potential of the classical approach is limited by its initial assumption about criminal behavior: that all criminals are rational. If the criminal justice system increases the certainty of apprehension and conviction and raises penalties, the rational criminal will go straight. If, however, the criminal is irrational (e.g., psychotic or high on drugs or alcohol), unimpressed by the threat of punishment, or lured by the promise of

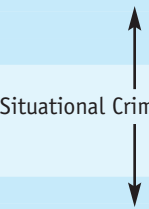
immense financial gain (e.g., drug sales, white-collar crime), deterrence will be ineffective.

The potential for crime prevention under this approach is also limited by its reliance on formal legal controls. There are other methods of control that fit the classical perspective and aid crime prevention. Informal social control theory emphasizes the prevention of crime through such ideas as self-control and social bonds.

Despite these limitations, the classical school has had a significant impact on criminological theory and the operations of the criminal justice system. Policies ranging from the rights of the accused to career criminal laws and capital punishment have their roots in classical theory. Their influence will continue to be felt. Recent evidence supporting situational crime prevention suggests that this recent branch of the classical school may have a promising future.

TABLE 3-4 summarizes the key theories of the neoclassical school.

TABLE 3-4**Summary of Neoclassical School Theories**

Theory	Major Authors	Summary	Policy Implications
Deterrence	Cesare Beccaria Jeremy Bentham	Formal punishment that is swift, certain, and severe reduces crime.	Use the criminal justice system to increase the certainty, severity, and swiftness of punishment. For those who cannot be deterred, incapacitation (removing the opportunity to offend) is the only other option.
Rational Choice	Derek Cornish and Ronald Clarke	Offenders rationally choose whether and how to engage in crime.	 Situational Crime Prevention
Routine Activities	Lawrence Cohen Marcus Felson	Crime occurs because of the convergence of motivated offender, suitable target, and lack of capable guardian.	
Lifestyle Approach	Michael Hindelang, Michael Gottfredson, and James Garafolo	Certain groups of people have higher rates of victimization because of their lifestyle.	

WRAP UP



YOU ARE THE CRIMINOLOGIST

Can Drunk Driving Be Deterred?

The evidence gleaned from tests of deterrence theory indicates that the certainty of punishment carries more weight with potential offenders than does the severity of sanctions. As with other crimes, there is evidence that highly publicized police “crackdowns” can reduce the occurrence of drunk driving. These effects, however, tend to be short lived. Certainly, the increased legal attention paid to drinking and driving over the past 30 years has increased the public’s perceptions of the certainty and severity of punishment for this offense. Scholars continue to debate whether this increased attention has reduced drunk driving. Aside from legal penalties, some jurisdictions require repeat offenders to install an “ignition interlock” system that disables the car if the driver has been drinking alcohol. This is a form of situational crime prevention (removing the opportunity to offend).

Chapter Spotlight

- In the 1970s, rehabilitation was attacked as a goal of corrections. This amounted to an attack on the sociological and psychological theories that provide targets for rehabilitation programs. Conservative scholars argued for a return to classical school principles.
- Deterrence theorists assume that humans are rational and hedonistic. Therefore, formal punishments such as arrest and imprisonment should reduce crime by sending a message to both those being punished (specific deterrence) and the rest of society (general deterrence). The empirical evidence in favor of deterrence theory indicates that the certainty of punishment is more important than severity or swiftness.
- Rational choice theory is similar to deterrence theory, but takes into account a wider array of “costs” for violating the law. Rational choice theorists distinguish between criminal involvement (e.g., crime versus other activity) and criminal event decisions (e.g., when and how to commit crimes).
- Routine activities theory highlights the ingredients (motivated offender, lack of capable guardianship, suitable target) necessary for a criminal event. Similarly, the lifestyles approach highlights factors that influence victimization. The policy implication of these theories is situational crime prevention — the manipulation of the physical environment to reduce the opportunity for offending.
- Although not a theory of crime, incapacitation is a corrections policy advocated by some neo-classical theories. Incapacitation removes the opportunity to offend by isolating offenders from the rest of society.

Putting It All Together

1. Can criminal behavior be deterred? For what types of crime is deterrence likely to work?
2. Which part of deterrence theory (certainty, swiftness, severity) receives the most empirical support? Why do you think that is the case?
3. In rational choice theory, what is the difference between the criminal event and criminal involvement?
4. Does incapacitation work? Is it a feasible policy?
5. Is arrest the answer to the problem of domestic violence?
6. Using the data in this chapter, construct a debate concerning the death penalty as a deterrent to murder.
7. According to routine activities theory, what makes a target suitable? Give an example of how you might influence guardianship of your own property.

Key Terms

brutalization effect A concept used by researchers who find that executions actually increase some forms of homicide.

correctional boot camps Like their military counterparts, these programs emphasize physical training and military drill. Research suggests that most of these programs have little effect on criminal behavior.

crime displacement The idea that when crime is suppressed in one geographical area, it may simply shift to a new location.

crime prevention through environmental design (CPTED) A policy implication of routine activities theory. The way an environment is designed can promote or prevent crime.

criminal event In rational choice theory, decisions about how, when, and where of a particular crime.

criminal involvement In rational choice theory, decisions about whether to engage in crime in general, as opposed to satisfying needs and wants with noncriminal alternatives.

general deterrence Punishing criminals so that the general public will get the message that crime doesn't pay.

incapacitation The use of prison and the death penalty to prevent crime by removing offenders from society.

intensive supervision probation (ISP) Offenders are supervised in the community under strict condi-

tions, including frequent drug testing, curfews, and contacts with a probation officer. These programs were designed to increase the punishing aspect of probation. Research suggests that ISP programs do not reduce criminal behavior any more than traditional probation.

just deserts A justification for punishment (e.g., prison) that emphasizes the pain caused and thus earned by the criminal. Punishment serves as a collective expression of society's disapproval for criminal acts.

Kansas City Preventative Patrol Study An experimental study of police patrols. The main conclusion from this finding was that increased police presence has little effect on crime. Later research suggests that more dramatic increases in police presence can suppress crime.

marginal deterrence The idea that incremental increases in the certainty or severity of punishment should produce decreases in criminal behavior.

retribution Similar to just deserts, retribution is a justification for punishment that suggests that criminals deserve punishment because they have violated the legal code from which everyone benefits.

specific deterrence Punishing criminals so that they will be less likely to commit crimes in the future.

Notes

1. Quoted in James O. Finckenaue, "Crime as a National Political Issue: 1963–1976 — From Law and Order to Domestic Tranquility," *Crime and Delinquency* 23 (1978): 23.
2. Quoted in Francis T. Cullen and Karen T. Gilbert, *Reaffirming Rehabilitation* (Cincinnati, OH: Anderson, 1982): 95–96.
3. Cullen and Gilbert, 1982, 89–149.
4. Grahm Newman, *The Punishment Response* (Philadelphia: Lippincott, 1985).
5. Ernest van den Haag and John P. Conrad, *The Death Penalty: A Debate* (New York: Plenum, 1983).
6. Marie L. Griffin, *The Use of Force by Detention Officers* (New York: LFB Scholarly Publishing, 2001): 38–40.
7. Stanley E. Grupp, *Theories of Punishment* (Bloomington: Indiana University Press, 1971).
8. David Young, "Let Us Content Ourselves with Praising the Work While Drawing a Veil Over Its Principles: Eighteenth Century Reactions to Beccaria's *On Crimes and Punishments*," *Justice Quarterly* 1 (1983): 155–170.
9. Earnest van den Haag, *Punishing Criminals* (New York: Basic Books, 1975): 15.
10. van den Haag, 60.
11. John K. Cochran, Mitchell B. Chamlin, and Mark Seth, "Deterrence or Brutalization? An Impact Assessment of Oklahoma's Return to Capital Punishment," *Criminology* 32 (1993): 107–133.
12. Ibid.
13. Thorsten Sellin, *The Penalty of Death* (Beverly Hills, CA: Sage, 1980).
14. Sam G. McFarland, "Is Capital Punishment a Short-Term

- Deterrent to Homicide? A Study of the Effects of Four Recent American Executions," *Journal of Criminal Law and Criminology* 73 (1983): 1013–1032.
15. Ruth D. Peterson and William C. Bailey, "Felony Murder and Capital Punishment: An Examination of the Deterrence Question," *Criminology* 29 (1991): 367–395.
 16. Isaac Ehrlich, "The Deterrent Effect of Capital Punishment: A Question of Life and Death," *American Economic Review* 65 (1975): 397–419.
 17. William J. Bowers and Glen L. Pierce, "The Illusion of Deterrence in Isaac Ehrlich's Research on Capital Punishment," *Yale Law Journal* 85 (1975): 187–208.
 18. John K. Cochran, Mitchell B. Chamlin, and M. Seth, "Deterrence or Brutalization? An Impact Assessment of Oklahoma's Return to Capital Punishment," *Criminology* 32 (1993): 107–133; William C. Bailey, "Deterrence, Brutalization, and the Death Penalty: Another Examination of Oklahoma's Return to Capital Punishment," *Criminology* 36 (1998): 711–733.
 19. William J. Bowers and Glenn L. Pierce, "Deterrence or Brutalization: What Is the Effect of Executions?" *Crime and Delinquency* 26 (1980): 353–383.
 20. John K. Cochran and Mitchell B. Chamlin, "Deterrence and Brutalization: The Dual Effects of Executions," *Justice Quarterly* 17 (2000): 685–706.
 21. Theodore G. Chiricos and Gordon P. Waldo, "Punishment and Crime: An Examination of Some Empirical Evidence," *Social Problems* 18 (1970): 200–217.
 22. Mitchell B. Chamlin, "A Longitudinal Analysis of the Arrest-Crime Relationship: A Further Examination of the Tipping Effect," *Justice Quarterly* 8 (1991): 187–199.
 23. Charles R. Tittle and Alan R. Rowe, "Certainty of Arrest and Crime Rates: A Further Test of the Deterrence Hypothesis," *Social Forces* 52 (1973): 355–362.
 24. Chamlin, 196.
 25. George L. Kelling, Tony Pate, Duane Dieckman, and Charles Brown, *The Kansas City Preventative Patrol Experiment* (Washington, DC: The Police Foundation, 1973).
 26. Richard C. Larson, "What Happened to Patrol Operations in Kansas City? A Review of the Kansas City Preventative Patrol Experiment," *Journal of Criminal Justice* 3 (1973): 267–297.
 27. Lawrence W. Sherman, "General Deterrent Effects of Police Patrol in Crime 'Hot Spots': A Randomized, Controlled Trial," *Justice Quarterly* 12 (1995): 625–638.
 28. Kirk R. Williams and Richard Hawkins, "Perceptual Research on General Deterrence: A Critical Review," *Law and Society Review* 20 (1986): 535–572.
 29. Raymond Paternoster, "Assessments of Risk and Behavioral Experience: An Exploratory Study of Change," *Criminology* 23 (1985): 417–436.
 30. Allen Beck and Bernard Shipley, *Recidivism of Prisoners Released in 1983*, (Washington, DC: Bureau of Justice Statistics, 1989).
 31. Billie S. Erwin, "Turning Up the Heat on Probationers in Georgia," *Federal Probation* 50 (1986): 17–23.
 32. Joan Petersilia and Susan Turner, "Evaluating Intensive Supervision Probation and Parole: Results of a Nationwide Experiment," *Research in Brief* (Washington, DC: National Institute of Justice, 1993); See also Joan Petersilia and Susan Turner, "An Evaluation of Intensive Probation in California," *Journal of Criminal Law and Criminology* 82 (1991): 610–658; Edward J. Latessa and Gennaro F. Vito, "The Effects of Intensive Supervision on Shock Probationers," *Journal of Criminal Justice* 16 (1988): 319–330.
 33. Doris L. MacKenzie and James M. Shaw, "The Impact of Shock Incarceration on Technical Violations and New Criminal Activities," *Justice Quarterly* 10 (1993): 363–387.
 34. Francis T. Cullen, John P. Wright, and Brandon K. Applegate, "Control in the Community: The Limits of Reform?" in Alan T. Harland, ed., *Choosing Correctional Options that Work: Defining the Demand and Evaluating the Supply* (Thousand Oaks, CA: Sage, 1996).
 35. Cullen, Wright, and Applegate, 113.
 36. Griffin, 41–44.
 37. James O. Finckenauer, *Scared Straight and the Panacea Phenomenon* (Englewood Cliffs, NJ: Prentice Hall, 1982).
 38. Lawrence W. Sherman, J.D. Schmidt, Dennis P. Rogan, P.R. Gartin, E.G. Cohen, D.J. Collins, and A.R. Bacich, "From Initial Deterrence to Long-Term Escalation: Short-Term Custody Arrest for Poverty Ghetto Domestic Violence," *Criminology* 29 (1991): 821–850.
 39. Douglas A. Smith and Patrick R. Gartin, "Specifying Specific Deterrence: The Influence of Arrest on Future Criminal Activity," *American Sociological Review*, 53 (1989): 93–106.
 40. Ronald L. Akers and Christine S. Sellers, *Criminological Theories: Introduction, Evaluation, and Application* (Los Angeles: Roxbury, 2003): 131–137.
 41. Richard A. Berk and Lawrence W. Sherman, "Police Responses to Domestic Violence Incidents: An Analysis of an Experimental Design with Incomplete Randomization," *Journal of the American Statistical Association* 83 (1988): 70–76; Lawrence W. Sherman and Richard A. Berk, "The Specific Deterrent Effects of Arrest for Domestic Assault," *American Sociological Review* 39 (1983): 261–272.
 42. Lawrence W. Sherman and Douglas A. Smith, "Crime, Punishment, and Stake in Conformity: Legal and Informal Control of Domestic Violence," *American Sociological Review* 57 (1992): 680–690.
 43. Sherman, Schmidt, Rogan, Gartin, Cohen, Collins, and Bacich, 836.
 44. Sherman and Smith, 685–688.
 45. Anthony Pate and Edwin E. Hamilton, "Formal and Informal Deterrents to Domestic Violence," *American Sociological Review* 57 (1992): 691–697.
 46. Richard A. Berk, Alec Campbell, Ruth Klap, and Bruce Western, "The Deterrent Effect of Arrest: A Bayesian Analysis of Four Field Experiments," *American Sociological Review* 57 (1992): 698–708.
 47. Williams and Hawkins, 565–566.
 48. Daniel S. Nagin and Greg Pogarsky, "Integrating Celerity, Impulsivity, and Extralegal Sanction Threats into a Model of General Deterrence: Theory and Evidence," *Criminology* 39 (2001): 865–892.

49. Nagin and Pogarsky, 867.
50. Akers and Sellers, 26–27.
51. Derek B. Cornish and Ronald V. Clarke, “Crime as Rational Choice,” in *The Reasoning Criminal* (New York: Springer-Verlag, 1985).
52. Irving Piliavin, Craig Thornton, Rosemary Gartner, and Ross L. Matsueda, “Crime, Deterrence, and Rational Choice,” *American Sociological Review* 51 (1986): 101–119.
53. Kenneth D. Tunnel, *Choosing Crime: The Criminal Calculus of Property Offenders* (Chicago: Nelson-Hall, 1992).
54. Ibid.
55. Tunnel, 1991, cited in Akers and Sellers, 28.
56. Willem De Haan and Jaco Vos, “A Crying Shame: The Over-Rationalized Conception of Man in the Rational Choice Perspective,” *Theoretical Criminology* 7 (2003): 29–53.
57. Ronald L. Akers, “Rational Choice, Deterrence, and Social Learning in Criminology: The Path Not Taken,” *Journal of Research in Crime and Delinquency* 27 (1990): 653–676.
58. Ibid.
59. Paul F. Cromwell, James N. Olson, and D’Aunn W. Avary, *Breaking and Entering: An Ethnographic Analysis of Burglary* (Newbury Park, CA: Sage, 1991).
60. Lawrence E. Cohen and Marcus Felson, “Social Change and Crime Rate Trends: A Routine Activity Approach,” *American Sociological Review* 33 (1979): 588–608.
61. Marcus Felson, *Crime and Everyday Life*, 3rd edition (Thousand Oaks, CA: Sage, 2002).
62. Marcus Felson, *Crime and Everyday Life*, 2nd edition (Thousand Oaks, CA: Pine Forge, 1998): 53.
63. Ibid., 53–60.
64. Cohen and Felson, 591–593.
65. Richard R. Bennett, “Routine Activities: A Cross-National Assessment of a Criminological Perspective,” *Social Forces* 70 (1991): 137–163.
66. Michael J. Hindelang, Michael R. Gottfredson, and James Garofalo, *Victims of Personal Crime: An Empirical Foundation for a Theory of Personal Victimization* (Cambridge, MA: Ballinger, 1978).
67. Vincent F. Sacco and Leslie W. Kennedy, *The Criminal Event: Perspectives in Time and Space* (Belmont, CA: Wadsworth, 2002): 63.
68. Hindelang, Gottfredson, and Garofalo, 251–264.
69. Lawrence E. Cohen, and Marcus Felson, “Social Change and Crime Rate Trends: A Routine Activities Approach,” *American Sociological Review* 44 (1979): 588–608.
70. Terrance D. Miethe, Robert F. Meier, and Douglas Sloane, “Lifestyle Changes and Risks of Criminal Victimization,” *Journal of Quantitative Criminology* 6 (1990): 357–376.
71. Leslie W. Kennedy and David R. Ford, “Risky Lifestyles and Dangerous Results: Routine Activities and Exposure to Crime,” *Sociology and Social Research* 73 (1990): 208–211.
72. Terance D. Miethe and David McDowall, “Contextual Effects in Models of Criminal Victimization,” *Social Forces* 71 (1993): 731–760.
73. Janet L. Lauritsen, Robert J. Sampson, and John H. Laub, “The Link Between Offending and Victimization Among Adolescents,” *Criminology* 29 (1991): 265–292.
74. Janet L. Lauritsen, Robert J. Sampson, and John H. Laub, “Conventional and Delinquent Activities: Implications for the Prevention of Violent Victimization Among Adolescents,” *Violence and Victims* 7 (1992): 91–108.
75. John D. Wooldredge, “Inmate Lifestyles and Opportunities for Victimization,” *Journal of Research in Crime and Delinquency* 35 (1998): 380–502.
76. David Weisburd, “Reorienting Crime Prevention Research and Policy: From the Causes of Criminality to the Context of Crime,” *NIJ Research Report* (Washington, DC: National Institute of Justice, 1997).
77. C. Ray Jeffrey, *Crime Prevention Through Environmental Design* (Beverly Hills, CA: Sage, 1978).
78. Oscar Newman, *Defensible Space* (New York: Macmillan, 1972).
79. Felson, 1998, 150.
80. Felson, 1998, 163.
81. Allan Wallis, Daniel Ford, and Westinghouse Electric Corporation, *Crime Prevention Through Environmental Design: The Commercial Demonstration in Portland, Oregon*. (Washington, DC: U.S. National Institute of Justice, 1980).
82. James Kushmuk and Sherill Whitmore, *A Re-Evaluation of the CPTED Program in Portland, Oregon* (Washington, DC: National Institute of Justice, 1981).
83. David B. Griswold, “Crime Prevention and Commercial Burglary: A Time Series Analysis,” *Journal of Criminal Justice* 12 (1983): 393–501.
84. Kate A. Painter and David P. Farrington, “Evaluation Situational Crime Prevention Using a Young People’s Survey,” *British Journal of Criminology* 31 (2001): 266–283.
85. Kate A. Painter and David P. Farrington, “The Crime Reducing Effect of Improved Street Lighting: The Dudley Project,” in Ronald V. Clarke, ed., *Situational Crime Prevention: Successful Case Studies*, 2nd ed. (New York: Harrow and Heston, 1997), 209–226.
86. Paul Ekblom, Ho Law, and Mike Sutton, “Safer Cities and Domestic Burglary,” *Home Office Research Study* 164 (London: Home Office, 1996).
87. Ekblom, Law, and Sutton, 35–40.
88. Paul Ekblom and Nick Tilley, “Going Equipped: Criminology, Situational Crime Prevention and the Resourceful Offender,” *Journal of British Criminology* 40 (2000): 367–389.

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