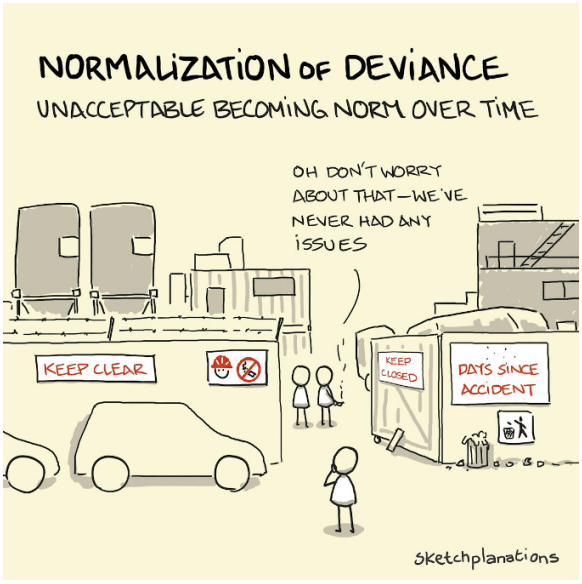
CRIME AND DEVIANCE



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Crime and Deviance



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TABLE OF CONTENTS

Licensing

Section 1: Understanding Crime and Deviance

Chapter 1: Study of Deviance

1.1: Defining Deviance

1.2: Social Control

1.3: Deviance, Rule Violations, and Criminality

1.4: Research Methods

1.5: Crime Data

1.6: References

Chapter 2: Theoretical Explanations of Deviance - Biological and Psychological

2.1: Biological Influences

2.1.1: Genetics

2.1.2: Brain Chemistry

2.1.3: Brain Damage

2.1.4: Nutrition and Alcohol

2.2: Psychological Perspectives

2.2.1: Individual Psychology

2.2.2: Cognitive & Cognitive-Behavioral Theories of Criminal Behavior

2.2.3: Cognitive-Behavioral Psychology in Law Enforcements

2.2.4: Antisocial Personality Disorder

2.2.5: Psychosis

2.3: References

Chapter 3: Theoretical Explanations of Deviance- Sociological and Criminological

3.1: Sociological Perspectives

3.1.1: Durkheim and Anomie

3.1.2: Social Ecological – The Chicago School

3.1.3: Strain Theory

3.1.4: Subcultural Theories

3.1.5: Social Control Theory

3.1.6: Conflict and Feminist Explanations

3.1.7: Symbolic Interactionist Explanations

3.2: Criminological Perspectives

3.3: References

Section 2: Criminal Justice - Systems, Processes, and Perspectives

Chapter 4: History of Criminal Law, Policing, Punishment, and Corrections

4.1: Criminal Law

4.2: Policing
4.2.1: Early History of American Policing
4.2.2: Political Era Policing
4.2.3: The Professional Era
4.2.4: The Community Era

4.3: Punishment and Corrections
4.3.1: The Penitentiary Era (1790s-1860s)
4.3.2: The Reformatory (1860s–1930s)
4.3.3: Twentieth Century Corrections (1930-Present)
4.3.4: History of the Juvenile Justice System

4.4: References

Chapter 5: Types of Crime

5.1: Classifications
5.1.1: Violent Crime
5.1.2: Property Crime
5.1.3: Homicides
5.1.4: Gang-Related Violent Crimes
5.1.5: Intimate Crimes
5.1.6: White-Collar Crime
5.1.7: Organized Crime
5.1.8: Economic Crimes
5.1.9: Cyber Crime
5.1.10: Public Order and Public Decency Crimes
5.1.11: Victimless Crime

5.2: Official Statistics
5.3: Crime Trends
5.4: Who Commits Crime
5.5: References

Chapter 6: Deviance and Social Control – Police, Law Enforcement, the Court System
6.1: Why People Stop Committing Crimes
6.2: Essentials of the Criminal Justice System
6.3: Criminal Justice Process

6.4: Levels of Policing and their Role
6.4.1: Police Related Case Law

6.5: Court Jurisdiction
6.5.1: Structures of the Dual Court System
6.5.2: The Federal Court System
6.5.3: State Courts

6.6: Why is Policy so Important in Criminal Justice

6.7: References

Chapter 7: Competing Perspectives on Due Process and Criminal Control Models

7.1: Criminal Justice Funnel

7.2: The Wedding Cake Model

7.3: Perspective on Justice

7.4: American Criminal Courts

7.4.1: Adversarial System

7.4.2: Roles within the Courtroom

7.4.3: Prosecutors

7.4.4: Defense Attorneys

7.4.5: Private Attorney

7.4.6: Jurors

7.5: Trial Process

7.6: Juvenile Justice

7.7: References

Chapter 8: Criminal Sentencing and Incarceration

8.1: Sentencing

8.2: Ideologies of Punishment

8.3: Incapacitation

8.4: Incarcerations

8.4.1: Prisons

8.5: Community Corrections

8.5.1: Intermediate Sanctions

8.6: Juvenile Institutions

8.7: References

Section 3: Contemporary Issues in Crime and Justice

Chapter 9: Crime Intervention and Prevention

9.1: Community Violence Intervention

9.2: Focused Deterrence

9.3: Crisis Intervention

9.4: Gang Reduction & Prevention

9.4.1: Comprehensive California Gang Reduction Programs

9.5: Juvenile & Youth Prevention

9.6: Key Strategies & Goals

9.7: How Crime Prevention Differs from Crime Intervention

9.8: References

Chapter 10: Cross-Cultural Variation of Crime

10.1: Theoretical Framework

10.2: Theoretical Perspectives on Cultural Variations in Crime
10.3: Demographic Landscape and Crime Patterns
10.4: Overall Crime Trends in California
10.5: Cultural-Specific Crime Patterns and Issues
10.6: Cultural Values, Norms, and Perceptions of Crime
10.7: Criminal Justice System Responses and Cultural Competence
10.8: Crime Prevention Strategies and Policy Implications
10.9: Importance of Cross-Cultural Variations Considerations
10.10: References

Chapter 11: Race, Ethnicity, Gender, Age, Class, Sexuality, and Crime
11.1: Theoretical Framework - Revisit
11.2: Arrest and Incarceration Disparities by Race and Ethnicity
11.3: Incarceration Disparities
11.4: Gender Disparities in Arrest and Incarceration
11.5: Age-Related Patterns in Arrest and Incarceration
11.6: Socioeconomic Status and Criminal Justice Involvement
11.7: Sexual Orientation and Gender Identity in Criminal Justice
11.8: Intersectional Analysis of Criminal Justice Disparities
11.9: Detailed Analysis by UCR Offense Categories
11.10: Criminal Justice Disparities in California
11.10.1: California's Demographic and Criminal Justice Context
11.10.2: Arrest and Incarceration Disparities by Race and Ethnicity in California
11.10.3: Incarceration Disparities in California Prisons
11.10.4: Gender Disparities in California's Criminal Justice System
11.10.5: Women's Incarceration in California Prisons
11.10.6: Age Patterns in California Arrests and Incarceration
11.10.7: Socioeconomic Status and Criminal Justice Involvement in California
11.10.8: Sexual Orientation and Gender Identity in California's Justice System
11.10.9: Intersectional Disparities in California's Criminal Justice System
11.10.10: Multiple Marginalization - Compounded Disparities
11.10.11: Key Findings for California
11.11: References

Chapter 12: Victim and Victimology
12.1: Scope of Victimology
12.2: Theories of Victimization
12.2.1: Lifestyle-Exposure Theory
12.2.2: Routine Activities Theory
12.2.3: Victim Precipitation Theory
12.2.4: Systemic Models of Victimization

12.3: Types of Victims and Victimizations
12.4: The Impact of Victimization
12.5: Responding to Victimization
12.6: References

Chapter 13: Issues in Crime and Criminal Justice Systems

13.1: Mass Murder
13.2: Crime and Media
13.3: Gender-Based Violence
13.4: Cybercrime
13.5: Mass Incarceration
13.6: The War on Drugs and Gangs
13.7: Aging and Overcrowding Prisons
13.8: Transcarceration
13.9: Revolving Door
13.10: Terrorism
13.11: References

Section 4: Introduction to Careers in Criminal Justice

Chapter 14: Careers in the Criminal Justice System

14.1: Law Enforcement
14.2: Courts
14.3: Jail / Prison
14.4: References

Detailed Licensing

Glossary

Index

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SECTION 1: UNDERSTANDING CRIME AND DEVIANCE

Criminology is the scientific study of crime, criminal behavior, and society's response to law-breaking. At its core, criminology examines deviant behavior—actions that violate social norms and legal codes to understand why individuals and groups engage in these behaviors. This multidisciplinary field uses a range of research methods, including surveys, interviews, observational studies, and statistical analysis to investigate crime patterns, causes, and consequences. Criminologists rely heavily on crime data from sources such as the Uniform Crime Reports (UCR), National Crime Victimization Survey (NCVS), and self-report studies to identify trends, measure crime rates, and inform policy decisions.

Understanding crime requires examining multiple theoretical perspectives. Biological theories explore genetic predispositions, brain abnormalities, and biochemical factors that may influence criminal behavior, tracing back to early positivists like Cesare Lombroso. Psychological theories focus on personality disorders, mental illness, moral development, and cognitive processes that contribute to criminality. In contrast to biological and psychological theories, sociological perspectives focus on the broader social environment. Sociological theories examine how social structures, inequality, poverty, peer relationships, and cultural values shape deviant behavior, including strain theory, social disorganization, and differential association. Criminological perspectives encompass classical theories emphasizing rational choice and deterrence, as well as contemporary approaches like routine activities theory and integrated models.

Each perspective offers valuable insights into the complex phenomenon of crime. While biological and psychological theories focus on individual-level factors, sociological and criminological theories emphasize environmental and situational influences. Modern criminology recognizes that crime causation is multifaceted, often requiring integrated approaches that combine elements from multiple theoretical traditions to fully explain criminal behavior and develop effective prevention strategies.

Chapter 1: Introduction to the Study of Deviant Behavior, Research Methods in Criminology, and Crime Data

Chapter 2: Major Theories of Crime: Biological and Psychological Perspectives

Chapter 3: Major Theories of Crime: Sociological and Criminological Perspectives

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- Topic hierarchy

Chapter 1: Study of Deviance

1.1: Defining Deviance

1.2: Social Control

1.3: Deviance, Rule Violations, and Criminality

1.4: Research Methods

1.5: Crime Data

1.6: References

Chapter 2: Theoretical Explanations of Deviance - Biological and Psychological

2.1: Biological Influences

2.1.1: Genetics

2.1.2: Brain Chemistry

2.1.3: Brain Damage
2.1.4: Nutrition and Alcohol

2.2: Psychological Perspectives
2.2.1: Individual Psychology
2.2.2: Cognitive & Cognitive-Behavioral Theories of Criminal Behavior
2.2.3: Cognitive-Behavioral Psychology in Law Enforcements
2.2.4: Antisocial Personality Disorder
2.2.5: Psychosis

2.3: References

Chapter 3: Theoretical Explanations of Deviance- Sociological and Criminological

3.1: Sociological Perspectives
3.1.1: Durkheim and Anomie
3.1.2: Social Ecological – The Chicago School
3.1.3: Strain Theory
3.1.4: Subcultural Theories
3.1.5: Social Control Theory
3.1.6: Conflict and Feminist Explanations
3.1.7: Symbolic Interactionist Explanations

3.2: Criminological Perspectives
3.3: References

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CHAPTER 1: STUDY OF DEVIANCE

Learning Objectives

- Define deviance and distinguish it from crime
- Explain how social norms vary across cultures and contexts
- Identify mechanisms of social control
- Describe how laws are socially constructed
- Understand the role of research in studying deviance

Key Terms

- Deviance
- Social Norms
- Folkways
- Mores
- Taboos
- Social Control
- Formal Sanctions
- Informal Sanctions
- Criminality
- Lawmaking Perspectives (Consensus, Conflict, Interactionist)
- Moral Entrepreneurs
- Social Order
- Research Methods
- Qualitative Research
- Quantitative Research

Summary

This chapter introduces deviance as behavior that violates social norms and emphasizes its variability across cultures and historical periods. It examines how societies regulate behavior through formal and informal social control and distinguishes deviance from criminal behavior. The chapter also explores lawmaking perspectives and introduces key research methods used in criminology.



Figure 1.1: Photo courtesy of Cassiopeija/Wikimedia Commons

How do we as a community decide what is a crime? Often, this has to do with social norms. The concept of deviation, the act of breaking social norms, varies significantly across historical cultures, situations, and contexts. What one society may view as deviant behavior, another may embrace as a form of cultural expression. This variation plays a significant role in reflecting social values and promoting social change.

Social norms are all around us and are accepted norms and behaviors within a specific group. The group you are in can change, which means the norms and behaviors that are acceptable at any given time may change. In Japan, for example, cultural practices often prioritize social harmony, and behaviors diverging from these norms can be seen as deviant. In contrast, such behaviors might be celebrated in other parts of the world.

Much of the appeal of watching entertainers perform in drag comes from the humor inherent in seeing everyday norms violated. What, exactly, is deviance? And what is the relationship between deviance and crime? According to sociologist William Graham Sumner, deviance is a violation of established contextual, cultural, or social norms, whether folkways, mores, or codified law (1906). It can be as minor as picking your nose in public or as major as committing murder. Although the word “deviance” has a negative connotation in everyday language, sociologists recognize that deviance is not necessarily bad (Schoepflin 2011). In fact, from a structural functionalist perspective, one of the positive contributions of deviance is that it fosters social change. For example, during the U.S. civil rights movement, Rosa Parks violated social norms when she refused to move to the “Black section” of the bus, and the Little Rock Nine broke customs of segregation to attend an Arkansas public school. To understand crime as a social phenomenon, it is first necessary to examine the broader concept of deviance. The study of deviance provides the foundation for understanding how societies define, regulate, and respond to behaviors that violate norms.

1.1: Defining Deviance

1.2: Social Control

1.3: Deviance, Rule Violations, and Criminality

1.4: Research Methods

1.5: Crime Data

1.6: References

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1.1: Defining Deviance

“What is deviant behavior?” cannot be answered in a straightforward manner. Whether an act is labeled deviant or not depends on many factors, including location, audience, and the individual committing the act (Becker 1963). Listening to Spotify on the way to class is considered acceptable behavior. Listening to your Spotify during your 2 p.m. sociology lecture is considered rude. Listening to your Spotify music played when on the witness stand before a judge may cause you to be held in contempt of court and consequently fined or jailed.

Deviance is behavior that violates social norms and arouses negative social reactions. Deviance is a more encompassing term than crime, meaning that it includes a range of activities, some of which are crimes and some of which are not. Some behavior is considered so harmful that governments enact written laws that ban the behavior. Crime is behavior that violates these laws and is certainly an important type of deviance that concerns many Americans. Some behaviors are not necessarily deviant or criminal and may not even be criminalized but may become criminalized in the future due to cultural change. For example, adultery (or “cheating on someone”) is considered a deviant act in cultures where monogamy is the norm, but it is rarely criminalized.

Deviance is a shifting landscape shaped by culture, history, and social norms. It varies over time and place. What might be labeled as deviant in one society or era could be entirely acceptable in another. This challenges us to question what is considered normal or abnormal.

Adding to this problem is the tendency to brand certain groups, especially marginalized communities, as “deviant.” People of color, individuals with mental health conditions, and those with disabilities have often been unfairly labeled as deviant, marking them as different from what is considered the norm. This labeling is deeply rooted in historical prejudices and societal biases, showcasing how power dynamics play a role in defining and stigmatizing certain behaviors. Should something be deemed criminal simply because it is different?

Thinking about the relationship between crime and deviance helps explain why some acts were criminalized. We can see, then, that the definitions of crime and deviance change over time and differ from culture to culture. To apply a more systematic and objective (i.e., “scientific”) approach to the study of crime, criminologists have developed typologies and other classification systems to organize their thinking about criminal acts. After defining deviance, an equally important question emerges: How do societies respond to norm violations? Social control addresses the mechanisms through which conformity is encouraged and deviance is sanctioned.

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1.2: Social Control

Because deviance and crime arouse negative social reactions, every society must ensure that its members obey social norms. When a person violates a social norm, what happens? A driver who is caught speeding can receive a speeding ticket. A student who wears a bathrobe to class gets a warning from a professor. An adult belching loudly is avoided. All societies practice social control. **Social control** refers to ways in which society tries to prevent and sanction behavior that violates norms. Just as a society like the United States has informal and formal norms, so does it have informal and formal social control. Generally, **informal social control** addresses violations of informal norms, **while formal social control** addresses violations of formal norms. We typically decline to violate informal norms, if we even think of violating them in the first place, because we fear risking the negative reactions of other people. These reactions, and thus examples of informal social control, include anger, disappointment, ostracism, and ridicule. Formal social control in the United States typically involves the legal system (police, judges and prosecutors, corrections officials), and for businesses, the many local, state, and federal regulatory agencies that constitute the regulatory system.

The underlying goal of social control is to maintain **social order**, an arrangement of practices and behaviors on which society's members base their daily lives. Think of social order as an employee handbook and social control as a manager. When a worker violates a workplace guideline, the manager steps in to enforce the rules; when an employee is doing an exceptionally good job at following the rules, the manager may praise or promote the employee. The means of enforcing rules are known as **sanctions**. Sanctions can be positive as well as negative. **Positive sanctions** are rewards given for conforming to norms. A promotion at work is a positive sanction for working hard. **Negative sanctions** are punishments for violating norms. Being arrested is a punishment for shoplifting. Both types of sanctions play a role in social control.

Sanctions are either formal or informal. Although shoplifting, a form of social deviance, may be illegal, there are no laws dictating the proper way to scratch your nose. That doesn't mean picking your nose in public won't be punished; instead, you will encounter **informal sanctions**. Informal sanctions emerge in face-to-face social interactions. For example, wearing flip-flops to an opera or swearing loudly in church may draw disapproving looks or even verbal reprimands, whereas behavior that is seen as positive—such as helping an elderly person carry grocery bags across the street—may receive positive informal reactions, such as a smile or pat on the back.

Formal sanctions, on the other hand, are ways to officially recognize and enforce norm violations. If a student violates a college's code of conduct, for example, the student might be expelled. Someone who speaks inappropriately to the boss could be fired. Someone who commits a crime may be arrested or imprisoned. On the positive side, a soldier who saves a life may receive an official commendation.

Social control is never perfect, and so many norms and people exist that there are always some people who violate some norms. In fact, Émile Durkheim (1895/1962), a founder of sociology, stressed that a society *without* deviance is impossible for at least two reasons. First, the collective conscience is never strong enough to prevent *all* rule breaking. Even in a "society of saints," such as a monastery, he said, rules will be broken and negative social reactions aroused. Second, because deviance serves several important functions for society, any given society "invents" deviance by defining certain behaviors as deviant and the people who commit them as deviants. Because Durkheim thought deviance was inevitable for these reasons, he considered it a *normal* part of every healthy society.



Figure 1.2.1: Informal social control, such as the anger depicted here, is used to control behavior that violates informal norms. Gordon Ramsay submissions – gordon-ramsay-15 – CC BY 2.0.

Although deviance is normal in this regard, it remains true that some people are more likely than others to commit it. It is also true that some locations within a given society have higher rates of deviance than other locations; for example, U.S. cities have higher rates of violent crime than do rural areas. Still, Durkheim's monastery example raises an important point about the **relativity** of deviance: whether a behavior is considered deviant depends on the circumstances in which the behavior occurs and not on the behavior itself. Although talking might be considered deviant in a monastery, it would certainly be considered very normal elsewhere. If an assailant, say a young person, murders someone, they face arrest, prosecution, and, in many states, possible execution. Yet if a soldier kills someone in wartime, they may be considered a hero. Killing occurs in either situation, but the context and reasons for the killing determine whether the killer is punished or given a medal.

Deviance is also relative in two other ways. First, it is *relative in space*: a given behavior may be considered deviant in one society but acceptable in another society. For example, some sexual acts condemned in some societies are often practiced in others. Second, deviance is *relative in time*: a behavior in a given society may be considered deviant in one time but acceptable many years later; conversely, a behavior may be considered acceptable in one time but deviant many years later. In the late 1800s, many Americans used cocaine, marijuana, and opium, because they were common components of over-the-counter products for symptoms like depression, insomnia, menstrual cramps, migraines, and toothaches. Coca-Cola originally contained cocaine and, perhaps not surprisingly, became an instant hit when it went on sale in 1894 (Goode, 2008). Today, of course, all three drugs are illegal.

The relativity of deviance in all these ways is captured in a famous statement by sociologist Howard S. Becker (1963, p. 9), who wrote several decades ago that

deviance is not a quality of the act the person commits, but rather a consequence of the application by others of rules or sanctions to an "offender." The deviant is one to whom that label has been successfully applied; deviant behavior is behavior that people so label.

This insight raises some provocative possibilities for society's response to deviance and crime. First, harmful behavior committed by corporations and wealthy individuals may not be considered deviant, perhaps because "respectable" people engage in them. Second, prostitution and other arguably less harmful behaviors may be considered very deviant because they are deemed immoral or because of bias against the kinds of people (poor and non-White) thought to be engaging in them.

These considerations yield several questions that need to be answered in the study of deviance. First, why are some individuals more likely than others to commit deviance? Second, why do rates of deviance differ within social categories such as gender, race, social class, and age? Third, why are some locations more likely than other locations to have higher rates of deviance? Fourth, why are some behaviors more likely than others to be considered deviant? Fifth, why are some individuals and those from certain social backgrounds more likely than other individuals to be considered deviant and punished for deviant behavior? Sixth and last but certainly not least, what can be done to reduce rates of violent crime and other serious forms of deviance? While social control operates across a range of behaviors, not all norm violations are treated equally. Distinguishing between informal

deviance and formally sanctioned criminal behavior requires a closer examination of how rules are constructed, enforced, and interpreted.

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1.3: Deviance, Rule Violations, and Criminality

Revisit: From a sociological perspective, social norms are all around us and are accepted norms and behaviors that are defined within a specific group. The group you are in can change, which would mean the norms and behaviors that are acceptable at any given time may change.



Figure 1.3.1: "Facial Tattoos and Piercings" By Tuerto - [1], CC by-SA 3.0, https://commons.wikimedia.org/w/inde...curid=26526042

Deviance is behavior that departs from the social norm. Goode argues that four things must happen for something deviant to take place or exist:

1. a rule or norm must be established;
2. someone must violate that rule or norm;
3. there must be an audience member or someone that witnesses the act and judges it to be wrong;
4. and there is likely going to be a negative reaction from that audience that can come in many forms (i.e., criticism, disapproval, punishment, and more).

Norms can be internalized, which would make an individual conform without external rewards or punishments. Four types of social norms can help inform people about behavior that is considered acceptable: folkways, mores, taboos, and law. Further, social norms can vary across time, cultures, places, and even sub-groups.

Think back to your first experiences in school and surely you can identify some folkways and mores learned. **Folkways** are behaviors that are learned and shared by a social group that we often refer to as "customs" in a group that are not morally significant, but they can be important for social acceptance. Each group can develop different customs, but there can be customs that are embraced at a larger, societal level.

> **Folkway Example**
>
> Consider a college classroom setting in which an instructor permits students to eat during class, provided they remain considerate of those around them. Chewing loudly or neglecting to excuse oneself after burping would constitute folkway violations. It should be noted that such behaviors may not carry the same connotations across all cultural contexts, underscoring the subjective nature of folkways.

Perhaps stricter than folkways are because they can lead to a violation of what we view as moral and ethical behavior. **Mores** are norms of morality, or right and wrong, and if you break one it is often considered offensive to most people of a culture. Sometimes

a more violation can also be illegal, but other times it can just be offensive. If more is not written down in legislation, it cannot get sanctioned by the criminal justice system. Other times it can be both illegal and morally wrong.

More Example

If one attended a funeral for a family member, no one would expect to see someone in bright pink clothes or a bikini. Most people are encouraged to wear black clothing out of respect. Although there may not be specific rules or laws that state the expected attire to wear to a funeral, it would be against what most American society views as right and wrong to attend a funeral in a bikini or be in hot pink leotards. It would be disrespectful to the individual people who are mourning. Both mores and folkways are taught through socialization with various sources: family, friends, peers, schools, and more.

A **taboo** goes a step further and is a very negative norm that should not be violated because people will be upset. Additionally, one may get excluded from the group or society. The nature and the degree of the taboo are in the mores.

Taboo Example

A student once gave the example of a man in their neighborhood in Colorado who had multiple wives and had ten different children from the women. In most American culture, it is seen as unacceptable to have more than one spouse/partner. However, there are instances where having children with multiple people would not be seen as taboo. Specifically, if a man or woman remarries and then has another child with their new partner. However, again, this is more acceptable today than in the past because of the greater societal acceptance of divorce and remarriage.

Can you identify examples of taboos within their own religious, athletic, or organizational communities, as such examples illustrate the culturally embedded nature of these norms?

Lastly, and most importantly, to the study of crime and criminal justice, our laws. Remember, a social norm is an obligation to society that can lead to sanctions if one violates it. Therefore, **laws** are social norms that have become formally inscribed at the state or federal level, and laws can result in formal punishment for violations, such as fines, incarceration, or even death. Laws are a form of social control that outlines rules, habits, and customs a society uses to enforce conformity to its norms.

Law Example

Returning to the earlier example of polygamy, it is worth noting that plural marriage is prohibited by law in the United States. Though this has not always been the case historically, and such practices are legally and culturally accepted in other nations, American society came to regard polygamy as sufficiently taboo—both morally and ethically—to codify its prohibition in statute. Regardless of individual or group views on the matter, the practice remains illegal under U.S. law.

Typically, in our society, a deviant act becomes a criminal act that can be prohibited and punished under criminal law when a crime is deemed socially harmful or dangerous to society.

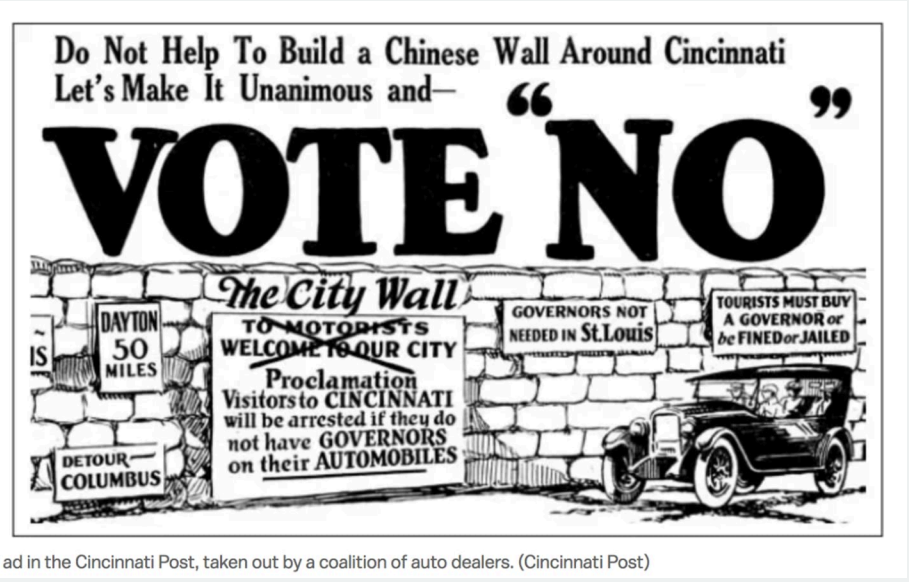
In criminology, we often cover a wide array of harms that can include economic, physical, emotional, social, and environmental. The critical thing to note is that we do not want to create laws against everything in society, so we must draw a line between what we consider deviant and unusual versus dangerous and criminal. For example, some people do not support tattoos and would argue they are deviant, but it would be challenging to suggest they are dangerous to individuals and society. However, thirty years ago, it may have been acceptable to put into dress code, rules guiding our physical conduct in the workspace, that people may not have visible tattoos and people may not be as vocal as they would today. Today, tattoos may be seen as more normalized and acceptable, which could lead to a lot of upset employees saying those are unfair rules in their work employment if they are against the dress code.

Now that we have a basis for understanding the differences between deviance, rule violations, and criminal law violations, we can discuss who determines if a law becomes **criminalized** or **decriminalized** in the United States. A **criminalized act** is when a deviant act becomes criminal and a law is written, with defined sanctions, that can be enforced by the criminal

justice system. Understanding the distinction between deviance and crime also raises a broader question: who determines which behaviors become criminalized? Sociological perspectives on lawmaking provide important insight into how legal definitions are established and contested.

Jaywalking

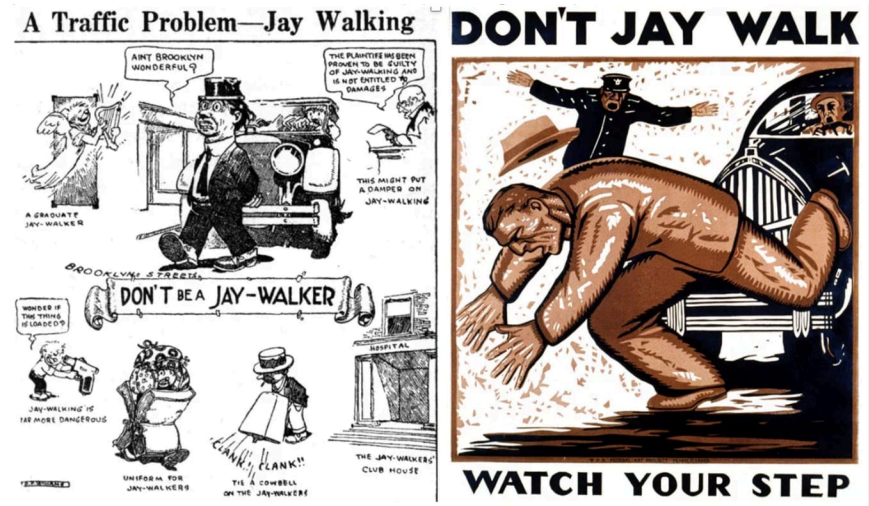
In the 1920s, auto groups aggressively fought to redefine who owned the city street. As cars began to spread to the streets of America, the number of pedestrians killed by cars skyrocketed. At this time, the public was outraged that the elderly and children were dying in what was viewed as 'pleasure cars' because, at this time, our society was structured very differently and did not rely on vehicles. Judges often ruled that the car was to blame in most pedestrian deaths and drivers were charged with manslaughter, regardless of the circumstances. In 1923, 42,000 Cincinnati residents signed a petition for a ballot initiative that would require all cars to have a governor limiting them to 25 miles per hour, which upset auto dealers and sprang them into action to send letters out to vote against the measure.



A 1923 ad in the Cincinnati Post, taken out by a coalition of auto dealers. (Cincinnati Post)

Vote No

https://www.vox.com/2015/1/15/7551873/jaywalking-history



Government safety posters ridicule jaywalking in the 1920s and '30s. (National Safety Council/Library of Congress)

Don't Jaywalk

The Vox Article has an excellent summary of what we discussed

The creation of jaywalking laws would be an example of the interactionist view in lawmaking. The **interactionist view** states that the definition of crime reflects the preferences and opinions of people who hold social power in a particular legal jurisdiction, such as the auto industry. The auto industry used its power and influence to impose what it felt was right and wrong and became moral entrepreneurs.

A **moral entrepreneur** was a phrase coined by sociologist Howard Becker. Becker referred to individuals who use the strength of their positions to encourage others to follow their moral stances. Moral entrepreneurs create rules and argue their causes will better society, and they have a vested interest in that cause that maintains their political power or position.

The auto industry used aggressive tactics to garner support for the new laws: using news media to shift the blame for accidents of the drivers and onto pedestrians, campaigning at local schools to teach about the importance of staying out of the street, and shame by suggesting you are in the wrong if you get hit.

Another view of how laws become created is the **consensus view**, which as it states, implies consensus (agreement) among citizens on what should and should not be illegal. This idea implies that all groups come together, regardless of social class, race, age, gender, and more, to determine what should be illegal. This view also suggests that criminal law is a function of beliefs, morality, and rules that apply equally to all members of society.

One Child per Family Policy in China

In modern society, we tend to have a consensus in the United States that people cannot kill their baby at birth because they want the opposite gender. If a person killed their child, murder charges would occur. At certain points in history in other countries, such as China, this was occurring and was not as deviant as some Americans would like to think it should have been, but it was still illegal. However, when the Chinese Government introduced a One Child per Family Policy, there was a surge in female infanticide. There was immense pressure on families to have sons because of their higher earning potential and contributions to the family. Again, that line between deviance and criminality can often blur, especially when trying to gain consensus. Read the BBC article below for more information.

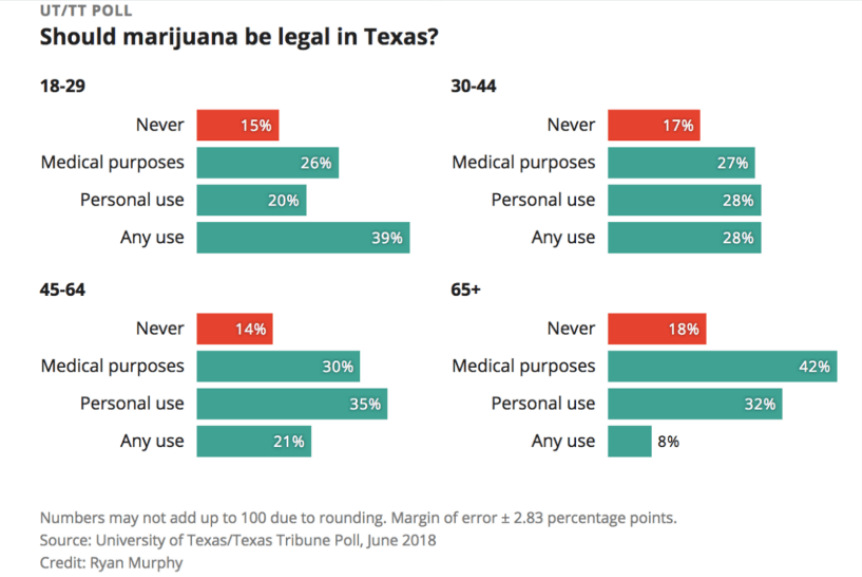
Read the BBC article for further information.

Applying the consensus framework to the process of decriminalization is equally instructive. An act becomes decriminalized

when it is no longer classified as criminal and is effectively legalized, thereby reducing or eliminating associated penalties. Some scholars and policymakers have proposed hybrid models—such as the decriminalization of sex work—designed to protect the rights of individuals involved while still sanctioning those who cause them harm. An act may be decriminalized at the state level while remaining prohibited under federal law.

Marijuana Legalization

One example of decriminalization that came from a vote of consensus in states like Colorado, Washington, and Oregon was the legalization of recreational marijuana. Recently, Texas has shown signs of potentially decriminalizing marijuana and seeking reform laws. According to the latest University of Texas/Texas Tribune poll, more than half of the state's registered voters support marijuana legalization in the state (a consensus), and only 16 percent said possession of marijuana should remain illegal under any circumstances. Marijuana is certainly a great example of decriminalization, whether it is for recreational or medicinal purposes. University of Texas/Texas Tribune Poll, June 2018 — Summary



University of Texas/Texas Tribune Poll, June 2018 — Summary

Read the article for more information on Texas proposing changes

A third perspective of how we define crime or create laws is referred to as the conflict view, commonly associated with Karl Marx in the 1800s. The **conflict view** sees society as a collection of diverse groups that can include owners, workers, wealthy, poor, students, professionals, younger older, and more. This view recognizes that the creation of laws is unequal and may not have consensus like in the example discussed previously.

Further, the conflict view takes a very Marxist perspective and suggests that these groups are often in constant conflict with one another. Unlike the consensus perspective, the conflict view would suggest that crime definitions are controlled by those with wealth, power, and social position in society. Essentially, laws are made by a select group in society, and the laws protect the 'haves.' Criminality shapes the values of the ruling class and is not of 'moral consensus.' There are many examples we use in the criminal justice field that demonstrate the conflict view in action. We will cover more theories in the subsequent sections. Having explored how crime and deviance are defined and constructed, it is essential to consider how these phenomena are systematically studied. Research methods provide the tools necessary to investigate patterns of behavior, test theoretical explanations, and inform policy decisions.

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1.4: Research Methods

Research methods comprise a systematic process of inquiry applied in such a manner as to learn something about our social world. The key message in the preceding statement is that undertaking research is a systematic process, i.e., there is a system, or a right way, to do research.

Basic research can contribute to criminological, psychological, or sociological theories or knowledge without having a specific application as a goal, e.g., a researcher may undertake a study that modifies an existing theory related to deviance. It is important to note, however, that even basic research may ultimately be used for some applied purpose. **Applied research** focuses on addressing real-world challenges by applying existing knowledge and scientific principles. Unlike basic research, which seeks to expand theoretical understanding, applied research aims to develop practical solutions that can be implemented immediately. This type of research is crucial for driving innovation, improving processes, and informing decision-making in various sectors, including crime prevention / intervention, rehabilitative services, diversion programs, etc.

Research typically has a nine-step process:

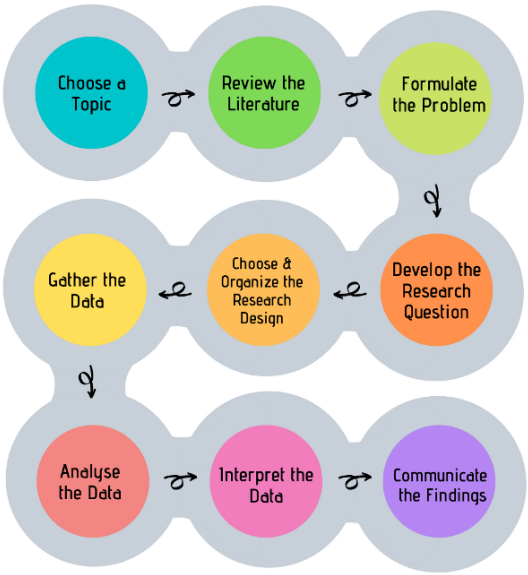


Figure 1.4.1: Nine-Step Research Process by JIBC. Licensed under a CC BY-NC-SA 4.0 License

1. Choose a topic.
2. Review the literature (past research).
3. Formulate the problem (find the gap in past research).
4. Develop a research question.
5. Choose and organize the research design.
6. Gather the data.
7. Analyze the data.
8. Interpret the data.
9. Communicate the findings.

Research methods take two primary approaches: qualitative and quantitative. **Qualitative Research** involves exploring and understanding human experiences and behaviors by delving into in-depth narratives, like personal stories and interviews. **Quantitative Research** uses numerical data and statistical analysis to identify patterns and draw conclusions, such as counting and measuring to uncover trends. It is important to study research methods to determine which method would work best in a particular scenario.

Experimental Method

Experiments represent a highly effective methodology for data collection, particularly for researchers seeking to determine the effects of specific actions or stimuli in creating reactions or changes in other stimuli.

An **experiment** can be defined as a systematic method of data collection aimed at evaluating hypotheses within controlled environments. This form of empirical research may be employed in either laboratory or field settings. ***Laboratory experiments*** occur within artificially constructed environments established by the research team, allowing for precise control over variables. Conversely, ***field experiments*** are conducted in naturalistic contexts, such as within actual agencies or organizations, thereby facilitating the observation of phenomena in real-world scenarios. Regardless of the setting in which an experiment is performed, certain fundamental terminology is universally applicable across all experimental methodologies.

In the context of experimental research, participants are typically divided into two distinct groups: one exposed to an ***experimental stimulus***, sometimes referred to as a treatment, and another that serves as a control group, which does not receive such exposure. Social science researchers employ a diverse array of experimental stimuli, which may include written passages, visual imagery, audiovisual materials, and even olfactory (i.e., smelling) or auditory (i.e., hearing) cues. The group subjected to the experimental stimulus is referred to as the ***experimental group***, while the group that remains unexposed is designated as the ***control group***. In this context, researchers use various methodologies, including surveys and interviews, to quantify the impact of the stimulus. These assessments are conducted at two distinct points: prior to the introduction of the stimulus, termed the ***pre-test***, and after its introduction, referred to as the ***post-test***.

When conducting experimental research, scholars need to carefully consider the implications of both random selection and random assignment in their methodological frameworks. Both instances occur at different stages of the research process. ***Random selection*** refers to the process of selecting participants from a population through a technique of probabilistic random sampling. Following this initial phase of sampling, researchers engaged in experimental designs should strive for random assignment whenever feasible. That is, once a sample has been selected, ***random assignment*** involves the systematic allocation of participants in the sample into either experimental or control groups through a randomization process. This methodological approach significantly enhances the likelihood that the experimental and control groups are similar prior to the administration of any stimuli or interventions.

Quasi-Experimental Method

Quasi-experimental designs are considerably more prevalent in social science research than true experimental designs. Although quasi-experiments are less effective at providing robust evidence of ***causality***, they still allow us to establish ***time order***, which is a key element of causality. The prefix *quasi* means “resembling,” so quasi-experimental research is research that resembles experimental research but is not true experimental research. Nonetheless, given proper research design, quasi-experiments can still provide extremely rigorous and useful results.

There are a few key differences between true experimental and quasi-experimental research. The primary difference between quasi-experimental research and true experimental research is that quasi-experimental research does not involve random assignments to control and experimental groups. Instead, we talk about ***comparison groups*** in quasi-experimental research instead. As a result, these types of experiments do not control the effect of ***extraneous variables*** as well as a true experiment.

Quasi-experiments are most likely to be conducted in field settings in which random assignments are difficult or impossible. They are often conducted to evaluate the effectiveness of a program—perhaps a type of prevention or intervention program. We can eliminate some threats to internal validity, but we cannot do this as effectively as we can with a true experiment.

Survey Method

Survey research can be quantitative and / or qualitative. A survey is a research method involving a set of questions asked to a sample of people to gather information about their opinions, behaviors, preferences, or characteristics, used to understand a larger population for various purposes. Surveys are often conducted via online forms, interviews, or mail. It provides structured data to identify trends, test theories, and make informed decisions. A good survey design ensures the data collected accurately reflects reality, preventing errors and bias, which leads to reliable insights for better decision-making.

Cross-sectional surveys are administered at a single point in time, offering researchers a snapshot of respondents’ lives, opinions, and behaviors when the survey was administered. One issue with cross-sectional surveys is that the events, opinions,

behaviors, and other phenomena that such surveys are designed to assess don't generally remain static. Thus, generalizing from a cross-sectional survey can be tricky as things change. For example, Trust in police and courts is likely to change depending on high-profile events, such as the Movement for Black Lives, so this survey represents a snapshot of how people feel at one moment in time.

Longitudinal surveys try to overcome this problematic aspect of cross-sectional surveys. Longitudinal surveys are administered at multiple points in time. There are three types of longitudinal surveys: trend, panel, and cohort. Researchers conducting ***trend surveys*** explore how surveyed phenomena change over time in large, general groups. Though surveys are collected multiple times, those who are surveyed can be different at each data collection point. Unlike in a trend survey, in a ***panel survey*** the same people participate in the survey each time it is administered. The third type of longitudinal survey offers a middle ground between trend and panel surveys. In a ***cohort survey***, a researcher identifies a specific rather than general category of people of interest and then regularly surveys people who fall into that category. For example, researchers may identify people of specific generations or graduating classes, people who began work in a given industry at the same time, or perhaps people who have some specific life experience in common. Like a trend survey, the same people don't necessarily participate from year to year, but all participants must meet the categorical criteria for inclusion in the study.

Interviews/Focus Group Method

Interviews are a method of qualitative data collection that involves two or more people exchanging information through a series of questions and answers. An interview is like a conversation but one conducted with a purpose. The researcher designs the questions to elicit information from participants on a specific topic or set of topics. Typically, interviews involve an in-person meeting between an interviewer and an interviewee (also called a respondent). They need not be limited to two people, nor must they occur in person.

Interviews are a great way to gather detailed information. They are also useful when the topic is complex, when the questions require lengthy explanation, or when participants may need extra time or to engage in dialogue with others to work out their answers. Additionally, if the topic is one about which people will likely have a lot to say or you want them to reflect on their experience or describe some process, then interviews may be the best method.

In sum, interview research is especially useful when a researcher:

- wishes to gather very detailed information.
- anticipates wanting to ask respondents for more information about their responses.
- plans to ask questions that require a lengthy explanation.
- wants to access personal experience.
- has a complex or confusing topic.
- has a topic that involves studying thought or decision processes.

Focus groups are planned discussions designed to elicit group interaction to gain a deep understanding of people's experiences and perceptions of complex social issues. Historically, focus groups were more commonly used in market research. They were adopted in the 1940s by sociologists to study reactions to wartime propaganda. Today, focus groups are used in fields as diverse as health research, social work, product development, and criminal justice studies.

As with an in-depth interview, a focus group is a meaning-making process but one that occurs within a group rather than a dyad. In this method, a researcher gathers a small group of people to participate in a facilitated discussion on a particular topic. The researcher serves as a ***moderator***, a person who organizes and guides the discussion by posing questions or topics for discussion. They then let the group members discuss the questions or topic among themselves, with the goal of ensuring that everyone has a chance to respond and observe interactions among participants.

A researcher conducting focus groups collects data on more than people's direct responses to their questions; the group interaction is also a key focal point. During their conversations, participants may ask each other follow-up questions, agree or disagree with one another, display body language that tells us something about their feelings during the conversation, or even come up with new questions. Further, when people hear others talk, it can trigger responses or ideas they had not yet considered. These are the kinds of interactions and displays the researcher can focus on.

While focus groups can be expensive and time-consuming, group events may save time because they require fewer sessions than one-on-one interviews to collect data from the same number of people. Nevertheless, a focus group should not be approached simply as an expedient means of gathering more individual-level data. The group dynamics will affect who speaks (and how much)

and who may remain silent. While there are ways to mitigate these issues (e.g., creating groups of people who occupy similar social positions), the fact that context affects how people communicate becomes part of the data. Focus groups tell us how people communicate when in a group and how meaning is constructed in a particular social context, which from a social constructionist perspective reflects more reliably how people develop their thoughts and opinions.

Field Research Method

Field research is a qualitative method of data collection aimed at understanding, observing, and interacting with people in their natural settings. Field researchers immerse themselves in the settings they wish to study. While the extent to which researchers immerse themselves in a particular setting varies, all field researchers have in common their participation in "the field."

When social scientists talk about being "in the field," they are talking about being in contact with the everyday lives of the people they are studying. Field researchers gain firsthand experience and knowledge about the people, events, and processes they study, and no other method offers quite the same kind of close-up lens in everyday life. This means that field researchers can obtain very detailed data about people and processes, perhaps more so than any other research method. You might think of field research as an umbrella term that includes all the activities that field researchers engage in when they collect data: they participate, they observe, they usually interview some of the people, and they also analyze documents, audio files, and other artifacts created by the people they observe.

For those who study criminology, the tradition of going out into "the field" to learn about the lives of people on the margins of urban society can be traced back to the University of Chicago. It was there, during the first half of the 20th century, that professors such as Ernest Burgess and Robert E. Park encouraged their students to get out of the library and do firsthand research around the city. Many students took up this challenge, producing seminal studies on youth gangs, race and class relations, and the cultural life of unhoused men.

What made these studies different from those that came before was that researchers went out to collect ***primary data*** based on their own observations. This often took place via a long ongoing conversation with research participants, one that lasted weeks, months, or even years. This approach is similar to the one being taken up by anthropologists at the time, where figures such as Bronislaw Malinowski (1979) spent years studying the culture of people living in remote places (remote, that is, from where the researchers themselves lived). Anthropologists found that this extended immersion in a cultural setting was the best way to get a nuanced, complex understanding of social behavior. This approach is known as ethnography, which literally means "writing culture."

Ethnographers immerse themselves in a setting so they can observe the lived experience of their research subjects. While the tradition of ethnography began with studies of non-Western societies (Malinowski himself lived for years in the Trobriand Islands of the South Pacific), contemporary ethnographers are just as likely to conduct their work in urban North American settings. Examples of contemporary ethnographies include Philippe Bourgois' (2003) study of crack cocaine dealers in New York City and Alice Goffman's (2014) study of Black community life under intense state surveillance in Philadelphia.

W.E.B. Du Bois (1903/2007) conducted fieldwork in the Black community, but his focus was on the American South during the early years of the 20th century. Being Black himself helped him gain access to a population that had good reason not to trust White people with sensitive information. Elijah Anderson (1978/2003) likewise found entry into the field facilitated by his racial identity. Anderson was interested in studying urban Black life in Chicago and chose as his research site a neighborhood liquor store where people hung out. He found that being Black himself was helpful in terms of gaining access, but he also reminds us that we carry many different identities with us into the field; while his racial identity may have helped him gain access, Anderson notes that his education and class background marked him off as different from the rest of the folks hanging out at the store, leading him to adopt a fictive kin role as a family member of the store owner in order to be accepted. Fieldwork in criminology and other disciplines depends a great deal on relationships.

Case Study Method

A **case study** in research is an in-depth, detailed investigation of a specific subject (like an individual, group, organization, or event) within its real-life context, aiming for a deep understanding of complex issues, often answering "how" or "why" questions. It uses various data sources (interviews, observations, documents) to provide a holistic view.

In criminology, a case study is an in-depth investigation of a specific individual, group, event, or situation (like a crime, offender, or justice program) to understand complex criminal phenomena in real-world contexts, using detailed analysis of factors like

crime causes, legal application, or practical solutions, often employing qualitative methods to explore themes from theories to policy impacts. These studies provide rich, contextual understanding, helping students and practitioners analyze issues, evaluate strategies (like legal aid access), and apply criminological theories.

Case studies are typically conducted when a phenomenon is new or is rare. For instance, to get the typology of a would-be serial killer, case studies were conducted on serial killers that have been found guilty to find common traits from their psycho-social upbringing. An example of crime analysis case studies comes from The Office of Community Oriented Policing Services that looked at bullying, reducing crime in a mobile home community, or issues with a neighborhood bar.

Content Analysis Method

Content analysis is a research method used to study communications, such as texts or images, and examine their meaning in a particular social context. It gained popularity at the beginning of the 20th century with the mass production of newsprints and was initially a largely quantitative endeavor, then referred to as quantitative newspaper analysis. Now, though, content analysis can certainly adopt a more inductive, qualitative approach when the goal is to thematically analyze hidden meanings.

Content analysis involves the study of communications and their meaning. The “texts” that contemporary content analysts investigate include such things as actual written content (e.g., news or magazine articles, legislation, e-mails, letters, blog posts), content we might hear (e.g., speeches, podcasts, lectures), and even visual representations of human communication (e.g., photographs, online videos, television advertisements, movies). Content analysis methods can be applied to almost any form of communication so long as the study of messages is systematic.

Unlike many of the other methods that involve human participants (e.g., focus groups, interviews, field research, surveys and experiments), content analysis is classified as an ***unobtrusive method*** (also referred to as a nonreactive method) of research, meaning that the researchers generally do not intrude into the lives of those they are studying in order to collect their data. Researchers focus on data that already exist, that are often publicly available, and that were often not produced for the purpose of being researched. In addition to research design, the study of crime relies heavily on the collection and analysis of empirical data. Crime data systems serve as a primary source of information for understanding patterns, trends, and the scope of criminal behavior.

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1.5: Crime Data

Crime manifests differently across communities and is influenced by a myriad of factors including sociocultural factors, economic disparities, and power dynamics. Moreover, social structures can influence the distribution of crime within society. Factors such as socioeconomic status, access to resources, and community cohesion can impact both the likelihood of individuals engaging in criminal behavior and their chances of being caught and punished for it. In societies with high levels of inequality, for instance, individuals may resort to crime as a means of survival or protest against perceived injustices. Additionally, social structures shape responses to crime, including the enforcement of laws, the administration of justice, and the rehabilitation of offenders. The effectiveness and fairness of these responses often depend on the extent to which formal social structures promote equality, access to resources, and accountability. In societies where social structures are characterized by systemic discrimination or corruption, for example, marginalized groups may face disproportionate policing, harsher punishments, and limited opportunities for rehabilitation. Understanding crime as a product of societal norms and structures is paramount as a foundational framework for examining the methodologies and implications of measuring crime and compiling statistics.

In the modern context, the practical task of measuring crime and compiling statistics takes on heightened significance imperative for maintaining public safety, administering justice, and shaping policies. Crime statistics are vital tools for policymakers, law enforcement, and researchers, revealing patterns of criminal behavior, societal vulnerabilities, and effective interventions.

Measuring crime and compiling statistics extends beyond data collection; it is closely linked to broader issues such as inequality, access to justice, and law enforcement effectiveness. The methods used to collect crime data, the definitions employed, and the interpretation of statistical trends are all crucial elements that are highly influenced by the social contexts in which they operate. Moreover, the reliability and accuracy of crime statistics can vary widely depending on the transparency of data collection processes, the biases of reporting mechanisms, and the inclusivity of marginalized voices.

Crime statistics are vital for understanding and addressing criminal behavior and trends. Some of the largest and most reliable sources of U.S. crime data include the **Uniform Crime Report** (UCR), which compiles official data on crime reported to law enforcement agencies across the United States, providing insights into reported crimes and arrests. Complementing the UCR is the National Incident-Based Reporting System (NIBRS), which provides detailed information on each crime incident, offering a more comprehensive view of crime patterns. The National Crime Victimization Survey (NCVS), which gathers data on personal and household victimization through surveys and interviews, including individual experiences with criminal activities as well as crimes that may not be reported to police officials, thereby offering a broader perspective. Additionally, self-report crime surveys collect data by directly questioning individuals about their involvement in illicit activities, often uncovering unreported crimes and shedding light on underrepresented demographics. Together, these sources provide multifaceted insights into the complex landscape of crime, crucial for researchers, policymakers, and law enforcement agencies, enabling informed decision-making and targeted interventions aimed at fostering safer communities.

Crime research methods encompass a diverse range of approaches employed to understand and address specific aspects of criminal behavior and its impact. General methods pertaining to social research include **quantitative research**, which involves collecting and analyzing numerical data to identify patterns and correlations, as well as **qualitative research**, which focuses on understanding the underlying meanings and motivations behind criminal behavior through in-depth interviews, observations, and case studies. Additionally, experimental research methods involve manipulating certain variables to assess their impact on criminal behavior, while observational research involves observing and recording criminal activities in natural settings. These varied research methods contribute to a comprehensive understanding of crime, informing evidence-based policies and interventions to mitigate criminal behavior and bolster public safety.

Uniform Crime Report (UCR)

In 1930, with the assistance of the International Association of Chiefs of Police, Congress passed legislation authorizing the Attorney General and the Federal Bureau of Investigation (FBI) to develop a program to monitor and quantify crime rates across the U.S. (An Act Establishing Division of Identification and Information, 1930). This program, known as the Uniform Crime Report (UCR) (Stogner, 2015), collects data from local and state police departments who voluntarily provide the FBI with information on reported crimes and arrests for specific offenses. For the next 90 years, the UCR became the most readily available source of national crime data.

By the 21st century, most police agencies, covering 98% of the U.S. population, provided data to the FBI (FBI, 2014). To organize

this massive amount of data, the UCR separates crime data into two primary groups: Part I offenses and Part II offenses. The UCR collects reported crime data on 10 Part I offenses, which are seen as more serious criminal offenses and include criminal homicide, rape, robbery, aggravated assault, burglary, larceny-theft, motor vehicle theft, arson, human trafficking for commercial sex acts, and human trafficking for involuntary servitude. Part II offenses are considered less serious and include only arrest data rather than reported data. Part II offenses consist of 20 less serious crimes, such as vandalism, gambling, simple assault, and vagrancy.

The UCR presents data in three primary ways. First, it provides raw numbers of arrests or reported crimes. For example, in 2019, there were approximately 16,425 murders reported nationwide (FBI, 2020). Second, the UCR presents crime rates using per capita of a rate per 100,000 people. Simply stated, this is achieved by dividing the numerical value by the total population and subsequently multiplying the result by 100,000. To illustrate, let's revisit the previous example of 16,425 estimated murders in the U.S. in 2019. By dividing this figure by the estimated total U.S. population of 328 million, then multiplying it by 100,000 (16,425 / 328,000,000 X 100,000), we ascertain that the 2019 per-capita murder rate in the U.S. was approximately 5.0 murders per 100,000 people. Third, the UCR supplies a year-to-year comparison with information regarding changes in crime rates from previous years. For example, there was a 0.2% decrease in the U.S. murder rate from 2018 to 2019 (FBI, 2020).

Drawbacks of the Uniform Crime Report

One drawback of the UCR data is its reliance on reported crimes, which means that only incidents reported to the police are included. As discussed in the previous chapter, not all criminal activities are brought to the attention of law enforcement, resulting in underrepresentation of the total number of criminal acts. Additionally, the voluntary nature of police department participation in the UCR program poses another challenge. When a department chooses not to share crime data with the FBI, crime rates for that jurisdiction are estimated by comparing them with those in nearby jurisdictions of similar size. Furthermore, even when departments do participate and provide data voluntarily, variations in laws, policies, and procedures regarding the collection and recording of crime can lead to discrepancies. The fact that some departments may report certain criminal behaviors that others do not further complicates the accuracy and reliability of the collected UCR data.

One significant challenge with UCR data is the Hierarchy Rule, which establishes a ranking of offenses based on their severity. Under this rule, murder ranks higher than aggravated assault, which in turn ranks higher than larceny (FBI, 2015). According to this rule, if multiple offenses occur in a single criminal incident, only the most serious offense is counted. For instance, if a murder takes place during a burglary, only the murder would be recorded in the UCR data because it ranks higher in the hierarchy. This presents a notable issue as it results in fewer crimes being recorded than actually occur, providing an inaccurate understanding of the full scope of criminal activity. Additionally, it can create the impression that more serious crimes constitute a larger proportion of criminal activity than they do in reality.

Another drawback of the UCR is that it does not distinguish between attempted and completed Part I offenses. This means that if an individual is stopped before completing a Part I offense and the action is reported, it is recorded as a completed crime in the UCR database. This can lead to an overestimation of the actual number of Part I offenses occurring.

Over the years, numerous modifications have been made to the UCR, including the addition of information concerning incidents involving police officers being killed or assaulted, as well as data on hate crimes. While these changes have generally been beneficial, changes in definitions have sometimes been problematic, as they can cause shifts in recorded statistics and lead to misconceptions when comparing statistics from before and after the definition change.

National Incident-Based Reporting System (NIBRS)

In 1982, the Bureau of Justice Statistics (BJS) along with the FBI conducted a study to determine the feasible and benefits of adapting a more comprehensive national crime data collection system. The results of the study indicated a significant need to improve the data-gathering process to include more detailed information in several areas including weapon use, gang violence, and crimes against children. In 1989, the National Incident-Based Reporting System (NIBRS) was introduced (FBI, 2018). However, it was not until 2021 that the NIBRS became the mandated national standard for law enforcement agencies reporting crime data to the FBI (BJS, 2022).

The NIBRS differs from the original UCR data collection practices in several key ways. First, UCR only used aggregate data, which does not include specifics of each crime. In contrast, the NIBRS incorporates disaggregated data, providing demographic information about the offender and victim, the relationship between the victim and offender, details on the context of offense characteristics, and incident-level data. Secondly, the NIBRS does not adhere to the Hierarchy Rule and can include up to ten

offenses per incident. Additionally, the NIBRS encompasses a broader range of crime offenses. For example, while the UCR included only 10 Part I offenses, the NIBRS includes 49 Group A offenses, encompassing high-level crimes such as murder, assault, and arson, as well as ten Group B offenses, which cover low-level crimes such as public drunkenness, curfew violations, and writing faulty checks.

Weaknesses of the National Incident-Based Reporting System

While the data provided by the NIBRS is superior to the traditional UCR data, it has several weaknesses. One prevailing issue is the failure of police departments to report their data to the NIBRS. For instance, in 2022, only 77% of U.S. police agencies submitted data to the NIBRS (FBI National Press Office, 2023). Although an additional 16.6% of departments report UCR data during that same year, the DOJ and FBI must devise crime estimates for all jurisdictions that fail to submit their data to the NIBRS. These approximations hinder the overall strength and accuracy of the statistics produced by NIBRS, which could be improved if more police agencies reported their crime data to the NIBRS. Lastly, while the NIBRS data is much more robust than the original UCR data, it still fails to capture unreported crimes. This limitation makes it difficult to accurately compare crime rates across cities, counties, and states. For example, if citizens lack trust in the police or believe the police will be unable to solve the crime, they might be less inclined to report crimes. Similarly, if a police department is understaffed or focused only on serious crimes, it might fail to report all crimes it deems unsolvable or insignificant.

National Crime Victimization Survey (NCVS)

Crime victimization surveys are a valuable tool for capturing some unreported crimes or “dark figures.” Presently, the nation’s primary victimization survey is the National Crime Victimization Survey (NCVS). Commencing in 1973 through a joint effort of the Law Enforcement Assistance Administration [GL/] (LEAA) and the U.S. Census Bureau, the NCVS has been conducted annually. Despite the disbandment of LEAA in 1979, the BJS continued the yearly administration of the survey.

The NCVS collects a plethora of victimization data through interviews and surveys of individuals aged 12 years and older. One of the most beneficial aspects of the NCVS is its ability to capture dark figures by measuring unreported crimes. This is invaluable for understanding the extent of underreported crimes and the reasons why victims may choose not to report crimes to the police. Additionally, the data collected by the NCVS provides crucial information about the nature of the crime, the victim, the relationship between the victim and offender, and the consequences of victimization.

More specifically, the NCVS collects highly detailed demographic information from victims, including age, income, race, ethnicity, gender, and geographical location. This information plays a pivotal role in identifying patterns and disparities in victimization rates, enabling tailored prevention and intervention efforts for underrepresented populations. Moreover, due to its annual administration, the NCVS facilitates longitudinal analysis. These analyses enable researchers, law enforcement agencies, and policymakers to identify changes in crime patterns over time, leading to more effectively adjusted crime prevention strategies.

Shortcomings of the National Crime Victimization Survey

Like any research and data collection method, the NCVS has its limitations. One such shortcoming is its exclusion of certain populations, including children younger than 12, homeless individuals, and those living in institutional settings such as nursing homes and correctional facilities. As a result, the data from the NCVS underrepresents these groups and fails to provide a comprehensive understanding of all cross-sections of society. Another limitation is its predominant focus on personal and property crimes, often neglecting other types of crime such as white-collar crime, organized crime, and cybercrimes.

Another challenge with the NCVS, akin to all interview and survey data collection methods, is the potential variation in the interpretation of victimization definitions among respondents and interviewers. This variability can result in inconsistencies in both reporting and classification of victimization incidents. Furthermore, some respondents may encounter difficulties accurately recalling details about their victimization experiences, including the timing, nature, and circumstances of the crime.

Self-Report Surveys

Another method of monitoring crime is using self-report surveys. Unlike crime data collected through police reports or victimization surveys, self-report crime surveys directly inquire about individuals’ participation in illegal activities, irrespective of whether the activity was reported to the police. These surveys are particularly effective in uncovering data on victimless crimes, where there may not be a direct victim, such as illicit drug use. Typically, these surveys are administered anonymously to large

groups of individuals, often in school, community, or household settings.

One of the largest self-report crime surveys is the Monitoring the Future (MTF) national survey. Administered annually by the University of Michigan Survey Research Center since 1975, the original MTF survey was distributed to approximately 16,000 senior high school students in 133 public and private high schools. Since 1991, the MTF survey has expanded to include 8th, 10th, and 12th graders, totaling around 50,000 students and 420 public and private schools yearly. Additionally, a subset of participants receives yearly follow-up surveys throughout secondary school, college, and adulthood. This longitudinal approach allows researchers to gain insight into how perceptions of crime and drug use evolve over the lifespan.

Limitations of Self-Report Crime Surveys

Self-report crime surveys, such as the MTF, offer valuable insights into “dark figures” and juvenile perspectives on crime and drug use. However, these surveys also have limitations. Firstly, despite being anonymous, participants may still feel ashamed or fearful of providing truthful information. Additionally, individuals may exaggerate their criminal behavior or forget important details of these acts. Furthermore, like any survey, misinterpretation of the questions may lead participants to provide inaccurate information.

The National Youth Gang Survey

Understanding the dynamics of gang-related violence is crucial for devising effective strategies to combat this pervasive social issue. The National Youth Gang Survey (NYGS) serves as a pivotal resource for policymakers, law enforcement agencies, researchers, and community organizations dedicated to addressing gang-related challenges. Its comprehensive data and analysis greatly contribute to informing evidence-based strategies aimed at reducing gang violence and improving community safety.

The NYGS collects information on the number of gangs, gang members, and gang-related crimes reported in different regions. By tracking these statistics over time, it assists law enforcement agencies, policymakers, and researchers in identifying areas with high gang activity and allocating resources accordingly (National Gang Center, n.d.). Moreover, the NYGS examines various aspects of gang involvement, including demographics of gang members, gang structure, recruitment methods, and the types of criminal activities associated with gangs. This detailed analysis provides valuable insights into the underlying factors contributing to gang formation and violence.

Additionally, the NYGS plays a crucial role in evaluating the effectiveness of gang prevention and intervention programs. By assessing changes in gang-related metrics before and after the implementation of such initiatives, researchers can determine which strategies are most successful in reducing gang activity and violence. Overall, the National Youth Gang Survey is an indispensable tool in the ongoing efforts to address and mitigate the impact of gang-related violence in communities across the U.S.

While crime data allows researchers to identify patterns and trends, they do not, by themselves, explain why crime occurs. To address this question, criminologists turn to theoretical frameworks that offer explanations for criminal behavior.

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CHAPTER 2: THEORETICAL EXPLANATIONS OF DEVIANCE - BIOLOGICAL AND PSYCHOLOGICAL

Learning Objectives

- Explain biological influences on behavior
- Describe genetic and environmental interactions
- Identify major psychological theories of deviance
- Understand cognitive and behavioral explanations of crime

Key Terms

- Biological Theories
- Genetic Predisposition
- Gene–Environment Interaction (GxE)
- Epigenetics
- Neurotransmitters
- Brain Structure
- Traumatic Brain Injury (TBI)
- Psychological Theories
- Personality Traits
- Cognitive Theory
- Cognitive-Behavioral Theory
- Self-Control
- Social Learning
- Reinforcement

Summary

This chapter examines individual-level explanations of crime, focusing on biological and psychological perspectives. It explores how genetic predispositions, brain processes, and environmental factors interact. Psychological theories emphasize personality, cognition, and development. Together, these perspectives highlight the complexity of individual behavior.



Figure 2.1: Functionalists believe that deviance plays an important role in society and can be used to challenge people's views. Protesters, such as these PETA members, often use this method to draw attention to their cause. Photo: David Shankbone/flickr)

If we want to reduce violent crime and other serious forms of deviance, we must first understand why they occur. Many theories attempt to explain deviance, and no single theory alone provides a complete explanation. Together they help answer the questions posed earlier: why rates of deviance differ within social categories and across locations, why some behaviors are more likely than others to be considered deviant, and why some kinds of people are more likely than others to be considered deviant and to be punished for deviant behavior.

A **theory** is a framework used to explain observations about the world (Burke, et al., 2019). Researchers test hypotheses to build theories that explain social phenomena. According to Paternoster and Bachman (2001), theories should attempt to portray the world accurately and must "fit the facts." Among the many theoretical approaches, biological and psychological perspectives focus on individual-level factors that may contribute to criminal behavior. These perspectives emphasize environmental and societal influences rather than individual biological or psychological traits.

Numerous theories coming from different perspectives (Psychology, Sociology, Criminology, or a combination) attempt to explain why people commit a crime. What makes one better than another? How do we judge theories against each other? The natural and physical sciences mostly agree on the knowledge of their disciplines. However, psychology, sociology, criminology is interdisciplinary, and many may not agree on what causes criminal behavior. For instance, Cooper, Walsh, and Ellis (2010) have looked at the political ideology of criminologists and their preferred or favored theories. Even one's political leanings can influence a person's set of beliefs about the causes of crime.

We must apply the scientific criteria to test our theories. Akers and Sellers (2013) have established a set of criteria to judge criminological theories: logical consistency, scope, parsimony, testability, empirical validity, and usefulness. Logical consistency is the foundation of any theory; it refers to whether the theory is internally coherent and makes sense. Is it logical? Is it internally consistent? A theory's scope refers to its range of explanations. Does it explain crimes committed by males and females? Does it explain ALL crimes or just property crimes? Does it explain the crime committed by ALL ages or just juveniles? Better theories will have a wider scope or a larger range of explanations.

A **parsimonious theory** is simple and concise. There are not too many constructs or hypotheses. Simply put, parsimony refers to a theory's "simplicity". A good scientific theory needs to be testable too. It must be open to possible falsification. "Every genuine *test* of a theory is an attempt to falsify it or to refute it. Testability is falsifiability; but there are degrees of testability: some theories are more testable, more exposed to refutation than others; they take, as it were, greater risks...One can sum up all this by saying that *the criterion of the scientific status of a theory is its falsifiability, or refutability, or testability"* (Popper, 1965, pp. 36-37).

After many tests and different research approaches, those theories supported by evidence have empirical validity. Thus, according to Gibbs (1990), the verification or repudiation of a given theory through empirical research is the most important principle in judging a theory.

Finally, all theories will suggest how to control, prevent, or reduce crime through policy or programs. The premise of a particular

theory will guide policymakers. For example, if a theory suggests that juveniles learn how to commit crimes through a network of delinquent peers, policymakers will try to identify juveniles at risk for joining delinquent subcultures. While multiple approaches explain deviance, we must recognize that no single perspective is sufficient. A multi-perspective approach is necessary.

2.1: Biological Influences

2.1.1: Genetics

2.1.2: Brain Chemistry

2.1.3: Brain Damage

2.1.4: Nutrition and Alcohol

2.2: Psychological Perspectives

2.2.1: Individual Psychology

2.2.2: Cognitive & Cognitive-Behavioral Theories of Criminal Behavior

2.2.3: Cognitive-Behavioral Psychology in Law Enforcements

2.2.4: Antisocial Personality Disorder

2.2.5: Psychosis

2.3: References

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2.1: BIOLOGICAL INFLUENCES

Biological theories allow criminologists to differentiate between the effects of environment, lived experiences, and **genotype** (*defined: a person's genetic background*) on antisocial behavior and understand how the two interact; to evaluate the impact of stress on the **epigenome** (*defined: An array of chemicals and proteins that tells the genome how to function, such as which genes to express or turn on, and which to turn off*) and how adverse experiences in childhood may have lasting effects in adulthood and beyond; to understand how the impacts of lived trauma can be passed to the next generation; to demonstrate how equating a heritable factor with a behavior or outcome without considering the social implications of the heritable factor has led to systemic discrimination and abuses; and to evaluate the protective factors that have been identified that could be valuable in treatment and intervention.

Origins of Biological Explanations

In the past, many believed that behavior including criminal behavior was determined entirely by biology, ignoring environmental factors. Furthermore, many non-criminal issues, such as poverty, destitution, promiscuity, and even masturbation, were considered inherited behavior. These early beliefs lacked scientific support.

In the 18th and early 19th centuries, physician Franz Gall believed that the shape of a person's head reflected the shape of the underlying soft brain, indicating which parts of the brain were responsible for different behaviors. This was called **phrenology** (*defined: was one of the early pseudo-sciences, proposed by Franz Gall in the 19th century, that suggested that the bumps and lumps on the very hard skull was influenced by the shape of the very soft underlying brain so that these bumps and shapes indicated the shape of the brain, and that this in turn indicated a person's personality).* There was obviously no scientific basis for this and, even at the time, it was considered pseudo-science. However, it did have a cult following in Europe and North America for some time, and while it is obviously absurd it acquired an almost cult following in the Western world, though even at the time there were strong critics. Many of Gall's "facts" were based on observations of just one person; for example, a lump on the head of an animal torturer suggested cruelty (Niehoff, 1999). Eventually, the scientific communities managed to convince the public that phrenology was false science. Nonetheless, an Italian criminologist by the name of Cesare Lombroso, often considered the father of criminology, performed "experiments" comparing the features of criminals and non-criminals (forgetting of course that many people are falsely convicted of crimes and many who commit crimes are never caught) and stated that certain features or **atavisms** (*defined: actually refers to reverting back to more primitive time and criminologically was used to refer to Cesare Lombroso's theory that criminals were more primitive than law abiding citizens and that they exhibited certain marks or stigmata such as shape of their forehead, brows, ears and even tattoos, and type of writing and speaking*) were indicative of a born criminal, such as twisted lips, protruding jaws, large noses, sloping foreheads and even environmental features such as tattoos (Baum, 2011; Niehoff, 1999).

Lombroso believed that such people were inferior, "morally, mentally and physically" (Niehoff, 1999, p.8), and, as they were born that way, they should be punished due to their perceived threat. These beliefs, along with the assumption that they could never be helped, led to the frightening ideas of **biological positivism** (*defined: the belief that all criminal behavior was due to biology alone. This was a theory of Cesare Lombroso in which he concluded that criminals were born to be criminals, therefore, could never be rehabilitated*) and **determinism** (*defined: is the opposite of free will. The theory states that everything, including behavior, is completely under the control of past events so people have no free will or choice in the way they act or behave*), even if someone never actually committed a crime.

Although these theories began to fall out of favor, people still incorrectly believed that tendencies toward poverty, destitution, and petty crime were biologically inherited. Certain powerful people, led by English eugenicist Francis Galton, began to suggest that the poor who had very large families were contributing to crime, and it was suggested that the poor should be "dissuaded" from having children and that the "better" members of society (e.g., richer, upper classes) should be encouraged to reproduce. This was called positive eugenics, but it rapidly devolved into negative eugenics in which people considered "unfit" were actively prevented from reproducing through forced sterilization (Kupferman, 1991; Niehoff, 1999).

This movement became incredibly popular in the United States, with Americans terrified that the large number of immigrant families flocking to its shores would overwhelm them, neatly ignoring the fact they had done the exact same thing to the Indigenous populations who had existed on Turtle Island for millennia. Immigration laws were passed that allowed new immigrants from "undesirable" countries to be sterilized before entering the country. Some were forced to take IQ tests in a language they could not understand and were sterilized for being "inferior" if they failed, resulting in cultural genocide. Similar

movements existed in Europe, peaking in the Nazi genocides of Jews and other groups during World War II. As the rest of the world began to acknowledge these atrocities, support for eugenics faltered; however, eugenics persists in our modern world with the continued, coerced sterilization of special needs women and Indigenous women in vast numbers in the 1970s.

In response to the horrors of eugenics, many criminologists ceased exploring biological impacts on behavior, wary of anything that suggested determinism, focusing instead on environmental impacts. In the words of Denno, for the past 30–40 years, most criminologists have not even been able to say the word “genetics” without spitting (Denno, 2011, p.972).

Unfortunately, because the past was rife with systemic racism that ensured privilege to some, often justified with references to faulty or false scientific findings (known as pseudoscience), efforts to explore the true relationships between behavior, biology, and environment have been delayed. Biology alone does not determine our behavior, but neither does the environment. The traditional nature–nurture dichotomy is misleading; neither operates in isolation. Instead, behavior results from the interaction of biological and environmental factors. Human behavior is certainly influenced by factors such as our genetic background, our body and brain chemistry, any trauma or damage our brain may receive during life as well as pollutants and toxins to which we are exposed. However, all these factors are also influenced by our environment. In fact, much of our biology is plastic and has evolved to be shaped and changed by our experiences.

Biological or environmental influence behavior but do not determine it. Neither biology nor environment cause crime, but a certain biological or environmental influence may increase a person’s predisposition to exhibit criminal behavior. This is merely a predisposition and does not mean that a person will commit a crime, any more than having a medical predisposition for a heart attack means that a person will necessarily have a heart attack. A change in diet or lifestyle may greatly reduce predisposition. That is the beauty of studying biological influences on criminal behavior: so many predispositions can be managed by a change in environment, peer influence, medication, or lifestyle.

2.1.1: Genetics

2.1.2: Brain Chemistry

2.1.3: Brain Damage

2.1.4: Nutrition and Alcohol

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2.1.1: Genetics

The link between biology and crime is often misunderstood as purely genetic. However, our genes do have a profound influence on us, and a great deal of research has been conducted on the genetics of behavior. As behavior is highly complex, in almost all cases, any behavioral trait will be influenced by a large number of genes, not just two or three. Therefore, there is no single "gene for crime." Most behaviors are shaped by many genes, each contributing a small effect.

Most behaviors are not criminogenic on their own, but under the right circumstances could lead to a person offending. For example, impulsivity is a behavior that could potentially lead to a criminal event, such as not considering the consequences of stealing a car for a joy ride. Of course, impulsivity could equally result in buying way too many red shoes! How such a behavior is enacted is greatly influenced by many other factors including socioeconomic status (SES), education, and peers. Therefore, any relationship between genes and behavior is modulated by myriad genes and the number of genes a person has that influences that behavior will increase their likelihood of exhibiting that behavior.

Heritability Studies

A great deal of genetic and environmental research has been conducted using twin and adoption studies. These studies compare the impacts of genes and the environment on behavior.

Twins are a perfect study group as there are two types of twins: monozygotic (MZ) and dizygotic (DZ). MZ ("identical") twins began as a single zygote (one egg and one sperm) that, very shortly after fertilization, divide into two, resulting in two genetically identical babies, aside from small early mutations that may occur (Jonsson et al., 2021). DZ twins result from two zygotes and only share 50% of their genes (actually, we share 99% of our DNA with every other human being, but of the 1% that is different between all people, siblings share 50%). DZ twins in general share 100% of their environment and 50% of their genes, whereas MZ twins, in general, share 100% of both their environment and genes. Comparing behaviors between DZ and MZ twins helps us understand whether environment or genes has a greater influence on a behavioral trait. As both types of twins share the same environment, any differences relate to genetics. A great many twin studies have been conducted globally over the last 100 years and have consistently shown both a heritable component to criminogenic behavior and an environmental component (e.g., Anderson, 2020a; Kendler et al., 2015).

One problem with twin studies is the assumption that each set of twins share the same environment, but MZ twins, who look identical, may share more of their environment than DZ twins, who look less similar and may be different sexes. Such factors would impact the results (Burt & Simons, 2014). Adoption studies offer a much more powerful method of separating the effects of genes and the environment by comparing adopted children with their adopted and biological families. In such situations, biological parents can only contribute biological effects, and adoptive parents can only contribute environmental effects on the behavior of adopted children, as the studies focus on children adopted by non-relatives, neatly separating biological and environmental effects.

Many large studies conducted worldwide have shown that a child is much more likely to offend if their biological rather than adoptive parents were offenders, and even more likely if both are offenders (Mednick et al., 1987). These findings show both a heritable relationship and the impact of the environment.

Gene X Environment Interactions (GxE)

People with different genetic backgrounds may respond differently to the same environment. We know many risk factors influence the likelihood of committing a crime—such as child abuse, low SES, and peer pressure, but most people who experience these environmental factors do not turn to crime and may be exemplary members of society. Likewise, privileged, wealthy people with supportive peers and abuse-free childhoods may still commit many crimes. We now understand that people with certain genetic backgrounds are more sensitive to specific environmental triggers than others (Mullineaux & DiLalla, 2015). Someone without a predisposition for criminal behavior may never offend, irrespective of an adverse environment, and a person with a predisposition for criminal behavior may never offend if they do not experience adversity.

Adversity may be any form of hardship, which includes trauma, physical, sexual or emotional abuse, starvation, or any form of severe suffering. For example, as we will discuss later, males with a certain form of a gene for a neurotransmitter or chemical

messenger have a higher predisposition for aggressive behavior only if they are severely physically abused as a child. If they are not abused, that is, they are never exposed to this trigger, they are no more likely to be aggressive than any other male (Caspi et al., 2002). A predisposition combined with an adverse environment increases risk but does not guarantee criminal behavior. (Gajos et al., 2016).

Several models predict these variations, such as the diathesis stress model, which suggests that a genotype has a number of different alleles or different gene variants, and each adds a tiny bit of risk (Bersted & DiLalla, 2016). If the person is exposed to a bad environment, then they are very likely to be antisocial, but if they are exposed to a good environment, they may not show any antisocial behavior at all. So, this model predicts that the basic causes of antisocial behavior are triggers in the environment interacting with the person's genotype (Boardman et al., 2014). For example, it has been shown that children with certain risk factors are at greater risk of antisocial behavior if they experience parental conflict (Feinberg et al., 2007). These findings help identify not only environmental triggers but protective factors that can ameliorate or even eliminate risk.

Epigenetics

The genome is a person's complete set of genetic instructions or blueprint (the DNA sequence), and it is controlled by the epigenome, an array of chemicals that tell the genome which genes should be turned on (expressed) and which should be turned off. The epigenome can also change in response to experiences, altering the way a gene is expressed, that is, what the gene does—without changing the DNA sequence. Therefore, a person's genome remains the same, but its functions may change in response to experiences (DeLisi & Vaughn, 2015). For example, astronauts Scott and Mark Kelly are MZ twins, but only Scott spent a year in space. See the NASA twins study revealing that space flight can cause genetic changes. Studies of their DNA before and after space travel showed that, although their DNA remained identical, stressors experienced on the flight had changed Scott's DNA expression (Garrett-Bakelman et al., 2019).

Interestingly, although only the expression of the gene's changes and not the DNA sequence, these epigenetic changes can be passed on to the next generation, so they are heritable (National Human Genome Research Institute, 2016). This very exciting new area is only just being explored, primarily as it relates to healthcare, but some work has been done on criminogenic behavior that helps explain GxE interactions. The epigenome is changed by the environment to allow the body to respond; changes may occur in neural development or in neurotransmitter or hormonal function, which could impact behavior. Studies on rodents show that maternal care could result in gene expression changes in the first week of life, with increased maternal care resulting in calmer offspring that exhibit less stress to new environments than those with low maternal care (Weaver et al., 2004). When rat pups were abused for 30 minutes a day during their first week of life, the brain changes lasted a lifetime, resulting in rats that abused their own offspring (Roth & Sweatt, 2011). In both studies, the changes could be reversed with medication.

Many studies on children have shown that early life adversity and parenting decisions have an epigenetic effect on a child's developing brain that can impact their future behavior, mental abilities, reaction to stress, and resilience to further adversity, making them less able to cope, and such changes can be **transgenerational** (DeLisi & Vaughn, 2015). This is a very new understanding and means that the experiences of your parents can epigenetically affect their DNA, which will impact the way your genes and even your children's genes will be expressed. In other words, a person's ancestor's experiences can genetically impact later generations. Studies show that this epigenetic effect can increase antisocial behavior and callous unemotional aggression, reduce empathy, increase depression and reduce normal stress responses, resulting in a lack of fear of danger or consequences (DeLisi & Vaughn, 2015; Rutter, 2012).

When the communist government of Romania fell in 1989, the world was horrified to see images of hundreds of thousands of children abandoned and warehoused in appalling conditions, without the most basic necessities of life, and no human contact except abuse. This lack of basic care and human contact together with extreme deprivation and institutionalization meant many of these children exhibited cognitive problems. What 100,000+ Children Taught Us About Neglect in Early Childhood describes some of these issues. Imaging studies showed that these children had less total grey and white matter in the brain and an enlarged amygdala—a part of the brain responsible for dealing with emotions (Mehta et al., 2009). These findings may be a result of developing epigenetic coping mechanisms and reduced responses to extreme **institutionalization**. See Romania's Abandoned Children about the impacts of institutionalization. In other studies of abused children, epigenetic changes increased their likelihood of developing post-traumatic stress disorder in response to adversity experienced in their adult lives (Mehta et al., 2013). Kayla Bourque is a Vancouver example of a high-risk violent offender with a history of animal abuse who was adopted from a Romanian orphanage. See B.C. animal killer called 'psychopathic' for more on Kayla Bourque.

It has long been accepted that experiencing an abusive childhood increases risk for later offending. These studies not only show the environmental impacts of such abuse but now also a major biological impact on a child's developing brain, making them more susceptible to later environmental triggers, potentially resulting in antisocial behavior, an inability to deal with stressors, as well

as a lack of parenting skills. Moreover, these changes can be transgenerational.

Residential Schools

Epigenetic studies help us understand why atrocities such as residential schools not only had major and long-lasting impacts on the Indigenous children who were abused, but also how the effect of this abuse is magnified as it is perpetuated biologically through the next generations, as discussed in Can Trauma Be Inherited?. Also, when child abuse causes a child to shut down, become socially withdrawn, become unreactive to normal pleasurable experiences and have reduced responses, it has long-term effects on their own relationships with their children, as a Residential school survivor explains the impact on her family.

These intergenerational impacts, although considered here in a scientific context, clearly illustrate the connections between the many aspects of knowledge, including the cognitive, spiritual, emotional and physical elements, which are all parts of Indigenous epistemologies (Doetzel, 2018; Simpson, 2011; Smith, 2012). In many cases, the disruption of these interconnections has also prevented the passage of traditional, ancestral knowledge to subsequent generations (Monchalin, 2016).

Social Implications

When considering any heritable factor that impacts a physical characteristic with social implications, it must be separated from the social effect. When certain heritable characteristics such as skin color or ancestry put a person at a social disadvantage—for example, by making them more likely to experience poverty, a lack of education, starvation or abuse—their lack of success, or increased risk, is blamed on the inherited factor. This is a social construct and a result of systemic discrimination. Possessing that heritable characteristic greatly reduced that person's chances of success in that society, and it is purely the environmental disadvantages that caused the outcome, not genetics or physical differences themselves. This discrimination, rather than ancestry, in part explains the disproportionate number of minority groups incarcerated in the United States.

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2.1.2: Brain Chemistry

Neurochemistry is less frequently covered in criminology texts because it is highly specialized. The brain controls behavior, and research increasingly explains how neurochemical imbalances influence behavior. Neurotransmitters are chemicals involved in communication between nerve cells. Neurotransmitters are synthesized by the catalysis of an amino acid precursor. Once released, they bind to a receptor cell to transmit a message, then break down into their metabolites. Each of these stages is under genetic control and involves many genes. Imbalances and interactions between these neurotransmitters and our environment can have profound effects on our behavior.

Serotonin

Low levels of serotonin, a behavioral inhibitor, have been linked to impulsive-aggressive behavior in extensive research conducted globally over six decades. A great deal of evidence shows that serotonin plays a role in impulsive-aggressive behavior, which makes sense because serotonin regulates the stress response in the brain, meaning that it impacts the way we handle and react to stress, in general having a calming effect.

Many studies have shown that dysfunction at any stage of the serotonergic system can reduce levels of serotonin, and alleles have been linked to increased levels of suicide (Antypa et al., 2013). For example, one such gene has two alleles referred to as S and L. We all have two alleles for every gene, so a person could have SS, SL or LL. The S allele makes a person more sensitive to stress, and the L allele makes them more resistant. In a seminal, long-term study of almost 900 people, Caspi and colleagues looked at 21- to 26-year-olds who had suffered multiple stressors (Caspi et al., 2003). They found that almost half of those with SS developed depression, and 11% attempted suicide as opposed to only 17% of those with LL who developed depression and 4% who attempted suicide (Caspi et al., 2003). This early study has been repeated many times around the world and again highlights the link between a person's genetic background and their environment. Numerous studies have also linked low serotonin levels with aggressive behavior (Brown et al., 1979; Glick, 2015), psychopathy (Glenn, 2011), impulsivity (Linnoila et al., 1983), and an inability to learn from negative experiences (Helmbold et al., 2015).

Overall, the studies on serotonin indicate that any sort of dysfunction in the serotonergic system has an adverse effect on behavior. However, in many cases, we can reverse the effects. Neurotransmitters are synthesized from building blocks or precursors of basic amino acids, and the precursor for serotonin is tryptophan. This amino acid can be obtained through diet. Even people with perfectly normal serotonin systems may get edgy or upset if their tryptophan levels drop. In contrast, increasing a person's tryptophan levels often results in a feeling of peace and general well-being. One source of tryptophan is turkey, and this may account for the overall general feeling of benevolence often felt after eating a large turkey dinner. Therefore, such chemical imbalances may be successfully treated, often with something as simple as a change in diet.

Dopamine

Dopamine is often considered a pleasure or reward neurotransmitter as it produces many positive feelings in response to the normal pleasures in life, such as love, sex, and food. Many drugs target the dopamine system, causing a rapid increase in dopamine levels, resulting in euphoria (Volkow et al., 2003). In some cases, increases in dopamine can increase aggression, particularly in people with deficits in the normal reward system who do not gain pleasure from normal pleasurable activities and need greater stimulation (Blum et al., 2015). This means that such people are not happy with the usual simple pleasures like sex, chocolate or the company of friends, for example, so they need to push for greater excitement. A number of alleles within the dopamine system have been linked to increased risk for anti-social behavior (Blum et al., 2015; Young et al., 2002; Yun et al., 2015) but remember again that each allele only contributes a very small increased risk.

Monoamine Oxidase (MAO)

MAO is an enzyme responsible for breaking down several neurotransmitters, including serotonin and dopamine, so although not a neurotransmitter itself, it still impacts neurotransmitter levels. Many studies have linked low MAO levels to a variety of antisocial behaviors, including aggression (Antypa et al., 2013); however, perhaps the most interesting studies on MAO are those that show a distinct GxE interaction. The two MAO enzymes, A and B, are the result of two different genes on the X chromosome, making them sex-linked. Sex-linked traits are mostly expressed by males, as females have two X chromosomes. If one X has a deleterious

allele of a gene, it is usually masked by the presence of a normal X. Males, however, only have a single X and a Y chromosome, so any genes on the X chromosome will be expressed.

The MAOA gene has several different alleles, with some resulting in normal levels of MAOA (MAOA-H) and others producing low levels (MAOA-L). In one of the first studies to find a GxE interaction, Caspi and colleagues considered a cohort of 442 male adults, identifying 154 who had been abused as children, 33 severely (Caspi et al., 2002). Each was evaluated for MAOA-H or MAOA-L and assessed for antisocial behavior based on convictions for violent crime or exhibited antisocial behavior. Only 12% of the entire cohort had MAOA-L, yet they accounted for 44% of violent crime convictions. A significant relationship was found between MAOA-L, child abuse and criminal convictions. Of the severely abused, 85% exhibited antisocial behavior. Men with the normal MAOA-H alleles rarely exhibited violent behavior, even if they had been severely abused as children (Caspi et al., 2002). It is important to understand that the risk of violent behavior only occurred when the genotype was combined with child abuse (Caspi et al., 2002). This is fascinating as people have often looked at a violent criminal and said, “Well, what did you expect, when he had such a violent upbringing?” Immediately, however, someone else will say, “My best friend was brutally abused as a child, and he’s not at all violent.” This seminal work was the first to demonstrate at least one pathway to explain why an abusive childhood may lead some to violence and not others, and it shows protective factors—a safe, stable home life in childhood can ameliorate such risk factors.

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2.1.3: Brain Damage

The brain is the seat of all behavior, so obviously damage to the brain is likely to impact behavior, including, potentially, antisocial behavior. By design, the brain physically changes with experience and is another complicated mix of genetics and environment.

Head Injuries

Most behaviors are controlled by complex connections within the brain and not by one part alone. However, the frontal lobe, found from the forehead region above the eyes to the midway of the skull, is heavily involved in inhibiting inappropriate behavior, aggression and impulsivity. This area is at the front of the head, so it is more likely to be injured in an accident or assault. People with a frontal lobe injury often lose their social graces, self-control, and patience, and may experience personality changes, develop anxiety or depression, demand instant gratification, or have poor planning skills (Lane et al., 2017). In 1848, Phineas Gage was a railroad construction supervisor when an accident drove a metal bar through his cheek and up through the top of his head, destroying his frontal lobe. Miraculously he survived, but his kind, polite, gentle personality was gone, and he became violent, irritable, and irresponsible. His friends said he was “no longer Gage” (Damasio et al., 1994, p1102). His memory and ability to do his job, however, had not changed. Similar changes have been seen in modern patients with frontal lobe damage (Damasio et al., 1994), and we are only just beginning to understand the impacts of repeated concussions in professional athletes, chronic traumatic encephalopathy and the relationship to antisocial behavior (Stern et al., 2011).

The brain is not fully developed at birth but continues to develop for many years, influenced by experience. Most brain development is completed around the mid-twenties, which is important as the law considers an accused to be an “adult” and entirely responsible for their actions by the age of eighteen or even younger, yet the brain is still developing at this age. In particular, the prefrontal region, the last to mature, is especially important in developing social behavior, appropriate responses, cognition, abstract thought, and inhibiting inappropriate behavior (Arain et al., 2013). Damage to the developing brain is, therefore, particularly harmful, as children and youth have not yet developed the inner control mechanisms or socially acceptable behavior of adulthood (Anderson, 2020b).

Child abuse commonly results in brain injury as even a single blow can cause damage. Even a mild traumatic brain injury (TBI) can have major effects, particularly on social and emotional maturity and reduced cognition, which can lead to poor social interactions and peer relationships and long-term risk (Mychasiuk et al., 2014). Child abuse, therefore, not only creates a dysfunctional social environment but may result in lasting behavioral damage.

Many studies have shown that incarcerated youth have much higher rates of TBI than non-incarcerated youth (Gordon et al., 2017; Hughes et al., 2015), recidivism is increased in youth with TBIs (Williams et al., 2010), and in most cases the TBI predates the offence (Lewis et al., 1988). Not only can such an injury result in a youth being more likely to commit a crime, but TBI-related cognitive impairment, language deficits, comprehension, and social skills mean that the youth is also at a greater disadvantage when trying to navigate the highly complex legal system, which requires excellent communication skills and a clear understanding of all proceedings, rights, and legal advice, putting them at even greater risk (Wszalek & Turkstra, 2015).

TBI in adults has also been frequently linked with violence and crime, with some TBI sufferers exhibiting a loss of control, temper, increased physical and verbal violence, agitation and frustration (Bannon et al., 2015). In a meta-analysis of studies of incarcerated men and women in US prisons, 60% had suffered at least one TBI (Shiroma et al., 2010), with one study reporting 88% (Diamond et al., 2007). In a meta-analysis of studies from the US, the UK and Australia, prevalence ranged from 9.6 to 100%, with an average of 46% (Durand et al., 2017). Higher recidivism rates are also seen in adult offenders with TBIs as well as an earlier age of first offence, faster re-arrests, greater violence, increased sentences, and infractions while incarcerated (Ramos et al., 2018; Ray & Richardson, 2017).

Brain Disorders

Brain damage can also result from disease or toxins. Stroke, brain tumors, meningitis, alcoholism, and cannabis use can all damage or cause changes in the brain (e.g., Arain et al., 2013; Burns & Swerdlow, 2003). For example, a happily married, middle-aged schoolteacher suddenly developed an obsession with child pornography, was inappropriately sexual with children, and eventually sexually assaulted his own young stepdaughter. He was convicted and ordered to enter a treatment program from which he was expelled due to inappropriate sexual behavior towards other patients and the instructor. His inability to complete

treatment resulted in an order to serve time, but before being sent to prison he complained of violent headaches and said he was scared he might rape someone. An MRI scan showed a large tumor in the orbito-frontal region of the frontal lobe of his brain, the area responsible for judgement, appropriate social behavior and self-control (Burns & Swerdlow, 2003). The tumor was removed, and his behavior returned to normal. He successfully completed treatment and returned home to his wife and stepdaughter. Sometime later, he began secretly collecting child pornography again. A scan revealed that the tumor had returned; it was removed, and his behavior returned to normal. This case indicates a major ethical dilemma—was he responsible for his actions? It seems clear that his criminal behavior was directly related to a medical condition over which he had no control. However, he later stated that "somewhere deep, deep, deep in the back of my head, there was a little voice saying, 'you shouldn't do this'" (Glenn & Raine, 2014, p.58). This indicates that even at his worst, he was still able to form *mens rea* or the ability to understand that his actions were criminal.

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2.1.4: Nutrition and Alcohol

Diet

A healthy diet, with essential nutrients, vitamins, and minerals, is vital for brain development, and an inadequate diet in childhood can result in neural deficits leading to antisocial behavior, including aggression and reduced self-control (Jackson, 2016), and many health issues. As many neurotransmitter precursors come from diet, a poor-quality diet may affect neural function simply by a lack of precursors.

Low SES is a known risk factor for antisocial behavior, as it includes many overall risk factors such as poverty, reduced education and job opportunities, together with the discrimination that often follows. Poverty in general reduces a developing child's access to nutritious, fresh food, so the effects of low SES are likely to be exacerbated by a poor diet, with its resultant health issues, and by its impact on neural development.

Supplementing diet has been understood to improve health and behavior since Lombroso (Bohannon, 2009), and many large-scale studies on dietary supplementation for malnourished children have shown extraordinary improvements in behavior (Liu, 2004; Raine et al., 2003). A poor-quality diet does not necessarily mean starvation. A large global study of approximately 200,000 children from forty-one countries showed a 123% increase in bullying behavior in children eating poor-quality rather than nutritious food (Jackson, 2017). Such information opens the door to intervention strategies that can increase health and reduce antisocial behavior with supplementation and education. A good example of such an intervention is the free lunch programs at the schools, which provides children with nutritious foods.

We have seen that direct abuse has both sociological and biological impacts on a child's well-being and behavior throughout the life course and even transgenerational. But institutionalization and residential schools have other insidious effects. As well as being physically, emotionally and sexually abused, residential school children were underfed, given poor-quality food, and frequently starved, as discussed in Hunger experienced in residential schools linked to present-day health problems. Aside from the obvious torture of such treatment at the time, the effects of poor diet and starvation can have long-lasting impacts on a person's biology, health, and behavior. Colonization and residential schools deprived Indigenous Peoples of their traditional food sources and their knowledge of ways to harvest wild animals and plants to maintain a healthy diet. Once lost, these skills cannot be passed on to future generations, leading to increased diet-related health issues. These issues are not just historical but persist today as many Indigenous Peoples have lost pre-colonial connections to the land and suffer ongoing biological consequences (Monchalin, 2016).

Fetal Alcohol Syndrome (FAS) and Fetal Alcohol Spectrum Disorder (FASD)

Some clearly environmental factors that impact behavior can also have biological effects. It is well known that alcohol usage is involved in a vast number of crimes, as it increases impulsivity and violence and reduces self-control. But alcohol usage during pregnancy can have much more insidious impacts on the developing child, resulting in a wide range of health and behavior problems. Prenatal alcohol exposure affects the developing brain as well as the serotonergic system, the dopamine system, hormonal systems, the immune system, and other aspects of neural development. These effects can result in children developing cognition, attention, communication, and perceptual deficits; hyperactivity; an inability to understand consequences; and poor peer relationships (CanFASD, 2018).

Alcohol use and abuse, which relates to residential school abuses and other systemic racism and discrimination, has historically disproportionately affected Indigenous Peoples (Johnson, 2016). Although such abuse is usually considered in a sociological context, it also has a biological basis. The effect of alcohol on an individual, such as how intoxicated they become, and how fast they process the alcohol, depends on many features such as whether they had eaten first, the speed at which they consumed the drink, and the alcohol content of the drink, but also the person's biology. Alcohol is broken down by alcohol dehydrogenase and aldehyde dehydrogenase enzymes, which are controlled by several genes. Different ancestral groups have different alleles for these genes, impacting their alcohol metabolism and thus their ability to tolerate the effects of alcohol (Wall et al., 2016).

Colonialism, intergenerational abuse, and residential schools have greatly increased maladaptive coping mechanisms such as alcohol usage among Indigenous women, resulting in much higher rates (38 times) of FASD than in the general population

(Popova et al., 2017). This is a vicious circle as incarceration exacerbates the effects of FASD as such people are highly suggestible, form poor peer relationships and are frequently victimized, increasing their recidivism (Brown et al., 2014).

Biological influences on potentially criminogenic behaviors and underscores the interaction between the environment, a person's experiences, and their biology. There is clearly a heritable component to antisocial behavior, but a person's gene expression, their neural development, and their brain chemistry are all molded by that person's experiences, which will influence their behavior, for better or worse. Certain factors can increase a person's predisposition for criminogenic behavior, though it is still only a predisposition—a risk factor. However, such biological research has also shown many protective factors that can help decrease a person's predisposition and inform intervention and treatment options.

As a child's brain is constantly developing, adversity; physical, mental and sexual abuse; starvation; and institutionalization during childhood can have lifelong and transgenerational effects. Although biological theories emphasize physiological and genetic influences, psychological perspectives shift attention to cognition, personality, and emotional processes. Together, these approaches offer complementary insights into the individual dimensions of criminal behavior.

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2.2: PSYCHOLOGICAL PERSPECTIVES

The psychological perspective examines how individual, evolutionary, and cultural factors influence behavior. We will explore the impact of personality, upbringing, cognition, psychopathology, and trauma on criminal and violent behavior and go on to explore pathways leading to criminality as well as culturally informed pathways out of criminality. The basic principles behind biopsychosocial perspectives as well as their limitations and criticisms.

Psychology seeks to answer a central question: “Why do people break the law?” by studying the intricacies of the human mind, including how human minds make sense of their environment and are shaped by evolution, culture, and society. Psychological approaches to explaining criminal behavior can be differentiated from one another by looking at where theorists and researchers locate the flaw causing criminality. Some explanations emphasize individual traits, while others focus on social and cultural influences. This field of work encompasses many approaches, theories, and directions of inquiry. In this chapter, we will explore how individual psychology, cognitive-behavioral psychology, evolutionary psychology, cultural psychology, and integrative models of criminality answer the questions raised by criminal, or criminalized, behavior.

2.2.1: Individual Psychology

2.2.2: Cognitive & Cognitive-Behavioral Theories of Criminal Behavior

2.2.3: Cognitive-Behavioral Psychology in Law Enforcements

2.2.4: Antisocial Personality Disorder

2.2.5: Psychosis

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2.2.1: Individual Psychology

The earliest and most persistent explanations of criminal behavior locate the flaw in the individual. From the “original sin” in Christian theology to antisocial personality disorder and psychopathy in the Diagnostic and Statistical Manual of Mental Disorders (DSM-5), the concept of bad people doing bad things has been a universal starting place for our approach to criminality (American Psychological Association, 2013).

The key question stemming from this approach is: What differentiates individuals who commit crimes from those who do not? Many psychological theories of criminal behavior focus on identifying personality traits, characteristics, and developmental pathways believed to be shared by people who commit crimes. Some theories focus on the temperament, and personality people are born with (nature), while others focus on how life experiences shape people’s behaviors and attitudes (nurture).

Nature

Research shows that early childhood temperament differences can persist into adulthood. Tang et al. (2020) found that behavioral inhibition in infancy predicts shyness and introversion in adults thirty years later, suggesting that early temperament persists through the life span. Two traits associated with criminal behavior include:

- High sensation-seeking with low self-control
- Negative emotionality

High sensation-seeking combined with low self-control, which leads to impulsive risk-taking while negative emotionality, leads to increased hostility and, if combined with callous emotional traits, increased cruelty (Delisi & Vaughn, 2014; Bonta & Andrews, 2017). Of these aspects of temperament, low self-control and impulsivity have received the most research attention and are considered major contributing factors in violent crime (Garofalo et al., 2018; Gilbert & Daffern, 2010; Kuin, et al., 2015; Gottfredson & Hirshi, 1990).

Researchers have long engaged in classifying humans into different categories of personality to predict differences in individual behavior. The Myers-Brigg personality type indicator, rooted in the work of Carl Jung, divides people along four continuums: introversion or extraversion (E/I), sensing or intuition (S/N), thinking or feeling (T/F), and judging or perceiving (J/P), resulting in 16 main personality types (Myers, 1962). This theory suggests that differences in behavior are largely due to basic differences in the ways individuals perceive and judge the world around them.

Myers-Briggs Personality Types (Myers & Briggs Foundation, 2021)			
ISTJ Quiet, serious, logical, loyal	**ISFJ** Quiet, friendly, responsible, conscientious	**INFJ** Connected, insightful, values-driven, decisive	**INTJ** Creative, driven, visionary, independent
ISTP Tolerant, flexible, solution-oriented, efficient	**ISFP** Quiet, friendly, sensitive, kind, conflict-averse	**INFP** Idealistic, values-driven, curious, adaptable	**INTP** Logical, abstract, quiet, analytical

ESTP Pragmatic, energetic, spontaneous, active	**ESFP** Outgoing, accepting, realistic, adaptable	**ENFP** Warm, imaginative, Appreciative	**ENTP** Quick, ingenious, resourceful, outspoken
ESTJ Practical, decisive, organized, systematic	**ESFJ** Warmhearted, harmonious, loyal, helpful	**ENFJ** Empathic, responsible, sociable, facilitative	**ENTJ** Frank, decisive, well-informed, leader

Another common current personality measure is the five-factor model of higher-order traits: extraversion, neuroticism, openness to experience, agreeableness, and conscientiousness (Costa & McCrae, 1992). Research applying the five-factor model to antisocial behavior has typically found that antisocial behavior is associated with lower agreeableness (less altruism, tendermindedness, compliance and straightforwardness) and lower conscientiousness (less self-discipline, deliberation and dutifulness) (Jones et al., 2011). Overall, the core of the "nature" focus is the assumption that people behave consistently across time and situations, and this consistency allows us to predict future behavior, including criminal behavior (McCrae et al., 2000).

Five-Factor Model of Personality (Costa & McCrae, 1992)

Personality Trait	Low Scorer	High Scorer
Openness	Favors conservative values; judges in conventional terms; uncomfortable with complexities; moralistic	Values intellectual matters; rebellious, non-conforming; has an unusual thought process; introspective
Conscientiousness	Unable to deny gratification; self-indulgent; engages in daydreams	Behaves ethically; dependable, responsible; productive; has high aspiration level
Extraversion	Emotionally bland; avoids close relationships; over-control of impulses; submissive	Talkative; gregarious; socially poised; behaves assertively
Agreeableness	Critical, skeptical; behavior is condescending; tries to push limits; expresses hostility directly	Sympathetic, considerate; warm, compassionate; likeable; behaves in a giving way
Neuroticism	Calm, relaxed; satisfied with self; clear-cut personality; prides self on objectivity	Thin-skinned; anxious; irritable; guilt-prone

Nurture

Theorists that focus on "nurture" argue that personality develops in response to childhood experiences. Sigmund Freud's (1901, 1924, 1940, collected in Freud, 2012) psychodynamic approach was one of the first theories to chart the development of

personality through childhood. Freud proposed five stages of psychosexual development, each shaping personality through early experiences: oral, anal, phallic, latency, and genital. During each stage, sexual energy (libido) is expressed, and the reaction of parental figures determines whether the stage is resolved successfully or not. If stages resolve positively, the resulting adult can "love, work, and play." If developmental stages do not resolve successfully, the result is an adult who is likely to violate ethical and moral standards.

Freud's Stages of Psychosexual Development
(Freud, 1940, collected in Freud, 2012)

Stage	Age	Pleasure/ Sexual Focus	Key Developmental Tasks	Fixation results in
Oral	Birth – 1 year	Mouth (chewing, sucking)	Weaning	Obsessive eating, smoking, drinking (alcoholism)
Anal	2-3 years	Anus	Toilet training	Obsession with cleanliness; sexual anxiety
Phallic	4-5 years	Genitals (masturbation)	Identifying with gender role models (Oedipus/ Electra complexes)	Difficulty with intimate relationships
Latency	6-12 years	None	Social interaction	No fixation (stage not present in all cultures)
Genital	Puberty & later	Genitals (sexual intimacy)	Intimate relationships, productivity	Previous fixation equals low sexual interest; no previous fixation equals normal sexual motivation

Erik Erikson's psychosocial developmental theory extended Freud's theory of psychosexual development throughout the lifespan. At each stage of life, individuals face developmental challenges on the road to self-actualization. Early stages of childhood development determine whether a child will trust or mistrust the world around them, develop autonomy or shame in their own abilities, and perceive themselves as "good" by being rewarded for their initiative or "bad" for failing to live up to the expectations of parental figures. Later stages focus on identity, intimacy, productivity, and satisfaction with life (Erikson, 1950).

Erikson's Psychosocial Stages
(Erikson, 1950)

	Stages	Crisis	Favorable Outcome	Unfavorable Outcome
Childhood	1st year of life	Trust vs mistrust	Faith in the environment and future events	Suspicion, fear of future events

	2nd year	Autonomy vs doubt	A sense of self-control and adequacy	Feelings of shame and self-doubt
	3 – 5 years	Initiative vs guilt	Ability to be a “self-starter,” to initiate one’s own activities	A sense of guilt and inadequacy to be on one’s own
	6 years to puberty	Industry vs inferiority	Ability to learn how things work, to understand and organize	A sense of inferiority at understanding and organizing
Transition Years	Adolescence	Identity vs confusion	Seeing oneself as a unique and integrated person	Confusion over who and what one really is
Adulthood	Early adulthood	Intimacy vs isolation	Ability to make commitments to others, to love	Inability to form affectionate relationships
	Middle age	Generativity vs self-absorption	Concern for family and society in general	Concern only for self – one’s own well-being and prosperity
	Aging years	Integrity vs despair	A sense of integrity and fulfillment; willingness to face death	Dissatisfaction with life; despair over prospect of death

Erikson’s work informs **Lawrence Kohlberg’s theory of moral development** (Kohlberg & Hersh, 1977). Kohlberg asked people of various ages about their views on right and wrong in moral dilemmas and found that people’s reasons for deciding right versus wrong followed a predictable path, as shown in the table below.

Kohlberg’s Theory of Moral Development (Kohlberg & Hersh, 1977)	
Pre-conventional morality	Good vs bad is defined by getting rewards and avoiding punishments. If someone can avoid punishment or not get caught, then a person at this stage deems the action acceptable.
Conventional morality	Focuses on strict adherence to the concepts of right and wrong, as determined by the rules of society, and other significant people like parents and teachers.
Post-conventional morality	Right and wrong are determined by an individual’s principles of equality, justice, and respect; rules are critically evaluated against these standards. Kohlberg posited this as the most advanced level of moral development.

Kohlberg theorized that criminals would be more likely to show pre-conventional moral thinking. Research on criminal offenders has linked pre-conventional moral thinking to higher rates of recidivism, though, notably, research of this sort would not include

criminals who had escaped the law (van Vugt et al., 2011). Watch Kohlberg's Stages of Moral Development for more detail on Kohlberg's theory and its three stages (each with two sub-stages) and a discussion of the famous Heinz dilemma.

Under "nurture" explanations of behavior, parenting (usually mothering) is a major early shaping factor on the development of personality and morality. Two dimensions appear particularly important: support and control (Hoeve et al., 2009; Maccoby & Martin, 1983).

Baumrind (1991) created a typology of parenting styles differentiated by support and control, as shown in the table below:

Baumrind's Parenting Styles (Baumrind, 1991)	
Authoritative	High warmth and high behavioral control, characterized by firm rules, but open communication and rational discussion about those rules, coupled with emotional support.
Authoritarian	Low warmth and high/harsh control. It is characterized by rigid rules, the expectation that those rules are followed, with no questions asked, and low support and a reliance on punishment to enforce rules.
Permissive	High warmth and low control, with few rules or expectations. Parents generally are warm and tolerant of their children's behavior but with few boundaries.
Rejecting-neglecting	Low on both warmth and control. The parent is uninvolved and if the neglect is severe, it becomes abusive.

Research indicates that an authoritative style fosters higher levels of self-control, which is a protective factor against criminal behavior. Rejecting-neglecting parenting is most linked to violent behavior (Maccoby & Martin, 1983; Steinberg et al., 1994; Chung et al., 2006).

Parental monitoring, which can be supportive or controlling, has also been linked to criminal outcomes. Recent research indicates that harsh control (physical/verbal punishment and intrusiveness), low warmth and low monitoring are particularly related to criminal and violent behavior (Pinquart, 2017; Odgers et al., 2012).

Research supports the view that parenting involving warmth, active parental monitoring and consistent rules/expectations may protect against violent behavior in youth (Fosco et al., 2012). Discipline that emphasizes positive reinforcement over punishment appears to be the most effective (Halgunseth et al., 2013; Surjadi et al., 2013).

Although parents clearly influence their children, children also influence their parents. Gerald Patterson (1995) developed coercion theory to describe an escalation pattern of parents and children negatively influencing each other. If a parent gives in to escalating demands from their child, the child learns that they will get what they want if they intensify their anger and resistance; therefore, the child will use this tactic the next time they want something. If the parent increases their hostility in response, they effectively increase the level of demand their child must reach to succeed, thereby feeding a coercive cycle. Children also learn that coercive actions are effective in achieving one's goals and may emulate this behavior with others. Children engaged in frequent coercive interactions with their parents are more likely to have aggressive and oppositional behavior (Patterson et al., 1992; Shaw et al., 1994; Shaw et al., 1998).

One challenge in parenting research is establishing unbiased ratings of parent and child behavior (Pinquart, 2017). When rating themselves, parents will often respond in a socially desirable way, intentionally or not. Similarly, children's behavior ratings are potentially biased, depending on who is rating them. When ratings are given by researchers, it usually involves artificial settings that affect the behavior of both parents and children. Finally, research on parenting relies on correlation because experiments cannot ethically expose children to different kinds of parenting. Correlation cannot determine causality; it can only identify a relationship between two variables, but it cannot determine which variable caused which or whether a third variable influenced

both.

Attachment theory (Bowlby, 1982) focuses on the quality of a child's early connection to their primary caregiver and how it affects adult emotional and relationship functioning. Bowlby's attachment theory posits that early caregivers must provide security: infants are completely dependent on their caregivers and must feel protected and trust they can rely on their caregiver to meet their needs. When that trust is strained or broken, a child forms a dysfunctional attachment towards their parents. Instead of security, they experience ambivalence, fear, or anger towards their caregiver, which leads to clingy preoccupation or dismissive rejection of caregivers. Early disrupted attachments translate into an inability to trust and rely on others in adult intimate relationships and may contribute to violence in intimate relationships (Dutton, 2007). Insecure attachments also affect how positively or negatively we view others, which can increase or decrease the likelihood of offending against others. Building on broader psychological explanations, cognitive and cognitive-behavioral theories focus more specifically on how thought patterns, beliefs, and learned behaviors shape criminal actions. These theoretical insights are not purely abstract; they have practical implications for how criminal behavior is understood and addressed within the justice system, particularly in areas such as law enforcement decision-making and intervention strategies.

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2.2.2: Cognitive & Cognitive-Behavioral Theories of Criminal Behavior

Cognitive theories explain criminal behavior by examining faulty thinking patterns and decision-making processes. Rather than focusing on personality alone, cognitive theories emphasize how thought patterns shape behavior.

The behavioral component of cognitive-behavioral psychology focuses on how rewards and punishment shape behavior—a process called conditioning. Reinforcement conditions through rewards/relief: positive reinforcement occurs through receiving a positive stimulus, while negative reinforcement is the removal a negative stimulus. Consistent reinforcement should result in an increase in the reinforced behavior. Punishment is the opposite: positive punishment occurs through receiving a negative stimulus, while negative punishment involves having a positive stimulus taken away. Consistent punishment should result in a decrease in the punished behavior (See Table below for some examples).

Positive and Negative Conditioning	**Positive and Negative Conditioning**	**Positive and Negative Conditioning**
	Add Stimulus	**Remove Stimulus**
More	*Positive Reinforcement*	*Negative Reinforcement*
Likelihood behavior will repeat	A stimulus is added to increase a desired behavior (e.g., a candy) – I am more likely to do this behavior again.	A stimulus is removed to increase a desired behavior (e.g., my parents take away my electronic device at the dinner table so that I eat my dinner) – I am more likely to do this behavior again.
Less	*Positive Punishment* A stimulus is added to decrease an undesired behavior (e.g., spanking) – I am less likely to do this behavior again.	*Negative Punishment* A stimulus is removed to decrease an undesired behavior (e.g., losing electronic privileges) – I am less likely to do this behavior again.

Criminal behavior is more likely to re-occur when crime leads to a positive outcome (e.g., cash, drugs) or removes a current negative stimulus (e.g., the stress of not being able to feed your family). Punishment is meant to reduce criminal behavior by administering a negative stimulus (e.g., incarceration in an unpleasant space) or removing a positive stimulus (e.g., loss of access to friends and family).

In real life, perfectly consistent reinforcement and punishment is rarely achievable. Intermittent conditioning occurs when the same behavior has unpredictable results. For example, the behavior “attempt to rob a corner store” will be repeated many times if experience tells the individual there is a higher chance of a reward than a punishment and that most of the time there is a neutral outcome. Behaviors that are reinforced intermittently are the hardest to eliminate (Skinner, 1963).

The cognitive aspect of cognitive-behavioral psychology examines how reinforcement and punishment turn into thoughts, beliefs, and attitudes that maintain and justify behavior. Our thoughts are impacted by witnessing what happens to others as well as our own experiences.

If antisocial/criminal behavior provides reliable or intermittent rewards and/or relief, a person can develop rationalized antisocial attitudes. Bonta and Andrews (2017) summarize key links between antisocial attitudes and antisocial behavior. First, offenders rationalize their actions using techniques of neutralization, which involve minimizing the consequences of their actions, denying responsibility for their actions, disparaging or blaming the victim, or claiming their actions were justified (Sykes & Matza, 1957;

Ward, 2000). Antisocial attitudes are more likely to be acted upon when individuals are surrounded by others with similar perspectives and with whom they identify. In other words, associating with others that have similar antisocial attitudes makes acting on these attitudes more likely. Finally, there is a rejection of convention. Conventions are the typical values of a particular society, such as valuing work, education, and legal institutions (e.g., the police and the courts).

Many of the principles of cognitive-behavioral psychology have been established through WEIRD research—exclusively drawing research participants from university students from Western, Educated, Industrialized, Rich and Democratic societies (Henrich et al., 2010). As a result, it remains to be seen if findings can be generalized to the wider population and across cultures. Similarly, in Canadian psychological criminology studies, participants are often White offenders, raising doubts about findings' applicability to female offenders, Indigenous offenders, and other diverse groups (Hart, 2016).

Both individual and cognitive-behavioral approaches assume that pro-social, conventional behavior is the preferred and rational path forward for people, leading to a successful and law-abiding life. Theorists assign personality traits and values such as adaptive or maladaptive and rational or irrational. The assumption that behavior that upholds the status quo is adaptive and rational ignores findings indicating that the behavior of individuals from marginalized groups has significantly different positive and negative conditioning than groups that have easier access to wealth, education, and opportunity. For individuals who have experienced surveillance by police, are threatened and powerless during police encounters, and are significantly more likely to be arrested and prosecuted for minor crimes, negative perceptions of police and the justice system may make the rejection of convention a rational decision (Nordberg et al., 2018).

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2.2.3: Cognitive-Behavioral Psychology in Law Enforcements

Those who investigate and enforce the law are as human as those who offend and are just as susceptible to beliefs and attitudes that misrepresent objective reality. Heuristics are mental shortcuts that allow us to filter and process the massive amount of information we are faced with daily. Heuristics are necessary to allow humans to make decisions, but they can be affected by cognitive bias (Beck, 1963; Beck, 1995).

Confirmation bias is the tendency to over-value evidence that confirms our beliefs over evidence that counters our beliefs. For example, police will more often encounter marginalized individuals as criminals. They may form a belief that Indigenous or BIPOC individuals are more likely to be criminals than White individuals. This affects their behavior going forward, as when they encounter non-White individuals, they seek evidence confirming this individual is engaged in criminal behavior. Racial profiling is the inevitable result of confirmation bias, in which people of color are more likely to be stopped by police than White people (Charman et al., 2017).

Medical Model of Psychopathology and Criminal Behavior

Although mental illness would seem to fall solidly in the camp of individual psychology, the interface between mental illness and criminality is as much socially determined as it is individually determined.

Theories that draw a straight line between individual mental illness and criminal behavior rely on the medical model of mental illness, with its focus on abnormal psychology. In the early 1900s, doctors and psychiatrists began seeking ways to classify recurring patterns of thought and behavior that significantly reduce an individual's ability to function in an attempt to diagnose and treat "mental illness" utilizing an approach similar to that used to deal with physical disease.

Today, the Diagnostic and Statistical Manual of Mental Disorders (DSM–5-TR; American Psychiatric Association, 2022) is used in North America to diagnose mental disorders. The DSM-5-TR describes mental disorders, their symptoms, and the criteria for diagnosing them. The DSM-5-TR seeks to ensure clinicians are consistent in their communication about disorders and diagnostic criteria and researchers are consistent in how they define disorders so that they can meaningfully add to the body of scientific knowledge. As most research that informs the DSM has involved predominantly White Americans, it is acknowledged that there is limited evidence of the cross-cultural validity of the DSM. To the extent that mental illness leads to behaviors that violate the norms and standards of a particular society, people with mental illness would be expected to have a higher rate of contact with the criminal justice system.

In the United States, people with mental illness are over-represented in the criminal justice system. According to the Substance Abuse and Mental Health Services Administration (SAMSHA), it is estimated that 18% of the general population has a mental illness. However, an estimated 44% of those in jail and 37% of those in prison have a mental illness. It is estimated that 11% of 18–25-year old's, and 6% of those over 25 years old have a substance use disorder. It is estimated that 63% of people in jail and 58% in prison have a substance use disorder. People with these disorders have challenges in getting appropriate treatment and often incarceration exacerbates their symptoms. This can lead to individuals staying incarcerated longer than those without behavioral health concerns.

Upon release from incarceration, people with behavioral health issues face many barriers to successful reentry into the community, such as lack of health care, job skills, education, stable housing, and poor connection with community behavioral health providers. These factors may jeopardize their recovery and increase their probability of relapse and re-arrest.

To reduce the human and fiscal cost and consequences of repeated arrests and incarceration for people with behavioral health issues, SAMHSA approaches the work through:

- Early identification of individuals with mental and substance use disorders at all points of contact with the justice system – pre-arrest, booking, adjudication, reentry.
- Use of screening and assessment to ensure linkage with evidence-based treatment, services and support.
- Diversion of individuals from the justice system into home- and community-based treatment.
- Engaging law enforcement, first responders, and crisis management teams, justice court personnel, and community treatment providers in diversion strategies that meet both clinical and public safety needs.
- Provision of training and technical assistance for law enforcement officers, juvenile and family court judges, probation

officers, and other judicial decision-makers on behavioral health issues; and conversely, training for behavioral health treatment providers on criminogenic risk and the criminal and juvenile justice system.
- Provision of an array of services and support to enable successful reentry into the community for those transitioning from incarceration or detention.
- Assurance of equitable opportunities for diversion and linkage to community services and support for all populations to decrease disproportionate minority contact with the justice system.
- Promotion of cross-sector collaboration to better serve these populations dually involved with the behavioral health and criminal justice systems.

Although social factors such as underfunded mental health systems, poverty, deinstitutionalization and a lack of access to treatment play a part in the over-representation of people with mental illness in the criminal justice system, some mental illnesses include criminal behavior as part of their diagnostic criteria, including antisocial personality disorder, psychopathy, psychosis, and substance abuse disorders.

In-group bias is the tendency to trust peers and colleagues more than those outside your in-group. Police form a very strong "in-group," as they are mutually dependent on one another for safety and support. In-group bias plays a role in identifying and managing inappropriate police behavior, as complainants are less likely to be believed than police officers (Smith & Alpert, 2007).

The cognitive bias of criminal justice officials has been documented in the literature (see Meterko & Cooper, 2022) and influences how our society defines, investigates, and prosecutes criminal behavior. These biases also influence the way police and prosecutors deal with the intersection of mental illness and criminal and criminalized behavior.

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2.2.4: Antisocial Personality Disorder

Antisocial personality disorder (ASPD) is one of a class of diagnoses that describe persistent, longstanding, maladaptive ways of thinking and feeling about oneself and others that detrimentally affect how one functions. ASPD is the personality disorder most strongly linked with violence; it is defined by a continual remorseless disregard for the rights of others, including repeated criminal acts, impulsiveness, irresponsibility, deceptiveness, and aggression.

To be diagnosed with this disorder, the person must have exhibited aspects of antisocial behavior prior to age 15, such as aggression toward people or animals, theft, or property destruction (American Psychiatric Association, 2013). Only adults over the age of 18 can be diagnosed with personality disorders under DSM-5 criteria; however, personality disorders are commonly attached to youth to secure treatment.

Psychopathy

Although psychopathy is not recognized in the DSM-5, it is associated with, but distinct from, conceptualizations of ASPD. Psychopathy is characterized by two main factors: 1) interpersonal and emotional traits, such as manipulation, grandiosity and impaired empathy, and 2) antisocial behavior and lifestyle traits, such as impulsive behavior, sensation seeking and a parasitic lifestyle. Psychopathy is defined by subjective emotional and interpersonal criteria that are not part of ASPD, and because the DSM emphasizes observable, objective behavioral criteria, not part of the DSM. The Psychopathy Checklist – Revised, developed by Hare (1991) is the most used measure for psychopathy (Hare, 2016).

The twenty traits assessed by the PCL-R score are:

- glib and superficial charm
- grandiose (exaggeratedly high) estimation of self
- need for stimulation
- pathological lying
- cunning and manipulativeness
- lack of remorse or guilt
- shallow affect (superficial emotional responsiveness)
- callousness and lack of empathy
- parasitic lifestyle
- poor behavioral controls
- sexual promiscuity
- early behavior problems
- lack of realistic long-term goals
- impulsivity
- irresponsibility
- failure to accept responsibility for own actions
- many short-term marital relationships
- juvenile delinquency
- revocation of conditional release
- criminal versatility (Hare, 2016).

Research generally indicates that psychopathy, particularly the theorized sub-type called primary psychopathy, involves brain-based differences that impact emotional and cognitive functioning (Blair et al., 2008; Kiehl, 2006; Koenigs, 2012; Patrick, 2018; Yang & Raine, 2009). Two models are the current top explanations for this impaired emotional functioning (Smith & Lilienfeld, 2015): 1) the low fear model, which states that emotional deficits result from an impaired recognition/experience of fear (Lykken, 1957, 1995), leading to increased sensation seeking and an inability to be deterred by fear of punishment and 2) the response modulation hypothesis, which describes an individual's impaired ability to modify their behavior once they have focused their attention, even though the situation might warrant a behavior change (Newman et al., 1987).

Psychopathy is associated with high reoffending rates (Shepherd et al., 2018; Thomson et al., 2018) and treatment resistance (Olver et al., 2011). For these reasons, psychopathy has been an important consideration for decision-making in the justice system, with a diagnosis of psychopathy leading to dangerous offender classifications and indefinite sentencing. In recent years, though,

there have been concerns about how psychopathy has been defined and utilized in the justice system (Skeem et al., 2011), leading to alternative conceptualizations of psychopathy (Lilienfeld & Widows, 2005). What Psychopathy addresses, what psychopathy is, and differentiates between psychopathy and ASPD.

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2.2.5: Psychosis

Psychosis is a condition that impacts how your brain processes information and is present in some severe mental illnesses, including schizophrenia and mood disorders such as depression and bipolar disorder. Most individuals experiencing breaks from the shared reality of the general population do not engage in aggressive or criminal behavior; in fact, people with mental disorders are more likely to be victims of violence than perpetrators (Elbogen & Johnson, 2009). Psychosis can generate specific hallucinations, such as hearing voices or seeing things that do not exist, and delusions, where a person experiences strongly held but false beliefs that may include paranoid ideas about being persecuted (American Psychiatric Association, 2013). In rare cases, the nature of the hallucination or delusion can lead to inappropriate "self-defense" or other criminal behavior that would be understandable considering the beliefs held during a psychotic break (Chan & Shehtman, 2019; McNiel et al., 2000).

Although some psychosis can lead to violent behavior, far more often, people with active mental illnesses are charged with minor offenses that begin a long cycle of involvement with criminal justice systems. A major depressive episode with catatonic features in a homeless person looks very much like loitering in the eyes of police. One study found that 40% of police encounters with people with mental illness involve non-violent crime, and another 40% involve non-criminal mental health crises, bizarre behaviors, and/or criminal victimizations. Only two in 10 police interactions with people with mental illness involved any type of violent crime (Brink et al., 2011).

Substance Abuse Disorders

Substance abuse disorders are characterized by difficulties reducing substance use, causing problems in one's personal and work life (American Psychiatric Association, 2013). Because many substances are in themselves illegal to possess and use, the defining behavior of substance abuse is criminalized if the addictive substance is restricted.

Aside from the inherent criminal behavior of using a prohibited substance, the tripartite conceptual model (Goldstein, 1985) outlines three main ways that substance use is connected to violent criminal behavior (see Table below).

Tripartite Conceptual Model of the Drug/Violence Nexus (Goldstein, 1985)	
Systemic crime	Crime related to the drug trade, including selling drugs and the violence associated with that.
Economically compulsive crimes	Results from people engaging in money-making crime to support their substance use.
Psychopharmacological-driven crime	The substance itself produces an effect on the brain and behavior, resulting in crime or violence.

Legal codes that criminalize addiction set the stage for systemic and economically compulsive crimes. If access to drugs that people are addicted to is against the law, unlawful organizations that provide drugs to people with addictions become highly profitable and are maintained through violence if necessary. If people addicted to drugs are less likely to have the ability to support themselves through legal means, they will be more likely to commit crimes to meet their needs. Countries such as Portugal have been decriminalizing drugs in favor of on-demand treatment, resulting in reductions in drug use and related crimes. See How Portugal Won Its War on Drugs for a summary of Portugal's approach.

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CHAPTER 3: THEORETICAL EXPLANATIONS OF DEVIANCE-SOCIOLOGICAL AND CRIMINOLOGICAL

Learning Objectives

- Describe major sociological theories of deviance
- Explain the role of social structure and inequality
- Compare structural and interactionist perspectives
- Understand classical and positivist criminology

Key Terms

- Anomie
- Social Ecology
- Social Disorganization
- Strain Theory
- Modes of Adaptation
- Subculture
- Social Control Theory
- Social Bonds
- Conflict Theory
- Feminist Theory
- Symbolic Interactionism
- Labeling Theory
- Classical Theory
- Positivist Theory
- Routine Activities Theory

Summary

This chapter shifts focus to societal influences on crime. It explores theories such as strain, social control, conflict, and labeling. Criminological perspectives build on these frameworks, emphasizing both structural conditions and individual choice. The chapter highlights how social context shapes patterns of deviance.

Learn More: Attacking the Capital



Figure: On January 6, 2021, a crowd of Trump supporters rioted and attacked the U.S. Capitol, many of whom later received various criminal charges. What are some things that were happening in society at the time that might have contributed to these particular people choosing to storm the capitol?

On January 6, 2021, the world watched as American citizens stormed the U.S. Capitol Building in Washington, D.C. (figure 5.2). Tensions had been high for months. The country was still in the grips of COVID-19 and had just experienced a summer filled with protests against police brutality of the Black community. Following the nationwide presidential election in November of 2020, Trump supporters began talking about a coup.

On January 6th, a joint session of Congress was in the Capitol formalizing the election of Joe Biden by officially counting and recording the electoral college votes from each state. This is a process that is led by the vice president and has occurred in every presidential election in U.S. history. Interestingly, when Donald Trump was elected president, Joe Biden was serving as vice president and led the same ritual to formalize that election. In 2021, the vice president was Mike Pence, and he refused to participate in Trump's claims that the election had been stolen, and Biden's victory should be rejected.

While Congress was conducting its responsibility in the Capitol, Donald Trump spoke at a rally from which thousands marched down the street to the Capitol building. At least 2,000 of these individuals breached the security measures and entered the building. Many participated in vandalizing and looting in the Senate chamber and several offices, assaulting Capitol police officers and reporters, and searching for members of Congress while making threats of harm (including the murder of Vice President Mike Pence).

During this insurrection, five people were killed and 138 police officers were injured. Later, four more officers who survived that day died by suicide. In the time since, over 1,000 of the participants have been charged with federal crimes for the attack. As of July 2023, 629 of those had pleaded guilty and 127 had been found guilty at trial. Many of those convicted for their actions on January 6th were charged with sedition, a slightly lower charge than treason.

A **theory** is an explanation of an observed occurrence in an environment. A theory asks the fundamental questions: *Who, What, When, Where, How, and Why* and tries to answer them. These theories should do their best to explain the world according to the facts that are present to them at the time (Paternoster & Bachman, 2001). Theories can also be used to predict outcomes by formulating ideas for experimentation and research to either prove or disprove them.

In the world of Criminology, these theories are used to explain the causes of criminal behavior, both on an individual level (micro) and a group level (macro). They attempt to explain why people commit crimes and identify risk factors for committing a crime and can focus on how certain laws are created and enforced. **Micro-level explanations** focus on causation instances from a personal

perspective:

“He/She/They committed the crime of robbery because of a lack of parental control at home.”

Macro-level explanations focus on causation instances from a group perspective:

“The crime rate in New Orleans is increasing because city leaders are ineffective in providing adequate leadership initiatives to fight the growing problems plaguing the city.”

Sociologist and Criminologist aim to study crime and deviance from a micro and macro level perspective. A **sociologist** is a social scientist who studies human society, social behavior, and social structures by analyzing groups, cultures, institutions, and interactions to understand how people relate to each other and are shaped by their environment, using scientific methods to explain social phenomena like inequality, social change, and cultural shifts. They work in diverse fields, from academia and research to government, healthcare, and marketing, to inform policy, solve social problems, and understand complex societal dynamics.

While a **criminologis**t is a social scientist who studies crime, criminals, and criminal behavior to understand its causes, patterns, and effects, with the aim of developing strategies for prevention and intervention within the justice system. Criminologists must possess expertise across a range of disciplines, including Psychology, Sociology, Economics, Political Science, Biological Science, Religion, Urban Studies, Social Work, and Law. This breadth of knowledge is necessary because understanding criminal behavior requires examining the full complexity of human experience—including both individual-level psychological and moral dimensions and the macro-level structural forces that shape social interaction. When a criminologist investigates a specific trend in crime, they are not just looking for one specific answer as to how or why, but for as many explanatory factors as possible. Criminologists must understand the full context behind deviant behavior before recommending policy changes or the creation of laws that may affect a diverse population. The following section examines theories of crime causation from sociological and criminological perspectives.

3.1: Sociological Perspectives

3.1.1: Durkheim and Anomie

3.1.2: Social Ecological – The Chicago School

3.1.3: Strain Theory

3.1.4: Subcultural Theories

3.1.5: Social Control Theory

3.1.6: Conflict and Feminist Explanations

3.1.7: Symbolic Interactionist Explanations

3.2: Criminological Perspectives

3.3: References

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3.1: SOCIOLOGICAL PERSPECTIVES

Sociological theories of crime help us understand why some drug use is stigmatized while other use is not, why crime is over- and under-represented across social groups, and what alternatives may exist to the individualistic punishment models that have dominated the criminal justice system since the 19th century.

Auguste Comte, a French engineer turned philosopher, is often credited for coining the term sociology and founding the positivist movement. Rather than studying individuals and individual influences on behavior, Comte and other early sociologists were interested in a broader understanding of our society and culture. They wanted to study the ways that societies formed and functioned, how social structures influenced behavior (especially at a group level), and how cultures came to attribute meaning to behavior.

In sociology, **social structure** refers to the framework and relationship between institutions, groups, and norms in a society. This includes social class, politics, economy, religion, behaviors, values, and more. So essentially, social structure is all the things that make up a society. It is a key concept in the field of sociology. See the following Learn More section for a current example of social structural concerns. Social structural theories of crime emphasize differences between groups in society, such as class, education, gender, race, or ethnicity. Distinctions between groups can be created by both formal (e.g., laws) and informal means (e.g., peer interactions).

We must again consider the social position of these theorists as they examine social structures. Early sociology, like criminology, prioritized the work of White men almost exclusively. This means that the lens through which societies and cultures were initially assessed typically came from a privileged position at best. Social norms and expectations such as traditional gender roles were embedded in many early attempts at explaining society and culture. We know that social norms change as societies change and progress, so definitions of deviance have certainly changed since many of these theories were introduced. We need to always consider what people are deviating from and according to whom. This is not to say these theories are wholly wrong or without value. Rather, it is a reminder to keep the theorists' personal perspectives or biases (and your own) in mind.

Theory Snapshot: Summary of Sociological Explanations of Deviance and Crime

Major theory	Related explanation	Summary of explanation	Major theory	Related explanation
Functionalist	Durkheim's views	Deviance has several functions: (a) it clarifies norms and increases conformity, (b) it strengthens social bonds among the people reacting to the deviant, and (c) it can help lead to positive social change.	Functionalist	Durkheim's views
	Social ecology	Certain social and physical characteristics of urban neighborhoods contribute to high crime rates. These characteristics include poverty, dilapidation, population density, and population turnover.	Functionalist	Social ecology
	Strain theory	According to Robert Merton, deviance among the poor results from a gap between the cultural emphasis on economic success and the inability to achieve such success through the legitimate means of working. According to Richard Cloward and Lloyd Ohlin, differential access to illegitimate means affects the type of deviance in which individuals experiencing strain engage.	Functionalist	Strain theory

	Deviant subcultures	Poverty and other community conditions give rise to certain subcultures through which adolescents acquire values that promote deviant behavior. Albert Cohen wrote that lack of success in school leads lower-class boys to join gangs whose value system promotes and rewards delinquency. Walter Miller wrote that delinquency stems from focal concerns, a taste for trouble, toughness, cleverness, and excitement. Marvin Wolfgang and Franco Ferracuti argued that a subculture of violence in inner-city areas promotes a violent response to insults and other problems.	Functionalist	Deviant subcultures
	Social control theory	Travis Hirschi wrote that delinquency results from weak bonds to conventional social institutions such as families and schools. These bonds include attachment, commitment, involvement, and belief.	Functionalist	Social control theory
Conflict	Conflict Theory	People with power pass laws and otherwise use the legal system to secure their position at the top of society and to keep the powerless on the bottom. The poor and minorities are more likely because of their poverty and race to be arrested, convicted, and imprisoned.	Conflict	Conflict Theory
	Feminist perspectives	Inequality against women and antiquated views about relations between the sexes underlie rape, sexual assault, intimate partner violence, and other crimes against women. Sexual abuse prompts many girls and women to turn to drugs and alcohol use and other antisocial behavior. Gender socialization is a key reason for large gender differences in crime rates.	Conflict	Feminist perspectives
Symbolic interactionism	Differential association theory	Edwin H. Sutherland argued that criminal behavior is learned by interacting with close friends and family members who teach us how to commit various crimes and also about the values, motives, and rationalizations we need to adopt in order to justify breaking the law.	Symbolic interactionism	Differential association theory
	Labeling theory	Deviance results from being labeled a deviant; nonlegal factors such as appearance, race, and social class affect how often labeling occurs.	Symbolic interactionism	Labeling theory

3.1.1: Durkheim and Anomie
3.1.2: Social Ecological – The Chicago School
3.1.3: Strain Theory
3.1.4: Subcultural Theories
3.1.5: Social Control Theory
3.1.6: Conflict and Feminist Explanations
3.1.7: Symbolic Interactionist Explanations

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3.1.1: Durkheim and Anomie

Durkheim was critical of the atavistic explanation proposed by the Italian criminologist Cesare Lombroso and was suspicious of the idea that crime was the result of a stunted evolutionary condition (Durkheim, 1893/2014). This proved to be a prescient critique, as eugenicists would soon attempt to eliminate crime by attacking its biological foundation, an approach that led to widespread sterilization programs in the United States and Canada, with many Indigenous women being subjected to such procedures (Stote, 2015).

Durkheim understood that crime was a normal part of society and not something that could ever be eliminated completely. He asked us to:

Imagine a community of saints in an exemplary and perfect monastery. In its crime as such will be unknown, but faults that appear venial to the ordinary person will arouse the same scandal as does normal crime in ordinary consciences. If therefore that community has the power to judge and punish, it will term such acts criminal and deal with them as such. (Durkheim, 1895/1982, p. 100)

For Durkheim, it is society that determines what is criminal, not our biology or some universal moral standard. While crime is normal, it is not desirable; it is normal because it establishes the moral boundaries of a community. Morals might differ from society to society, but this relativism does not mean that morality is not important. People need these rules; they need to internalize the norms of the community to live a good life together.

Durkheim's approach represents a consensus view of crime. The norms emerge out of a communal consensus and, in more complex societies, are codified into law. These norms act upon people as social facts in that they are external and constraining upon the individual, but they are also internalized, giving us a collective conscience of how we ought to behave.

Durkheim's sociology is much broader than the study of crime, but his work set the foundation for the future of criminological theory (Boyd, 2015). His book *Suicide*, Durkheim (1897/2002) demonstrated that suicide rates differed across social groups and that this pattern was relatively stable over time. Suicide rates were higher among industrial and commercial professions than agricultural ones, higher among urban city dwellers than people who lived in small towns, and higher among divorcees than married people. His macro-level explanation for differences in suicide rates was the relative degree of social integration and social regulation. People who had weaker social bonds were more likely to take their own lives. He called this state of deregulation and disorientation ***anomie*** (Durkheim, 1897/2002).

Durkheim's (1893/2014) work also points to a way of thinking about criminal justice that is less focused on ***retribution*** and more focused on ***restitution***. He argued that complex societies – those comprise of diverse people with different values and goals –

produce legal structures that aim to foster social integration and cohesion. While banishment or public hangings may have been characteristic of smaller, more homogenous societies in the past, to live in a diverse world the law must work more towards restitution or restoring society to its normal state.

According to Durkheim, the final function of deviance is that it can help lead to positive social change. Although some of the greatest figures in history—Socrates, Jesus, Joan of Arc, Mahatma Gandhi, and Martin Luther King Jr. to name just a few—were considered the worst kind of deviants in their time, we now honor them for their commitment and sacrifice.

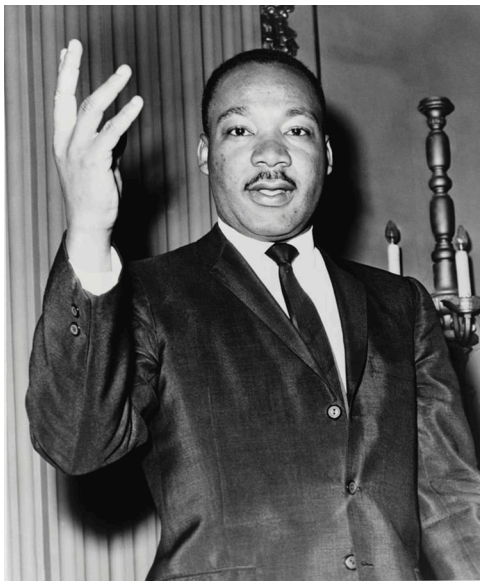


Figure 3.1.1.1: Émile Durkheim wrote that deviance can lead to positive social change. Many Southerners had strong negative feelings about Dr. Martin Luther King Jr. during the civil rights movement, but history now honors him for his commitment and sacrifice. U.S. Library of Congress – public domain.

Sociologist Herbert Gans (1996) pointed to an additional function of deviance: deviance creates jobs for the segments of society—police, prison guards, criminology professors, and so forth—whose main focus is to deal with deviants in some manner. If deviance and crime did not exist, hundreds of thousands of law-abiding people in the United States would be out of work!

Although deviance can have all these functions, many forms of it can certainly be quite harmful, as the story of the mugged voter that began this chapter reminds us. Violent crime and property crime in the United States victimize millions of people and households each year, while crime by corporations has effects that are even more harmful, as we discuss later. Drug use, prostitution, and other "victimless" crimes may involve willing participants, but these participants often cause themselves and others much harm. Although deviance according to Durkheim is inevitable and normal and serves important functions, that certainly does not mean the United States and other nations should be happy to have high rates of serious deviance. The sociological theories we discuss point to certain aspects of the social environment, broadly defined, that contribute to deviance and crime and that should be the focus of efforts to reduce these behaviors.

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3.1.2: Social Ecological – The Chicago School

An important sociological approach, begun in the late 1800s and early 1900s by sociologists at the University of Chicago, stresses that certain social and physical characteristics of urban neighborhoods raise the odds that people growing up and living in these neighborhoods will commit deviance and crime. This line of thought is now called the social ecology approach (Mears, Wang, Hay, & Bales, 2008). Many *criminogenic* (crime-causing) neighborhood characteristics have been identified, including high rates of poverty, population density, dilapidated housing, residential mobility, and single-parent households. All of these problems are thought to contribute to social disorganization, or weakened social bonds and social institutions, that make it difficult to socialize children properly and to monitor suspicious behavior (Mears, Wang, Hay, & Bales, 2008; Sampson, 2006).

In the late 1800s, few cities in North America were as diverse as Chicago. The population of the city was rapidly expanding thanks to successive waves of immigration from Europe. In 1870, the city had a population of 299,000, which grew to 1,698,600 by 1900, making it the fastest growing city in the world at the time (Cumbler, 2005). The city provided a tableau for a new way of thinking about crime and society that came to be known as the Chicago School.

The Chicago School had a distinctly macro-level **ecological** approach to studying crime. Under the influence of Robert Park and Ernest Burgess, generations of researchers were trained to go out into the city and learn about the dynamics of delinquency firsthand. In their book The City, Park et al. (1925/1967) observed that crime was not evenly distributed throughout Chicago but was concentrated in particular neighborhoods. The model they proposed for understanding the geographic distribution of crime was akin to the rings on a tree, with each concentric circle representing a different urban zone. Certain zones were marked by greater degrees of social disorganization due to the transitional nature of these areas as new immigrant communities moved in and older ones moved out. Crime was a characteristic of this transitional state, and while unwanted it represents the normal dynamic of a developing city, with disorganization leading to reorganization over time (Park et al., 1925/1967).

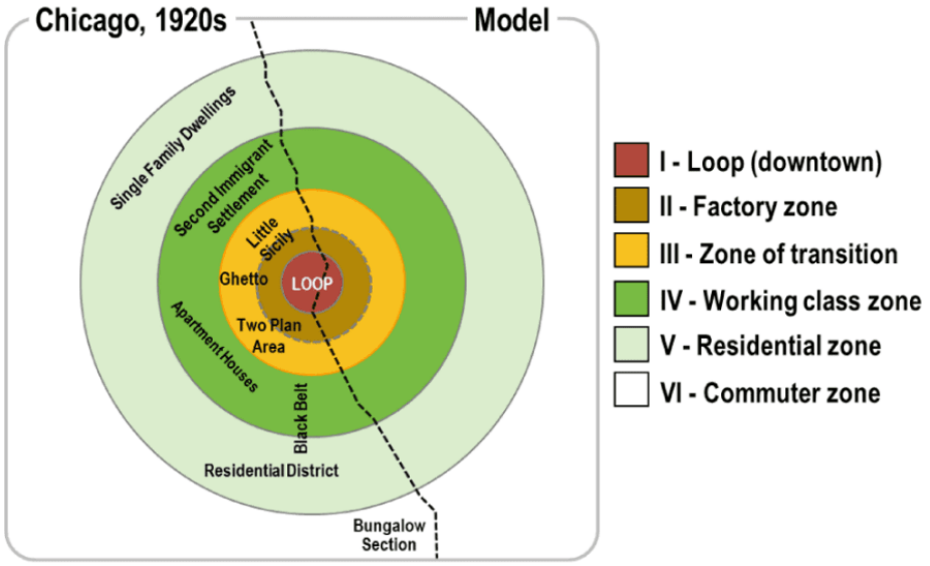


Figure 3.1.2.1: The concentric zone "model" designed by Ernest Burgess was developed and considered as an urban planning "model" regardless of its nature and context. The density of population in specific places is heavily influenced by concentric zones. Population densities vary according to zone.

Working in this tradition, Frederic Thrasher's (1936/2013) book The Gang: A Study of 1,313 Gangs in Chicago catalogues the activities of gangs operating in the city during this period. Like Park and Burgess, Thrasher argues that gangs are located in interstitial areas of the city, the zones between the settled, more organized neighborhoods.

The characteristic habitat of Chicago's numerous gangs is the broad twilight zone of railroads and factories, of deteriorating neighborhoods and shifting populations, that borders the city's central business district on the north, west, and south. The gangs' dwell among the shadows of the slums in this zone (Thrasher, 1936/2013, p. 3).

Perhaps the most famous example of the ecological perspective on crime to emerge from this period is Clifford Shaw and Henry

McKay's (1942) book Juvenile Delinquency and Urban Areas. Shaw and McKay (1942) argue that the key variable that leads to crime is the social disorganization that characterizes interstitial areas. They found that zones of transition are characterized by higher levels of residential mobility, ethnic heterogeneity, and lower socio-economic status (Sampson & Groves, 1989). Drawing upon decades of court records, they show that it does not matter which ethnic group lives in the area—it is the zone itself that is criminogenic. As groups move to other zones, their crime rates correspondingly drop (Lilly et al., 2019). While their work builds on the ecological approach, Shaw also pioneered the use of life histories within criminology, such as his semi-autobiographical account of the life of a juvenile delinquent in The Jack-Roller (Shaw, 1966).

The approach taken by the Chicago School remains influential today, but there are nevertheless some important limitations to their findings. While the concentric zone model may have worked for Chicago, it is not characteristic of all cities. The idea of disorganization itself has also been criticized; while such neighborhoods may look disorganized to outsiders, for those who live within them there is a definite order made up of informal associations and networks (Cohen, 1955). Despite these criticisms, Sampson and Groves (1989) provide empirical support for Shaw and McKay's approach by measuring the relative degrees of social disorganization within neighborhoods and showing some correlation with respective crime rates.

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3.1.3: Strain Theory

Merton and Anomie

The main question that preoccupied early criminology in North America was, "Why do young, working-class men engage in crime?" It was the concept of anomie that interested Merton the most. For Merton, **anomie** is a condition whereby society exerts pressure on the individual to achieve culturally defined goals but does not provide the institutional means to achieve them or devalues the institutional rules in favor of achieving the goals (Merton, 1938). His macro-level theory has come to be known as strain theory, because the strain people feel to achieve the culturally defined goals (i.e., wealth and prestige) leads them to engage in innovative (i.e., criminal) activities to achieve their goals.

Within the context of American capitalism, the primary cultural goal is money, yet the institutional means to achieve that goal is not available to everyone. Despite the American dream that everyone can become rich, the United States has relatively low levels of social mobility. For Merton, this explains the "higher association between poverty and crime" (Merton, 1938, p. 681). It is not that poverty leads to crime, but that American culture sets up the goal of wealth as the objective to achieve regardless of the means. This goal permeates all aspects of life, from business and education to organized crime and sports competitions.

Take for example the doping scandal that hit the world of competitive biking in 2012. After winning the Tour de France seven years in a row, Lance Armstrong was found to have been taking performance-enhancing drugs. Not only did he admit to taking these drugs, but he also said that this was simply part of how things were done in the cycling world and that they were as common as water bottles and tire pumps. The scandal illustrates how cultural goals (winning) exist in tension with institutional rules. When a competitor begins to perceive the rules as an impediment to achieving their goal, widespread anomie can set in, which leads them to circumvent the regulations in their attempt to win (Merton, 1938, p. 676).

Merton lays out five ***adaptations*** or ***modes of adjustment*** that people use to relate culturally defined goals with legitimate means. These adaptations include conformity, innovation, ritualism, retreatism, and rebellion. Innovation is the adaptation that best explains most crime and was the primary focus of Merton's work. Most people living in a society accept the culturally prescribed goals and pursue them following the rules laid down by society. Some people, though, innovate by taking a shortcut to the goal, bypassing the rules.

Merton defined five ways people respond to this gap between having a socially accepted goal and having no socially accepted way to pursue it.

1. *Conformity*: Those who conform choose not to deviate. They pursue their goals to the extent that they can through socially accepted means.
2. *Innovation*: Those who innovate pursue goals they cannot reach through legitimate means, instead using criminal or deviant means.
3. *Ritualism*: People who ritualize lower their goals until they can reach them through socially acceptable ways. These members of society focus on conformity rather than attaining a distant dream.
4. *Retreatism*: Others retreat and reject society's goals and means. Some beggars and street people have withdrawn from society's goal of financial success.
5. *Rebellion*: A handful of people rebel and replace a society's goals and means with their own. Terrorists or freedom fighters look to overthrow a society's goals through socially unacceptable means.



Figure 3.1.3.1: One of Robert Merton's adaptations in his strain theory is retreatism, in which poor people abandon society's goal of economic success and reject its means of employment to reach this goal. Some of today's homeless people might be considered retreatists under Merton's typology, however most homeless do not fall into this category because they are forced to be homeless and not choose it as a lifestyle. Franco Folini – Homeless woman with dogs – CC BY-SA 2.0.

In Merton's fourth adaptation, **retreatism**, some poor people withdraw from society by becoming hobos or vagrants or by becoming addicted to alcohol, heroin, or other drugs. Their response to the strain they feel is to reject both the goal of economic success and the means of working.

Ritualism, on the other hand, is a condition in which the rules are followed at the expense of goals, where there "develops a tradition-bound, sacred society characterized by neophobia" (Merton, 1938, p. 673). Retreatism involves rejecting both the means and the goals, a condition that characterizes serious drug addiction and living on the streets (Merton, 1938), while rebellion overturns the goals and means society has to offer, creating new goals and institutional regulations.

Merton's Modes of Adaptation		
Adaption to Structural Strain	**Want the American Dream? (Goals)**	**Follow conventional societal rules? (Means)**
Conformity People who embrace both society's conventional goals and the means of achieving them.	Yes	Yes
Ritualism Are not really concerned with becoming wealthy or meeting other major societal goals. However, they are still content with or enjoy the traditional practices in society.	No	Yes

Innovation Are people who very much want to reach conventional goals but reject or are incapable of reaching them through socially accepted means.	Yes	No
Retreatism There is one thing that separates retreatists from rebels. Neither are after the conventional goals or means of society, but rebels substitute alternative goals and means. retreatists withdraw from society and may be voluntarily or involuntarily unhoused, survivalists, people in addiction, or people with severe mental illness.	No	No
Rebellion	Reject culture and strive for change—may use legitimate or illegitimate means to do so	Reject culture and strive for change—may use legitimate or illegitimate means to do so

Merton's model is specific to North America, but as capitalism has spread around the globe, the goal of acquiring wealth has also spread, leading to a globalization of anomie and, correspondingly, certain forms of criminal behavior. "The-end-justifies-the-means" has become the guiding norm, which is really a case of normlessness or anomie. For Messner and Rosenfeld (1997), this represents a state of **institutional anomie**, a condition that correlates with higher homicide rates cross-nationally.

Strain theory is useful for explaining particular types of crime, especially the ability to make money through illicit means. It is less useful, however, for explaining crime that is non-utilitarian, such as breaking windows, spray painting walls with graffiti, and shoplifting small items that are readily discarded after the act (Cohen, 1955). Another critique of Merton's theory pertains to crimes committed by bankers and executives. People who engage in corporate crime often have access to the institutional means, and many hold degrees from highly respectable universities. In response, Murphy and Robinson (2008) propose an additional mode of adaptation to anomie and strain – **maximization** to describe those who combine both legitimate and illegitimate means in their pursuit of wealth and privilege.



Figure 3.1.3.2: Diagram of how crime occurs according to Merton's Structural Strain Theory

In a more recent formulation, two sociologists, Steven F. Messner and Richard Rosenfeld (2007), expanded Merton's view by arguing that in the United States crime arises from several of our most important values, including an overemphasis on economic success, individualism, and competition. These values produce crime by making many Americans, rich or poor, feel they never have enough money and by prompting them to help themselves even at other people's expense. Crime in the United States, then, arises ironically from the country's most basic values.

In yet another extension of Merton's theory, Robert Agnew (2007) reasoned that adolescents experience various kinds of strain in addition to the economic type addressed by Merton. A romantic relationship may end, a family member may die, or students may be taunted or bullied at school. Repeated strain-inducing incidents such as these produce anger, frustration, and other negative emotions, and these emotions in turn prompt delinquency and drug use.

Agnew's General Strain Theory

Taking Merton's ideas about structural strain resulting from imbalances in society, Robert Agnew (1992) applied the concept of strain to people of all social classes and economic positions to explain crime. He identified strains that occur at the individual level rather than focusing on the broader, structural level of society as Merton did. Such sources of strain include:

1. failure to achieve positively valued goals
2. removal of positively valued stimuli
3. presentation of noxious (negative) stimuli

The first type of strain is quite similar to what Merton described: the inability to achieve a goal that you desire, such as wealth, due to blocked opportunities. The other two types of strain that Agnew identified sound complicated but are quite simple. The removal of positively valued stimuli means losing something you like. This could include getting laid off from your dream job, losing a loved one or pet, moving to a new city away from your friends, or even experiencing your parents' divorce. Presentation of noxious stimuli refers to something unwanted entering your life. Examples of this might include experiencing abuse or discrimination from a loved one or acquaintance, developing health problems, or getting a new boss who is a major jerk. Agnew believed situations like these could cause strain on a person, even if they were anticipated or vicariously experienced by imagining the feelings of someone who was directly impacted.

Importantly, Agnew did not claim that these types of strain directly caused crime. Instead, they led to a negative affective state that could include anger, depression, disappointment, or fear. It is the negative affective state that leads to crime, especially among those who do not have support to help them cope, escape painful situations, or boost their self-confidence.

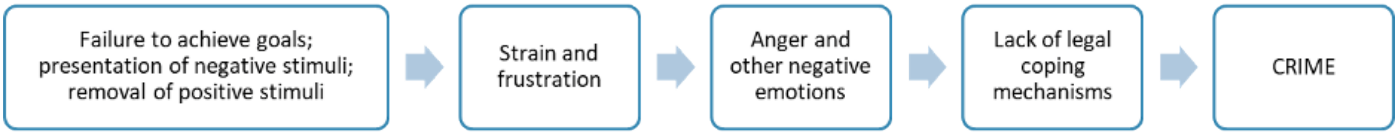


Figure 3.1.3.3: Diagram of how crime occurs according to Agnew's Strain Theory

Richard Cloward and Lloyd Ohlin's Differential Opportunity Theory

In the 1950s and 1960s, many cities in the United States saw an increase in juvenile gang activity. The actions of gangs were not only a focus in the media but also in popular culture with *West Side Story* and in S.E. Hinton's 1967 publication of *The Outsiders* which later became a movie. During this era, criminologists turned their focus to opportunities we have in our everyday lives to commit crimes, tying their theories to gang activity and delinquency.

Criminologists Richard Cloward and Lloyd Ohlin (1960) combined Merton's strain theory with Sutherland's differential association theory to create **differential opportunity theory**. The focus of differential opportunity theory is on the discrepancy between what the lower-class juveniles desire and what means are available to them because they have fewer opportunities than their peers in other neighborhoods.

Like Merton, Cloward and Ohlin emphasized cultural goals and the means to achieve those goals. However, they added to Merton's strain theory by suggesting that people's access to both legitimate and illegitimate means is socially structured. In other words, when looking at obtaining cultural goals, different people have different opportunities (some have more legal opportunities; some more illegal). For instance, in some neighborhoods, there are more opportunities to participate in illegitimate means to achieve one's goals. The most common of these means is selling illegal drugs. Even though the risk is high, the payoff for many is higher. They see this as an opportunity to achieve their goal rather than pursuing a more conventional method.

This theory focuses on the gap between what an adolescent wants and what they can legally get. The larger that gap, the greater their likely exposure to illegitimate means and willingness to use those means to get what they want. Cloward and Ohlin (1960) said this is evident when there are differences in access to learning structures (those that teach certain values and skills) and performance structures (those that reward delinquent or non-delinquent behavior based on those values and skills). They argue the social structure of the community is responsible for creating more access to legitimate opportunities than illegitimate ones, especially in lower-income communities.

Differential Opportunity Theory explains why not everyone exposed to strain or blocked opportunities turns to crime. It emphasizes that access to illegitimate means varies and shapes the pathways into criminal behavior. The theory combines insights from learning, subcultural, anomie, and social disorganization theories to explain why not everyone exposed to strain or blocked opportunities turns to crime. It posits that crime emerges when social environments offer criminal opportunities that match learned motives and techniques. The theory is foundational for situational crime prevention perspectives and integrates several criminological traditions. It suggests that crime is not just a result of individual pathology but rather a result of the social and economic conditions that shape an individual's opportunities.

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3.1.4: Subcultural Theories

The dominant culture is the majority group that has its certain norms, values, and preferences that are imposed on everyone else. This culture is forced on everyone as the accepted way to live, behave, and believe whether or not groups who are not represented in this dominant majority agree and even when they contradict what is preferred for smaller, less powerful groups. These other groups have their own subculture, which may not align with the dominant culture.

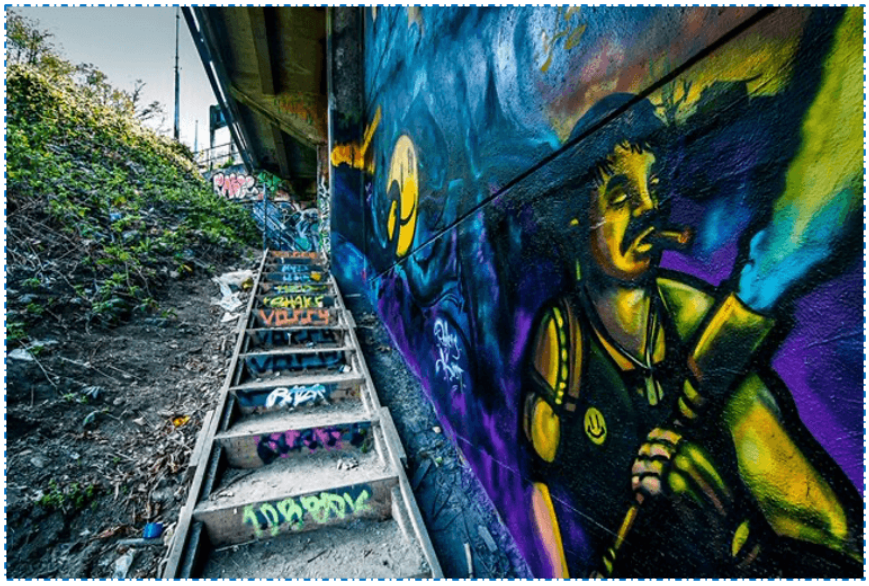


Figure 3.1.4.1: Second Narrows Graffiti

A subculture is an identifiable subgroup within the larger culture whose values may differ from those present in the dominant group. This could include specific standards of behavior that are learned and passed down from generation to generation, for example. Crime, gangs, violence, and inner-city neighborhoods have been studied in a manner that ties the concept of subculture to criminal and even violent behavior.

Some sociologists stress that poverty and other community conditions give rise to certain subcultures through which adolescents acquire values that promote deviant behavior. One of the first to make this point was Albert K. Cohen (1955), whose status frustration theory says that lower-class boys do poorly in school because schools emphasize middle-class values. School failure reduces their status and self-esteem, which the boys try to counter by joining juvenile gangs. In these groups, a different value system prevails, and boys can regain status and self-esteem by engaging in delinquency. Cohen had nothing to say about girls, as he assumed they cared little about how well they did in school, placing more importance on marriage and family instead, and hence would remain nondelinquent even if they did not do well. Scholars later criticized his disregard for girls and assumptions about them.

Another sociologist, Walter Miller (1958), said poor boys become delinquent because they live amid a lower-class subculture that includes several focal concerns, or values, that help lead to delinquency. These focal concerns include a taste for trouble, toughness, cleverness, and excitement. If boys grow up in a subculture with these values, they are more likely to break the law. Their deviance is a result of their socialization. Critics said Miller exaggerated the differences between the value systems in poor inner-city neighborhoods and wealthier, middle-class communities (Akers & Sellers, 2008).

Cohen and Delinquency Subculture

Albert Cohen's theory of delinquent subcultures offers a different way of understanding crime from the classical rational-choice theories and Merton's strain theory. It is a complementary theory that helps explain crimes that are ***non-utilitarian***, ***malicious and negativistic*** – that is to say, crime that does not have any rational goal but is done simply for "the hell of it" (Cohen, 1955, p. 25-26). For Cohen, the explanation for juvenile delinquency of this sort is cultural in nature. Juvenile delinquency represents a particular type of subculture. Children learn to become delinquents by being socialized into youth gangs, where they learn the

beliefs, values, codes, and tastes of the group (Cohen, 1955).

As with many early criminologists, Cohen saw juvenile delinquency primarily as a working-class, male phenomenon. This is because working-class youth are taught the democratic ideal that everyone can become rich and successful, but in school they encounter a set of distinctly middle-class values against which their behavior is measured. These class-specific values are framed as universal, making it much easier for middle-class youth to achieve recognition in school for behaving ***correctly***. This leads to feelings of inferiority, which last as long as the working-class boys cling to that particular worldview (Cohen, 1955).

The delinquent subculture presents young boys with a new set of values and a means of acquiring status within a different cultural context. These new values are an inversion of the middle-class standards that working-class boys are judged by in school. For example, while the middle-class places value on controlling aggression and respecting property, the culture of the gang legitimates violence and group stealing (Cohen, 1955). While the act of theft may bring material benefits, for Cohen it also reaffirms the cultural cohesion of the group and the status of its members. It is a joint activity that derives its meaning from the common understandings and common loyalties of the group.

For Cohen, the juvenile delinquent is a ***rogue male*** (Cohen, 1955, p. 140). What about young females? Do they not also engage in group delinquency? In this area, the theory of delinquent subcultures reflects gender stereotypes of the 1950s. Cohen (1955) argues that females do not get involved with gang activities because their status is determined primarily by their relationship to males, and therefore they do not suffer the same forms of status inferiority as their male counterparts. Because their status is so tied to males, Cohen argues that most female delinquency tends to be ***sexual delinquency*** (Cohen, 1955, p. 144). Whether or not this explains the cause of female delinquency, it certainly represented society's reaction to the behavior of young girls during this period.

Cohen's theory has been useful for researchers, but it does not explain why most delinquents eventually turn to more conventional, law-abiding pursuits to attain status in adult life. Why would this way of attaining status be particularly attractive to youth? Perhaps, as Bordua (1961) suggests, they are just out there looking for fun. Also, if juvenile delinquency is the result of working-class status frustration, how do we account for the growing phenomenon of middle-class?

Walter B. Miller and Focal Concerns

Focal Concerns theory, posited in 1962, explains the behavior of members of adolescent street corner groups in lower-class communities. The six focal concerns are:

1. ***Trouble***: Seeking to avoid trouble and maintain a good reputation.
2. ***Toughness***: Engaging in physical confrontations and fighting.
3. ***Smartness***: Outsmarting others and gaining something by outwitting or conning them.
4. ***Excitement***: Seeking thrill and excitement in socializing with peers.
5. ***Fate***: Believing that their lives are largely beyond their control, often leading to fatalism.
6. ***Autonomy***: Taking matters into their own hands rather than seeking help.

These concerns are seen as areas or issues that command widespread and persistent attention and a high degree of emotional involvement within the lower-class subculture. Miller's theory suggests that delinquency is part of the learned cultural values rather than an anomic reaction to unattainable goals.

Routine Activities Theory

Routine activities theory sees crime as a function of people's everyday behavior. For a crime to be committed, there needs to be three elements: a suitable target, a motivated offender, and an absence of guardianship (Cohen & Felson, 1983). This theory claims, for example, that crime will occur when the motivated thief is present near an easy target that is not adequately protected.

One of the most common robbery targets used to be convenience stores. They were seen as easy targets because they always had an amount of cash on hand and for a motivated offender, it was the perfect location to get quickly in and out without getting caught. However, with the help of a convicted person who used to rob convenience stores, store owners learned new strategies and changed into what we see today. Having video cameras filming at all times, a time-locked safe, and even a ruler on the door so that the clerk could give the police a more accurate height estimation were all changes that helped to make the convenience store less of a suitable target because of the creation of guardianship in the store.

Guardianship is measured by the extent to which people during the course of their daily lives protect their property, themselves, and others from crime. Reasons for reduced guardianship have been linked to the fact that because of work and maybe even vacation, our property is often left unguarded. Having a doorbell that also records video can be seen as a significant change in guardianship when it comes to home safety.

Routine activities theory can explain a variety of deviant acts as well as help to understand some changes in crime rates. Osgood et al. (1996) found that in a survey of 18- to 26-year-olds, the time spent in unstructured socializing with peers in the absence of authority figures led to an increase in delinquent behavior, illicit drug and heavy alcohol use, and dangerous driving. A lack of structure creates more time to participate in delinquent behavior, and the presence of peers makes that behavior more rewarding.

Routine activity theory looks at the lifestyle and behavioral patterns of individuals to determine their risk of criminal or delinquent behavior in our society. However, there is criticism of this theory as being a "victim blaming" theory since instead of looking at the motivated offender, the theory can focus on the victim and what the victim could have done differently to avoid being victimized. Everyone has the right to live a non-victimized life, but there are behaviors such as excessive alcohol and drug use, walking in non-populated areas at certain times, and even leaving your home that have been shown to create a suitable target.

During the COVID-19 pandemic, crime fell 23% in the first month of the lockdown and that drop was seen to be directly related to the population's mobility. Business closures and stay-at-home orders meant that there was a decrease in people who were outside of their homes. During the pandemic's restrictive times, home burglaries dropped but commercial burglaries and car thefts rose. It could be said that the motivated offenders needed to find a suitable target that wasn't guarded, so cars and businesses became the focus. Residential burglaries decreased by 24% while non-residential burglaries rose 38%. Since people were not leaving their homes, cars stayed parked for a longer period, and in some cities, the rate of car thefts doubled during the pandemic.

Gangs

Frederic Thrasher, another sociologist from the famed Chicago School, conducted a classic study in 1927 in which he described gangs as coming together spontaneously at first, then becoming integrated through conflict with other gangs and the surrounding community. The gangs had similar features to formal organizations, such as an identity as a group, stability, commitment, exclusivity, and an internal structure with distinct statuses and roles.

Thrasher's study included 1,313 gangs that each occupied a part of Chicago. He believed that the social conditions in the United States at the end of the nineteenth century encouraged the development of street gangs. An influx of immigrants filled the inner-city neighborhoods, and they created a more culturally diverse population that was subjected to deteriorating housing, poor employment prospects, and a rapid turnover in the population. The conditions created socially disorganized neighborhoods (remember social disorganization theory) with weak and ineffective social institutions and social control mechanisms. It was this lack of social control that Thrasher believed encouraged youth to discover alternative ways to establish social order which was accomplished by forming gangs.

Wolfgang and Ferracuti Violence Subcultures

American criminologist Marvin Wolfgang and Italian criminologist Franco Ferracuti (1982) developed the **subculture of violence theory** in which they used norms and values as explanatory variables for the origin of violent crime. They implied that norms of behavior are created in social conditions, social classes, and ethnic and racial groups. Wolfgang (1958) conducted a study on homicide in Philadelphia and discovered evidence consistent with his and Ferracuti's theory. Forty-three percent of the homicide offenders had been arrested previously for crimes against people with about one-fourth of homicide victims having been previously arrested for violent crimes. The conclusion is that there are certain groups in certain areas where there exists a norm that favors the use of violence to deal with conflict and it is seen as normal in these communities.

For some, violence is more common during their youth, but as they become older, they distance themselves from the violence that once may have been common. Reacting to situations with violence is a learned behavior that can be unlearned.

Code of the Streets

In 1990, Elijah Anderson published his findings of a study that looked at Black neighborhoods along Philadelphia's Germantown Avenue in his book The Code of the Street. In his study, Anderson detailed the aspects of the code of the street, or street culture, which stressed a hyperinflated notion of manhood that centers on the idea of respect. According to Anderson, respect was defined

as being treated right or being granted one's props or the deference an individual deserves.

In the code, a man's sense of worth is determined by the respect he can command in public. How is this respect gained? Anderson found that since they lived in a subculture that was violent, an individual could not back down from any threat no matter how serious. Also, since economic and social circumstances limited opportunities for legitimate success, many tried to find alternative ways of making money to provide for their families.

One major distinction that Anderson made was between both families and people in the inner-city neighborhoods by dividing them into two different groups: decent families and street families. "Decent families" upheld positive values. Conversely, "street families" were oriented to the values of the streets which involved displays of physical strength and intellectual prowess that demonstrated their ability to take care of themselves and their families.

The code was helpful in achieving success on the streets but was very detrimental when it came to socially accepted (and legal) success. Violence in society does not generally increase opportunities, rather it limits opportunities. This makes for a difficult transition for individuals who wish to leave "the life" but do not have the skills to achieve success in a society where one doesn't benefit from being street-smart.

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3.1.5: Social Control Theory

The main question criminologists in this chapter have been exploring so far is, “Why do certain people engage in criminal activity?” Travis Hirschi (1969) says the question we should be asking is, “Why don’t people engage in criminal behavior in the first place?”

Hirschi (1969) argues that human beings are similar to animals in that we sometimes fight and steal, while at other times we are pleasant and cooperative. This aggression and impulsivity do not require explanation, as these traits are simply a part of our nature. What requires explanation is why people do not engage in more of this type of behavior as it is the easiest way to satisfy our desires. The answer proposed by social control theory is that this behavior is controlled and regulated by our social bonds. Criminality and other deviant behavior results “when an individual’s bond to society is weak or broken” (Hirschi, 1969, p.16).

A person’s behavior is controlled by four types of bonds: attachment, commitment, involvement, and belief. Attachment refers to the emotional ties a person has with other people, particularly with parents. This bond is associated with how much time children spend with parents, how closely they identify with them, and whether they feel as though their parents care for their wellbeing. Commitment is the time and energy a person spends in the pursuit of goals, such as getting an education or building a business. If a person engages in reckless and anti-social activity, they may place these projects in jeopardy.

Involvement is the degree to which a person is active in conventional activities. For example, if someone is busy at school and is involved with sports, they will have much less time to plan and commit delinquent acts. Belief refers to the acceptance of a common value system shared by people in a given society. This is not the same as religious beliefs, though religion may play a role. Rather, it is the belief in the validity of the law and norms of their society.

Social control theory has been one of the most tested theories in criminology, though overall the results have been mixed. The evidence suggests that weak social bonds are related to an increase in offending, but the strength of this relationship varies from low to moderate, suggesting that other variables need to be considered (Lilly et al., 2019). Other studies question what happens when children are attached to parents who are involved in illegal behavior themselves. Jensen and Brownfield (1983), for example, found that close attachment to parents who are drug users does not prevent children from engaging in drug use themselves. There is also the question of whether commitment and involvement are always positive (O’Grady, 2014). Was it not a commitment to win and heavy involvement in the sport that led Lance Armstrong to use performance-enhancing drugs to win the Tour de France?

The Four Social Bonds

Attachment: Emotional connections to others (parents, teachers, friends) that make individuals care about their opinions and fear disappointing them.

Commitment: Investment in conventional goals and life paths (education, career, reputation); the more invested, the more they risk losing.

Involvement: Time spent in prosocial activities (sports, clubs, homework) that leaves little opportunity for delinquency.

Belief: Acceptance of societal norms, values, and laws; a strong belief in their moral rightness discourages violation.

Hirschi’s theory is popular. Many studies find that youths with weaker bonds to their parents and schools are more likely to be deviant. But the theory has its critics (Akers & Sellers, 2008). One problem centers on the chicken-and-egg question of causal order. For example, studies support social control theory by finding that delinquent youths often have worse relationships with their parents than non-delinquent youths do. Is that because the bad relationships prompt the youths to be delinquent, as Hirschi thought? Or is it because the youths’ delinquency worsens their relationship with their parents? Despite these questions, Hirschi’s social control theory continues to influence our understanding of deviance. To the extent it is correct, it suggests several strategies for preventing crime, including programs designed to improve parenting and relations between parents and children (Welsh & Farrington, 2007).



Figure 3.1.5.1: Travis Hirschi's social control theory stresses the importance of bonds to social institutions for preventing deviance. His theory emphasized the importance of attachment to one's family in this regard. More Good Foundation – Mormon Family Dinner – CC BY-NC 2.0.

While these criticisms are important, social control theory remains an important way of understanding the development of criminal behavior in youth, and Hirschi remains one of criminology's most important thinkers.

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3.1.6: Conflict and Feminist Explanations

Conflict theorists believe in order for people with power to keep their power, they marginalize and criminalize the people who threaten their power. Inequality is reproduced in the way deviance is determined. Explanations of crime rooted in the conflict perspective reflect its general view that society is a struggle between the "haves" at the top of society with social, economic, and political power and the "have-nots" at the bottom. Accordingly, they assume that those with power pass laws and otherwise use the legal system to secure their position at the top of society and to keep the powerless on the bottom (Bohm & Vogel, 2011). The poor and minorities are more likely because of their poverty and race to be arrested, convicted, and imprisoned. These explanations also blame street crime by the poor on the economic deprivation and inequality in which they live rather than on any moral failings of the poor.

Example of Conflict Theory: Crime and Social Class

While crime is often associated with the underprivileged, crimes committed by the wealthy and powerful remain an under-punished and costly problem within society. The FBI reported that victims of burglary, larceny, and motor vehicle theft lost a total of $15.3 billion dollars in 2009 (FBI 2010). In comparison, when former advisor and financier Bernie Madoff was arrested in 2008, the U.S. Securities and Exchange Commission reported that the estimated losses of his financial Ponzi scheme fraud were close to $50 billion (SEC 2009).

This imbalance based on class power is also found within U.S. criminal law. In the 1980s, the use of crack cocaine (cocaine in its purest form) quickly became an epidemic that swept the country's poorest urban communities. Its pricier counterpart, cocaine, was associated with upscale users and was a drug of choice for the wealthy. The legal implications of being caught by authorities with crack versus cocaine were starkly different. In 1986, federal law mandated that being caught in possession of 50 grams of crack was punishable by a ten-year prison sentence. An equivalent prison sentence for cocaine possession, however, required possession of 5,000 grams. In other words, the sentencing disparity was 1 to 100 (New York Times Editorial Staff 2011). This inequality in the severity of punishment for crack versus cocaine paralleled the unequal social class of respective users. A conflict theorist would note that those in society who hold the power are also the ones who make the laws concerning crime. In doing so, they make laws that will benefit them, while the powerless classes who lack the resources to make such decisions suffer the consequences. The crack-cocaine punishment disparity remained until 2010, when President Obama signed the Fair Sentencing Act, which decreased the disparity to 1 to 18 (The Sentencing Project 2010).

Not surprisingly, conflict explanations have sparked much controversy (Akers & Sellers, 2008). Many scholars dismiss them for painting an overly critical picture of the United States and ignoring the excesses of noncapitalistic nations, while others say the theories overstate the degree of inequality in the legal system. In assessing the debate over conflict explanations, a fair conclusion is that their view on discrimination by the legal system applies more to victimless crime (discussed in a later section) than to conventional crime, where it is difficult to argue that laws against such things as murder and robbery reflect the needs of the powerful. However, much evidence supports the conflict assertion that the poor and minorities face disadvantages in the legal system (Reiman & Leighton, 2010). Simply put, the poor cannot afford good attorneys, private investigators, and the other advantages that money brings in court. As just one example, if someone much poorer than O. J. Simpson, the former football player and media celebrity, had been arrested, as he was in 1994, for viciously murdering two people, the defendant would almost certainly have been found guilty. Simpson was able to afford a defense costing hundreds of thousands of dollars and won a jury acquittal in his criminal trial (Barkan, 1996). Also, in accordance with conflict theory's views, corporate executives, among the most powerful members of society, often break the law without fear of imprisonment, as we shall see in our discussion of white-collar crime later in this chapter. Finally, many studies support conflict theory's view that the roots of crimes by poor people lie in social inequality and economic deprivation (Barkan, 2009).

Feminist Perspectives

Feminist perspectives on crime and criminal justice also fall into the broad rubric of conflict explanations and have burgeoned in the last two decades. Much of this work concerns rape and sexual assault, intimate partner violence, and other crimes against women that were largely neglected until feminists began writing about them in the 1970s (Griffin, 1971). Their views have since influenced public and official attitudes about rape and domestic violence, which used to be thought as something that girls and women brought on themselves. The feminist approach instead places the blame for these crimes squarely on society's inequality against women and antiquated views about relations between the sexes (Renzetti, 2011).

Another focus of feminist work is gender and legal processing. Are women better or worse off than men when it comes to the chances of being arrested and punished? After many studies in the last two decades, the best answer is that we are not sure (Belknap, 2007). Women are treated a little more harshly than men for minor crimes and a little less harshly for serious crimes, but the gender effect in general is weak.

A third focus concerns the gender difference in serious crime, as women and girls are much less likely than men and boys to engage in violence and to commit serious property crimes such as burglary and motor vehicle theft. Most sociologists attribute this difference to gender socialization. Simply put, socialization into the male gender role, or masculinity, leads to values such as competitiveness and behavioral patterns such as spending more time away from home that all promote deviance. Conversely, despite whatever disadvantages it may have, socialization into the female gender role, or femininity, promotes values such as gentleness and behavior patterns such as spending more time at home that help limit deviance (Chesney-Lind & Pasko, 2004). Noting that males commit so much crime, Kathleen Daly and Meda Chesney-Lind (1988, p. 527) wrote,

A large price is paid for structures of male domination and for the very qualities that drive men to be successful, to control others, and to wield uncompromising power....Gender differences in crime suggest that crime may not be so normal after all. Such differences challenge us to see that in the lives of women; men have a great deal more to learn.

Two decades later, that challenge still remains.

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3.1.7: Symbolic Interactionist Explanations

Because symbolic interactionism focuses on the means people gain from their social interaction, symbolic interactionist explanations attribute deviance to various aspects of the social interaction and social processes that normal individuals experience. These explanations help us understand why some people are more likely than others living in the same kinds of social environments. Several such explanations exist.



Figure 3.1.7.1: Gender socialization helps explain why females commit less serious crime than males. Boys are raised to be competitive and aggressive, while girls are raised to be gentler and nurturing. Philippe Put – Fight – CC BY 2.0.

Differential Association Theory

One popular set of explanations, often called *learning theories*, emphasizes that deviance is learned from interacting with other people who believe it is OK to commit deviance and who often commit deviance themselves. Deviance, then, arises from normal socialization processes. The most influential explanation is Edwin H. Sutherland's (1947) differential association theory, which says that criminal behavior is learned by interacting with close friends and family members. These individuals teach us not only how to commit various crimes but also the values, motives, and rationalizations that we need to adopt in order to justify breaking the law. The earlier in our life that we associate with deviant individuals and the more often we do so, the more likely we become deviant ourselves. In this way, a normal social process, socialization, can lead normal people to commit deviance.

Sutherland (1947) sought to articulate a formal theory by presenting propositions that could be used to explain how individuals come to engage in crime. In his *Principles of Criminology* textbook, Sutherland articulated the following nine propositions:

1. **Criminal behavior is learned**. Stated differently, people are not born criminals. Experience and social interactions inform whether individuals engage in crime.
2. **Criminal behavior is learned in interaction with other people in process of communication**. This communication is inclusive of both direct and indirect forms of expression.
3. *The principal part of the learning of criminal behavior occurs within intimate personal groups*. The important and key people in your social life are where such learning processes occur.
4. **When criminal behavior is learned, the learning includes (a) techniques of committing the crime, which are sometimes very complicated, sometimes very simple; (b) the specific direction of motives, drives, rationalizations, and attitudes**. The learning process involves both instruction on how to commit crimes and why they might be committed.
5. **The specific direction of motives and drives is learned from definitions of the legal codes as favorable or unfavorable.** Definitions encompass an individual's attitude toward the law. Attitudes towards the legality of crimes, deviance, or antisocial behavior can vary.
6. **A person becomes delinquent because of an excess of definitions favorable to violation of law over definitions**

unfavorable to violation of law. The balance of exposure to definitions favorable or unfavorable to the law is the primary determinant of whether an individual will engage in crime. If exposed to more definitions that are unfavorable to the law, individuals will be more likely to engage in crime.

7. **Differential associations may vary in frequency, duration, priority, and intensity**. Not all associations (or interactions) are created equal – how often one interacts with a peer, how much time one spends with a peer, how long someone has known a peer, and how much prestige we attach to certain peers determines the strength of a particular association.
8. **The process of learning criminal behavior by association with criminal and anti-criminal patterns involves all the mechanisms that are involved in any other learning**. Learning is a process not specific to crime but to all behavior. Thus, the mechanisms through which we learn how to behave at work or in our families are the same general mechanisms that impact how we learn crime.
9. **While criminal behavior is an expression of general needs and values, it is not explained by those general needs and values since non-criminal behavior is an expression of the same needs and values**. Behaviors can have the same end goal; however, the means to obtain this goal can vary. Selling drugs or working at a retail store may both reflect the need to earn money; thus, we cannot separate delinquent or non-delinquent acts by *different* goals. Other factors (e.g., the balance of definitions one is exposed to) determine whether or not a person engages in a specific behavior (Sutherland & Cressey, 1978, pp. 80-83; italics specify text as originally written).

The primary component of the theory is the role of differential association(s). Individuals have a vast array of social contacts and "intimate personal groups" with whom they interact. Figure 1 below depicts some examples of different sources of social influences including friends, family, siblings, neighbors, and co-workers; all serve as different sources of social influence, but the extent of their influence depends on factors that characterize the interactions (i.e., frequency, duration, priority, and intensity). Not all peers/associates have the same level of influence. Consider your own social world, whom do you spend the most time with, trust more, look to regularly for help? These individuals comprise your own intimate personal group that facilitates the definitions you might have regarding deviant or prosocial behavior. For instance, an individual whose friends are extremely important to them and that they have known for multiple years would be anticipated to have a greater degree of influence on an individual's behavior than that of a new acquaintance from class or work. Overall, research demonstrates that affiliation with delinquent peers can explain the initiation, persistence, frequency, type of offending, and desistance (Elliott & Menard, 1996; Fergusson & Horwood, 1996; Matsueda & Anderson, 1998; Thomas, 2015; Warr, 1993, 1998).



Figure 3.1.7.2: Variations in Sources of Social Influence

The effect of affiliation with deviant peers on criminal outcomes is attributable in part to how these sources of social influence inform the degree of definitions favorable/unfavorable towards the law. Although Sutherland (1947) did not clearly operationalize the concept of definitions at the time, it is generally understood that definitions reflect the attitudes favorable to crime that enable individuals to approve or rationalize behavior across situations (e.g., Akers, 1998). Figure above provides some examples of what might serve as definitions favorable/unfavorable to crime. Individuals that internalize and accept definitions *more* favorable to crime will be more likely to actively participate in criminal behavior.



Sutherland's theory of differential association was one of the most influential sociological theories ever. Over the years much research has documented the importance of adolescents' peer relationships for their entrance into the world of drugs and delinquency (Akers & Sellers, 2008). However, some critics say that not all deviance results from the influences of deviant peers. Still, differential association theory and the larger category of learning theories represent remain a valuable approach to understanding deviance and crime.

Social Learning Theory

Building off the recommendations of C.R. Jeffery (1965) to integrate concepts of operant behavior theory into differential association theory, Robert Burgess and Ronald Akers (1966) reformulated the propositions developed by Sutherland into what was initially called differential-reinforcement theory. Akers (1998) eventually modified differential reinforcement theory into its final form, **social learning theory (SLT)**. SLT is composed of four main components:

1. differential associations
2. definitions
3. differential reinforcement
4. imitation

The first two components are nearly identical to those observed in differential association theory. Differential association was expanded to be inclusive of both direct interactions with others who engage in criminal acts, and more indirect associations that expose individuals to various norms or values. For example, friends of friends who may not directly interact with an individual still exert indirect influence through reinforcing behaviors and definitions of a directly tied friend. Definitions were similarly described as attitudes or the meanings attributed to behaviors and can be both general and specific. General definitions reflect broad moral, religious, or other conventional values related to the favorability of committing a crime, whereas specific definitions contextualize or provide additional details surrounding one's view of acts of crime. For example, a general definition of crime may reflect an individual's belief that they should never hurt someone else, but the use of substances is acceptable because it does not harm anyone else. Recent efforts have also underscored the idea that attitudes towards crime can be even more specific and depend on situational characteristics of the act (e.g., Thomas, 2018, 2019). For instance, an individual may hold the general definition that they should never fight someone; however, they may adopt a specific definition that suggests that if someone insulted their family or started the conflict first, then perhaps fighting is acceptable.

Borrowing from principles of operant conditioning, Burgess and Akers (1966) argued that differential reinforcements are the driver of whether individuals engage in crime. This concept refers to the idea that an individual's past, present, and anticipated future rewards and punishments for actions explain crime. If an individual experiences or anticipates that certain behaviors will result in positive benefits or occur without consequences, this will increase the likelihood that the behavior will occur. This process consists of four types of reinforcements or punishments:

1. **Positive reinforcement**: reinforcements that reward behavior, such as money, status from friends, and good feelings, that

will increase the likelihood that an action is taken.
2. **Positive punishment**: the presentation of a negative or aversive consequence, such as getting arrested, injured, or caught, after a behavior is exhibited to decrease the likelihood it will happen again.
3. **Negative reinforcement**: reinforcements that help a person avoid the negative consequences of a behavior, such as avoiding getting caught, arrested, or facing disappointment from others, that will increase the likelihood that an action is taken.
4. **Negative punishment**: the removal of a positive reinforcement or stimulus after an undesired behavior occurs to decrease the likelihood a person will engage in the behavior again. For instance, if a child gets into a fight with a friend their parents may take away their cell phone, cut off their Netflix access, or remove other privileges.

Lastly, imitation is the mimicking of a behavior after observing others participate in the behavior. Within intimate personal groups, individuals will observe criminal acts or substance use that are often are used to facilitate the initiation of the behavior. Once the behavior has been engaged in, imitation plays less of a role in the maintenance of or desistance from that behavior.

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3.2: Criminological Perspectives

Criminological theories focus on explaining the causes of crime. They explain why some people commit a crime, identify risk factors for committing a crime, and focus on how and why certain laws are created and enforced. Sutherland (1934) has referred to criminology as the scientific study of breaking the law, making the law, and society's reaction to those who break the law. Besides making sense of our observations, theories also strive to make predictions. If we understand why crime is happening, we can formulate policies or programs to minimize it.

Each criminological school of thought produced influential theorists and foundational frameworks that sought to address the central questions of criminality: the who, what, when, where, how, and why of criminal behavior. This section examines a representative selection of these theories; readers should be aware that the broader theoretical landscape encompasses many additional perspectives not covered here.

The Classical Theories

During the Middle Ages, theological explanations assumed human who broke laws or did not conform to conventional norms of society because of spiritual problems. A law breaker was typically thought to be possessed by demons or the devil or was a wizard or witch. These explanations assumed that when an individual broke a God-given "natural law," they had sinned. Thus, crime was equivalent to sin. Governments had the moral authority to punish criminals or sinners, and the state was acting on behalf of God. As a result, the accused person could "prove" their innocence in a trial by battle, where only the victor was innocent, or trial by ordeal, where the innocent party would be unharmed while the guilty party would feel pain. Punishments and justice were arbitrary and severe, especially when feudal lords, with God's permission, determined guilt. A person's rank, status, and or wealth determined their punishment, rather than the merits of the case at hand.

As humans moved through the Renaissance, the Age of Enlightenment, and the scientific revolution, they began to develop frameworks that went beyond theological explanations of human behavior. Auguste Comte (1851), an early sociologist, was interested in epistemology, or in other words, how humans obtain valid knowledge. He claimed human being's progression of knowledge went through three separate stages: theological, metaphysical, and scientific. The theological stage used supernatural or otherworldly powers to explain behaviors, the metaphysical used rational and logical arguments, and the scientific used ***positivism*** and scientific inquiry.

We begin with Thomas Hobbes. Remember he developed the concept of social contract, which theorized that humans were rational and had the capacity to consider the consequences of their actions. Social contract thinkers believed people would be willing to invest in laws if they believed those laws were created by the government to protect them (Fedorek, 2019). Social contract thinkers would also be willing to give up some of their own self-interests if everyone else did the same.

Building on Hobbes and other social contract thinkers at the time, humans were assumed to have free will. We can choose one action over another based on perceived benefits and possible consequences. Moreover, human beings are hedonistic. **Hedonism** is the assumption that people will seek maximum pleasure and avoid pain (punishment). Consequently, if we grant the assumptions of classical theory, we can hold people 100% responsible for their actions because it was a choice. These assumptions have been the basis for the American criminal justice system since its inception. Although theories may have changed the landscape of understanding criminal behavior and may have changed the philosophies of punishments over time, the criminal justice system has maintained the assumption that crime is a choice. Hence, we can hold offenders 100% responsible for their actions (Fedorek, 2019).

Reformers of Classical Theory

Cesare Beccaria was disgusted with how the courts treated the accused. He wanted the courts to apply a more fair and equal treatment to the convicted instead of the cruel and harsh sentencing practices of the time. This is where his concept of proportionality comes in – the punishment must fit the crime committed. Judges were the seat of power during the time of Beccaria, and many laws were made based on the decisions of those judges. Beccaria sought to change all of that, but the Catholic Church refused (Fedorek, 2019). He claimed the sole purpose of the law was to deter people from committing the crime. ***Deterrence*** can be accomplished if the punishment is certain, swift, and severe. These ideas may seem like common sense today, but they were considered radical at the time. Beccaria's works would later influence many future criminologists in their

development of theories such as Deterrence Theory and Rational Choice Theory.

Jeremy Bentham (1748–1832), was an English philosopher and a founder of utilitarianism. Utilitarianism is the belief that decisions are considered right or wrong depending on how effective those decisions are at producing the desired outcome. Essentially, if a punishment was severe enough to make an individual think twice about committing a crime, fewer crimes would be committed if punishments were severe; this is an early example of deterrence. Based on this theory, punishment would promote happiness throughout society by helping to reduce crime. He helped popularize classical theory throughout Europe (Bentham, 1823).

Deterrence Theory

Deterrence theory tries to change a person's behavior through laws and punishments. Deterrence is the belief that perceived punishments will serve as a warning of possible consequences and will discourage a person from committing the crime. There are two types of deterrence: general deterrence and specific deterrence. General deterrence uses punishment to deter crime among people in the general population. It uses punishment as an example for those people who are not being punished. Specific deterrence uses punishment to reduce the crime of particular persons.

Specific Deterrence

Specific deterrence aims to dissuade an individual offender from committing future crimes by imposing penalties or consequences for their actions. Example: A college student is caught plagiarizing an assignment. The professor assigns a failing grade for the assignment, issues a formal warning, and schedules a meeting with the student to discuss academic integrity policies. The student faces the immediate consequence of a lower grade and the potential for further disciplinary action if they engage in academic dishonesty again. This specific consequence aims to deter the individual student from future instances of plagiarism by directly addressing their behavior and its consequences.

General Deterrence

General deterrence seeks to prevent potential offenders from committing crimes by showcasing the consequences faced by others who engage in similar behavior. Example: A college campus implements a zero-tolerance policy for underage drinking and hosts informational sessions during orientation week, highlighting the legal penalties and disciplinary actions associated with alcohol-related offenses. Additionally, campus police conduct regular patrols and enforce alcohol regulations, issuing citations and fines to students found violating the policy. Through these measures, the college aims to deter all students from engaging in underage drinking by demonstrating the potential consequences faced by those who violate the rules. This broader approach to deterrence aims to influence the behavior of the entire student body, not just individual offenders, by emphasizing the repercussions of illegal activities.

Positivist Theories

Cesare Lombroso said that he could tell who a criminal was just by taking body measurements. Charles Darwin theorized that some humans were evolutionary throwbacks to lesser developed humans. There were even Biological Positivists who claimed that physical features were also a prediction of intelligence. A few decades after Lombroso's theory, Charles Goring took Lombroso's ideas about physical differences and added mental deficiencies too. In his book *The English Convict* (1913), Goring argued that physical abnormalities were also evidence of mental degradations and subject to scientific experimentation for proof (Goring, 1913). The focus on mental qualities led to a new kind of biological positivism – the Intelligence Era.

Alfred Binet – the inventor of the IQ test – advocated for the idea of intelligence as a fluid mechanic. His argument was that human intelligence was not static and that we could gain and lose intelligence as we got older and more experienced. Binet wanted to evaluate school-aged youths to determine who was intellectually competent and who was not. Unfortunately, H. H. Goddard, an American psychologist, disagreed and believed that intelligence was fixed and could not change. Goddard performed IQ tests on students and used the results to categorize them based on their perceived "intelligence." Subsequently, those who underperformed were institutionalized, deported, or sterilized (Fedorek, 2019). Goddard's work on intellectual sterilization would lead to the U.S. Supreme Court ruling in *Buck v. Bell* (1927), which allowed for the continuation of a Virginia state law for the sexual sterilization of inmates of institutions to promote the health and safety of the patient and the welfare of society (*Buck v. Bell* 274 US 200 [1927], 2023).

Even after Lombroso, Goring, and Goddard, research into intelligence revealed that it was still as critical to criminality as race

and social class in predicting behavior (Hirschi & Hindelang, 1977). This is because we measure and assess intelligence based on our own assumptions. How do we really measure intelligence? Is it general academic knowledge? Is someone "gifted" merely because they are academically so, or are there other considerations that could define the term? Is intelligence inherited? If a couple are having children and they are not mentally incapacitated, what does that mean for their children? What about the opposite? Does a mentally incapacitated individual mean that their offspring will be mentally deficient as well? There are also other questions, including those involving environmental influences on intelligence and cultural influences (Fedorek, 2019). Remember, Criminologists try to answer as many questions as possible.

That then takes us to criminal personalities. How do we explain sociopaths and psychopaths? In the section on Positivists, the Gluecks researched adolescent youths to determine if there was a relationship between personality types and criminal behavior. Their **Individual Trait Theory** pointed out that criminals differ from non-criminals on a number of biological and psychological traits. These traits cause crime in interaction with the social environment. But having the personality traits that are linked to criminal behavior does not necessarily mean that one is going to become a criminal. What is important is how many of these personality traits are present in a person (Fedorek, 2019). You could be sitting next to someone in your classroom who possesses some of the same personality characteristics of a sociopath and you would never know, or you may have them and not know it.

The point is biology and psychology do play a role in how we interact with our environment and how we react to the laws that attempt to regulate behavior. Our environment also influences our behavior both psychologically and biologically. It is all an extremely complex process that is very difficult to understand.

The Chicago Theories (revisited)

The Chicago School of Criminology is still highly influential in the field of Criminology almost 100 years after its introduction. When it started in the 1920s, it relied on the foundations of Classical and Positivist theories and expanded on them to take criminological theoretical development to a new level. Burgess, Parks, and McKenzie had postulated on the urban dynamic as a living organism and the environment it produced being ripe for criminal behavior based on Burgess's "Concentric Zone Model." As discussed in an earlier section, that model stated that criminal behavior was more likely within a "Zone of Transition" between the areas where people lived and worked.

Shaw and McKay, who were students of Park, discovered that within the zones of transition, there were properties that made them more likely to have higher rates of crime based on certain criteria. Their **Social Disorganization Theory** stated that crime in communities were caused because informal social controls broke down and criminal cultures emerged. They lack collective efficacy to fight crime and disorder. What does all this mean? **Informal social controls** are those rules within a community that are unspoken: community pressures, neighborhood watches, religious groups, etc. These are the norms and values of a community that go beyond normal laws of a city/state/country. If a community does not do a good job of policing itself outside of the established laws, then it will have a higher risk of a criminal element and therefore a higher chance of criminality within its population. **Collective Efficacy** is the ability of that community to control the behavior of its population. If a community has low collective efficacy, then groups will splinter off that could potentially rebel against the majority and increase the risk of deviance within the community. Juveniles are especially susceptible to this type of activity as they will undoubtedly break off from the main group and form their own subcultural groups.

Once a criminal subculture is established within a community, it will attract like-minded individuals, and criminal behavior will increase within that community. This is the presumption of the **Differential Association Theory**, first theorized by Edwin Sutherland, a prominent Chicago School positivist. Sutherland argued that criminal behavior is learned through sustained interaction with antisocial subcultures that transmit pro-criminal attitudes, motivations, and techniques. In essence, criminal conduct is not an inherent trait but an acquired one, shaped by association with individuals whose orientations are conducive to deviance. Just as individuals tend to affiliate with groups that share their interests and values, those predisposed to deviant behavior may gravitate toward subcultural groups that normalize such conduct. Examples of deviant or criminal subcultures include established street gangs such as the Bloods, Crips, Latin Kings, MS-13, Yakuza, and the Triads.

The Neoclassical Theories

This is where criminological theory really began to take off. The Classical, Positivist, and Chicago Schools laid down some great foundational works, and the Neoclassical theorists took off and ran with it. While the Classical theorists saw crime as a matter of the pursuit of self-interest in the absence of punishment, Positivists viewed crime as an adaptation of biological evolutions that could be measured through scientific experimentation. Chicagoists theorized crime as a manifestation of environmental influences, and the Neoclassical School argued that criminal behavior was specifically generated based on certain criteria and

that at any given time, if the circumstances were right, crime would be highly indicative of that situation.

Taking Beccaria's formulation of criminal behavior as a risk/reward action, Cornish and Clarke theorized that criminality was indeed a **rational choice**. Crime was seen as a choice that was influenced by its costs and benefits and was more likely to be deterred if its costs were raised. Information about the costs and benefits of crime could be obtained by direct experiences with punishment and avoidance, and indirectly by observing others who offended.

Derek Cornish and Ronald Clarke (1986) **Rational Choice Theory** does not explain motivation; instead, it assumes that some individuals will consistently commit crimes when presented with the opportunity. They do not assume offenders are entirely rational, but they do have bounded rationality, which means that offenders must make a decision in a timely fashion with the information at hand before committing a crime.

For example, if you were walking down a street and noticed an open window in a parked car, you may contemplate looking in. If you saw something inside, you may then consider stealing it. An entirely rational person may look around to see if there are any witnesses, try to determine if the owner is coming back soon, and so on. You may wait until nightfall. However, you may miss your opportunity. Thus, you need to make a quick decision with the relevant facts at that time.

Through years of observation and experimentation, it was later concluded that while criminal behavior could be considered a rational choice, most deviant behavior was situational and the perceptions of the risk of violation of the law failed to influence a person's decision-making process but not their perception of the opportunity of the reward for the outcome of the criminal act (Piliavin, Gartner, Thornton, & Matsueda, 1986).

Remember, the Neoclassical School theorists decided to use the threat of punishment as a deterrent to crime rather than as a means to an end to crime. If a threat of punishment was severe enough to keep a crime from being committed, then a "rational" individual could theoretically make the choice to not commit that specific crime for fear of receiving a punishment that would not be in his/her/their "best interest." But that raises another question: "What is an appropriately proportionate punishment for a specific crime that would influence a rational person to not want to commit it?"

Which then takes us into the Human Ecology portion of the Neoclassical Theories. If you recall, Human Ecology is the study of how the environment influences human behavior. It was first introduced to criminological theory by the Chicago School and later adapted by Felson and Cohen into their **Routine Activity Theory**, which holds that changes in daily routines affect crime rates. As technological development has made societies increasingly reliant on service-based institutions—financial institutions, grocery retailers, gas stations, clothing outlets, and others—and as individuals have expanded their movements across social and geographic space, exposure to potential criminal victimization has increased correspondingly. Daily routines now elevate the likelihood of encountering crimes such as robbery, carjacking, theft, assault, and others (Felson & Cohen, 1980). The growing dependence on public spaces and social interaction has heightened vulnerability to criminal activity, prompting an increased allocation of resources to public safety.

The Contemporary Theories

As we continue to build through the history of criminological theory development, we arrive at the Contemporary Section. In Contemporary theories, theorists have the advantage of all their forefathers' works to guide them in their deliberations. Couple that with advancements in medical/biological sciences, psychological/social sciences, technological advancements in statistical analyses, and historical context that has now spanned multiple centuries, and there is now a recipe ripe with ingredients to build new theories. Within this period, many new and exciting theories of crime causation have been introduced and continue to try and answer the ultimate question: "Why do people commit crime?"

One of the most explosive new theories of crime causation to come out of the Contemporary School came from James Q. Wilson and George L. Kelling. In 1982, they both published an article that theorized that crime was a byproduct of the physical aesthetics of a community. The more a neighborhood took care of its surroundings—buildings, parks, public spaces, etc.—the less inclined it would be to attract the criminal element (panhandlers, vagrants, thieves, vandals, drunks, and rowdy teenagers). They theorized and observed that the reverse was also true: whenever a community experienced a downturn in its physical appearance, the crime rate increased. This **"Broken Windows Theory"**—where "serious street crime flourishes in areas in which disorderly behavior goes unchecked" (Wilson & Kelling, 1982, p. 4)—was adapted from the Social Disorganization Theory of Shaw and McKay and has influences of Differential Association Theory from Sutherland. The main argument for Wilson and Kelling is informal social control – the ability of a community to regulate its own inhabitants despite formal law enforcement regulations. Recalling back to Social Disorganization Theory and the use of these informal social controls: neighborhood watches, church groups, close-knit neighborhoods, and so forth. The strength of a community and its "collective efficacy" in keeping the grass cut, the streets clean,

the parks free of litter, the storefronts clean, the street corners free of vagrants, no prostitutes, no panhandlers, no drug use, no gangs, no broken windows—this is the hallmark of a safe neighborhood according to Wilson and Kelling.

Labeling Theory

Another key Contemporary Theory is **Labeling Theory**. This theory holds that once an individual is stigmatized with the label of "criminal," that label becomes exceedingly difficult to shed regardless of subsequent conduct or rehabilitative effort. Labeling Theory has broad applications beyond criminology, as the process of categorizing individuals based on perceived actions is a common social phenomenon with significant consequences for identity and life chances. Within the field of crime causation, Labeling Theory posits that exclusion from conventional social activities on the basis of prior antisocial behavior reinforces criminal identity. Individuals labeled as criminals may internalize that designation, gradually losing the capacity to identify with any other social role. In sociological terms, this parallels the distinction between ascribed and achieved statuses: a criminal label, once applied, can function as an ascribed status that shapes subsequent life trajectories.

If we arrest and imprison someone, we hope they will be "scared straight," or deterred from committing a crime again. Labeling theory assumes precisely the opposite: it says that labeling someone deviant increases the chances that the labeled person will continue to commit deviance. According to labeling theory, this happens because the labeled person ends up with a deviant self-image that leads to even more deviance. Deviance is the result of being labeled (Bohm & Vogel, 2011).

This effect is reinforced by the ways in which society responds to those who have been labeled. Research demonstrates that job applicants with a criminal record are significantly less likely to be hired than those without one (Pager, 2009). An individual who has acknowledged wrongdoing yet faces repeated employment rejection may experience frustration that increases the likelihood of reoffending. Furthermore, the stigma extends into social interactions: disclosing a prior incarceration to a new acquaintance may provoke withdrawal or judgment, further limiting reintegration into conventional social networks. Taken together, such experiences illustrate how a deviant label can create conditions that make it difficult for individuals to disengage from a deviant trajectory.

Labeling theory also asks whether some people and behaviors are indeed more likely than others to acquire a deviant label. Labeling theory asserts that nonlegal factors such as appearance, race, and social class affect how often official labeling occurs.



Figure 3.2.1: Labeling theory assumes that someone who is labeled deviant will be more likely to commit deviance as a result. One problem that ex-prisoners face after being released back into society is that potential employers do not want to hire them. This fact makes it more likely that they will commit new offenses. Victor – Handcuffs – CC BY 2.0.

William Chambliss's (1973) classic analysis of the "Saints" and the "Roughnecks" is an excellent example of this argument. The Saints were eight male high-school students from middle-class backgrounds who were very delinquent, while the Roughnecks were six male students in the same high school who were also very delinquent, but who came from poor, working-class families. Although the Saints' behavior was arguably more harmful than the Roughnecks, their actions were considered harmless pranks, and they were never arrested. After graduating from high school, they went on to college and graduate and professional school

and ended up in respectable careers. In contrast, the Roughnecks were widely viewed as troublemakers and often got into trouble for their behavior. As adults they either ended up in low-paying jobs or went to prison.

Labeling theory's views on the effects of being labeled and on the importance of nonlegal factors for official labeling remain controversial. Nonetheless, the theory has greatly influenced the study of deviance and crime in the last few decades and promises to do so for many years to come.

Contemporary Theories have one major core theme that all the rest fail to take into consideration: gender. Every school of theoretical thought leading up to the Contemporary School has only observed and researched criminal behavior from the male point of view. It wasn't until the 1970s when Dr. Freda Adler introduced the Feminist Theory of crime causation to the discussion of criminality that Criminology began to think of causation from an entirely new perspective. The **Feminist Theory** simply states that crime cannot be understood without thinking about the role that women must play in its causation. Crime is shaped based on varying social experiences between men and women. Focusing solely on the male perspective of the crime experience (patriarchy) completely overshadows the experiences of the female perspective and leaves out the opportunity to understand the role women have in the social framework of deviance. Women are certainly capable of being criminals, however the circumstances that lead them to becoming deviant can be different for them than it is for men. Furthermore, the higher risks of victimization for women must also be taken into consideration when the issue of rehabilitation treatments are being prescribed through the justice system.

Taking the Feminist Theory a step further, Dr. Kimberlé Crenshaw introduced her theory of **Intersectionality**, which posited that it was not enough that gender be considered with regards to criminal behavior, but also race and class. Criminal causation was a byproduct of discrimination and disadvantage created by systemic and institutionalized mechanisms meant to propel one dominant group over another. Prejudice, bias, and even racism were driving forces behind much of the causes of criminal behavior in many instances of non-majority groups, according to this theory. Criminologists needed to understand not only what it meant to be non-male, but also what it meant to be part of the non-majority group in order to fully grasp the inconsistency of opportunities in social experiences that could lead to a life of crime, according to the intersection of race, class, and gender.

And finally, the Contemporary School gave Criminologists the ability to take different theories of crime causation and marry them together to explain deviant behavior. Dr. Cullen initially developed this **Integration Theory** – the use of components of other theories to create new ones to explain crime – because trying to generalize behavior into one specific causation model was proving to be problematic. If we looked at a trend of criminal behavior over a long period of time, we could see that one theory could not quantitatively explain that trend completely by itself. However, using Dr. Cullen's Integration Theory of Crime, criminologists could take multiple theories and use them interchangeably to fully grasp the phenomenon and more thoroughly explain the intricacies of crime causation within that specific occurrence.

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SECTION 2: CRIMINAL JUSTICE - SYSTEMS, PROCESSES, AND PERSPECTIVES

Having examined the nature, causes, and measurement of crime, attention now turns to the institutions responsible for responding to it. The criminal justice system represents the formal mechanism through which societies enforce laws and administer justice.

The criminal justice system represents society's formal response to crime and deviance, encompassing interconnected institutions designed to maintain social order and administer justice. Understanding this complex system requires examining its historical evolution, structural components, and competing philosophical approaches.

Historical foundations trace the development of criminal law from ancient codes to modern statutes, the transformation of policing from informal watchmen to professionalized law enforcement agencies, and the evolution of punishment from public executions and corporal punishment to contemporary correctional philosophies emphasizing rehabilitation, deterrence, incapacitation, and retribution. This historical context reveals how societal values and power structures have shaped definitions of crime and appropriate responses.

Types of crime vary widely, including violent crimes (murder, assault, robbery), property crimes (burglary, theft, arson), white-collar and corporate crimes, victimless crimes (drug use, prostitution), and organized crime. Understanding crime typologies helps distinguish between legal violations and broader concepts of deviance and social control—behaviors that violate social norms whether or not they break laws.

The criminal justice system operates through three primary components: police and law enforcement agencies that investigate crimes and apprehend suspects; the court system that determines guilt and administers justice through adversarial proceedings; and corrections that implement sentences through incarceration, probation, or alternative sanctions. Criminal sentencing reflects various goals including punishment, rehabilitation, deterrence, and public safety.

Two competing perspectives shape criminal justice policy: the due process model emphasizes protecting individual rights and limiting government power, while the crime control model prioritizes public safety and efficient crime suppression. Finally, crime intervention and prevention strategies range from community policing and early intervention programs to situational crime prevention and restorative justice approaches, reflecting ongoing debates about the most effective and equitable approaches to reducing crime.

Chapter 4: History of Criminal Law, Policing, Punishment, and Corrections

Chapter 5: Types of Crime (Violent, Property, White-Collar, Corporate, Computer, Substance Abuse)

Chapter 6: Deviance and Social Control - Police, Law Enforcement, The Court System

Chapter 7: Competing Perspectives on Due Process and Criminal Control Models

Chapter 8: Criminal Sentencing and Incarceration

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- Topic hierarchy

Chapter 4: History of Criminal Law, Policing, Punishment, and Corrections
4.1: Criminal Law

4.2: Policing
4.2.1: Early History of American Policing
4.2.2: Political Era Policing
4.2.3: The Professional Era
4.2.4: The Community Era

4.3: Punishment and Corrections
4.3.1: The Penitentiary Era (1790s-1860s)
4.3.2: The Reformatory (1860s–1930s)
4.3.3: Twentieth Century Corrections (1930-Present)
4.3.4: History of the Juvenile Justice System

4.4: References

Chapter 5: Types of Crime

5.1: Classifications
5.1.1: Violent Crime
5.1.2: Property Crime
5.1.3: Homicides
5.1.4: Gang-Related Violent Crimes
5.1.5: Intimate Crimes
5.1.6: White-Collar Crime
5.1.7: Organized Crime
5.1.8: Economic Crimes
5.1.9: Cyber Crime
5.1.10: Public Order and Public Decency Crimes
5.1.11: Victimless Crime

5.2: Official Statistics
5.3: Crime Trends
5.4: Who Commits Crime
5.5: References

Chapter 6: Deviance and Social Control – Police, Law Enforcement, the Court System

6.1: Why People Stop Committing Crimes
6.2: Essentials of the Criminal Justice System
6.3: Criminal Justice Process

6.4: Levels of Policing and their Role
6.4.1: Police Related Case Law

6.5: Court Jurisdiction
6.5.1: Structures of the Dual Court System
6.5.2: The Federal Court System
6.5.3: State Courts

6.6: Why is Policy so Important in Criminal Justice

6.7: References

Chapter 7: Competing Perspectives on Due Process and Criminal Control Models

7.1: Criminal Justice Funnel

7.2: The Wedding Cake Model

7.3: Perspective on Justice

7.4: American Criminal Courts

7.4.1: Adversarial System

7.4.2: Roles within the Courtroom

7.4.3: Prosecutors

7.4.4: Defense Attorneys

7.4.5: Private Attorney

7.4.6: Jurors

7.5: Trial Process

7.6: Juvenile Justice

7.7: References

Chapter 8: Criminal Sentencing and Incarceration

8.1: Sentencing

8.2: Ideologies of Punishment

8.3: Incapacitation

8.4: Incarcerations

8.4.1: Prisons

8.5: Community Corrections

8.5.1: Intermediate Sanctions

8.6: Juvenile Institutions

8.7: References

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CHAPTER 4: HISTORY OF CRIMINAL LAW, POLICING, PUNISHMENT, AND CORRECTIONS

Learning Objectives

- Trace the development of criminal law
- Explain the evolution of policing
- Describe changes in punishment and corrections
- Understand the origins of the juvenile justice system

Key Terms

- Criminal Law
- Code Of Hammurabi
- Retribution
- Due Process
- Trial By Ordeal
- Policing Systems
- Political Era
- Professional Era
- Community Policing
- Penitentiary
- Reformatory Movement
- Corrections
- Juvenile Justice

Summary

This chapter examines the historical evolution of criminal law, policing, and corrections. It traces developments from early legal codes to modern justice systems. The chapter also explores changes in punishment philosophies and the emergence of juvenile justice, emphasizing how societal values shape institutions.



Figure 4.1: Photo London's Old Bailey

The criminal justice system has evolved dramatically throughout human history, reflecting changing societal values, political structures, and philosophical approaches to crime and punishment. Criminal law originated in ancient civilizations with codes like Hammurabi's Code and Roman law, progressing through medieval theological interpretations where crime equaled sin, to Enlightenment reforms emphasizing rationality, proportionality, and individual rights championed by thinkers like Cesare Beccaria and Jeremy Bentham.

Policing transformed from informal community watch systems and private security to organized metropolitan police forces in 19th-century England, eventually developing into professionalized agencies with specialized training, investigative techniques, and community-oriented approaches. Early American policing was often tied to slave patrols and maintaining social order for dominant groups.

Corrections shifted from public corporal punishment, executions, and banishment to institutional confinement in penitentiaries designed for reformation. The 20th century saw competing philosophies emerge—rehabilitation, deterrence, incapacitation, and retribution—shaping contemporary debates about mass incarceration, alternative sanctions, restorative justice, and the goals of punishment in democratic societies. Understanding this evolution reveals how power, race, class, and social values continue to shape justice system practices.

4.1: Criminal Law

4.2: Policing

4.2.1: Early History of American Policing

4.2.2: Political Era Policing

4.2.3: The Professional Era

4.2.4: The Community Era

4.3: Punishment and Corrections

4.3.1: The Penitentiary Era (1790s-1860s)

4.3.2: The Reformatory (1860s–1930s)

4.3.3: Twentieth Century Corrections (1930-Present)

4.3.4: History of the Juvenile Justice System

4.4: References

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4.1: Criminal Law

The evolution of criminal law reflects societal changes, cultural norms, and advancements in moral philosophy. From ancient codes such as the Code of Hammurabi to modern legislation, each period has contributed to shaping the justice system. Understanding how criminal law has transformed over time reveals the interplay between societal values and legal frameworks.

Ancient Origins

In early societies, laws were often informal and tied to tribal customs, with punishments aimed at deterrence rather than rehabilitation. As civilizations progressed, codified laws emerged, establishing clearer definitions of crimes and their respective consequences. This transition illustrates how legal systems adapt to meet the demands of evolving social landscapes.

The roots of criminal law can be traced back to ancient civilizations. The Sumerians in Mesopotamia created one of the earliest known legal codes around 2100-2050 BC, distinguishing between criminal and civil wrongs. Similarly, the **Code of Hammurabi** (circa 1754 BCE) established principles of retributive justice, asserting that punishments should correspond to the offenses committed. It consisted of 282 laws detailing various crimes and penalties, highlighting the idea of justice as a state-controlled mechanism.

In Egypt, ancient legal systems addressed theft, murder, and property disputes, often relying on the Pharaoh's decrees. Similarly, in Mesopotamia, customs became codified into statutory laws, providing a framework for governance. These early legal systems emphasized the need for order and fairness, establishing principles that would later influence legal traditions.

Religion played a crucial role in shaping moral codes, directly influencing early criminal laws. In many ancient societies, such as those observed in Israel, laws were often tied to religious doctrine. The Hebrew Bible outlined laws governing behavior, promoting societal moral standards that transcended mere legal enforcement.

In Islam, Sharia law provides a comprehensive legal and moral framework. It governs not only criminal matters but also personal conduct, drawing its basis from the Quran and Hadith. This integration of religious and legal systems illustrates the ethical foundations that guided early criminal laws and societal norms.

Roman Influence

In ancient Rome, the development of criminal law advanced significantly. Roman law introduced concepts such as codification, where laws were systematically organized. Roman law emphasized the state's role in prosecuting crimes, moving away from personal revenge to formal judicial processes. The Twelve Tables (circa 450 BCE) were among the first attempts to codify laws, making them accessible to citizens and establishing a framework for legal responsibility.

Medieval Developments

The Norman Conquest of England in 1066 marked a pivotal moment in the evolution of criminal law. William the Conqueror centralized legal authority, and subsequent monarchs, like Henry I, further developed the legal system, establishing laws that addressed offenses against the king's peace. During this period, the concept of common law emerged, where legal precedents set by judges became integral to the legal system. Royal courts started to address crimes more systematically, enforcing customary law and local edicts. As societies evolved, the fusion of ancient traditions and emerging legal philosophies paved the way for more structured legal systems. This complex interplay led to the development of modern criminal law as it is understood today.

Enlightenment and Reform

The Enlightenment in the 18th century brought new philosophical perspectives on crime and punishment. Thinkers like Cesare Beccaria advocated for rational approaches to criminal justice, emphasizing prevention over retribution. This period saw the establishment of penal codes and the beginnings of a juvenile justice system, reflecting a shift towards rehabilitation.

Enlightenment thinkers such as Cesare Beccaria and John Locke advocated for a more humane approach to criminal law.

Beccaria's work, *On Crimes and Punishments*, argued against torture and the death penalty, promoting proportionality in punishment. Locke's theories on the social contract emphasized individual rights and the importance of consent in governance.

These ideas shifted the focus from monarchic or arbitrary rule to principles rooted in justice and fairness. The concepts of the presumption of innocence and the right to a fair trial emerged, forming the basis for modern legal practices.

The Enlightenment facilitated the evolution of common law and civil law systems. Common law, characterized by judicial precedents and case law, evolved through interpretations made by courts. This allowed legal interpretations to adapt over time, reflecting societal changes.

In contrast, civil law systems became codified, emphasizing statutes and comprehensive legal codes. Montesquieu contributed to this development by advocating for the separation of powers and the role of laws in promoting justice. Legal traditions began to reflect democratic ideals, allowing individuals to challenge authority through legal means.

The codification of laws culminated in the Napoleonic Code in 1804, which laid out clear legal principles. This code systematized laws across France, providing a model for legal reform worldwide. It emphasized rights such as equality before the law and clarity in legal interpretations.

The influence of the Napoleonic Code extended beyond France, shaping legal systems throughout Europe and Latin America. This transformation further solidified the relationship between law and individual rights, affirming that laws must serve justice and reflect societal values.

Modern Criminal Law

In contemporary times, criminal law continues to evolve, influenced by societal values and human rights considerations. The U.S. legal system, for instance, is rooted in English common law but has adapted to address modern issues, categorizing crimes into misdemeanors, felonies, and treason. Today, criminal law encompasses a wide range of offenses and is shaped by ongoing debates about justice, punishment, and rehabilitation.

Overall, the history of criminal law illustrates a complex journey from primitive codes to sophisticated legal frameworks, reflecting humanity's evolving understanding of justice and morality.

Law is a formal means of social control. Society uses laws (rules designed to control citizen's behaviors, backed by the power of the state) so that people's behaviors will conform to societal norms, cultures, mores, traditions, and expectations. Because courts must interpret and enforce these rules, laws differ from many other forms of social control. Both formal and informal social control have the capacity to change behavior. Informal social control, such as social media (including Facebook, Instagram, and Twitter) has a tremendous impact on what people wear, how they think, how they speak, what people value, and perhaps how they vote. Social media's impact on human behavior cannot be overstated, but because these informal controls are largely unenforceable, they are not considered "laws."

Laws and legal rules promote social control by resolving basic value conflicts, settling individual disputes, and making rules that even our rulers must follow. Kerper recognized the advantages of law in fostering social control, while identifying four major limitations of the law. First, she noted, the law often cannot gain community support without support of other social institutions (Kerper, 1979). (Consider, for example, the United States Supreme Court case Brown v. Board of Education of Topeka, Kansas, 347 U.S. 483 (1954), which declared racially segregated schools unconstitutional. The decision was largely unpopular in Southern states, and many decided to not follow the Court's ruling. Ultimately, the Court had to call in the National Guard to enforce its decision requiring schools to be integrated.) Second, even with community support, the law cannot compel certain types of conduct contrary to human nature. Third, the law's resolution of disputes is dependent upon a complicated and expensive fact-finding process. Finally, the law changes slowly (Kerper, 1979, p.11).

Lippman also noted that the law does not always achieve its purposes of social control, dispute resolution, and social change, but instead, can harm society. He refers to this as the "dysfunctions of law." He writes, "Law does not always protect individuals and result in beneficial social progress. Law can be used to repress individuals and limit their rights. The respect that is accorded to the legal system can mask the dysfunctional role of the law. Dysfunctional means that the law is promoting inequality or serving the interests of a small number of individuals rather than promoting the welfare of society or is impeding the enjoyment of human rights" (Lippman, 2015, p.11).

Similarly, Lawrence Friedman has identified several dysfunctions of law: legal actions may be used to harass individuals or to gain

revenge rather than redress a legal wrong; the law may reflect biases and prejudices or reflect powerful economic interests; the law may be used by totalitarian regimes as an instrument of repression; the law can be too rigid because it is based on a clear set of rules that don't always fit neatly (for example, Friedman notes that the rules of self-defense do not apply in situations in which battered women use force to repel consistent abuse, because of the law's requirement that the threat be immediate); the law may be slow to change because of its reliance on precedent; the law denies equal access to justice because of inability to pay for legal services; courts are reluctant to second-guess the decisions of political decision-makers, particularly in times of war and crisis; reliance on law and courts can discourage democratic political activism because individuals and groups, when they look to courts to decide issues, divert energy from lobbying the legislature and from building political coalitions for elections; and finally, the law may impede social change because it may limit the ability of individuals to use the law to vindicate their rights and liberties (Lippman, 2015, p.25).

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4.2: POLICING

In the tapestry of American history, policing is a dynamic thread woven into the fabric of society. This crucial element of the nation's criminal justice apparatus has undergone several major transformations since its inception. The story of American law enforcement is a narrative of adaptations to societal changes, emerging challenges, and a continuous quest for balance between maintaining social order and protecting individual rights.



Figure 4.2.1: In the early days of 1910, the Seattle Police Department selected seven patrolmen to form the department's inaugural "motor cops" squad. In a progressive initiative, the department invested $1,329 to acquire their first three motorcycles. This image, captured on October 22, 1914, features the Seattle Police Department's motorcycle unit, which had since grown to include 15 officers, proudly presenting their newly acquired Indian brand motorcycles.
Photo Credit: Museum of History and Industry, Public Domain

As we delve into this chapter, we embark on a journey through time, beginning with the early days of the American colonies when informal systems of community watch and constables operated as rudimentary forms of policing. Then we will proceed to explorations concerning the influence of societal forces and English common law on the early development and practices of formalized police departments in the 19th century. Next, we proceed to an overview of three subsequent policing eras during the 20th century, each characterized by substantial transitions to law enforcement strategy and notable modifications of approach.

By navigating the historical landscape of policing in the U.S., you will gain valuable insights into the intricate interplay between societal changes and the evolution of law enforcement institutions. As we commence on this journey through time, it is crucial to critically examine the historical context and challenges that have shaped the policing landscape to foster a deeper, enriched understanding of modern American law enforcement.

4.2.1: Early History of American Policing

4.2.2: Political Era Policing

4.2.3: The Professional Era

4.2.4: The Community Era

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4.2.1: Early History of American Policing

The term “police” has evolved with various definitions and meanings over time. Simply stated, it is understood as maintaining public order with the authority to establish it (Brodeur, 2010). Early accounts, like Nicolas Delamare’s in *Traité de la Police* (1705-1738), interpreted “police” more broadly, sometimes referring to the government as a whole and at other times specifying a facet such as the military or clergy, with designated authority and intention to establish and maintain public order, predominantly within urban contexts. In 1765, Boucher d’Argis in Diderot and d’Alembert’s Encyclopedie defined policing as an art that ensures a life of quiet and comfort for urbanites and all other inhabitants of the earth (p. 905). In contrast, a few years later in 1779, Jean Charles Pierre Lenoir asserted policing to be “the science of governing men… [intended] to do them good” (p. 34), a meaning that soon became accepted when the terminology was first adopted in the U.S.

Policing and crime control in America originated in the early 1600s with the British colonization of the East coast regions of North America. By 1682, twelve British colonies had been established, operating under British rule and in accordance with British law. The colonial American legal system, similarly, instituted by Great Britain, closely paralleled the British system. Protection and crime control measures were also patterned after the British model. Much like the “shires” in England, groups of families and other neighboring dwellers in colonial villages and counties banded together for safety and crime reduction (Steverson, 2007).

The Night Watch System

British influence maintained a stronghold throughout the 17th century, notably shaping the legal and law enforcement practices of the time. An essential component of this influence was the adaptation of the ***night watch system*** by more densely populated cities like Boston, Philadelphia, and New York. Mirroring the system established in Britain, the night watch system consisted predominantly of volunteers who patrolled on foot or horseback through the city at night, monitoring for criminal activity, uncontrolled fires, and ensuring the maintenance of street lamps. When a night watchman witnessed an uncontrolled fire or criminal behavior, they would ***hue and cry*** to make the situation publicly known so other citizens could arrive at the scene and offer assistance. Problematically, much criticism of the night watch system emerged, accompanied by troubling reports detailing night watchmen’s use of alcohol, sleeping, and participation in criminal activity during their shift (Monkkonen, 1992).

The Constable System

The lasting impact of the British on colonial America’s law enforcement and legal practices continues throughout the 17th and 18th centuries. A key milestone of this influence was the adoption of the Anglo-Saxton constable system. Typically appointed or elected from the local community, constables served as representatives of English legal traditions in the American colonies. While constables predominantly worked during the day, night watchmen took charge of patrolling the streets in the evenings and nights (Monkkonen, 1992).

Acting as local enforcers of order, constables held significant authority in upholding laws and regulations. In addition to these primary duties, constables had various responsibilities, such as overseeing local jails, facilitating witness appearances in court, and ensuring public safety (Monkkonen, 1992). Constables secured financial support by issuing warrants and civil papers, making arrests, and collecting taxes. This system, reflecting British legal practices, played a pivotal role in the early development of law enforcement in America, laying groundwork for subsequent policing systems.

Sheriff

The sheriff system in colonial America, akin to other law enforcement practices at the time, mirrored the influence of British governance. Derived from the 9th-century Anglo-Saxon word “Shire-reeve,” Sheriffs served as key representatives of British legal traditions in the American colonies and were instrumental in the early development of law enforcement. Often chosen or appointed from among the local community, sheriffs played a crucial role in maintaining order at the local level, frequently being the sole law enforcement presence in entire rural colonial regions. Holding significant authority within their designated areas, these officials served as the primary executive officers responsible for executing legal and administrative functions in a county or specific designated jurisdiction.

Typical duties included serving legal documents, overseeing local jails, and implementing court judgments, serving subpoenas,

apprehending criminals, and collecting taxes. Sheriffs received fixed payments based on specific duties. Problematically, collecting taxes was more lucrative than apprehending criminals, making law enforcement a low priority for most sheriffs (Uchida, 1993). While the roles and duties of sheriffs have evolved significantly over time, the sheriff system has been a major foundational component and has laid much groundwork for the modern policing systems in the United States.

Slave Patrols

Originating in the Southern colonies during the 17th century, ***slave patrols*** were formed to control the enslaved population, enforce status laws, and safeguard the interests of slaveholders (Dempsey et al., 2018; Schmalleger, 2021). Composed mainly of White, able-bodied men from local communities or even members of the local militia, these organized groups were tasked with maintaining order, suppressing slave resistances, and ensuring the economic stability of slaveholding societies (see this historical record for the establishment of slave patrols, An Ordinance Organizing and Establishing Patrols for the Police of Slaves in the Parish of St. Landry). Slave patrols typically patrolled on horseback and were permitted with the authority to stop, question, and punish enslaved individuals found outside plantations without proper authorization as illustrated in Figure below (see this historical record of patrol regulations, Patrol Regulations for the County of Rowan). In states like Virginia, non-slaveholding White men were compelled to participate in slave patrols, which reinforced unity among all social classes of White people, while simultaneously hampering potential alliances between poor Whites and enslaved Black people (Kendi, 2016).

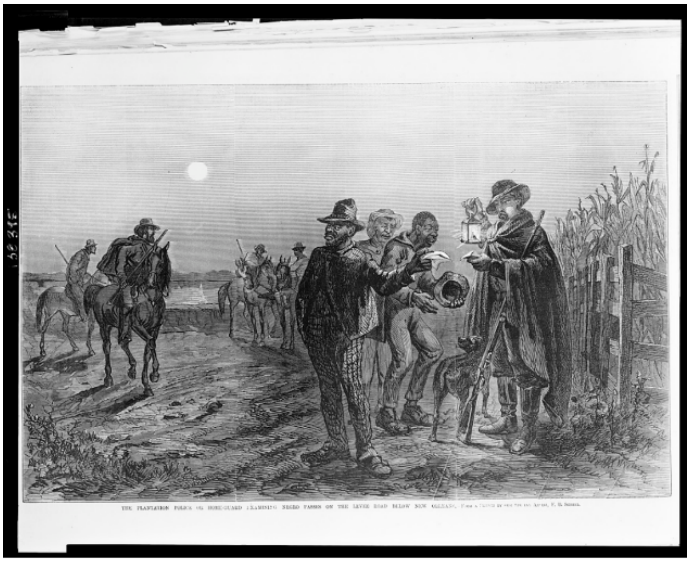


Figure 4.2.1.1: The primary purpose of slave patrols was to enforce control and perpetuate the institution of slavery by quelling rebellions, resistance, and escape attempts. Operating under local laws and regulations, members of these patrols frequently resorted to brutal tactics such as violence, intimidation, and surveillance to suppress any signs of defiance or unrest among enslaved communities. Their presence served to reinforce the power dynamics of slavery, highlighting the authority of White slaveholders and the subjugation of enslaved individuals. Regrettably, the legacy of slave patrols endures in diverse manifestations, perpetuating systemic racism and contributing to ongoing social inequalities faced by Black Americans in the U.S. Sketch by F.B. Schell in 1863, New Orleans, Louisiana.
Photo Credit: Frederic B. Schnell, Public Domain

As the enslaved population increased, so did the fear of ***rebellion***. Soon slave patrols were integrated into local laws and endorsed by colonial governments, leading to their widespread implementation along the Atlantic. From the early 1700s through the Emancipation Proclamation (1863) after the Civil War's end in 1865, slave patrols prevented revolts, enforced curfews, restricted carrying weapons, and monitored various activities of enslaved people. After the passage of the Thirteenth Amendment (U.S. Const. amend. XIII), there was no longer a need for slave patrols. Southern lawmakers and Confederate politicians then enacted discriminatory Black codes to control the newly freed population, recruiting ex-slave patrol members as police officers. Thus, the transition from slavery to freedom maintained oppressive systems. "The postwar South became the spitting image of the prewar South in everything but name" (Kendi, 2016, p. 235), with the slave patrol becoming the police and the prisons akin to plantations.

Operating within a framework that upheld racial hierarchy and entrenched the ***oppressive system*** of slavery, the practices and attitudes developed during the era of slave patrols continued to influence the broader history of policing in the United States, shaping relationships between law enforcement and marginalized communities.

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4.2.2: Political Era Policing

Due to the close ties between police and local politicians, the period from the 1840s through the early 1900s is often referred to as the political era of American policing (Kelling & Moore, 1988). While it is often argued that the implementation of the first U.S. urban police departments, such as those in Boston, MA (1838), New York, NY (1844), and New Orleans, LA (1852), was in response to rising crime and increased riots, there is no empirical evidence to support these claims. In contrast, historical record indicates that crime rates and the frequency of riots remained relatively stable over this period (Gurr, 1989). Most likely, citizen support for the development of the first urban police departments was spurred by intolerance for riots and reports of "spectacular crimes," such as the 1841 murder of Mary Rogers in New York, depicted in Figure below (Brodeur, 2010; Monkkonen, 1992); see Today in History: The Mysterious 1841 Murder of Mary Cecile Rogers. While the precise catalyst remains a matter of debate, the outcome was the establishment of the first formally organized police departments in the U.S, complete with full-time employees.



Figure 4.2.2.1: Mary Cecilia Rogers, a 20-year-old renowned for her beauty, worked at John Anderson's popular cigar store in New York City. Despite her playful demeanor, she rebuffed romantic advances, including those from her employer, and ended engagements with two men. In July 1841, she vanished, and her body was later found near Sybil's Cave in Hoboken, showing signs of violence. Speculation about her murder abounded, implicating her fiancé Daniel Payne, among others. Despite some evidence and rumors, including a suicide note left by Payne, the case remained unsolved. Edgar Allan Poe immortalized Rogers' story in his tale "The Mystery of Marie Rogêt." Various theories persist, including one involving a failed abortion, but the true circumstances of her death remain unknown.
Photo Credit: The New York Public Library Digital Collections, Public Domain

Early urban police departments in the U.S. attempted to replicate the English model but fell short of adopting it entirely, resulting in the adaptation of a distorted version of the English policing system (Brodeur, 2010). The most noticeable distinctions between the U.S. and English policing models lie in their overall structure, oversight, and funding allocation at the government level. Specifically, the English policing model is highly centralized, operating and receiving funding from the national government. In contrast, the American policing model is highly decentralized, as well as operated and funded by local governments.

In this political era, law enforcement officers were tightly regulated by political leaders and partisan politics. Hindered by a lack of institutional freedom, they were constrained from operating independently to the current prevailing political opinion, leading to a close alignment between law enforcement and local politicians and political machinery. This entanglement facilitated pervasive bias and corruption within law enforcement agencies. Coupled with insufficient training, basic investigatory strategies, and meager wages, law enforcement proved essentially ineffective in addressing crime alongside their additional responsibilities for maintaining social order and managing various social service tasks.

Typically, cities and counties controlled the police department budgets, exerting political influence over various aspects of the department, including hiring practices, salaries, and job responsibilities. In return, police departments were expected to further the goals of politicians in power, resisting change and upholding the status quo that ensured the politicians' continued tenure. The relationship between politicians and the police was so intertwined that it was common practice to overhaul entire police departments when changes occurred in the local political administrations. For instance, following the 1880 Cincinnati elections,

74% (219 officers) of the Cincinnati police department were dismissed, and an additional 7% (20 officers) resigned (Uchida, 2005).

In the late 19th and early 20th centuries, a great migration of Europeans commenced in the 1870s, coinciding with the period of industrialization. This era drew both immigrants and existing citizens to the larger cities, enticed by opportunities for factory work. Concurrently, there was a substantial movement of African Americans from the southern U.S. regions to urban areas in the North. The year 1910 signified the initiation of "The Great Migration" characterized by hundreds of thousands of African Americans resettlement in northern cities (National Archives, 2021).

In the early 20th century, migrants relocating to developed northern cities were not culturally assimilated or otherwise integrated into the existing structures in their newfound communities. Frequently arriving without housing or employment, these newcomers were commonly viewed as a burden by city residents (Muller, 2012). In addition to the municipal police department's responsibilities to maintain order and prevent crime, many departments also operated soup lines and assisted new immigrants in finding lodging (Monkkonen, 1982). These extended efforts not only fostered public relations but also provided an opportunity for officers and local politicians to recruit new immigrants into the police force as well as ensured additional voter support.

The political era of American policing, spanning from the 1840s to the early 1900s, witnessed significant change in policing strategies (outlined in the list below, as cited in Kelling & Moore, 1988), yielding both positive outcomes and inherent problems.

Police Organizational Strategies During the Political Era

- Authorization: Primarily political.
- Function: Crime control, order maintenance, and broad social services.
- Organizational Design: Decentralized and geographical.
- Relationship to Environment: Close and personal.
- Demand: Managed through links between politicians and precinct commanders, and face-to-face contacts between citizens & foot patrol officers.
- Tactics & Technology: Foot patrol and rudimentary investigations.
- Outcome: Political and citizen satisfaction with social order.

One of the most beneficial outcomes of the implemented policing strategies was the strong integration of police departments and local politicians within the neighboring communities. This fostered a sense of empowerment in local communities, garnering strong citizen support for their neighborhood police officers, especially from citizens aligned with the current dominant political interests (Kelling & Moore, 1988). This connection facilitated a more direct influence of elected officials on policing procedure, enabling them to more effectively address the unique needs and priorities of specific neighborhoods. At times, police were perceived as both successful crime fighters and crucial government agents who assisted immigrants and the poor (Reppetto, 1978). However, this integration also presented significant shortcomings.

The localized focus of the political era struggled to establish consistent standards and practices across jurisdictions, resulting in a lack of uniformity and potential disparities in the application of law. Additionally, the strong ties between police and politicians allowed opportunity for potential corruption, favoritism, and manipulation of law enforcement for political gain. Police departments, in many cases, became tools to maintain the status quo and suppress dissent, hindering the pursuit of justice and impartial law enforcement. Living and working closely with citizens and politicians, combined with a decentralized bureaucratic structure, resulted in poor supervision of police officials, allowing for the emergence of corruption (Friedman, 1993; Kelling & Moore, 1988). Another concern was the close ties with cultural elites, which influenced discriminatory ideas and perpetuated racist attitudes and actions towards those deemed as outsiders, particularly ethnic and racial minorities, who were often greeted to the neighborhood by police officials with the end of a nightstick (Kelling, 1987). Lastly, **patronage** was used for promotions, leading to inept policing and the widespread negative perception of police officers, stereotyping them as **keystone cops** (Kelling & Moore, 1988; Muller, 2012).



Figure 4.2.2.1: Scene from the silent film Clutches of the Gang (1914) depicts a group of Keystone Cops, known for their comedic portrayals, often exaggerating the incompetence, ineptitude, and disorganization of police officers in absurd scenarios. These fictional police officer archetype reflects the public's response to widespread corruption and misconduct within law enforcement agencies during the early 20th century. Through their slapstick antics, the Keystone Cops became symbolic representations of the challenges and shortcomings faced by law enforcement during that era, leaving a lasting impression on popular culture.
Photo Credit: Mack Sennett Studios, Public Domain

Overall, while the political era emphasized community connection, it also underscored challenges related to corruption and the potential misuse of policing for political agenda. The close entanglement of politics and policing resulted in inferior social decisions, allowing greed and power-mongering to infiltrate the frontlines of the justice system. Moreover, poor pay, inadequate hiring practices, and unethical management led to an unfair, unbalanced policing system that exhibited bigotry and discriminatory treatment, especially towards ethnic and racial minorities and members of lower socioeconomic classes.

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4.2.3: The Professional Era

The shortcomings in policing during the political era led to external civilian pressure for reform, giving rise to the reform or professional era of American policing in the early 1900s, persisting through the early 1960s. By the late 1920s, the close entanglement of policing with local politicians and business leaders, determined to utilize police for personal political gain and illicit profit, compromised effective strategies, fostering corruption within individual officers and entire departments (Reiss, 1992). This widespread issue, coupled with unprofessional conduct, became untenable, prompting internal and external calls for police reform by the late 1930s.

After the turn of the century, social pressures perpetuating professional police reform efforts instigated additional discussion concerning the precise roles, functions, and responsibility of law enforcement, as well as general departmental structure and operations.

The idea that the police should do more than just arrest criminals, that they should seek to prevent crime and rehabilitate offenders had been suggested years before. But it was not until after the turn of the century, when it enjoyed the support of similar reforms in other areas of American life, that it gained acceptance within police circles. (Walker, 1977, pp. 53-54)

Due to varying interpretations and emphasis on different aspects of professionalization, a broad swath of new reform policies were introduced that, in some instances, substantially differed across departments.

Early Reform (1920-1930)

During the 1920s and 1930s, many police departments narrowed their functions to focus on criminal investigation, suspect apprehension, and crime control (Kelling & Moore, 1988). Professionalization manifested differently in this approach, allowing certain officers to specialize in specific areas of policing rather than only work patrol, concurrently reducing opportunities for corruption by local politicians and community members.

Technological advancements in the early 20th century, such as the automobile, two-way radio, and telephone, made this approach feasible. The adoption of automobiles enabled officers to substantially increase area coverage and respond to emergencies more quickly. Innovations like the two-way radio and telephone significantly increased communication. For the first time, commanding officers could maintain continuous contact with patrolling officers through the two-way radio, and the telephone provided citizens with an opportunity to immediately connect with the police.

Leaders such as police chiefs August Vollmer, O.W. Wilson, and Richard Sylvester emerged as important advocates for a more professional police force through endorsements of higher education, modern technology, and elevated standards of professionalism (Uchida, 2005; Walker, 1977). However, the first challenge was addressing corruption and political influence in police departments. Departments implemented civil service systems that emphasized crime prevention and scientifically based investigation techniques, simultaneously curbing political interference in hiring practices. Many states eliminated patronage hiring practices of police chiefs, adopting civil service examinations, or allowing police commissions to appoint chiefs to lifetime tenure (Kelling & Moore, 1988). Changing the hiring practices of police chiefs was not the only adjustment made to avoid corruption. For instance, in Philadelphia, it became illegal for an officer to reside in the same neighborhood where they worked, and officers were limited to patrolling the same **beat**. Additionally, during this time, training academies were established to enhance officer expertise.



Figure 4.2.3.1: In the early 20th century, police technological innovation saw significant advancements, particularly in communication and transportation. The introduction of police radios revolutionized communication between officers, allowing for quicker response times and improved coordination. Additionally, the adoption of motorized vehicles, such as cars and motorcycles, enhanced mobility, and enabled law enforcement to cover larger areas more efficiently. These innovations transformed policing practices, leading to more effective crime prevention and enforcement strategies, ultimately improving public safety and the efficiency of law enforcement agencies.

Photograph taken on April 20th, 1936.

Photo Credit: Library of Congress, Prints & Photographs Division, photograph by Harris & Ewing, Public Domain

August Vollmer, often revered as the "Father of Modern American Policing," played a pivotal role in the professional policing era in America during the early 20th century (Oliver, 2017). Born in 1876, Vollmer's law enforcement career began in the late 19th century after military service in the Philippines during the Spanish-American War (Wilson, 1953). Following a successful four-year term as Berkeley's elected marshal in California, Vollmer was appointed as the first Police Chief of the Berkeley Police Department in 1916, setting a standard for police departments across the nation until his retirement in 1932 (Douthit, 1975).

Vollmer's leadership in law enforcement was characterized by an unwavering commitment to improving training and professional standards for officers. His progressive reforms reflected the social movement towards professionalization of law enforcement, addressing public concerns about the inadequate police response to rising crime (Walker & Boehm, 1997). In the aftermath of an era marked by widespread **police brutality** and corruption, Vollmer implemented mandatory police training classes, advocated for hiring of college-educated officers, and was among the first to hire Black officers in 1919 and female officers in 1925, challenging discriminatory employment practices prevalent at the time (Kell, 2017).

Vollmer's contributions to the professionalization of policing were vast. One key initiative was the establishment of the first policing school in the United States (Oliver, 2017). The Berkeley Police School, founded in 1906, evolved into the Berkeley Police Department. This institution, departing from the traditional apprenticeship approach, introduced a systematic and academic approach to law enforcement education. Officers received training in crime investigation, legal procedures, and community relations, establishing a framework for a more informed and skilled police force (Douthit, 1975).

Scientific methods in crime detection were a hallmark of Vollmer's contributions. Recognizing the need for a systematic and efficient strategy to solve crimes, he integrated scientific principles into policing. A firm believer in the science of police work, he introduced technologies like lie detectors and crime lab forensic science. Vollmer emphasized forensic techniques, such as fingerprint analysis and ballistics, enhancing the accuracy of criminal investigations (Kell, 2017). This emphasis not only improved law enforcement effectiveness but also laid the foundation for modern forensic practices (Douthit, 1975).

Additionally, Vollmer played a crucial role in standardizing police practices. Importantly, he advocated for the development of uniform crime reporting methods and record-keeping systems that cultivated a consistent and reliable database for analyzing crime trends. This commitment to data-driven decision-making enabled police agencies to effectively allocate resources and address emerging challenges, which became a cornerstone of modern law enforcement strategies (Douthit, 1975).

The adoption of motorized patrols was another significant innovation introduced by Vollmer. In a time dominated by foot and

horse patrols, Vollmer recognized the potential to revolutionize police mobility through the integration of newly emerging travel technologies. Equipping officers with bicycles in 1910, motorcycles in 1911 (National Motorcycle Museum, 2018), and patrol cars in 1914 all enhanced crime prevention and response, while symbolizing a crucial departure from the archaic image of the static, foot-patrolling officer (Oliver, 2017). In addition to these achievements, Vollmer is also credited as the first police chief to equip patrol cars with two-way radios in 1929 (Douthit, 1975), further improving police communication and response.

Vollmer's vision for policing was truly groundbreaking. His innovative approach prioritized active officer engagement with the communities they served, fostering a newfound cooperation and trust between citizens and local law enforcement officials. He underscored the importance of a holistic policing strategy that considered underlying social conditions as contributing factors influencing crime (Oliver, 2017). Vollmer advocated for an understanding of these factors among police officials, which was paramount to the later development of a preventative approach to law enforcement.

The significance of Vollmer's policing philosophy laid the groundwork for future efforts to bridge the gap between police and the public. This challenge for law enforcement reemerges over time, especially amid cultural changes and the expanding demands of a growing, pluralistic, democratic society (Douthit, 1975). Nevertheless, Vollmer's ideas have proven to be pivotal in shaping the trajectory of law enforcement, emphasizing the need for a collaborative and proactive approach to policing that considers the broader social context.

Vollmer's steadfast commitment to professionalism and innovation earned him widespread recognition, propelling his rapid ascent to prominence and exerting a profound, positive influence on policing practices at the national scale (Bopp, 1977). Orlando W. Wilson, a distinguished scholar of American policing, encapsulated August Vollmer's career with the following words:

From the beginning Vollmer's police career was marked, first, by a stubborn insistence that any task could be accomplished and any problem solved if he thought about it and worked at it long and hard enough, and second, by an ingenuity and resourcefulness that enabled him to develop unique methods to accomplish his purpose. His clear vision and critical mind enabled him to probe quickly to the core of any problem. His fresh approach and unswerving determination brought solutions that all too frequently were met by derision from his colleagues, the press, and the public. In consequence, hundreds of experienced police officials scorned, at first, the ideas developed by this young man from a small Western town. But the police profession today recognizes that Vollmer was right in his proposals; his procedures have been adopted by progressive police departments throughout this country as well as abroad. (1953, p. 97)

Chief Vollmer stands out as a prime example of police administration leadership that played a pivotal role in the crucial reformation of policing during the professional era (Oliver, 2017). Through his unwavering emphasis on education, application of scientific methods, standardization of police practices, implementation of an active, community-engaged policing approach, and the integration of technological innovation, Vollmer not only reshaped law enforcement but also set a new paradigm for the field.

His enduring legacy continues to wield a profound influence on modern policing, serving as a reminder of the paramount importance of adaptability, professionalism, and community collaboration among law enforcement in their relentless pursuit of public order and safety (Oliver, 2017).

Wickersham Commission

By the late 1920s, burgeoning public interest and controversy surrounding reform of criminal justice institutions had taken root nationwide. In response to these escalating concerns, President Herbert Hoover's administration established the **Wickersham Commission**, officially known as the National Commission on Law Observance and Enforcement, in 1929. This commission was tasked with conducting an extensive evaluation of American social institutions, later recognized as the criminal justice system. Named after its chairman, George W. Wickersham, a distinguished attorney and former U.S. Attorney General, the commission's work was exhaustive and comprehensive, extending well beyond the three major branches of the criminal justice system (law enforcement, courts, and corrections), including criminology, crime statistics, and costs of crime (Walker & Boehm, 1997).

The commission's multifaceted investigation included an examination of the legal landscape, focusing on the effectiveness of Prohibition, widespread citizen violations of Prohibition, and the strain on law enforcement stemming from the nationwide ban on alcoholic beverages. Beyond Prohibition, the commission delved into law enforcement practices, addressing issues such as corruption, brutality, and the use of excessive force within law enforcement agencies, harshly condemning many observed policing practices (Walker, 1977). It also scrutinized criminal procedures, aiming to ensure fairness and due process in law enforcement. Additionally, the Wickersham Commission explored the conditions and treatment of individuals in penal institutions, contributing to discussions about criminal punishment and rehabilitation (Walker & Boehm, 1997).

The comprehensive findings of the commission, primarily authored by August Vollmer, were documented in a series of reports issued between 1931 and 1932, collectively known as the Wickersham Commission Reports. However, due to the Stock Market Crash in 1929 and the subsequent economic downturn, the country's focus shifted almost entirely towards economic recovery efforts by the time of the Wickersham Reports' release. This shift in focus negatively influenced the effectiveness of the committee's efforts, and as a result, the Wickersham Report "had little immediate impact on public policy" (Walker & Boehm, 1997, p. vii).



Figure 4.2.3.2: President Herbert Hoover with the twelve members of the newly formed National Commission on Law Observance and Enforcement, later known as the Wickersham Commission, gathered on the North Lawn near the East Wing of the White House, ca. 1929. Photo Credit: Library of Congress, Prints & Photographs Division, photograph by Harris & Ewin, Public Domain

One pivotal segment of the commission's findings that yielded significant and immediate socio-political influence was the *Report on Lawlessness in Law Enforcement* (Walker, 1997). This comprehensive report meticulously detailed observations and evidence gathered from fifteen cities across the country, exposing prevalent illegal, improper, and unethical law enforcement practices. These practices encompassed the use of threats and intimidation tactics, physical torture, denial of legal counsel, illegal detention, and unreasonably protracted questioning of suspects in custody (Calder, 1993).

The reports provided a thorough analysis of the American criminal justice system at the time, accompanied by a plethora of recommendations for reform (Walker & Boehm, 1997). While not all proposed recommendations found immediate implementation, the commission's work established a vital foundation for ongoing discourse surrounding American criminal justice system reform in the ensuing decades. This influence resonated, shaping the trajectory of these systems (Walker, 1997) as well as the study of criminology (Walker & Boehm, 1997) in subsequent decades.

Senate's Crime Committee (Kefauver Committee)

By the late 1940s, organized crime stories dominated the newsstands, revealing a government plagued by extensive corruption and the influence of organized crime syndicates in major cities across the country (U.S. Senate, 1950-1951). By the decade's end, concerns about corruption and unethical behavior, especially within law enforcement, had escalated, sparking discussion among elected officials in various political circles (Boston Public Library, 2024). These conversations revolved around finding appropriate responses to numerous requests for federal assistance to address organized crime, particularly its infiltration into interstate commerce, and the economic threats posed by labor racketeering.

To tackle these concerns, the Senate's Crime Committee, officially known as the Senate Special Committee to Investigate Organized Crime in Interstate Commerce, was established in 1950. Commonly referred to as the Kefauver Committee after its chairman, Senator Estes Kefauver, this committee was tasked with investigating and addressing organized crime activities affecting interstate commerce (U.S. Senate, 1950-1951).

Over the following 15-month period, the committee conducted investigations into widespread police corruption by organized crime syndicates. It televised over a dozen hearings, presenting crucial evidence and featuring more than 600 witnesses. These

hearings generated significant interest among millions of American viewers, who witnessed the testimonies of former mafia members such as Mobster Frank Costello, pictured in Figure 7.13 (U.S. Senate, 1950-1951). The public became acutely aware of the powerful influence of organized crime syndicates, particularly the Mafia, on both politics and law enforcement through the publicity of these hearings (Boston Public Library, 2024).



Figure 4.2.3.3: Frank Costello, born Francesco Castiglia, was a prominent Italian-American gangster who rose to prominence during the Prohibition era and became a key figure in organized crime in New York City. Known as the "Prime Minister of the Underworld," Costello was a skilled negotiator and strategist, playing a significant role in the formation of the National Crime Syndicate. Despite his criminal activities, Costello maintained a veneer of respectability and cultivated connections with politicians and law enforcement, which allowed him to evade prosecution for much of his career. He was eventually convicted of tax evasion in 1954 but continued to wield influence in the underworld until his death in 1973.
Photo Credit: World Telegram & Sun/Al Aumuller (photographer), Public Domain

The committee's collaborative efforts yielded several positive outcomes. Firstly, it brought the pervasive influence of organized crime in the U.S. to the forefront of public awareness. FBI Director Hoover acknowledged the national scale of organized crime syndication and admitted the FBI's failure to address the issue (Friedman, 2005). Additionally, the committee spotlighted organized crime's involvement in the gambling industry, leading to the dissolution of legislative proposals and state ballots referendums concerning gambling legalization. While immediate legislative changes did not transpire, the Kefauver Committee recommended the expansion of civil law to combat organized crime, a recommendation Congress fulfilled in 1970 with the passing of the Racketeer Influenced and Corrupt Organizations Act (RICO).

Crucially, the committee's collective efforts ignited future government actions against organized crime, leading to the creation of over 70 "crime commissions" at the state and local levels. For these reasons, the Kefauver Committee is widely viewed as a pivotal milestone in the federal government's fight against organized crime. These accumulated pressures—corruption scandals, rising crime, civil unrest, and the failures of reactive policing—set the stage for a fundamental rethinking of law enforcement's role in society, leading directly to the community policing era described in the next section.

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4.2.4: The Community Era

During the 1960s, the U.S. experienced a tumultuous period marked by social discontent, political unrest, and heightened public protests and riots. This era was characterized by pervasive fears of crime, a prevailing culture of popular punitivism, and a spotlight on racial injustice that dominated political debates. Adding to the complexity, the nation grappled with a struggling economy, facing the challenges of “stagflation”—a unique blend of slow economic growth and rapidly rising inflationary prices, which imposed a financial squeeze on households nationwide (Ha et al., 2022; Nielsen, 2023).

Federal Uniform Crime Reporting data from this period revealed a concerning trend: reported crimes across nearly all categories had doubled from 1960 to 1970, while violent crime rates increased even further during this tumultuous decade (Uchida, 2005). Law enforcement agencies found themselves on the front lines of a mounting crime wave, a phenomenon defying a simple, singular explanation. As a result, the 1960s and 1970s witnessed the implementation of various policy changes in response to these multifaceted challenges, signifying the conclusion of the reform era and the initiation of a transition towards the community policing era during the 1970s.

Transitional Years (1960s-1970s)

During the transformative period of the 1960s and 1970s, law enforcement underwent a deliberate evolution, prompted by the recognition of the limitations inherent in existing policing methods. Rather than merely reacting to crime after the fact, reformers pushed for policing that addressed its social and economic roots. The result was the community policing era, which marked a departure from reactive, centralized models toward decentralized, proactive, and community-oriented approaches (Uchida, 2005).

Central to the ethos of the community policing era was a dual focus: not only on crime control but also on the cultivation of positive relationships between law enforcement agencies and the local communities they served. This marked a departure from traditional practices, emphasizing collaboration and engagement over a strictly punitive approach.

Technological advancements in the 1960s and 1970s, such as computers and the establishment of the 9-1-1 emergency response number, introduced efficiencies to law enforcement. However, these innovations paradoxically contributed to a growing divide between law enforcement and the community. Despite the improvements in police efficiency, the advent of these technologies raised concerns about the potential detachment between officers and the populations they served (Spelman & Brown, 1981). Nevertheless, the use of computers facilitated a more nuanced evaluation of policing strategies.



Figure 4.2.4.1: Over time, the introduction of innovative technologies continues to shape methods and practice of law enforcement agencies. Photo Credit: City of Boston Archives, CC BY 2.0

Amid these technological changes, the DOJ played a pivotal role by collaborating with police departments across the country,

offering support, and disseminating research and technical assistance. Simultaneously, federal and state governments invested significant resources, allocating millions of dollars to the creation and support of criminal justice education programs.

Research and investigations conducted during this era exposed the ineffectiveness of several common policing practices, which had a detrimental impact on the relationship between law enforcement and local communities. Studies revealed that the mere act of patrolling in cars did not necessarily deter crime (Kelling et al., 1974), that evidence collection at crime scenes lacked efficacy without assistance from witnesses (Chaiken et al., 1977), and even with the implementation of 9-1-1, rapid response to a crime scene did not always translate to swift arrests (Spelman & Brown, 1981).

Federal Influence and Impact

Significant federal changes unfolded during this transformative period, reshaping the legal landscape and influencing law enforcement practices. The interventions at the federal level during this era were multifaceted, involving several crucial legal rulings, legislative acts, and the establishment of commissions. These initiatives collectively aimed to fortify constitutional protections, promote equality, and address systemic issues within the criminal justice system. The heightened scrutiny over law enforcement practices contributed to establishing the groundwork for a more accountable and just legal framework, fostering a path towards a fairer and more inclusive society.

The 1960s was a pivotal era characterized by influential U.S. Supreme Court rulings that bolstered citizens' protections and curtailed police discretion. Notable among these rulings are *Miranda v. Arizona* (1966) and *Mapp v. Ohio* (1961), which are central to the safeguarding of individual rights. While exceptions were established through rulings like *Terry v. Ohio* (1968), these cases collectively ushered in a new era of legal scrutiny over police conduct.

Furthermore, the enactment of the Civil Rights Act of 1964, pictured in Figure 7.19 below, and the Equal Employment Opportunity Act of 1972 marks significant milestones in the pursuit of equality and inclusion. These legislative measures, beyond addressing workplace discrimination, were crucial factors for the broadening of employment opportunities among women and minority groups, thus, contributing substantially to the advancement of a more diverse and inclusive American workforce.

In the years that followed, the American federal government continued to reinforce its commitment to fostering an equitable society through the introduction of pivotal disabilities acts. Among these acts were the Rehabilitation Act of 1973 and the Individuals with Disabilities Education Act (IDEA) of 1975, originally called the Education for All Handicapped Children Act (1975). These legislative measures constitute significant milestones in the recognition and protection of rights for individuals with disabilities. They established a crucial foundation for subsequent legislation and initiatives dedicated to promoting equal opportunities, ensuring access to education, and safeguarding against discrimination for people with disabilities in the U.S.

The intensifying conflicts and escalating tensions between the police and communities in the 1960s necessitated comprehensive investigations into police corruption and strained relations between law enforcement and minorities. In response, the federal government took decisive action, establishing several commissions during the 1960s and 1970s with the goal of improving understanding and implementing changes in approach to enhance the struggling American criminal justice system. Among the more noteworthy commissions were the President's Commission on Law Enforcement and Administration of Justice, the National Advisory Commission on Civil Disorders, the Knapp Commission, and the Office of **Law Enforcement Assistance Administration** (LEAA).

President's Commission on Law Enforcement and Administration of Justice

In 1965, President Lyndon B. Johnson responded to mounting concerns about crime and the urgent need for comprehensive criminal justice reform by establishing The President's Commission on Law Enforcement and Administration of Justice. Entrusted with the task of scrutinizing challenges within the American criminal justice system and proposing reforms, the commission conducted a thorough two-year investigation, culminating in the release of its seminal report, *Challenge of Crime in a Free Society* (1967). This landmark document comprised over 200 recommendations aimed at enhancing the criminal justice system. Noteworthy contributions from the report include the initiation of the community policing approach, the establishment of a national 9-1-1 emergency response hotline, advancements in police training and professionalism, inspiration for the National Crime Victimization Survey, and the creation of the LEAA. The commission's profound impact resonated across subsequent criminal justice policies, significantly influencing the trajectory toward the community policing era (Diegelman, 1982).

National Advisory Commission on Civil Disorders (Kerner Commission)

Established in 1967 by President Lyndon B. Johnson, the National Advisory Commission on Civil Disorders, commonly known as the Kerner Commission, undertook an investigation into the causes of racial unrest and urban riots that marked the earlier part of the decade. Chaired by Illinois Governor Otto Kerner, the commission released its seminal findings later that year, encapsulated in the *Report of the National Advisory Commission on Civil Disorders* (1968), also known as the Kerner Report. The report unequivocally identified systemic racism and socioeconomic inequality as predominant factors fueling social unrest, famously declaring in its introduction: "Our Nation is moving toward two societies, one black, one white—separate and unequal" (p. 1). Instrumental in fostering an understanding of structural racism as the primary factor propelling social inequality, the report shifted the narrative, redirecting blame for social unrest away from urban Black communities. Moreover, the Kerner Report underscored the far-reaching negative impacts of racial segregation on various socioeconomic aspects, including employment, education, and housing, leading to a troubling cycle of poverty and crime in Black neighborhoods nationwide. The report also critically portrayed police not just as government actors of authority, but as symbols of repression, racism, and brutality. Urging the nation to address these root causes, the Kerner Commission proposed comprehensive social and economic reforms to prevent future civil disorders. Its findings highlighted the urgent need to confront racial injustice and set the foundation for subsequent discussions on racial and economic disparities in the United States.

Commission to Investigate Alleged Police Corruption (Knapp Commission)

The Knapp Commission, officially the Commission to Investigate Alleged Police Corruption, was established in 1970 in response to widespread allegations of corruption within the New York City Police Department (NYPD). Led by its chairman, federal judge Whitman Knapp, the commission set out to investigate and uncover corrupt practices among police officers. The commission's collaborative efforts exposed systemic corruption, ranging from bribery and extortion to narcotics-related misconduct within the police force. The Knapp Commission's findings were published in the landmark *The Knapp Commission Report on Police Corruption* (1973), commonly known as the Knapp Report, which unveiled extensive corruption throughout the entire NYPD and proposed essential reforms to tackle this pervasive issue. Notably, the report coined the terms "grass eaters" to reference officers accepting gratuities and small bribes such as from tow-truck drivers, gamblers, or construction workers, and "meat eaters" for those seeking opportunities to exploit criminals or criminal organizations for substantial sums (Armstrong, 1995). This report had a lasting impact on police practices, leading to increased scrutiny, internal reforms, and changes in the oversight of law enforcement agencies.

Law Enforcement Assistance Administration (LEAA)

In response to the escalating crime rates and public unrest in the 1960s, there was a recognized need to bolster crime control efforts. The Law Enforcement Assistance Administration (LEAA), established in 1968 under the Omnibus Crime Control and Safe Streets Act during the Johnson administration, emerged as a pioneering federal agency. Directed by J. Edgar Hoover, it became the first major program channeling federal aid—totaling approximately $7.5 billion between 1969 and 1980—to local and state law enforcement agencies (Diegelman, 1982). The LEAA aimed to modernize and professionalize policing by offering financial and technical support for training, equipment, and criminal justice programs. The agency sought to enhance state-level law enforcement practices, address rising crime, conduct research, and promote collaborative efforts between federal, state, and local authorities. However, the LEAA faced criticism for unrealistic expectations, poor fiscal management, and bureaucratic inefficiencies, coupled with an inability to demonstrate a tangible reduction in crime. Public concerns about the militarization of police forces further contributed to its dissolution in 1982 as part of broader government reorganization efforts, marking the conclusion of a pivotal era in federal support for law enforcement initiatives.

Impactful Moments in Criminal Justice: Pivotal 20th Century Court Rulings that Shaped Police Procedure	
Case Year	**Rulings' Impact on Police Procedure:**

Weeks v. U.S. (1914)	Established the **Exclusionary Rule**, prohibiting federal courts from admitting illegally obtained evidence through search and seizure by federal police officers.
Mapp v. Ohio (1961)	Expanded the scope of the Exclusionary Rule to encompass state police and courts.
Miranda v. Arizona (1966)	Mandated law enforcement to inform individuals in custody of their rights, including the right to remain silent, the right to an attorney, and the protection against self-incrimination.
Katz v. U.S. (1967)	Broadened the scope of the Fourth Amendment (U.S. Const. amend. IV) by delineating a reasonable expectation of privacy concerning wiretapping and electronic surveillance.
Terry v. Ohio (1968)	Granting officers the authority to conduct a search of a person for weapons based on reasonable suspicion.
Martinez-Fuerte v. U.S. (1976)	Affirming the constitutionality of police checkpoints and declaring them not to be in violation of the Fourth Amendment (U.S. Const. amend. IV) .
Michigan v. Summers (1981)	Affirming that officers possess the authority to briefly detain occupants of a residence when executing a warrant to search for contraband.
Edwards v. Arizona (1981)	Once a suspect in custody invokes their right to counsel, officers must promptly cease any questioning.
Michigan v. Long (1983)	Extended the parameters of the “protective sweep,” enabling officers to search car compartments in the proximity of the suspect even after the suspect has been detained.
Tennessee v. Garner (1985)	Establishing that the use of deadly force on a fleeing suspect is deemed unconstitutional unless the officer possesses probable cause that the suspect poses a significant threat to death or serious bodily injury to the officer or the public.
Graham v. Conner (1989)	Mandated the application of the “objective reasonableness” standard in evaluating claims of excessive force by law enforcement.

Wilson v. Arkansas (1995)	Unless it increases the risk of injury or the destruction of evidence, officers are obligated to adhere to the "knock and announce" procedure, providing a reasonable amount of time before entering a residence with a search warrant.
Weeks v. U.S. (1914)	Established the **Exclusionary Rule**, prohibiting federal courts from admitting illegally obtained evidence through search and seizure by federal police officers.

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4.3: PUNISHMENT AND CORRECTIONS

The Fourth Amendment to the United States Constitution guarantees the right of the people to be secure in their persons and homes. Yet many Americans live with a persistent “fear of crime” that shapes how they think and act in daily life. This fear also can have a significant impact on whom we vote for and what policies we support, and it has caused great fluctuations regarding how we punish people who are convicted of violating the law. In part, punishment comes from the will of the people, which is then made into law through the legislative process and converted into sentencing practices. Citizens have differing views on why offenders should be punished and how much punishment they should receive. Such correctional ideologies, or philosophical supporting structures of punishment, have emerged throughout history, and are not unique to the United States. The next several sections will expand upon some of the most influential philosophies of punishment which were introduced in part 6, including retribution, deterrence, incapacitation, and rehabilitation.



Figure 4.3.1: The West Virginia State Penitentiary, an imposing gothic-style prison nestled in Moundsville, West Virginia, stands as a relic of a bygone era. Operational from 1876 to 1995, its towering walls and ominous architecture whisper tales of over a century’s worth of incarceration, discipline, and redemption. From its earliest days to its final closure, it witnessed the ebb and flow of society’s struggles with crime and punishment. This retired institution, once a bastion of order and punishment, now serves as a poignant reminder of the harsh realities faced by those who were confined within its walls and complex history of corrections in America.
Photo Credit: Carol M. Highsmith, photographer, Public Domain

The history of American corrections spans distinct eras, each characterized by evolving philosophies and unique approaches to managing offenders. These eras reflect shifts in societal attitudes, legislative changes, and advancements in correctional theory and practice. From the early penitentiary systems of the 18th and 19th centuries, emphasizing solitary confinement and reflection, to the rehabilitative efforts of the mid-20th century focused on education and treatment, the landscape of corrections has continuously evolved. The emergence of the tough on crime approach in the late 20th century, emphasizing punishment and deterrence, marked another significant era that exerted a remarkable influence with lasting impacts on corrections and society. Today, there’s a growing recognition of the need for evidence-based practices, restorative justice principles, and alternatives to incarceration, shaping the current era of corrections. Understanding these distinct eras reflects the zeitgeist that shape the political dynamics of the time, providing valuable insight into the complexities of the American criminal justice system as a whole. This knowledge enables us to better inform policies that facilitate more meaningful outcomes for both offenders and society.

4.3.1: The Penitentiary Era (1790s-1860s)

4.3.2: The Reformatory (1860s–1930s)

4.3.3: Twentieth Century Corrections (1930-Present)

4.3.4: History of the Juvenile Justice System

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4.3.1: The Penitentiary Era (1790s-1860s)

During the American Colonial period, corrections were heavily influenced by the English penal styles and punishment practices (Blomberg & Lucken, 2010). Despite England's long history of using incarceration as a form of punishment, it was rarely employed for punitive purposes in colonial America. This was primarily due to the small population of Europeans residing in Colonial America during the early colonial period, which was so minute it would be unable to fill even a single modern-day large college football stadium. Early colonialists lived in small, isolated settlements with insufficient resources to incarcerate lawbreakers. Therefore, formal punishments such as banishment and **corporal punishment**, including whipping, branding, and mutilation, as well as **capital punishment**, were common practices.

After the American Revolutionary War, the newly formed America was determined to establish itself as a civilized society (Blomberg & Lucken, 2010). During the early 1800s, two competing penitentiary systems emerged: the **Pennsylvania system** and the **Auburn system.** The Pennsylvania system mandated that inmates remain silent and reside in their individual cells at all times (Kann, 2005). Advocates of this system argued that the time of isolation allowed inmates adequate time to reflect on their transgression and repent. They also contended maintaining inmates' isolation minimized the need for discipline, thereby requiring minimal training for guards (Rothman, 1990). In contrast, the Auburn system only separated inmates overnight. However, this system always enforced silence, and during the daytime, inmates congregated for work, prayer, and meals. Supporters of the Auburn system claimed that its use of congregate work and smaller cells was more practical, cost-effective, and humane.

The Pennsylvania (Eastern) System

In the late 1780s, Benjamin Rush, one of the signers of the Declaration of Independence, alongside the Philadelphia society and the Religious Society of Friends (also known as Quakers), advocated for more humane and rehabilitative approaches to punishment, favoring incarceration over corporal or capital punishment (Eastern State Penitentiary Task Force of the Preservation Coalition of Greater Philadelphia, & Marianna Thomas Architects, 1994). By 1790, their efforts proved successful as Philadelphia legislators supported funding to transform **Walnut St. Jail** into the first U.S. penitentiary. The penitentiary was designed to isolate each inmate, providing a space for reflection and penitence, hence the name "penitentiary," derived from the Latin word meaning "repentance" or "penance." However, the penitentiary quickly became overpopulated, leading to the approval of the construction of two new state prisons: Western State Penitentiary in Pittsburgh and Eastern State Penitentiary near Philadelphia.

While Western State Penitentiary in Pittsburgh was opened in 1826, its poor architectural design necessitated its demolition and subsequent reconstruction in 1833 (Barnes, 1927). Eastern State Penitentiary, which opened in 1829 in Cherry Hill, Pennsylvania, just outside of Philadelphia, became the model for the Pennsylvania system, sometimes referred to as the Eastern system. The penological approach of the Pennsylvania system was centered on many Quaker principles, particularly hard work and rehabilitation through repentance. The Pennsylvania system introduced the practice of "silence and separation," where inmates lived and worked in isolation and were required to always remain silent. The prison was designed in a radiating fashion, resembling a wagon wheel.

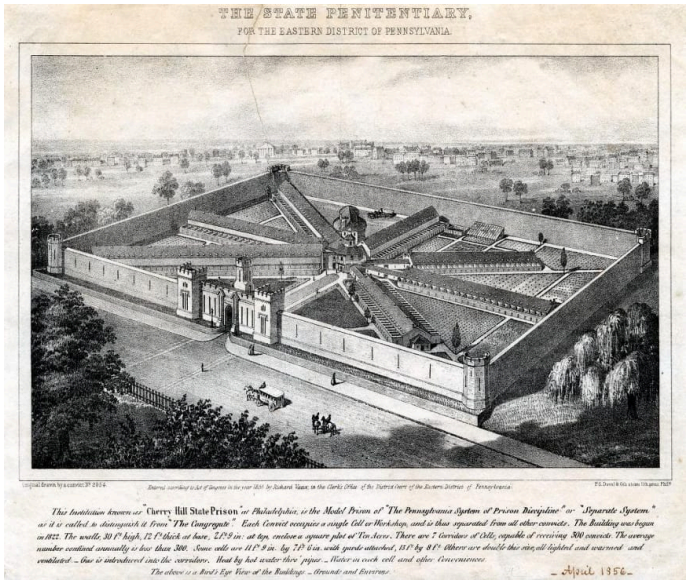


Figure 4.3.1.1: Eastern State Penitentiary, located in Philadelphia, Pennsylvania, is a historic prison known for its innovative radial layout, designed to maximize security and isolation while minimizing the need for staff, and implementation of solitary confinement (Eastern State Penitentiary Task Force of the Preservation Coalition of Greater Philadelphia, & Marianna Thomas Architects, 1994). Established in 1829, it was one of the first penitentiaries in the United States and operated until 1971. Eastern State Penitentiary was designed to rehabilitate prisoners through isolation and reflection, rather than punishment. Its unique radial layout, with cell blocks radiating from a central surveillance hub, allowed separate exercise yards for each cell block to minimize inmate interaction and efficient monitoring of inmates. The prison system of solitary confinement, where prisoners were kept in individual cells and prohibited from interacting with others, became a model for prisons worldwide. Despite controversy over its harsh conditions, Eastern State Penitentiary played a significant role in the development of modern prison systems and continues to attract visitors interested in its rich history and architectural significance. Caption Reads: "This Institute known as "Cherry Hill State Prison" at Philadelphia, is the Model Prison of "The Pennsylvania System of Prison Discipline" or "Separate System" as it is called to distinguish it from "The Congregate". Each Convict occupies a single Cell or Workshop and is thus separated from all other convicts. There are 7 Cell Corridors, capable of receiving 500 convicts. The average number confined annually is less than 300. Some cells are 11ft.9in. By 7 ft.6 in. with yards attached, 15ft by 8 ft. Others are double this size, all lighted and warmed and ventilated–Gas is introduced into the corridors. Heats by hot water through' pipes. Water in each cell and other Conveniences. The above is a Bird's Eye View of the Building–Grounds and Environs. –April 1856." Visit Easternstate.org for more information.
Photo Credit: Samuel Cowperthwaite, artist, Public Domain

Robert Vaux, a member of the Philadelphia Society, and a key contributor to the planning of the penitentiary, provided five key principles of the Pennsylvania System (as cited in Eastern State Penitentiary Task Force of the Preservation Coalition of Greater Philadelphia, & Marianna Thomas Architects, 1994, pp.18-19):

1. Prisoners should be treated not vengefully but in ways designed to convince them that through hard and selective forms of suffering they could change their lives;
2. to prevent the prison from being a corrupting influence, solitary confinement of all inmates should be practiced;
3. in his seclusion the offender was to have an opportunity to reflect on his transgressions so that he might repent;
4. solitary confinement is a punishing discipline because man is by nature a social being; and
5. solitary confinement is economical because prisoners do not need long periods of time to benefit from the penitential experience; fewer keepers are required, and the costs of clothing are reduced. The strong faith in reformation coupled with deterrence is very evident.

While supporters of the Pennsylvania system were vocal about its success, within a few years, reports emerged of excessive punishment leading to serious injury, prisoner deaths, embezzlement, and sexual improprieties with female inmates (Thibaut, 1982).

Additionally, there were concerns regarding inmate mental illness stemming from the use of solitary confinement. Ultimately, the Pennsylvania system, with its emphasis on isolation and silence, fell out of favor by the end of the 19th century due to its high cost and the negative effects of inmate isolation.

The Auburn (New York) System

The Auburn Penitentiary in Auburn, NY, opened in 1818. Unlike the isolation and silent approach of the Pennsylvania system, the Auburn Penitentiary adopted a slightly different approach. It utilized a **congregate approach**. While inmates still slept in isolation and were expected to maintain silence, they worked together, attended mandatory prayer services together, and ate together during the day (Foucault, 1975/1977).

One significant difference between the Auburn Penitentiary and the Eastern State Penitentiary lies in their architectural design. Instead of employing the more expensive 12′ by 7.5′ single-cell radial design, Auburn Penitentiary arranged 7′ by 4′ cells back-to-back in the center of a large building, spanning five tiers high. Additionally, there were designated areas for large groups of inmates to congregate for work, dining, and recreation. Unlike the Pennsylvania system, where inmates both worked and slept in their large single cells, the Auburn system was designed so that inmates used their small cells solely for sleeping and spent their waking hours in other areas of the prison. This design necessitated strict scheduling, enforced through corporal punishment or even solitary confinement. However, Auburn's use of solitary confinement quickly came under scrutiny and was discontinued in 1822 after multiple reports of mental illness and high suicide rates among inmates subjected to solitary confinement (Eastern State Penitentiary Task Force of the Preservation Coalition of Greater Philadelphia, & Marianna Thomas Architects, 1994). The founders of both the Auburn and Pennsylvania penitentiaries preached that convict labor would aid in reformation and even deterrence (Pillsbury, 1989). However:

The penitentiary goals set forth by the founders (punishment, reformation, and social control) became compromised as administrators attempted to heighten prisons' self-sustainability and profit. Soon thereafter, prisons became more remunerative, using prison employment as a mechanism of control and profit, not reform. (Maier, 2018, p. 11)

In the early years of the penitentiary, the **public account system** was utilized. In this work system, inmates conducted unpaid labor, manufacturing goods in the prison that could be sold on the open market, with the revenue returning to the state. However, this shift towards the market economy had negative repercussions for businesses and workingmen, who voiced concerns about their inability to compete with free prison labor (Pillsbury, 1989). Consequently, by the late 19th century, states began transitioning away from this approach, opting instead for the more profitable **contract system**. In contrast to having penitentiary administrators exclusively oversee inmate labor and manufacturing, the contract system enabled private companies to pay a set fee to utilize prisoners for labor within the confines of the penitentiaries. These manufacturing operations were entirely supervised and managed by these private contractors.

The South

In the late 19th century, the use of penitentiaries became widespread across the country. Many penitentiaries in the South adopted the **convict leasing system**, leasing out inmates for work outside the prison walls. While Black inmates were disproportionately represented in Northern prisons – making up 26.66% of the inmates at Eastern Penitentiary in 1830, compared to only 2.84% of the Pennsylvania total population (Hershberg, 1971-1972) – very few inmates in the South were Black before the American Civil War. This disparity can be attributed to the prevalence of slavery and the prevailing belief that Black individuals inherently possessed criminal traits, making rehabilitation seem impossible and posing a perceived risk of corrupting White inmates (Hindus, 2012; Kann, 2005).

While almost all prison inmates in the South were White prior to the American Civil War, following the conflict, 90% of inmates were Black, leading to a significant shift in prison inmate demographics and correctional facility dynamics (Colvin, 1997). Despite the notable increase in incarcerated individuals after the Civil War, most Southern states refrained from constructing new prisons. Instead, they leased out predominantly Black inmates for labor in places such as plantations, cotton mills, and coal mines. This forced labor by imprisoned Black Americans bore striking similarities to the previous era of enslavement.

Soon after the Civil War, the convict leasing system became widespread in the South. Under this system, states leased inmates to private businesses for labor, with the lessees compensating the state for their use. Managed by private businesses, the conditions endured by inmates in the leasing system were often harsher than those experienced under slavery, where individuals were owned rather than leased (Oshinsky, 1997). The extremely severe conditions of the leasing system led to numerous prisoner deaths. For instance, in Alabama, 41% of inmates died in 1870, and it was estimated in 1880 that most inmates would perish within three years (Colvin, 1997).

Unfortunately, the deaths of inmate laborers were deemed unimportant to both the state and the lessees. Since the state could easily arrest more Black people for petty crimes such as vagrancy, gambling, or disorderly conduct, there was an abundance of

potential inmate laborers. This led to the devaluation of all inmate labor, allowing for their abhorrent treatment, grueling labor, and inhumane living conditions (Oshinsky, 1997). This philosophy is illustrated in the correlation between conviction rates and local business needs, as Stein (2012) observed: “Conviction rates eerily reflect the ebb and flow of small local business’ needs” (p. 256).



Figure 4.3.1.2: Chain gangs of Black adolescents were a grim reality in the early 20th century, particularly in the Southern United States. These gangs were characterized by forced labor under harsh conditions, often involving physical punishment and minimal regard for the well-being of the young individuals involved. The practice was a manifestation of systemic racism and exploitation, where Black youths were disproportionately targeted and subjected to grueling work as a form of punishment and control. This occurrence reflected the pervasive racial inequalities and oppressive criminal justice practices of the time, highlighting a dark chapter in American history.
Photo Credit: Detroit Publishing Co., publisher, Public Domain

The convict leasing system fell out of favor due to objections from businesses and laborers who were unable to compete financially with the free labor provided by the state. This economic disparity highlighted the inherent injustice of exploiting incarcerated individuals for profit, prompting criticism and condemnation from some quarters. As a response to mounting pressure from labor unions, advocacy groups, and concerned citizens, some states began to reassess their approach to inmate labor. Instead of leasing prisoners to private entities, several states opted to utilize inmates solely for work on state-owned plantations and farmland. This shift was seen as a compromise between maintaining a source of labor for agricultural activities while addressing the ethical concerns surrounding convict leasing. However, it was increasingly recognized that this practice still perpetuated exploitation and failed to uphold the dignity and rights of incarcerated individuals. As a result, by 1928, convict leasing systems were banned in all state operated prisons, reflecting a significant step forward in the reform of the penal system and the recognition of prisoners’ rights and welfare (Howell, 2016).The abolition of convict leasing did not end the debate over the purpose of imprisonment. As the penitentiary era gave way to a new century, reformers began arguing that prisons could do more than warehouse offenders—they could rehabilitate them.

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4.3.2: The Reformatory (1860s–1930s)

The aftermath of the American Civil War marked a significant juncture in the evolution of penological practices in the North as well (Blomberg & Lucken, 2010). During this period, from 1867 to 1869, Enoch Wines and Theodore Dwight conducted a comprehensive examination of American penitentiaries. Their investigation uncovered egregious practices, including instances of torture, decrepit infrastructure, and appalling living conditions within correctional facilities (Pisciotta, 1994). The findings of their report were discussed at the 1870 National Congress in Cincinnati, precipitating urgent calls for reform. As a response, Congress formulated a set of foundational principles to guide the transformation of penitentiaries (for further details, see Declaration Principles). The principles outlined in the declaration emphasized the paramount importance of rehabilitation and reformation in the treatment of offenders, reflecting a growing recognition of the need for humane and effective approaches to criminal justice (Wines, 1873). Besides the establishment of fundamental principles for penitentiary reform, the assembly also gave rise to the American Prison Association. This organization, later renamed the American Correctional Association in 1954, became instrumental in advocating for progressive reforms in the correctional system.

The Elmira Reformatory

The two most significant events in the early reformatory movement in the U.S. were the National Congress meeting in Cincinnati in 1870 and the opening of the Elmira Reformatory in New York in 1876 (Putney & Putney, 1962). Zebulon Brockway, Elmira's first **Superintendent**, modeled the new adult reformatory after the principles established at the 1870 Cincinnati meeting, leading scholars of the time, and Alexander Maconochie's mark system. The mark system revolved around the concept of indeterminate sentencing, where inmates would earn marks for good behavior, gradually leading to increased responsibilities and freedoms.

Brockway adhered to the late 19th-century positivism movement in criminology, which posited that much criminal behavior was hereditary and therefore genetic. Nonetheless, Brockway implemented a system where every inmate entering the reformatory underwent evaluation to determine their individual rehabilitation needs. He emphasized the importance of socializing offenders through treatment programs such as schooling and vocational training. However, reflecting the prevailing beliefs of the time regarding criminality, many inmates, particularly Black individuals, were perceived as genetically predisposed to criminal behavior–beliefs that have since been widely discredited by subsequent research and advancements in criminology (Young, 2011).

Brockway implemented a basic three-grade classification process for inmates. Upon entry, all inmates would be assigned to grade two. Those who accumulated enough good behavior merits would then transition to grade one, granting them special dining and conversation privileges. Conversely, inmates who exhibited bad behavior would receive demerits and eventually be placed in grade three, resulting in a loss of privileges and separation from grade one and two inmates (Putney & Putney, 1962). Once an inmate accrued sufficient good behavior merits, they could apply for parole, which was then reviewed by the parole board and either accepted or denied.

Brockway actively marketed and promoted the new penological approach, contributing significantly to the adoption of reformatories across the country (Pisciotta, 1994). By the 1890s, many states in the North and West began constructing reformatories modeled after Elmira. However, by the mid-1890s, Elmira Reformatory faced issues of overcrowding and reports of abuse of intellectually disabled inmates emerged. Consequently, Brockway lost political support, ultimately leading to his resignation in 1900.

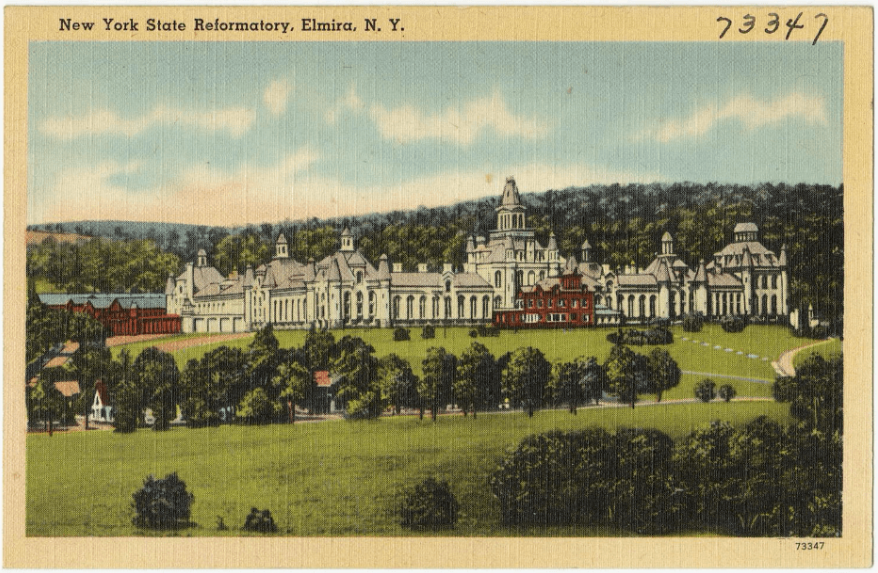


Figure 4.3.2.1: The Elmira Reformatory, located in Elmira, New York, was established in 1876 as a pioneering institution focused on rehabilitating young male offenders through education and discipline. Designed by noted architect William H. Miller, the reformatory's distinctive Richardsonian Romanesque architecture reflected the progressive ideals of its time. It became renowned for its innovative educational programs and efforts to reform inmates through structured work and study. Additionally, the Elmira Reformatory served as a model for other correctional institutions across the United States, influencing the development of modern prison reform efforts and the concept of rehabilitation within the criminal justice system.
Photo Credit: Boston Public Library, CC BY 2.0

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4.3.3: Twentieth Century Corrections (1930-Present)

The 1920s brought another significant transformation to corrections as psychology and rehabilitation moved to the center of penological thinking. Rather than focusing solely on punishment, practitioners began addressing the psychological and physiological conditions underlying criminal behavior. This approach, known as the medical model, advocated for the creation of individual treatment plans for each inmate and facilitated the involvement of professionals in guiding inmates' rehabilitation toward becoming productive, law-abiding citizens. This rehabilitative approach aligned well with indeterminate sentencing policies and parole practices, leading to widespread adoption of this approach by the federal government and 46 of the 48 states by 1925 (Friedman, 1993).

In the 1940s and 1950s, the medical model and rehabilitative approaches dominated penological philosophies. In 1954, the American Prison Association changed its name to the American Correctional Association, and around this time, it recommended that prisons should be utilized as correctional centers rather than prisons or penitentiaries. However, the arbitrary and discriminatory nature of indeterminate sentencing policies and parole release during this period resulted in longer prison sentences rather than shorter ones (Rotman, 1995). Furthermore, several therapeutic and counseling approaches encountered challenges due to inadequate program implementation and the involvement of unqualified staff. For instance, counseling sessions were often led by correctional officers who lacked the necessary qualifications for therapeutic treatment (Blomberg & Lucking, 2010).

By the 1960s, support for individual treatment and rehabilitation correctional approaches began to wane. Following the scathing 1967 report by the President's Commission on Law Enforcement and Administration of Justice, which highlighted the futile and degrading environment in U.S. prisons, it became evident that a new approach to corrections was necessary (Rotman, 1995).

In addition to concerns about the improbability of achieving complete rehabilitation through isolating inmates from society, rising crime rates and prison overpopulation began to emerge as significant issues. To address some of the shortcomings of the medical model, prisons initiated a transition in their rehabilitation philosophy to a community corrections approach.

At the onset of the criminal justice process, the community corrections approach prioritized diverting offenders to community programs and parole to mitigate stigmatization and overly punitive punishments. Meanwhile, during the subsequent stages of the criminal justice process, the community corrections strategy focused on the reintegration of inmates. This involved promoting vocational training and higher education programs within prisons, which garnered public support as crucial tools for facilitating inmates' successful reintegration into society.

The correctional system also began to implement more intermediate sanctions, such as halfway houses, work release programs, and house arrest, to deal with individuals who committed less serious crimes. Prior to the adoption of these intermediate sanctions, the criminal justice system was constrained to an "all or nothing" approach, forced to choose between incarcerating the offender or issuing no punishment whatsoever. Although one of the primary goals of intermediate sanctions was to lower the prison population, it inadvertently led to an increase, placing substantial strain on the correctional system.

By the 1980s, rising crime rates, popular punitivism, political factors, and concerns over **discrimination** and subjectivity inherent in indeterminate sentencing and parole boards prompted a shift in penological approach from the community corrections model to the crime control approach. In 1982, President Ronald Reagan declared a War on Crime, advocating for the U.S. to combat this perceived threat with overly punitive sanctions, the elimination of indeterminate sentences, the implementation of mandatory minimums, and the construction of more prisons.

The emerging penological crime control approach, grounded in incapacitation, deterrence, and retribution philosophies, dismissed rehabilitative efforts as futile and deemed them an inefficient allocation of fiscal resources. While U.S. incarceration rates remained stable at around 100 per 100,000 between 1920 and 1970, by 1980, the rate had risen to 221 per 100,000, and by 2008, it had soared to 762 per 100,000 (Western & Pettit, 2010). Problematically, this approach contributed to the issue of **mass incarceration**, resulting in a 700% increase over a 40-year span. Figure 10.9 below demonstrates this drastic increase in incarcerations rates among both federal and state prisons between 1978 and 2009.

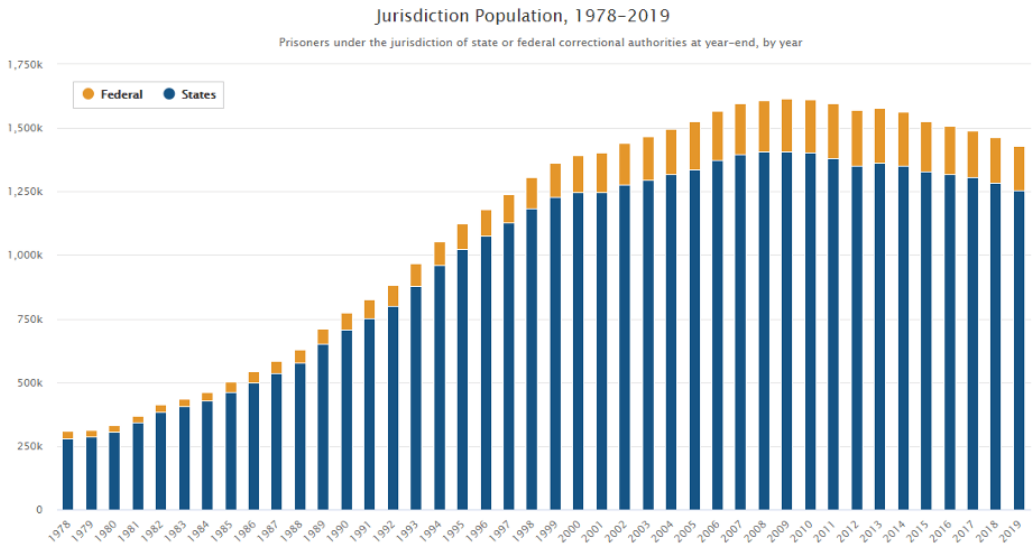


Figure 4.3.3.1: Since 1978, the number of individuals in a state or federal corrections system have risen exponentially from 1978 to 2019. Information gathered from the National Prisoner Statistics (NPS) survey and the National Corrections Reporting Program (NCRP) (Bureau of Justice Statistics, n.d.).
Photo Credit: Wesley B. Maier, Ph.D., CC BY 4.0

The surge in incarceration rates in the U.S. during the early 21st century presented significant challenges, with roughly 1 in every 100 American adults incarcerated in either jail or prison by 2008 (Pew Charitable Trusts, 2008). Despite accounting for only about 5% of the global population during this period, the U.S. accounted for a staggering 25% of the world's prison population (Committee on Causes and Consequences of High Rates of Incarceration et al., 2014). The rapid increase in incarceration rates led to significant challenges, including prison overcrowding, which forced states to embark on construction of more prisons. The rising costs associated with constructing new prison facilities and accommodating the growing inmate population began to strain state resources. State expenditures on corrections skyrocketed by 257% between 1982 (amounting to $15 billion) and 2010 (reaching $53.5 billion) (Kyckelhahn, 2012). However, the onset of the Great Recession in 2008 compelled states to make deep budget cuts, with reductions in corrections spending being a primary focus. Additionally, factors such as declining crime rates and a shift away from excessively punitive drug sentencing also contributed to the decrease in corrections expenditures by 2010.

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4.3.4: History of the Juvenile Justice System

The juvenile court was created in Cook County Illinois in 1899, but the concept dates back to seventeenth-century Europe. The term ***parens patriae*** originated in the 12th century with the King of England and means "the father of the country." Applied to juvenile matters, *parens patriae* means the king is responsible for and in charge of everything involving youth. *Parens patriae* was often used by royalty in England from their homes in the name of the king. Children were often seen as property and were thus subject to the wishes of the king or his agents. This was especially relevant when they violated the law.

Within the scope of early English common law, parents had the primary responsibility of raising their children in any manner they deemed fit. However, when children reached 7 years of age or committed a criminal act, chancellors, acting in the name of the king, adjudicated matters concerning the youth. The youth had no legal rights and were essentially wards of the court. As such, the courts were tasked with safeguarding their welfare. While parents were merely responsible for childbearing, the state had the primary and legitimate interest in the upbringing of the children.

The concept of *parens patriae* had a substantial influence on events in the United States, such as the child-saving movement, houses of refuge, and reform schools. The persistent doctrine of *parens patriae* can be seen evolving from "king as a father" to a more general ideology, that of the state "acting in the best interest of the child." Subsequent matters involving youth revolve around this notion of acting in the best interest of the child, whether children were taken away from wayward parents, sent to reform schools for vagrancy, or even held in institutions until they reach the age of majority, or 18 years old. The idea is that the state is acting in its best interest, protecting the youth from growing up to be ill-prepared members of society. Thus, the courts are intervening for the youth's good.

In the nineteenth century, children were gradually seen as vulnerable and in need of special care and supervision. One illustration of this concept was the establishment of a **house of refuge** in New York City in 1825. These were urban establishments used to corral youth who were roaming the street unsupervised or who had been referred by the courts.

These houses were not intended to house criminals, but rather at-risk youth, or youth who were on the verge of falling into a life of crime because of their social circumstances. Because of the notion of *parens patriae*, many of the parents of these young people were not involved in the placement of their children in these houses. The case of ***Ex Parte Crouse*** is an example.

In 1838, a girl named Mary Ann Crouse was sent to a Philadelphia House of Refuge at the request of her mother. Her father petitioned to have her released since she was committed without his consent. However, because the state has the right to remove children from their homes, in their best interest and even sometimes over parental objection (because of *parens patriae*), the Pennsylvania Supreme Court denied the father's petition. The court declared that failed parents lose their rights to raise their children. Parental custody and control of their children is natural, but not an absolute right. If parents fail to care for their children, educate, train, or supervise them, then the children can be taken by the state. The state is acting in the best interests of the child.

Reform Schools

The 1850s ushered in the development of reform schools or institutions used for the housing of delinquent and dependent children. The schools were structured around a school schedule rather than the work hours that defined the workhouses and houses of refuge. Many reform schools operated like a cottage system where the youth were divided into "families" with cottage parents who oversaw the day-to-day running of the family, discipline of the youth, and schooling. The structure is still used in some youth correctional institutions today. However, back in the nineteenth century, children were often exploited for labor, and many schools de-emphasized formal education (Mennel, 1973). Additionally, the emphasis of the reform school was on the strength of the family, and they believed that by reinserting a strong family presence with the youth, they would be deterred from further criminal pursuits (Shoemaker, 2018). Despite the lack of evaluations on the effectiveness of these institutions, the popularity of reformatories continued to grow.



Figure 4.3.4.1: Young children miners with soot on their faces.

The state had the legal authority to commit children and youth to reform schools based under *parens patriae*. However, in 1870, a boy named Daniel Turner was considered a "misfortunate," or someone who was in danger of becoming delinquent because his family was poor and unable to care for him. He was remanded to a Chicago house of refuge for vagrancy, not a delinquent act. His father filed a writ of habeas corpus, and the court ruled that the state has no power to imprison a child who has committed no crime on the mere allegation that he is "destitute of proper parental care, and is growing up in mendicancy, ignorance, idleness, and vice" *(People Ex Rel. O'connell v. Turner*, 55 Ill. 280 (Ill. 1870)). This effectively closed the reform schools in Illinois since they could no longer house noncriminal children. This case challenged the practice of *parens patriae* and ruled that the state can only take control of children if the parents are completely and utterly unfit and/or the child has committed some act of "gross misconduct" (Fox, 1970).

Child Saving Movement

By the end of the 19th century, cities were experiencing the effects of three major things: industrialization, urbanization, and immigration. Industrialization refers to the shift in work from agricultural jobs to more manufacturing work. This led to a greater number of people moving from the country to the cities, and the cities' populations increased quickly without the infrastructure to support the increase. Immigration refers to the internal migration of people in America and the external movement of people from other countries. Within America, people were moving from the southern states (remember, this is not long after the end of the Civil War, which ended in 1865) and immigrating from European countries such as Ireland—the potato famine lasted from 1845–1854 and killed an estimated 1.5 million people. Millions of Germans and Asians also immigrated to America during this time, lured by Midwest farmlands and the California Gold Rush (History.com Editors, 2009).

The influx of people into cities weakened the cohesiveness of communities and the abilities of communities and families to socialize and control children effectively (Feld, 1999). Nonetheless, the child-saving movement emerged during this time to change the way the state dealt with dependent, neglected, and delinquent children. The child savers were women from middle and upper-class backgrounds.

There is some debate as to the motives of child savers. The traditional view is that they were progressive reformers who sought to solve the problems of urban life. In contrast, others contend that they used their status and resources to preserve the middle-class White way of life by overseeing the treatment of immigrant children. Regardless of their motives, it is safe to say that child-savers were prominent, influential, philanthropic women who were "generally well educated, widely traveled, and had access to political and financial resources" (Platt, 1977).

Creation of the Juvenile Court

The juvenile court was created in Cook County, Illinois in 1899. The Illinois Juvenile Court Act of 1899 was the first statutory provision in the United States to provide for an entirely separate system of juvenile justice. The court was created to have

jurisdiction over all matters about youth- dependent, neglected, and delinquent youth.

A 1905 Pennsylvania Supreme Court case, *Commonwealth v. Fisher Commonwealth v. Fisher,* 213 Pennsylvania *48 (1905),* conveyed the legal authority of the new juvenile court under *parens patriae*:

To save a child from becoming a criminal, or from continuing in a career of crime, . . . the legislatures surely may provide for the salvation of such a child, if its parents or guardians be unable or unwilling to do so, by bringing it into one of the courts of the state without any process at all, to subject it to the state's guardianship and protection.

In this case, a juvenile was given a seven-year sentence for a minor crime which would have received a much lesser sentence in adult court. The court upheld the sentence and deemed it was in the best interest of the child. As a result of the case, *parens patriae* was back. The court ruled that "importance to the commonwealth which is vitally interested in rescuing and saving its children, wherever rescue, care and a substitute for parental control are required, to the end that they may, in the enjoyment of sober, industrious and happy lives, fill the full measure of good citizenship."

Having examined the historical development of policing and the correctional system, Chapter 5 shifts focus to crime itself, what it is, how it is classified, and how it is measured. Understanding the categories and patterns of criminal behavior provides the foundation for evaluating the justice system's responses explored in subsequent chapters.

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CHAPTER 5: TYPES OF CRIME

Learning Objectives

- Classify different types of crime
- Distinguish between violent and property crimes
- Explain emerging forms such as cybercrime
- Analyze crime trends and patterns

Key Terms

- Felony
- Misdemeanor
- Infraction
- Violent Crime
- Property Crime
- Homicide
- Organized Crime
- White-Collar Crime
- Cybercrime
- Public Order Crime
- Victimless Crime
- Uniform Crime Report (UCR)
- NIBRS
- NCVS
- Crime Trends

Summary

This chapter categorizes crime by severity and type, including violent, property, and white-collar offenses. It also examines emerging crimes such as cybercrime. Using crime data and demographic patterns, the chapter illustrates how crime varies across populations and over time.

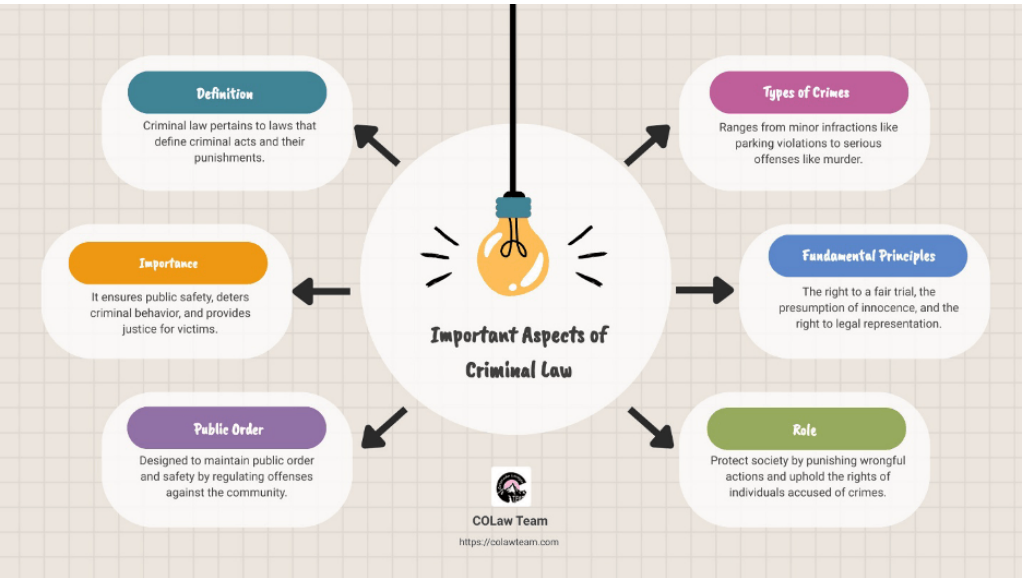


Figure 5.1: Photo courtesy of Colawteam

Every year, millions of crimes occur across the U.S., spanning a wide spectrum from the gravest offenses such as murder, rape, or assault to relatively minor transgressions like shoplifting, littering, or video piracy (Federal Bureau of Investigation [FBI], 2020b). Statistics and crime research play pivotal roles in elucidating crime patterns, addressing crime-related issues, and even unraveling the underlying dynamics of criminal behavior and social dynamics. However, before delving into crime measurements and statistics, it is imperative to establish a clear understanding of precisely what we are measuring and the parameters guiding our analyses.

Categorizing crime types into distinct classifications serves as a foundational tool for understanding the multifaceted nature of criminal behavior and its implications for society. Through this structured framework, stakeholders can develop more informed strategies to prevent crime, promote public safety, and foster social justice. Due to the broad range of crime types, each reflecting unique aspects of human behavior and societal dynamics, categorization becomes essential for effective analysis and understanding. From crimes of violence that threaten physical safety and wellbeing to offenses against public order that disrupt social harmony, and white-collar crimes that often involve sophisticated schemes targeting financial systems, the spectrum of criminal behavior is vast and multifaceted.

Categorization allows researchers, policymakers, and law enforcement agencies to organize this complexity into manageable frameworks, facilitating deeper insights into the underlying motivations, patterns, and consequences of criminal activity. By delineating distinct categories, we can identify common trends, disparities, and emerging threats within the realm of crime, enabling more targeted interventions and resource allocation.

Crime can be conceptualized in several ways. The most common way people view crime is as harmful acts that are “against the law.” However, many criminologists take a more complex view of the matter and caution that it is unwise to simply see crime as a violation of the law (Beirne & Messerschmidt, 2011; Agnew, 2011). The law is technically a social construction, and many acts that cause significant harm are legal while other acts that cause minimal harm are criminalized. If criminologists only focus on acts that are violations of criminal law, they miss harms that falls outside of the law, and risk viewing relatively harmless behavior as a problem simply because it is illegal.

To address these gaps, some criminologists suggest that we view crime as a violation of conduct norms (Sellin, 1938) – seeing crime from a sociological lens. In other words, it is important to consider what a culture or group deems to be normal or deviant behavior as this may vary based on geographic location, history, and a variety of other factors. For purposes of this section, a criminological approach will be taken when providing definitions for the types of crime.

Crimes can be classified in many ways. Crimes also can be grouped by subject matter. For example, a crime like assault, battery, or rape tends to injure another person’s body, so it can be classified as a “crime against the person.” If a crime tends to injure a person by depriving them of property or by damaging property, it can be classified as a “crime against property.” These classifications are basically for convenience and are not imperative to the study of criminal law.

More important and substantive is the classification of crimes according to the severity of punishment. This is called grading.

Crimes are generally graded into four categories: felonies, misdemeanors, felony-misdemeanors, and infractions. Often the criminal intent element affects a crime's grading. *Malum in se* crimes, murder, for example, are evil in their nature and are generally graded higher than malum prohibitum crimes, which are regulatory, like a failure to pay income taxes.

5.1: Classifications

5.1.1: Violent Crime

5.1.2: Property Crime

5.1.3: Homicides

5.1.4: Gang-Related Violent Crimes

5.1.5: Intimate Crimes

5.1.6: White-Collar Crime

5.1.7: Organized Crime

5.1.8: Economic Crimes

5.1.9: Cyber Crime

5.1.10: Public Order and Public Decency Crimes

5.1.11: Victimless Crime

5.2: Official Statistics

5.3: Crime Trends

5.4: Who Commits Crime

5.5: References

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5.1: CLASSIFICATIONS

Felonies

Felonies are the *most serious* crimes. They are either supported by a heinous intent, like the intent to kill, or accompanied by an extremely serious result, such as loss of life, grievous injury, or destruction of property. Felonies are serious, so they are graded the highest, and all sentencing options are available. Depending on the jurisdiction and the crime, the sentence could be execution, prison time, a fine, or alternative sentencing such as probation, rehabilitation, and home confinement. Potential consequences of a felony conviction also include the inability to vote, own a weapon, or even participate in certain careers.

Misdemeanors

Misdemeanors are *less serious* than felonies, either because the intent requirement is of a lower level or because the result is less extreme. Misdemeanors are usually punishable by jail time of one year or less per misdemeanor, a fine, or alternative sentencing like probation, rehabilitation, or community service. Note that incarceration for a misdemeanor is in jail rather than prison. The difference between jail and prison is that cities and counties operate jails, and the state or federal government operates prisons, depending on the crime. The restrictive nature of the confinement also differs between jail and prison. Jails are for defendants who have committed less serious offenses, so they are generally less restrictive than prisons.

Felony-Misdemeanors

Felony-misdemeanors are crimes that the government can prosecute and punish as *either* a felony or a misdemeanor, depending on the particular circumstances accompanying the offense. The discretion whether to prosecute the crime as a felony or misdemeanor usually belongs to the *judge*, but in some instances the *prosecutor* can make the decision.

Infractions

Infractions, which can also be called violations, are the least serious crimes and include minor offenses such as jaywalking and motor vehicle offenses that result in a simple traffic ticket. Infractions are generally punishable by a fine or alternative sentencing such as traffic school.

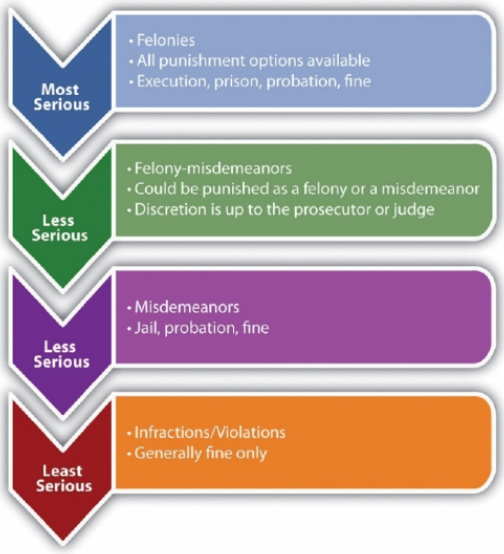


Figure 5.1.1: Introduction to Criminal Law Diagram Classification of Crimes
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5.1.1: Violent Crime
5.1.2: Property Crime
5.1.3: Homicides
5.1.4: Gang-Related Violent Crimes
5.1.5: Intimate Crimes
5.1.6: White-Collar Crime
5.1.7: Organized Crime
5.1.8: Economic Crimes
5.1.9: Cyber Crime
5.1.10: Public Order and Public Decency Crimes
5.1.11: Victimless Crime

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5.1.1: Violent Crime

Violent crime is a category of criminal offense involving the use of force or the threat of force against a person, resulting in physical or psychological harm. These crimes are considered serious due to their direct impact on individuals and communities, often involving intentional harm or the threat of harm.

Violent crimes represent some of the most serious and devastatingly impactful offenses within the realm of criminal behavior. This category encompasses a range of actions that involve the use or threat of force against individuals or groups, often resulting in physical harm, injury, or death. Due to the severity of these types of offenses, violent offenders are often punished more harshly compared to non-violent criminal offenders.

Within the realm of violent crimes, we can delineate between two primary types: expressive and instrumental violence. **Expressive violence** is characterized by acts propelled by intense emotions like rage, anger, or frustration, resulting in impulsive and uncontrolled behavior. On the other hand, **instrumental violence** involves actions strategically aimed at achieving certain goals or objectives, such as bolstering the perpetrator's financial or social standing. Consider, for instance, a scenario where an employee is assaulted and tied up during a bank robbery—an exemplification of instrumental violence. In this context, violence transcends by being a mere outburst of emotion; instead, it becomes a calculated tool strategically employed to achieve a specific objective, namely, financial gain.

Violent crimes encompass a broad array of acts, each with distinct features and societal ramifications. To enhance research and analysis, violent crimes are often segmented into multiple categories based on similar characteristics, facilitating a more nuanced understanding of each type. For this section, we will use the following categories: gang-related crimes, intimate crimes, hate crimes, and homicide. Examining these groupings offers valuable insights into the intricate dynamics shaping such behavior, pinpointing common patterns, underlying motivations, and risk factors. Understanding these components is vital for developing effective strategies that prevent and address such offenses, while also promoting safety, justice, and resilience within communities affected by violent crime.

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5.1.2: Property Crime

Property crime is a type of crime that involves the theft or destruction of someone else's property without the use or threat of force against a person. It encompasses a range of offenses, including burglary, larceny-theft, motor vehicle theft, and arson.

Definition for Part I and Part II Crime as outlined by the FBI: UCR (n.d.) Offense

Part I offenses are known as index offenses, are a set of serious crimes used by the FBI's Uniform Crime Reporting (UCR) Program to track crime trends. These offenses are categorized into violent crimes and property crimes.) Below is a list of them and the definitions:

Criminal Homicide

a.) Murder and nonnegligent manslaughter: the willful (nonnegligent) killing of one human being by another. Deaths caused by negligence, attempts to kill, assaults to kill, suicides, and accidental deaths are excluded. The program classifies justifiable homicides separately and limits the definition to:

(1) the killing of a felon by a law enforcement officer in the line of duty; or

(2) the killing of a felon, during the commission of a felony, by a private citizen.

b.) Manslaughter by negligence: the killing of another person through gross negligence. Deaths of persons due to their own negligence, accidental deaths not resulting from gross negligence, and traffic fatalities are not included in the category manslaughter by negligence.

Rape: The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

Robbery: The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

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

Burglary (breaking or entering): The unlawful entry of a structure to commit a felony or a theft. Attempted forcible entry is included.

Larceny-theft (except motor vehicle theft): The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. Examples are thefts of bicycles, motor vehicle parts and accessories, shoplifting, pocket-picking, or the stealing of any property or article that is not taken by force and violence or by fraud. Attempted larcenies are included. Embezzlement, confidence games, forgery, check fraud, etc., are excluded.

Motor Vehicle Theft: The theft or attempted theft of a motor vehicle. A motor vehicle is self-propelled and runs on land surface and not on rails. Motorboats, construction equipment, airplanes, and farming equipment are specifically excluded from this category.

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

Human Trafficking, commercial sex acts: Inducing a person by force, fraud, or coercion to participate in commercial sex acts, or in which the person induced to perform such act(s) has not attained 18 years of age.

Human Trafficking, involuntary servitude: The obtaining of a person(s) through recruitment, harboring, transportation, or

provision, and subjecting such persons by force, fraud, or coercion into involuntary servitude, peonage, debt bondage, or slavery (not to include commercial sex acts).

Part II offenses are less serious criminal offenses for which less detailed arrest data is collected. These offenses encompass approximately 21 categories and are distinct from the more serious Part I crimes. Below is a list of them and the definitions:

Other assaults (simple): Assaults and attempted assaults where no weapon was used or no serious or aggravated injury resulted to the victim. Stalking, intimidation, coercion, and hazing are included.

Forgery and Counterfeiting: The altering, copying, or imitating of something, without authority or right, with the intent to deceive or defraud by passing the copy or thing altered or imitated as that which is original or genuine; or the selling, buying, or possession of an altered, copied, or imitated thing with the intent to deceive or defraud. Attempts are included.

Fraud: The intentional perversion of the truth for the purpose of inducing another person or other entity in reliance upon it to part with something of value or to surrender a legal right. Fraudulent conversion, obtaining of money or property by false pretenses, confidence games, and bad checks, except forgeries and counterfeiting, are included.

Embezzlement: The unlawful misappropriation or misapplication by an offender to his/her own use or purpose of money, property, or some other thing of value entrusted to his/her care, custody, or control.

Stolen Property, Buying, Receiving, Possessing: Buying, receiving, possessing, selling, concealing, or transporting any property with the knowledge that it has been unlawfully taken, as by burglary, embezzlement, fraud, larceny, robbery, etc. Attempts are included.

Vandalism: To willfully or maliciously destroy, injure, disfigure, or deface any public or private property, real or personal, without the consent of the owner or person having custody or control by cutting, tearing, breaking, marking, painting, drawing, covering with filth, or any other such means as may be specified by local law. Attempts are included.

Weapons: carrying, possessing, etc.: The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices, or other deadly weapons. Attempts are included.

Prostitution and Commercialized Vice: The unlawful promotion of or participation in sexual activities for profit.

Sex Offenses (except rape, prostitution, and commercialized vice): Offenses against chastity, common decency, morals, and the like.

Drug Abuse Violations: The violation of laws prohibiting the production, distribution, and/or use of certain controlled substances. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation, or importation of any controlled drug or narcotic substance. Arrests for violations of state and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs. The following drug categories are specified: opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics—manufactured narcotics that can cause true addiction (Demerol, methadone); and dangerous nonnarcotic drugs (barbiturates, Benzedrine).

Gambling: To unlawfully bet or wager money or something else of value; assist, promote, or operate a game of chance for money or some other stake; possess or transmit wagering information; manufacture, sell, purchase, possess, or transport gambling equipment, devices, or goods; or tamper with the outcome of a sporting event or contest to gain a gambling advantage.

Offenses against the Family and Children: Unlawful nonviolent acts by a family member (or legal guardian) that threaten the physical, mental, or economic well-being or morals of another family member and that are not classifiable as other offenses, such as assault or sex offenses. Attempts are included.

Driving Under the Influence: Driving or operating a motor vehicle or common carrier while mentally or physically impaired as the result of consuming an alcoholic beverage or using a drug or narcotic.

Liquor Laws: The violation of state or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, or use of alcoholic beverages, not including driving under the influence and drunkenness. Federal violations are excluded.

Drunkenness: To drink alcoholic beverages to the extent that one's mental faculties and physical coordination are substantially

impaired. Driving under the influence is excluded.

Disorderly Conduct: Any behavior that tends to disturb the public peace or decorum, scandalize the community, or shock the public sense of morality.

Vagrancy: The violation of a court order, regulation, ordinance, or law requiring the withdrawal of persons from the streets or other specified areas; prohibiting persons from remaining in an area or place in an idle or aimless manner; or prohibiting persons from going from place to place without visible means of support.

All other offenses: All violations of state or local laws not specifically identified as Part I or Part II offenses, except traffic violations is listed below with the definitions:

Suspicion: Arrested for no specific offense and released without formal charges being placed.

Curfew and Loitering Laws (persons under age 18): Violations by juveniles of local curfew or loitering ordinances.

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5.1.3: Homicides



Figure 5.1.3.1: Photo illustration of a photographer documenting a homicide scene with crime scene tape surrounding a body outline marked in white tape on the ground next to a pool of blood staining the road.
Photo Credit: CC0 Public Domain 1.0

At the most extreme end of the spectrum, murder represents the ultimate act of violence, resulting in the intentional killing of another person. Whether motivated by personal vendettas, ideological beliefs, financial gain, or other factors, murder carries profound societal implications not only on the victim, their family, and friends, but often elicits strong emotional responses from communities and law enforcement authorities alike.

While many violent crimes can escalate to murder, the underlying motivation behind the crime often dictates the number of victims involved. In cases such as gang-related or intimate partner murders, the violence tends to be more targeted and localized, typically occurring within known or isolated areas. However, in instances of random acts of murder, such as mass shootings or serial killings, the violence is more indiscriminate and unpredictable, instilling widespread fear and anxiety within communities, despite the rarity of such occurrences.

There are three primary categories of multiple murders: serial murders, murder sprees, and mass murders. *Serial murder* refers to when a person kills several victims in three or more separate events. *Mass murder* involves the killing of more than three people in a single event. A *murder spree*, on the other hand, entails a series of killings committed within a relatively short time frame (e.g., days or weeks), often without a clear interval between each event and in different locations. Public perceptions about the frequency of these types of murder are often inflated because these events receive a great deal of attention from news outlets and other mass media (Schildkraut, 2016). For example, consider the variety of murder documentaries on Netflix: true crime documentaries and series like *The Jinx: The Life and Deaths of Robert Durst*, *Don't F**k With Cats: Hunting an Internet Killer*, and *Night Stalker: Hunt for a Serial Killer*. However, these high-profile cases tend to be statistically rare, and it is important to realize that serial homicide accounts for less than 1% of all murders (Bonn, 2014). It is worth noting that the U.S. has produced 3,204 serial killers over its history (Sheth, 2020).

Homicides tend to be among the most well-reported types of crime (Nivette, 2011). After all, at least one person will usually notice and care if someone vanishes. Because homicides are usually reported, they are less likely than other types of crime to be susceptible to the dark figure of crime (Tonry, 2004). The dark figure of crime refers to the number of crimes that are uncounted because nobody notices or reports them. For example, a stroll through downtown Vancouver at any time of the day will reveal a great deal of unreported drug crime—there are obviously many cases of drug possession and trafficking that go unnoticed and unreported because both participants in the crime are willing parties. In other words, a "criminal" act is not necessarily a "deviant" act if it is typical, "normal" behavior among the local population.

Homicide is usually associated with murder in everyday conversation and in television and movies. However, it is important to

remember that homicide is an umbrella term that refers to one human killing another, while murder is a specific type of intentional homicide. The legal system identifies several levels of murder that are sorted according to the offender's culpability and intention to do harm. *First degree* murder is planned and deliberate, whereas *second degree* murder may be intentional, but it lacks the element of pre-planning and may occur in the heat of the moment. *Manslaughter* is non-intentional homicide resulting from intoxication, recklessness, or negligence (e.g., two people in a bar get in a fight and one kills the other by accident).

Interpreting murder rates accurately is a complex task that extends beyond merely counting the total number of murders in a specific area. The motivations and circumstances surrounding different types of multiple murder crimes vary significantly, profoundly affecting data interpretation. Therefore, examining the underlying causes of murders is equally essential for a comprehensive understanding of murder rates. For example, a region with high murder rates may not necessarily imply a high risk of being murdered. The interpretation and implications of the data vary substantially depending on whether the murders were the result of multiple random incidents at different times or the outcome of a family murder suicide. Moreover, the motives and behaviors of a serial murderer with four victims differ significantly from those of a father who tragically takes the lives of four of his own family members. Despite the same number of victims in both scenarios, the differences in motive, behavior, and timing greatly alter the interpretation of the data and impact on policy.

To gain an accurate understanding of murder rates and devise effective strategies and policies, it's essential to thoroughly examine a variety of critical variables. By grasping these nuances, policymakers and stakeholders can craft tailored policies and strategies aimed at tackling the underlying causes of homicide-related violent crimes. Furthermore, they can implement interventions and preventive measures to effectively counter the various factors contributing to different types of multiple murders.

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5.1.4: Gang-Related Violent Crimes

Among violent crimes, gang-related violence stands out as a distinctive subcategory that profoundly impacts communities worldwide. Gang-related violence encompasses a wide array of criminal activities perpetrated by organized groups, driven by a complexity of motivations such as territorial disputes, interpersonal conflicts among gang networks, drug trafficking, and other illicit enterprises.

Gang-related violence extends beyond mere criminal activities; it represents a subculture characterized by its own social norms, hierarchies, and codes of conduct (Anderson, 2000). Although gangs may form as a means of protection or survival within disadvantaged communities, their activities frequently extend beyond mere self-preservation, leading to significant social disruption and harm. These gangs often provide a sense of belonging and identity for marginalized individuals, drawing them into a cycle of violence and criminality. From street gangs in urban neighborhoods to organized crime syndicates operating across international borders, the extent and influence of gang-related violence are broad-spanning and multifaceted.

Territorial disputes lie at the heart of many gang-related conflicts, as rival groups vie for control over lucrative drug markets or other illicit activities. These disputes can escalate into acts of violence, including shootings, stabbings, or other forms of physical aggression, as gangs seek to assert dominance and protect their interests.

Interpersonal conflicts among gang members also contribute to the prevalence of gang-related violence. Disputes over perceived slights, betrayals, or challenges to authority within gang hierarchies can quickly escalate into violent confrontations. Another form of interpersonal conflict arises between rival gangs as they seek retribution for past offenses, often perpetuating cycles of retaliation and escalation, thus leading to a continuous cycle of violence.

In addition to the immediate physical threats posed by gang violence, such as shootings, stabbings, or assaults, gang activity also inflicts extensive consequences for the surrounding communities. Residents of these affected neighborhoods often experience heightened fear and insecurity, compounded by negative economic repercussions resulting from reduced property values and limited business opportunities in gang-controlled areas (Agnew & White, 1992; Ratcliffe & Taniguchi, 2008). Moreover, innocent bystanders, including children, may become unintended victims of gang-related shootings or other violent acts, further exacerbating the impact on community safety and cohesion. Additionally, the involvement of gangs in drug trafficking and other criminal enterprises adds another layer of complexity to gang-related violence. The pursuit of profit and power compels gangs to engage in illegal activities, fueling violence and perpetuating social instability within communities.

(We will cover more on Gangs and Organized Crime in another section)

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5.1.5: Intimate Crimes

Intimate partner violence encompasses a range of abusive behaviors that can occur within romantic or familial relationships, as well as interactions with acquaintances or relative strangers. This form of violence extends beyond physical harm to include emotional and psychological abuse, often leaving lasting scars on victims and survivors.

Within intimate relationships, abuse can take various forms, including physical violence such as hitting, kicking, or choking, as well as emotional manipulation, coercion, and control. Both **physical abuse** and **emotional abuse** are often characterized by patterns of power and control, where perpetrators seek to dominate and intimidate their partners through threats, isolation, and manipulation.

Sexual abuse represents one form of intimate violent crime that occurs within both intimate and non-intimate relationships. These acts of violence violate the bodily autonomy and consent of the victim, causing profound physical and psychological harm. **Rape** is a deeply traumatic experience that involves non-consensual sexual intercourse or penetration, perpetrated by a partner, acquaintance, or relative stranger. Victims of sexual violence often face significant physical, emotional, and social consequences, including post-traumatic stress disorder, depression, and social stigmatization.

In addition to violence perpetrated by romantic partners, intimate violence can also occur within familial relationships, such as parent-child or sibling relationships. In these instances, **child abuse** may manifest as neglect, emotional manipulation, or physical violence, further complicating the dynamics of power and control within the family unit.

Measuring intimate violent crimes poses unique challenges due to underreporting, victim reluctance to disclose abuse, and certain cultural beliefs that normalize or condone abusive behavior within intimate relationships (Hien & Ruglass, 2009). However, efforts such as victimization surveys, forensic examinations, and specialized law enforcement units dedicated to domestic violence and sexual assault play crucial roles in gathering data and providing support to victims. For additional data on intimate partner violence, see the Office for Victims of Crime fact sheet.

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5.1.6: White-Collar Crime

White-collar crime encompasses financially motivated offenses perpetrated by individuals or organizations in positions of trust or authority. These non-violent crimes involve deceit, manipulation, or abuse of power for monetary gain and include activities such as fraud, embezzlement, insider trading, bribery, money laundering, and tax evasion. Perpetrators often leverage their knowledge of financial systems and regulations to carry out illicit activities, leading to significant financial losses and undermining the integrity of financial markets and institutions (Barnett, 2000). Detecting and prosecuting white-collar crimes can be challenging due to their complexity and sophisticated methods, trial costs, necessitating specialized investigative techniques and expertise.

White-collar crime is crime committed as part of one's occupation. It ranges from fraudulent repairs by auto repair shops to corruption in the high-finance industry to unsafe products and workplaces in some of our largest corporations. It also includes employee theft of objects and cash. Have you ever taken something without permission from a place where you worked? Whether or not you have, many people steal from their employees, and the National Retail Federation estimates that employee theft involves some $20 billion annually (National Retail Federation, 2007). White-collar crime also includes health-care fraud, which is estimated to cost some $100 billion a year as, for example, physicians and other health-care providers bill Medicaid for exams and tests that were never done or were unnecessary (Rosoff, Pontell, & Tillman, 2010). And it also involves tax evasion: the IRS estimates that tax evasion costs the government some $300 billion annually, a figure many times greater than the cost of all robberies and burglaries (Montgomery, 2007).

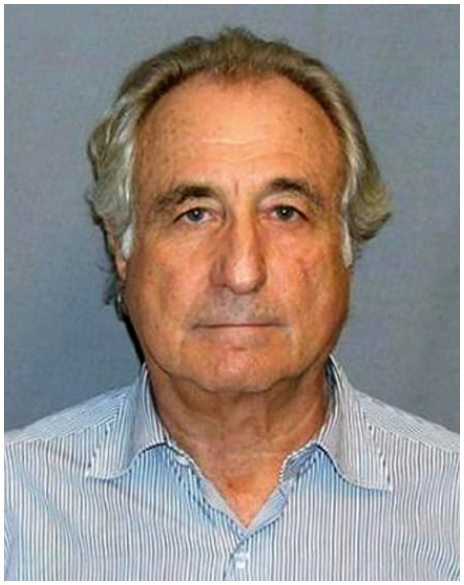


Figure 5.1.6.1: In June 2009, investment expert Bernard Madoff was sentenced to 150 years in prison for defrauding thousands of investors of tens of billions of dollars. This was the largest such crime in U.S. history.
Wikimedia Commons – public domain.

One of the most serious recent examples of white-collar crime came to light in December 2008, when it was discovered that 70-year-old investment expert Bernard Madoff had engaged in a Ponzi scheme (in which new investments are used to provide the income for older investments) since the early 1990s in which he defrauded thousands of investors of an estimated $50 billion, the largest such scandal in U.S. history (Creswell & Thomas, 2009). Madoff pleaded guilty in February 2009 to 11 felonies, including securities fraud and money laundering, and was sentenced to 150 years in prison (Henriques & Healy, 2009).

Some of the worst crimes are committed by our major corporations (*corporate crime*). As just one example, price fixing in the corporate world costs the U.S. public about $60 billion a year (Simon, 2006). Even worse, an estimated 50,000 workers die each year from workplace-related illnesses and injuries that could have been prevented if companies had obeyed regulatory laws and followed known practices for safe workplaces (AFL-CIO, 2007). A tragic example of this problem occurred in April 2010, when an explosion in a mining cave in West Virginia killed 29 miners. It was widely thought that a buildup of deadly gases had caused the explosion, and the company that owned the mine had been cited many times during the prior year for safety violations related to proper gas ventilation (Urbina, 2010).

Corporations also make deadly products. In the 1930s the asbestos industry first realized their product was dangerous but hid the evidence of its danger, which was not discovered until 40 years later. In the meantime, thousands of asbestos workers came down with deadly asbestos-related disease, and the public was exposed to asbestos that were routinely put into buildings until its danger came to light. It is estimated that more than 200,000 people will eventually die from asbestos (Lilienfeld, 1991).

Asbestos is not the only unsafe product. The Consumer Product Safety Commission and the U.S. Centers for Disease Control and Prevention estimate that about 10,000 Americans die annually from dangerous products, including cars, drugs, and food (U.S. Consumer Product Safety Commission, 2003; Petersen & Drew, 2003). In perhaps the most notorious case, Ford Motor Company marketed the Pinto even though company officials knew the gas tank could catch fire and explode when hit from the rear end at low speeds. Ford had determined it could fix each car's defect for $11 but that doing so would cost it more money than the amount of lawsuits it would eventually pay to the families of dead and burned Pinto victims if it did not fix the defect. Because Ford decided not to fix the defect, many people—estimates range from two dozen up to 500—people died in Pinto accidents (Cullen, Maakestad, & Cavender, 2006). In a more recent example involving a motor vehicle company, Toyota was fined $16.4 million by the federal government in April 2010 for allegedly suppressing evidence that its vehicles were at risk for sudden acceleration. The government's announcement asserted that Toyota "knowingly hid a dangerous defect for months from U.S. officials and did not take action to protect millions of drivers and their families" (Maynard, 2010, p. A1).

Corporations also damage the environment, as the BP oil spill that began in April 2010 reminds us. Because federal laws are lax or nonexistent, corporations can and do pollute the environment with little fear of serious consequences. According to one report, one-fifth of U.S. landfills and incinerators and one-half of wastewater treatment plants violate health regulations (Armstrong, 1999). It is estimated that between 50,000 and 100,000 Americans and 300,000 Europeans die every year from the side effects (including heart disease, respiratory problems, and cancer) of air pollution (BBC News, 2005); many of these deaths would not occur if corporations followed the law and otherwise did not engage in unnecessary pollution of the air, water, and land. Critics also assert that laws against pollution are relatively weak and that government enforcement of these laws is often lax.

Is white-collar crime worse than conventional crime? The evidence seems to say yes. A recent estimate put the number of deaths from white-collar crime annually at about 110,000, compared to "only" 16,000 to 17,000 from homicide. The financial cost of white-collar crime to the public was also estimated at about $565 billion annually, compared to about $18 billion from conventional crime (Barkan, 2012). Although we worry about conventional crime much more than white-collar crime, the latter harms the public more in terms of death and financial costs.

(We will cover more on White Collar Crime in another section)

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5.1.7: Organized Crime

Organized crime refers to criminal activities conducted by structured groups, typically for profit, often involving violence, corruption, and intimidation. These groups operate with a degree of planning and coordination, engaging in activities like drug trafficking, human trafficking, arms smuggling, and extortion. They often have a hierarchical structure with clear roles and responsibilities, maintaining secrecy to protect their operations.

(We will cover more on Trafficking in another section)

Hate Crime, Extremism, and Terrorism

A **hate crime** is a criminal act against a person or property that is motivated, in whole or in part, by the offender's bias against a protected characteristic of the victim. These characteristics typically include race, religion, sexual orientation, gender identity, disability, and national origin. Essentially, it's a traditional crime with an added element of bias, according to the FBI.

Hate crimes represent a particularly insidious form of violence motivated by prejudice or bias against specific groups based on immutable characteristics such as race, religion, ethnicity, sexual orientation, or gender identity. These crimes are not only attacks on individual victims but also deliberate assaults on the very fabric of diversity and inclusion within society.

Crimes motivated by hate can take various forms, ranging from verbal **harassment** and physical **assault** to **vandalism** and even **homicide**. Minority group members are often targeted simply because of who they are, leading to a profound sense of fear, vulnerability, and alienation within affected communities.

The impact of hate crimes extends far beyond the immediate victims, reverberating throughout entire communities and exacerbating preexisting social divisions. By instilling fear and intimidation, perpetrators aim to erode the sense of safety and belonging that is fundamental to the well-being of all individuals within their communities.

Addressing hate crimes requires a multifaceted approach that includes robust legal protection, proactive law enforcement efforts, and community-based initiatives aimed at promoting tolerance and understanding. Legislation that enhances penalties for hate-motivated offenses sends a clear message that such behavior will not be tolerated in a civilized society.

Extremism crime encompasses actions and activities that promote or advance an ideology based on violence, hatred, or intolerance, aiming to undermine fundamental rights, freedoms, or democratic systems. It can involve violence, threats, or incitement of violence to achieve political, ideological, or religious goals.

Terrorism is the use of violence and intimidation, often against civilians, to achieve political, religious, or ideological goals. It's characterized by its intent to instill fear and coerce governments or populations into specific actions or policy changes.

(We will cover more on Terrorism and Counterterrorism in another section

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5.1.8: Economic Crimes

Economic crimes encompass a broad spectrum of illegal activities aimed at achieving financial gain through fraud, manipulation, or deceptive tactics, thereby causing financial harm to victims and eroding trust in economic systems. These offenses typically target individuals, businesses, or government entities and may involve practices such as embezzlement, money laundering, insider trading, bribery, and tax evasion. Given their potential to undermine financial institutions, market integrity, and public confidence, economic crimes represent a significant challenge for law enforcement agencies and regulatory bodies worldwide.

Larceny

Larceny is one type of economic crime that refers to the unauthorized taking and removal of another person's property with the intent to permanently deprive the owner of that property. This type of theft crime encompasses the wrongful appropriation of goods or belongings without the owner's consent. Typically, larceny entails physically removing property, such as shoplifting items from a store or stealing goods. However, it differs from robbery in that it does not involve the use or threat of force against the victim. Larceny can occur in various contexts, including theft from individuals, businesses, or even public spaces, and may involve a wide range of items, from tangible goods like money, electronics, or jewelry to intangible assets like intellectual property or confidential information. The severity of larceny charges and penalties varies depending on factors such as the value of the stolen property, jurisdictional laws, and the circumstances surrounding the theft.

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5.1.9: Cyber Crime



Figure 5.1.9.1: A stark reminder of the anonymous nature of online content creators and the unknown motives behind their messages, highlighting the real dangers of evoking emotional responses among readers that can incite fear, hatred, and violence within our society. Photo Credit: David Whelan, CC0 Public Domain 1.0

Cybercrime encompasses a vast array of illegal activities conducted through digital means, including but not limited to hacking, malware distribution, phishing, identity theft, and online fraud. While the motivations behind cybercrimes can vary widely, many of these activities ultimately have economic implications. For example, hackers may breach the security systems of financial institutions or businesses to access sensitive financial data, such as credit card numbers or bank account information, which they can then exploit for monetary gain through fraudulent transactions or selling the stolen data on the dark web. Similarly, cybercriminals may deploy ransomware attacks targeting individuals or organizations, encrypting their data and demanding payment in exchange for its release. Additionally, online fraud schemes, such as bogus investment opportunities or deceptive online marketplaces, can defraud victims of significant sums of money. In essence, while not all cybercrimes are explicitly motivated by economic gain, many of them ultimately result in financial losses for individuals, businesses, or even entire economies (Brando et al., 2022; Iftikhar, 2024).

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5.1.10: Public Order and Public Decency Crimes

Throughout history, societies have often prohibited or regulated behaviors perceived as conflicting with cultural traditions, customs, and values, as well as social norms. These behaviors are typically known as public order and public decency crimes. These types of crimes encompass a diverse array of offenses that threaten the social fabric and communal well-being of a society. These offenses often involve behaviors that disrupt public peace, infringe upon societal norms, or compromise public safety and security. Ranging from disorderly conduct and public intoxication to vandalism and indecent exposure, these crimes pose challenges to maintaining a harmonious and orderly environment for all members of the community.

Public order crimes encompass behaviors perceived to disrupt or threaten public order, peace, and safety in society. These offenses typically violate social norms, codes of conduct, or community standards, rather than directly harming individuals or their property. They were essentially criminalized due to the perception that they unreasonably encroach upon and pose risk to public spaces. Examples of public order crimes include disorderly conduct, public intoxication, loitering, vandalism, graffiti, prostitution, and public urination. The enforcement of public order laws aims to maintain social order, preserve community well-being, and promote public safety.

Public decency crimes are offenses that involve behaviors or actions considered indecent, offensive, or inappropriate in public settings. These crimes typically revolve around violations of societal norms, moral standards, or community values regarding public behavior and conduct. Examples of public decency crimes include acts viewed as being harmful to our moral values and the cohesion of society, including indecent exposure, public nudity, lewd behavior, offensive language or gestures, public urination or defecation, and engaging in sexual activities in public places. The enforcement of public decency laws aims to uphold community standards of decency, protect public morality, and maintain the comfort and dignity of individuals in public spaces.

While these categories of crimes differ, they share numerous similar characteristics, notably their capacity to ignite contentious debates over whether they merit criminal sanctions. Understanding the nature, prevalence, and implications of such offenses is crucial for law enforcement agencies, policymakers, and community leaders in devising effective strategies for prevention, enforcement, and intervention. The following sections explore specific categories of public order and public decency crimes, examining their distinct components and societal impact.

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5.1.11: Victimless Crime

Victimless crime is illegal behavior in which people willingly engage and in which there are no unwilling victims. The most common examples are drug use, prostitution, pornography, and gambling. Many observers say these crimes are not really victimless, even if people do engage in them voluntarily. For example, many drug users hurt themselves and members of their family from their addiction and the physical effects of taking drugs. Prostitutes put themselves at risk for sexually transmitted disease and abuse by pimps and customers. Illegal gamblers can lose huge sums of money. Although none of these crimes is truly victimless, the fact that the people involved in them are not *unwilling* victims makes victimless crime different from conventional crime.

Prostitution

Prostitution is a complex issue often classified as both a public order crime and a public decency crime due to its perceived disruption of societal norms and public morality. It involves individuals, typically referred to as sex workers or prostitutes, providing sexual acts to clients in exchange for money or goods, occurring in public spaces like street corners or private establishments such as brothels. In many societies, engaging in or soliciting sexual services for compensation is illegal and considered disruptive to public order and decency.

The impact of prostitution on society is multifaceted. Characterized by its clandestine nature and often occurring in secluded or urban areas, prostitution has significant social implications. From a public order perspective, solicitation of sexual services in public spaces may disrupt the peace and tranquility of neighborhoods, leading to concerns about safety and community well-being. Additionally, it can contribute to public safety concerns such as increased crime rates, including drug trafficking, violence, and property crimes in areas where it is prevalent, as well as raises the potential for violence against both sex workers and clients (Kelling & Wilson, 1982).

From a public decency standpoint, prostitution is often seen as immoral or indecent behavior that undermines societal values and norms regarding sexuality and relationships. It raises questions about the objectification of individuals, exploitation, and human dignity. The visibility of prostitution in public spaces can also evoke discomfort or offense among community members, particularly in areas frequented by families or children.

Furthermore, prostitution intersects with various social issues, amplifying its impact on society. It intertwines with poverty, substance abuse, human trafficking, and health matters, deepening its societal repercussions. Many individuals involved in prostitution belong to vulnerable populations, including marginalized women, LGBTQ+ individuals, and those facing economic disadvantages, who may turn to sex work as a means of survival (Dank et al., 2015). Sex workers, particularly those operating in clandestine or illegal settings, often encounter significant risks to their health, safety, and overall well-being. In addition, prostitution relates to broader public health concerns as it can facilitate the transmission of sexually transmitted infections (STIs) and other health risks, presenting challenges for community health (World Health Organization, n.d.).

The impact of prostitution extends beyond immediate participants to affect broader societal attitudes and values. It can perpetuate harmful stereotypes and stigmas surrounding sexuality and gender roles. Furthermore, the normalization of prostitution in certain contexts may undermine efforts to promote gender equality and combat exploitation.

Efforts to address prostitution as a public order or public decency crime often entail a multifaceted approach involving law enforcement, social services, and community outreach. While implementing laws and regulations to deter and penalize the solicitation and purchase of sex is a common strategy, providing support services and exit strategies for individuals involved in prostitution is equally crucial.

Illegal Drug Use

The impact of illegal drug use extends far beyond its immediate participants, influencing broader societal attitudes and values, undermining societal norms, compromises public safety, and diminishes community well-being. Its detrimental effects reverberate throughout affected neighborhoods, challenging community safety, eroding social cohesion, and diminishing overall quality of life. Moreover, illegal drug use perpetuates damaging stereotypes and stigmas related to addiction, mental health, and socioeconomic status. Consequently, law enforcement agencies, policymakers, and communities face significant hurdles in their

efforts to maintain order and uphold societal standards of conduct amidst the prevalence of illegal drug use.



Figure 5.1.11.1: Laws against illegal drug use and other victimless crimes raise several philosophical and sociological questions, including whether the laws do more harm than good.
Blind Nomad – marijuana wars – weeds a stimulant – CC BY 2.0.

The utilization and distribution of illegal drugs frequently result in behaviors that disturb public peace and safety, thus categorizing them as public order offenses. Drug-related crimes encompass activities such as trafficking, dealing, possession, and drug use in public spaces, alongside drug-related violence. These actions elevate public safety concerns by increasing crime rates, including instances of theft, assault, and property crimes (Stamm, 2020). Additionally, regions with high incidences of drug use often witness heightened levels of disorder, such as loitering, vandalism, littering, and other public disturbances. The presence of drug users in public spaces fosters an atmosphere of fear and unease, detrimentally impacting local businesses and community members. Consequently, law enforcement agencies frequently target drug-related offenses as part of their endeavors to uphold public order and safety.

Illegal drug use is often associated with behaviors deemed indecent or offensive in public settings, rendering it a public decency crime as well. The visibility of drug use in public spaces, such as parks, streets, or public transportation, can be disruptive, offensive, and distressing to members of the community, particularly in areas frequented by families, children, and tourists. Moreover, drug paraphernalia left in public places, such as needles and syringes, can pose health hazards and create an unsightly environment. Additionally, the visible presence of drug users in public spaces may contribute to a sense of discomfort and insecurity among residents, detracting from the overall sense of safety and well-being in the community.

Victimless crime raises controversial philosophical and sociological questions. The philosophical question is this: should people be allowed to engage in behavior that hurts themselves (Meier & Geis, 2007)? For example, our society lets adults smoke cigarettes, even though tobacco use kills several hundred thousand people every year. We also let adults gamble legally in state lotteries, at casinos and racetracks, and in other ways. We obviously let people of all ages eat “fat food” such as hamburgers, candy bars, and ice cream. Few people would say we should prohibit these potentially harmful behaviors. Why, then, prohibit the behaviors we call victimless crime? Some scholars say that any attempt to decide which behaviors are so unsafe or immoral that they should be banned is bound to be arbitrary, and they call for these bans to be lifted. Others say that the state does indeed have a legitimate duty to ban behavior the public considers unsafe or immoral and that the present laws reflect public opinion on which behaviors should be banned.

The sociological question is just as difficult to resolve: do laws against victimless crimes do more harm than good (Meier & Geis, 2007)? Some scholars say these laws in fact do much more harm than good, and they call for the laws to be abolished or at least reconsidered for several reasons: the laws are ineffective even though they cost billions of dollars to enforce, and they lead to police and political corruption and greater profits for organized crime. Laws against drugs further lead to extra violence, as youth gangs and other groups fight each other to corner the market for the distribution of drugs in various neighborhoods. The opponents of victimless crime laws commonly cite the example of Prohibition during the 1920s, where the banning of alcohol led to all these problems, which in turn forced an end to Prohibition by the early 1930s. If victimless crimes were made legal, opponents add, the government could tax the behaviors now banned and collect billions of additional tax dollars.

Those in favor of laws against victimless crimes cite the danger these behaviors pose for the people engaging in them and for the larger society. If we made drugs legal, they say, even more people would use them, and even more death and illness would occur. Removing the bans against behaviors such as drug use and prostitution, these proponents add, would imply that these behaviors are acceptable in a civil society.

The debate over victimless crimes and victimless crime laws will not end soon, as both sides have several good points to make. One thing that is clear is that our current law enforcement approach is not working. More than 1 million people are arrested annually for drug use and trafficking and other victimless crimes, but there is little evidence that using the law in this manner has lowered people's willingness to take part in victimless crime behavior (Meier & Geis, 2007). Perhaps it is not too rash to say that a serious national debate needs to begin on the propriety of the laws against victimless crimes to determine what course of action makes the most sense for American society.

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5.2: Official Statistics

It is surprisingly difficult to know how much crime occurs. Crime is not like the weather, when we all can see whether it is raining, snowing, or sunny. Usually when crime occurs, only the criminal and the victim, and sometimes an occasional witness, know about it. Although we have an incomplete picture of the crime problem, because of various data sources we still have a fairly good understanding of how much crime exists and of who is most likely to do it and be victimized by it.

Federal Bureau of Investigation's Uniform Crime Report

The government's primary source of crime data is the Uniform Crime Reports (UCR), published annually by the Federal Bureau of Investigation. The FBI gathers its data from police departments around the country, which inform the FBI about crimes that have come to their attention. They also report whether an arrest was made and, if so, the arrestee's age, gender, and race. The FBI gathers all UCR data and reports them in an annual volume called *Crime in the United States*.

Official Information: The Uniform Crime Reporting (UCR) Program generates reliable statistics for use in law enforcement. It also provides information for students of criminal justice, researchers, the media, and the public. The program has been providing crime statistics since 1930 (Federal Bureau of Investigation, n.d.).

The UCR Program includes data from more than 18,000 cities, universities and colleges, counties, states, tribal, and federal law enforcement agencies. Agencies participate voluntarily and submit their crime data either through a state UCR program or directly to the FBI's UCR Program (Federal Bureau of Investigation, n.d.).

The UCR Program consists of four data collections: The National Incident-Based Reporting System (NIBRS), the Summary Reporting System (SRS), the Law Enforcement Officers Killed and Assaulted (LEOKA) Program, and the Hate Crime Statistics Program. The UCR Program publishes annual reports for each of these data collections and a preliminary semiannual report of summary data each winter, as well as special compilations on cargo theft, human trafficking, and NIBRS topical studies (Federal Bureau of Investigation, n.d.). Below provides a list and link of the various reports that can be found on the UCR website:

National Incident-Based Reporting System

The National Incident-Based Reporting System, or NIBRS, implemented to improve the overall quality of crime data collected by law enforcement. It captures details on each single crime incident—as well as on separate offenses within the same incident. In 2021, the historic Summary Reporting System (SRS) data collection, which collected more limited information than the more robust NIBRS, was phased out.

Hate Crime Statistics

The Hate Crime Statistics Data Collection provides information on crimes motivated by offenders' bias against race, gender, gender identity, religion, disability, sexual orientation, and ethnicity. These data are also collected via NIBRS.

Law Enforcement Officers Killed and Assaulted

The Law Enforcement Officers Killed and Assaulted (LEOKA) Data Collection offers information about officers who were feloniously or accidentally killed or assaulted while performing their duties. The information is published and used to help agencies develop polices to improve officer safety.

The National Use-of-Force Data Collection

The law enforcement community, in partnership with the FBI, is working to improve the way the nation collects, analyzes, and uses crime statistics about law enforcement's use of force. The collection and reporting of use-of-force data will include any use of force that results in the death or serious bodily injury of a person, as well as when a law enforcement officer discharges a firearm at or in the direction of a person.

With the National Use-of-Force Data Collection, data users can view use-of-force incidents involving law enforcement from a nationwide perspective. The goal of the resulting statistics is not to offer insight into single use-of-force incidents but to provide an aggregate view of the incidents reported and the circumstances, subjects, and officers involved.

Crime Data Explorer

The FBI's Crime Data Explorer (CDE) is the digital front door for UCR data. The interactive online tool enables law enforcement and the public to more easily use and understand the massive amounts of UCR data currently collected. With it, users can view charts and graphs that break down data in a variety of ways. ***NOTE: UCR data is now being released quarterly on the CDE.***

Law Enforcement Suicide Data Collection

The Law Enforcement Suicide Data Collection aims to help agencies better understand and prevent suicides among current and former law enforcement officers, corrections employees, 911 operators, judges, and prosecutors.

UCR Publications

View historical UCR publications, including *Crime in the United States*, *NIBRS*, *LEOKA*, and *Hate Crime Statistics* reports, as well as topical reports on cargo theft, human trafficking, federal crime data, and more.

The Uniform Crime Reporting (UCR) Program divides offenses into two groups, **Part I and Part II** crimes (see Crime Definitions in the previous chapter), in its Summary Reporting System. Each month, participating law enforcement agencies submit information on the number of **Part I** offenses that become known to them; those offenses cleared by arrest or exceptional means; and the age, sex, and race of persons arrested for each of the offenses. Contributors provide only arrest data for **Part II** offenses.

According to the FBI, in 2008 almost 1.4 million violent crimes and 9.8 million property crimes occurred, for a total of almost 11.2 million serious crimes, or 3,667 for every 100,000 Americans. This is the nation's official crime rate, and by any standard it represents a substantial volume of criminal activity. However, this figure is in fact much lower than the actual crime rate because, according to surveys of random samples of crime victims, *more than half of all crime victims do not report their crimes to the police*, leaving the police unaware of the crimes. (Reasons for nonreporting include the belief that police will not be able to find the offender, and the fear of retaliation by the offender.) The true crime problem is therefore much greater than suggested by the UCR.



Figure 5.2.1: When a crime occurs, the police do not usually find out about it unless the victim or a witness informs the police about the crime. Wikimedia Commons – public domain.

This underreporting of crime represents a major problem for the UCR's validity. Several other problems exist (Lynch & Addington, 2007). First, the UCR omits crime by corporations and thus diverts attention away from their harm (see a little later in this chapter).

Second, police practices affect the UCR. For example, the police do not record every report they hear from a citizen as a crime. Sometimes they have little time to do so, sometimes they do not believe the citizens, and sometimes they deliberately fail to record a crime to create the appearance of effective crime prevention. If they do not record the report, the FBI does not count it as a crime. If the police start recording every report, the official crime rate will rise, even though the actual number of crimes has not changed. In a third problem, if crime victims become more likely to report their crimes to the police, which might have happened after the 911 emergency number became common, the official crime rate will again change, even if the actual number of crimes has not changed.

To get a more accurate picture of crime, the federal government began in the early 1970s to administer a survey, now called the National Crime Victimization Survey (NCVS), to tens of thousands of randomly selected U.S. households. People in the households are asked whether they or their residence has been the victim of several different types of crimes in the past half year. Their responses are then extrapolated to the entire U.S. population to yield fairly accurate estimates of the actual number of crimes occurring in the nation. Still, the NCVS's estimates are not perfect. Among other problems, some respondents decline to tell NCVS interviewers about victimizations they have suffered, and the NCVS's sample excludes some segments of the population, such as the homeless, whose victimizations therefore go uncounted.

The table "Number of Crimes: Uniform Crime Reports and National Crime Victimization Survey, 2009" lists the number of violent and property crimes as reported by the UCR (see earlier) and estimated by the NCVS. Note that these two crime sources do not measure exactly the same crimes. For example, the NCVS excludes commercial crimes such as shoplifting, while the UCR includes them. The NCVS includes simple assaults (where someone receives only a minor injury), while the UCR excludes them. Notwithstanding these differences, we can still see that the NCVS estimates about twice as many crimes as the UCR reports to us.

Number of Crimes: Uniform Crime Reports and National Crime Victimization Survey, 2009

Type of crime	UCR	NCVS
Violent crime	1,318,398	4,343,450
Property crime	9,320,971	15,713,720
Total	10,639,369	20,057,170

Figure 5.2.2: Source: Data from Pastore, A. L., & Maguire, K. (2010). *Sourcebook of criminal justice statistics*. Retrieved from http://www.albany.edu/sourcebook.

A third source of crime information is the self-report survey. Here subjects, usually adolescents, are given an anonymous questionnaire and asked to indicate whether and how often they committed various offenses in a specific period, usually the past year. They also answer questions about their family relationships, school performance, and other aspects of their backgrounds. Although these respondents do not always report every offense they committed, self-report studies yield valuable information about delinquency and explanations of crime. Like the NCVS, they underscore how much crime is committed that does not come to the attention of the police.

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5.3: Crime Trends

Certain types of crime fluctuate in prevalence over time, while others remain relatively constant. By analyzing statistical data from the sources discussed in the previous unit, we can identify these patterns in criminal behavior. However, analyzing statistical data alone is insufficient for obtaining a comprehensive understanding of crime trends. Qualitative and contextual factors such as the implementation or removal of laws, changes in population density among criminogenic age groups, and even weather conditions can significantly influence contemporary crime trends. Considering these additional factors is imperative for obtaining more accurate interpretations of crime statistics that curtail misleading conclusions. The following section provides a general overview of current nationwide crime trends, highlighting recent changes in the landscape of criminal activity and some of the factors underpinning these shifts.

UCR and NIBRS Crime Trends

The UCR and NIBRS provide valuable data for identifying short- and long-term crime trends in America. According to UCR and NIBRS data, U.S. crime rates prior to the 1960s, particularly violent crime rates, remained fairly consistent (Blumstein & Wallman, 2006). However, crime rates in most categories began to increase throughout the 1960s, 1970s, and 1980s. By contrast, both violent and property crime rates steadily decreased between the early 1990s and the 2010s. During the early 2020s, certain types of crime, such as homicide and auto theft, experienced slight increases, while other forms of criminal activity remained relatively constant over this same time.

Violent Crime

This section will discuss violent crime trends in the U.S. using UCR and NIBRS data, focusing on homicide, rape, robbery, and aggravated assault. By examining these data sources, we can identify patterns and shifts in violent crime rates over time. Historical data reveals a significant rise in violent crime from the 1960s through the 1980s, followed by a notable decline starting in the early 1990s and continuing into the 2010s (Blumstein & Wallman, 2006). Despite this overall downward trend, recent years have seen slight increases in certain violent crimes, such as homicide and aggravated assault, while burglary has steadily decreased over the past several decades.

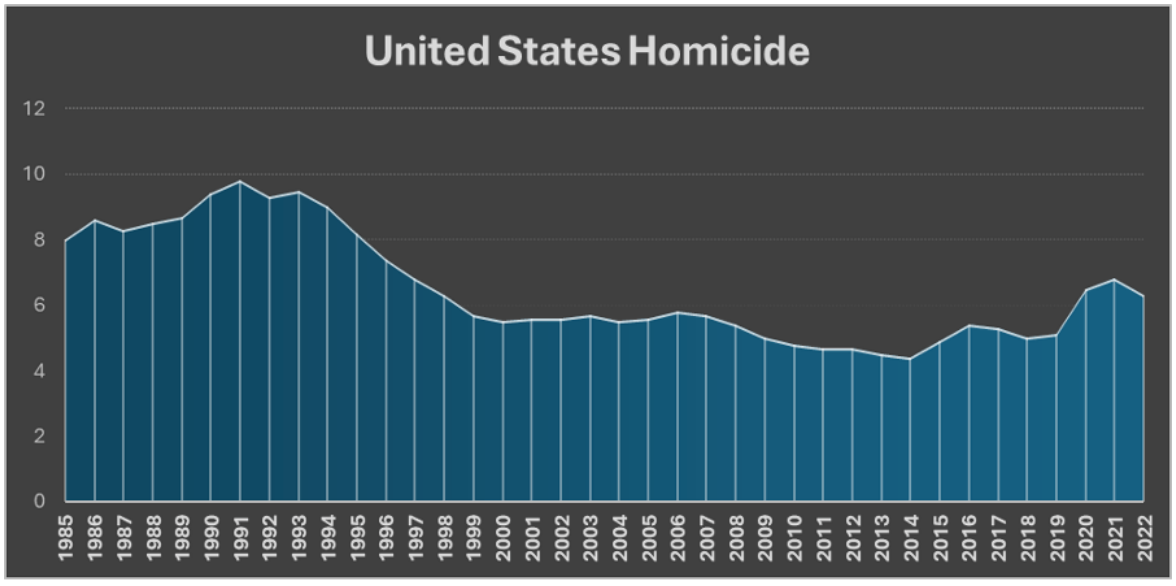


Figure 5.3.1: Illustrates the per capita homicide rate in the U.S. between 1985 and 2022 (FBI, 2022d). Data from the UCR indicate that prior to 1965, homicide rates stayed below 5 homicides per 100,000 people. In the 1970s, the rates oscillated between 8 and 10 homicides per 100,000 people (Blumstein & Wallman, 2006). In 1980, the homicide rate reached an all-time high of 10.2 per 100,000 people before dropping over the subsequent five years, only to rise again to the second-highest rate of 9.8 homicides per 100,000 people in 1991. Following a sharp decline in the 1990s, the homicide rate remained below 6 per 100,000 people throughout most of the 2000s. Despite a short-lived spike in 2020 and 2021, the rate began to decline in 2022 (FBI, 2022d).
Photo Credit: Wesley B. Maier, Ph.D., CC BY 4.0

The figure below illustrates rape rates per capita in the U.S. between 1985 and 2022. Overall, there has been a gradual decline in rape rates since the early 1990s (FBI, 2022g). While UCR and NIBRS data are beneficial for evaluating rape rates, it is essential to consider legal and cultural changes.

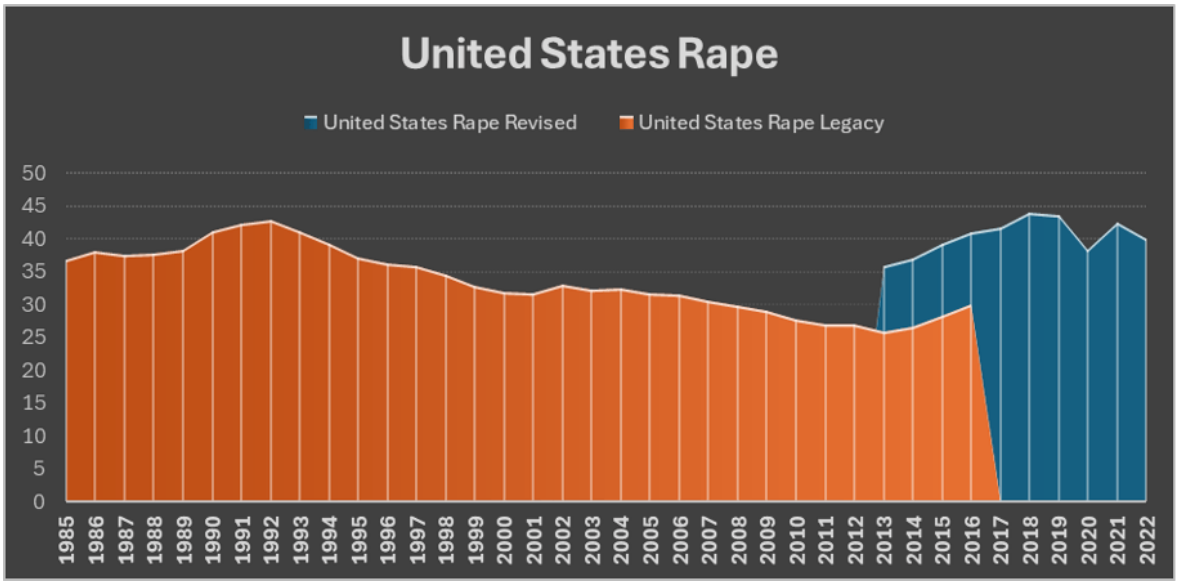


Figure 5.3.2: *UCR and NIBRS Rape Crime Rates in the U.S. (1985-2022)* Rate per 100,000 population (FBI, 2022g). Chart illustrating the rape rates in the U.S. from 1985 to 2022, depicting trends under the traditional definition of rape and highlighting the sharp increase following the adoption of the revised definition.
Photo Credit: Wesley B. Maier, Ph.D., CC BY 4.0

Because homicide is often considered the "ultimate violent act," police tend to allocate more resources and effort to investigating and recording this crime. Similarly, robbery is another offense that is well-defined in law and receives intensive police attention (Blumstein & Wallman, 2006). Like homicide, the rates of robbery have decreased since the peak in 1991, when there were over 250 robberies per 100,000 people. The robbery rates in 2022 were less than 66 per 100,000 people, which is lower than the rates during the 1960s (Blumstein & Wallman, 2006; FBI, 2011, 2022h).

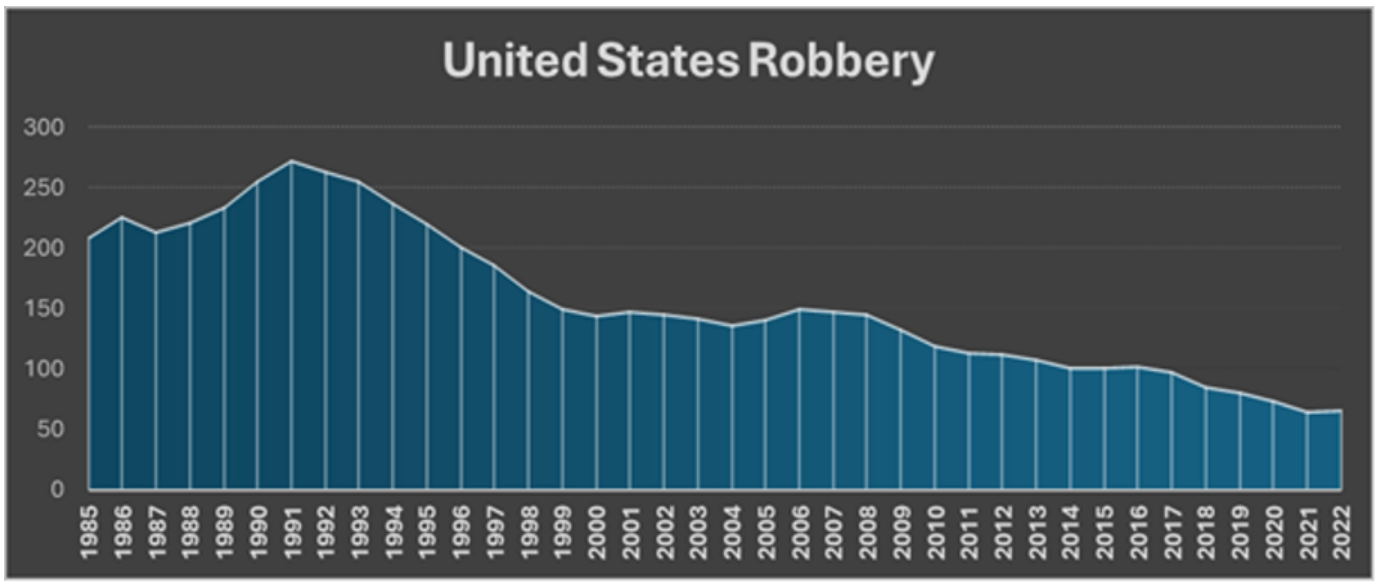


Figure 5.3.3: Rate per 100,000 population (FBI, 2022h).
Photo Credit: Wesley B. Maier, Ph.D., CC BY 4.0

Between 1972 and 1992, aggravated assault rates grew by 132%, from just under 200 per 100,000 people to close to 450 per 100,000 people (Blumstein & Wallman, 2006). According to UCR and NIBRS data demonstrated in figure below, the rate of aggravated assault crime decreased since the early 1990s, like homicide and robbery rates during this period (FBI, 2022a). Data

from the NIBRS indicates that aggravated assault rates dropped to less than 250 per 100,000 people in 2013 but rose to almost 280 per 100,000 people in 2020. However, it is essential to acknowledge the subjectivity inherent in how police officers and departments categorize aggravated and simple assault when analyzing aggravated assault data (Blumstein & Wallman, 2006). Understanding this subjectivity is crucial as it can impact the comparability and accuracy of crime statistics over time and across different jurisdictions, influencing our interpretation of trends and the development of effective policies.

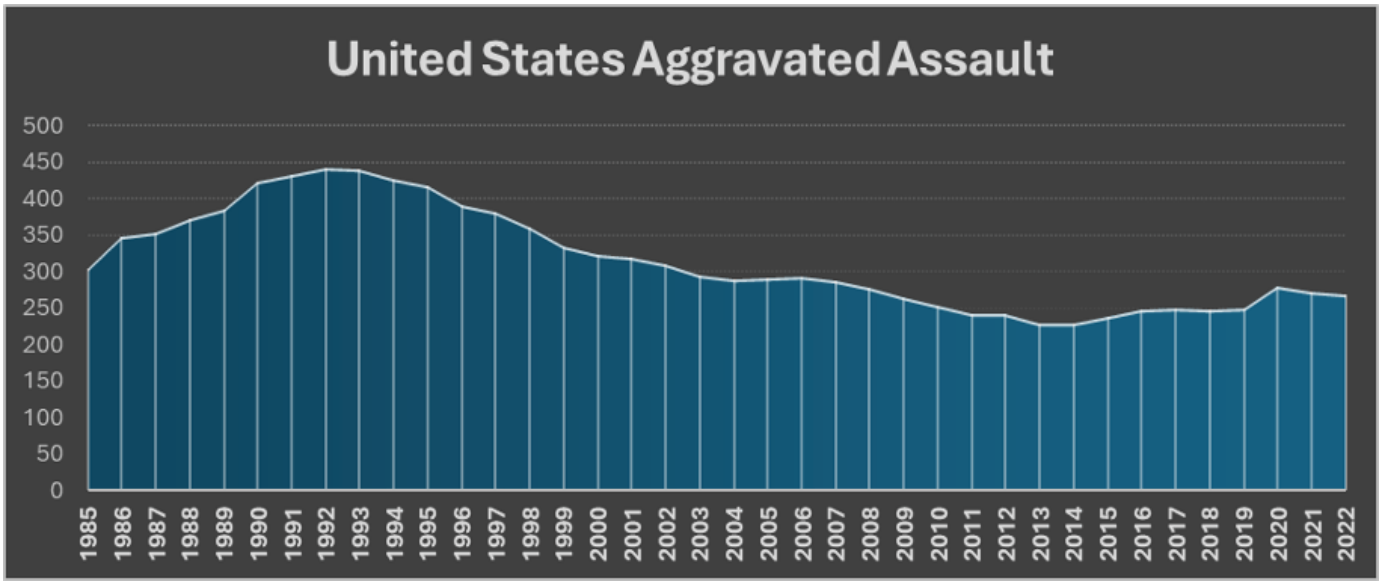


Figure 5.3.4: Rate per 100,000 population (FBI, 2022a)
Photo Credit: Wesley B. Maier, Ph.D., CC BY 4.0

Property Crime Trends

Like violent crimes, data from the UCR and NIBRS indicate that property crime rates have declined over the past 40 years. The following sections will examine four types of property crimes—arson, burglary, larceny, and auto theft—to illustrate trends in property crime in the U.S.

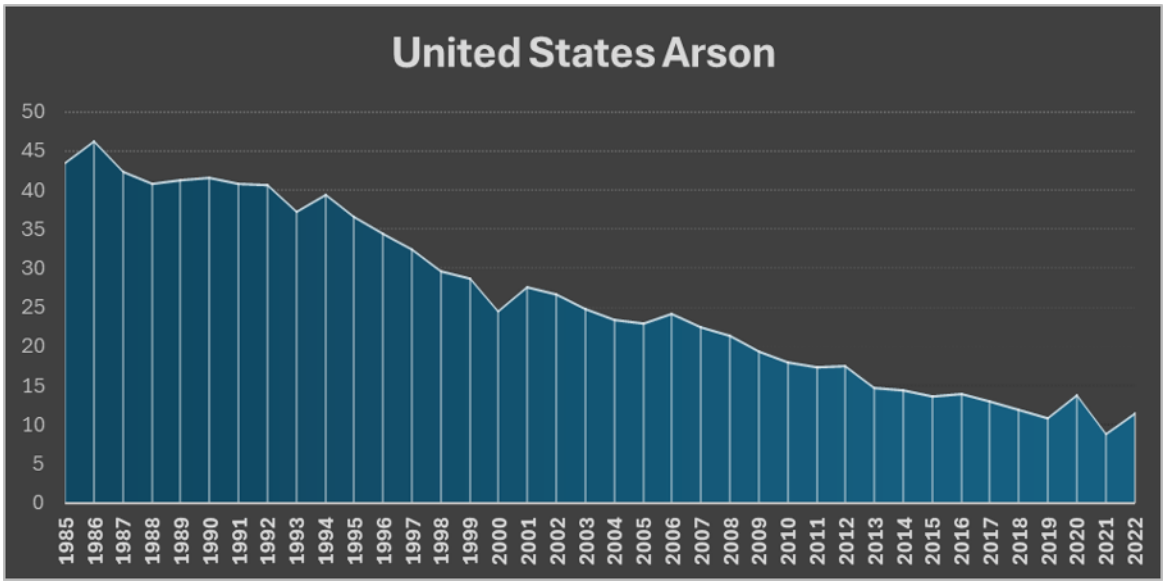


Figure 5.3.5: Rate per 100,000 population (FBI, 2022b)
Photo Credit: Wesley B. Maier, Ph.D., CC BY 4.0

As above, arson crime trends have decreased considerably over the past 35 years (FBI, 2022b). The motivations for arson can vary greatly, including covering up evidence for other crimes, committing insurance fraud, protesting, or stemming from mental

health issues such as pyromania. Additionally, arson is difficult to investigate as the evidence is often destroyed in the fire. Even when investigators determine that a fire was caused by arson, only a small percentage (21%) of offenders are apprehended (Brett, 2004). Increased surveillance, such as home security cameras, and improved mental health practices may help explain the national decrease in arson rates. Research has also identified a pattern linking arson to motor vehicle theft, showing an observed increase in vehicle arson in areas or during periods with higher rates of motor vehicle theft and joyriding (Potter, 2000).

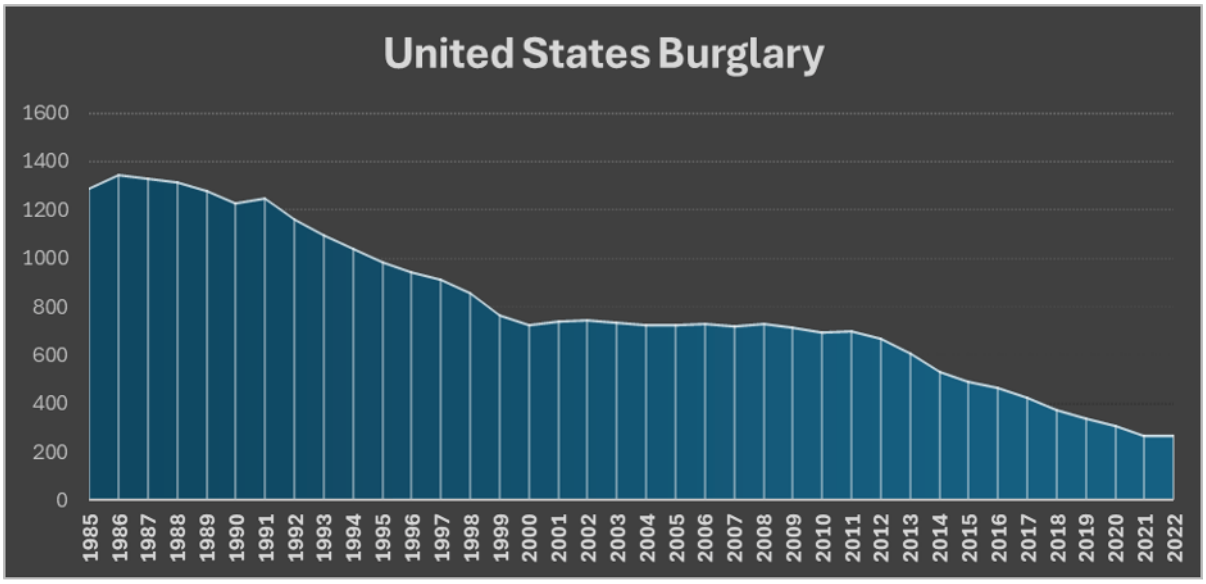


Figure 5.3.6: Rate per 100,000 population (FBI, 2022c).
Photo Credit: Wesley B. Maier, Ph.D., CC BY 4.0

According to the NIBRS, burglary and breaking and entering are defined as “the unlawful entry into a building or other structure with the intent to commit a felony or a theft” (FBI, 2012, p. 2). While larceny/theft offenses are defined by the NIBRS as “the unlawful taking, carrying, leading, or riding away of property from the possession, or constructive possession, of another person” (FBI, 2012, p. 4). As illustrated in figure above and in larceny below, both burglary and larceny exhibited comparable trends between the mid-1980s and 2022 (FBI, 2022c).

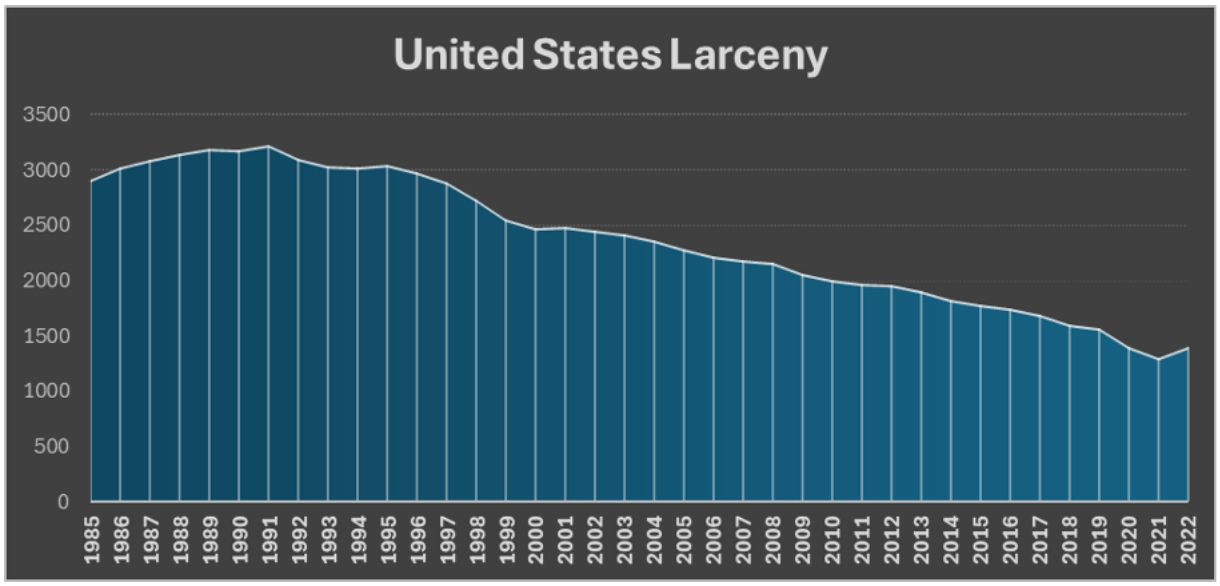


Figure 5.3.7: Rate per 100,000 population (FBI, 2022e).
Photo Credit: Wesley B. Maier, Ph.D., CC BY 4.0

The analysis of larceny crime rates in the United States from 1985 to 2022, as depicted above, reveals notable trends. Initially, there was a discernible peak in 1991, indicative of heightened criminal activity during that period (FBI, 2022e). However, subsequent years witnessed a consistent downward trajectory in larceny rates, possibly reflecting effective crime prevention

measures or shifting societal dynamics. Despite this overall decline, there was a slight uptick observed in 2022, suggesting potential fluctuations in crime patterns or the efficacy of law enforcement strategies in recent years. However, to fully understand the reasons underpinning these criminal behavior trends, additional qualitative information is needed to complement the quantitative data provided by the figures.

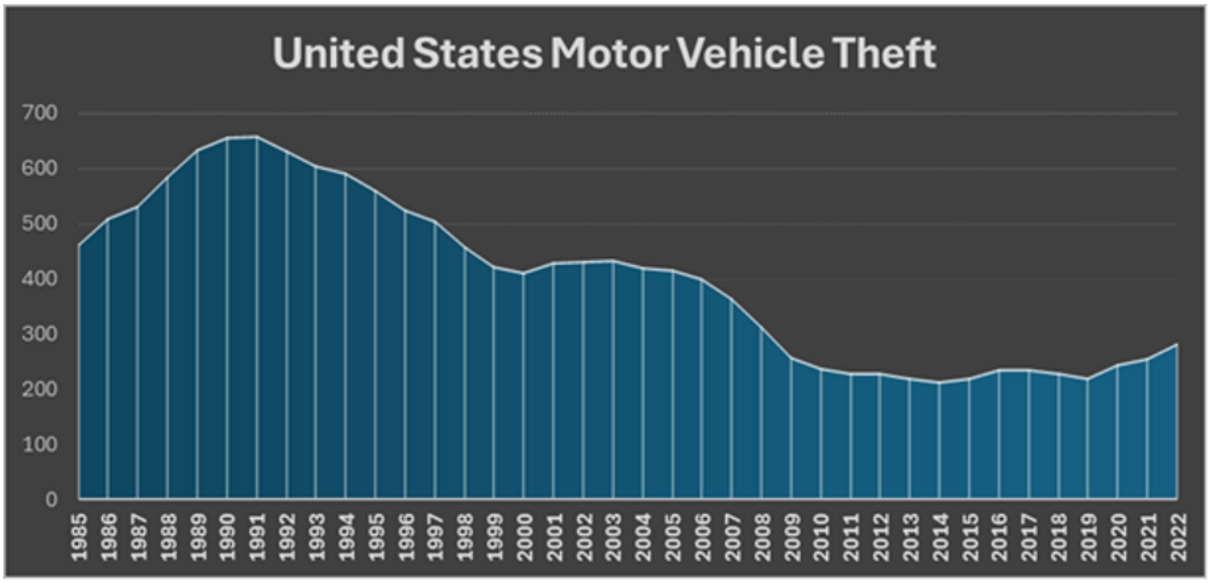


Figure 5.3.8: Rate per 100,000 population (FBI, 2022f)
Photo Credit: Wesley B. Maier, Ph.D., CC BY 4.0

Motor vehicle theft, as depicted above, peaked in the early 1990s, followed by a decrease until 2019 (FBI, 2022f). However, there has been a small increase in motor vehicle thefts in 2020, 2021, and 2022, prompting questions about the factors contributing to this recent uptick. While advancements in technology and theft-prevention features in cars would typically lead to a decrease in car thefts, the evolution of technology also enhances offenders' capabilities to commit such crimes. For instance, a popular TikTok trend in 2021 demonstrated how to steal 2010-2021 Kia and Hyundai vehicles using a USB cord and mechanical key (DiLella & Day, 2022). As such, further qualitative research is essential to comprehensively understand these trends and devise effective strategies to combat auto theft in the evolving technological landscape.

NCVS Crime Trends

The following section provides an analysis of NCVS crime data spanning from 1993 to 2022, focusing on four crime types: rape/sexual assault, robbery, motor vehicle theft, and burglary. These specific crime categories were selected to offer insight into a broad spectrum of criminal trends, encompassing both violent and property crimes. It is crucial to consider the data collection method, which involves surveying approximately 240,000 individuals from around 150,000 households (Harrell et al., 2009). While this is a large population for a survey, this approach represents a significantly smaller population within the dataset compared to NIBRS and UCR data. Therefore, the NCVS data will yield more varied results from year to year than the NIBRS and UCR data. This variability could stem from factors such as changes in reporting behavior, shifts in survey demographics, or fluctuations in respondents' perceptions of crime or interpretations of survey questions.

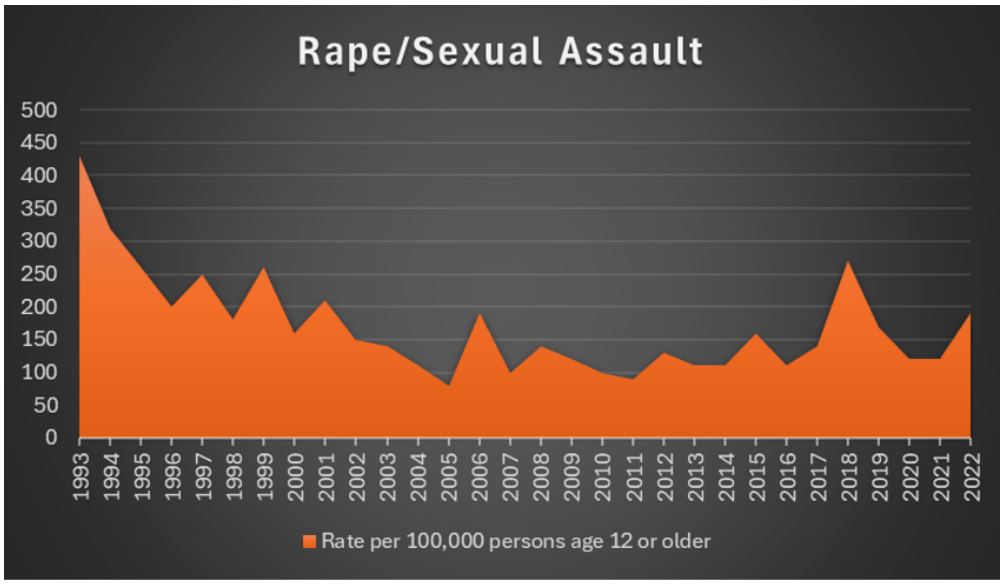


Figure 5.3.9: "95% C.I.": 95% confidence interval. "S.E.": Standard error. *Estimates for 2006 should not be compared to other years. See User's Guide for more information (Bureau of Justice Statistics [BJS], 2022d).
Photo Credit: Wesley B. Maier, Ph.D., CC BY 4.0

According to the NCVS data presented in the rape/sexual assault chart, victimization rates declined substantially from 1993 to 2022 (BJS, 2022d). It is important to note, however, that year-to-year variation in these rates appears more pronounced than in the NIBRS rape data illustrated above. Notwithstanding this variability, the overall trend reflects a comparable pattern of decline.

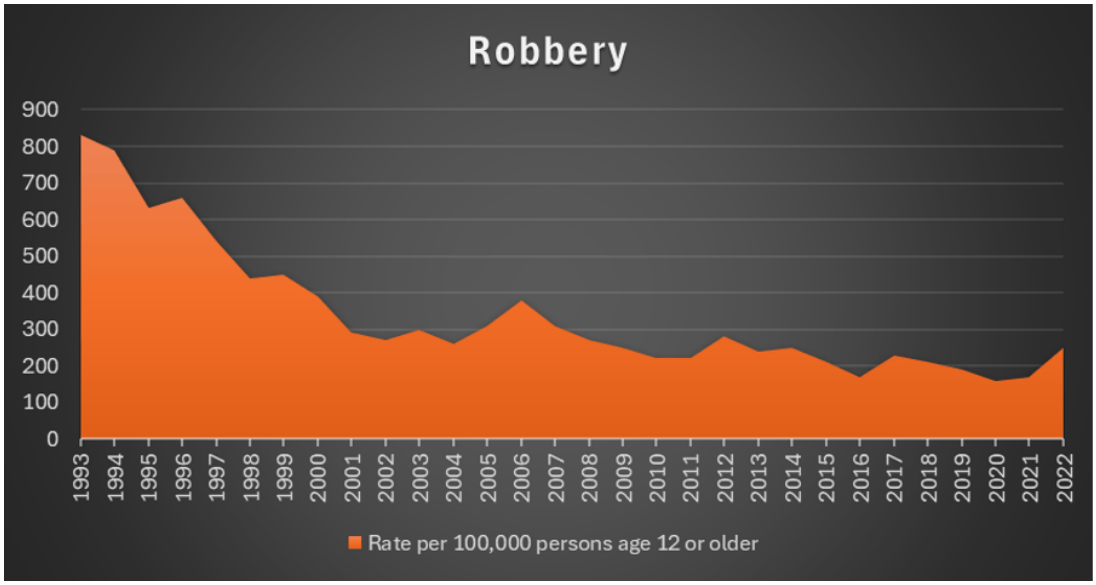


Figure 5.3.10: "95% C.I.": 95% confidence interval. "S.E.": Standard error. *Estimates for 2006 should not be compared to other years. See User's Guide for more information (BJS, 2022e)
Photo Credit: Wesley B. Maier, Ph.D., CC BY 4.0

The above chart illustrates the trends in robbery victimization between 1993 and 2022 (BJS, 2022e). Overall, there has been a substantial decrease in robberies during this period. The findings suggest that participants in the NCVS were 250% more likely to report being a victim of robbery in 1993 than in 2022. Despite this long-term decline, the survey indicates a slight increase in robberies in 2021 and again in 2022, mirroring a common trend observed in several crime category charts.

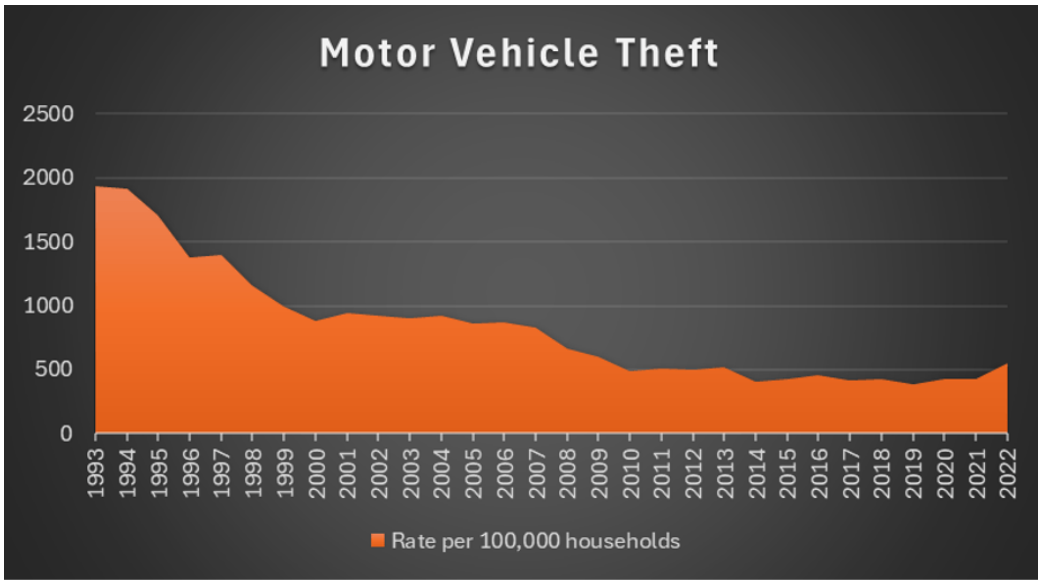


Figure 5.3.11: ***NCVS Motor Vehicle Theft Crime Rates in the U.S. (1993-2022)*** "95% C.I.": 95% confidence interval. "S.E.": Standard error. *Estimates for 2006 should not be compared to other years. See User's Guide for more information (BJS, 2022c)
Photo Credit: Wesley B. Maier, Ph.D., CC BY 4.0

Like the trends observed in violent crimes reported in the NCVS, property crimes, such as motor vehicle theft (depicted above), have experienced significant declines over the past 30 years (BJS, 2022c). This pattern is evident in the decrease in reported motor vehicle thefts between 1993 and 2020. However, there was a slight increase in respondents reporting being victims of motor vehicle theft in 2021 and 2022, which corresponds with data concerning other criminal activity patterns during this same timeframe.

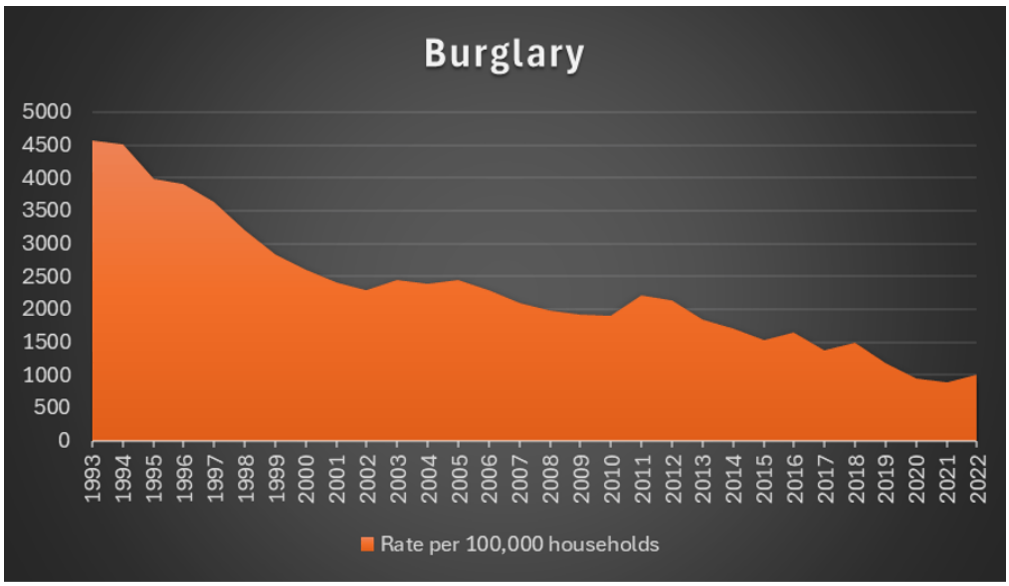


Figure 5.3.12: "95% C.I.": 95% confidence interval. "S.E.": Standard error. *Estimates for 2006 should not be compared to other years. See User's Guide for more information (BJS, 2022b).
Photo Credit: Wesley B. Maier, Ph.D., CC BY 4.0

Consistent with trends in other property crimes, burglary victimization (above) has declined among respondents over the past 30 years (BJS, 2022b). When comparing findings concerning burglary trends from the UCR/NIBRS with their counterpart findings from the NCVS, a consistent pattern emerges.

Types of Crimes in Madera

Violent Crimes:

- Murder and non-negligent manslaughter
- Rape
- Robbery (including armed robbery)
- Aggravated assault (including assault with a deadly weapon)

According to the data, residents have a 1 in 168 to 1 in 171 chance of becoming a victim of violent crime in Madera.

Property Crimes:

- Motor vehicle theft
- Larceny (theft)
- Burglary
- Arson

Residents have approximately a 1 in 78 to 1 in 83 chances of becoming a victim of property crime.

Overall Crime Patterns:

The data shows that Madera experiences about 3.95 daily crimes on average, broken down into 0.88 violent incidents and 3.07 property-related offenses. The overall crime rate is about 19-27 crimes per 1,000 residents, which translates to roughly one crime every 3 hours and 44 minutes.

Recent trends indicate that violent crime has been increasing while property crime has been declining over the past 5 years. In 2023, Madera recorded 4 homicides, which was an increase of 2 from the previous year.

The violent crime rate in Madera is notably higher than the national average, while property crime rates are above average but less severe than violent crime rates.

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5.4: Who Commits Crime

While people from all walks of life commit street crime, some people are still more likely than others to break the law because of their social backgrounds. These social backgrounds include their gender, age, social class, urban/rural residence, race and ethnicity. Despite their inaccuracies, the three data sources discussed in the first section of this chapter all provide a similar picture of what kinds of people, in terms of their social backgrounds, are more or less likely to commit street crime. We briefly discuss each background in turn.

Gender

Simply put, males commit much more crime than females. In UCR data, men comprise about 81 percent of all arrests for violent crime and about 63 percent of all arrests for property crime. In the NCVS, victims report that males commit most of the violent crimes they experienced, and self-report studies find that males far outpace females in the commission of serious street offenses. When it comes to breaking the law, crime is a man's world.

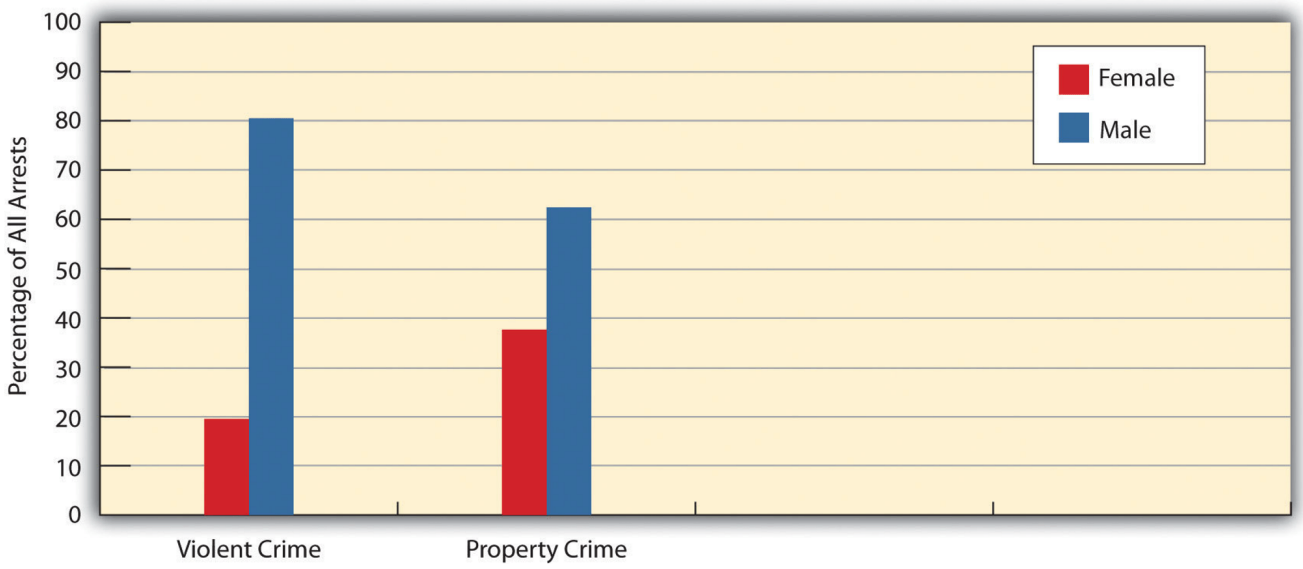


Figure 5.4.1: **Gender and Arrest (Percentage of All Arrests)** Source: Data from Federal Bureau of Investigation. (2011). *Crime in the United States, 2010*. Washington, DC: Author.

The key question is why such a large gender difference exists. Some scholars attribute this difference to biological differences between the sexes, but most criminologists attribute it to sociological factors. One of these is gender role socialization: Despite greater recognition of gender roles, we continue to raise our boys to be assertive and aggressive, while we raise our girls to be gentle and nurturing (Lindsey, 2011). Such gender socialization has many effects, and one of these is a large gender difference in criminal behavior. A second factor is opportunity. Studies find that parents watch their daughters more closely than they watch their sons, who are allowed to stay out later at night and thus have more opportunity to break the law.

Age

Age also makes a difference in criminal behavior: Offending rates are highest in the late teens and early twenties and decline thereafter. Accordingly, people in the 15–24 age range account for about 40 percent of all arrests even though they comprise only about 14 percent of the population.

Several factors again seem to account for this pattern (Shoemaker, 2010). First, peer relationships matter more during this time of one's life than later, and peers are also more likely during this period than later to be offenders themselves. For both reasons, our peer relationships during our teens and early twenties are more likely than those in our later years to draw us into crime. Second, adolescents and young adults are more likely than older adults to lack full-time jobs; for this reason, they are more likely to need

money and thus to commit offenses to obtain money and other possessions. Third, as we age out of our early twenties, our ties to conventional society increase: Many people marry, have children, and begin full-time employment, though not necessarily in that order. These events and bonds increase our stakes in conformity, to use some social science jargon, and thus reduce our desire to break the law (Laub, Sampson, & Sweeten, 2006).

Social Class

Findings on social class differences in crime are less clear than they are for gender or age differences. Arrests statistics and much research indicate that poor people are much more likely than wealthier people to commit street crime. However, some scholars attribute the greater arrests of poor people to social class bias against them. Despite this possibility, most criminologists would probably agree that social class differences in criminal offending are "unmistakable" (Harris & Shaw, 2000, p. 138). Reflecting this conclusion, one sociologist has even noted, with tongue only partly in cheek, that social scientists know they should not "stroll the streets at night in certain parts of town or even to park there" and that areas of cities that frighten them are "not upper-income neighborhoods" (Stark, 1987, p. 894). Thus, social class does seem to be associated with street crime, with poor individuals doing more than their fair share.

Explanations of this relationship center on the effects of poverty, which, as the next section will discuss further, is said to produce anger, frustration, and economic need and to be associated with a need for respect and with poor parenting skills and other problems that make children more likely to commit antisocial behavior when they reach adolescence and beyond. These effects combine to lead poor people to be more likely than wealthier people to commit street crime, even if it is true that most poor people do not commit street crime at all.

Although the poor are more likely than the wealthy to commit street crime, it is also true that the wealthy are much more likely than the poor to commit white-collar crime, which, as argued earlier, can be much more harmful than street crime. If we consider both street crime and white-collar crime, then there does not appear to be a social class-crime relationship, since the poor have higher rates of the former and the wealthy have higher rates of the latter.

Urban versus Rural Residence

Where we live also makes a difference for our likelihood of committing crime. We saw earlier that big cities have a much higher homicide rate than small towns. This trend exists for violent crime and property crime more generally. Urban areas have high crime rates in part because they are poor, but poverty by itself does not completely explain the urban-rural difference in crime, since many rural areas are poor as well. A key factor that explains the higher crime rates of urban areas is their greater population density (Stark 1987). When many people live close together, they come into contact with one another more often. This fact means that teenagers and young adults have more peers to influence them to commit crime, and it also means that potential criminals have more targets (people and homes) for their criminal activity. Urban areas also have many bars, convenience stores, and other businesses that can become targets for potential criminals, and bars, taverns, and other settings for drinking can obviously become settings where tempers flare and violence ensue.

Race and Ethnicity

In discussing who commits crime, any discussion of race and ethnicity is bound to arouse controversy because of the possibility of racial and ethnic stereotyping. But if we can say that men and younger people have relatively high crime rates without necessarily sounding biased against individuals who are male or younger, then it should be possible to acknowledge that certain racial and ethnic groups have higher crime rates without sounding biased against them.

Keeping this in mind, race and ethnicity do seem to be related to criminal offending. In particular, much research finds that African Americans and Latine have higher rates of street crime than non-Latine Whites. For example, although African Americans comprise about 13 percent of the US population, they account for about 39 percent of all arrests for violent crime.

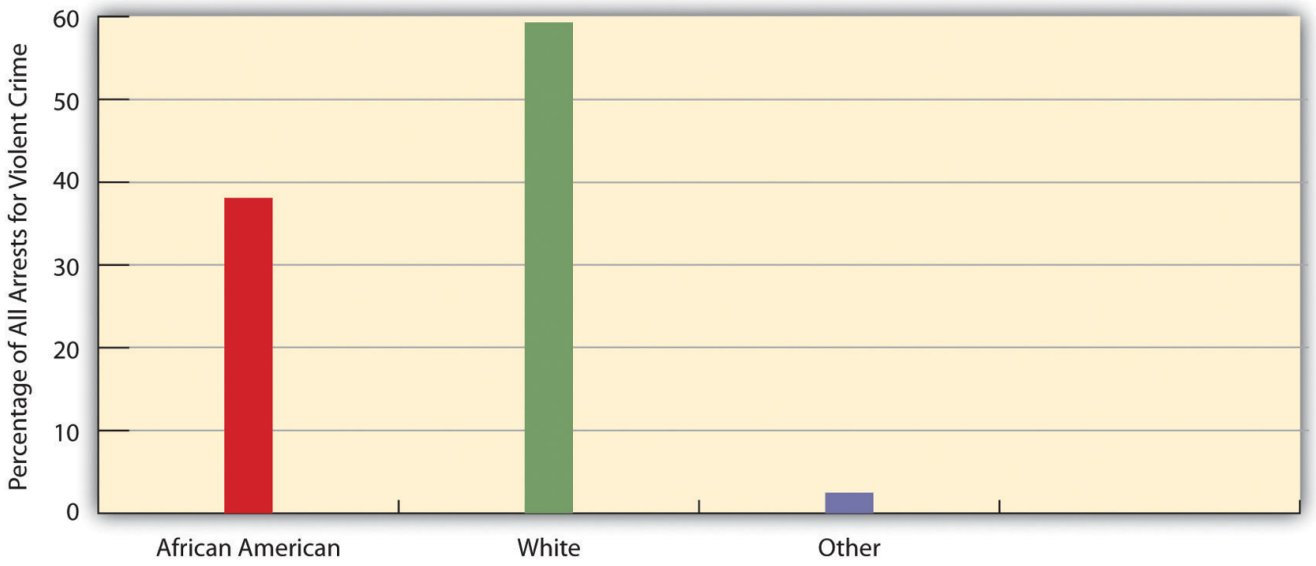


Figure 5.4.2: **Race and Arrest for Violent Crime (Percentage of All Violent Crime Arrests)** Source: Data from Federal Bureau of Investigation. (2011). *Crime in the United States, 2010*. Washington, DC: Author.

Latine also have higher crime rates than non-Latine Whites, but lower rates than those for African Americans. Although racial and ethnic bias by the criminal justice system may account for some of these racial/ethnic differences in offending, most criminologists agree that such differences do in fact exist for serious street crimes (Walker, Spohn, & DeLone, 2012).

Why do these differences exist? A racist explanation would attribute them to biological inferiority of the groups, African Americans and Latine, with the relatively high rates of offending. Such explanations were popular several generations ago but fortunately lost favor as time passed and attitudes changed. Today, scholars attribute racial/ethnic differences in offending to several sociological factors (Unnever & Gabbidon, 2011). First, African Americans and Latine are much poorer than Whites on the average, and poverty contributes to higher crime rates. Second, they are also more likely to live in urban areas, which, as we have seen, also contribute to higher crime rates. Third, the racial and ethnic discrimination they experience leads to anger and frustration that in turn can promote criminal behavior. Although there is less research on Native Americans' criminality, they, too, appear to have higher crime rates than Whites because of their much greater poverty and experience of racial discrimination (McCarthy & Hagan, 2003).

In analyzing racial and ethnic differences in street crime rates, it is essential to recognize that White individuals commit most of the white-collar crime, and especially corporate crime, as it is White people who lead and manage our many corporations. Just as social class affects the type of crime that people commit, so do race and ethnicity. Wealthy, White people commit much crime, but it is white-collar crime they tend to commit, not street crime.

Madera County Arrest Rates from Police Scorecard Data

According to data from the Madera County Sheriff's Department covering 2013-2021, the demographic breakdown shows:

Population of Madera County:

- 56% Latine
- 35% White

People Arrested:

- 49% Latine
- 38% White

> This data indicates that Latine residents are arrested at roughly proportional rates to their population share, while White residents are arrested at slightly higher rates relative to their population percentage. The data also notes that Madera County has an arrest rate of 3,120 per 100,000 residents (or approximately 11 arrests per 1,000 residents), with over 5,000 arrests recorded annually.
>
> The county recorded 8,173 total arrests from 2013-2021 according to the Uniform Crime Report data. It's worth noting that these statistics reflect arrests, not convictions, and the demographic categories appear to be limited in the available public data.

With an understanding of crime categories and measurements established, Chapter 6 turns to how the criminal justice system is structured to respond to crime. This chapter examines the roles of law enforcement, the courts, and corrections, as well as the social control theories that explain why most people conform to legal norms.

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CHAPTER 6: DEVIANCE AND SOCIAL CONTROL – POLICE, LAW ENFORCEMENT, THE COURT SYSTEM

Learning Objectives

- Describe the structure of the justice system
- Explain the criminal justice process
- Identify roles of law enforcement and courts
- Understand policy influences

Key Terms

- Criminal Justice System
- Law Enforcement
- Jurisdiction
- Arrest
- Probable Cause
- Due Process
- Case Law
- Court Structure
- Federal Courts
- State Courts
- Criminal Justice Process
- Policy Development
- Discretion

Summary

This chapter examines how the justice system operates. It outlines the roles of police, courts, and legal actors and explains how cases move through the system. It also highlights the influence of policy and legal constraints on decision-making.

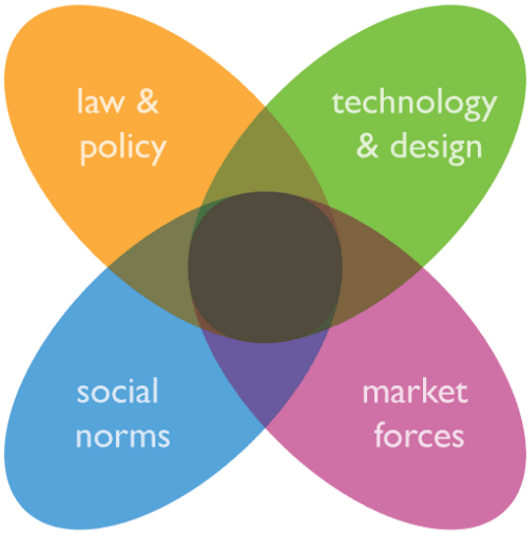


Figure 6.1: Photo courtesy of fiveable

Most theories that attempt to discover the cause of crime focus on the individual or societal factors that influence them to commit crime (as discussed in chapter two and three). However, social control theories focus on the question "Why *don't* people commit crime?" Since most of the society does not commit crimes, social control theories try to discover the reason people do not commit crime instead of trying to figure out why they do. The notion of social control relates to formal or informal factors and relationships that keep people within certain limits of what is socially acceptable because they do not want to harm those relationships. Social control theories focus on those factors and relationships. The theories covered in chapter two and three do not address why people stop committing crimes.

6.1: Why People Stop Committing Crimes

6.2: Essentials of the Criminal Justice System

6.3: Criminal Justice Process

6.4: Levels of Policing and their Role

6.4.1: Police Related Case Law

6.5: Court Jurisdiction

6.5.1: Structures of the Dual Court System

6.5.2: The Federal Court System

6.5.3: State Courts

6.6: Why is Policy so Important in Criminal Justice

6.7: References

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6.1: Why People Stop Committing Crimes

You may have noticed that many traditional criminological theories, such as Shaw and McKay's (1942) theory of social disorganization, the theories about gang formation by Cohen (1955) and Cloward and Ohlin (1960), and the control theories by Reckless (1961) and others, have tended to focus on explaining juvenile delinquency or offending that occurs in adolescence. This is the case for two reasons. First, most offending begins during adolescence—the transitional phase that begins around puberty and ends at adulthood, so most theories assume that the causes of offending can be found during this phase of life. Second, delinquency is fairly common during the adolescent years. Put differently, it is pretty normal for pre-teens and teenagers to do things that are illegal and test the boundaries of what they can get away with.

During infancy and childhood, parents hold a great deal of responsibility over their children's needs and behaviors. However, as children age, they become increasingly independent and responsible for their own behavior. Adolescence is often a period of experimentation, testing boundaries, and questioning figures of authority, including parents, teachers, and other adults. It is also the time when peers become much more important sources of influence and socialization. Research shows that adolescents are unique from adults in at least three ways: (1) they have lower levels of self-control; (2) they are less likely to consider the future; and (3) they are more sensitive to external influences, such as peers or incentives. All these factors may elevate adolescent involvement in risky behaviors such as delinquency and crime.

Recent developments in neuroscience tell us that adolescence is a uniquely risky period because the psycho-socio-emotional system (which governs the processing of emotions, risk-taking, and sensation-seeking behavior) has finished developing, but the cognitive control system (which governs decision-making and self-regulation) has not. In fact, the cognitive control system does not finish developing until around the mid-20s. What this means is that adolescents are more likely to make risky decisions under heightened emotional conditions. It is not until well past the age of legal adulthood (age 18 in most jurisdictions and circumstances) that individuals have the capacity to engage in adult decision-making. This reality is reflected in our crime statistics.

The Age-Crime Curve

As early as the 19th century, French statistician Adolphe Quetelet saw that the propensity for criminal behavior was greater among young people (ages 21–25) and lower among older people (Beirne, 1987). The age-crime curve refers to the relationship between age and crime that has been demonstrated in numerous datasets (Farrington, 1986) and is often displayed graphically. An example is shown in the figure below, which plots the age of individuals convicted of crime in 2021 using data gathered through the Federal Bureau of Investigation's (FBI) National Incident-Based Reporting System (NIBRS). As you can see, the crime rate rises throughout adolescence, peaks during the 20s, and then declines on a steady basis thereafter.

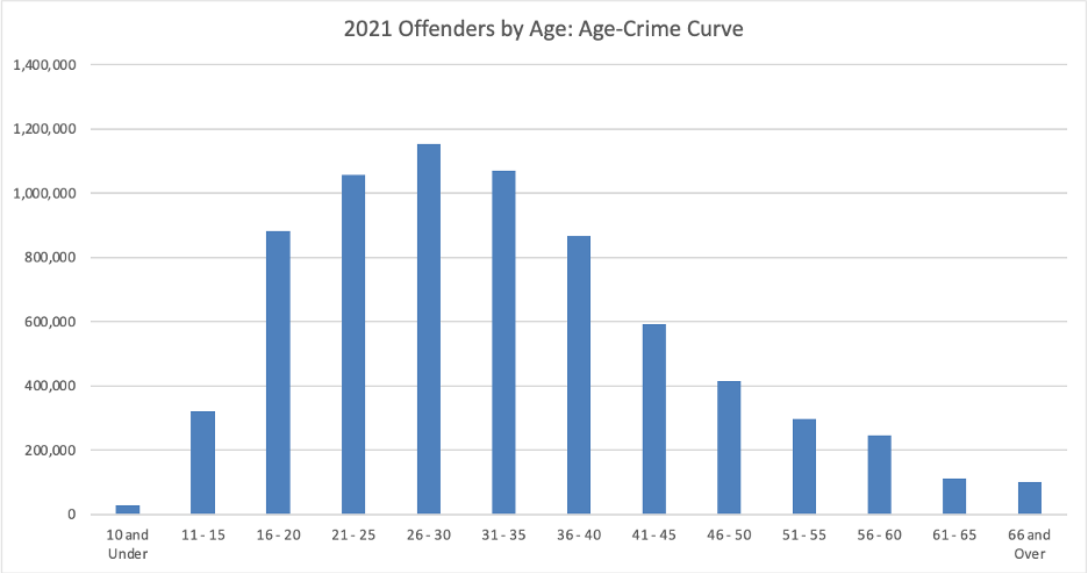


Figure 6.1.1: 2021 Offenders by age group per FBI's National Incident-Based Reporting System. Image description available. Image description.

One explanation for kids being able to engage in delinquent behavior without becoming "lifelong criminals" comes from Gresham Sykes and David Matza's (1964) drift theory. Drift theory explains that juveniles drift in and out of delinquency, especially when social controls like parental supervision are weak, and learn to justify their behavior in one of five ways. These justifications are known as techniques of neutralization, and they allow adolescents to avoid conflicting and uncomfortable feelings that can arise when your behavior does not match your beliefs (known in psychological terms as cognitive dissonance). Sykes and Matza (1957) identified five techniques of neutralization:

1. Deny responsibility: Juveniles learn to use this technique to deny that they are responsible for the criminal behavior they committed. This might look like, "It was not my fault; it was an accident or beyond my control."
2. Deny injury: Juveniles learn to use this technique to deny the wrongfulness of their behavior or deny that their behavior caused any actual harm. This might look like, "It was only a prank; I didn't hurt anyone" or "I just borrowed it; I didn't steal it."
3. Deny victim: Juveniles learn to use this technique to dehumanize or downplay the victim of their behavior. In other words, they neutralize their actions by claiming that they were acceptable because of who the victim was. Members of marginalized groups are easily targeted by this technique. This might look like, "The trans woman had it coming by wearing women's clothing here."
4. Condemn the condemners: Juveniles learn to use this technique to shift the blame to others, especially those who would disapprove of the behavior, as the juvenile sees them as hypocritical or corrupt. This might look like, "Who are they (parents) to tell me not to drink alcohol when they drink it themselves?"
5. Appeal to a higher loyalty: Juveniles learn to use this technique to justify their actions as necessary for a greater good or to maintain loyalty. This might look like, "I didn't do it for me; I did it for God," or "I did it to help a buddy out."

While drift theory can help us understand how youth engage in delinquency without fully adopting definitions favorable to crime (learning theories) or embracing a subculture's values (subcultural theories), it does not actually explain why or how juveniles stop committing crime.

The age-crime curve is one of the most consistent empirical facts in criminology and has been widely documented in Western countries such as the United States, Canada, the Netherlands, Australia, and Great Britain. It presents a criminological question that goes beyond whether or not the criminal justice system works: why do virtually all people who commit crimes ultimately desist from (slow down or completely stop) offending on their own? The majority of people who commit crimes when they are young stop committing crimes when they are in their 20s, and almost all of them stop by the time they reach their 40s, but why? Is it purely driven by age and physiological development, or are there other things at play? The developmental life course perspective may provide answers.

Developmental and Life Course Perspective

The **developmental life course perspective** looks at criminal behavior over the course of someone's lifetime. According to this perspective, criminality cannot be understood by studying people at a single point in time or by assuming that people are unchanging. Instead, to truly understand criminal behavior, it is important to follow individuals over time. This perspective seeks to understand why offending starts in the first place (i.e., onset), why it continues or even escalates in severity or frequency (i.e., persistence), and why it declines or slows down (i.e., desistance) at different stages of life course. In this manner, we can understand the life events and turning points that affect both short- and long-term patterns of criminal behavior. This perspective emphasizes a person's individual development and life history.

Before we discuss the developmental life course perspective more thoroughly, let's explore a little bit of developmental psychology. Jean Piaget (1930, 1932), a developmental psychologist, studied childhood development and focused on children's cognitive growth. He believed that thinking is a central aspect of development and that children are naturally inquisitive. However, he said that children do not think and reason like adults and that their cognitive abilities develop through specific stages. He posited that it was not until the final stage, starting around age 11, when kids can begin using abstract and logical thinking. Similarly, Lawrence Kohlberg (1969) theorized that development of moral judgment occurred in six stages. When he studied people who had committed crime, he found that they scored lower in moral judgment, and he concluded that their criminality could be explained by their failure to properly move through all the moral development stages. These ideas about the stages of development and their impact on future behavior is a thread woven throughout developmental life course theories.

In criminology, the developmental life course perspective has been studied and adjusted by a few influential scholars. First, Sheldon and Eleanor Glueck (1957), completed one of the largest longitudinal studies in criminology with their report ***Unraveling Juvenile Delinquency***. The Gluecks began their study in 1939 by identifying 500 youths who had gone through the juvenile justice system (all of whom were White boys ages 10–17) from the Massachusetts correctional system. Each youth was matched to a comparable "non-delinquent" youth in the Boston public school system who shared the same age, ethnicity, neighborhood, and IQ. This means they tracked 1,000 participants over a couple of decades. This is very hard to do. The Gluecks gathered a variety of data on these 1,000 youths at three points in time: at approximately ages 14, 25, and 32. They collected data from interviews with the youths, their family members, teachers, employers, neighbors, and representatives of the criminal justice and the social welfare systems, in addition to archival data from police records.

This was a giant collection of data by the time they were done, and it has been used by several scholars to examine how behavior changes over the course of someone's life. The Gluecks' study was the first to investigate questions that would later become of central importance to developmental life course criminology. These include the relationship between age and crime, the focus on long-term patterns in criminal behavior, and the examination of unique causes of crime initiation, continuance, and desistance.

The second group, in examining developmental life course approaches, also tracked a large group of youth for several years. Marvin Wolfgang, Robert Figlio, and Thorsten Sellin (1972) published a study titled Delinquency in a Birth Cohort that examined the arrest records of 9,945 boys who were born in 1945 and resided in Philadelphia from ages 10–18. Wolfgang and his colleagues found that 35% of these boys became delinquent—defined as having official police contact for something other than a traffic violation—by their eighteenth birthday. Collectively, these 3,475 boys were responsible for 10,214 police contacts over that period. A small group—about 6% of the whole group and 18% of the delinquents—were identified as "chronic recidivists" because they had recorded at least five police contacts by age 18. This small group was responsible for over half of all offenses and two-thirds of all violent offenses. Like the Gluecks' earlier research, Wolfgang and his colleagues emphasized the importance of examining longer-term patterns in offending to truly identify more serious offenders, as opposed to just looking at single events.

The third major study in the developmental life course perspective was conducted through the National Research Council of the National Academy of Sciences. They put together a Panel on Research on Criminal Careers to focus on the study of individual patterns of criminal offenses over time that occur across a person's life. They called this someone's criminal career. You have the option to read the resulting report, titled Criminal Careers and "Career Criminals (National Research Council, 1986), which introduced four key dimensions of the criminal career: (1) participation, (2) frequency, (3) seriousness, and (4) career length.

Participation refers to whether or not someone has ever participated in crime, and frequency refers to how often someone participates in criminal activity. The National Research Council said these two concepts were important to identify because they had different potential causes and required different policy responses. For example, preventing participation in crime in the first place would likely involve some type of programming outside of the criminal justice system, such as interventions for at-risk youth. To combat the frequency of offending, however, there would likely need to be more direct involvement of the juvenile or criminal justice system through some type of punishment.

During the 1980s, policymakers were particularly interested in using the idea of a criminal career to identify career criminals. They wanted to find that small percentage of individuals who commit a disproportionate share of crimes. They hoped that it would be possible to identify these so-called career criminals at the start of their criminal careers and selectively incapacitate them (lock them up) during their crime-prone years to limit their ability to commit crimes. The problem with this idea is that it means locking up kids for crimes they might commit instead of something they already did. This is something that not only happened at the time of this developmental life course research – it is still happening. Youth can still be detained for risk of future criminal offending. Efforts to identify which youth will turn into career criminals have been notoriously inaccurate and frequently result in false positives or the misidentification of kids who are not actually at risk of committing crime.

Sampson and Laub's Age-Graded Theory

Several theories have been created under the umbrella of the developmental life course perspective. One of the most well-known is the **age-graded theory** of informal social control developed by Robert Sampson and John Laub in the 1990s. The age-graded theory of informal social control looks at the age and delinquent or criminal behavior, in addition to what is going on in the individual's life at the time of that behavior. Specifically, they looked at things like the youth's family life, school, employment, and other relationships that change over time. These scholars reanalyzed the data that were gathered by the Gluecks to look for specific patterns. Their analysis revealed patterns of both continuity and change among the Glueck sample.

They found childhood delinquency was a strong predictor of adult criminal behavior. However, they also discovered that a substantial portion of children who engaged in delinquency stopped any criminal behavior during the transition to adulthood. For those who did continue exhibiting criminal behavior into adulthood, Sampson and Laub found links to both pre-existing characteristics of childhood delinquency (what made them commit crime as youths still made them commit crime as adults) and cumulative disadvantages that occurred over time (challenges and struggles like poverty, family dysfunction, and addiction).

They said the factors that were linked to both the onset of delinquency and desistance from offending were related to the social bond. For example, kids who committed acts of delinquency were often experiencing familial factors that included low parental supervision, erratic and harsh discipline, and parental rejection and neglect. Also, they found these family factors were linked to broader societal disadvantages, such as low socioeconomic status or unemployment. Then, they found that quality jobs and good marriages in adulthood became positive turning points for these same individuals, leading many of them away from a life of crime.

In a follow-up study of the original delinquent boys, Sampson and Laub (2003) continued to revise their theory and gathered data on arrest records through age 70 for all 500 original participants and conducted life history interviews with a small group of them. These studies provided additional insights about the processes of continuing in or stopping criminal behavior in later adulthood. For example, they found one of the reasons why good marriages and jobs led to desistance from criminal behavior was because they changed participants' routine activities, reducing the time they spent with friends who may have been a bad influence. In other words, they emphasized the importance of life transitions, such as marriage, employment, military service, the loss of a job, or the death of a loved one, in altering life trajectories. Also, many of the individuals they interviewed showed considerable independence and responsibility, taking an active, willful role in their efforts to desist from criminal offending. In other words, they wanted a crime-free life, so they did what they needed to do to get the type of life they wanted.

Moffitt's Dual Taxonomy of Antisocial Behavior

One of the most influential theories in the developmental life course perspective comes from psychology and is a theory of antisocial behavior, also known **as dual taxonomy of antisocial behavior**. In an early article, Terrie Moffit (1993) described two types of offending patterns in the population: adolescence-limited and life-course persistent. Adolescence-limited offending is the more common pattern, and it means that any offenses someone committed were only during the individual's adolescent years. This represents almost all teenagers who did something illegal but did not turn into someone who commits crimes for most of their life. Testing boundaries and breaking rules is something most people grow out of naturally. According to Moffitt, this is all part of growing up as approximately 90% of the juveniles she studied engaged in some form of delinquency.

However, Moffitt acknowledged the maturity gap between a teenager's biological and social ages. As youth go through puberty, they begin to develop and mature into adulthood. At the same time, they are still treated as children by the broader society, lacking full rights and responsibilities. This gap between their biological and social maturity leads them to act out in ways that make them feel more adult and in control of their own lives. Peer associations, thrill-seeking, and rebelliousness contribute to delinquency. Once these adolescents transition into actual adult roles and responsibilities, the motivation to engage in delinquent behaviors disappears, and they desist from their criminal offending.

The other offending pattern identified by Moffitt, the life-course-persistent pattern, is somewhat rare. People who follow this pattern are similar to Wolfgang's chronic recidivists—that is, they are the small number of career criminals who commit the biggest portion of offenses and most of the more serious offenses, including violence. People in this pattern begin their criminal or delinquent offending during early childhood and continue offending throughout adulthood. Their criminal behavior is considered pathological (i.e., they cannot stop) and they possess numerous traits consistent with antisocial personality disorder, such as dishonesty and a lack of concern for the rights of others.

According to Moffitt, life-course-persistent offending can be caused by a combination of neuropsychological deficits and environmental factors supportive of crime, such as poverty and abuse. Moffitt's theory is an example of a modern approach to incorporating biological factors into a theory of crime, but she identifies multiple risk and protective factors that are psychological, biological, or social in nature. Moffitt pointed to three factors that make it particularly difficult for people to escape delinquency: drugs, gangs, and jail. Prevention, rather than treatment, is the key to stopping chronic, lifetime offending according to Moffit. Incarceration, the traditional criminal justice system approaches, can interfere with natural desistance from crime.

Theory Integration

Some contemporary theorists combine select aspects of foundational theories to form brand new explanations for criminal behavior based on ever-changing environmental, social, psychological, economic, and political events. These theorists will take a little bit of classical theory, mix it with some positivist, splash it with some neoclassical, and voila! Because there is no absolute when it comes to which theory is correct, criminologists are able to mix and match multiple theories into a cohesive hodgepodge to suit their needs—as long as the data supports the validity and reliability of the theory, of course.

You might be thinking, haven't many of the theories discussed in this book already done this? It is true that there is overlap between many of the theories we have covered. However, often a theory will focus strictly on the macro-level (e.g., neighborhoods) or micro-level (e.g., individual characteristics) or will only apply to certain types of crime (e.g., street crime). In the 1980s, many criminologists advocated for the integration of multiple existing theoretical frameworks and components to better account for complex human behavior. But theory integration is not as simple as slapping together a couple different ideas. Rather, there are different ways in which theories can be carefully and thoroughly integrated. These include end-to-end, side-by-side, up-and-down, and conceptual integration, all of which are explained in the table below (Tibbetts, 2015). Those in favor of theory integration also argue that theories should be multidisciplinary to advance the field of criminology.

Type of theory integration	Description
End-to-end integration	Theories are merged "one after another," indicating that one occurs before the other. For example, a theory might state that weak social bonds lead to negative peer associations and then to crime.
Side-by-side integration	Theories are considered parallel explanations that might apply based on which type of situation is being explained. For example, impulsive theft might be explained by a theory of low self-control, while white-collar crime might be explained by rational choice theory, as both have elements of control and opportunity involved.
Up-and-down integration	Theories are integrated by increasing the level of abstraction of one theory so that others can be incorporated into it. In other words, one theory's concepts may be broad enough that other theories can fit within it.
Conceptual integration	Key concepts from different theories that have similarities, even if different terms are used, can be integrated if they share similar meaning or operationalization.

Type of theory integration	Description

Some common forms of criminological theory integration (Tibbetts, 2015).

There are many examples of integrated theories, some of which we have already discussed in previous chapters, but some focus heavily on the integration of concepts from multiple theories. American criminologist Delbert Elliott and colleagues provide one example with their integrated perspective on delinquent behavior. This approach combines components of strain, social learning, and social control theories and identifies two primary paths to delinquency. Although Elliott and colleagues recognized multiple different paths to delinquency, both primary paths in their theory involve juveniles who have weak social bonds, which can partly be a result of blocked opportunities and strain, and delinquent peer groups. One goal of their integrated approach was to eradicate the class bias that they saw in the traditional theories, where delinquency was assumed and linked only to lower-class juveniles (Elliott et al., 1979).

Another prime example of theory integration is Australian criminologist John Braithwaite's (1989) **theory of reintegrative shaming**. Shame and informal social control are central to Braithwaite's theory. He said that societies "will have a lot of violence if violent behavior is not shameful, high rates of rape if rape is something men can brag about, endemic white-collar crime if business people think law-breaking is clever rather than shameful" (Braithwaite, 2000). Braithwaite claims that societies must effectively communicate shame about crime in order to prevent it, as shame can become stigmatizing, which will increase crime. Effective shaming, or reintegrative shaming, involves communicating disapproval of behavior while maintaining respect for the individual. In other words, reintegrative shaming treats the person who committed a crime as a good person who did a bad thing but needs forgiveness, while stigmatization degrades, humiliates, and treats the individual as a bad person.

The theory of reintegrative shaming primarily borrows concepts from labeling theory and control theories, with some nods to deterrence theory. It applies to crimes against property and people in which there is a general social consensus that the behavior is wrong. The theory is very much in line with a restorative justice approach to crime control, meaning the goal is to repair harm caused by crime and restore the well-being of both perpetrators and victims rather than just punish those who have offended.

The integration of theories is a contentious topic among criminological scholars. While some support integration as a way of improving our theoretical understandings and getting closer to an accurate explanation of crime, others see major drawbacks to the process. Some theorists claim that the best way for theories to advance is for them to compete against one another to encourage their continued testing. Those opposed to theoretical integration also argue that it is not possible to integrate theories that have opposing assumptions. For example, social control theories assume people are naturally inclined to commit deviant behavior, while learning theories typically assume that people are non-criminogenic prior to learning the behavior from someone else (Krohn & Eassey, 2014). Nonetheless, criminological ideas and concepts continue to be assessed, altered, and integrated. The theories help shape current practice in social control from law enforcement to the court system.

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6.2: Essentials of the Criminal Justice System

The impact of the criminal justice system is pervasive in our daily lives, intricately woven into the very fabric of society. Beyond merely maintaining public safety and upholding social order, the system plays a pivotal role in preserving individual rights and cultivating community trust. Its influence extends beyond the realms of security, justice, and equality, leaving an enduring mark on our collective understanding of law, authority, and civic engagement. Whether through the application of the rule of law, the intricacies of due process, or the deterrence of criminal behavior, the reverberations of the criminal justice system are felt across various dimensions of personal and communal existence. A profound comprehension of its complexities is essential for anyone seeking an in-depth understanding of the functioning of society.

Functions of the Criminal Justice System

Criminal justice serves a multitude of crucial functions within society, and it plays a pivotal role in maintaining social order, ensuring community safety, restoring public confidence, conflict resolution, and administering justice in various forms. This intricate framework revolves around the delicate equilibrium between safeguarding individual rights and preserving public order, making it a dynamic and multifaceted system dedicated to upholding the principles of fairness, safety, and equality within society.

At its core, the criminal justice system is committed to maintaining social order by interpreting and enforcing laws. These laws regulate behavior, prevent chaos, increase community safety, and provide a structured framework for a more predictable and orderly society. The criminal justice system offers a structured process for resolving conflicts and disputes, providing a forum for parties to seek justice when they believe they have been wronged.

The system is instrumental in ensuring community safety by identifying and detaining individuals who pose a threat, society is shielded from potential harm and danger. By enforcing laws and regulations, the criminal justice system ensures that society functions in an organized and predictable manner while safeguarding the well-being and security of the community.

An effective criminal justice system is critical in building and maintaining public confidence. When individuals perceive the system as fair and just, they are more likely to trust in the rule of law and participate actively in society. Ideally, the criminal justice system addresses systemic issues like **discrimination** and bias through policy reform and changes in practice aimed at reducing disparities and promoting greater equity, which, in turn, contributes to the advancement of public confidence.

Justice, a central pillar of the criminal justice system, encompasses several dimensions. **Social justice** promotes equality before the law and the protection of society, while **civil justice** seeks to free individuals from fear and discrimination. **Individual justice** focuses on safeguarding personal liberties, human dignity, and the right to due process.

Punishment and rehabilitation are other key functions of the criminal justice system. In general, punishment provides a sense of justice for victims and society, ensuring that those who break the law incur appropriate consequences, while **rehabilitation** involves support services for offenders to facilitate reintegration into society as law-abiding citizens. This focus on rehabilitation is particularly important when addressing issues like addiction and mental health.

The multifaceted nature of the criminal justice system involves a careful balance between **individual rights** and public order. It protects the rights and freedoms of individuals, ensuring fair and just treatment regardless of background or circumstances. This includes safeguarding the rights of the accused, such as the right to a fair trial and legal representation. Individual rights advocates emphasize the importance of ensuring justice for each person, recognizing personal liberty, human dignity, and the right to due process. Conversely, public order advocates stress the significance of social justice, equality before the law, freedom from fear, and the broader protection of society.

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6.3: Criminal Justice Process

As a result of the variations in criminal justice system procedures across various states and the federal government, there exists no singular method for preceding through the criminal justice system. Regardless of nuance in the criminal justice process across different states and the federal government criminal justice systems, they all adhere to the guidelines set forth in the U.S Constitution regarding the fair and unbiased treatment of the accused throughout the criminal justice process (Bureau of Justice Statistics, 2021). Figure 1.8 below illustrates how individuals are processed into and move through the criminal justice system. Although this flowchart does not represent all criminal justice systems, it is a visual depiction intended to enhance the understanding of the general criminal justice process.

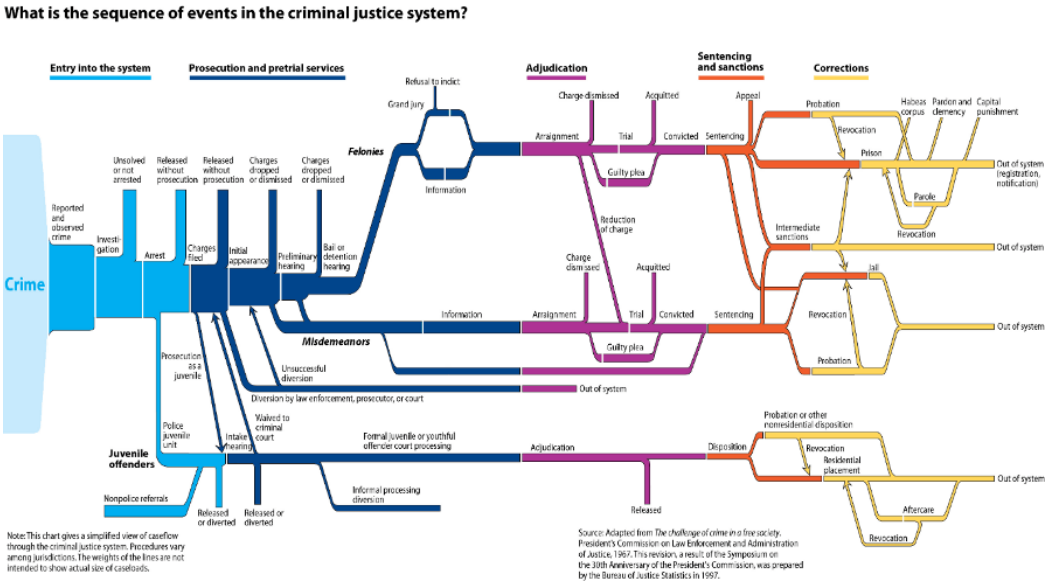


Figure 6.3.1: This flowchart provides a linear, sequential representation of the stages involved in the handling of a criminal case from initiation to resolution, facilitating the understanding of the general criminal justice process. The chart begins with the commission of a crime, followed by the initial stage, 'Entry into the System,' and progresses horizontally through key phases such as Prosecution, Adjudication, Sentencing and Sanctions, and lastly, Corrections. Each stage is connected by lines to demonstrate the sequencing of events. / Photo Credit: Bureau of Justice Statistics, Public Domain

Crime Detection

The formal criminal justice process initiates with the detection of a law violation. Detecting law violators is a dynamic task that requires a blend of traditional investigative techniques, technological advancements, and community engagement (Braga et al., 2014). While law enforcement officials bear the formal responsibility for detecting law violations and criminal activity, the public also plays a significant role in crime detection and other phases of the criminal justice process. Instances of individuals engaging in suspicious or illegal activity may be observed either directly by a police officer or by a member of the public, who then reports the incident to the police. The collaboration between the public and law enforcement, facilitated through criminal reporting mechanisms, proves crucial in furnishing timely and accurate information essential for identifying and apprehending perpetrators (Reisig & Parks, 2000). This collaboration underscores the importance of a cooperative relationship between law enforcement and the community in maintaining public safety.

Crimes manifest across a spectrum of severity, necessitating varied responses within the criminal justice framework (FBI, 2019). When police receive a report of suspicious or illegal activity, they will issue a response typically involving one or two police officers that will arrive at the reported location to gather information, deescalate disputes, and for more serious offenses, collect evidence to establish probable cause. This evidence may lead to the arrest of a suspect or the issuance of a warrant request by a judge, allowing access to property for crucial evidence gathering to facilitate an arrest. In cases where a criminal act is directly witnessed by an officer, they confront the individuals involved, inform them about the illegality of their actions, and decide whether to proceed with arrests of any suspects. This process highlights the importance of police responsiveness and discretion in addressing a wide range of criminal activities.

The initial investigation process that unfolds prior to making any arrest varies widely in duration. The mere observation of a crime by an officer is often sufficient evidence to establish probable cause for an arrest. However, in other situations, investigations extend over years or even decades before resulting in an arrest. For instance, nearly two decades of investigations transpired that led to the apprehension and sentencing of the “Green River Killer,” Gary Ridgway, a notorious serial killer in Washington State during the early 1980s to the late 1990s (Keppel & Birnes, 1995), picture below. In contrast, certain cases, such as the mysterious DB Cooper case, remain unsolved, and after an extended period, become cold cases with no resolution. This disparity of investigation timeframes edifies the complexity of investigations and the persistence required to properly address each unique criminal case.

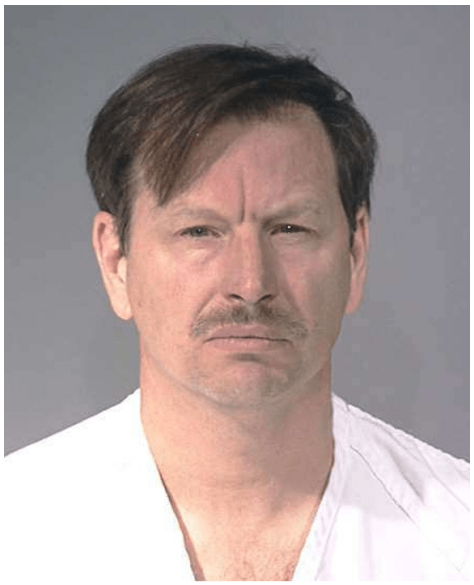


Figure 6.3.2: Gary Ridgway, infamously known as the Green River Killer, was a prolific American serial killer responsible for the murders of numerous women in the Seattle area during the 1980s and 1990s. Ridgway primarily targeted sex workers and vulnerable women, often dumping their bodies in remote wooded areas near the Green River. His killing spree spanned over two decades before his arrest in 2001. Ridgway confessed to killing 71 women, although investigators believe the actual number of his victims may be higher. He was convicted of 49 counts of murder and is serving a life sentence without the possibility of parole. Ridgway’s case remains one of the most infamous in American criminal history, shedding light on the dangers faced by marginalized individuals and the importance of thorough investigative work in solving cold cases.
Photo Credit: Bureau of Justice Statistics, Public Domain

Arrest

Once probable cause has been established, officers have the authority to arrest a suspect and take them into custody, restricting their individual freedoms, including the right to depart. Once under arrest, the suspect is officially under the control of the officer, yet maintains some constitutional protections as indicated by the Miranda Rights (Miranda v. Arizona, 1966), which must be recited by an officer only after an arrest has been made and prior to further questioning.



Figure 6.3.3: An arrest is a significant event in the criminal justice process as it represents the deprivation of an individual's liberty based on suspicion of committing a crime. It marks the beginning of formal involvement with the legal system, triggering a series of legal procedures and potential consequences for the individual involved. Arrests serve as a tool for law enforcement to maintain public safety, deter criminal activity, and hold individuals accountable for their actions.
Phot Credit: Kindel Media, Pexels License

Booking

Once the suspect is arrested, they are taken to the police station, jail, or detention center for booking, which is a standard protocol in the criminal justice system designed to establish a formal record of the arrest, including the suspect's personal information, identity, fingerprints, and mugshot. A thorough search of the suspect is also conducted, involving the removal of any personal items. In general, booking is a critical juncture crucial for determining if the suspect will be further processed by the criminal justice system. In some situations, bail for the suspect may be set during the booking process. Bail is based on an initial determination of the amount required for the suspect's release pending further legal proceedings. This comprehensive procedure ensures timely documentation of the arrest record and initiates the formal legal proceedings against the accused.

Custody

While the suspect is detained, law enforcement may continue their investigation to gather additional evidence. Officers may conduct interrogations in an attempt to elicit a confession to the crime by the suspect as well as gain insights into the motives behind the alleged crime. In some cases, officers may also organize in-person or photo lineups to identify potential witnesses or further connect the suspect to the crime. The imperative to find additional evidence is heightened as law enforcement typically have a 48-hour window to detain the suspect and demonstrate probable cause to advance the case to the prosecutor (Mulroy, 2012). If, for any reason, the prosecutor believes probable cause was not established within this timeframe, they must release the suspect. This critical period underscores the efficient and thorough investigative procedures to ensure the lawful and just processing of individuals in custody.

Charging

Once the arresting officers believe they have gathered sufficient evidence, they allocate the case to the prosecutor's office. The prosecutor undertakes a comprehensive review of the case to determine the appropriate charges to bring against the suspect, taking into consideration various factors. These factors include the severity of the crime, the quality of the evidence, potential political or social pressures, and the likelihood of the court finding the suspect guilty. Subsequently, the prosecutor has three primary options: 1) return the case to law enforcement for further investigation, 2) decline the case, a decision known as *nolle prosequi,* or 3) proceed to file the case in court and begin the process of officially charging the suspect of a crime. This pivotal stage in the legal process highlights the discretion and responsibility vested in prosecutors as they make crucial decisions that significantly impact the trajectory of a criminal case.

Preliminary Hearing

Under the U.S. Constitution, the government, represented by the prosecutor, must demonstrate probable cause that the accused has committed the alleged crimes as indicated in the charges. In all but two states, a grand jury is employed to varying extents to assess whether the prosecution has presented sufficient evidence to proceed with the case. If the prosecutor successfully provides ample evidence, the grand jury issues a true bill of indictment, specifying the exact charges and officially charging the suspect, who then becomes the accused. In jurisdictions that do not utilize a grand jury, the prosecutor directly files charging documents with a judge. Subsequently, a preliminary hearing is scheduled, during which the prosecutor presents the merit of the evidence before a judge. Simultaneously, the defendant and defense attorney have the opportunity to challenge the prosecutor's charges. In this process, the judge, rather than a grand jury, determines whether the evidence is substantial enough to warrant proceeding to trial. This legal procedure ensures a careful evaluation of the evidence before the case advances in the criminal justice system.

Arraignment

An arraignment is often scheduled after the judge or grand jury rules in favor of the prosecutor in the preliminary hearing. During the arraignment, the defendant is formally notified of the charges brought against them and is required to submit an official plea of not guilty, guilty, or no contest. Simply stated, a not guilty plea affords defendants the opportunity to formally contest the charges in court or begin the process of negotiations for a plea deal. A guilty plea, however, is an admission of guilt to the charges and allegations and leads to sentencing, which may occur immediately or transpire at a later time. On the other hand, a no contest plea allows a defendant to accept the conviction and charges without admitting guilt and is followed by sentencing that is either given immediately or at a future date. Although both a guilty plea and a no contest plea agree to the conviction and acceptance of punishment for a committed crime, a no contest plea does not admit guilt and cannot be used as evidence in civil court, whereas a guilty plea can be used as evidence in civil courts. This critical stage in the legal process provides the defendant with important choices that shape the direction of the case as it is processed through the criminal justice system.



Figure 6.3.4: This imagery serves as a poignant reminder of the profound loss of autonomy and freedom experienced by individuals who find themselves incarcerated. As the handcuffed prisoner sits and waits, their physical restraints symbolize the stark reality of their confinement and the extensive control exerted by the corrections system. It underscores the power dynamics inherent in incarceration, emphasizing the authority wielded by corrections officers and the substantial limitations imposed on the individual's liberty.
Photo Credit: Jobs for Felons Hub, CC BY 2.0

Bail Hearing

If bail was not set during booking, a separate bail hearing will be held to determine if the defendant can be released from jail before trial. While all defendants have the right to a bail hearing, not all defendants will be released on bail. For less serious charges and when the defendant is neither a flight risk nor poses a risk to others, they might be released on **recognizance.** However, for more serious charges, the judge will consider multiple variables, including the past criminal record of the accused,

flight risk, and social network, to decide whether to grant bail and determine the appropriate bail amount. If the defendant possesses the financial resources to post bail, they will be released pending the final case verdict. When released on bail or on recognizance, judges often impose conditions that the defendant must follow. In cases where the defendant is denied bail or cannot afford it, they are housed in jail to await their trial.

Plea Bargaining

Plea bargaining is a process in which the defense and prosecution engage in discussions regarding a potential guilty plea in exchange for various forms of leniency, such as a reduction in the number of charges, a decrease in the severity of the charge, or a more lenient sentence (Bibas, 2004). Plea bargaining can take place at any point in the legal proceedings after arraignment and before the conclusion of the trial.

Ethical Dilemma in Criminal Justice: Plea Bargaining

Plea bargaining is a crucial component of the criminal justice system that benefits the defendant, courts, and taxpayers. Despite its positive intentions, however, this practice introduces a range of ethical dilemmas that warrant careful consideration. One primary concern is the potential coercion of a defendant who, despite their innocence, may accept a plea deal due to a strong interest to avoid uncertainties and potential harsh trial verdicts. This raises significant ethical questions pertaining to the protection of individual rights during the legal process as well as the overall fairness that results in the criminal justice procedure. In addition, plea bargaining has undergone criticism for its contribution to systemic inequalities, particularly among defendants with limited economic resources and lack of information about their rights. The expediency of plea bargaining also carries the risk of compromising the pursuit of justice by discouraging thorough investigations and hindering the presentation of all relevant evidence. Striking a balance between the efficiency benefits of plea bargaining and the imperative to uphold ethical standards remains a complex challenge in the criminal justice system.

Adjudication

If the prosecution and defendant fail to reach an agreement on a plea of guilt, the case proceeds to a criminal trial where either a jury or judge (known as a bench trial) will determine whether the prosecutor can prove, beyond a reasonable doubt, that the defendant is guilty of the charges. The trial follows a structured process, allowing both the prosecution and defense to present their cases. The jury trial can yield a guilty verdict, a not guilty verdict, or a hung jury. After a guilty verdict, the defendant is scheduled for sentencing, whereas after a not guilty verdict, the defendant is released from custody and free to go. When the jury is unable to agree on a verdict, they are considered deadlocked or a hung jury. In such instances, the case remains unsolved, and the prosecutor must decide whether to drop the case or request a retrial at a later date.

Sentencing and Punishment

Once the defendant is found guilty in court or enters a guilty plea, they proceed to the sentencing phase for punishment. Punishments vary widely and can range from a small fine to life in prison, or even the death penalty (Bibas, 2004). The judge will often rely on pre-sentencing reports developed by community correction officers, the defendant's previous criminal record, the seriousness of the crime, and other relevant variables to aid in the determination of the exact nature and length of the sentence of the state authorized punishment.



Figure 6.3.5: These symbols of justice serve as poignant reminders of the fundamental principles guiding legal practices and underscore the importance of upholding justice within the legal system.
Photo Credit: Sora Shimazaki, Pexels License

Corrections

Once the offender is sentenced, they are placed under the authority of the local, state or federal corrections departments. An offender may be placed on probation, in a community corrections facility, rehabilitation center, jail, or prison (Bibas, 2004). Offenders placed in jail or prison may have the opportunity to participate in rehabilitation, workforce, and education programs, depending on the available offerings at the corrections facility. Following the successful completion of a jail or prison sentence, ex-offenders are released into society, typically under some form of parole or community corrections supervision.



Figure 6.3.6: The austere and barren environment, characterized by cramped quarters and sparse amenities, vividly illustrates the profound loss of freedom endured by those subjected to incarceration.
Photo Credit: Jobs For Felons Hub, CC BY 2.0

Community Corrections

While prison and jail are commonly associated with corrections, it is essential to recognize that a significant portion of individuals

under the jurisdiction of corrections departments are within the community corrections system. Community corrections serve either as an alternative punishment to incarceration (e.g. community service, probation, house arrest) or as a post-release supervision process designed to assist ex-offenders to reintegrate into society while providing oversight to protect the community (Bibas, 2004). Individuals in the community corrections system are not entirely free, as they may be subject to drug tests, random house searches, or the loss of various privileges, such as voting rights, driver's licenses, and gun ownership.

(More on Criminal Sentencing in the next chapter)

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6.4: LEVELS OF POLICING AND THEIR ROLE

Police organizations operate at various levels in the United States. There are also different roles within individual police agencies. This section will break down those varying levels and roles/responsibilities. When you mention the police, most individuals think of their local police departments, i.e., city or county agencies, but in reality, there are various police entities at various levels of the government. Due to this, the roles of the police at these different levels have varying responsibilities. This also means they work in different environments and take on different tasks. Throughout this section, we will examine a range of careers available within policing and law enforcement field.

Levels of Policing

Just as the United States Government is organized on a federal, state, county, and city hierarchy, police organizations are as well. Each level of government and even subsections within that level have specific law enforcement responsibilities. We will break each of these down and reference some of the different titles and roles they carry.

Federal Level

The federal arena of law enforcement is tasked with investigating and enforcing federal laws as well as protecting federal-level politicians and dignitaries. The federal law enforcement career options vary from working for border patrol to protecting dignitaries to investigating federal law violations. Federal officers are hired within specific federal law enforcement agencies and have specific roles and responsibilities. Their duties do not cross over. For example, if someone is hired with the Secret Service their primary duties will be those related to executive branch dignitary protection, whereas if someone is hired with the U.S. Marshals, their primary duties will be to apprehend federal fugitives and provide dignitary protection for the judicial branch.

State Level

In the United States, law enforcement agencies vary in name and duties, with distinctions often reflecting their primary functions. Highway Patrol agencies primarily focus on traffic-related functions, while State Police typically engage in a broader range of tasks. For instance, State Police agencies commonly incorporate specialized investigation sections, crime labs, and training divisions into their operations. In states where Highway Patrol exists, it may be combined with a State Bureau of Investigation to fulfill comprehensive state-level law enforcement duties. State Police serve individual states, with examples such as the California State Police (but this is primarily California Highway Patrol) and the Nevada Highway Patrol (NHP) in Nevada, which operates under the Nevada Department of Public Safety. Officers commissioned by the state, often referred to as troopers, have powers of arrest and primarily patrol highways and interstates to enforce laws.

However, many State Police agencies also conduct investigations into various crimes and operate divisions such as criminal forensic labs and departments of fish and wildlife. The specific duties of each state agency are tailored to the needs and circumstances of their respective states.

County Level

There are approximately 3,143 counties in the United States (U.S. Census Bureau, 2022). Each county has an elected Sheriff and deputies who work directly under the Sheriff. Deputies are no different from any other city police officer or state trooper, other than the Sheriff, who can be responsible for the courts and jails (a.k.a. correctional facilities) in their respective counties. Depending on their size and location, counties can cover a variety of geographical areas and responsibilities. It is important to refer to it as the “Office of the Sheriff” or the “Sheriff’s Office” rather than a “Sheriff Department” to emphasize the constitutional and elected nature of the sheriff’s role, highlighting that the sheriff is an elected official entrusted with law enforcement duties, rather than merely the head of a bureaucratic department. This distinction underscores the sheriff’s accountability to the community through the democratic process, reinforcing the principles of transparency, legitimacy, and public oversight within law enforcement agencies.

City Level

City (also known as Municipal) police officers work under a municipality or city. If a city has a government, i.e., mayor, city council members, and a municipal code (misdemeanor laws for the city), then the city can have city police. If an officer works for a city, their title is a police officer. Some cities have a connected jail (also known as a corrections or detention facility), while others are operated by the County Sheriff.

The head of any city police agency is called the chief. City or municipal police chiefs are typically appointed by city officials, such as the mayor or city council, based on their qualifications, experience, and leadership abilities, with the goal of ensuring effective law enforcement and community safety within the city or municipality. This is much different from county agencies, which are led by elected Sheriffs.

City police officers handle all police calls for service within their city limits. This can range from basic law violations to felony crimes. Small city agencies often are tasked with all these types of cases, whereas larger cities may have assignment opportunities to include specialty positions like detectives, K-9 officers, etc.

Divisions within Each Agency

Law enforcement agencies, whether they are federal, county, state, or city, generally have jobs available within two major areas: 1) Commissioned (Sworn) and 2) Civilian (Unsworn). Commissioned or sworn is a term that describes an employee who has been through police training, is certified as a police officer, and has arresting powers in the state. Civilian or unsworn is a term that describes an employee who has not been through police training and does not have arresting powers.

6.4.1: Police Related Case Law

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6.4.1: Police Related Case Law

Numerous cases decided in courts of law have established precedents that govern the conduct of law enforcement officers. This section examines a representative selection of those decisions with the most significant implications for officers' daily responsibilities.

Fourth Amendment/Search and Seizure

As described in Raber's *Criminal Court Processes and Procedures*, The Fourth Amendment protects individuals from "overzealous efforts by law enforcement to root out crime by ensuring that police have good reason before they intrude on people's lives with criminal investigations."

The text of the **Fourth Amendment** is as follows:

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

The amendment places limits on both **searches** and **seizures**: searches are efforts to locate documents and contraband. Seizures are the taking of these items by the government for use as evidence in a criminal prosecution (or, in the case of a person, the detention or taking of the person into custody).

In either case, the amendment indicates that government officials are required to apply for and receive a search warrant prior to a search or seizure; this warrant is a legal document, signed by a judge, allowing police to search and/or seize persons or property. Since the 1960s, however, the Supreme Court has issued rulings limiting the warrant requirement in situations where a person can be said to lack a "reasonable expectation of privacy" outside the home.

Police can also search and/or seize people or property without a warrant if the owner or renter consents to the search, if there is a reasonable expectation that evidence may be destroyed or tampered with before a warrant can be issued (i.e., exigent circumstances), or if the items in question are in plain view of government officials. Furthermore, the courts have found that police do not generally need a warrant to search a car's passenger compartment or to search people entering the United States from another country.

When a warrant is needed, law enforcement officers do not need enough evidence to secure a conviction. Still, they must demonstrate to a judge that there is probable cause to believe a crime has been committed or that evidence will be found. Probable cause is the legal standard for determining whether a search or seizure is constitutional or whether a crime has been committed; it is a lower threshold than the standard of proof at a criminal trial.

Critics have argued that this requirement is not very meaningful because law enforcement officers are almost always able to get a search warrant when they request one; on the other hand, since we wouldn't expect the police to waste their time or a judge's time trying to get search warrants that are unlikely to be granted, perhaps the high rate at which they get them should not be so surprising.

What happens if the police conduct an illegal search or seizure without a warrant and find evidence of a crime? In the 1961 Supreme Court case *Mapp v. Ohio*, the court decided that evidence obtained without a warrant that didn't fall under one of the exceptions mentioned above could not be used as evidence in a state criminal trial. This gave rise to the broad application of what is known as the exclusionary rule, which was first established in 1914 on a federal level in *Weeks v. United States*.

The exclusionary rule does not just apply to evidence found or to items or people seized without a warrant (or falling under an exception noted above); it also applies to any evidence developed or discovered as a result of the illegal search or seizure.

For example, if the police search your home without a warrant, find bank statements showing large cash deposits regularly, and discover you are engaged in some other crime of which they were previously unaware (e.g., blackmail, drugs, or prostitution), not only can they not use the bank statements as evidence of criminal activity—they also can't prosecute you for the crimes they discovered during the illegal search. This extension of the exclusionary rule is sometimes called the "fruit of the poisonous tree" because just as the metaphorical tree (i.e., the original search or seizure) is poisoned, so is anything that grows out of it.

However, like the requirement for a search warrant, the exclusionary rule does have exceptions. The courts have allowed evidence obtained without the necessary legal procedures to be used in circumstances where police executed warrants, they believed were correctly granted but were not (“good faith” exception) and when the evidence would have been found anyway had they followed the law (“inevitable discovery”).

The requirement of probable cause also applies to arrest warrants. A person cannot generally be detained by police or taken into custody without a warrant, although most states allow police to arrest someone suspected of a felony crime without a warrant so long as probable cause exists, and police can arrest people for minor crimes or misdemeanors they have witnessed themselves.” (2022).

Miranda and Arrest

One of the most significant issues with police accountability is the knowledge of the job of a police officer. Suppose a person doesn’t understand policing policies, procedures, rules, regulations, and how police operate. In that case, there is going to be a disconnect when the media portrays police in different situations. All too often community members get their knowledge of how the police operate through television shows. Miranda admonition is a classic example. The television show “Law and Order” is notorious for showing the actors playing detectives advising every suspect of their Miranda Rights as they place suspects under arrest. The classic clip shows the handcuffs going on, and then as the detectives walk the suspect to their vehicle, they verbalize Miranda from memory. This could not be further from the truth.

This is not how Miranda is applied. The Miranda decision requires officers to read certain statements when those officers plan to interrogate a suspect. If the suspect is not free to leave and the officer wants to question the suspect, in an attempt for the suspect to make incriminating statements, the suspect must be read Miranda admonishments and must understand the admonishments.

If an officer sees a person break the law, the officer only needs to read Miranda prior to interrogating the suspect if the officer intends to question the suspect. If the officer witnesses the crime, there is generally no need to question the suspect about it; therefore, Miranda is not required. For instance, if an officer uses a radar gun and sees a vehicle speeding 40-mph in a 25-mph speed zone, the officer does not need to read the driver of the vehicle their Miranda rights, unless that officer wants to interrogate the driver. The officer can write the driver a citation without reading Miranda, and in some states, the officer can arrest the driver for speeding without reading Miranda.

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6.5: COURT JURISDICTION

In the courts, **jurisdiction** refers to the legal power to hear and decide a case. It's a fundamental aspect of any court proceeding. Imagine you are a student who believes a teacher from another school changed your grade unfairly. Just as that teacher would not have the authority to alter your grade, a court lacking proper jurisdiction would not have the power to hear your case. In both situations, the outcome would change because the necessary authority is not present. Understanding jurisdiction helps clarify where legal actions can be pursued effectively.

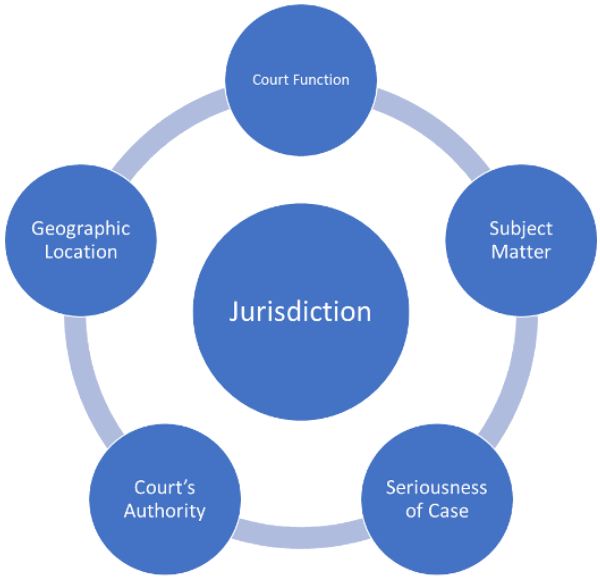


Figure 6.5.1: Figure showing the different elements that make up court jurisdiction.

Jurisdiction Based on the Function of the Court

The court's power can be based on its function. For example, a trial court differs from an appellate or appeals court in its specific function in the case. The trial court has the initial authority to try the case and decide the outcome. In contrast, the appellate court has the authority to overrule that outcome if a serious mistake is made by the trial court. The federal and state court systems have hierarchies that divide trial and appellate courts.

Trial courts have jurisdiction over pretrial matters, trials, sentencing, probation, and parole violations. Trial courts deal with facts. Did the defendant stab the victim? Was the eyewitness able to clearly see the stabbing? Did the probationer willfully violate the terms of probation? As a result, trial courts determine guilt and impose punishments.

Appellate courts, also known as appeals courts, review decisions made by trial courts. They focus on legal matters such as whether the trial judge provided proper instructions to the jury, if evidence was correctly suppressed, or if a defendant can raise certain defenses. These courts correct legal mistakes made by trial courts and address new legal questions. Instead of holding hearings, they review the trial court's record or transcript. Sometimes, they determine if there's enough evidence to support a conviction.

Jurisdiction Based on Subject Matter

The authority of the court can also be based on the subject matter of the case. For example, criminal courts handle criminal matters, tax courts handle tax matters, and customs and patent courts handle patent matters. Because the higher appellate courts are usually designed to hear different types of cases, the issue of subject matter jurisdiction is mostly relevant in lower trial courts. However, each state is different, and state constitutions dictate the specific structure of the state court system. The specialized courts represent only a small portion of all trial courts. Most trial courts are not limited to a particular subject but may deal with all fields. More than 60 million cases in 2020, and more than 95 percent of these cases are from state courts (Kerper, 1979, p.

34). State courts also differ in how they select judges and the type of cases each court can hear.

Jurisdiction Based on the Seriousness of the Case

The seriousness of the case may also affect the court's jurisdiction. Most of the trial courts are called **courts of general jurisdictions**, meaning that they can hear almost any type of case. However, the **courts of limited jurisdiction** can only try minor misdemeanor cases such as petty crimes, violations, and infractions.

Jurisdiction Based on the Court's Authority

Jurisdiction also refers to the court's authority over the parties in the case. For example, juvenile courts have jurisdiction over delinquency cases involving youth. Other court jurisdictions are based on the special nature of the parties, such as military tribunals and the U.S. Court for the Armed Services.

Jurisdiction Based on Location

Finally, jurisdiction is also tied to our system of federalism, the autonomy of national and state governments. State courts have jurisdiction over state matters, and federal courts have jurisdiction over federal matters. Jurisdiction is most known to represent geographic locations of the court's oversight. For example, Oregon courts do not have jurisdiction over crimes in California.

6.5.1: Structures of the Dual Court System

6.5.2: The Federal Court System

6.5.3: State Courts

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6.5.1: Structures of the Dual Court System

Each state in the United States has its own court system, separate from the federal court system. This means there are essentially 51 legal systems: one for each state and one for the federal government. Additionally, U.S. Territories and the military have their own court systems. This setup is often referred to as the dual court system.

In the **dual court system**, state courts handle crimes that violate state laws, while federal courts handle crimes that violate federal laws. For example, if someone robs a bank, they may be charged with violating both state laws (such as robbery) and federal laws (such as bank robbery), depending on the circumstances of the case.

Dual Court System Structure

Dual Courts	Federal Courts	State Courts
Highest Appellate Court	U.S. Supreme Court (Justices) (Note: Court also has original/trial court jurisdiction in rare cases) (Note: Court will also review petitions for writ of certiorari from State Supreme Court cases)	State Supreme Court (Justices)
Intermediate Appellate Court	U.S. Circuit Court of Appeals (Judges)	State Appellate Court (e.g., Oregon Court of Appeals) (Judges)
Trial Court of General Jurisdiction	U.S. District Court (Judges) (Note: this court will review petitions for writs of habeas corpus from federal and state court prisoners)	Circuit Court, Commonwealth Court, District Court, Superior Court (Judges)
Trial Court of Limited Jurisdiction	U.S. Magistrate Courts (Magistrate Judges)	District Court, Justice of the Peace, Municipal Courts (Judges, Magistrates, Justices of the Peace)

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6.5.2: The Federal Court System

Article III of the U.S. Constitution established the Supreme Court of the United States and gave Congress the power to create lower federal courts. The Constitution says that the judicial power of the United States is in one Supreme Court and any other courts that Congress decides to create.

It is worth noting that Article III was kept short because it was both important and hotly debated by the Founding Fathers. Following this authority, Congress created the first lower federal court system in 1789 through the Judiciary Act. Since then, the federal court system has grown, and Congress can change it when needed.

Types of Cases Heard

The Federal Court System	The State Court System
• Cases that deal with the constitutionality of a law; • Cases involving the laws and treaties of the U.S.; • Cases involving ambassadors and public ministers; • Disputes between two or more states; • Admiralty law; • Bankruptcy; and • Habeas corpus issues.	• Most criminal cases, probate (involving wills and estates) • Most contract cases, tort cases (personal injuries), family law (marriages, divorces, adoptions), etc. State courts are the final arbiters of state laws and constitutions. Their interpretation of federal law or the U.S. Constitution may be appealed to the U.S. Supreme Court. The Supreme Court may choose to hear or not to hear such cases.

U.S. Supreme Court

“EQUAL JUSTICE UNDER LAW.” This statement, inscribed above the primary entrance to the Supreme Court Building, underscores the most important duty of the United States’ Supreme Court. The **U.S. Supreme Court** is the highest court in America; as such, it is often referred to as the ***court of last resort***. It’s located in Washington, D.C. and is made up of nine justices who all work together. The current justices are pictured in figure 7.5, and you can explore more about the current U.S. Supreme Court Justices if you would like. They decide on important cases that affect both state and federal laws. The Court also keeps an eye on the lower federal courts to make sure there is consistency in rulings. The justices have a big role in deciding what the U.S. Constitution allows and doesn’t allow. They’re the most powerful when it comes to understanding and explaining the Constitution. They make all decisions as a panel, deciding the outcomes in cases by majority rules, for example, a 5-4 decision, and by voting on which cases they consider important constitutional questions that affect all Americans. One of the justices, Robert H. Jackson, once said that the Supreme Court isn’t perfect, but its decisions are final. This means that the Court’s decisions are very important and can’t be easily changed. However, in some cases, Congress can make new laws that change what the Court decides.



Figure 6.5.2.1: Current U.S. Supreme Court. From left to right: Associate Justices Amy Coney Barrett, Neil M. Gorsuch, Sonia Sotomayor, and Clarence Thomas, Chief Justice John G. Roberts, Jr., and Associate Justices Ketanji Brown Jackson, Samuel A. Alito, Jr., Elena Kagan, and Brett M. Kavanaugh.

The Court has discretionary review over most cases brought from state supreme courts and federal appeals courts, allowing them to choose which cases to decide. They make these decisions through a process called a **petition for the writ of certiorari,** which is sometimes called the rule of four. In this case selection process, four justices must agree to accept and review a case, which happens in less than 10 percent of the cases filed. Arguably, the country's top nine legal minds decide about 100 to 150 cases each year.

Once accepted, the Court schedules and hears oral arguments on the case and then delivers written opinions. Over the past ten years, approximately 8,000 petitions for writ of certiorari have been filed annually. It is difficult to guess which cases the court will accept for review. However, a common reason the court accepts to review a case is that the federal circuit courts have reached conflicting results on important issues presented in the case (UScourts.gov – Writs of Certiorari, 2022). Very rarely, the Supreme Court must try and decide a case for the first time. This is called **original jurisdiction** and would be in unusual cases like a state suing another state. ("Supreme Court Procedures", 2022).

US Courts of Appeals

The **U.S. Court of Appeals**, also known as the Federal Circuit Courts, is a significant part of the federal judicial system. Ninety-four judicial districts make up these 13 intermediate appellate courts, as shown below. They hear appeals from the U.S. District Courts within their respective circuits, as well as appeals from decisions of federal administrative agencies like the social security and bankruptcy courts.

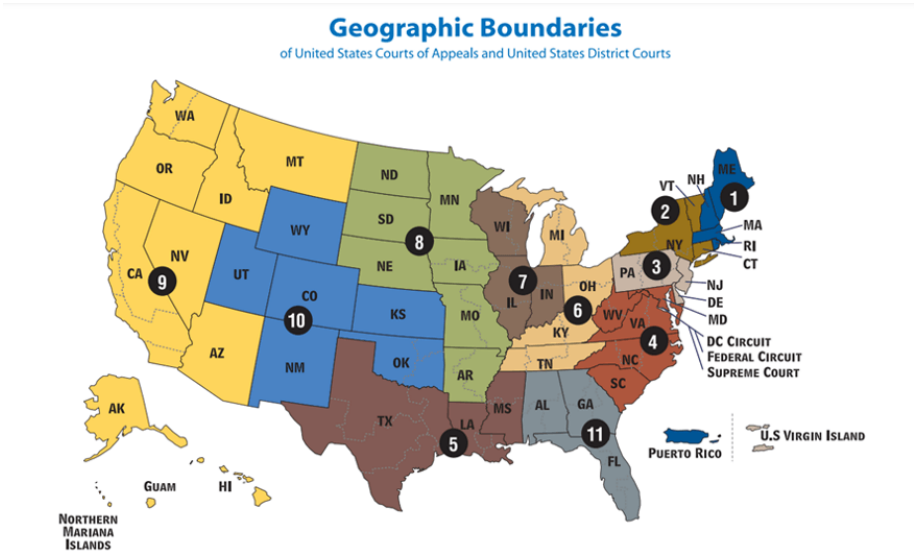


Figure 6.5.2.2: Geographical jurisdiction of the U.S. Courts of Appeals.

Each circuit is based on a geographic region, with one circuit having nationwide ***jurisdiction*** for specialized cases, such as those involving patent laws and decisions by the U.S. Court of International Trade and the U.S. Court of Federal Claims. The First Circuit is the smallest, with six judgeships, while the Ninth Circuit is the largest, with 29 judgeships.

Appeals court panels usually consist of three judges, but there are instances when the full court, called *en banc*, will review a case. This only happens when a party that lost in front of the three-judge panel requests a review. Unlike trial courts, the Circuit Courts do not conduct trials or use a jury. The U.S. Courts of Appeal were established under Article III of the U.S. Constitution and are vital in ensuring the fairness and consistency of legal decisions across the country ("About the Court," 2024).

U.S. District Courts

The U.S. District Courts, also known as "Article III Courts," are the main trial courts in the federal court system. Congress first created these U.S. District Courts in the Judiciary Act of 1789. Now, 94 U.S. District Courts, located in the states and four territories, handle prosecutions for violations of federal statutes. Each state has at least one district, and larger states have up to four districts. The name of district courts reflects their location, for example, the U.S. District Court for the Northern District of California. The district courts have jurisdiction over all prosecutions brought under criminal and civil suits brought under federal statutes. A criminal trial in the district court is presided over by a judge who is appointed for life by the President of the United States with the consent of the Senate. Trials in these courts may be decided by juries.

Although the U.S. District Courts are primarily trial courts and hear cases for the first time, district court judges also exercise an appeals-type function in reviewing petitions for writs of habeas corpus brought by state prisoners. **Writs of habeas corpus** are claims by state and federal prisoners who allege that the government is illegally confining them in violation of the federal constitution. The party that loses at the U.S. District Court can appeal the case in the court of appeals for the circuit in which the district court is located (United States Courts, n.d.).

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6.5.3: State Courts

Each state has its own independent judicial system. State courts handle more than 90 percent of all criminal prosecutions in the United States. In this section, we examine the structure of state courts as these are the courts most people will come into contact with some capacity (United States Courts, n.d.).

Although state court systems vary, there are some common features. Every state has one or more levels of trial courts and at least one appellate court. Most state courts have both courts of general jurisdiction, which conduct felony and major misdemeanor trials, and courts of limited jurisdiction, which conduct violations, infractions, and minor misdemeanor trials. All states have a court of last resort, generally referred to as the state Supreme Court. The **court of last resort** refers to the highest court in a state's judicial system, which is typically referred to as the state Supreme Court. This court has the final say on all matters of state law and is responsible for interpreting the state's constitution. Its decisions are considered binding on all lower courts within that state. The term is also used to describe the U.S. Supreme Court, which serves as the highest court in the federal judicial system, making it the court of last resort for all matters of federal law (Cornell Law School, n.d.).

Understanding policing, law enforcement and the court system and how they function can help shape your understanding of criminal justice policies – why and how they are created. (*More on courts and process in the next section*)

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6.6: Why is Policy so Important in Criminal Justice

Everyone is affected by the criminal justice system through public policy. The policy represents social control and ensures members of society are compliant and conform to the laws. Policies include issues related: to juvenile justice, drug legislation, intimate partner violence and other forms of gender-based violence, prison overcrowding, school safety, new federal immigration laws, terrorism, and national security.

Modern-day crime policies can be traced to changes in crime and delinquency in the 1960s. That decade saw major increases in the crime rate along with widespread social unrest because of the Vietnam War and the Civil Rights movement. The work of the 1967 President's Commission on Law Enforcement and the Administration of Justice highlighted the crime problem, and the criminal justice system's failure to address the problem. The commission called for new approaches, programs, policies, funding models, and research on the cause of crime. In addressing the causes of crime (theory), and using appropriate data collection (research), effective policies and programs could be proposed.

When discussing crime policies, it is important to understand the difference between ***crime prevention*** and ***crime control***. Policies and programs designed to reduce crime are crime prevention techniques. Specifically, **crime prevention** entails any action designed to reduce the actual level of crime and/or the perceived fear of crime. On the other hand, crime control alludes to the maintenance of the crime level. Policies, such as the three strikes law for instance, seek to prevent future crime by incapacitating offenders through incarceration. Other policies like sex offender registration acknowledge that sex offenders exist and registering them will control the level of deviation, sometimes preventing or perceiving to prevent future offenses.

Public policies and laws are created at different levels of government, with micro-level policies enacted on the local level and macro level applied at the federal or state level. For example, at the local level, some towns and cities might create specific ordinances tailored to their unique needs, such as banning cigarette smoking in the downtown area. At the federal level, policies are created that apply to the federal criminal justice system and can apply to states as well. However, federal laws can differ from state laws, such as marijuana legalization. Individual organizations can also make policies that address their individual agency needs, such as requirements for local police officers. Therefore, depending on who creates the policies, they can be far-reaching or extremely localized.

Stages of Policy Development

The stages of policy development can generally be categorized into 5 general stages. U.S. policy development encompasses several stages. Most policy models generally include the following stages: (1) identifying the issue to be addressed by the proposed policy, (2) placement on the agenda, (3) formulation of the policy, (4) implementation of the policy, and (5) evaluation of the policy. This is similar to the community police response acronym SARA (scanning, analysis, response, and assessment) and uses some of the same techniques, but on a much bigger, national level.

Identifying the Problem and Agenda-Setting

Identifying the problem involves addressing what is happening and why it is an issue. In criminal justice, this might look at the increase in opioid use and overdoses or acts of youth violence. Once the issue is identified, there can be a serious debate about the plans of the policy. Once it is decided what the policy will look like, it is placed on the agenda. This is perhaps the most politicized part of the process as it involves many different stakeholders. It involves identifying the legislative, regulatory, judicial, or other institutions responsible for policy adoption and formulation.

Formulation and Adoption

The next stage involved adopting the policy. Depending on the nature of the policy, this could involve a new law or an executive order.

Implementation of the Policy

Implementation is about moving forward, taking action, and spending money. It involves hiring new staff or additional police

officers. This is where policies often stall because of the lack of funding. For example, a popular program in 1990, Weed and Seed, involved “weeding” out criminals (targeting arrest efforts) and “seeding” new programs (instituting after-school programs, drug treatment facilities, etc.). The weeding portion of the program was a great success, but the program ultimately failed because of a lack of funding to adequately seed new community programming. Funding is a major roadblock for proper implementation.

Evaluation

Finally, the evaluation examines the efficacy of the policy. There are three different types of evaluation: Impact, Process, and Cost-benefit analysis. **Impact (outcome) evaluations** focus on what changes after the introduction of the crime policy. Changes in police patrol practices aimed at reducing the level of residential burglaries in an area are evaluated in terms of subsequent burglaries. The difficulty with impact evaluations is that changes in the crime rate are rarely, if ever, due to a single intervening variable. For example, after the implementation of curfew laws for juvenile offenders, juvenile crime decreased. Can we say that was because of curfew laws? The entire crime rate in America decreased at the same time. Attributing a single outcome based on a solitary intervention is problematic.

Process evaluations consider the implementation of a policy or program and involve determining the procedure used to implement the policy. These are detailed, descriptive accounts of the implementation of the policy including the goals of the program, who is involved, the level of training, the number of clients served, and changes to the program overtime. Unfortunately, process evaluations do not address the actual impact policy has on the crime problem, just what was done about a specific issue or who was involved. While this is indeed a limitation, it is essential to know the inner workings of a program or policy if it is to be replicated.

Cost-benefit evaluations, or analyses, seek to determine if the costs of a policy are justified by the benefits accrued. A ubiquitous example of this would be an evaluation of the popular anti-drug D.A.R.E. program of the 1980s and 1990s. The D.A.R.E. program was a school-based prevention program aimed at preventing drug use among elementary school-aged children. Rigorous evaluations of the program show that it was ineffective and sometimes actually increased drug use in some youth. The cost of this program was roughly 1.3 billion dollars a year (about $173 to $268 per student per year) to implement nationwide (once all related expenses, such as police officer training and services, materials, and supplies, school resources, etc., were factored in). Using a cost-benefit analysis, is that a good use of money to support an ineffective program?

Policy formation is frequently a reactive response to pressing social problems, and many policies originate from grassroots advocacy efforts. To illustrate, consider a community experiencing elevated rates of juvenile delinquency. A common legislative response is to hold parents legally accountable for their children’s misconduct, under the assumption that increased parental responsibility will deter such behavior. Under a parental responsibility statute, the parents of a juvenile who steals a vehicle and causes property damage may face legal liability for their child’s actions. The following section examines the stages of the policy development process.

Having explored the structure and process of the criminal justice system, Chapter 7 examines the competing values that shape how that system operates. The tension between swift crime control and the protection of individual rights runs through every stage of criminal justice, from policing to sentencing, and this chapter provides the conceptual tools to analyze that tension.

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CHAPTER 7: COMPETING PERSPECTIVES ON DUE PROCESS AND CRIMINAL CONTROL MODELS

Learning Objectives

- Compare crime control and due process models
- Explain how cases are processed in the system
- Identify alternative justice approaches
- Understand roles within the courtroom

Key Terms

- Crime Control Model
- Due Process Model
- Presumption Of Innocence
- Presumption Of Guilt
- Criminal Justice Funnel
- Wedding Cake Model
- Adversarial System
- Prosecutor
- Defense Attorney
- Plea Bargaining
- Rehabilitation
- Restorative Justice
- Nonintervention
- Equal Justice

Summary

This chapter explores competing models of justice, focusing on efficiency versus fairness. It introduces frameworks such as the criminal justice funnel and wedding cake model. The chapter also examines courtroom roles and alternative approaches such as rehabilitation and restorative justice.



Figure 7.1: Photo courtesy of Study.com

The due process model and crime control model offer competing perspectives on criminal justice, with crime control prioritizing efficiency, swift punishment, and crime suppression (presumption of guilt, expanded police power), while due process emphasizes individual rights, fairness, and protecting the innocent (presumption of innocence, formal procedures, attorney access). The tension lies in balancing public safety and order with protecting freedoms, with crime control favoring deterrence through strictness and due process advocating for rights like Miranda warnings and legal representation to prevent wrongful convictions.

In his seminal work, “Two Models of the Criminal Process,” published in 1964, Herbert Packer characterized the criminal justice system as a continuous processing assembly line of endless criminal cases. This foundational conceptualization delineates the sequential stages and gradual attrition of cases within the criminal justice system, emphasizing the ways in which cases might be diverted at any stage of the process and thereby prevent them from reaching the end of the assembly line.

7.1: Criminal Justice Funnel

7.2: The Wedding Cake Model

7.3: Perspective on Justice

7.4: American Criminal Courts

7.4.1: Adversarial System

7.4.2: Roles within the Courtroom

7.4.3: Prosecutors

7.4.4: Defense Attorneys

7.4.5: Private Attorney

7.4.6: Jurors

7.5: Trial Process

7.6: Juvenile Justice

7.7: References

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7.1: Criminal Justice Funnel

During the 1960s, the field of criminal justice experienced significant growth, prompting an increased need to clarify the intricacies of the criminal justice system. Packer's "Two Models of the Criminal Process," sought to better comprehend the dynamics of the criminal law process, emphasizing its importance in determining the appropriate or substantive use of criminal sanctions. These two models represent opposing value systems. The Crime Control Model prioritizes curtailing criminal behavior and conduct, whereas the Due Process Model emphasizes safeguarding individual rights and civil liberties, even for the accused (Packer, 1964).

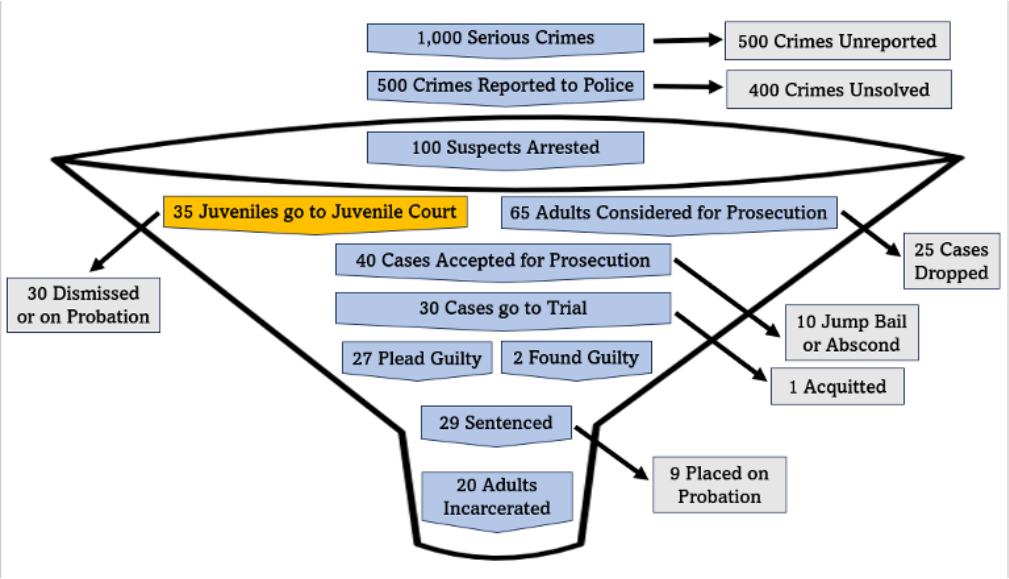


Figure 7.1.1: This diagram illustrates how the number of cases and individuals narrows at each stage of the criminal justice process, aiding in the comprehension and analysis of the criminal justice system. While this image does not precisely replicate any specific jurisdiction's criminal justice system, it provides a general representation of felony case patterns.
Photo Credit: Kadence C. Maier, CC BY 4.0

As depicted in the figure above, for every 1,000 serious felonies committed, only half are ever reported to the police, with the remaining 500 serious felonies categorized as **dark figures** due to never being reported. Among the 500 reported felonies, only 100 arrests will be made as 400 cases remain unsolved. Out of these 100 arrests, 35 cases are diverted to the juvenile court, while the remaining 65 cases are sent to the prosecutor's office to await consideration for prosecution. Among the 35 juvenile cases, 30 are either dismissed or placed on probation, and 5 juveniles are incarcerated. Regarding the 65 adult cases sent to the prosecutor's office, 40 cases were accepted by the prosecutor and the other 25 were dropped. Out of the 40 prosecuted cases, 10 defendants either **abscond** or jump **bail,** leaving only 30 cases for the trial process. Among these, 27 cases end in a guilty plea, 2 results in a guilty verdict, and 1 concludes with an acquittal. Ultimately, for approximately every 1,000 serious felony crimes that transpire, only 20 adult offenders are incarcerated, and 9 are placed on probation.

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7.2: The Wedding Cake Model

The U.S. criminal justice system is a multifaceted institution, often examined through various models and perspectives. One model that provides insights into the differential treatment of cases within the criminal justice system is the "Wedding Cake Model." Developed by Samuel Walker (2010), this model offers a framework for comprehending how cases are stratified and prioritized by both the media and society. It also sheds light on the complexities involved in criminal justice processing.

The Wedding Cake Model enhances our understanding of the functioning of the criminal justice system, and it underscores the influence of media attention on public perceptions of crime, the frequency of criminal incidents, and the overall operation of the criminal justice system. Walker (2010) classifies different types of cases into four distinct tiers based on their characteristics and implications. The size of each tier corresponds to the number of cases of that type handled by the criminal justice system. As illustrated in the figure below, this model takes the general shape of a cylindrical pyramid that is divided into four separate tiers.

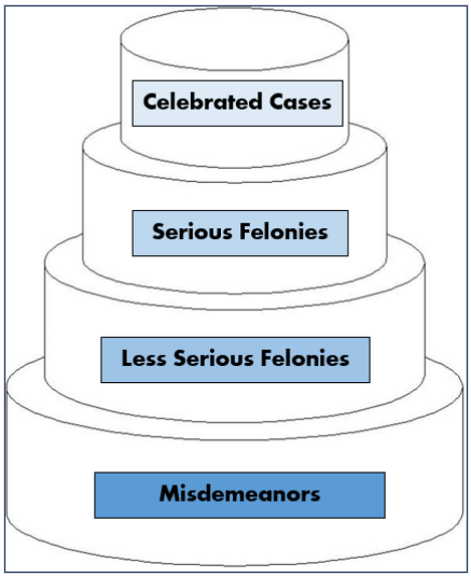


Figure 7.2.1: This model emphasizes the unequal media coverage and varying levels of resources allocated to cases based on their perceived importance, as well as the public misconception regarding the frequency of certain types of cases. Each layer of this diagram symbolizes a specific type of criminal case in the U.S. justice system, with the size of the layer representing the frequency of occurrence.
Photo Credit: Kadence C. Maier, Kadence C. Maier

Celebrated Cases: In Walker's model, the topmost layer is composed of a select few celebrated cases. These cases are characterized by being high-profile, headline-grabbing news stories that garner extensive national publicity and significant media coverage. Typically, these cases involve sensational crimes such as gruesome or very serious offenses, a large number of people, substantial amounts of money, or well-known individuals. Although these types of cases are rare, they receive the most attention and resources from the criminal justice system. As Walker (2010) notes, celebrated cases "usually involve the full criminal process, including that rare event, the criminal trial" (p. 40). News media outlets provide in-depth coverage of the trials of these high-profile cases, often emphasizing the unfolding drama. While this type of coverage serves as a form of public entertainment and boosts news outlet ratings, it consequently distorts the public's perception of crime and criminal procedure. It is crucial to dispel the common misconception that most cases go to trial, as roughly 90% of criminal cases end in a guilty plea (Motivans, 2022). Furthermore, many cases receive little to no publicity, despite the widespread misconceptions about the criminal process perpetuated by extensive news coverage of a single, highly publicized crime-based media event.

Serious Felonies: The subsequent tier encompasses serious felonies that may involve significant crimes like murder, sexual assault, armed robbery, or burglaries. While cases in this tier still undergo rigorous legal processes, they receive less attention and fewer resources compared to the celebrated cases in the top tier. Despite this tier consisting of only a small percentage of overall crimes, they are frequently reported in the local or state media, and we often hear about these types of crimes on a weekly or even daily basis.

Less Serious Felonies: The third tier comprises less serious felony offenses like drug crimes, property offenses, or certain white-

collar violations. These offenses are often committed by young or first-time offenders or involve individuals who are acquainted or related. While still considered serious, these cases lack the sensational nature of the previous tiers and typically receive minimal to no attention from the media and the public. Generally, these cases undergo quicker criminal justice processing, including plea bargains, reduced charges, outright dismissal, or, most commonly, a probationary sentence. Despite these types of cases occurring more frequently than the previous two tiers combined, the lack of media coverage and public attention contributes to the distortion in the public's perception of common crime types.

Misdemeanors: The final tier, forming the base of the Wedding Cake Model, consists of misdemeanors. This is the largest tier in the diagram as this type of crime constitutes most criminal cases. This tier consists of misdemeanors, which are relatively minor offenses like petty theft, public intoxication, and traffic violations. These offenses typically result in less punitive punishments such as fines, probation, or short jail sentences. Even though the cases in this tier make up most of the criminal cases, they receive the least attention from the media and the public, which further distorts the public's perception of crime. Unlike cases in Layer I and Layer II, which demand due process, cases in this tier prioritize processing speed. The primary goal is to resolve these cases quickly through summary procedures, processing them *en masse*, reflecting the lower priority given to these cases by the criminal justice system.

The Wedding Cake Model highlights two significant issues. First, the extensive media coverage of high-profile cases distorts perceptions of the likelihood of more serious and gruesome crimes. Layer I cases receive more continuous media attention through the investigation, arrest, trial, and appeals process, which can span several years. These cases are also frequently featured in podcasts, documentaries, television shows, and movies, repeatedly exposing the public to a single high-profile case while thousands of low-profile cases go unnoticed. Inconsistent media coverage of different crime types leads to the misconception that high-profile cases are common, distorting the public's understanding of crime incidence in society.

Secondly, this model underscores the unequal treatment of cases within the criminal justice system. The processing and outcome of cases are influenced by various factors, including the type and severity of the crime, public interest, the offender's criminal record, the relationship between the victim and offender, and available resources. Despite these disparities, there is a common misconception that most cases receive the same level of oversight and due process as high-profile cases. While not exhaustive, this model has played a crucial role in our comprehension of sentencing disparities and resource allocation in the criminal justice system.

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7.3: Perspective on Justice

Perspectives on justice vary widely, encompassing philosophical ideals (fairness, equality, rights), legal/procedural views (due process, consistent application), and societal/cultural lenses (restorative vs. retributive, social justice, crime control, equity) that emphasize different goals like punishment, rehabilitation, community healing, or systemic fairness, often creating tension between individual freedoms and public safety.

Crime Control Model

The Crime Control Model is an administrative approach that prioritizes the speed and effectiveness of the arrest and prosecution process, with strong emphasis on the strict enforcement of factual law (Christie, 2016). Advocates of this approach argue that without the rigorous enforcement of laws and subsequent punishment, societal order would crumble, leaving law-abiding citizens vulnerable to victimization. Packer illustrates this model as a conveyor belt or assembly line, where police routinely apprehend suspects, prosecutors are more likely to press charges on the suspect, and the courts swiftly determine the guilt of the defendant, followed by the administration of sentencing of the convicted.

Proponents of the Crime Control Model maintain that law enforcement must possess extensive investigatory powers and that procedural safeguards should be limited, even if this results in the wrongful punishment of a few individuals (Christie, 2016). They contend that convicting a small number of innocent people is preferable to allowing more citizens to fall victim to preventable criminal acts.

Due Process Model

On the other hand, the Due Process Model functions more like an obstacle course rather than an assembly line. Unlike the Crime Control Model, the Due Process Model emphasizes the potential for error in the justice system due to the inherent fallibility of humans (Packer, 1964). Factors such as irrationality, emotional influence, poor observation, and susceptibility to both physical and psychological coercion can lead to false confessions and inaccurate evidence. Considering the likelihood of errors in the criminal justice system, procedural justice and defendant protections, such as the right to bail, the right to an attorney and other Miranda rights, are critical mechanisms for establishing a fair criminal justice system.

Rehabilitation

The Rehabilitation perspective, also known as the medical model, emphasizes the belief that an offender can transform into a law-abiding citizen through appropriate interventions and programs (Pisciotta, 1994). Advocates of this perspective argue that the legal system should prioritize the rehabilitation and reintegration of offenders rather than merely punish the convicted. Individualized treatment focusing on therapeutic interventions, including mental health services, substance abuse treatment, counseling, anger management, as well as educational and skill development programs, should be central components of the criminal justice system process.



Figure 7.3.1: Correctional work programs are essential in providing inmates with opportunities for rehabilitation, skill development, and reintegration into society. By offering vocational training, education, and job opportunities within correctional facilities, these programs help inmates acquire valuable skills and work experience that increase their chances of finding employment upon release. Moreover, participation in work programs fosters a sense of responsibility, self-discipline, and accountability among inmates, reducing recidivism rates and promoting successful reentry into the community. Overall, correctional work programs play a crucial role in promoting rehabilitation, reducing crime, and enhancing public safety. Phot Credit/ CoreCivic, CC BY-ND 2.0

Another primary goal of rehabilitation is to decrease recidivism rates. With 96% of all inmates eventually re-entering society (Hughes & Wilson, 2002) and national recidivism rates ranging between 35% to 75% (Durose et al., 2014), the implementation of alternative sentencing and community-based programs should be used more frequently as the primary form of punishment (or as complementary measures to incarceration) in the criminal justice system. Such approaches have proven to be beneficial for reducing recidivism and facilitating successful reintegration to society (Lipsey & Cullen, 2007).

Restorative Justice

While often regarded as a newer perspective in the realm of criminal justice, the practice of restorative Justice has ancient roots, with Indigenous populations around the world employing it for thousands of years. Restorative justice encompasses various models, all of which suggest that the U.S. criminal justice system fails to adequately support the victim and disproportionately focuses on the offender (Tsui, 2014). Advocates of the Restorative Justice perspective argue that rather than solely concentrating on punishment or rehabilitation of the offender, a victim-centered approach should be adopted. This approach would initiate a process of repairing the harm caused by the criminal act, enabling the victim and the community to heal, while holding the offender accountable and subsequently facilitating their rehabilitation and reintegration into the community. Restorative justice has gained more support in the juvenile justice system, but its adoption in the adult criminal justice system has been slower (Tsui, 2014).

Nonintervention

The Nonintervention perspective challenges the traditional approach, arguing that in certain situations the criminal justice system can cause more harm than good. This perspective highlights how both the imprisonment and conviction of individuals for non-violent or low-level offenses can result in detrimental, adverse collateral consequences, including barriers to employment, housing, and access to food assistance, along with restrictions to individual rights such as voting or gun ownership. In addition, this approach emphasizes the importance of restricting state criminal intervention and instead advocates for the employment of decriminalization measures and implementing community-based rehabilitation or restorative programs, especially for low-level offenders, as alternative forms of punishment that gravitate away from the formal legal system.

For example, sentencing convicts to prison for low-level crimes where they interact with other criminals, particularly those involved in violent and high-level crimes, can further increase the likelihood of future criminal behavior post-release. This is exemplified by the portrayal of the character George Jung in the 2001 movie Blow, which was based on his real life. In the movie, Jung stated,

“Danbury wasn’t a prison; it was a crime school. I went in with a Bachelor of Marijuana, came out with a Doctorate of Cocaine” (Demme, 2001, 42:53). Additionally, the isolation of convicts from the positive influence of their families and other members of their support networks because of incarceration also contributes to a higher likelihood of recidivism (Atkin-Plunk & Armstrong, 2018).

Equal Justice

The equal justice perspective focuses on ensuring fairness and consistency throughout the criminal justice system. One primary goal of this approach is to eliminate bias throughout the entire criminal justice process, particularly those specific to racial, ethnic, gender, and socioeconomic disparities (Reiman & Leighton, 2020). The argument that the U.S. criminal justice system fails to provide fair and equal justice, along with efforts to address the injustices of unequal treatment and bias in the U.S. criminal justice system have persisted throughout its history. Cesare Beccaria, whose writings significantly influenced the development of the U.S. criminal justice system, advocated for a more equitable justice system characterized by consistent forms of punishment, wherein wealth could not be used to evade the consequences of one’s actions (Harcourt, 2012).

Equal justice advocates frequently demand reforms that prioritize transparency and accountability for all individuals involved in the criminal justice system. Without these essential steps, issues stemming from racial and socioeconomic disparities will remain a challenge to the justice system, and disparities in arrest, sentencing, and incarceration will persist (Reiman & Leighton, 2020).

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7.4: AMERICAN CRIMINAL COURTS



Figure 7.4.1: Madera County Court House. Photo courtesy of Wikipedia

Criminal courts serve as the backbone of the American legal system, exerting a profound influence on the fabric of everyday life and molding societal norms. These courts act as arbiters of justice, deciphering and applying laws that delineate acceptable behavior within American society. Beyond merely adjudicating criminal offenses, their judgements contribute to the evolution of social norms, ideally, reflecting the collective values and expectations of society. Landmark decisions in these courts set ***precedent*** with repercussions extending beyond the boundaries of the courtroom. These decisions establish new standards, offering vital guidance to individuals and communities alike, shaping the course of justice and influencing social norms. Such cases often spark public debate, catalyzing legislative changes and shifts in public opinion. The sentences administered by criminal courts not only affect the lives of the convicted but also educate the broader populace about the potential consequences of certain actions. In this way, criminal courts play a pivotal role in the ongoing negotiation and definition of societal norms, delicately maintaining the balance between individual liberties with societal expectations.

7.4.1: Adversarial System

7.4.2: Roles within the Courtroom

7.4.3: Prosecutors

7.4.4: Defense Attorneys

7.4.5: Private Attorney

7.4.6: Jurors

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7.4.1: Adversarial System

The U.S. legal system employs an adversarial model as its approach to seek fairness and truth. In the adversarial system, two opposing parties engage in legal dispute before an impartial judge or jury. Notably, the U.S. criminal system adheres to the presumption of innocence for the accused, placing the burden on the prosecutor to demonstrate the defendant's guilt beyond a reasonable doubt. Both defendants and prosecutors are afforded the opportunity to cross-examine witnesses, fostering a dynamic process of evidence examination and argument. This stands in contrast to legal systems in numerous other countries that do not follow the adversarial system. In these systems, a singular government entity typically conducts criminal investigations and establishes guilt.

While courts may evoke the imagery of a traditional courtroom trial, the predominant method in the contemporary legal landscape is plea bargaining, which concludes nearly 95% of all criminal cases in the U.S. (Bibas, 2006). As a result, plea negotiation assumes a pivotal role in the court system. Even though these negotiations typically transpire privately between the defense and prosecution, they constitute an integral aspect of an adversarial process. This is underscored by the presence of an impartial judge, who, serving as a neutral arbitrator, retains the discretion to either accept or reject the negotiated agreement mutually agreed upon by the two opposing parties.

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7.4.2: Roles within the Courtroom

Courtroom actors consist of various individuals who operate within a courtroom setting, playing pivotal roles in the legal process within the judicial system. Each actor within this framework has a well-defined role, specific responsibilities, and a set of duties aimed at ensuring that legal proceedings unfold fairly, transparently, and in strict accordance with the law. Their collective efforts contribute indispensably to the functioning of the legal system and the administration of justice.

These actors collaborate cohesively to guarantee the ethical conduct of legal proceedings, protect the rights of all parties involved, and uphold the principles of justice. The dynamic interaction among these courtroom actors is essential for fostering the fair and effective functioning of the legal system. It is through their coordinated efforts that the legal process maintains integrity and serves its purpose in adjudicating disputes and upholding the rule of law.

Judges

Judges play a pivotal role within the legal system, serving as impartial arbiters responsible for interpreting and applying the law to ensure justice. These individuals, often appointed or elected, possess the authority to preside over legal proceedings, make legal determinations, and deliver judgments. To make informed decisions aligned with the rule of law, judges must possess a deep understanding of legal principles, precedent, and statutes. Judges typically hold qualifications that include legal education, extensive legal experience, and a commitment to upholding the principles of justice and fairness. The effectiveness of the judiciary relies on the competence, integrity, and diversity of its judges, contributing to the overall credibility and public trust in the legal system.

As senior officers in the judicial system, judges shoulder multifaceted roles, responsibilities, and functions to uphold the rule of law, including issuing warrants, ruling on a defendant's guilt during a bench trial, and deciding the type and length of sentences for guilty parties. As the ultimate authority of the court, judges play a crucial role in courtrooms by presiding over cases, making legal rulings, and ensuring adherence to established procedures and constitutional principles. Primarily tasked with interpreting and applying the law to resolve legal disputes, judges serve as impartial arbiters, providing a fair forum for litigants to present cases. They are expected to consider only relevant facts and legal arguments, ensuring that legal proceedings adhere to established procedures and constitutional principles. In addition, judges determine precise guidelines for their courtroom, including rules on the admissibility of evidence, issuing rulings on legal matters, instructing juries, and maintaining professional decorum among all individuals in the courtroom. Judges are entrusted with maintaining order in the courtroom, ensuring fair trials, and safeguarding the rights of individuals involved in legal proceedings, delivering judgments with significant legal consequences. The decisions rendered by judges carry substantial weight, influencing legal precedents and shaping the trajectory of the justice system.

Beyond the courtroom, judges engage in continuous legal education to stay updated on evolving laws and precedents. Their commitment is crucial as they play a vital role in setting legal precedents and influencing the development of jurisprudence. Dedication to impartiality, integrity, and the fair administration of justice is essential for maintaining public trust in the legal system. In essence, judges function as guardians of justice, embodying principles of equity and the rule of law in their pursuit of ensuring a just and orderly society.

Judicial Selection

Judicial selection transpires through four primary avenues: appointment, partisan elections, nonpartisan elections, and the merit system or Missouri Plan. The federal government and certain states adopt a single selection process. However, some states use a combination of these methods. For instance, Kansas utilizes partisan elections in 14 judicial districts, while the remaining 17 districts follow a gubernatorial appointment process with noncompetitive retention elections (Gordon & Huber, 2007). The diversity in selection processes reflects the varied approaches adopted by different jurisdictions to ensure an effective and fair judiciary. In California, the judicial selection involves a mix of gubernatorial appointments and nonpartisan elections, differing by court level: Superior Court judges are elected locally for 6-year terms, with vacancies filled by the Governor, while Supreme & Appellate Court justices are appointed by the Governor and confirmed by the Commission on Judicial Appointments, then face public retention votes at the next election and subsequent 12-year terms. A key step for higher courts involves the State Bar's Commission on Judicial Nominees Evaluation (JNE) rating candidates, influencing the Governor's decision.

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7.4.3: Prosecutors

Prosecutors designated under the executive branch serve as the legal representative for either the state or the federal government, safeguarding their respective interests. In early formative years, prosecutors were often private citizens responsible for both accusations of the offense as well as the litigation. As the nation progressed, the U.S. established dedicated prosecution offices, where the roles of prosecutors underwent a process of increasing specialization, and their duties were formalized. Concurrently, public officials, notably district attorneys, assumed the crucial responsibility of overseeing criminal prosecutions, selected either through official appointment or public elections. This restructuring aimed to streamline legal processes, fostering fairness and impartiality in legal proceedings. In modern society, crime is no longer viewed solely as an offense against an individual but is recognized as a transgression against the state. As a result, the use of private prosecutors has been gradually phased out, underscoring the public nature of legal proceedings, and striving for a more consistent and equitable administration of justice. In contemporary state court systems, three distinct types of prosecutors commonly arise: the state attorney general, the chief prosecutor, and local prosecutors.

The ***state attorney general*** serves as the highest legal officer in a state, playing a pivotal role in providing legal counsel to the government and representing the state's interests in legal matters. Appointed or elected depending on the jurisdiction, the state attorney general oversees a wide range of responsibilities, including advising the governor and other state officials on legal issues, defending the state in legal disputes, and, in rare instances, prosecuting cases of statewide significance. As the chief legal advocate for the state, the attorney general operates with a broad scope, addressing both civil and criminal matters. This position is vital in ensuring the legality and constitutionality of state actions, while also contributing to the overall administration of justice within the state's borders. The state attorney general's role is multifaceted, requiring a balance between legal expertise, public service, and a commitment to upholding the rule of law.

The ***chief prosecutor***, also known as the district attorney (DA), county attorney, state attorney, or solicitor, serves as a pivotal figure in the criminal justice system, overseeing the prosecution of criminal cases within a specific jurisdiction. Elected in most states and the federal government, except in Alaska, Connecticut, Delaware, and New Jersey, the chief prosecutor holds a position that combines legal expertise with political accountability (Hessick & Morse, 2019). This official is responsible for making crucial decisions regarding which cases to prosecute, representing the state or county in legal matters, and advising government officials on legal issues. However, the elective nature of the position introduces a political dimension, potentially influencing the chief prosecutor's focus towards the preferences of voters rather than solely prioritizing the broader needs of society. The chief prosecutor plays a central role in shaping the direction of criminal justice in their jurisdiction, balancing legal responsibilities with democratic accountability.

Local prosecutors, often known as city prosecutors in more densely populated areas, play an important role in the criminal justice system at the community level. Employed by certain larger cities and counties, these legal professionals are primarily responsible for representing their respective municipalities in civil trials, offering legal counsel to local officials, and prosecuting criminal cases. In larger cities, city prosecutors often handle misdemeanor cases within the trial courts of limited jurisdiction, dealing with a range of offenses. Additionally, they manage the preliminary stages in felony cases, demonstrating the significance of their role in maintaining law and order at the local level. The responsibilities of local prosecutors are intricately tied to the unique needs and dynamics of the communities they serve, contributing to the effective functioning of the justice system in their jurisdiction.

Prosecutor Functions

Prosecutors bear multifaceted responsibilities within the criminal justice system, wielding significant influence over various stages of legal proceedings. Primarily, their central role is to enforce criminal laws and secure convictions of individuals who are guilty of illegal offenses. However, they are also charged with the crucial task of safeguarding defendants from wrongful convictions and ensuring they receive adequate defense counsel (Criminal Justice Standards Committee, 2017). Prosecutors act as powerful decision-makers, exercising discretionary power to bring charges against individuals, determine plea negotiations, and decide the number and nature of charges. This discretionary authority emphasizes the prosecutor's pivotal role in shaping the trajectory of a case.

Beyond courtroom proceedings, prosecutors invest considerable time in reviewing evidence and conducting legal research to inform their charging decisions. They serve as advocates for victims, whether individuals or the state, and dedicate substantial effort to trial preparation, plea negotiations, and handling appeals. Additionally, prosecutors provide legal advice to government

agencies, contributing to the broader legal framework within their jurisdiction. In essence, the prosecutor's responsibilities encompass a balance between pursuing justice, protecting the rights of defendants, advocating for victims, and contributing to the overall functioning of the legal system.

Prosecutorial discretion refers to the broad authority and decision-making power vested in prosecutors throughout various stages of the criminal justice process. This discretionary power allows prosecutors to make critical choices, influencing the outcome of cases and shaping the overall administration of justice. During the latter part of the 20th century, the discretionary power of prosecutors was expanded by "tough on crime" policies and the transition to determinate sentencing (Husak, 2008; McCoy, 2005).

One significant aspect of prosecutorial discretion lies in the decision to file formal charges. Prosecutors must assess the evidence, legal considerations, and the public interest before determining whether to pursue a case through the criminal justice system. Importantly, prosecutors can also exercise their discretion to abandon or terminate a case through actions like filing a formal notice of ***nolle prosequi***.

Another crucial area where prosecutorial discretion comes into play is during the plea negotiation process. Prosecutors have the authority to offer plea deals, allowing defendants to plead guilty in exchange for lesser charges or a more lenient sentence. While judges retain the right to reject such agreements, the prosecutor's role in shaping plea offers gives them significant influence over case outcomes.

Factors influencing prosecutorial discretion are diverse and can include legal considerations, such as the defendant's criminal history, the severity of the alleged crime, strength of evidence, and the defendant's willingness to cooperate. However, some research suggests that extralegal factors, including the prosecutor's workload, the defendant's demographic characteristics (such as gender and race), and the perceived likelihood of conviction, also play a role in the negotiation process (Bushway et al., 2014). This discretion, while essential for effective and flexible legal administration, requires careful consideration and accountability to ensure fair and just outcomes within the criminal justice system.

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7.4.4: Defense Attorneys

The defense attorney is a central figure in the legal system, playing a crucial role in upholding the principles of justice within the adversarial system. Acting as a dedicated advocate for the accused, the defense attorney is responsible for safeguarding the rights of their client throughout the legal process. One of the fundamental rights afforded to defendants is the right to an attorney. If an individual cannot afford legal representation, they are recognized as an indigent defendant and are entitled to have an attorney provided for them. Defense attorneys are instrumental in ensuring that the accused receives a fair trial and that their constitutional rights are upheld.

The role of the defense attorney encompasses various essential functions, including conducting a thorough examination of the evidence, challenging the prosecution's case, and presenting a robust defense strategy during court proceedings. Furthermore, defense attorneys play a crucial role in protecting individuals from wrongful convictions and countering the potentially disproportionate power of the prosecution. They bring legal expertise to the table, helping their clients navigate the complexities of the legal system, challenge evidence, cross-examine witnesses during trial, and negotiate plea deals when necessary.

In addition to their courtroom responsibilities, defense attorneys often provide legal advice to their clients, explaining the charges they face, outlining potential legal strategies, and guiding them through the complexities of the legal process. Their role extends beyond the confines of the courtroom, encompassing a commitment to ensuring justice and fairness for those they represent. Overall, defense attorneys serve as vital guardians of individual rights and contribute significantly to the integrity of the criminal justice system.

Defense Attorney Functions

Defense attorneys serve essential functions in the legal system, working to safeguard the rights and interests of their clients throughout different stages of the criminal justice process. Their roles encompass various crucial functions, including advocating for clients during hearings, arraignments, and trials. Defense attorneys are responsible for informing the defendant of their rights and ensuring the upholding of these rights. They conduct thorough investigations into the alleged crimes, aiming to provide the strongest possible defense. Additionally, defense attorneys actively participate in plea negotiations, offering strategic guidance to their clients. Overall, defense attorneys serve as legal advocates, protectors of constitutional rights, and strategic advisors, contributing significantly to the pursuit of fairness and justice in criminal proceedings.

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7.4.5: Private Attorney

Private attorneys play a pivotal role in the legal landscape, offering individuals accused of crimes the option to secure legal representation beyond the public defense system. Approximately 20% of defendants choose to retain private attorneys (Cohen, 2014). Opting for a private attorney comes with distinct advantages. First and foremost, private attorneys typically possess greater financial resources, allowing for more comprehensive investigations and the development of stronger legal strategies (Neubauer & Fradella, 2018). Additionally, private attorneys can devote more time to individual cases, providing a more personalized and focused approach. Their autonomy allows for a heightened level of aggression in the courtroom, unrestricted by routine interactions with prosecutors and judges, as often encountered by public defense attorneys (Cohen, 2014). This increased aggression can be particularly beneficial in securing favorable trial outcomes (Fortino, 2021).

However, private attorneys also face certain challenges. Many private attorneys practice various types of law, potentially lacking the specialized expertise in criminal law that public defenders may possess. Despite potential courtroom advantages, the absence of established relationships with prosecutors and judges may complicate plea negotiations for private attorneys (Spohn, 2015). Moreover, research by Cohen (2014) suggests that while privately retained attorneys may excel in keeping clients out of jail, individuals represented by private attorneys often receive longer sentences than those represented by public defense attorneys. Private attorneys, thus, offer a distinct avenue for legal representation, balancing advantages and challenges within the criminal justice system.

Indigent Defendents

Indigent defendants are individuals who lack the financial means to afford legal representation. The term “indigent” is commonly used to describe those who are impoverished and unable to pay for the services of a defense attorney. Recognizing the constitutional right to legal counsel, the U.S. Supreme Court, through decisions such as *Gideon v. Wainwright* (1963) mandated that indigent defendants charged with a felony are entitled to the provision of a defense attorney, even if they cannot afford one. Later, the U.S. Supreme Court ruling in *Argersinger v. Hamlin* (1972) expanded the rights of the accused to include the right to an attorney for any situation where the accused faces incarceration. This legal safeguard ensures that individuals facing criminal charges, irrespective of their financial status, have access to legal representation to protect their rights and ensure a fair trial. The commitment to providing legal assistance for indigent defendants is a cornerstone of the justice system’s efforts to uphold constitutional principles and promote fairness in criminal proceedings.

Public Defense System

After the 1970s, states underwent significant transformations in their criminal defense systems to ensure legal representation for all individuals facing incarceration. There are three primary systems employed by states to provide attorneys for the criminally accused: 1) the public defenders system, 2) the assigned counsel system, and 3) the contract system. While some states exclusively adopt a single system, others, like Washington, employ a hybrid approach by utilizing a combination of multiple systems.

The public defenders system operates as a government-run office employing full-time salaried attorneys, predominantly implemented in larger cities and high-caseload areas due to their relatively higher cost. In the assigned counsel system, the court appoints private attorneys on a case-by-case basis to represent indigent defendants. Selected from a list of qualified lawyers, these private attorneys receive compensation for each individual case from the city, county, or state, making the assigned counsel system a more cost-effective solution. This system is particularly suitable for rural areas or regions with lower caseloads. The contract system involves the city, county, or state entering into a contract with a private law firm or individual attorneys to provide legal counsel for indigent clients. The number of contracts may vary based on jurisdictional needs, and attorneys under these systems receive a predetermined fee for representing indigent defendants. Notably, attorneys in the public defense system usually exclusively practice criminal defense, while those in the assigned or contract systems often handle other areas of law alongside their defense work.

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7.4.6: Jurors

Jury members stand as indispensable pillars within the American legal system, embodying the democratic ideal of citizen participation in the administration of justice. Functioning as impartial adjudicators, jurors are selected from the local community and hold the critical responsibility of determining the guilt or innocence of individuals accused of criminal charges, as well as assessing liability in civil cases. The right to a jury trial is not only enshrined in Article III (U.S. Const. art. III) but is reiterated in the Sixth Amendment (U.S. Const. amend. VI), emphasizing its foundational significance. This essential guarantee ensures that in all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial by an impartial jury of the state and district wherein the crime occurred. Thomas Jefferson (1789), a prominent figure during the adoption of the U.S. Constitution, eloquently expressed the pivotal role of trial by jury, deeming it "the only anchor, ever yet imagined by man, by which a government can be held to the principles of its constitution" (para. 12). These constitutional provisions and sentiments underscore the fundamental role that trial by jury plays in safeguarding individual rights and upholding the principles of justice. Beyond their function as fact finders, jurors serve as a vital bulwark against potential governmental abuse of power, aligning with the visionary ideals of the Founding Fathers. The jury system reflects a steadfast commitment to justice, rooted in the collective wisdom and diversity of the community, ensuring that legal decisions resonate with the perspectives of ordinary citizens rather than being solely within the purview of legal professionals.

Jury Selection

Jury selection is a crucial element of the court system, constituting a meticulously designed process to construct an impartial and unbiased jury, thereby safeguarding the integrity of a fair trial. Unfolding in several stages, this intricate procedure involves the careful screening of potential jurors, ultimately leading to the formation of the final jury for the trial. Commencing with the creation of a jury pool and progressing through the venire, the process culminates in the establishment of the ***jury panel***. Subsequently, the ***voir dire*** process unfolds, during which judges and attorneys pose questions to potential jurors, assessing their suitability for the trial. This discerning examination aids in determining the final selected jurors who constitute the official jury for the trial. This jury is entrusted with the responsibility of rendering a verdict based on presented evidence and legal arguments, ensuring the just adjudication of the case.

The commencement of the jury selection process involves the random selection of potential jurors from the court's jurisdiction, forming what is commonly known as the jury pool. To be eligible for jury duty, individuals must meet specific criteria outlined by the state. Common stipulations include being a U.S. citizen, at least 18 years of age, residing within the jurisdiction of the court, and not presently serving a criminal sentence. To streamline this selection, many states rely on voter registration and driver's license information to create an inclusive and representative pool of potential jurors.

As mandated by the Sixth Amendment (U.S. Const. amend. VI), the formation of an **impartial jury** necessitates a random selection of qualified citizens from within the jurisdiction. This requirement ensures that no specific group, whether defined by race, economic status, religion, or gender, is systematically or intentionally excluded from the jury pool. It's essential to highlight that, as underscored in the *Thiel v. Southern Pacific Co.* (1946), the standard for impartiality does not require the representation of every conceivable economic, social, religious, racial, political, and geographical group within the community on a jury. Practical limitations may render achieving comprehensive representation unattainable. Moreover, even if the venire processes were to, by chance, yield the random selection of an all-male jury, it would still be deemed an impartial jury of one's peers within the legal framework.

While a randomly selected jury pool may not precisely reflect the complete population demographic spectrum within the specified jurisdiction, structural and systemic factors such as racism, sexism, and classism can introduce potential imbalances in the diversity and representation of the jury pool. For example, individuals who are not registered voters or do not possess a driver's license may be excluded from the selection process in certain states. Additionally, those whose employers do not provide compensation for work absences resulting from jury duty may be more inclined to seek exemption or request to be excused from this civic responsibility. These considerations underscore the nuanced challenges that may impact on the inclusivity of the jury pool and, consequently, the fairness of the legal process.

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7.5: Trial Process

If no plea-bargaining agreement is reached, and the defendant is deemed mentally and physically capable of standing trial, a trial date will be scheduled. Prior to the trial, the process of voir dire takes place, accompanied by pre-trial motions and hearings, during which attorneys have the opportunity to file additional motions or request hearings on specific issues. These may pertain to evidentiary matters, legal arguments, or requests to exclude certain evidence. Simultaneously, the court may issue pre-trial orders, delineating rules that govern how the trial will unfold. To expedite proceedings, parties may also stipulate certain facts or issues, streamlining the trial process. It is not uncommon for courts to encourage a final attempt at settlement, striving for resolution without resorting to a trial. These proceedings aim to deliver a fair and just resolution based on the merits of the case. The culmination of these pre-trial stages is the trial, where both legal parties present their cases, witnesses provide testimony, evidence is introduced, and legal arguments are presented before the judge or jury.

Trial



Figure 7.5.1: The photograph shows Monique's attorney presenting arguments against the motion following the church's submission of new evidence from the previous week during the Rathbun v. Miscavige (Tex. 2014) trial. This case was centered on allegations of harassment and surveillance by the Church of Scientology against Monique Rathbun linked to her husband's dissent from the Church. The Church invoked anti-SLAPP laws to counter the lawsuit, claiming it aimed to suppress their free speech. Monique's lawsuit accused David Miscavige and the Church of intentional infliction of emotional distress and invasion of privacy. The legal proceedings involved anti-SLAPP motions, questioning the lawsuit's merit and intent to stifle free speech. During the anti-SLAPP hearing, Scientology's attorneys argued against Monique's lawsuit, accusing her of harassment and infringing on the Church's free speech rights. The case gained attention for its connection to the Church of Scientology, David Miscavige, and broader issues of dissent-related harassment.
Photo Credit: Michael, CC BY 2.0

A trial is a formal legal proceeding designed to resolve disputes and determine the guilt or innocence of a defendant accused of a crime. It unfolds through a structured process encompassing distinct phases. The trial commences with the prosecutor delivering their **opening statement**, outlining the case, charges, and their theory, detailing the elements they intend to prove the defendant's guilt. Once the prosecutor concludes their opening statement, the defense may choose to immediately initiate their own opening statement or defer it to a later point following the prosecutor's presentation. This strategic decision by the defense allows for a calculated response to the prosecution's narrative.

Once the defense assumes the floor, they articulate the case from the defendant's perspective, providing a succinct overview of the evidence, witnesses, and expert testimonies they intend to present throughout the duration of the trial. During their presentation, the defense constructs a compelling argument, outlining the reasons why the prosecutor's case is insufficient to establish the defendant's guilt beyond a reasonable doubt. Typically, this involves a comprehensive examination of the evidence at hand, the credibility of witnesses, and potential expert insights that bolster the defense's narrative. By strategically challenging the prosecution's case, the defense endeavors to establish doubt in the minds of the jury, emphasizing the critical threshold of

reasonable doubt that must be surpassed for a conviction.

Following the opening statements, the prosecutor initiates the **case in chief**, a pivotal phase where the prosecution presents its primary evidence, generally inclusive of witness testimonies, documents, DNA, and other exhibits. This stage is of utmost importance as it serves as the prosecution's opportunity to establish the defendant's guilt beyond a reasonable doubt. During **direct examination**, the prosecution queries its witnesses to elicit pertinent information. Subsequently, the defense engages in **cross-examination**, posing additional questions to the prosecution's witnesses. If the defense raises new issues during cross-examination, the prosecution may counter them with rebuttal evidence. Upon concluding their case, the prosecution rests, marking the conclusion of their primary evidence.

Once the prosecution concludes its case, the defense is afforded the opportunity to present its own case, aiming to challenge the prosecutor's evidence or introduce its own in an effort to counter the allegations. This may involve calling their own witnesses to the stand, where the defense proceeds with direct examination to elicit critical information, followed by cross-examination by the prosecution. In the instance that crucial information comes to light during cross-examination, the defense retains the option for rebuttal. This dynamic exchange of evidence and examination serves as a crucial element in the trial, influencing the trajectory of the case.

The subsequent phase involves the closing arguments where both the defense and prosecution succinctly summarize their cases for the jury. As the prosecution bears the burden of proof, it typically delivers the final **closing argument**, with the defense presenting its argument first. Following the conclusion of the closing arguments, the judge provides the jury with instructions on how to interpret and apply the relevant laws before adjourning to the deliberation room to engage in discussions aimed at reaching a unanimous verdict. Deliberations persist, requiring all jurors to vote either guilty or not guilty, until a conclusive decision is reached (*Ramos v. Louisiana, 2020*). If a defendant is found guilty, they will be scheduled for sentencing to determine the appropriate punishment. Failure to achieve unanimity results in a mistrial. In the event of a ***mistrial***, the prosecutor may opt to drop the case, or the defendant might face ***retrial*** with a new jury, adhering to the prohibition against ***double jeopardy***. A notable example is when actor Danny Masterson's initial trial for three counts of forcible rape ended in a mistrial due to a ***jury deadlock*** in 2022. Subsequently, he was retried for the same crime the following year (*People of the State of California v. Daniel Peter Masterson*, 2023) and found guilty of two counts of forcible rape (Associated Press, 2023).

Verdict and Appeals

The verdict and appeals process serve as integral components of the legal system, with the former marking the conclusion of a trial and the latter providing a crucial mechanism for scrutinizing and potentially rectifying a wrongful guilty determination. Specifically, a verdict represents the formal decision rendered by a court at the culmination of legal proceedings or a trial, reflecting the court's determination regarding the guilt or innocence of the accused, drawing upon presented evidence, witness testimonies, and legal arguments.

Following a trial, in the event of a not guilty verdict, a defendant held in custody is promptly released, and their freedoms are reinstated. Furthermore, if an individual found not guilty had been released on bail, the bail amount will be refunded. Conversely, if a defendant is found guilty, whether by a judge in a bench trial or by a jury in a jury trial, they retain the right to appeal the verdict or proceed to a sentencing hearing. Opting for an appeal entails a formal review of the legal processes leading to their conviction.

The constitutional principle of double jeopardy prohibits the prosecutor from appealing a not guilty verdict, safeguarding against multiple prosecutions for the same offense. However, it's noteworthy that either the defendant or the prosecutor can request an interlocutory appeal, specifically targeting pretrial rulings such as the judge's decision to suppress evidence.

In cases where a defendant enters a guilty plea or a no-contest plea, their ability to appeal the conviction is limited, but they may still appeal the imposed sentence. It's essential to adhere to specific timelines for filing appeals, with most jurisdictions mandating that the defendant submits their appeal within a defined period after the conviction or sentencing. For instance, Washington State requires notice appeals to be filed within thirty days of the court ruling (Wash. RAP 5.2(a)).

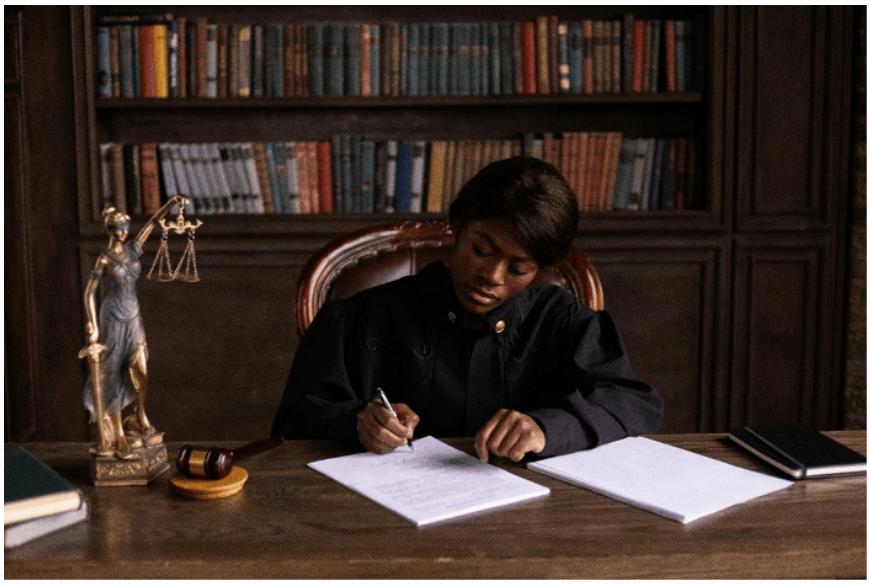


Figure 7.5.2: Judge Signing Sentencing Documents/ Photo Credit: KATRIN BOLOVTSOVA, Pexels License

The party initiating an appeal assumes the role of the appellant or petitioner, while the opposing party becomes the appellee or respondent. Typically, the appellant initiates their appeal by presenting arguments centered around procedural errors or wrongful convictions. A judicial panel in the court of appeals thoroughly reviews the case and delivers a verdict either affirming the lower court's decision, overturning the decision, or remanding the case for a retrial. This process underscores the legal system's dedication to ensuring fair trials, rectifying potential errors, and upholding the principles of justice.

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7.6: Juvenile Justice

The juvenile justice system has two main responsibilities: to oversee cases involving (1) juvenile delinquency (criminal law violations and status offenses) and (2) dependency, neglect, and child abuse. Due to the loose definitions of *parens patrea* and the court's attempt to act in the best interest of the child, after World War II, the juvenile court was criticized for disregarding due process.

Due process refers to the procedural rights established in the Constitution, especially the Bill of Rights. It includes rights such as the right to legal counsel, right to call witnesses, and right to be notified of charges (which will be revisited in *In re Gault*). The original juvenile court did not implement due process rights because it was intervening in the lives of youth for their own good, not in such a formalized adult way where they would need constitutional protections. However, because of the abuse of power, this changed in later decades.

Beginning in the 1960s, four areas drastically changed in the juvenile court:

1. the juvenile due process revolution from 1966 to 1975
2. the Juvenile Justice and Delinquency Prevention Act of 1974
3. a growing emphasis on punishment and accountability in the 1980s and 1990s
4. contemporary juvenile justice reform that is driven by evidence-based practices and empirical research on adolescent development, which in turn leads us back to rehabilitation

Due Process in the Juvenile Court

The juvenile court was created with rehabilitation and individualized treatment in mind. However, between 1966 and 1975, the court became more formalized and started "adultifying" the process. Landmark cases for establishing due process rights in the juvenile justice system include *Kent v. United States* (1966); *In re Gault* (1967); *In re Winship* (1970); *Breed v. Jones* (1975).

The juvenile justice process involves nine major decision points: (1) arrest, (2) referral to court, (3) diversion, (4) secure detention, (5) judicial waiver to adult criminal court, (6) case petitioning, (7) delinquency finding/adjudication, (8) probation, and (9) residential placement, including confinement in a secure correctional facility (see Juvenile Justice Process flow chart).

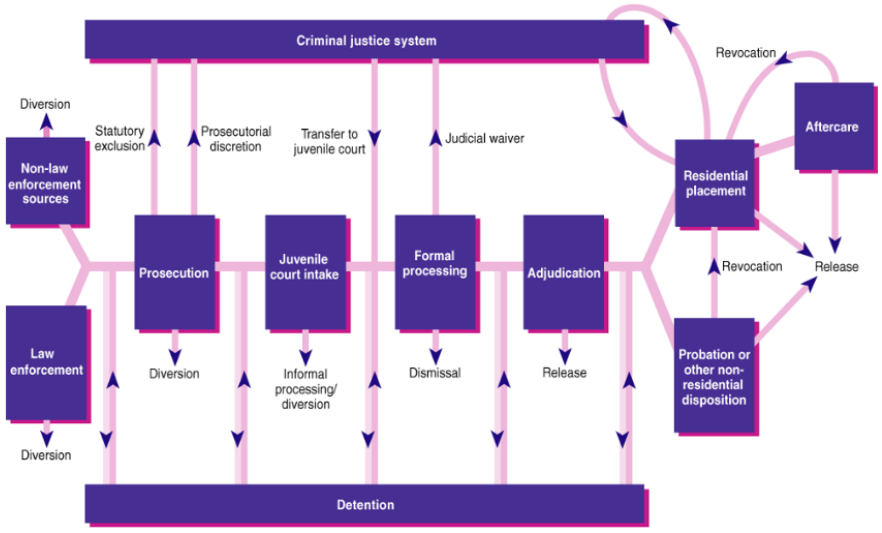


Figure 7.6.1: *The Juvenile Justice Process*

Many cases are first referred to the juvenile justice system through contact with police. Probation officers, school officials, or parents usually refer to the remaining cases. The most common offenses referred to court are property offenses (roughly 92%), followed by person offenses (89.5%), drugs (88.2%), and general delinquency charges (81.6%). Other referrals come from schools,

families, social workers, or probation officers.

At the intake stage, probation officers or attorneys determine whether or not the case needs the attention of the juvenile court or if it can be handled informally, such as diversion to probation or a drug treatment program. If the case progresses to court, the authorities need to determine if the youth can be released to a parent/guardian or if the youth needs to be held in a secure detention center. When determining this, the court needs to assess the risk the youth poses to society and if the youth poses a flight risk. In some cases, the parent cannot be located or, if located, refuses to take custody of the youth. In these cases, the juvenile is remanded to custody. The decision to detain or release the juvenile will be made by the judge at a detention hearing.

If the case is handled in court, the county attorney needs to file a petition. When the youth has a formal hearing, it is called an **adjudication** rather than a trial in adult court. The adjudication of youth as delinquent can result in either dismissal of the charges or confinement at a secure institution. In most juvenile cases, the least restrictive option is usually sought, so the youth is usually put on probation or some sort of community treatment. Formal processing is less common than informal processing involving diversion or community-based programming.

Chapter 7 illustrated how competing models of justice reflect different priorities regarding fairness and efficiency. Chapter 8 applies those principles directly to one of the most consequential decisions in the justice process: how offenders are punished. This chapter examines sentencing structures, punishment philosophies, and the consequences of incarceration for individuals and communities.

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CHAPTER 8: CRIMINAL SENTENCING AND INCARCERATION

Learning Objectives

- Explain sentencing structures
- Identify punishment philosophies
- Describe incarceration systems
- Evaluate alternatives to imprisonment

Key Terms

- Sentencing
- Pre-Sentence Report
- Determinate Sentencing
- Indeterminate Sentencing
- Retribution
- Deterrence
- Incapacitation
- Rehabilitation
- Incarceration
- Jail
- Prison
- Community Corrections
- Diversion
- Intermediate Sanctions

Summary

This chapter examines how punishment is determined and implemented. It explores sentencing practices and philosophies such as deterrence and rehabilitation. The chapter also analyzes incarceration and alternatives like community corrections.



Figure 8.1: Photo courtesy of Hart Powell

Feeling safe and secure in person and at home is arguably one of the most discussed feelings in our nation today. The fear of crime influences how we think and act day to day and throughout our history. This has caused great fluctuation in the United States regarding how we punish people who are convicted of violating the law. **Punishment** is a penalty imposed on an individual convicted of a crime or law violation. This comes, in part, from the will of the people, which is then carried out through the legislative process and converted into sentencing practices. People have differing views, or ideologies, on why others should be punished and how much punishment they should receive. These correctional ideologies, or philosophical underpinnings of punishment, have been prevalent throughout the history of the United States, and they have been imposed by governments and societies worldwide since the beginning of humankind to uphold justice and impose punishment. But before we can talk about punishment, we are going to examine the factors that influence the decisions.

8.1: Sentencing

8.2: Ideologies of Punishment

8.3: Incapacitation

8.4: Incarcerations

8.4.1: Prisons

8.5: Community Corrections

8.5.1: Intermediate Sanctions

8.6: Juvenile Institutions

8.7: References

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8.1: Sentencing

Upon the conclusion of a trial with a guilty verdict, where the guilty party does not choose to appeal or the appeal reaffirms the guilty verdict, the subsequent phase in the criminal justice process is the sentencing stage. During a sentencing hearing, the judge presiding over the case determines the appropriate punishment for the convicted individual. The hearing provides an opportunity for both the prosecution and defense to present arguments, legal precedents, evidence, and any additional relevant information pertinent to the sentencing decision. The goal of the sentencing hearing is to balance the interests of justice, public safety, and rehabilitation, tailoring the punishment to fit the specific circumstances of the case and the individual offender. The judge's decision at the sentencing hearing significantly influences the consequences the convicted individual will face, ranging from fines and probation to imprisonment, depending on the severity of the offense.

Pre-Sentencing

In certain jurisdictions, community corrections officers will compile a pre-sentencing report, also known as a **pre-sentence investigation report (PSI)**, prior to the sentencing hearing to aid judges in determining appropriate sentencing for a convicted individual. PSIs comprise a comprehensive overview of the convicted individual's background, personal history, and social context. They encompass information about the defendant's criminal history, education, employment, family background, and any pertinent health issues. Victim impact statements may also be integrated into PSI materials, addressing the consequences of the crime and its effects on the victims and their families. Typically, financial information and the probation or community corrections officer's recommendation for an appropriate sentence are included in the report. By providing comprehensive insight into the offender's circumstances, PSIs assist judges in crafting sentences that consider the specific details of each case, thereby promoting a more equitable and just legal outcome.

During the sentencing hearing, the judge may consider various factors such as age, criminal record, current convictions, and the use of weapons, as well as information provided in the pre-sentencing report including the victim impact statements and recommendations from probation or community corrections officers to shape a well-informed sentencing decision. Other factors such as the nature and severity of the crime, the charges and the evidence presented during trial, along with any mitigating or aggravating circumstances, are also considered. **Aggravating circumstances** are factors such as a lack of remorse or engaging in grotesque or violent behavior that could incline the judge toward a more punitive stance. In contrast, **mitigating circumstances** are elements that may lead the judge to reduce the sentence. Examples of mitigating circumstances include cases involving first-time offenders, instances where the defendant expresses genuine remorse, or situations where social or family factors may have substantially influenced the defendant's involvement in criminal activity.

Indeterminate vs Determinate Sentencing

In the early and mid-19th century, both states and the federal government predominantly utilized indeterminate sentencing within the legal system. In this sentencing model, the duration of a convicted individual's prison term is not rigidly fixed but instead falls within a wide range established by law. Contrary to a predetermined and inflexible sentencing structure, **indeterminate sentencing** provides judges with a degree of discretion in determining the actual duration of imprisonment, allowing for flexibility to consider various factors such as the offender's behavior, level of remorse, and efforts toward rehabilitation. Ideally, this discretionary power enables the tailoring of punishments to suit the unique circumstances of each case, fostering a more equitable and nuanced approach to sentencing.

In states utilizing indeterminate sentencing, legislators establish broad sentencing structures with substantial gaps between the minimum and maximum sentences for a specific conviction. This methodology grants judges with considerable discretion in determining the length of imprisonment for a convicted individual. Once sentenced and incarcerated, the inmate engages in periodic meetings with a parole board, which evaluates their progress and decides whether they should be released before serving the maximum sentence. If the parole board deems further incarceration necessary, the inmate remains incarcerated until their next parole hearing. Conversely, if the parole board perceives that the inmate has been rehabilitated, the inmate is released, completing the remaining sentence in the community under parole supervision.

The indeterminate sentencing model affords judges and parole boards with an extensive degree of discretion in determining both the nature and duration of punishment for a given offender (Gertner, 2010). Although intended to tailor sentences to individual circumstances, this discretionary authority unintentionally resulted in sentencing inconsistency, obscuring rehabilitation efforts

and jeopardizing the pursuit of justice.

Despite the initial goal of promoting rehabilitation and successful reintegration into society based on demonstrated improvement and compliance with rehabilitation efforts, the indeterminate sentencing model fell short of intended objectives. This shortfall is attributed to the improper implementation of rehabilitation practices and inadequate policies. Unfortunately, indeterminate sentencing evolved into one of the most discriminatory and misused tools within the criminal justice system (Pisciotta, 1994). For example, Pisciotta's (1994) study of the Elmira Reformatory illustrates this gap between intention and practice. Although Elmira's indeterminate sentencing model was promoted as a humane, rehabilitative alternative to fixed punishment—releasing offenders only once they demonstrated reform—Brockway's regime relied on corporal punishment, prolonged solitary confinement, and the disproportionate control of poor and marginalized populations, leading Pisciotta to characterize the reformatory's promised "benevolent reform" as, in reality, "benevolent repression."

Against the backdrop of rising crime rates, issues of discrimination, and the “tough on crime” political agenda of the 1980s, a broad-based consensus emerged on the need for sentencing reform. Advocates from various political perspectives rallied for reform during this period, encouraging the adoption of **determinate sentencing**, which involves a fixed sentence for a specific criminal offense, to replace indeterminate sentencing (Spohn, 2014).

Liberal reform proponents, exemplified by organizations like the American Civil Liberties Union, argued that indeterminate sentencing was inherently inconsistent and excessively punitive, leading to widespread discrimination against minorities and the economically disadvantaged. To address these concerns, these advocates called for constraints on parole board and judicial discretions (Tonry, 1995).

Simultaneously, conservative advocates for reform argued that indeterminate sentencing policies failed to adequately punish criminals for serious offenses. They maintained that judges often displayed excessive leniency, often characterized as being too *soft on crime (look for a reference)*. Consequently, they asserted the imperative to adopt determinate sentencing policies to guarantee more stringent punishments. This conservative viewpoint posited that implementing determinate sentencing would result in a more effective reduction in crime rates (Wilson, 2013). The convergence of these varied concerns and perspectives emphasized the pressing urgency and complex nature of the sentencing reform discourse during that pivotal period.

In 1980, Minnesota led the way in pioneering sentencing reform efforts through the implementation of statewide sentencing guidelines, and by 2019, the federal government, the District of Columbia, and 19 states had also embraced similar reforms, adopting various forms of sentencing guidelines (Frase, 2019). **Sentencing guidelines** set forth a narrow range of minimum and maximum sentences, offering a more controlled and consistent framework for making sentencing decisions.

The widespread adoption of determinate sentencing policies marks a significant paradigm shift towards a more structured and uniform approach to criminal punishment. In jurisdictions that implement determinate sentencing, judges operate within a more structured framework, obligated to strict adherence to predetermined sentences. These sentences are established through statutes or sentencing guidelines intended to ensure consistency in punishment among similar offenses.

This structured and standardized approach offers a systematic method for sentencing, enhancing clarity and predictability within the criminal justice system. While determinate sentencing aims to promote more equitable outcomes and reduce the potential for abuse by limiting the discretion of judges and parole board, it does not entirely eliminate discretion. Instead, the authority to set specific sentence lengths was transferred to prosecutors and legislators who define sentencing guidelines, statutory minimums and maximums.

Despite significant strides in sentencing practices, concerns about determinate sentencing persist. Criticisms centered around the potential for sentencing disparities resulting from the degree of legislative decisions and prosecutorial discretion within this framework. Further critiques arise from arguments about the inflexible structure of determinate sentencing, where the rigidity of the model fails to adequately consider the unique circumstances of each case. Additionally, this legal approach faces criticism for potentially contributing to overreliance on incarceration without addressing the root causes of criminal behavior and other crucial mitigating circumstances.

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8.2: Ideologies of Punishment

Two news stories pop up on your feed. In the first story, a man living in your city is described as a convicted sex offender. His neighbors are picketing in front of his house, voicing their displeasure that he is allowed to live there. The video shows how angry the neighborhood is, and you can see the frustration and anger on the people's faces.

The second story is about a woman who was detained for stealing food from a local grocery store, apparently to feed her children. She is shown in the back of a police car. The store manager is interviewed and says he is offering to donate the food to her so that she does not have to spend time in jail or get into any more trouble.

How do these two stories make you feel? Is it the same feeling for each story? Does one of these stories make you feel more afraid of crime? More angry or upset? Which one? Who deserves to get punished more? How much punishment should they get? The answers to questions like these floods our thoughts as we see stories like this and when we hear about crime in general. These questions and feelings are normal. It is this process that generates our own personal punishment ideology.

Now, which one of these two individuals has actually committed a crime? Technically, the woman has broken the law. Our perceptions of punishment can be influenced by the narrative we hear online or from others.

There are two ideologies when it comes to punishment – forward-looking or backward-looking. **Forward-looking** ideologies are designed to provide punishment but also to reduce the level of recidivism through some type of change. **Recidivism** is when someone who has been in trouble with the law and before they get in trouble again. It is a repeat offense or when a person does something illegal more than once. The **backward-looking** approach is solely for the punishment of past actions and aims to have no effect on recidivism. The change in ideologies and in how society views punishment is a shift that occurs over time and is impacted by the dominant culture, politics, and even religion.

Retribution

Retribution is one of the oldest of the ideologies of punishment. This type of punishment imposed on a person as revenge or vengeance for a criminal act and is the only backward-looking philosophy of punishment. The primary goal of retribution is to ensure that punishments are proportionate, or equal, to the seriousness of the crimes committed regardless of the individual differences between the offenders and their circumstances, other than *mens rea* and an understanding of moral culpability. *Retribution focuses on the past offense rather than the individual who offended*. People committing the same crime should receive a punishment of the same type and duration that balances out the crime that was committed.

It is argued as the oldest of the main punishment ideologies because it comes from a basic concept of revenge. This concept of vengeance means that if someone perceives harm, they are within their right to retaliate at a proportional level. This idea that retaliation against a wrong is allowable has ancient roots in the concept of *lex talionis*, which is the law of retaliation. A person who injures someone should be punished with a similar amount of harm. This concept was developed in early Babylonian law, and around 1780 B.C.E., the Babylonian Code, or the Code of Hammurabi.

The retributivist philosophy also calls for any suffering beyond what was originally intended during sentencing to be removed. This is because the dosage of punishment is the core principle of retribution: individuals who commit the same crime must receive the same punishment. The concept of retribution was violent, and it laid the foundation for physical punishments to resolve the actions of another. We see this concept still applied today in the imposition of capital punishment or the death penalty. This is one form of retribution that many U.S. States and the federal government still use today to impose punishment on those who have murdered other individuals.

Retribution, however, represents only one way of answering the question of why we punish. Because it looks backward to the offense itself, retribution is indifferent to whether punishment produces any further benefit; the wrong has been done, and the penalty is deserved regardless of what follows. Yet for many policymakers, practitioners, and members of the public, the justification for punishment lies not in the past but in the future. From this perspective, punishment is warranted only if it accomplishes some practical good—chiefly, the prevention of future crime. The philosophies examined in the sections that follow share this forward-looking orientation. Rather than asking what an offender deserves for what they have already done, they ask what punishment can achieve going forward: discouraging future wrongdoing, restraining those who would offend, or reforming offenders, so they no longer pose a risk. The first of these forward-looking philosophies, and historically among the

most influential, is deterrence.

Deterrence

From Hammurabi, deterrence is the next major punishment ideology. **Deterrence** is designed to punish current behaviors and change future behaviors through sanctions or threats of sanctions. Deterrence can be focused on a group or on one individual. The basic concept of deterrence is to discourage individuals from offending by imposing punishment sanctions or threatening such sanctions.

Deterrence can be split into two distinct categories: general and specific. General deterrence is the idea that when someone commits an offense, they will be punished. It aims to deter the population from committing crimes.

In this way, the group imposing the punishment determines the community's ideals and declares that future criminal acts will be punished. Specific deterrence aims at ensuring the punishment is severe enough to prevent the individual from committing the crime again. By punishing or threatening to punish the individual, it is assumed that they will not commit a crime again. This is what makes deterrence a forward-looking theory of punishment.

General Deterrence

General deterrence focuses on deterring others from committing similar offenses. If the college implements strict anti-cheating measures and publicizes the consequences of academic dishonesty, it sends a message to all students that cheating will not be tolerated. The fear of facing the same consequences as other students, such as academic probation or expulsion, may deter other students from cheating.

Specific Deterrence

Specific deterrence aims to deter the individual offender from committing the same crime again. If a student faces consequences such as failing the course, receiving academic probation, and being required to attend an ethics seminar, they may be deterred from cheating again. The hope is that the negative consequences will discourage them from engaging in academic dishonesty in the future. In summary, general deterrence sends a message to others, while specific deterrence targets the individual's behavior.

Marginal deterrence works on the principle that the action itself is only reduced in amount by the individual committing the offense, not removed completely. For example, if a person sees a police car sitting on the side of the freeway and they are driving 70 mph, they might slow down to 58 mph. Technically, they may still be breaking the law, yet their level of criminal behavior has been reduced.

Absolute deterrence believes that by creating a police force, all crime will be removed. Today, we know this is false. There is little to no evidence to support that all crime can be deterred within a specific area or even in general.

Displacement deterrence argues that crime is not deterred but is shifted by time, location, or the type of crime committed. For example, instead of someone stealing cars on the weekend, they may sell drugs during the day. Although the weekend crime carjacking rate would decrease in this scenario, the daily drug trade would increase.

For all these principles of deterrence to work, society must have an idea of the level of punishment they will receive. For this theory to be effective, individuals must have three key elements: free will, rationality, and felicity. *Free will* means that everyone has the ability to make choices about their future actions, such as deciding when to offend and when not to. They must also have some ability to *think rationally* and to see what the outcomes of their choices will be. *Felicity* is the idea that they must desire more pleasurable things than harmful ones. Thus, it is more probable that crime will be deterred if all three of these elements are in place within a society. This is both a strength and a weakness of the deterrence theory.

Today, we have a better understanding of the effectiveness of deterrence. It does appear to work for low-level offenses and for individuals who are generally rational. However, the overall effect of deterrence is limited.

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8.3: Incapacitation

Rooted in the concept of banishing individuals from society, **incapacitation** is the removal of an individual from society for a set amount of time so they cannot commit crimes.

In the 1970s, punishment became much more of a political topic in the United States, and perceptions of the fear of crime became important. Lawmakers, politicians, and others began to campaign on their toughness on crime, using the fear of crime and criminals to benefit their agendas to impose punitive prison sentences. This is considered collective incapacitation, or the incarceration of large groups of individuals to remove their ability to commit crimes for a set amount of time in the future.

Since this time, and exacerbated in the 1980s and 1990s, there has been an increasing use of punishment by prison sentences. For instance, we saw a 500% increase in the prison population between 1980 and 2020 (Ghandnoosh, 2022). The politicization of punishment increased the overall incarcerated population in two ways. First, by allowing decision makers more discretion, as a society, we have gotten tougher on crime. In turn, more people are now being sentenced to prison, and they may have gone to specialized probation or community-sanction alternatives otherwise. Second, these same attitudes have led to harsher and lengthier punishments for certain crimes. Individuals are being sent away for longer sentences, which has caused the intake-to-release ratio to change and created enormous buildups of the prison population.

The *incapacitative* ideology followed this design for several decades, but in the early 1990s, three-strike policies were implemented that would target individuals more specifically based on prior offenses or crimes committed. These *selective incapacitation* policies would incarcerate an individual for greater lengths of time if they had prior offenses. These policies incarcerated certain individuals for longer periods than others, even when they had committed the same crime. Thus, it removed their individual ability to commit crimes in society for greater periods of time as they were incarcerated.

There are mixed feelings about selective and collective incapacitation. Policymakers promote incapacitation by giving examples of locking certain individuals away to help calm the fear of crime. Others, like Blokland and Nieuwbeerta (2007), have stated that there is little evidence to suggest that this solves the problem. Selective incapacitation has evolved to include tighter crime control strategies that target individuals who repeat the same offenses. Others opt for tougher community supervision options to keep individuals under supervision longer.

Rehabilitation

Rehabilitation is the ideology of helping individuals who have committed crimes change their behavior through interventions, treatment, therapy, education, and training to help them reenter society.

Rehabilitation has taken different forms in the United States. At one time, society considered people who committed crimes to be out of touch with God. One of America's earliest prisons was designed to enhance incarcerated individuals' connection with God. The Eastern State Penitentiary in Philadelphia, Pennsylvania, opened in 1829 and included outside reflection yards so individuals could look up to God for penance.

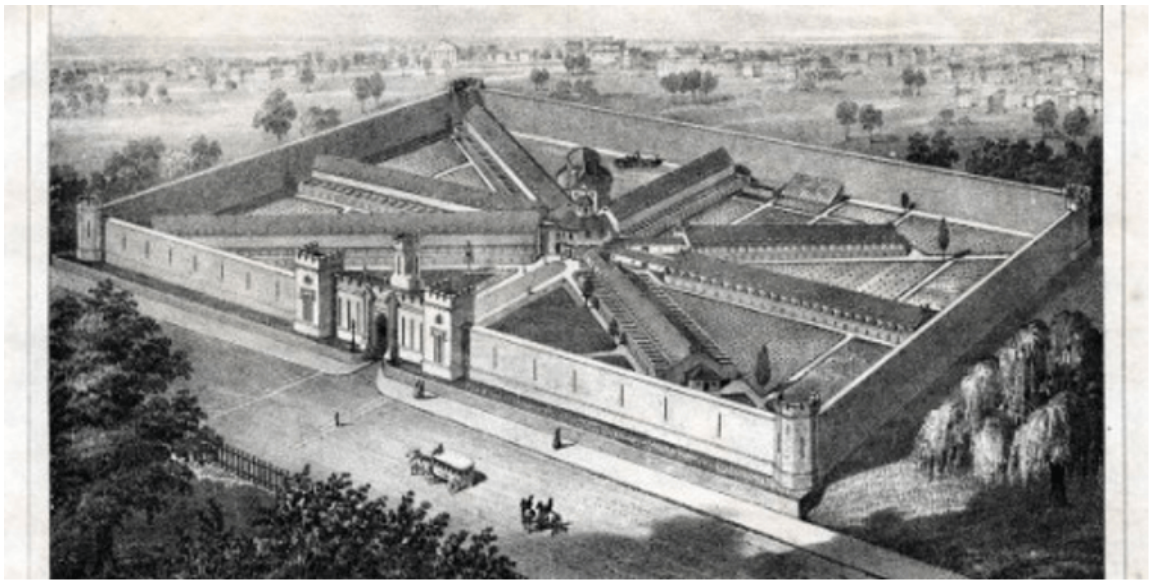


Figure 8.3.1: For additional information about this prison, see The Eastern State Penitentiary

Reformatories were another type of correctional facility but with a focus on rehabilitation. The reform movement tried to rehabilitate the individual through more humane treatment, including basic education, religious services, work experience, and general reform efforts. This was done to reform individuals, thus allowing them to come back to society. The Elmira Reformatory in Elmira, New York, seen below, was one of the earliest efforts of the reform ideal, and many prisons built in the United States were based on this reformatory.



Figure 8.3.2: The Elmira Reformatory

Rehabilitation has also included medical approaches. Incarcerated individuals were viewed as sick and in need of medical treatment. This medical approach, while less common, is still used in some areas today. As of November 2021, in the United States, six states and one territory included the use of testosterone-inhibiting medications as a treatment for individuals convicted of sex offenses being considered for early release.

Rehabilitation as an ideology has its critics. Many see it as being soft on individuals who have been convicted of committing crimes. There are several examples that suggest rehabilitation is ineffective in some cases. For example, in 1974, Robert Martinson reviewed more than 230 programs and concluded that “With few and isolated exceptions, the rehabilitative efforts that have been undertaken so far have had no appreciable effect on recidivism” (Martinson, 1974). This report caused many policymakers to turn to more punitive ideologies. However, it did prompt some researchers to ask more detailed questions about why rehabilitation was not working, including critical questions about the measurement of outcomes, the evaluation of specific

rehabilitative programs, and attempts to understand outcomes for individuals involved in the justice system. The answers to these questions became the principles of effective intervention that are the cornerstone of modern rehabilitation.

Rehabilitation is the only one of the four main ideologies that most comprehensively attempts to address the current goals of corrections: punishing the offender, protecting society, and rehabilitating the offender. Certainly, all four ideologies address the first two goals: punishment and societal protection. However, the goal of rehabilitating the offender is not addressed in retribution, deterrence, or incapacitation. But ignoring rehabilitation comes at a cost. About 95 percent of people released from prison had little or no rehabilitative support while incarcerated (Bureau of Justice, 2004). And yet there is the expectation that individuals leaving prisons will not commit crimes in the future.

Understanding Risk and Needs in Rehabilitation

Today's rehabilitative efforts still carry punishment and societal protection as goals, but the focus of rehabilitation is on changing individuals' behaviors so that they do not recidivate. To change behavior, corrections professionals need to understand what causes some individuals to be at risk for offending and what causes some individuals to be at a higher risk for offending than others. Risk factors include items like prior criminal history, antisocial attitudes, antisocial or pro-criminal friends, a lack of education, family or marital problems, a lack of job stability, substance abuse, and personality characteristics like mental health issues and antisocial personality.

While we cannot change the number of prior offenses someone already has, all other items can be addressed. These are considered as criminogenic needs. **Criminogenic needs** are items that, when changed, can lower an individual's risk of offending. This is a core component of Paul Gendreau's principles of effective intervention and is at the heart of most modern effective rehabilitation programs (1996). Thousands of individuals have been assessed on these items, which have helped to develop evidence-based rehabilitation practices. When these criminogenic needs are addressed, higher-risk individuals demonstrate positive reductions in their risk of offending.

Cognitive behavioral therapy has been noted as one of the most effective approaches to changing criminogenic needs. It is based on the concept that behaviors can be changed by changing the thinking patterns behind them or before they are exhibited. Criminal behavior is based on cognition, values, and beliefs that are learned through the interactions and observations of others. This is important when rehabilitating individuals from prison, where antisocial ideas, peers, values, and beliefs may dominate the institution.

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8.4: INCARCERATIONS

As a part of the growth of punishment and society's desire to remove accused criminals from the community, the "Brick and Mortar" correctional facility was born. These facilities are called by different names, such as jails, detention centers, prisons, penitentiaries, or camps, but their purpose is the same. **Correctional facilities** are secure buildings that are used to house or incarcerate individuals accused of or convicted of criminal offenses. The individual's age, gender, status with the courts, the criminal offense, jurisdiction, and length of punishment will determine in which correctional facility they are housed.

Jails

A **jail** is a place in which individuals accused or convicted of crimes are held. The concept of a jail was brought about in Western Europe when the U.S. criminal justice system was first formed. Influenced by the county-level establishment and management of jails in England, American facilities have largely been run by county sheriffs and have been called various things depending on their function and use, such as bridewells and workhouses.

Jails vary greatly in design, function, and size. Many jails hold less than 50 individuals. The fifty largest jails hold over half of the total number of individuals incarcerated in the U.S., more than 350,000 individuals (Minton, 2021). One example of these larger jails is the Los Angeles County Jail. It is a system of buildings spread across Los Angeles County, including an Inmate Reception Center, Century Regional Detention Facility, Men's Central Jail, and the Twin Towers Correctional Facility, just to name a few of their facilities.

Jails also vary in physical design. The two main types of facility design models are the older generation, or linear design, and the newer generation, or podular design. The **linear-design** facilities were built with space efficiency in mind. Made up of long hallways with cells lining the massive corridors, they hold numerous individuals in a small area of space. In larger facilities, multiple floors hold these long corridors, expanding the number of individuals who can be housed there. Although utilizing every square foot of space efficiently for their design, these types of facilities are not as effective in their supervision of the individuals housed within them, as the officers and staff are required to travel down the hallways to each individual cell in order to observe and supervise the occupants of the space.



Figure 8.4.1: Department of Youth Services Facility showing the long linear corridor with cells on either side.

The **podular-design** facilities are built with a more communal living feel. Multiple cells face toward a central living space, allowing an officer to be in the middle of the unit and see the majority of the occupants of the cells around them. It also has common-living areas where socialization and supervision can take place.



Figure 8.4.2: Image of a Podular Designed Pod. In the image, the officer's operational booth or desk (immediately right) is open, providing access to the day area or common area, and the doors of the cells open to the shared space.

Along with the different physical design models, there are also different types of supervision styles employed within jail facilities. The two main styles of supervision are direct and indirect supervision. The *direct supervision* style requires an officer to be stationed within the living unit, working with the individuals housed in it without any barriers. Officers' roles are to interact with the individuals housed in the unit, supervising their daily activities. In the *indirect supervision* style, officers are stationed in a control room or away from the unit, separate from those housed in the unit. Officers can visually monitor individuals through glass windowed barriers or surveillance cameras, but they must leave their workstations and enter through secured doors to interact with the individuals housed in the unit/cells.

Who Goes to Jail

One of the more fascinating aspects of jails in the United States is who gets placed in them. The short answer is anyone. Whenever someone is arrested, jail starts the process in the criminal justice system. Jails serve as a central collection point for various agencies, including city police, county sheriff's offices, state police, and federal agencies, which may use local jails as a point of entry for arrests. For example, Immigration and Customs Enforcement (ICE) houses many thousands of individuals pending immigration-related charges in jails across the country. While this list is not comprehensive, it does present many of the types of people held in jails:

- Individuals arrested for felony and misdemeanor crimes
- First-time and repeat offenders
- Individuals awaiting arraignment or trial
- Individuals who are accused and convicted
- Parolees leaving prison
- Juveniles pending transfer
- Individuals with mental illness awaiting transfer
- Chronic alcoholics and drug abusers
- Individuals held for the military
- Individuals held for federal agencies
- Protective custody
- Material witnesses
- Individuals in contempt of court
- Persons awaiting transfer to state, federal, or other local authorities
- Temporarily detained persons

At any given point in time, approximately 650,000 to 750,000 individuals are held in jails in the United States. This number has steadily increased since the 1970s. It is estimated that roughly ten million people are processed through America's jails annually (Sawyer & Wagner, 2022). As shown below, the types of people in jail at a single point in time are varied.

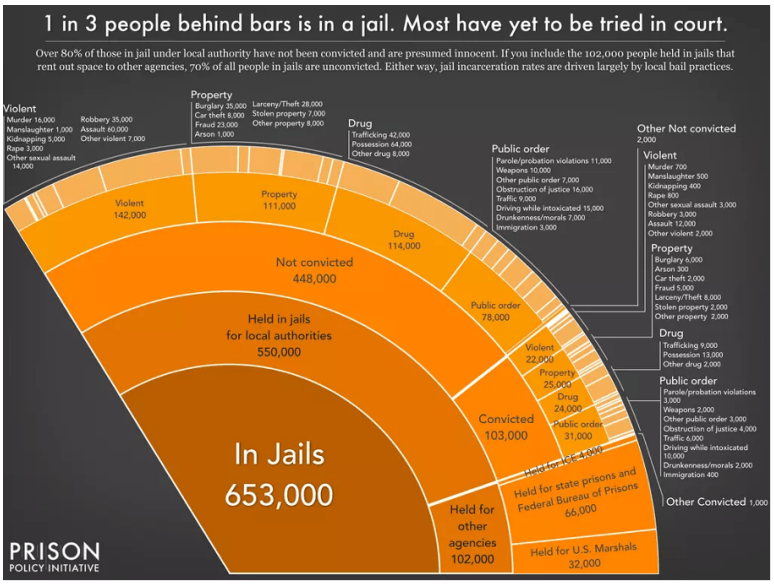


Figure 8.4.3: The chart indicates that over 80% of individuals in jail under local authority have not been convicted of a crime. Does this keep our communities safer?

Probably one of the most notable items in the figure above is the proportions of individuals who are not convicted. Roughly 68 percent of individuals in jails at any given time are not convicted. Other notable groups are individuals held for other agencies. This could be a matter of processing time or allocation of bed space. Still, jails only make up one portion of the brick-and-mortar approach to punishment. Prisons are the other large part.

8.4.1: Prisons

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8.4.1: Prisons

A **prison** is a place in which individuals convicted of felony crimes are held. The differences between jails and prisons have developed overtime with the growth of both institution types with distinct purposes. As discussed in the previous section, jails are looked at by society as a more temporary holding location for those pending court appearances or who have been sentenced to "shorter" (less than one year) sentences. Where prisons have developed into institutions used to house convicted felons for more than one year and, in some cases, for life sentences. We will cover these topics in more detail in this section.

There are two ways to categorize prisons in the United States. The first is by jurisdiction, which refers to which organization manages the prisons. A **prison warden** is considered the managerial face of the institution. However, a prison warden and the prison itself are part of a much larger organizational structure, usually separated by state. Some non-state jurisdictions manage or operate prisons, including U.S. cities and territories like New York, Chicago, Philadelphia, Washington D.C., Puerto Rico, and the Virgin Islands.

State Prisons

At the state level, most prisons are organized under a Department of Corrections, which is run by a director, who is usually appointed by a governor. For example, the California Department of Corrections and Rehabilitation (CDCR) is currently led by the Secretary of the California Department of Corrections and Rehabilitation which is a position that is appointed by the Governor.



Figure 8.4.1.1: In 2026, Jeff Macomber is the Secretary of the California Department of Corrections and Rehabilitation (CDCR). Governor Gavin Newsom appointed him to this position in December 2022 CA. Macomber has nearly three decades of experience with CDCR, having worked in various roles including Warden, Deputy Director, and Undersecretary before becoming Secretary.

Federal Facilities

The Federal Bureau of Prisons (FBOP or BOP) was established in 1930 to house an increasing number of individuals convicted of federal crimes. While there were some federal facilities at the time, congressional legislation officially created the BOP as a division of the Justice Department. Sanford Bates became the first Director of the FBOP based on his long-standing work as an organizer and leader at Elmira Reformatory in New York. Today, the BOP has 132 facilities (prisons, camps, etc.) across the nation. There are also military prisons, alternative facilities, reentry centers, and training centers that are managed by the BOP. The federal prisons are separated into regions. Within these regions there are regional directors, who are similar to state-level directors for departments of corrections.



Figure 8.4.1.2: To see a detailed listing and map of facilities run by the Federal Bureau of Prisons, visit BOP: Locations By State Know Your Rights | Prisoners' Rights | American Civil Liberties Union

Private Prisons

Often, to cut costs, the state allows private companies to provide goods and services within the prison. This privatization is a long-standing practice of the state's Department of Corrections. This includes services like food and transportation, medical, dental, and mental health services, education services, and even laundry services.

Corrections Corporation of America is the first privately owned prison in the United States (in 1984). Today, CoreCivic (formerly Corrections Corporation of America) runs approximately 113 correctional, detention, or reentry facilities in the United States (CoreCivic, n.d.). The GEO Group, the other primary private prison company, runs 136 correctional, detention, or reentry facilities (StackPath, n.d.). The figure below shows that in 2020; roughly half of the states had privately run prisons.

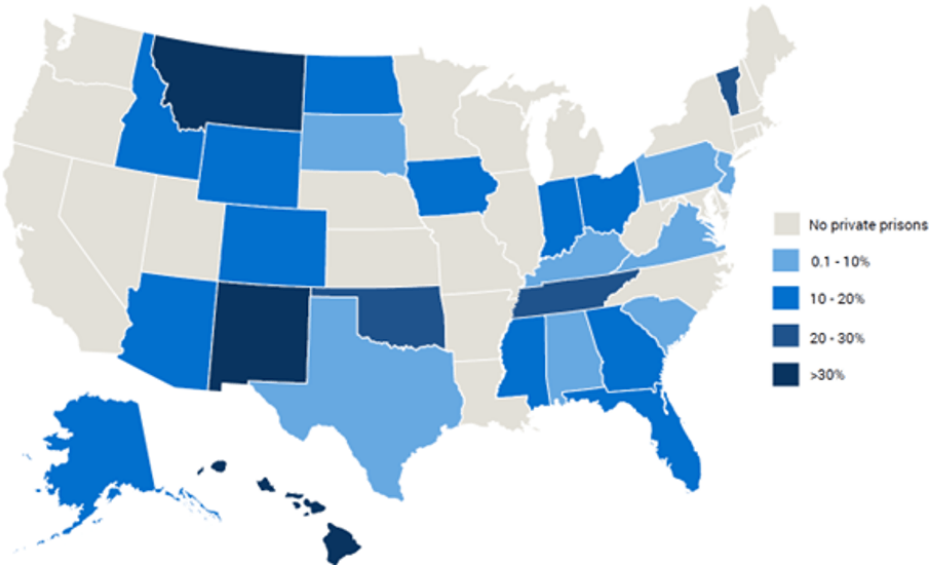


Figure 8.4.1.3: Percent of Imprisoned People in Private Prisons, 2020 (cropped). Roughly half of the states have privately run prisons, as indicated by the varying colors across the map.

There is much debate that has come from the incorporation of private prisons. The critics of private prisons denote the lack of transparency in the reporting processes that would come from a normal prison. Still, others tackle a bigger issue—punishment for profit. That is, while taxpayers ultimately pay for all punishment of individuals, either at the State or Federal level, shareholders

and administrators of the companies are making money by punishing people.

Levels of Prison

Each prison jurisdiction also operates facilities of varying degrees of intensity or seriousness. These are often considered prison levels or classifications. Prison level is associated with the seriousness of crimes committed by the individuals housed within these institutions. For example, many states have three classification levels: minimum, medium, and maximum. Some states have a fourth level called super-maximum, close, or administrative level. The BOP has five levels: minimum, low, medium, high, and unclassified. ADX Florence is a United States Penitentiary (USP) that would be considered an unclassified facility known as a super-max. It houses the most dangerous individuals at the Federal level. Although not in operation today, Alcatraz, seen below, was probably the most famous Federal USP and was also considered a super-max at one point. It, too, housed the most dangerous federal custodies.



Figure 8.4.1.4: The iconic Alcatraz prison is known as “The Rock.”

Some states use a simple number designator to assign prison intensity, such as Level I, Level II, Level III, Level IV, and sometimes Level V. Others incorporate a Camp level into their list of designations. The facilities have a specific purpose within the low level, such as a Fire Camp, which is dedicated to fighting fires.

Intake Centers

An intake center can be part of an institution, running alongside the normal operations of an institution, or standing alone as a separate institution. The purpose of an intake center is to classify felony-convicted individuals coming from courts in the jurisdiction. The individual’s initial classification comes from a points-based assessment and determines which of the jurisdiction’s prisons they are assigned to. This assessment looks at prior convictions, prior and current violence, escape risk, potential self-harm, and more.

Minimum

Minimum prisons usually have dorm-style housing and are for only nonviolent individuals with shorter sentences. There is freedom of movement, as individuals housed within the prisons can move about without being escorted from place to place. The fencing or perimeters of these types of facilities are usually low. The BOP generally refers to these as camps.

Medium

Medium prisons have cells rather than dorms. There are usually two people in a cell. The perimeter is usually a high fence, and it may even have barbed wire or large walls surrounding the institution. Freedom of movement within the institution is reduced and

seen as a privilege. Individuals housed here typically have longer sentences and more serious convictions.

Maximum

People housed in maximum prisons have been convicted of serious and sometimes violent offenses and have longer sentences, including life in prison. Most cells are single-occupancy, and many individuals housed here will spend most of their day in a cell. Freedom of movement is even more reduced and seen as a privilege. Perimeter fences are doubled with wire and cement block fences circling the prison. Exterior fences often have towers with armed guards staffing them.

Administrative

Administrative prisons have different missions, and the individuals housed in these institutions could be vastly different. For instance, a prison designated to address mental health concerns does not operate the same way as a supermax. The supermax houses individuals in their cells for almost the entire day, every day. The cells are almost all single occupancy. Many services, like sick calls and meals, come to individuals in their cell instead of them going to a cafeteria or infirmary. Most of these individuals are also classified as extreme threats and have long sentences like life without the possibility of parole.

Who Goes to Prison

In the United States, people are generally sentenced to prison for felony-level crimes, which are more serious offenses. Here are the main categories:

- Violent crimes - These include murder, manslaughter, assault and battery, robbery, kidnapping, and sexual assault. These often result in longer prison sentences.
- Property crimes - Burglary, arson, theft (when it rises to felony level based on the value stolen), motor vehicle theft, and vandalism can lead to prison time.
- Drug offenses - Manufacturing, distributing, or possessing large quantities of controlled substances. Simple possession may result in prison depending on the drug type, amount, and prior criminal history.
- Weapons offenses - Illegal possession of firearms, using weapons during the commission of other crimes, or trafficking in weapons.
- White-collar crimes - Fraud, embezzlement, money laundering, identity theft, and tax evasion can result in federal or state prison sentences.
- Driving offenses - DUI/DWI (especially repeat offenses or those causing injury or death) and vehicular manslaughter.
- Sex offenses - Beyond sexual assault, this includes crimes like child pornography, solicitation, and failure to register as a sex offender.

The actual sentence depends on many factors: the severity of the crime, whether anyone was harmed, the defendant's criminal history, whether a weapon was used, and state versus federal jurisdiction. Some states have mandatory minimum sentences for certain crimes, while others give judges more discretion. Less serious crimes (misdemeanors) typically result in jail time (under a year) rather than prison, or alternative sentences like probation or fines.

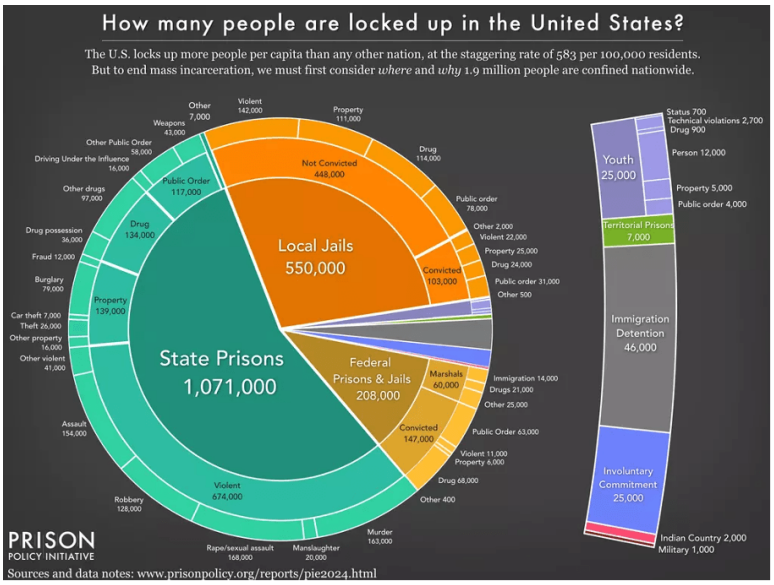


Figure 8.4.1.5: Most individuals incarcerated in correctional facilities in the United States are in state prisons for violent offenses. The other portions are there for property, drug, and public order offenses. If we want to incarcerate fewer people in the U.S., where should we put our focus? Image description.

Focusing on the left side of the graph above, there are roughly 1,042,000 individuals locked up in state prisons. Here, we can see the types of crimes for which they are convicted. A little over half (58 percent) are incarcerated for violent crimes. Drug crimes and property crimes make up the next big sections. When you add in those in federal facilities (about 208,000), territorial prisons (10,000), Indian Country prisons (2,000), and military prisons (1,000), we start to see how that number changes to about 1,263,000, not including privatized prison populations (Nazgol, 2022).

While the total number of prisoners has dropped slightly in the last few years (since 2015), figure below shows that the overall number has increased substantially over the last 45 years.

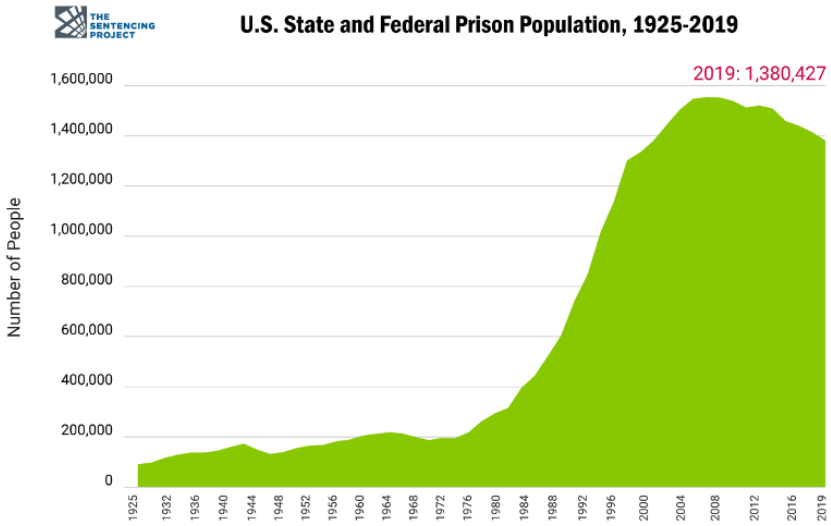


Figure 8.4.1.6: In this graph showing prison population growth, you will note that prison populations have decreased over the past decade. However, the overall population of prisoners has radically increased over the past 45 years. Image description.

It is estimated that we have over eight million people in correctional control, and that number does not seem to be subsiding. Yes, there have been reductions in certain areas, such as a decline in the prison population in the last few years, but this does not mean that they are still under control. In one of the more detailed examples of where individuals are in corrections, Alexi Jones (2018) of the Prison Policy Initiative provides a graphic, the figure below, based on state and federal data to demonstrate this impact.

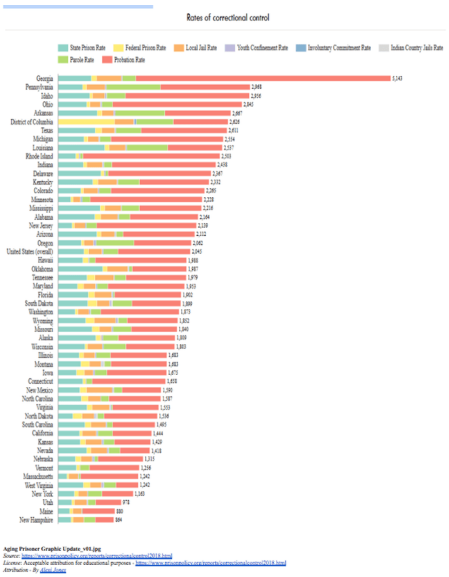


Figure 8.4.1.7: Rates of Correctional Control Breakdown by individual states. Information from the original source

Not only does this graphic demonstrate the overall volume of correctional control, but it also highlights how states are managing their populations differently. The second half of Jones' report details the volume of individuals within each state (2018). Please take a moment to review the last portion of this report to see how many are under correctional control, found here: Correctional Control 2018: Incarceration and supervision by state: Prison Policy Initiative.

Prison overcrowding is problematic for multiple reasons. First, when there are too many individuals (especially antisocial ones) within a facility, there are more assaults and injuries that occur within the institution. Moreover, there is a safety concern for not only the offender-on-offender violence but also the offender of staff crimes. Second, the more people you have in a facility, the faster that facility wears down. Operating a jail or prison at maximum (or over maximum) capacity causes more items to break or wear out within the facility at a faster rate. Finally, when individuals are unable to access adequate health and mental health care because of excessively long waits due to overcrowding, it is a violation of their constitutional rights.

The public and the state have a responsibility to house and properly care for the individuals who are incarcerated. This is not to say these individuals are getting better care than the community, but that they are at least receiving a modicum of care. When this low level of care is deliberately denied due to excessive volumes of individuals, it is a violation of a person's Eighth Amendment rights against cruel and unusual punishment, as was found in the case of *Estelle v. Gamble* (1976).

This similar issue was presented in California more than ten years ago. A three-judge panel ruled with the incarcerated individuals, citing the need for California to reduce its prison population to a level where the individuals could effectively be managed and cared for (emphasis on the latter). Dealing with overcrowding is a constant issue for most prisons and jails. Some have resolved to release more into the community at a higher volume, on parole, or just release. However, this has its own set of problems, as reentry is now becoming the current issue within corrections.

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8.5: COMMUNITY CORRECTIONS

Community corrections is a system imposed by the court on individuals who have committed a crime in which they serve all or part of their sentence or sanction through community-based placements and programs as an alternative to incarceration. Like incarcerated corrections, community corrections have similar goals: to promote public safety, to administer punishment, and to rehabilitate individuals, but unlike incarcerated corrections, this is done in a very different way.

Diversion

Diversion is a process whereby an individual, at some stage, is routed away from continuing on in the formal justice process. Diversion is an action that would effectively keep a person in the community and, in some cases, out of the criminal justice system altogether.

Diversion can come as early as the initial contact with a law enforcement officer. The discretion an officer uses could be considered a diversion, as the officer decides whether the individual needs to continue on the justice path. It could be a verbal warning, a warning ticket, or just a decision by the officer not to issue a formal ticket (citation).

Officers may also recognize that the person has a need that is not being fulfilled and thus identify an underlying reason the person may be committing a crime. For example, a person is trespassing on someone else's property to find a place to sleep. The officer has the legal authority to issue a citation for trespass if the property owner allows and thus arrests the person, but the underlying issue may be the person's housing needs.

Diversion can also be more formal. For instance, a diversion can be issued by a judge in lieu of a judgment or as a condition of a judgment. In a formal diversion process, a judge could offer a person the chance to complete a diversion program in place of a sentence, making it a condition of the judgment. For example, a person who committed a crime due to a substance abuse problem. The judge could offer the person substance abuse treatment and then effectively nullify the judgment once the person has successfully completed the diversion. In the figure below, you will find a graph outlining how diversion could be applied at various points in the justice system.

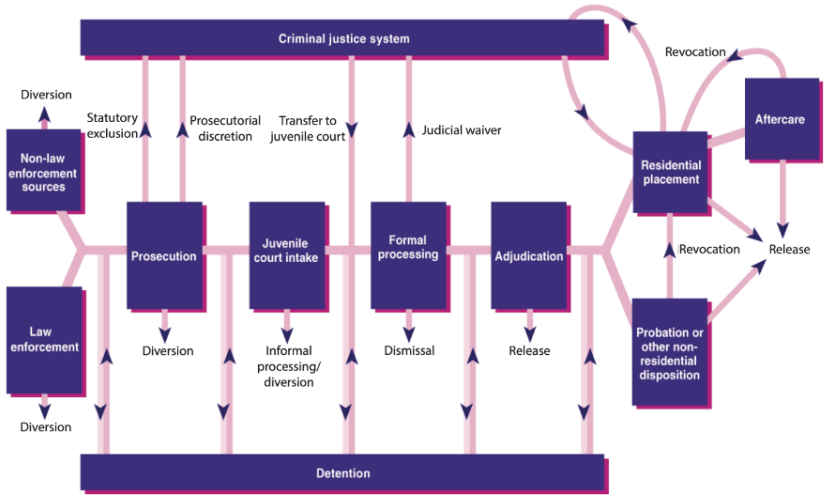


Figure 8.5.1: The Justice System flow chart with various diversion options is noted along the path.

It is difficult to know the exact number of diversions that occur in the United States, especially across the variety of places where diversion can occur. It is also difficult to determine if there are inequities in how diversions are applied across populations. These diversion options could save the courts or corrections systems hundreds of millions of dollars and keep individuals in the community instead of incarcerating them. For further details, consult the Prison Policy Initiative article, *Building exits off the highway of mass-incarceration: Diversion programs explained* [Website], to learn many of the ways diversion can be implemented

to address incarceration issues nationally.

8.5.1: Intermediate Sanctions

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8.5.1: Intermediate Sanctions

In response to the rising prison rates during the 1960s and 1970s (Tonry, 1995), policymakers sought alternative punishments to incarceration. The increasing number of inmates not only strained state budgets but also highlighted the inadequacies of existing punishment options—imprisonment, probation, or fines—each of which was not always suitable for all types of criminal offenses. Imprisonment was generally considered costly and excessively harsh for many crimes, whereas probation and fines were often viewed as too lenient. To address these concerns, a variety of intermediate sanctions were developed, offering a range of midrange, alternative punishments.

According to retribution and deterrence theories, effective punishments must align in severity with the perceived seriousness of the crime. Intermediate sanctions meet these criteria by offering a range of options to help ensure punishments are proportionate to the offenses committed, thereby reducing the likelihood of both over-punishment and under-punishment of individuals convicted of criminal offenses.

Today, judges have a variety of intermediate sanctions at their disposal to determine appropriate punishments based on the severity of the crime. The figure below illustrates the sequence of intermediate sanctions, ordered by increasing severity.

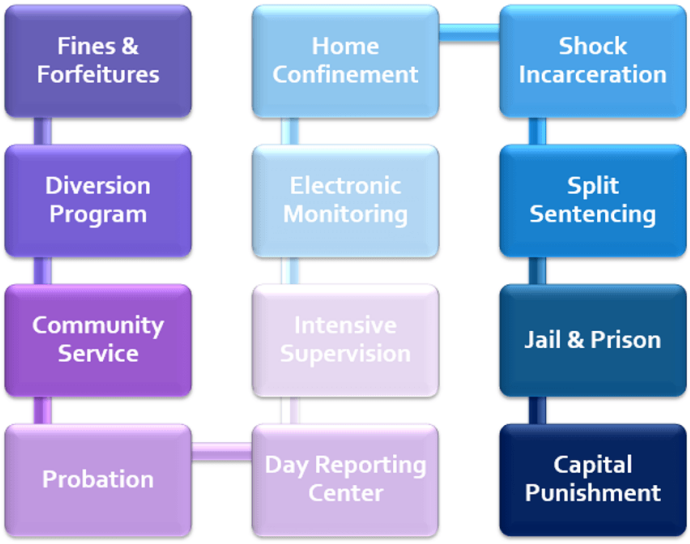


Figure 8.5.1.1: Progressive Sanctions Flowchart: A Sequence by Severity/ Photo Credit: Kadence C. Maier, CC BY 4.0

Fines are a long-standing form of sanction in the legal system, continuing to be widely used due to their effectiveness in generating revenue and their straightforward application. In 2020, local governments amassed approximately $9 billion from fines and fees, highlighting their significant role in augmenting public finance (Nastasi, 2023). Typically imposed for minor infractions such as traffic violations, fines also play a role in more serious criminal cases, though they are seldom the sole form of punishment in a sentence.

Beyond punitive measures, fines, along with associated court fees and surcharges, are often utilized to restore losses to victims and to cover the costs of court administration and processing (Martin et al., 2018). This dual purpose underscores the importance of fines in maintaining both order and justice within society. However, the imposition of monetary penalties has raised concerns regarding their disproportionate impact on individuals with lower economic status, exacerbating financial instability among those least able to afford them. For example, a substantial fine of $10,000 that might be a manageable expense for a high-income earner, can be financially crippling for someone with a modest income or for incarcerated individuals working for minimal wages of $0.12 an hour. This disparity highlights ongoing concerns about the fairness and equity of monetary sanctions within the justice system. Despite these challenges, fines remain a prevalent tool in the criminal justice system, balancing the objectives of punishment, deterrence, and revenue generation.

Forfeiture is a legal process through which the government seizes property involved in or derived from criminal activity. This process takes two forms: civil forfeiture and criminal forfeiture. **Civil forfeiture** empowers the government, typically law

enforcement agencies, to seize assets suspected of criminal involvement, including houses, vehicles, cash, and other items. The government only needs to establish that it is more likely than not that the property was used for or derived from criminal activity, a standard known as “preponderance of the evidence” (Nelson, 2016). If this standard is met, the agency can retain or sell the property and keep the proceeds. Importantly, civil forfeiture operates under a lower burden of proof compared to criminal cases, enabling authorities to take action even if criminal charges against individuals are not pursued or successful.

In contrast, **criminal forfeiture** occurs only after an individual has been convicted of a crime. Following a conviction, the government can seize any property or assets linked to the criminal offense, which may then be used or sold, often to fund law enforcement efforts or provide victim restitution. This type of forfeiture requires a higher standard of proof aligned with the criminal conviction itself.

Both civil and criminal forfeitures are integral to law enforcement strategies aimed at disrupting criminal enterprises by depriving them of their assets, thereby dismantling the financial infrastructure supporting illegal activities. While forfeiture is a potent tool in combating crime, it raises significant legal and ethical considerations concerning due process and potential impacts on individuals with legitimate claims to seized property. Consequently, the use of forfeiture remains a contentious issue, subject to ongoing scrutiny and debate within legal and policy circles, balancing the pursuit of justice with safeguards for individual rights.

Community service emerged as a popular alternative to imprisonment and fines for lower-level offenders in the 1960s (McDonald, 1986). Initially conceived as a standalone penalty, it has since been integrated into a broader spectrum of sanctions, often in conjunction with fines, probation, or post-incarceration measures. The essence of community service lies in requiring offenders to perform a specified number of hours of unpaid labor as part of their sentence, tailored to both the needs of the community and the capabilities of the offender (Bouffard & Muftic, 2006). Community service tasks range widely, from environmental projects like cleaning up trash and building walking trails, to providing assistance in homeless shelters and community centers.

Integrating community service into the criminal justice system offers several advantages. Firstly, it provides communities with additional labor resources that can address local needs and improve public spaces. Secondly, it offers offenders an opportunity to contribute positively to society, fostering a sense of accountability and community engagement. Moreover, engaging in meaningful work through community service can promote rehabilitation among these individuals by imparting new skills and fostering a deeper understanding of the consequences of their actions on society.

Community service represents a multifaceted approach to justice that not only addresses the immediate consequences of offenses but also seeks to rehabilitate individuals under correctional supervision and strengthen community bonds. Its flexibility and potential for positive societal benefit make it a valuable component of the criminal justice system.

Community Corrections

Community corrections have changed dramatically over the last half-century. Due to a rapid and overwhelming increase in the incarcerated population, largely based on policy changes, we have witnessed an immense increase in the use of sanctions at the community level; this includes probation. **Probation** is a form of a suspended sentence in that the jail or prison sentence of the convicted individual is suspended for the privilege of serving conditions of supervision in the community. We will discuss probation in further detail in the coming sections. One thing to note is it has only been within the most recent 15 years that we have seen a decrease in community corrections.

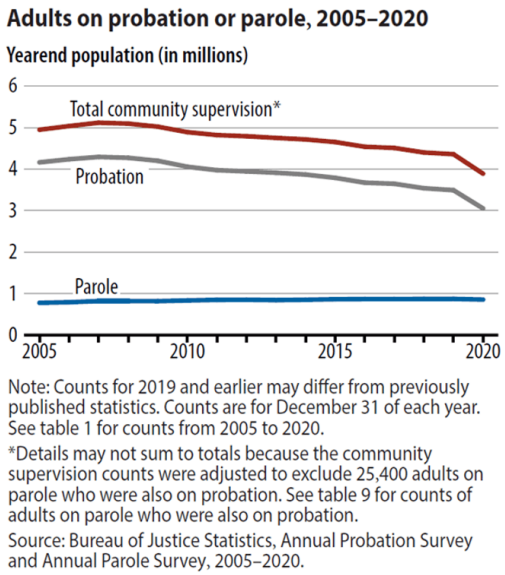


Figure 8.5.1.2: Decrease from 2005–2020 of those on parole, probation, and community supervision.

As noted in the Bureau of Justice's article, the number of individuals on probation hovers around three million, with another million in some form of community-level control, for a total of about four million under community supervision, probation, or parole (Kaeble, 2021). Because of the sheer volume of these intermediate sanctions, it is important to put this in perspective of jails and prisons. In the figure below, you can see this breakdown more clearly.

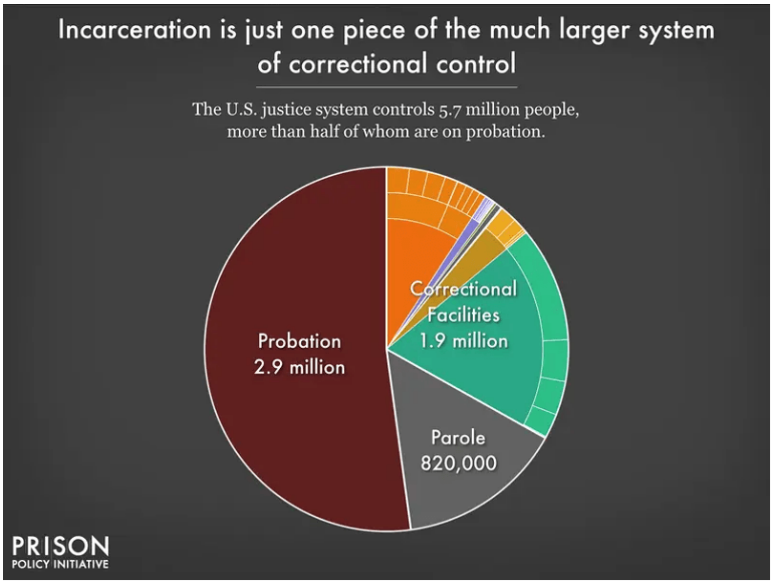


Figure 8.5.1.3: The breakdown of correctional control populations. Probation makes up more than 50 percent of the overall total.

The figure above does not include the volume of people in the community corrections outside of regular probation or parole (which is about another million) (Kaeble, 2021). Still, it sheds light on just how much probation is used. It is important to understand that most individuals under correctional control are not in prisons and jails in the United States. Many people within correctional control fall under sanctions like probation, intensive supervision probation, post-prison supervision, parole, boot camps, drug courts, and transitional housing, among others. This section will discuss the history and effectiveness of some forms of intermediate sanctions used in the United States, as well as the inequities that affect some populations as a result.

In the late 1970s and early 1980s, there was a fundamental shift in corrections. This is largely due to the "Nothing Works" dogma in rehabilitation. Many reforms were made toward the housing of individuals. Some liked this idea because they did not trust the government's attempts at rehabilitation. Others were pleased as there was more of an emphasis placed on control. Rooted in deterrence theory and, to a lesser extent, incapacitation, intermediate sanctions promised greater control over the growing incarcerated population at a reduced cost. Because of these promises, such programs were quickly welcomed across the nation.

However, upon review, we can see that these approaches failed to fulfill these promises to their full extent.

Probation

Probation is arguably the oldest, and certainly the largest, of the intermediate sanctions. Its roots stem from concepts of common law from England, like many of our other legal/correctional practices. **Probation** is a form of a suspended sentence in that the jail or prison sentence of the convicted individual is suspended for the privilege of serving conditions of supervision in the community. Conditions of probation often include reporting to a probation officer, submitting to random drug screenings, not associating with known felons, paying court costs, restitution, and damages, attending treatment/programming, and other conditions. Probation lengths vary greatly, as do the conditions of probation placed on an individual. Almost all individuals on probation will have at least one condition of their probation. Some have many conditions, depending on the seriousness of the conviction. In contrast, others have just a blanket condition that is imposed on all in that jurisdiction or for that conviction type.

Juvenile probation departments were established within all states by the 1920s, and by the middle of the 1950s, all states had adult probation. Probation officers usually work directly for the state or federal government but can be assigned to local or municipal agencies. Many counties have a community justice level structure where probation offices operate. Within these offices, probation officers are assigned cases (caseload) to manage. The volume of cases in a probation officer's caseload can vary from just a few clients, if they are high-need or high-risk clients, to several hundred individuals. It depends on the jurisdiction, the local office's structure, and the probation officers' abilities.

The role of the probation officer (PO) is complex and sometimes diametrically opposing. A PO's primary function is to enforce compliance of individuals on probation. This is done through check-ins, random drug screenings, and enforcement of other conditions that are placed on the individuals. Additionally, the PO may go out into the field to serve warrants, conduct home checks for compliance, and even make arrests if necessary.

However, at the same time, a probation officer is trying to help individuals on probation succeed. This is achieved by helping individuals secure jobs or education, enter substance or alcohol treatment programs, and providing general support. This is why the job of the PO is complex, as they are trying to be supportive but also enforce compliance. Many equate this to being a parent. Recently, there has been a movement within probation to have probation officers act more like coaches and mentors rather than just disciplinarians.

Another primary function of a probation officer is to complete pre-sentence investigation reports on individuals going through the court process. A pre-sentence investigation report or PSI is a psycho-social work-up on a person headed to trial. It includes basic background information on an individual, such as age, education, relationships, physical and mental health, employment, military service, social history, and substance abuse history. It also has a detailed account of the current offense, witness or victim impact statements of the event, and prior offenses (criminal records), which are tracked across numerous agencies. The PSI also has a section that is devoted to a plan of supervision or recommendations, which are created by the PO. These usually list the conditions of probation recommendations if probation is to be granted.

Individuals on Probation

Several million people are on probation, serving various lengths of probation and under numerous types of conditions. Additionally, the convictions that place individuals on probation vary, including misdemeanors and felonies. Individuals serve their probation at the state level or federal level.

Probation is a privilege, but it most certainly comes with conditions. Due to how cheap probation is, relative to jail or prison, and the ability for lower-risk individuals to maintain connections within their community, millions of people will be on probation in the United States at any given time.

Other important factors that help to decide if a person warrants probation are found within the PSI and other risk and need assessments (RNA). RNAs are tools used to assess the risk and need of a person to recidivate or commit new crimes. If the person is prosocial, has an education, a job, and a family, these are all considered as ties to the community, making them lower risk than those who do not have these ties. These ties to the community could weaken or break if a person were incarcerated. Providing an alternative to incarceration and instead imposing a sanction while allowing the person to stay in the community is often the approach utilized within probation and other intermediate sanctions.

There are mixed reviews about probation. Recently, the Bureau of Justice Statistics listed the successful completion rate at about

43 percent in 2020 (Kaeble, 2021). In 2008–2013, this number was reported to be higher, upwards of 65 percent (Huberman & Bonczar, 2014). There are a host of reasons listed for unsuccessful completion, which include being incarcerated on a new sentence or charge, placement for the current sentence or charge, absconding (fleeing jurisdiction), being discharged to warrant or detainer, other unsatisfactory reason, death, or some other unknown or not reported reason.

Unsuccessful completion can often include a concept called tourniquet sentencing. Tourniquet sentencing occurs when the restriction levels of a sanction are increased, due to non-compliance, to force compliance. There have been disparities in how the revocations and sanctions are imposed, as outlined in this study titled, *Examining Racial and Ethnic Disparities in Probation Revocation*

Intensive Supervised Probation

Intensive Supervision Probation (ISP) began in the late 1950s and early 1960s in California. The basic premise was to allow caseworkers (POs) to have smaller caseloads and increase the level of treatment across individuals. Many promised multiple success measures. If an individual was revoked due to a technical violation resulting from increased control, they were not considered a failure. They were seen as a success because of the way the public was served by the recidivism. However, this went directly against the notion that ISPs could save money. Over time, the earlier forms of ISPs became less popular.

In the 1980s, a newer model of the ISP was created in Georgia. More emphasis was placed on the control aspect rather than on treatment. Further, less emphasis was placed on the reduction of money saved.

ISP and regular probation are similar, except for the frequency of contacts with POs, the increases in surveillance and monitoring, and usually the volume of conditions. Rather than meeting a PO once a month in regular probation, a person on ISP would likely be meeting with their PO weekly or even more frequently. Additionally, individuals on ISP normally submit drug screens weekly. The increased conditions of supervision more frequently include more substance abuse treatment, either in the form of Alcoholics Anonymous (AA), Narcotics Anonymous (NA), or some other residential or outpatient substance abuse treatment programs. Thus, the core difference concerns increased surveillance and control over the individual on the ISP.

While initial praise of the newer model for its increased control was evidenced by its rapid spread through the States, some researchers questioned its effectiveness. One of the largest studies of ISPs was conducted in conjunction with the RAND Corporation. They examined the effectiveness of ISPs in reducing recidivism and saving costs. In a random sample of fourteen cities across nine states, they evaluated the reductions of recidivism against a sample of individuals on regular probation. Their findings indicated higher rates of technical violations, likely substance violations, with no significant differences between control-centered ISPs and regular probation in terms of new arrests. Moreover, when looking at outcomes over three years, they found that recidivism rates were slightly higher for these ISPs (39 percent) vs. regular probation (33 percent) (Petersilia & Deschenes, 2004). Also, there were no substantive cost savings.

Other studies have produced similar findings regarding the effects of non-treatment-oriented ISPs. While these findings might be better than prison recidivism rates, there were no reductions in prison overcrowding, defined as the number of individuals incarcerated exceeding the available prison bed space, meaning there was no impact on the number of individuals incarcerated and thus still insufficient resources, which was one of the goals of implementing ISP.

Boot Camps of Shock Incarceration

Another form of intermediate sanction may be seen in the creation of boot camps, also known as shock incarceration facilities. Developed in the 1980s in Georgia, boot camps were targeted at youths and adults and seen as a way to alter individuals through a “shock” effect. Essentially, boot camps are programs designed to reduce recidivism rates through physical transformation. Designed around a militaristic ideal, boot camps operated on the assumption that a regimen of strict physical exercise would teach structure and discipline to youths. Once again, because of a high level of face validity (this looks like it will work, so it must work), boot camps flourished in the 1980s and 1990s.



Figure 8.5.1.4: Jail without Walls – How does that work?! | Free Doc Bites | Free Documentary [Streaming Video] Transcript.

While there are some positive results, generally, boot camps fail to produce the desired reductions in recidivism, as noted in a research study published by the National Institute of Justice (Parent, 2018). For prosocial individuals, structure and discipline can be advantageous. However, when individuals of differing levels of antisocial attitudes, antisocial associates, antisocial temperament (personality), and antisocial (criminal history) are all mixed together, reductions in recidivism generally do not appear.

In boot camps, criminogenic needs are often not addressed. They fail to reduce recidivism for several reasons. First, since boot camps fail to address criminogenic needs, they tend not to be effective. Second, because of the lower admission requirements of boot camps, individuals are generally "lumped" together into a start date within a boot camp. Therefore, high-risk individuals and low-risk individuals are placed together, building a cohesive group. Thus, lower-risk individuals gain antisocial associates that are high-risk. Finally, when boot camps emphasize the increase of physicality rather than behavioral change, it generally does not reduce aggressive behavior (antisocial personality & recidivism). A recent meta-analysis (a study of studies of a topic) published by the Campbell Systematic Reviews found this to be the case (Wilson et al., 2003).

House Arrest / Electronic Monitoring

House arrest is when an individual is remanded to stay home for confinement as a punishment in lieu of jail or prison. There are built-in provisions allowing individuals to attend places of worship, places of employment, and food places. Otherwise, individuals are expected to be home. It is difficult to assess how many are on house arrest at any given time, as these are often short stents given during the early stages of probation or pretrial release.

A component that is often paired with the house arrest model is electronic monitoring (EM). This electronic bracelet or device is equipped with Global Positioning Systems (GPS). The individual wears the device, and an agency official tracks their actions and locations to ensure they only travel and move within the confines of their conditions.

House arrest without electronic monitoring carries relatively little to no cost, especially when comparing house arrest to intensive supervised probation. In all, house arrest would probably best serve individuals with low criminogenic risks and needs. However, it is also argued that those individuals already need little sanctions to be successful. Thus, the utility of house arrest is debatable.

The cost of pairing house arrest with EM can be similar to that of a cell phone contract payment each month, and these costs often fall on the individual and not the agency to cover. This can cause financial hardship on the individual, and outside of tracking the person's location to ensure they are where they are supposed to be, the agencies must impose additional rules. Due to the rise of the use of EM during the COVID-19 pandemic, there have been quite a few critics of EM, as noted in George Washington University Law School's research titled, The Electronic Prisons: The Operation of Ankle Monitoring in the Criminal Legal System.

Community Residential Facilities

Community Residential Facilities (CRFs) have long been used to control and house individuals. Dating back to the early 1800s from England and Ireland, halfway houses began around 1820 in Massachusetts. Initially, they were designed to help a person "get back on their feet" and were generally funded benevolently by non-profit organizations like the Salvation Army.

Currently, halfway houses are typically used as a stopping point for individuals coming out of prisons to assist with reentry into the community. Still, they have also recently been used as more secure measures for monitoring individuals in place of going to prison. They are even used as a test measure of parole. With the creation of The Electronic Prisons: The Operation of Ankle Monitoring in the Criminal Legal System in 1964, halfway houses have become an integral part of every state, with mixed but more promising results than ISPs or boot camps. The core design of a halfway house is meant to be a place where individuals can get back on their feet after being released from prison. However, as stated, their uses have evolved, becoming residential or even partial residential places where individuals under correctional control can check in and find reprieve or assistance to rejoin society as normal functioning members.

There are some issues regarding the examination of halfway houses. The IHHA breaks down halfway houses into four groups along two dimensions. As discussed, halfway houses were initially funded by private non-profit organizations. However, many halfway houses today (in part due to the IHHA) are both privately and federally (and State) funded. Additionally, halfway houses are also divided into supportive and interventive groups. That is, halfway houses that serve only a minimal function (a place to stay while reintegrating back into society) are generally labeled supportive, whereas interventive halfway houses typically have multiple treatment modalities and may have up to five hundred beds. However, most halfway houses fall somewhere in the middle of these two continuums.

Other forms of Community Residential Facilities (CRFs) are often called Community Correctional Centers (CCCs), Transition Centers (TCs), or Community-Based Correctional Facilities (CBCFs), among other names. From this point, these variations will all be considered CRFs, as there are many varieties of facility types and names. However, even two community residential facilities with the same name can be different, as the functions of CRFs can be multifaceted. CRFs can function similarly to halfway houses, or they can provide a stop for individuals just checking in for the day before they go off to their jobs. They can be used for outpatient services, even residential services, where there is a need for public control/safety.

The overall benefit of CRFs is their ability to have an increased focus on rehabilitation at a lower cost than a state institution. This is where their greatest effect can materialize if there is adherence to the principles of effective intervention. As we touched on in the first section on punishment, the principles of effective intervention have been demonstrated to have the best impacts on reductions in recidivism. Collectively, these are called the Principles of Effective Intervention or PEI. These include proper identification of criminogenic risks and needs of individuals, using evidence-based practices that address these items, matching and sorting clients appropriately, and responsivity in terms of programs and services.

The National Institute of Corrections defines **evidence-based practices** as "the objective, balanced and responsible use of current research and the best available data to guide policy and practice decisions, such that outcomes for consumers are improved" (2022). Based on this definition, Corrections agencies employ evidence-based practices to use the best techniques possible to help individuals who have committed crimes make positive changes. For an optional detailed account of how the PEI integrates into community corrections, see this detailed report by the National Institute of Corrections under the U.S. Department of Justice: Implementing Evidence-Based Practice in Community Corrections: The Principles of Effective Intervention.

Restorative Justice

The process of restorative justice (RJ) programs is often linked with community justice organizations and is normally carried out within the community. Therefore, RJ is discussed here in the community corrections section. **Restorative justice** is a community-based and trauma-informed practice used to build relationships, strengthen communities, encourage accountability, repair harm, and restore relationships when wrongdoings occur. As an intervention following wrongdoing, restorative justice works for the people who have caused harm, the victim(s), and the community members impacted.

Working with a restorative justice facilitator, participants identify harms, needs, and obligations, then make a plan to repair the harm and put things as right as possible. This process, restorative justice conferencing, can also be called victim-offender dialogues. It is within this process that multiple items can occur. First, the victim can be heard within the scope of both the community and the scope of the offense discussed. This provides the victim(s) an opportunity to express the impact on them and understand what was happening from the perspective of the transgressor. At the same time, it allows the person committing

the action to potentially take responsibility for the acts committed directly to the victim(s) and the community as a whole. This restorative process provides a level of healing that is often unique. In figure below, you can see the different processes that can occur during the different types of dialogues within restorative justice conferences. [To learn more about the restorative process, review the Defining Restorative].

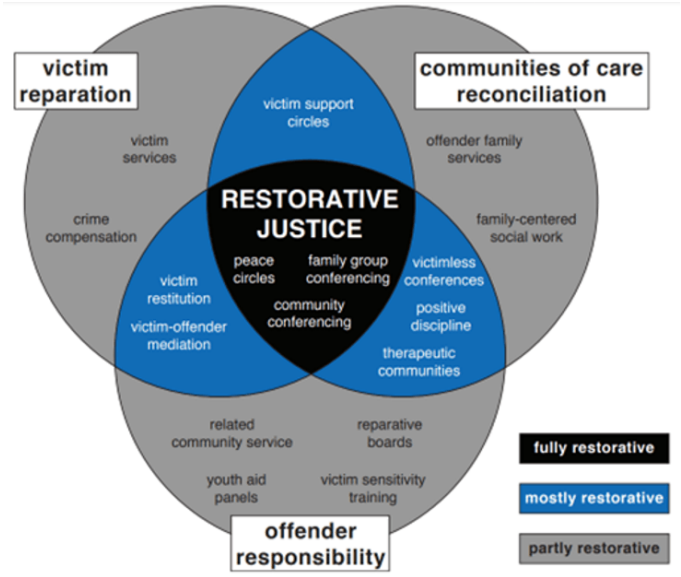


Figure 8.5.1.5: Venn Diagram of Restorative Justice showing the unions and intersections of victim reparation, communities of care reconciliation, and offender responsibility.

For over a quarter of a century, restorative justice has been demonstrated to show positive outcomes in accountability of harm and satisfaction in the restorative justice process for both offenders and victims. This is true for adults, as well as juveniles, who go through the restorative justice process. Recently, there have been questions about whether a cognitive change occurs in the thought process of individuals completing a restorative justice program. A growing body of research demonstrates cognitive changes that may occur through the successful completion of restorative justice conferencing. This will be an area of increasing interest for practitioners as restorative justice continues to be included in the toolkit of actions within the justice system.

Parole and Post Prison Supervision

Parole is an individual's release (under conditions) after serving a portion of their sentence. It is also accompanied by the threat of re-incarceration if warranted. Parole today has greatly evolved based on American values and concepts. Parole in the United States began as a concept at the first American Prison Association meeting in 1870. At the time, there was much support for corrections reform in America. Advocates for reform helped to create the concept of parole and how it would look in the United States and plans to develop parole grew from there. Parole authorities began to be established within the states, and by the mid-1940s, all states had a parole authority. Parole boards and state parole authorities have fluctuated over the years, but the concept is still practiced to varying degrees today. It is different from probation, which often operates under the judicial branch. Parole typically operates under the executive branch and is aligned with the departments of corrections, as parole is a direct extension of prison terms and release.

Many states operate a **post-prison supervision** (PPS) addendum to their sentencing matrix for the punishment of individuals. This addendum is similar to parole in that the individual's release (under conditions) occurs after serving their prison sentence. In the figure below, the gray PPS section represents the recommended times for parole (post-prison supervision).

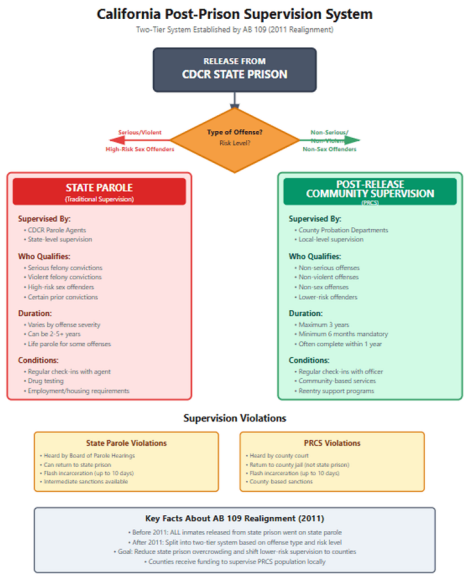


Figure 8.5.1.6: The Two-Tier System: State Parole (left, red) - for serious/violent offenders and high-risk sex offenders, supervised by CDCR state agents. Post-Release Community Supervision (right, green) - for non-serious, non-violent offenders, supervised by county probation. Key Differences Shown: Who supervises: State agents vs. county probation officers; Duration: Varies by offense (state parole) vs. maximum 3 years (PRCS); Who qualifies: Based on offense type and risk level; Violations: Where heard and what consequences apply.

Today, there are three basic types of parole in the United States: discretionary, mandatory, and expiatory. **Discretionary parole** refers to the process where an individual is eligible for parole or goes before a parole board prior to their mandatory parole eligibility date. It is at the discretion of the parole board to grant parole (with conditions) for these individuals. These individuals are generally well-behaved people who have demonstrated they can function within society (have completed all required programming). Discretionary parole had seen a rapid increase in the 1980s but took a marked decrease starting in the early 1990s. In more recent years, it has returned as a viable release mechanism for over 100,000 individuals a year, as noted in a Bureau of Justice Statistics Special Report (Hughes et al., 2001).

Mandatory parole occurs when an individual hits a particular point in time in their sentence. When a person is sent to prison, two clocks begin. The first clock is forward counting and continues until the individual's last day. The second clock starts at the end of their sentence and starts to work backward, proportional to the "good days" an individual has had. Good days are those when a person is free from incidents, write-ups, tickets, or other rule infractions. For instance, for every week that an individual maintains good behavior, they might get two days taken off of the end of their sentence. When these two times converge, this would be the point at which mandatory parole could kick in for them. This must also be conditioned by truth-in-sentencing legislation, or what is considered an 85 percent rule.

Many states have laws in place that stipulate that an individual is not eligible for mandatory parole until they hit 85 percent of their original sentence. Even though the date for the good days would be before 85 percent of a sentence is served, they would only be eligible for mandatory parole once they had achieved 85 percent of their sentence. Recently, states have begun to soften these 85 percent rules as another way to reduce crowding issues. As discretionary parole went down, mandatory parole went up.

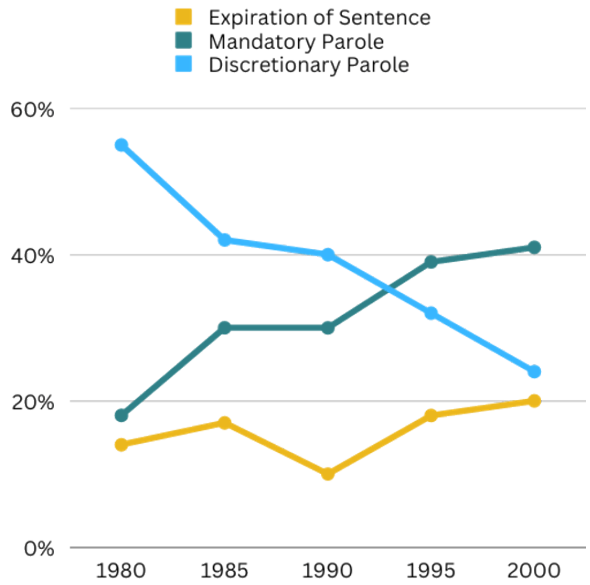


Figure 8.5.1.7: The three types of parole releases from state prisons between 1980–2000.

Perhaps most troubling is the expiatory release. We see a slow increase of expiatory release in the chart, which continued to climb in the 2000s. **Expiatory release** (a similar idea to post-prison supervision) means that a person has served their entire sentence length and is being released to the community, not because of their warranted behavior change, but based on the end of their sentence and the need to accommodate incoming individuals. This sometimes means the person has misbehaved enough to nullify their "good days." This is unfortunate because of the three types of release—it could be argued that these are the individuals who need the most post-prison supervision, and yet, these are the individuals who are typically receiving the smallest amounts of community supervision because the majority of their sentence was completed while incarcerated. With the newer idea of post-prison supervision, individuals are serving their entire sentence behind bars and then have a set amount of time on post-prison supervision in the community following the incarcerated sentence.

Successful parole completion rates hover around 50 percent, depending on the year being reported. In the Hughes et al. (2001) article, successful completion was roughly 42 percent in 1999. The same issues for failure that are found in probation completion are found in parole completion, including revocation failures, new charges, absconding, and other infractions. This lower-than-expected success rate has prompted many critics to argue against parole. It is suggested that we are too lenient on some while keeping lower-level individuals in prison for too long. It is also argued that we are releasing dangerous individuals into the community.

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8.6: Juvenile Institutions

Just as the juvenile court has different practices, so too does the correctional side of the juvenile justice system. Since the aim of the juvenile justice system is rehabilitation, the treatment of youth is somewhat different from the treatment of adults. For example, justice-involved youth can be sent to detention centers, group homes, boot or wilderness camps, residential treatment centers, long-term secure facilities, or other institutions.

Detention

In the first stages of the justice system, the court must decide if it will detain the youth. If a youth is detained, they are sent to a detention center, which is a short-term, secure facility. These are comparable to adult jails. Youths are often kept in detention facilities while waiting for disposition or transfer to another location. The average length of stay is two to three weeks. Factors that increase the likelihood of detention include prior offenses, age at first offense and current age, and the severity of the current offense. Research also suggests that race, gender, and socioeconomic status play a role in deciding whether to detain a youth.

Group Homes

Group homes are long-term facilities where youth are allowed and encouraged to have extensive contact with the community. Youth attend regular school, hold jobs, and take public transportation. In many group homes, youth learn independent living skills that prepare them for living on their own. These are similar to adult halfway houses.

Boot Camps and Wilderness Camps

Boot Camps are secure facilities that operate like military basic training. They focus on drills, manual labor, and physical activity. The length of stay is generally several weeks. They are often punishment-based and very strict. Despite popular opinion, research shows that these are ineffective in preventing future delinquency. On the other hand, ranch/wilderness camps are prosocial and preventative. These are long-term residential facilities that are non-restrictive and are for youth who do not require confinement. These include forestry camps and wilderness programs.

Residential Treatment Centers (RTCs)

RTCs are long-term facilities that focus on individual treatment. They include positive peer culture, behavior modification programming, and helping youth develop healthy coping mechanisms. Many have specific targeted populations, such as kids with histories of substance abuse or issues with mental health. They are often considered medium security, and the average stay is often six months to a year.

Long-Term Secure Facilities

Long-term facilities are forms of strict secure confinement. These include training schools, reformatories, and juvenile correctional facilities. These facilities are often reserved for youth who have committed serious offenses. They are similar to adult prisons but operate under a different philosophy. For example, incarcerated youth are still required to attend school within the facility.

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SECTION 3: CONTEMPORARY ISSUES IN CRIME AND JUSTICE

The structure of the criminal justice system examined in earlier sections provides a framework for addressing crime, but that framework faces continuous pressure from evolving social conditions, new technologies, and persistent inequities. The chapters that follow examine those contemporary challenges and explore current directions for reform.

Modern criminology extends beyond understanding why individuals commit crimes to examining broader patterns, disparities, and innovative responses within justice systems. This multifaceted approach recognizes that crime and justice are deeply embedded in social, cultural, and demographic contexts.

Crime intervention and prevention strategies have evolved to include proactive approaches such as community-based programs, early childhood interventions, situational crime prevention, restorative justice practices, and evidence-based policing. These methods shift focus from reactive punishment to addressing root causes and reducing opportunities for crime.

Cross-cultural variation reveals that definitions of crime, enforcement practices, and justice philosophies differ dramatically across societies. What constitutes deviance in one culture may be acceptable in another, and comparative criminology demonstrates how cultural values, legal traditions, and social structures shape crime rates and criminal justice responses globally.

Demographic patterns show persistent disparities across race, ethnicity, gender, age, class, and sexuality in both offending and victimization rates. Research reveals how systemic discrimination, socioeconomic inequality, over-policing of minority communities, gender socialization, and intersectionality create differential experiences with crime and justice. Young males, particularly from marginalized racial and ethnic groups, face disproportionate arrest and incarceration rates, while women experience specific victimization patterns including intimate partner violence and sexual assault.

Victimology emerged as a distinct field examining the experiences, rights, and needs of crime victims. This perspective recognizes that victims are not passive recipients of crime but active participants in the justice process who deserve support, restitution, and voice in proceedings.

Contemporary issues challenge the criminal justice system, including mass incarceration's social costs, police accountability and reform, wrongful convictions, the death penalty debate, privatization of prisons, technology's impact on surveillance and enforcement, drug policy reform, mental health and substance abuse treatment, recidivism reduction, and achieving equitable justice across all communities.

Chapter 9: Crime Intervention and Prevention

Chapter 10: Cross-Cultural Variation of Crime

Chapter 11: Race, Ethnicity, Gender, Age, Class, Sexuality, and Crime

Chapter 12: Victim and Victimology

Chapter 13: Issues in Crime and Criminal Justice System

Chapter 9: Crime Intervention and Prevention

9.1: Community Violence Intervention

9.2: Focused Deterrence

9.3: Crisis Intervention

9.4: Gang Reduction & Prevention

9.4.1: Comprehensive California Gang Reduction Programs

9.5: Juvenile & Youth Prevention

9.6: Key Strategies & Goals

9.7: How Crime Prevention Differs from Crime Intervention

9.8: References

Chapter 10: Cross-Cultural Variation of Crime

10.1: Theoretical Framework

10.2: Theoretical Perspectives on Cultural Variations in Crime

10.3: Demographic Landscape and Crime Patterns

10.4: Overall Crime Trends in California

10.5: Cultural-Specific Crime Patterns and Issues

10.6: Cultural Values, Norms, and Perceptions of Crime

10.7: Criminal Justice System Responses and Cultural Competence

10.8: Crime Prevention Strategies and Policy Implications

10.9: Importance of Cross-Cultural Variations Considerations

10.10: References

Chapter 11: Race, Ethnicity, Gender, Age, Class, Sexuality, and Crime

11.1: Theoretical Framework - Revisit

11.2: Arrest and Incarceration Disparities by Race and Ethnicity

11.3: Incarceration Disparities

11.4: Gender Disparities in Arrest and Incarceration

11.5: Age-Related Patterns in Arrest and Incarceration

11.6: Socioeconomic Status and Criminal Justice Involvement

11.7: Sexual Orientation and Gender Identity in Criminal Justice

11.8: Intersectional Analysis of Criminal Justice Disparities

11.9: Detailed Analysis by UCR Offense Categories

11.10: Criminal Justice Disparities in California

11.10.1: California's Demographic and Criminal Justice Context

11.10.2: Arrest and Incarceration Disparities by Race and Ethnicity in California

11.10.3: Incarceration Disparities in California Prisons

11.10.4: Gender Disparities in California's Criminal Justice System

11.10.5: Women's Incarceration in California Prisons

11.10.6: Age Patterns in California Arrests and Incarceration

11.10.7: Socioeconomic Status and Criminal Justice Involvement in California

11.10.8: Sexual Orientation and Gender Identity in California's Justice System

11.10.9: Intersectional Disparities in California's Criminal Justice System

11.10.10: Multiple Marginalization - Compounded Disparities

11.10.11: Key Findings for California

11.11: References

Chapter 12: Victim and Victimology

12.1: Scope of Victimology

12.2: Theories of Victimization

12.2.1: Lifestyle-Exposure Theory

12.2.2: Routine Activities Theory
12.2.3: Victim Precipitation Theory
12.2.4: Systemic Models of Victimization
12.3: Types of Victims and Victimizations
12.4: The Impact of Victimization
12.5: Responding to Victimization
12.6: References

Chapter 13: Issues in Crime and Criminal Justice Systems

13.1: Mass Murder
13.2: Crime and Media
13.3: Gender-Based Violence
13.4: Cybercrime
13.5: Mass Incarceration
13.6: The War on Drugs and Gangs
13.7: Aging and Overcrowding Prisons
13.8: Transcarceration
13.9: Revolving Door
13.10: Terrorism
13.11: References

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CHAPTER 9: CRIME INTERVENTION AND PREVENTION

Learning Objectives

- Distinguish between intervention and prevention
- Identify community-based strategies
- Explain focused deterrence and crisis intervention
- Evaluate prevention programs

Key Terms

- Crime Prevention
- Crime Intervention
- Community Violence Intervention (CVI)
- Focused Deterrence
- Crisis Intervention
- Gang Prevention
- Risk Factors
- Protective Factors
- Evidence-Based Practice
- Early Intervention
- Public Health Approach

Summary

This chapter focuses on proactive approaches to reducing crime. It examines interventions targeting at-risk populations and prevention strategies addressing root causes. Emphasis is placed on community involvement and evidence-based practices.



Figure 9.1: Photo courtesy of Centralia Missouri

Crime Prevention is the anticipation, recognition, and appraisal of a crime risk, and the initiation of action to remove or reduce it. It is an active approach utilizing public awareness and preventive measures to reduce crime. Crime Prevention reflects a philosophy of self-defense where the police and the community take action before crimes are committed. Crime Preventions programs will reduce crime, stimulate public awareness concerning crime prevention and enhance our communities.

Crime intervention refers to strategic efforts and programs designed to interrupt ongoing criminal behavior and prevent future criminal activity by working directly with individuals who are currently engaged in or at high risk of committing crimes. Unlike crime *prevention* (which stops crime before it starts) or criminal justice *response* (which reacts after crimes occur), crime

intervention operates in the space between—targeting active or recent offenders to change their behavior and redirect their life trajectories.

Crime prevention and intervention works. It is cheaper, safer, and healthier for communities to prevent crime than to have to treat its victims, deal with its perpetrators, and lose civic health and productivity. But the responsibility of crime prevention does not fall on one person – it is everyone's business. Law enforcement agencies, however, often are the focal point in community crime prevention. This can be beneficial to prevention efforts because these law enforcement officers:

- Know what crime is happening, where it is happening, and by whom
- Have the expertise to stop crime before it happens
- Can bring community members, police departments, and government officials together

Criminal justice intervention and prevention programs use evidence-based strategies like Community Violence Intervention (CVI), focused deterrence, and crisis response to stop crime by addressing root causes, interrupting violence cycles, and offering support, involving law enforcement, community groups, and social services for long-term solutions, often through federal funding from the Office of Justice Programs (OJP). Key approaches include hospital-based interventions, street outreach, youth programs (like mentoring), and community revitalization, all aiming to build trust and provide pathways to better opportunities.

Types of Programs

Community Violence Intervention (CVI): Focuses on partnerships between law enforcement, community members, and service providers to interrupt cycles of violence, often using street outreach and credible messengers.

Focused Deterrence: Identifies chronic violent offenders, warns them of swift consequences if violence continues, while simultaneously offering support services.

Crisis Intervention: Programs like the Byrne State Crisis Intervention Program (SCIP) fund courts, Extreme Risk Protection Orders (ERPOs), and training for collaborative responses with mental health and substance abuse agencies.

Gang Reduction & Prevention (e.g., CalGRIP): Funds collaborative efforts in cities for prevention, intervention, reentry, job training, and family support.

Juvenile & Youth Prevention: Includes school-based programs (behavior management, conflict resolution), after-school activities, and mentoring to build social competence and prevent delinquency.

Environmental Design: Uses urban planning to make public spaces safer and foster community gathering, reducing crime.

As you will read in the in the sections below, most of the programs that have been identified and discuss will have several components of crime prevention programs under one program. Crime prevention programs aim to address several criminogenic factors, in most instances, they collaborate with multiple agencies to help address crime prevention.

9.1: Community Violence Intervention

9.2: Focused Deterrence

9.3: Crisis Intervention

9.4: Gang Reduction & Prevention

9.4.1: Comprehensive California Gang Reduction Programs

9.5: Juvenile & Youth Prevention

9.6: Key Strategies & Goals

9.7: How Crime Prevention Differs from Crime Intervention

9.8: References

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9.1: Community Violence Intervention

Community Violence Intervention (CVI) represents a public health approach to reducing gun violence and other forms of community violence by treating it as a disease that can be interrupted and prevented. Rather than relying solely on traditional law enforcement methods, CVI programs work directly with individuals most likely to be involved in violence, either as perpetrators or victims—to change behaviors, mediate conflicts, and provide pathways out of violent lifestyles.

Core Principles of CVI

CVI programs operate on several evidence-based principles. They recognize that violence clusters among specific individuals and networks, meaning a small percentage of the population is responsible for a disproportionate amount of violence. This concentration allows for targeted interventions. The programs also understand that violence is contagious and spreads through social networks like an epidemic, with retaliation cycles fueling ongoing bloodshed.

Critically, CVI employs **credible messengers**—individuals who have often lived the street life themselves, have served time, or come from the same communities they now serve. Their lived experience gives them credibility and trust that traditional service providers or law enforcement cannot achieve with high-risk individuals.

Key CVI Strategies

Violence Interruption: Trained outreach workers, often called violence interruptors or intervention specialists, identify conflicts before they escalate into shootings or homicides. They mediate disputes, cool down heated situations, and prevent retaliatory violence.

Individual Engagement: Workers build relationships with the highest-risk individuals, providing intensive case management, mentorship, and support. This includes helping clients access job training, education, housing, mental health services, and substance abuse treatment.

Community Mobilization: CVI programs engage broader community members, including faith leaders, business owners, and residents, to change norms around violence and create collective expectations for peaceful conflict resolution.

Focused Deterrence: Some programs incorporate partnerships with law enforcement where the message is clear: violence will bring swift consequences, but there are also genuine opportunities for those who choose a different path.

California Examples

California has become a national leader in CVI, with the state allocating significant funding—over $200 million annually in recent years—to support these programs.

Advance Peace

One of the most prominent California-based CVI models, **Advance Peace** operates in multiple cities including Sacramento, Stockton, and Richmond. The Richmond program, which launched in 2007 (originally as the Office of Neighborhood Safety), has been extensively studied and showed impressive results. The program identifies the 20-50 individuals most likely to shoot or be shot and provides them with intensive mentorship from Neighborhood Change Agents, stipends for meeting program goals, life coaching, job training, and even opportunities for international travel to expose participants to different perspectives.

Richmond saw homicides drop significantly after implementing this program, from forty-seven homicides in 2009 to single digits in recent years, though attributing causation in complex urban environments requires careful analysis.

Los Angeles GRYD (Gang Reduction and Youth Development)

The **GRYD program** in Los Angeles represents one of the largest municipal investments in CVI. It operates across dozens

of neighborhoods identified as gang violence hot spots. GRYD uses a two-pronged approach: prevention services for youth at risk of gang involvement, and intervention services for active gang members. Their Intervention component includes violence interruption through "Intervention Workers" who conduct street outreach, mediate conflicts, and provide case management. The program has been associated with reductions in gang-related crime in target areas.

Sacramento Advance Peace

Sacramento's implementation of Advance Peace began in 2018 and focuses on the city's highest-risk young adults. The program has served over one hundred fellows (participants) and employs community ambassadors who work in specific neighborhoods to interrupt conflicts and provide support.

Oakland-based Programs

Oakland has several CVI initiatives including the **Department of Violence Prevention**, which coordinates multiple community-based organizations doing street outreach and intervention work. Programs like Youth ALIVE! employ violence interruptors and provide hospital-based violence intervention, meeting shooting victims at emergency rooms to prevent retaliation and provide support services during a vulnerable moment when people may be open to change.

Fresno's GVI (Group Violence Intervention)

Fresno implemented a focused deterrence model that brings together law enforcement, community leaders, and service providers to deliver direct messages to gang members: violence will not be tolerated, but help is available for those who want it. The model includes intensive case management for those who opt in.

Evidence and Challenges

Research on CVI programs shows promising results. Studies have found reductions in shootings ranging from 30-60% in areas with active CVI programs compared to control areas. However, these programs face significant challenges including sustainable funding, staff burnout (violence interruption is emotionally demanding work), difficulty measuring success (how do you count a shooting that never happened?), and the inherent risks workers face operating in violent environments.

The California Violence Intervention and Prevention Grant Program, established through the state budget, has provided critical funding streams, but advocates emphasize that CVI requires long-term commitment—violence didn't emerge overnight, and transforming communities takes sustained investment over years, not funding cycles that shift with political winds.

The Broader Significance

CVI represents a paradigm shift in how society addresses violence—from purely punitive responses to addressing root causes while still maintaining accountability. It recognizes that many caught in cycles of violence are themselves victims of trauma, poverty, and systemic inequities. By investing in people rather than just incarcerating them, CVI offers pathways to breaking intergenerational cycles of violence and building healthier communities.

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9.2: Focused Deterrence

Focused Deterrence, sometimes called the "pulling levers" approach, represents one of the most studied and replicated Community Violence Intervention strategies. It operates on a deceptively simple premise: identify the small number of individuals or groups driving most violence, deliver a direct and unified message about consequences and opportunities, and then follow through consistently with both enforcement and support.

Core Components

Identification and Selection: Law enforcement, using crime data and intelligence, identifies the specific individuals, groups, or gang members responsible for most of the violent crime in a jurisdiction. This might be 20-200 people in a city, representing a tiny fraction of the population but accounting for a disproportionate share of shootings and homicides.

Call-Ins/Notifications: The hallmark of focused deterrence is the "call-in" or "notification meeting." High-risk individuals are summoned (sometimes via subpoena, sometimes through community outreach) to face-to-face meetings where they receive a coordinated message from multiple parties:

- **Law enforcement** delivers the deterrence message: continued violence will bring the full weight of criminal justice enforcement, including federal charges, enhanced prosecution, and focused attention on the entire group.
- **Community members** (mothers who have lost children, faith leaders, former gang members) deliver the moral voice: the community cares about you, we do not want to lose you, violence is destroying our neighborhood.
- **Service providers** offer the opportunity: job training, education, housing assistance, substance abuse treatment, mental health services—genuine pathways out.

Credible Follow-Through: This is where many programs succeed or fail. When violence continues, enforcement must be swift and certain against those warned. When individuals opt for services, those services must be available and effective.

Ongoing Communication: The message is reinforced through continued contact, community events, social media, and street outreach to ensure everyone understands the new rules and available opportunities.

Theoretical Foundation

Focused deterrence draws on deterrence theory—the idea that crime is reduced when punishment is certain and swift (though not necessarily severe). Traditional deterrence often fails because it is diffuse and delayed; focused deterrence concentrates certainty on specific high-risk individuals. It also incorporates procedural justice (respectful treatment and clear explanations) and social support theory (providing legitimate alternatives to illegal activity).

California Examples of Focused Deterrence

Operation Ceasefire - Oakland

Oakland's **Operation Ceasefire** launched in 2012 represents one of California's most prominent focused deterrence initiatives. The program specifically targeted gang and group-involved violence, which accounted for most of the city's homicides.

The Oakland model brought together the Oakland Police Department, the Alameda County District Attorney's Office, federal prosecutors (U.S. Attorney), the California Department of Corrections and Rehabilitation (parole), community organizations, and social service providers. They conducted regular call-ins where gang members on probation or parole were required to attend.

At these sessions, participants heard directly from:

- Prosecutors explaining how federal charges (which carry longer sentences with no parole) would be pursued for gun crimes.
- Mothers from Oakland's "Ceasefire Night Walks" who had lost children to violence, sharing their pain.
- Former gang members who had turned their lives around.
- Service providers offering immediate enrollment in job programs, education, and counseling.

Oakland tracked individuals who attended call-ins and provided intensive follow-up. The program was associated with significant reductions in gang-related homicides, though maintaining consistency proved challenging with staff turnover and funding fluctuations.

Stockton's Ceasefire/Advance Peace Hybrid

Stockton implemented a focused deterrence model starting around 2012 that evolved over time. The **Stockton Ceasefire** program initially followed the traditional model with call-ins and coordinated law enforcement response. Later, the city integrated **Advance Peace** elements, creating a hybrid approach.

This hybrid maintained the focused deterrence framework of identifying high-risk individuals and delivering clear messages but placed greater emphasis on the intensive mentoring and relationship-building characteristic of Advance Peace. The program used custom notifications—personal conversations rather than large group call-ins—recognizing that Stockton's violence was more diffuse than Oakland's gang-concentrated violence.

Stockton saw dramatic reductions in homicides following implementation, dropping from seventy-one homicides in 2012 to 32 in 2013, though researchers debate how much can be attributed specifically to the intervention versus other factors.

Fresno's GVI (Group Violence Intervention)

Fresno's GVI launched in 2015 and explicitly targeted gang violence. The Fresno Police Department partnered with community organizations, the District Attorney's Office, federal prosecutors, and service providers to deliver the focused deterrence model.

Fresno's approach included:

- Intelligence-driven identification of the most violent gangs and individuals.
- Direct call-ins where participants received the three-part message.
- Coordination with federal authorities to prosecute gun crimes federally when gang violence continued.
- Partnership with community organizations like Fresno Economic Opportunities Commission to provide services.
- Custom notifications for individuals who could not or would not attend call-ins, where outreach workers and officers visited them directly.

The program emphasized "self-help" messaging—the idea that if one gang member commits violence, law enforcement would focus on the entire gang, creating internal peer pressure for members to police each other.

Sacramento's Group Violence Intervention Strategy

Sacramento implemented focused deterrence through its **Gang Prevention and Intervention Task Force**, later integrated into broader CVI efforts. The model brought together Sacramento Police, the FBI, ATF, U.S. Attorney's Office, community leaders, and service providers.

Sacramento's approach included quarterly call-ins and emphasized the "banking goodwill" concept—when gangs refrained from violence, they built goodwill with law enforcement and the community. When violence occurred, that goodwill was spent, and enforcement intensified.

The program also incorporated **Operation Peacekeeper** elements, where gang intervention workers (often former gang members) served as bridges between law enforcement and gang members, helping deliver messages and facilitate access to services while maintaining community credibility.

Los Angeles's Focused Deterrence Elements within GRYD

While **LA's GRYD** is broader than pure focused deterrence, it incorporates key elements. The Intervention component identifies the most active gang members in specific neighborhoods and delivers coordinated messages through:

- Community-based Intervention Workers who have direct relationships with gang members.
- Coordination with the LAPD's Gang & Narcotics Division.
- Custom notifications rather than large call-ins, recognizing LA's scale.

- Strategic prosecution through the DA's Hardcore Gang Division when violence continues.

LA's model reflects adaptation to a massive, complex gang landscape—with hundreds of gangs across a vast geographic area, the traditional single call-in model would not work, so they decentralized the approach while maintaining core principles.

San Diego's GVI

San Diego implemented focused deterrence in several neighborhoods with concentrated gang violence. The **San Diego GVI** brought together law enforcement (SDPD, FBI, ATF), prosecutors, probation, community leaders from the Urban Collaborative Project, and service providers.

San Diego's innovation included using social network analysis to map relationships between gang members, identifying not just the most violent individuals but also influential connectors who could spread messages throughout networks. They conducted call-ins in specific neighborhoods and tracked outcomes meticulously, finding reductions in gang-related violence in target areas.

Critical Elements for Success

California's most effective focused deterrence programs invest heavily in intelligence analysis. This includes:

- Crime analysis identifying shooting networks.
- Gang intelligence mapping relationships and hierarchies.
- Coordination between local, state, and federal databases.
- Social network analysis revealing how violence spreads.

The power of focused deterrence lies in coordination. When a gang member sees the police chief, the U.S. Attorney, their mother, a pastor, and a job counselor all in the same room delivering aligned messages, it creates cognitive dissonance that individual interactions cannot achieve. California programs that struggled often failed at this coordination—law enforcement and community organizations working at cross-purposes, promised services not materializing, or enforcement being inconsistent.

Community Credibility

The community voice at call-ins must be authentic, not tokenized. California programs that succeeded empowered genuine community leaders—the mothers from Oakland's night walks, former gang members who commanded respect, faith leaders deeply rooted in affected neighborhoods. Programs that brought in disconnected community representatives often saw participants tune out the message.

Service Delivery

The "carrot" of focused deterrence only works if services are real, accessible, and responsive. California programs partner with workforce development agencies, community colleges, subsidized employment programs, housing authorities, and treatment providers to create immediate on ramps for those ready to change.

For example, Stockton's program could enroll participants in paid job training within days of a call-in. Programs where individuals had to navigate complex application processes or wait months for services saw much lower uptake.

Challenges and Criticisms

Enforcement Concerns: Critics argue focused deterrence can enable over-policing, particularly when law enforcement uses gang databases that may include individuals based on weak associations rather than actual criminal behavior. Some California gang databases have been criticized for including people based on clothing, neighborhood residence, or family relationships.

There is also concern about the "group accountability" message—the idea that everyone in a gang will face consequences if one member acts violently. Critics see this as collective punishment that may violate principles of individual responsibility.

Measuring Success: Did violence decrease because of focused deterrence, or because of other factors (economic changes, demographic shifts, other interventions)? California cities often implement multiple strategies simultaneously, making attribution

difficult. Additionally, focused deterrence might displace violence to other neighborhoods or groups not receiving the intervention, requiring citywide analysis to assess true impact.

Sustainability: Many California focused deterrence programs have experienced stops and starts due to funding, political changes, or leadership turnover. The model requires sustained coordination—when key partners leave or priorities shift, programs can collapse quickly.

Balancing Enforcement and Support: Finding the right balance remains challenging. Too much emphasis on enforcement can alienate community partners and high-risk individuals. Too much emphasis on services without credible consequences can undermine deterrence. California programs continuously negotiate this tension.

Evolution and Adaptation: California's focused deterrence efforts have evolved significantly since the early 2000s:

From Call-Ins to Custom Notifications: Recognizing that mandatory call-ins can feel coercive and may not suit all contexts, many California programs now use personalized outreach, delivering messages through trusted community workers in settings where individuals feel safer.

Integration with Other CVI Models: Rather than implementing focused deterrence in isolation, California cities often blend it with violence interruption, hospital-based intervention, and cognitive behavioral therapy programs, creating comprehensive ecosystems.

Trauma-Informed Approaches: Newer iterations recognize that many high-risk individuals have experienced significant trauma. California programs increasingly incorporate trauma-informed care, mental health services, and healing-centered engagement rather than purely transactional "services for compliance" models.

Expanded Service Menus: Beyond traditional job training, California focused deterrence programs now offer subsidized employment (paying participants while they develop skills), life coaching, fatherhood programs, tattoo removal, driver's license recovery, expungement services, and even international travel experiences to broaden horizons.

Focused deterrence in California represents an evidence-based strategy that, when implemented with fidelity, can reduce violence among the highest-risk populations. Its success depends on genuine partnership, consistent follow-through, authentic community voice, and real opportunities for change—not just tough talk or empty promises. The California cities that have seen sustained success share common traits: strong leadership committed to collaboration, adequate funding for both enforcement and services, data-driven targeting, and patience to let the approach work overtime rather than expecting overnight transformation.

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9.3: Crisis Intervention

Crisis intervention within the criminal justice context represents a fundamental shift in how law enforcement, courts, corrections, and communities respond to individuals experiencing mental health crises, substance use emergencies, homelessness-related incidents, and other acute situations that have traditionally resulted in arrest and incarceration. Rather than treating these crises purely as criminal matters, crisis intervention approaches them as opportunities for connection to treatment, services, and support—recognizing that jail is often the worst place for someone in crisis and rarely addresses underlying problems.

The Foundation of Crisis Intervention in Criminal Justice

California's criminal justice system has long served as a de facto mental health and social services system. Following deinstitutionalization in the 1960s-70s, when psychiatric hospitals closed without adequate community treatment infrastructure, jails and prisons became the largest mental health facilities in the state. Studies consistently show that 25-40% of jail inmates have serious mental illnesses, and even higher percentages struggle with substance use disorders.

Traditional law enforcement responses—arrest, booking, brief detention, release—created a revolving door. The same individuals cycling through repeatedly, their underlying crises never addressed, at enormous cost to taxpayers and human dignity. Crisis intervention emerged as both a humanitarian imperative and a practical necessity.

Core Principles

Diversion Over Incarceration: Connecting people to treatment and services rather than jail whenever possible and safe.

Specialized Training: Equipping first responders with skills to de-escalate mental health crises and recognize symptoms.

Coordinated Systems: Building partnerships between law enforcement, mental health providers, hospitals, social services, courts, and community organizations.

Person-Centered Approaches: Treating individuals in crisis with dignity, recognizing their humanity beyond their immediate behavior.

Continuity of Care: Ensuring connections made during crisis moments lead to sustained support, not just one-time interventions.

Crisis Interventional Models in California

Crisis Intervention Teams (CIT): The **Crisis Intervention Team model**, originally developed in Memphis, has been widely adopted across California. CIT provides 40 hours of specialized training for patrol officers who volunteer for this role, teaching them to:

- Recognize signs and symptoms of mental illness, developmental disabilities, and substance use disorders.
- Use de-escalation techniques rather than force.
- Understand local mental health systems and available resources.
- Connect individuals to appropriate services rather than defaulting to arrest.

San Jose's CIT Program is among California's most established, training hundreds of officers since the early 2000s. Officers learn through scenarios with actors portraying mental health crises, visit psychiatric facilities to understand treatment environments, and hear directly from people living with mental illness and their families. San Jose CIT officers carry resource cards with local mental health services and are trained to exercise discretion in using crisis holds (5150s) versus other interventions.

Los Angeles Police Department's Mental Evaluation Unit represents a large-scale CIT implementation. LAPD has trained thousands of officers in mental health crisis response and created specialized Mental Evaluation Units that pair specially trained officers with dedicated psychiatric nurses or mental health clinicians. These teams respond to mental health calls citywide, providing on-scene assessment and facilitating connections to treatment.

Sacramento Police Department's CIT has trained significant portions of its force and tracks outcomes, finding that CIT-trained officers are more likely to resolve mental health calls without arrests or use of force. Sacramento has also developed strong partnerships with county mental health to ensure individuals contacted during crises can access follow-up care.

Co-Responder Models

Co-responder programs pair law enforcement officers with mental health clinicians who respond together to crisis calls. The clinician provides clinical assessment, therapeutic intervention, and connection to services while the officer ensures safety.

Eugene's CAHOOTS Model Influence: While CAHOOTS (Crisis Assistance Helping Out On The Streets) originated in Eugene, Oregon, it has profoundly influenced California programs. CAHOOTS sends unarmed mental health crisis workers to many calls that would traditionally go to police, reserving law enforcement for situations involving weapons or violence.

Oakland's Mobile Assistance Community Responders of Oakland (MACRO) launched in 2020 as California's first CAHOOTS-inspired program. MACRO teams—consisting of a paramedic/EMT and a mental health crisis interventionist—respond to non-violent, non-criminal mental health and behavioral health crisis calls. They operate in fire department vehicles and can transport individuals to crisis stabilization centers rather than emergency rooms or jail.

MACRO handles calls involving mental health crises, welfare checks, substance intoxication, homelessness-related concerns, and other situations where a clinical response is more appropriate than law enforcement. Early data showed MACRO successfully resolved many calls without police involvement, and zero MACRO calls resulted in use of force or arrest.

Los Angeles's Community Crisis Response (CCR) initiative has deployed mental health teams in several neighborhoods to respond to 911 calls involving mental health crises. The teams include licensed clinicians and peer support specialists (individuals with lived experience of mental illness) who can relate to people in crisis in unique ways.

San Francisco's Street Crisis Response Team (SCRT) operates in the Tenderloin and other neighborhoods, sending teams of paramedics and behavioral health specialists to respond to behavioral health emergencies. SCRT can connect individuals to the city's extensive network of crisis stabilization beds, sobering centers, and treatment programs—critical alternatives to jail.

Psychiatric Emergency Response Teams (PERT)

San Diego's PERT Program pioneered the embedded clinician model in California. Since 1993, PERT has paired licensed mental health clinicians with specially trained law enforcement officers to respond to mental health crisis calls. San Diego County now operates multiple PERT teams covering different regions.

PERT clinicians ride in patrol vehicles with officers, responding to calls in real-time. The clinician conducts on-scene assessments, provides crisis counseling, determines appropriate level of care, and facilitates connections to psychiatric emergency services, crisis residential programs, or outpatient treatment. The officer handles safety concerns and, when necessary, initiates 5150 psychiatric holds.

San Diego PERT has diverted thousands of individuals from jail to treatment annually. Follow-up studies found participants had reduced arrests and emergency service utilization after PERT contact, demonstrating that connecting people to appropriate care during crises creates lasting benefits.

Orange County's PERT has expanded the model significantly, operating teams throughout the county with funding from voter-approved mental health taxes. Orange County PERT responds to schools, homes, and public spaces, with specialized teams for different populations including youth, homeless individuals, and veterans.

Riverside County Sheriff's PERT serves the vast Riverside County area with multiple teams. They have developed specialized protocols for different crisis situations and maintain relationships with all county mental health facilities to expedite placements.

Crisis Stabilization Centers

Rather than bringing people in crisis to jail or emergency rooms, California has invested in dedicated crisis stabilization facilities designed specifically for mental health and substance use emergencies.

San Francisco's Dore Urgent Care Clinic operates 24/7 as a walk-in psychiatric crisis center. People experiencing mental health

crisis, whether brought by police, family, or arriving independently—receive immediate clinical assessment, crisis intervention, medication services, and short-term stabilization. The facility can hold individuals for up to 23 hours, often preventing psychiatric hospitalizations or criminal justice involvement.

Los Angeles County's Urgent Care Centers operate across the county, providing 24/7 walk-in crisis services. These centers assess individuals, provide immediate intervention, dispense medications, and connect people to ongoing care without requiring appointments or insurance verification, removing barriers that often lead people in crisis to police contact instead.

Sacramento's Crisis Stabilization Unit offers short-term residential crisis services where individuals can stay for several days while receiving intensive support, medication management, and care coordination. Law enforcement can bring individuals directly here rather than booking them into jail.

Crisis Receiving Centers

Alameda County's John George Psychiatric Pavilion serves as a crisis receiving center where law enforcement can bring individuals on psychiatric holds (5150s) for evaluation and stabilization rather than keeping them in jail cells awaiting psychiatric beds. This medical approach to psychiatric emergencies recognizes that jail environments often worsen mental health crises.

Contra Costa County's Crisis Stabilization Unit provides similar services, accepting law enforcement drop-offs 24/7 and conducting comprehensive assessments to determine appropriate disposition—hospital admission, crisis residential placement, or connection to outpatient services with safety planning.

Specialized Courts

Mental Health Courts operate in counties throughout California, providing intensive judicial supervision and mandatory treatment as an alternative to traditional prosecution. Participants typically have serious mental illnesses and criminal charges; they agree to treatment compliance in exchange for reduced charges or dismissed cases upon successful completion.

Los Angeles County's Mental Health Court is one of the nation's largest, operating in multiple courthouses. Participants receive case management, housing support, benefits enrollment, treatment services, and regular court appearances where judges monitor progress. The collaborative approach—with prosecutors, defense attorneys, and treatment providers all focused on recovery rather than purely punishment—creates accountability while addressing underlying needs.

San Francisco's Behavioral Health Court serves individuals with mental illness, substance use disorders, or both who are facing criminal charges. The program provides intensive community-based treatment, peer support, housing assistance, and judicial monitoring. Participants meet regularly with a dedicated judge who celebrates successes and problem-solves around challenges, creating therapeutic jurisprudence.

San Diego's Mental Health Court has operated since 2001, serving hundreds of participants annually. Research on the program found participants had significantly fewer arrests and jail days compared to similar individuals in traditional prosecution, and most successfully complete treatment programs they had previously been unable to access.

Veterans Treatment Courts

Recognizing that veterans often face unique challenges including PTSD, traumatic brain injury, and military sexual trauma that can lead to criminal justice involvement, California has established **Veterans Treatment Courts** in over thirty counties.

Orange County's Veterans Treatment Court connects justice-involved veterans with VA services, veteran peer mentors, and intensive case management. Participants receive treatment for mental health and substance use disorders, assistance accessing VA benefits, housing support, and employment services. The court's mentor program pairs participants with veterans who have successfully navigated recovery.

Sacramento's Veterans Court similarly provides a structured program where veterans appear regularly before a judge, engage in required treatment, submit to drug testing, and receive support from veteran mentors and VA staff. Successful completion can result in dismissed charges and sealed records, giving veterans a genuine second chance.

Law Enforcement Assisted Diversion (LEAD)

LEAD programs allow officers to divert individuals arrested for low-level offenses—typically drug possession, prostitution, or crimes driven by addiction—directly to intensive case management and services rather than booking them into jail.

Santa Rosa's LEAD Program was among California's first implementations. When officers encounter someone meeting program criteria, they can offer LEAD instead of arrest. Participants work with intensive case managers (maintaining exceedingly small caseloads of 10-15 clients) who provide whatever support the person needs—housing, treatment, ID recovery, benefits enrollment, legal advocacy—using a harm reduction, housing-first philosophy.

Santa Rosa LEAD found significant reductions in recidivism among participants compared to similar individuals who went through traditional prosecution, along with increases in housing stability and treatment engagement.

Huntington Beach's LEAD focuses heavily on connecting participants to substance use treatment and mental health services while also addressing collateral consequences of criminal records that create barriers to employment and housing.

Mobile Crisis Teams

Beyond co-responder models, some California jurisdictions operate dedicated mobile crisis teams that can respond independently or alongside law enforcement.

Contra Costa County's Mobile Crisis Team operates county-wide, responding to calls from law enforcement, family members, service providers, or community members concerned about someone in crisis. The team conducts field-based assessments, provides crisis intervention, and connects individuals to appropriate services. They maintain relationships with all county crisis facilities to facilitate immediate placements.

San Mateo County's Mobile Crisis Response Team operates 24/7, responding to mental health emergencies throughout the county. The team includes licensed clinicians and peer support specialists who can conduct 5150 assessments in the field, coordinate voluntary admissions to psychiatric facilities, or arrange crisis residential placements—all alternatives to criminal justice involvement.

Jail-Based Crisis Intervention

Recognizing that some individuals inevitably enter custody despite diversion efforts, California jails have developed specialized crisis intervention programming.

Los Angeles County Jail's Mental Health Services represent the largest jail-based mental health program in the nation. The jail system houses thousands of individuals with serious mental illness at any given time and operates dedicated mental health housing units, 24/7 psychiatric services, crisis intervention teams, and discharge planning to connect individuals to community treatment upon release.

San Francisco County Jail's Behavioral Health Services provides comprehensive mental health care within the jail, including psychiatric evaluation, medication management, individual and group therapy, substance use treatment, and intensive discharge planning. The program works closely with community providers to ensure continuity of care upon release.

Santa Clara County's Jail Mental Health Services operates specialized units for individuals with acute psychiatric needs, provides cognitive behavioral therapy programming, and employs peer support specialists who are formerly incarcerated individuals with mental health lived experience to support inmates preparing for release.

Pretrial Diversion Programs

Los Angeles County's Office of Diversion and Reentry (ODR) operates one of the most comprehensive diversion systems nationally. ODR intercepts individuals with mental health and substance use disorders at multiple points:

- **Pre-arrest**: Working with law enforcement to divert from arrest.
- **Pre-booking**: Diverting at jail before formal booking.
- **Post-booking**: Connecting booked individuals to treatment in lieu of prosecution.

- **Pre-trial**: Providing services to those awaiting trial.
- **Sentenced**: Operating alternatives to incarceration.
- **Re-entry**: Supporting individuals leaving jail with intensive services.

ODR maintains housing, provides intensive case management, coordinates treatment, and has dramatically reduced recidivism among participants while saving taxpayers millions in incarceration costs.

San Francisco's Behavioral Health Diversion offers similar multi-point intervention, identifying individuals with behavioral health needs early in the justice process and connecting them to community-based treatment rather than continuing prosecution.

Innovative California Programs

San Francisco's Street Crisis Response System Expansion: San Francisco is working toward a comprehensive crisis response system where mental health and medical professionals respond to most behavioral health crises without police involvement. The system includes:

- Street Crisis Response Teams for field response.
- Crisis hotlines are staffed by peers and clinicians.
- Crisis stabilization centers for immediate, voluntary walk-in care.
- Crisis residential programs for short-term stays.
- Mobile evaluation teams for psychiatric assessments.
- Coordination with hospitals and outpatient providers.

This ecosystem approach ensures multiple entry points and pathways for people in crisis, reducing reliance on law enforcement and emergency rooms.

Los Angeles's Crisis and Incident Response through Community-Led Engagement (CIRCLE): Los Angeles piloted **CIRCLE** to send unarmed community crisis responders to non-violent calls including mental health crises, substance use issues, and homelessness concerns. The program employs individuals from the communities being served, many with lived experience of homelessness, mental illness, or incarceration.

CIRCLE responders receive extensive training in de-escalation, trauma-informed care, harm reduction, and resource navigation. They carry backpacks with basic supplies—water, snacks, hygiene items, harm reduction materials—and can spend as much time as needed building rapport and connecting people to services, unconstrained by the productivity demands facing law enforcement.

California's Mental Health Services Act (MHSA) Crisis Programming: Proposition 63, passed in 2004, imposed a tax on millionaires to fund expanded mental health services. MHSA funding has supported crisis intervention infrastructure statewide including:

- Mobile crisis teams in every county
- Crisis stabilization units
- Crisis residential programs
- Psychiatric emergency services expansion
- Crisis hotlines
- Peer-run crisis services

Sacramento County's MHSA-funded Crisis Stabilization Unit provides sixteen beds for adults experiencing psychiatric crises, offering 24/7 admission and short-term residential treatment. This facility accepts law enforcement drop-offs, providing a medical alternative to jail.

Kern County's Crisis Stabilization Unit similarly uses MHSA funding to operate crisis beds, mobile crisis response, and crisis intervention training for law enforcement and community members.

Whole Person Care Programs

Several California counties have implemented **Whole Person Care** initiatives that provide intensive care coordination for individuals frequently utilizing crisis services and criminal justice.

San Diego's Whole Person Wellness identifies individuals who cycle through jails, emergency rooms, psychiatric hospitals, and homeless services, then provides intensive case management addressing all their needs simultaneously—housing, treatment, physical health, benefits, legal issues. By coordinating across systems that normally operate in silos, the program reduces crisis episodes and criminal justice involvement.

Contra Costa County's Whole Person Care similarly targets high utilizers, providing field-based services, housing support, and coordination across health, mental health, substance use, and criminal justice systems.

Training Initiatives

POST Crisis Intervention Training: The California Commission on Peace Officer Standards and Training (POST) has developed **Crisis Intervention Training curricula** that many departments use to train officers statewide. The training covers:

- Mental illness recognition and response
- De-escalation techniques
- Autism and developmental disability awareness
- Substance use and withdrawal
- Trauma-informed approaches
- Community resources and referral pathways
- Legal issues including conservatorships and psychiatric holds

UC Davis LEAD Crisis Intervention Training: UC Davis developed a comprehensive crisis intervention training program used by law enforcement agencies throughout Northern California, providing practical skills for responding to individuals in mental health crisis.

Technology Solutions

Los Angeles's Data-Driven Jail Diversion: Los Angeles developed a **data-matching system** that identifies individuals cycling through jails, emergency rooms, psychiatric hospitals, and homeless services. When someone is arrested, the system alerts diversion staff who can intervene immediately, accessing comprehensive histories and coordinating appropriate placements rather than allowing another incarceration episode.

Crisis Hotlines and Text Lines

California's Statewide Crisis Line provides 24/7 access to trained counselors who can provide crisis support, conduct suicide risk assessments, and dispatch mobile crisis teams when needed. The line accepts calls from individuals in crisis, family members, law enforcement, or anyone concerned about someone's safety.

The implementation of **988** (the national mental health crisis line) in California has expanded crisis phone support capacity, with links to local mobile crisis teams that can provide in-person response when callers need more than phone support.

Challenges and Limitations

Despite expansion, California's crisis services remain inadequate to meet demand. Crisis stabilization beds fill quickly, mobile crisis teams have limited capacity and wait times for outpatient treatment can be weeks or months. This means even well-trained officers sometimes lack anywhere to take people in crisis except jail or emergency rooms.

Rural California counties often lack the infrastructure that urban areas have developed. Counties with smaller populations struggle to maintain 24/7 crisis teams or dedicated facilities, meaning rural residents in crisis still face primarily law enforcement responses.

Many California crisis intervention programs rely on temporary grants, MHSA funds that face periodic challenges, or county general funds vulnerable to budget cuts. Programs can lose funding just as they demonstrate effectiveness, disrupting relationships and infrastructure that took years to build.

Effective crisis intervention requires seamless coordination across law enforcement, mental health, hospitals, housing, and social services—systems that often have incompatible data systems, conflicting priorities, and territorial dynamics. Building and

maintaining these partnerships demands sustained leadership and resources.

As crisis response shifts from traditional law enforcement to alternative models, questions arise about quality control, training standards, response times, and accountability when interventions fail. California continues developing regulatory frameworks for these newer models.

Not everyone in mental health crisis can be safely diverted from criminal justice. When individuals are violent, when crimes are serious, or when public safety risks are high, crisis intervention approaches must balance therapeutic goals with safety imperatives. Determining which situations require law enforcement versus clinical response remains challenging.

The Future of Crisis Intervention in California

California continues to innovate and expand crisis intervention within criminal justice:

Expansion of Non-Law Enforcement Response: Following successful pilots, more cities are deploying unarmed crisis teams to handle behavioral health calls that do not require police.

Investment in Infrastructure: Counties are building more crisis stabilization beds, crisis residential programs, and psychiatric emergency capacity—creating destinations for people in crisis beyond jails and emergency rooms.

Enhanced Training: Law enforcement training increasingly emphasizes de-escalation, procedural justice, and trauma-informed response, with some departments requiring all officers (not just volunteers) to complete crisis intervention training.

Data Integration: Systems are slowly improving data sharing across criminal justice, healthcare, and social services, enabling coordinated responses to individuals who cycle across systems.

Peer Specialist Integration: Crisis programs increasingly employ people with lived experience of mental illness, incarceration, homelessness, or addiction—individuals whose personal journeys give them unique credibility and insight when supporting others in crisis.

Community-Based Solutions: Recognition is growing that communities most affected by over-policing should lead crisis response in their neighborhoods, with investment flowing to community organizations rather than exclusively through government agencies.

Crisis intervention within California's criminal justice system represents a profound reimagining of how society responds to behavioral health emergencies. Rather than treating mental health crises, substance use, and homelessness purely as criminal matters requiring arrest, California is building comprehensive systems that connect people to care, treatment, and support. This shift reflects both compassion and pragmatism, recognizing that human dignity demands better responses than jail cells, and that communities are safer when people's underlying needs are addressed rather than merely punished.

The work remains incomplete and uneven, with significant gaps between urban and rural capacity, persistent funding challenges, and ongoing questions about how to balance therapeutic interventions with public safety. Yet the trajectory is clear: California is moving toward crisis intervention approaches that treat behavioral health emergencies as health crises requiring health responses, reserving criminal justice for situations that genuinely require it. This transformation—driven by advocates, people with lived experience, progressive law enforcement leaders, mental health professionals, and elected officials—continues reshaping how California's criminal justice system encounters its most vulnerable residents.

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9.4: GANG REDUCTION & PREVENTION



Figure 9.4.1: The NDCA PSN program looks at all aspects of reducing violent crime – intervention, prevention, suppression, enforcement and re-entry – and fully recognizes that arresting, convicting and incarcerating individuals will not curb violent crime over the long term.

Gang reduction and prevention represent one of California's most complex and enduring public safety challenges. With an estimated 150,000-200,000 gang members across the state and gang-related violence accounting for a significant portion of homicides in major cities, California has developed some of the nation's most comprehensive, innovative, and evidence-based approaches to addressing gang violence. These strategies have evolved dramatically over decades—from purely suppression-focused enforcement to multifaceted approaches that combine prevention, intervention, suppression, and community engagement.

Understanding the Gang Landscape in California

California's gang problem has deep historical roots. Street gangs emerged in Los Angeles as early as the 1940s and 1950s, with groups like the Crips and Bloods forming in the late 1960s and early 1970s. What began as neighborhood-based youth groups evolved into complex criminal organizations involved in drug trafficking, violence, and territorial control. The crack cocaine epidemic of the 1980s intensified gang violence, while California's prison gang culture (with groups like the Mexican Mafia, Nuestra Familia, and Aryan Brotherhood) created additional layers of organization and control extending from prisons into street communities.

By the 1990s, gang violence reached epidemic levels in cities like Los Angeles, Oakland, Richmond, Stockton, Fresno, and San Diego. Traditional suppression approaches—aggressive enforcement, gang injunctions, enhanced sentencing—proved insufficient. While they incapacitated individual gang members, they did not prevent new recruitment or address the underlying conditions that made gang membership attractive to young people.

This recognition drove California toward more comprehensive strategies addressing prevention (stopping youth from joining gangs), intervention (pulling current gang members out), suppression (enforcement against the most violent), and community engagement (building collective capacity to resist gang influence).

The Public Health Framework

Modern California gang reduction approaches increasingly adopt a public health framework, treating gang violence as a disease that can be prevented and interrupted. This model recognizes:

- **Gang membership is often a symptom** of deeper issues: poverty, trauma, lack of opportunity, family dysfunction,

educational failure, community disinvestment.
- **Violence spreads through social networks** in predictable patterns, allowing for targeted intervention.
- **A small percentage of individuals** account for a disproportionate share of violence, enabling focused resources.
- **Prevention is more cost-effective** than incarceration after the fact.
- **Communities must be partners**, not merely enforcement targets, in solutions.

9.4.1: Comprehensive California Gang Reduction Programs

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9.4.1: Comprehensive California Gang Reduction Programs

Los Angeles Gang Reduction and Youth Development (GRYD)

Los Angeles GRYD (Gang Reduction and Youth Development) GRYD: represents California's largest and most comprehensive municipal gang reduction program, operating across dozens of Los Angeles neighborhoods with an annual budget exceeding $30 million. Launched in 2007, GRYD fundamentally reorganized LA's approach to gang violence.

GRYD Prevention targets youth ages 10-15 in neighborhoods with high gang activity who are at risk of gang involvement but not yet affiliated. The program uses evidence-based curricula including:

Effective Behavioral Intervention - A cognitive behavioral therapy-based program teaching youth to recognize risky thinking patterns, manage anger, resist peer pressure, and make better decisions.

GOALS (Growth Opportunities and Life Skills) - A comprehensive program providing academic support, mentoring, family engagement, case management, and positive youth development activities.

Prevention sites are community-based organizations embedded in target neighborhoods, not government offices. They employ staff from the communities they serve who understand local gang dynamics, have credibility with youth and families, and can identify early warning signs of gang involvement.

GRYD Prevention serves approximately 4,000 youth annually across 30+ neighborhoods. Evaluation research found that participants had significantly lower gang-joining rates compared to similar at-risk youth not in the program, and showed improvements in school attendance, behavior, and attitudes toward violence.

GRYD Intervention targets active gang members and youth deeply involved in gang lifestyle but potentially reachable for change. This component operates in the same high-risk neighborhoods as Prevention but serves a different population, those already affiliated.

Intervention Workers are the core of this component. These are often former gang members or individuals from the same neighborhoods with street credibility. They conduct intensive street outreach, building relationships with the hardest-to-reach youth. Their work includes:

- **Violence interruption**: Mediating conflicts before they escalate into shootings.
- **Individual case management**: Providing support, connecting youth to services, helping with concrete needs.
- **Crisis response**: Intervening immediately after shootings or traumatic events to prevent retaliation.
- **Gang exit support**: Assisting those wanting to leave gang life with safety planning, relocation if needed, and intensive services.

GRYD Intervention Workers maintain small caseloads (typically 15-30 active clients) allowing for intensive engagement. They are available 24/7, responding to violence in real-time and providing consistency for young people whose lives are chaotic.

The program also provides "Intervention Case Management"—licensed social workers who assess clients' needs and coordinate access to mental health treatment, substance abuse services, job training, education, housing assistance, legal services, and other wraparound supports.

Summer Night Lights (SNL) is GRYD's gang violence prevention initiative that transforms parks in high-crime neighborhoods into safe, vibrant community spaces during summer months (historically peak times for gang violence). From dusk until midnight, parks offer:

- Free recreational activities (basketball, soccer, fitness classes)
- Arts and cultural programming (concerts, dance, art workshops)
- Food and refreshments
- Job information and resource fairs
- Positive adult role models and mentorship

The simple concept—give young people safe, positive alternatives to street life during high-risk hours—has proven remarkably effective. SNL locations consistently see reductions in violent crime during program hours, and the initiative builds community cohesion while providing GRYD staff opportunities to connect with youth informally.

SNL now operates at 30+ parks annually, serving over 100,000 participants each summer.

Outcomes and Impact

Los Angeles has tracked GRYD outcomes rigorously. Studies found:

- Neighborhoods with GRYD Prevention programs showed lower gang-joining rates among at-risk youth.
- GRYD Intervention zones experienced significant reductions in gang-related crime compared to comparison areas.
- Youth participating in GRYD services had better outcomes across multiple measures (school attendance, arrest rates, connection to services) than similar youth not receiving services.
- Summer Night Lights parks showed consistent crime reductions during program hours.

GRYD has influenced gang reduction strategies nationally and internationally, with cities worldwide adopting elements of its approach.

Richmond's Office of Neighborhood Safety (ONS) / Advance Peace

Richmond's **Office of Neighborhood Safety**, now operating under the Advance Peace model, pioneered a controversial but effective approach to gang reduction focused entirely on the individuals most likely to shoot or be shot.

ONS uses sophisticated data analysis to identify the 20-50 individuals in Richmond at highest risk of gun violence involvement at any given time—the "Peacemaker Fellows." These are typically young men (ages 16-25) with extensive criminal histories, deep gang involvement, and trauma exposure who account for a disproportionate share of shootings. Rather than primarily targeting them for enforcement, ONS offers intensive services:

Neighborhood Change Agents: Former gang members and community members who serve as life coaches and mentors, maintaining daily contact with Fellows, providing crisis intervention, and modeling different life paths.

Personalized Life Maps: Each Fellow develops a customized plan addressing their specific barriers and goals—education, employment, family relationships, mental health, substance use, legal issues.

Stipends for Positive Behavior: Fellows can earn up to $1,000/month for meeting program milestones—attending workshops, avoiding arrests, participating in services, engaging in pro-social activities. This controversial element provides immediate financial support while Fellows develop skills for legal employment.

Transformational Travel: ONS provides international travel experiences (South Africa, Dubai, etc.) exposing Fellows to diverse cultures and perspectives, showing them possibilities beyond their neighborhoods.

24/7 Support: Staff are available around the clock for crisis calls, providing consistency and reliability that many Fellows have never experienced.

No Conditions: Fellows are not required to exit gangs, snitch on associates, or meet specific conditions to participate. The program meets them where they are, building trust gradually.

Outcomes

Richmond saw dramatic violence reductions after ONS implementation. The city, which experienced forty-seven homicides in 2009, dropped to single-digit homicides in recent years. While multiple factors contributed (economic changes, other interventions, demographic shifts), research suggests ONS played a significant role.

Studies tracking ONS Fellows found:

- Significant reductions in shootings and firearm assaults among participants.

- Decreases in arrests compared to pre-program periods.
- Improved employment, education enrollment, and housing stability.
- Reduced involvement in retaliatory violence.

The model has expanded to Sacramento, Stockton, and other California cities through Advance Peace, bringing this intensive approach to the highest-risk individuals across the state.

Stockton's Ceasefire and Advance Peace Integration

Stockton implemented a hybrid model combining focused deterrence (Ceasefire) with intensive mentorship (Advance Peace), creating a comprehensive approach to gang violence.

Stockton Ceasefire: Stockton's focused deterrence component identified the gangs and individuals driving violence, then delivered coordinated messages through call-ins and custom notifications. When violence occurred, enforcement was swift and certain against responsible parties. When gangs refrained from violence, they received positive recognition.

Advance Peace Stockton: Simultaneously, Stockton implemented Advance Peace to provide the intensive services that focused deterrence alone does not offer. This created a continuum:

- Focused deterrence delivered clear consequences for continued violence.
- Advance Peace offered genuine pathways out for those ready to change.
- Together, they provided both deterrence and opportunity.

Stockton saw remarkable violence reductions after implementation, with homicides dropping from 71 in 2012 to the low 30s in subsequent years. The city's approach demonstrated that combining accountability with intensive support creates synergistic effects.

Fresno's Comprehensive Gang Prevention Initiative

Fresno has developed a multi-pronged gang reduction strategy addressing the city's longstanding gang problem:

Fresno Unified School District Gang Prevention: The school district operates comprehensive gang prevention programming in schools, recognizing that most gang recruitment occurs on or near school campuses. Elements include:

Safe School Ambassadors: Training student leaders to intervene in conflicts, counter negative peer pressure, and create positive school cultures resistant to gang influence.

Gang Awareness Education: Age-appropriate curricula teaching elementary through high school students about gang dangers, decision-making skills, and positive alternatives.

School-Based Intervention: School resource officers and counselors identify students showing early warning signs of gang involvement and connect them to services before they become deeply affiliated.

Family Engagement: Outreach to families in high-risk neighborhoods, providing education about gang recruitment tactics and resources for supporting their children.

Community-Based Prevention: Fresno funds community organizations in high-gang neighborhoods to provide prevention services including:

- After-school programs keeping youth engaged in positive activities during high-risk hours.
- Mentoring programs pairing at-risk youth with positive adult role models.
- Athletic leagues and recreational programming.
- Arts and cultural activities celebrating community identity and providing creative outlets.
- Job readiness training and summer employment for teenagers.

Intervention Services: Fresno Economic Opportunities Commission and other organizations provide intervention services for gang-involved youth including:

- Street outreach by credible messengers
- Individual and family counseling
- Case management addressing education, employment, housing, legal issues
- Substance abuse treatment
- Mental health services
- Gang exit support including safety planning and relocation assistance when necessary

Suppression and Enforcement: Fresno Police Department maintains specialized gang enforcement units that:

- Investigate gang-related crimes
- Monitor gang activity and intelligence
- Execute targeted enforcement against the most violent individuals and groups
- Coordinate with prosecutors for enhanced charges when appropriate
- Partner with federal agencies (FBI, ATF, DEA) for complex cases

However, Fresno has shifted from saturation enforcement toward more surgical approaches, focusing resources on the small percentage of gang members actually driving violence rather than blanket gang sweeps that alienate entire communities.

Oakland's Department of Violence Prevention (DVP)

Oakland created a dedicated **Department of Violence Prevention** in 2018, elevating violence prevention to a city priority equal to police, fire, and other core services. DVP coordinates multiple gang and violence reduction initiatives:

Life Enrichment Activity Program (LEAP): LEAP provides comprehensive gang prevention services in Oakland's highest-risk neighborhoods. Community-based organizations operate LEAP sites offering:

- After-school academic support and tutoring
- Mentoring and positive youth development
- Family engagement and parent education
- Recreational activities and field trips
- Case management for families facing multiple challenges

LEAP specifically targets youth ages 8-18 in gang-impacted neighborhoods before they become affiliated.

Ceasefire/Operation Peacekeeper Oakland: Oakland's violence intervention strategy combines focused deterrence (Ceasefire) with intensive outreach:

Call-ins and Custom Notifications: High-risk individuals receive direct messages about consequences and opportunities, delivered through partnerships between law enforcement, community, and service providers.

Life Coaches: Formerly incarcerated individuals and community members serve as life coaches for the highest-risk participants, providing mentorship, crisis intervention, and connections to services.

Rapid Response: When shootings occur, teams immediately respond to prevent retaliation and provide support to affected families and communities.

Community Violence Intervention Workers: Oakland employs violence interruptors who work in specific neighborhoods, mediating conflicts, interrupting cycles of retaliation, and providing crisis response. These workers are often former gang members whose lived experience gives them credibility that traditional service providers cannot achieve.

Trauma Recovery Services: Recognizing that gang involvement is often rooted in unaddressed trauma, Oakland provides trauma-focused mental health services including:

- Individual therapy using evidence-based modalities (CBT, EMDR, trauma-focused therapy)
- Group counseling and healing circles
- Family therapy addressing intergenerational trauma
- Culturally specific services for African American, Latine, Southeast Asian, and other communities

Youth Employment: DVP operates summer employment programs and year-round job training specifically targeting gang-

involved or at-risk youth, providing legal income and work experience.

San Diego's Gang Commission and Comprehensive Strategy

San Diego County established a **Gang Commission** bringing together law enforcement, prosecutors, public defenders, probation, schools, community organizations, and residents to coordinate gang reduction efforts countywide.

Prevention Programming: San Diego emphasizes early prevention through:

School-Based Prevention: Programs in elementary and middle schools teaching social-emotional skills, conflict resolution, and resistance to gang recruitment.

After-School and Summer Programs: Keeping youth engaged in positive activities during hours when gang recruitment and violence peak.

Parenting Education: Equipping parents in gang-impacted neighborhoods with skills to protect their children from gang involvement.

Gang Intervention: San Diego operates gang intervention programs including:

Positive Achievement Youth Advocacy (PAYA): Community-based organization providing intensive case management, counseling, and support to gang-involved youth and their families.

HELP (Healthy Environments for Living and Productivity): Intervention services in high-gang neighborhoods including street outreach, conflict mediation, and connections to treatment and services.

Gang Suppression Strategies: San Diego Police and Sheriff's Departments maintain gang units conducting intelligence gathering, investigation, and targeted enforcement. San Diego has also used gang injunctions—civil court orders restricting gang members' activities in specific geographic areas—though these have been controversial and their use has declined.

Reentry Services: Recognizing that formerly incarcerated gang members returning to communities need support to avoid re-involvement, San Diego provides:

- Reentry case management beginning before release
- Housing assistance and transitional housing
- Employment services and job placement
- Substance abuse treatment
- Family reunification support
- Gang exit programs for those seeking to leave gang life

Sacramento's Comprehensive Gang Prevention Plan

Sacramento adopted a comprehensive plan coordinating prevention, intervention, and suppression across city and county agencies:

Gang Prevention System (GPS): GPS provides prevention services in schools and community centers across Sacramento's highest-gang neighborhoods:

Elementary Prevention: Age-appropriate education about gangs, violence, and decision-making starting in upper elementary grades.

Middle School Prevention: More intensive programming during peak recruitment years (ages 11-14), including mentoring, family engagement, and skill-building.

High School Prevention: Services for high school students at risk of gang involvement but not yet deeply affiliated.

Gang Intervention: Sacramento's intervention services include:

Advance Peace Sacramento: Implementing the intensive mentorship model for the highest-risk individuals.

Street Outreach: Community-based organizations employing outreach workers who build relationships with gang-involved youth and mediate conflicts.

Wraparound Services: Comprehensive case management addressing education, employment, mental health, substance use, housing, and legal issues.

Collaborative Law Enforcement: Sacramento Police Department works with community organizations rather than operating in opposition. This includes:

- Joint custom notifications where officers and outreach workers together deliver messages to high-risk individuals.
- Shared information (within legal limits) about emerging conflicts for early intervention.
- Coordinated responses to shootings combining enforcement accountability with community support.

California Youth Gang Prevention Programs: Several statewide initiatives support local gang reduction:

CalGRIP (California Gang Reduction, Intervention and Prevention Program): provides state funding to cities and counties for evidence-based gang reduction programming. Since 2007, CalGRIP has funded hundreds of programs across California, requiring grantees to:

- Use data to identify target populations and neighborhoods
- Implement evidence-based practices
- Coordinate across agencies
- Track outcomes rigorously
- Share lessons learned with other jurisdictions

CalGRIP funding has supported prevention programs, intervention services, suppression strategies, and comprehensive approaches combining all three. The state evaluates funded programs and disseminates findings, creating a learning network advancing California's gang reduction knowledge.

CalVIP (California Violence Intervention and Prevention Program): funds community-based violence prevention programs including gang reduction initiatives. Unlike CalGRIP which can fund law enforcement, CalVIP specifically supports community organizations, recognizing their unique capacity to reach populations distrustful of government agencies. CalVIP has funded street outreach programs, hospital-based violence intervention, trauma recovery services, and community mobilization efforts across California.

Evidence-Based Models

California programs increasingly use evidence-based curricula proven effective through rigorous research:

Aggression Replacement Training (ART): teaches prosocial skills, anger control, and moral reasoning through structured lessons. Many California juvenile facilities, probation departments, and community programs use ART with gang-involved youth.

Functional Family Therapy (FFT): addresses family dynamics contributing to gang involvement, working with entire families to improve communication, solve problems, and strengthen bonds. Several California counties use FFT with gang-involved youth and their families.

Multisystemic Therapy (MST): provides intensive in-home therapy addressing multiple systems (family, school, peers, community) influencing youth behavior. California has implemented MST for serious juvenile offenders including gang members, with research showing significant reductions in recidivism.

Cognitive Behavioral Intervention for Trauma in Schools (CBITS): addresses trauma that often underlies gang involvement, providing school-based group therapy teaching coping skills and trauma processing. California schools in gang-impacted areas use CBITS to help students heal from violence exposure.

California schools serve as critical venues for gang prevention:

Many California schools implement **PBIS**, creating positive school cultures that reduce problem behaviors including gang

affiliation. PBIS emphasizes teaching expected behaviors, acknowledging positive choices, and using data to identify students needing additional support.

The **Safe Schools Ambassadors** program trains student leaders to intervene in conflicts, counter negative peer pressure, and create cultures of respect. Research shows SSA schools have fewer fights, bullying incidents, and disciplinary referrals—all factors associated with reduced gang recruitment.

Gang Awareness Education: California schools provide gang awareness education teaching students about:

- Gang recruitment tactics
- Consequences of gang involvement
- Decision-making and resistance skills
- Positive alternatives

Education is age-appropriate, with elementary students receiving basic messages about making good choices, while high school students receive more detailed information about legal consequences and violence risks.

School Resource Officers: Many California schools employ **School Resource Officers (SROs)**—police officers specially trained to work in educational settings. Effective SRO programs emphasize:

- Building positive relationships with students
- Mentoring at-risk youth
- Teaching law-related education
- Problem-solving with school staff
- Using law enforcement authority sparingly, as a last resort

However, SRO programs remain controversial, with critics arguing they criminalize normal adolescent behavior and disproportionately impact students of color. California continues debating the appropriate role of law enforcement in schools.

Gang Suppression and Enforcement Strategies: While prevention and intervention have grown, California maintains enforcement components such as the **Gang Units and Task Forces.** Most major California law enforcement agencies operate gang units conducting:

- Gang intelligence gathering and analysis
- Investigation of gang-related crimes
- Targeted enforcement against the most violent gang members
- Coordination with prosecutors for enhanced charges
- Partnerships with federal agencies (FBI, ATF, DEA)

CalGang Database: California operates a controversial gang database sharing information across law enforcement agencies. The system has faced criticism for including individuals based on weak criteria (clothing, associations, neighborhood residence) without clear processes for removal, leading to reforms requiring more rigorous standards for inclusion.

Gang injunctions are civil court orders restricting gang members' activities in specific geographic areas (curfews, association restrictions, etc.). Los Angeles pioneered this strategy and dozens of California jurisdictions have used it.

Injunctions have been controversial. Supporters argue they disrupt gang activity, reduce crime in targeted areas, and provide tools for removing gang members from public spaces. Critics argue they violate civil liberties, disproportionately impact communities of color, include individuals who are not actually gang members, and do not address underlying causes of gang involvement. Several California jurisdictions have abandoned injunctions in favor of more comprehensive approaches, though others maintain them as tools in broader strategies.

Enhanced Prosecution: California prosecutors use gang enhancements (Penal Code 186.22) adding years to sentences for crimes committed to benefit gangs. Prosecutors also file criminal street gang conspiracy charges targeting leadership. These tools remain contentious as supporters argue they incapacitate violent gang members and disrupt gang operations, while critics argue they result in excessive sentences, disproportionately impact youth of color, and do not reduce gang membership. Recent California legislation has limited some gang enhancements and provided resentencing opportunities for those serving excessive gang-related sentences.

Community-Based Approaches are increasingly being recognized to help lead gang reduction:

Many gang reduction programs incorporate CVI principles—employing community members, especially those with lived experience, to interrupt violence and provide support. These programs recognize communities have capacity and knowledge that outside interventions lack.

Additionally, churches, mosques, and other faith communities in gang-impacted neighborhoods operate prevention and intervention programs including:

- Youth programs providing positive alternatives
- Mentoring by faith leaders
- Community events building neighborhood cohesion
- Sanctuary and support for youth seeking gang exit
- Advocacy for resources and policy changes

Neighborhood Organizations that are resident-led conduct help by:

- Community organizing around safety issues
- Environmental improvements (lighting, cleanup, murals) reducing gang activity
- Block parties and events building connections
- Youth engagement and mentorship
- Advocacy for resources

California gang reduction increasingly incorporates **cultural and arts programming**:

Homeboy Industries in Los Angeles provides job training, tattoo removal, and comprehensive services to formerly gang-involved individuals while also operating social enterprises (bakery, restaurants, merchandise) providing employment.

Youth Speaks and similar organizations use spoken word, hip-hop, and poetry to give youth creative outlets for expressing experiences with violence while building skills and connections.

Mural programs engage gang-involved youth in creating public art, transforming gang graffiti into community beautification while providing meaningful activity.

Program that specifically target gang reduction for specific populations include:

Girls and Young Women California programs increasingly recognize that girls join gangs and face unique challenges:

Girls in the Game and similar programs provide gender-specific services addressing:

- Sexual exploitation often associated with female gang involvement
- Relationship violence
- Pregnancy and parenting
- Trauma from sexual assault
- Different pathways into and out of gangs than boys experience

California's gang reduction work addresses challenges facing **immigrant communities**:

Central American youth fleeing gang violence in their home countries may face recruitment by California gangs. Programs provide culturally specific services, trauma treatment, and support navigating immigration systems.

Southeast Asian gang prevention addresses historical gang problems in Cambodian, Laotian, and Vietnamese communities, providing culturally grounded services recognizing these communities' unique histories and needs.

LGBTQ+ youth face elevated risks of gang involvement due to family rejection, housing instability, and bullying. California programs increasingly provide inclusive services recognizing these vulnerabilities.

Measuring Success

California gang reduction programs track multiple outcome measures:

Crime Metrics

- Gang-related homicides
- Non-fatal shootings
- Violent crime in target areas
- Gang-related arrests

Participation Outcomes

- School attendance and graduation
- Employment rates
- Recidivism rates
- Treatment completion
- Housing stability

Community Indicators

- Resident perceptions of safety
- Community cohesion measures
- Youth participation in positive activities
- Reduction in gang graffiti and visible gang presence

California studies examine costs of gang reduction programs versus incarceration, consistently finding prevention and intervention more cost-effective than enforcement alone. Preventing one high-risk youth from joining a gang saves hundreds of thousands in future criminal justice, healthcare, and social costs.

Gang reduction requires long-term commitment, but funding often fluctuates with political priorities and budget cycles. Programs demonstrate effectiveness, then lose funding, disrupting relationships and infrastructure that took years to build.

Effective gang reduction requires seamless coordination across law enforcement, schools, social services, community organizations, and residents—systems that often have incompatible cultures, priorities, and data systems.

Gang involvement stems from poverty, trauma, lack of opportunity, failing schools, and community disinvestment—issues requiring broad social change beyond gang programs alone. Without addressing these underlying conditions, gang problems persist despite even excellent programs.

Evaluation Challenges

Measuring gang reduction outcomes is complex:

- Gang membership is fluid and hard to define
- Violence has multiple causes making attribution difficult
- How do you count a gang-joining that did not happen?
- Long-term outcomes require years of follow-up
- Comparison groups are difficult to construct ethically

Balancing Approaches

California continues debating the appropriate balance between enforcement and services, accountability and support, immediate suppression, and long-term prevention. Different communities and stakeholders prioritize differently.

Gang-involved immigrant youth face deportation risks. Some avoid services fearing immigration consequences, while others endure gang involvement rather than risk deportation to countries where gang retaliation would follow them.

The Future of Gang Reduction in California

California's gang reduction approaches continue evolving:

Greater Community Leadership: Shifting power and resources from government agencies to community organizations and

residents most affected by gang violence.

Trauma-Informed Approaches: Deepening understanding of how trauma drives gang involvement and centering healing in responses.

Comprehensive Prevention: Investing earlier, with prevention services starting in early childhood before gang recruitment begins.

Targeted Intervention: Using increasingly sophisticated data to identify precisely who needs services and tailoring interventions accordingly.

Reduced Reliance on Incarceration: Treating incarceration as a last resort for public safety threats rather than the default response to gang membership.

Addressing Structural Inequities: Recognizing gang violence as a symptom of deeper inequities requiring investment in education, employment, housing, and community development.

Learning Networks: Sharing knowledge across California jurisdictions, adapting effective practices to local contexts, and building collective capacity.

California's gang reduction and prevention efforts represent decades of learning, experimentation, success, and setbacks. The state has moved from purely punitive responses toward comprehensive, evidence-based approaches recognizing that reducing gang violence requires preventing youth from joining gangs, pulling current members out, strategic enforcement against the most violent, and addressing the community conditions that make gang membership attractive in the first place.

Programs like Los Angeles GRYD, Richmond's Advance Peace, Oakland's Department of Violence Prevention, and initiatives across California demonstrate that gang violence can be reduced through sustained, coordinated, community-centered efforts. While challenges remain—funding sustainability, coordination complexity, addressing root causes. California continues innovating and leading national conversations about how communities can effectively respond to gang violence with both accountability and compassion.

The most successful California programs share common elements: they are data-driven, community-engaged, comprehensive in scope, sustained over time, and grounded in genuine relationships with the young people they serve. They recognize that behind every gang statistic is a young person—often traumatized, sometimes dangerous, always deserving of a chance to change. This recognition, combined with strategic action, offers hope that California can continue reducing gang violence and creating communities where all young people can thrive.

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9.5: Juvenile & Youth Prevention

Juvenile and youth prevention represents California's most hopeful investment in public safety, stopping delinquency before it starts rather than responding after harm occurs. These programs recognize that most criminal behavior has roots in childhood and adolescence, and that intervening early with positive support, skill-building, and opportunities can fundamentally alter life trajectories. California has developed extensive infrastructure spanning schools, community centers, faith institutions, and digital platforms to reach young people during formative years with evidence-based programming that builds competence, resilience, and positive connections.

Research consistently demonstrates that prevention is more effective and cost-efficient than intervention after problems emerge. Key findings shaping California's approach:

Early Risk Factors Predict Later Problems: Children experiencing poverty, trauma, family dysfunction, academic failure, peer rejection, and community violence face elevated risks of delinquency. Addressing these factors early prevents cascading problems.

Brain Development: Adolescent brains are still developing, particularly in areas governing impulse control, decision-making, and emotion regulation. Youth lack the neurological capacity for adult-level judgment, making prevention and skill-building especially effective during these formative years.

Cost-Effectiveness: Studies find that every dollar invested in quality prevention programs saves $7-10 in future criminal justice, healthcare, and social costs. Preventing one high-risk youth from becoming a chronic offender saves taxpayers $2-3 million over a lifetime.

Developmental Plasticity: Youth are more changeable than adults. Problematic behaviors that seem entrenched can shift dramatically with appropriate support during developmental windows of opportunity.

Protective Factors: Building assets—caring relationships, social skills, academic success, community connection—creates resilience that protects youth even when risk factors are present.

California's Youth Prevention Framework

California's prevention infrastructure operates across multiple systems:

Universal Prevention: Programs available to all youth, building baseline competence and identifying emerging needs.

Selective Prevention: Programs targeting youth experiencing risk factors (poverty, family stress, academic struggles) before problems manifest.

Indicated Prevention: Programs for youth showing early warning signs (truancy, minor delinquency, aggression) before patterns solidify.

This tiered approach ensures resources match need intensity while avoiding stigma associated with identifying youth as "at-risk."

School-Based Prevention Programs: Schools serve as California's primary prevention infrastructure, reaching nearly all children during critical developmental periods.

Social-Emotional Learning (SEL) has become foundational to California's prevention approach, teaching skills that research links to reduced delinquency:

- Self-awareness (recognizing emotions, strengths, values)
- Self-management (controlling impulses, managing stress, setting goals)
- Social awareness (perspective-taking, empathy, appreciating diversity)
- Relationship skills (communication, cooperation, conflict resolution)
- Responsible decision-making (evaluating consequences, ethical reasoning)

Collaborative for Academic, Social, and Emotional Learning (CASEL) Framework: Many California schools implement the **Collaborative for Academic, Social, and Emotional Learning (CASEL)** framework, integrating SEL throughout school culture rather than treating it as a separate curriculum.

Oakland Unified School District has made SEL a district-wide priority, training all staff in trauma-informed, culturally responsive SEL practices. The district uses evidence-based curricula like **Second Step** (elementary) and **Facing History and Ourselves** (secondary), while also creating SEL-infused classroom management, restorative practices for discipline, and culturally specific programming for African American, Latine, and Asian students.

Oakland's approach recognizes that standardized SEL curricula developed for White suburban children may not resonate with urban youth of color experiencing poverty and community violence. The district has adapted materials to reflect students lived experiences while building universal competencies.

Los Angeles Unified School District (LAUSD), the nation's second-largest district, has invested heavily in SEL through its **School Mental Health** initiative. LAUSD employs over four hundred school counselors, psychologists, and psychiatric social workers providing direct SEL instruction, small group interventions for struggling students, and individual support.

The district also partners with community organizations to provide **Positive Behavioral Interventions and Supports (PBIS)** training to schools, creating positive school climates where expected behaviors are taught explicitly, positive choices are recognized consistently, and problem behaviors are addressed through teaching rather than purely punishment.

Sacramento City Unified implemented **Mindful Schools**, teaching mindfulness practices that research shows improve self-regulation, reduce aggression, and increase focus. Students learn breathing techniques, body awareness, and emotion management strategies usable in moments of stress or conflict.

Evidence-Based SEL Curricula California schools use various evidence-based SEL programs:

Second Step - Used in thousands of California elementary schools, Second Step teaches empathy, emotion management, problem-solving, and peer relationships through engaging lessons with videos, discussions, and practice activities. Research finds Second Step reduces aggression and increases prosocial behavior.

PATHS (Promoting Alternative Thinking Strategies) - PATHS teaches emotional literacy (identifying and labeling feelings), self-control, and social problem-solving. California elementary schools using PATHS have shown improved classroom behavior and reduced conduct problems.

Responsive Classroom - This approach creates positive elementary classroom environments emphasizing morning meetings building community, rule creation engaging students, positive teacher language, and logical consequences teaching responsibility. California schools implementing Responsive Classroom reports improved behavior and academic engagement.

Lions Quest - A comprehensive K-12 SEL program used in California schools teaching life skills, service learning, positive youth development, and violence prevention. Lions Quest shows effectiveness with middle school students during peak risk years for delinquency onset.

Botvin LifeSkills Training - Used in many California middle and high schools, LifeSkills Training teaches drug resistance skills, personal self-management, and general social skills. Longitudinal research finds significant reductions in substance use, violence, and delinquency among participants.

Conflict Resolution and Violence Prevention

California schools implement specific curricula addressing conflict and violence:

Peacebuilders operates in numerous California elementary schools, teaching simple principles:

- Praise people
- Give up put-downs
- Seek wise people
- Notice and speak up about hurts
- Right wrongs

Schools become "Peacebuilder Communities" where everyone uses common language reinforcing positive behavior. Students receive Peacebuilder recognition, classroom lessons teach specific skills, and families receive materials extending learning home.

Research on California Peacebuilders schools found reductions in aggressive behavior, disciplinary referrals, and playground conflicts.

Conflict Resolution Education

Many California schools teach formal conflict resolution skills:

Peer Mediation Programs train students to mediate conflicts between classmates. Student mediators learn to:

- Create safe spaces for dialogue
- Help disputants express feelings and needs
- Facilitate problem-solving
- Reach agreements both parties accept

San Francisco Unified operates peer mediation in middle and high schools, with trained student mediators handling peer conflicts over rumors, relationships, misunderstandings, and other issues that might otherwise escalate into fights. Teachers report that mediation reduces violence while building student leadership.

Restorative Justice Circles are increasingly used in California schools for both prevention and response to harm. Regular community circles build relationships and address issues before they escalate. When harm occurs, restorative circles bring together affected parties to discuss impact, take responsibility, and agree on repair.

Oakland Unified pioneered school-based restorative justice, training staff, and students in circle processes. The district saw significant reductions in suspensions and expulsions after implementation, particularly for African American students who had been disproportionately disciplined.

Los Angeles Unified' s School Climate Bill of Rights mandated restorative justice availability district-wide, training thousands of educators and investing in restorative practices coordinators at schools. While implementation has been uneven, schools with strong restorative cultures report improved relationships and reduced conflicts.

Positive Behavioral Interventions and Supports (PBIS)

PBIS provides a comprehensive framework for creating positive school cultures preventing behavior problems:

School-Wide Expectations: Schools define 3-5 positively stated behavioral expectations (e.g., "Be Respectful, Be Responsible, Be Safe") taught explicitly across all settings (classroom, hallway, cafeteria, playground).

Teaching Expected Behaviors: Rather than assuming students know how to behave, PBIS schools teach expectations directly—modeling, practicing, and reinforcing desired behaviors just like academic content.

Positive Recognition: Schools create systems acknowledging students meeting expectations—verbal praise, tangible rewards (tickets, tokens), celebrations, and other recognition building motivation for positive behavior.

Consistent Consequences: When problem behaviors occur, responses are clear, consistent, and instructional rather than purely punitive.

Data-Based Decision Making: Schools track behavior data (discipline referrals, attendance, behavioral incidents) to identify patterns, evaluate interventions, and allocate resources strategically.

California PBIS Coalition supports implementation across the state, providing technical assistance, training, and resources. Over 2,000 California schools have implemented PBIS with varying fidelity.

Long Beach Unified School District has been a PBIS leader, implementing across the district with strong results. Elementary schools using PBIS showed:

- 20-60% reductions in office discipline referrals
- Decreased suspensions and expulsions
- Improved attendance
- Increased academic achievement
- More positive school climates reported by students and staff

Fresno Unified implements PBIS alongside culturally responsive practices, recognizing that effective behavior support must honor students' cultural backgrounds. The district trains staff in both PBIS technical elements and cultural responsiveness, creating environments where expectations are clear but culturally appropriate.

San Diego Unified links PBIS to its comprehensive school safety efforts, using behavior data to identify students needing additional support before problems escalate to delinquency.

Multi-Tiered System of Supports (MTSS)

California increasingly uses **MTSS**, integrating PBIS (behavior) with Response to Intervention (academics) and SEL in unified frameworks:

Tier 1 (Universal): All students receive high-quality instruction, clear expectations, positive school culture, and SEL—preventing most problems.

Tier 2 (Targeted): Students showing early warning signs receive additional supports; small group SEL instruction, Check-in/Check-out mentoring, targeted skill-building—preventing escalation.

Tier 3 (Intensive): Students with significant needs receive individualized support—wraparound services, functional behavior assessments, individualized behavior plans, connections to community services.

Sacramento County Office of Education has led California's MTSS implementation, training districts statewide in integrated systems ensuring no student falls through cracks between academic, behavioral, and social-emotional supports.

Bullying Prevention

California law (AB 9, Seth's Law) requires schools to have anti-bullying policies and prevention programming. Schools implement various evidence-based approaches:

Olweus Bullying Prevention Program: one of the most researched bullying prevention programs, operates in California schools through:

- School-wide awareness campaigns
- Classroom rules against bullying
- Regular class meetings discussing bullying
- Individual interventions with students involved in bullying
- Parent engagement components

San Bernardino City Unified implemented Olweus across elementary schools, finding significant reductions in student-reported bullying and increased willingness to intervene when witnessing bullying.

Safe School Ambassadors

Safe School Ambassadors takes a peer leadership approach. Student leaders from diverse social groups receive intensive training to:

- Recognize bullying and mistreatment
- Intervene safely and effectively
- Support targeted students
- Shift group norms toward respect

The program recognizes that most bullying occurs beyond adult supervision (hallways, bathrooms, buses, social media), making peer intervention essential.

Community Matters, the organization behind Safe School Ambassadors, is based in California and has trained thousands of students statewide. Research finds SSA schools have significant reductions in bullying, fights, and disciplinary incidents.

Cyberbullying Prevention

As bullying increasingly occurs online, California schools address cyberbullying through:

Digital Citizenship Curricula: Teaching responsible online behavior, empathy in digital communication, and consequences of cyberbullying.

Social Media Literacy: Helping students understand how online platforms shape behavior and providing tools for positive digital engagement.

Reporting Systems: Creating accessible ways for students to report cyberbullying, including anonymous reporting apps some California districts have adopted.

Common Sense Media's Digital Citizenship Curriculum is widely used in California, teaching age-appropriate lessons on privacy, cyberbullying, digital footprints, and online relationships.

School-Based Mental Health

California has invested in school mental health infrastructure recognizing that untreated mental health problems often manifest as behavioral issues:

Over two hundred **School-Based Health Centers (SBHCs)** operate in California, providing physical and mental health services on school campuses. SBHCs reduce barriers to care—no transportation needed, no missed work for parents, accessible during school hours.

Oakland Unified operates multiple SBHCs providing mental health counseling, crisis intervention, and psychiatric services. Students can receive therapy for trauma, depression, anxiety, and behavioral concerns without leaving campus. Early intervention prevents mental health crises that might otherwise lead to disciplinary problems or delinquency.

Los Angeles Unified' s Wellness Centers similarly provide integrated health and mental health services, with particular focus on schools in underserved neighborhoods where community mental health resources are scarce.

Beyond SBHCs, California schools' partner with community mental health agencies to provide on-campus therapy:

Seneca Family of Agencies provides school-based therapy in dozens of California schools, offering individual counseling, group therapy, and family therapy to students with mental health needs. Therapists work in schools weekly, making services accessible.

Bay Area Community Resources (BACR) provides similar services in Bay Area schools, specializing in trauma-informed care for students who've experienced violence, abuse, or loss.

Kings View provides school-based mental health services in Central Valley schools, bringing culturally competent bilingual therapists to schools serving Latine communities.

Early Identification Systems

California schools increasingly use systematic screening to identify students with emerging mental health or behavioral concerns:

Systematic Screening for Behavior Disorders (SSBD): Teachers complete brief rating scales identifying students showing early warning signs. Identified students receive assessment and support before problems become severe.

Student Risk Screening Scale (SRSS): A simple screener identifying students at risk for antisocial behavior, allowing early

intervention.

Schools using systematic screening catch problems earlier, when interventions are most effective and before behaviors solidify into patterns requiring intensive services or juvenile justice involvement.

California recognizes that chronic absenteeism predicts delinquency, making attendance improvement a prevention strategy such as **Positive Attendance Campaigns:** Rather than purely punitive truancy responses, California schools create positive attendance cultures:

Attendance recognition programs celebrate students and classes with strong attendance.

Attendance mentors build relationships with chronically absent students, addressing barriers and creating accountability.

Family engagement around attendance helps parents understand importance and problem-solving barriers (transportation, health issues, safety concerns).

San Francisco Unified' s Attendance Initiative reduced chronic absenteeism significantly through a multi-pronged approach: data analysis identifying patterns, targeted outreach to chronically absent students, connections to services addressing barriers, and consequences as a last resort only.

Early Warning Systems

California districts increasingly use **Early Warning Systems (EWS)** analyzing data to identify students at risk of dropping out or delinquency based on attendance, behavior, and course performance (the "ABC" indicators).

When students meet EWS criteria (e.g., missing 10% of school days, failing a core class, receiving multiple behavior referrals), schools provide intensive support before trajectories become fixed.

Los Angeles Unified' s Beyond the Gradebook initiative uses EWS data to ensure struggling students receive support, with particular attention to students in foster care, experiencing homelessness, or involved in juvenile justice who face elevated dropout and delinquency risks.

Dropout Prevention

Dropping out of school is among the strongest predictors of delinquency, making dropout prevention a key delinquency prevention strategy:

Check & Connect provides intensive mentoring for students at risk of dropping out. Mentors:

- Monitor students' attendance, behavior, and academics weekly
- Check in with students regularly about progress and challenges
- Connect students to needed supports
- Build relationships providing accountability and encouragement

California schools serving high-poverty communities use Check & Connect for students showing dropout warning signs, finding improved attendance, behavior, and graduation rates.

California operates alternative education programs for students struggling in traditional schools:

Community Day Schools serve students expelled or at risk of expulsion, providing smaller classes, intensive support, behavioral interventions, and connections to social services in settings designed for students needing more structure and assistance.

Continuation High Schools serve students behind in credits or struggling behaviorally, offering flexible schedules, credit recovery, and supportive environments helping students earn diplomas despite challenges.

These programs prevent students from disconnecting from education entirely, which would dramatically increase delinquency risks.

Connecting school to future opportunities motivates students and reduces dropout:

Linked Learning pathways operating across California integrate rigorous academics with career technical education, work-based learning, and support services. Students see relevance in education while developing marketable skills.

Long Beach Unified transformed into a Linked Learning district, with all students participating in career pathways (health, engineering, arts & media, etc.). The district saw increased graduation rates and college enrollment, with particularly strong gains for historically underserved students.

Career Technical Education (CTE) programs across California provide hands-on learning in various industries, keeping students engaged while building skills for living-wage careers not requiring four-year degrees.

After-School and Out-of-School Time Programs: The hours between 3-6 pm on school days represent peak times for juvenile crime, making quality after-school programming a critical prevention strategy.

After School Education and Safety (ASES) Program: California's **ASES** provides state funding for after-school programs at schools serving low-income students. Programs must include:

- Academic support (homework help, tutoring, literacy development)
- Enrichment activities (arts, recreation, technology, career exploration)
- Nutritious snacks

Over 4,000 California schools operate ASES programs serving approximately 400,000 students annually. Research finds ASES participants have:

- Improved school attendance
- Better academic performance
- Fewer disciplinary problems
- Reduced juvenile crime in communities during after-school hours

Quality ASES Programs

Oakland's After School Programs showcase quality implementation. Oakland contracts with community organizations bringing specialized expertise—youth development organizations, arts groups, sports leagues—to provide diverse enrichment while credentialed teachers provide academic support.

Programs build developmental assets beyond academics: leadership skills, teamwork, creativity, cultural identity, and community connection. Staff receive training in positive youth development, trauma-informed practices, and restorative approaches.

Sacramento's ASES Programs partner with organizations like **Saint HOPE Public Schools** providing comprehensive after-school services in high-poverty neighborhoods. Programs include academic intervention addressing learning gaps, enrichment activities exposing students to new interests, and leadership development building confidence and competence.

21st Century Community Learning Centers

Federally funded **21st Century Community Learning Centers** operate in California schools and community organizations, providing after-school, before-school, and summer programming. Like ASES, these programs combine academics and enrichment with requirements to track outcomes.

Fresno Unified operates extensive 21st Century programs serving thousands of students across the district. Programs emphasize STEM education, arts, physical fitness, and social-emotional learning alongside homework help.

San Diego's 21st Century programs have shown success with English Learners, providing language development support in engaging contexts while building content knowledge.

Boys & Girls Clubs of America



Figure 9.5.1: Boys and Girls Club in Del Rey, CA

Image from bgcfresno.org

Over two hundred **Boys & Girls Clubs** operate across California, providing after-school and summer programming in safe, supportive environments. Clubs emphasize five core areas:

- Character & Leadership Development
- Education & Career Development
- Health & Life Skills
- The Arts
- Sports, Fitness & Recreation

Boys & Girls Clubs implement evidence-based programs including:

SMART Moves - Substance abuse prevention teaching refusal skills, decision-making, and healthy alternatives.

SMART Girls - Supporting healthy development for girls, addressing body image, relationships, peer pressure, and goal-setting.

Passport to Manhood - Helping boys navigate adolescence, exploring masculinity, respect, responsibility, and healthy relationships.

Youth of the Year - Leadership development recognizing exemplary club members while building skills through the recognition process.

Los Angeles Boys & Girls Clubs serve over 20,000 youth annually across the county, with clubs in neighborhoods with high gang activity and limited resources. Longitudinal studies find club participants have significantly lower delinquency rates than similar youths who are not participating.

Oakland Boys & Girls Clubs partner with the city's Department of Violence Prevention, locating clubs strategically in high-violence neighborhoods and providing targeted programming for youth at elevated risk of gang involvement.

YMCA After-School Programs

YMCAs throughout California operate after-school programs emphasizing youth development through:

- Academic enrichment and homework support

- Character development teaching core values (caring, honesty, respect, responsibility)
- Physical activity and sports
- Arts and creative expression
- Social-emotional skills building

YMCA of San Francisco operates programs at dozens of schools, with particular focus on schools in underserved neighborhoods. Programs include trauma-informed practices recognizing many participants have experienced violence or instability.

Central Valley YMCAs provide after-school programs in communities with limited recreational infrastructure, filling gaps in resources while keeping youth engaged in positive activities during high-risk hours.

Community-Based After-School Programs

Beyond school-based and national organizations, California has hundreds of community-based organizations providing after-school programming:

826 Valencia (San Francisco/Bay Area) provides creative writing tutoring and workshops for underserved youth. The playful approach—with whimsical storefronts (Pirate Supply Store, Bigfoot Research Institute)—makes learning engaging while building literacy skills that protect against delinquency.

Street Level Health Project (Oakland) provides after-school programs for LGBTQ+ youth, addressing the elevated risks this population faces while building community and providing health education, arts programming, and leadership development.

Asian Youth Center (San Francisco) serves Chinese immigrant youth with after-school academic support, cultural programs maintaining heritage connections, leadership development, and college preparation.

Khmer Girls in Action (Long Beach) provides culturally specific after-school programming for Cambodian American girls, addressing their community's specific challenges (gang involvement, teen pregnancy, educational gaps) through cultural pride, leadership development, and advocacy.

Summer Programming

Summer months present even greater delinquency risks with unstructured time and boredom. Research shows low-income students lose ground academically over summer ("summer slide"), contributing to cumulative achievement gaps. **Summer learning programs** combine academics with enrichment:

Oakland's Summer Learning Program provides free programming at schools across the city, offering morning academic instruction addressing learning loss, followed by afternoon enrichment (sports, arts, STEM, field trips).

Los Angeles Unified Summer School serves over 100,000 students, including students needing credit recovery, students requiring intervention due to academic struggles, and students voluntarily attending for enrichment.

Summer employment provides income, work experience, and adult supervision during high-risk months:

San Francisco Opportunities for All (OFA) guarantees summer jobs or internships to every San Francisco public high school student who wants one. The program places thousands of youths in paid positions with nonprofits, businesses, and government agencies, providing income, skill-building, and connections to career pathways.

Evaluation found OFA participants had significantly lower violent crime arrest rates compared to similar youth not participating, with effects lasting beyond the summer.

Los Angeles Summer Night Lights (discussed in gang prevention section) transforms parks in gang-impacted neighborhoods into safe spaces with free activities, recreation, and resources during peak violence hours on summer evenings.

Stockton's Young Leaders Academy provides paid summer employment combined with leadership development, financial literacy, and college/career preparation for youth from neighborhoods with high violence and poverty.

Traditional **summer camps** provide immersive positive experiences:

Fresno County's Camp Keep serves at-risk youth through partnerships with probation, schools, and community organizations. The residential camp provides outdoor education, team building, leadership development, and relationship-building with positive adult mentors.

Camp Everytown (Sonoma County) brings together diverse youth for week-long sessions addressing prejudice, stereotyping, and building understanding across differences—preventing identity-based conflicts that can escalate to violence.

Mentoring Programs

One-to-one mentoring provides youth with consistent positive adult relationships research shows protects against delinquency:

Big Brothers Big Sisters

Big Brothers Big Sisters (BBBS) operates across California, matching adult volunteers ("Bigs") with youth ("Littles") from single-parent households for long-term mentoring relationships.

The classic BBBS model involves:

- Careful screening and training of volunteers
- Thoughtful matching based on interests and compatibility
- Ongoing support from professional staff
- Regular activities building relationships (outings, homework help, talking)
- Minimum one-year commitments

Research finds BBBS participants have:

- 46% lower initiation of drug use
- 27% lower initiation of alcohol use
- 33% fewer instances of hitting someone
- Improved school attendance and performance
- Better relationships with parents and peers

Big Brothers Big Sisters of the Bay Area serves thousands of youths across the region, with particular focus on children in foster care, children with incarcerated parents, and youth from underserved communities.

Big Brothers Big Sisters of Los Angeles operates community-based mentoring, school-based mentoring (where matches meet on campus), and workplace mentoring (where employees mentor youth near their offices during lunch breaks).

BBBS has developed specialized programs for specific populations:

Amachi - Mentoring children with incarcerated parents, addressing the elevated delinquency risks these children face. Mentors receive specialized training on unique challenges and provide consistent support during family disruption.

Beyond School Walls - Workplace-based mentoring were professionals mentor youth during work hours, providing exposure to career possibilities while building supportive relationships.

Bigs in Blue - Off-duty police officers mentor youth, building positive law enforcement relationships while providing mentorship.

Mentoring Programs for Specific Populations

California has numerous culturally specific and population-focused mentoring programs:

100 Black Men provides mentoring for African American boys, offering consistent adult role models who look like them and understand their experiences navigating racism and stereotyping. Programs include:

- One-to-one mentoring
- Group mentoring exploring Black identity, manhood, and success
- Educational enrichment and college preparation

- Exposure to career possibilities
- Cultural programming building pride and knowledge of African American history

Hermanos Unidos (United Brothers) at UC Berkeley and other California universities connects Latine college students with Latine middle and high school students. College student mentors provide:

- Academic support and college preparation
- Cultural affirmation and navigating bicultural identity
- Role modeling of educational success
- Support addressing challenges facing Latine youths

Girls Inc. operates across California, providing mentoring and programming specifically for girls, addressing unique challenges they face:

Strong, Smart, and Bold curricula teach media literacy, healthy relationships, economic literacy, and STEM skills.

Project BOLD (Building Opportunities for Leadership Development) provides intensive mentoring for girls at elevated risk, including those in foster care, experiencing homelessness, or involved in juvenile justice.

Los Angeles Girls Inc. serves thousands of girls annually, with particular focus on girls in South and East LA where resources are limited and risks are high.

Point Foundation provides mentorship and scholarships for LGBTQ+ students, pairing them with successful LGBTQ+ professionals who provide guidance, support, and modeling of thriving LGBTQ+ adulthood.

LGBT Center Long Beach operates mentoring connecting LGBTQ+ youth with supportive adults, addressing the family rejection and isolation many experience.

Schools increasingly house mentoring programs, making participation easier:

Reading Partners place volunteer tutors in schools to provide one-to-one reading support for struggling elementary students. While focused on literacy, the consistent relationship provides mentorship benefits alongside academic gains.

CASA (Court Appointed Special Advocates) trains community volunteers to mentor foster youth, attending school with them, advocating for their needs, and providing consistent adult support during instability. California CASA programs serve thousands of foster youths statewide.

iMentor (operating in Bay Area schools) matches students with mentors who communicate primarily through an online platform, supplemented by in-person events. This model makes mentoring accessible to busy professionals while maintaining meaningful connection.

Faith-Based Mentoring: Churches, mosques, temples, and other faith communities operate mentoring programs:

First AME Church (Los Angeles) operates extensive youth programming including mentoring by church members for at-risk youth from the congregation and surrounding community.

Islamic Center of Southern California provides mentoring for Muslim youth, addressing their specific needs navigating American culture while maintaining religious identity.

Homeboy Industries (Los Angeles) provides mentoring for formerly gang-involved youth, with staff who themselves have left gang life serving as powerful mentors demonstrating transformation is possible.

Group Mentoring: Beyond one-to-one relationships, group mentoring serves more youth with similar benefits:

Wise Guys - Group mentoring for boys teaching healthy masculinity, respect for girls, communication skills, and positive identity development. Operating in California schools, Wise Guys creates spaces for boys to discuss emotions, relationships, and challenges with adult male facilitators.

Girl Talk - Group mentoring for girls providing supportive spaces to discuss friendship, self-esteem, peer pressure, and goals with adult female facilitators. The curriculum builds social-emotional competencies while creating community.

Violence Prevention Programs

Beyond general prevention, California implements programs specifically targeting violence:

Safe Dates teaches adolescents to prevent dating violence through curriculum covering:

- Defining healthy vs. unhealthy relationships
- Gender role stereotyping and its impact
- Conflict resolution skills
- Help-seeking behaviors

California schools use Safe Dates in health classes and advisory periods. Research finds significant reductions in dating violence perpetration and victimization among participants.

The **Youth Relationships Project** provides intensive intervention for adolescents who've experienced maltreatment, teaching healthy relationship skills to prevent dating violence and future relationship problems. California therapists and school counselors implement YRP with at-risk youth.

Too Good for Violence is a violence prevention curriculum used in California middle and high schools teaching:

- Goal-setting and decision-making
- Managing emotions and stress
- Effective communication
- Peer pressure resistance
- Conflict resolution

The spiral curriculum revisits themes annually with increasing sophistication. Research shows improved attitudes toward violence and reduced aggressive behavior.

Athletes Committed to Educating Students (ACES) enlists student athletes as peer educators on violence prevention. Recognizing athletes' social influence, the program trains them to:

- Model positive behavior
- Intervene when peers engage in aggression or harassment
- Deliver violence prevention messages to younger students
- Create cultures of respect in schools and teams

California high schools use ACES, finding that peer education from respected student athletes effectively shifts norms around violence and masculinity.

Substance Abuse Prevention

Substance use and delinquency are highly correlated, making substance abuse prevention a delinquency prevention strategy:

Life Skills Training (LST)

Life Skills Training, mentioned earlier for SEL, is also highly effective substance abuse prevention. The program teaches:

- Drug resistance skills (recognizing pressure, refusal techniques)
- Personal self-management (decision-making, goal-setting, stress management)
- General social skills (communication, assertiveness, relationship-building)

California schools use LST widely. Longitudinal studies find participants have significantly lower rates of alcohol, tobacco, marijuana, and other drug use, as well as lower delinquency.

Project Towards No Drug Abuse (TND) developed at UC Irvine, targets high school students at elevated risk. The curriculum addresses:

- Motivation not to use drugs
- Skills for drug use prevention
- Decision-making and self-control

California alternative schools and schools serving high-risk populations use TND, finding significant effects on hard drug use and violence.

Friday Night Live (FNL) operates chapters in California middle and high schools, engaging youth in positive, drug-free activities while building leadership skills. FNL chapters:

- Organize substance-free events (dances, game nights, community service)
- Conduct peer education about substance abuse risks
- Advocate for youth-friendly policies
- Build leadership through youth-driven programming

FNL Partnership supports chapters statewide, providing training, resources, and networking. Evaluations find FNL participants have lower substance use and stronger protective factors than non-participants.

Community-Based Substance Abuse Prevention

MADD (Mothers Against Drunk Driving) conducts prevention education in California schools and communities, addressing underage drinking and impaired driving.

Reality Party programs bring testimonials from people affected by substance abuse to schools, providing powerful firsthand accounts that research shows effectively deter use.

Technology-Based Prevention

California increasingly uses technology to reach youth:

Crisis Text Line provides 24/7 text-based crisis support, recognizing youth prefer texting to calling. Trained crisis counselors respond to texts from youth experiencing suicidal thoughts, abuse, substance issues, and other crises.

California youth can text HOME to 741741 to connect with counselors who provide support, safety planning, and connections to local resources—potentially preventing crises that might otherwise lead to harmful behavior.

CATCH My Breath provides e-cigarette prevention education through an online platform schools can use. Students complete interactive lessons teaching about vaping risks and resistance skills.

EverFi provides digital prevention curricula on various topics (substance abuse, financial literacy, sexual assault prevention, digital citizenship) that California schools use to supplement classroom instruction.

Some California programs use social media positively:

Youth Truth surveys collect youth voice through online platforms, giving students safe ways to share experiences and concerns that schools use to improve supports.

Sandy Hook Promise's Start With Hello teaches students to combat social isolation through small acts of connection and kindness, with social media campaigns spreading positive messages and normalizing inclusion.

Family Strengthening Programs

Recognizing families' critical role, California invests in parenting education and family support:

Strengthening Families Program (SFP) provides evidence-based family skills training. Families attend weekly sessions where:

- Parents learn effective discipline, communication, and supervision
- Youth learn peer pressure resistance, stress management, and decision-making

- Families practice skills together

California implements SFP in schools, community centers, and through probation for families of court-involved youth. Research finds significant reductions in youth substance use, delinquency, and aggression, plus improved family relationships.

Incredible Years targets families with young children (ages 2-10), teaching positive parenting strategies that prevent later behavior problems:

- Praise and incentives for positive behavior
- Setting clear expectations and limits
- Non-violent discipline strategies
- Problem-solving and communication

California implements Incredible Years through schools, pediatric clinics, mental health agencies, and home visiting programs. Long-term studies find participants have lower rates of conduct problems, ADHD, and delinquency.

Triple P (Positive Parenting Program) provides tiered parenting support from universal (brief tips) to intensive (individualized therapy). California counties use Triple P as a public health approach to parenting support.

Parents can access different levels based on need:

- Level 1: Universal information
- Level 2: Brief consultations
- Level 3: Targeted skills training
- Level 4: Intensive family intervention
- Level 5: Enhanced family intervention for complex situations

San Diego County implemented Triple P system-wide, finding reductions in child maltreatment reports and out-of-home placements—outcomes associated with lower delinquency.

Parent-Child Interaction Therapy (PCIT) helps parents of young children with behavior problems through live coaching while parents interact with their children. Therapists observe through one-way mirrors, providing real-time guidance via wireless earpieces.

California therapists use PCIT for families where children show early aggression or defiance. Research finds dramatic improvements in child behavior and parent-child relationships that prevent escalation to serious conduct problems.

Community-Based Youth Development

Comprehensive community programs provide holistic prevention:

California's **Beacon Community Centers** transform schools into neighborhood hubs offering:

- After-school and evening programming
- Family services and adult education
- Community organizing and leadership development
- Health and social services
- Safe spaces for recreation and gathering

Beacons operate in underserved neighborhoods, providing prevention infrastructure where resources are scarcest.

San Francisco Beacons have operated for over two decades, demonstrating sustained impact. The 15+ centers across the city provide comprehensive services keeping youth engaged while building community capacity. Evaluations find neighborhoods with Beacons have lower juvenile crime, improved school attendance, and stronger community cohesion.

The California Endowment's Building Healthy Communities

Building Healthy Communities (BHC) invested $1 billion over 10 years in 14 California communities, funding comprehensive

prevention approaches including:

- Youth leadership development
- Community organizing around safety and health
- Violence prevention programming
- Educational improvement initiatives
- Economic development creating opportunities

BHC communities showed significant improvements across multiple indicators, demonstrating that comprehensive community change prevents delinquency more effectively than isolated programs.

California has multiple **Promise Neighborhoods** (federal initiative) providing cradle-to-career pipelines of support:

Oakland Promise provides college savings accounts for kindergarteners, college preparation support, and financial aid assistance, creating education pathways protecting against delinquency.

Fresno Promise Neighborhood provides comprehensive services from early childhood through college in targeted neighborhoods, addressing academic, health, and family needs holistically.

Prevention for Special Populations

Foster Youth Prevention California implements targeted prevention for populations at elevated risk. Youth in foster care face dramatically elevated delinquency risks. California provides:

Independent Living Program (ILP) teaches foster youth transitioning to adulthood practical skills (budgeting, employment, housing, education) that protect against delinquency during vulnerable transition years.

Fostering Connections to Success Act supports extended foster care to age 21, providing continued stability and support during critical years.

Kinship care support helps relatives caring for youth navigate systems and access resources, maintaining family connections while ensuring safety.

Court Appointed Special Advocates (CASA) provide consistent adult mentoring for foster youth navigating court and placement systems.

Children of Incarcerated Parents face 6-7 times higher risk of incarceration themselves. California programs address this:

Amachi California provides mentoring specifically for these children through partnerships with faith communities.

Center for Restorative Justice Works operates programs maintaining parent-child connections during incarceration, recognizing that sustained relationships protect against delinquency despite parental absence.

Sesame Street in Communities provides resources helping caregivers support children with incarcerated parents, addressing trauma, and maintaining hope.

California's significant **homeless youth** population needs targeted prevention:

Drop-In Centers (operated by organizations like Larkin Street Youth Services in San Francisco, Covenant House California in multiple cities) provide safe spaces, basic needs, counseling, and connections to housing—preventing survival crimes homeless youth often commit.

Transitional Housing programs provide stability while youth access education, employment, and services.

Street outreach teams connect with homeless youth, building trust and offering pathways to services.

LGBTQ+ youth face elevated risks (family rejection, school harassment, homelessness). California programs include:

Gay-Straight Alliances (GSAs) in schools create supportive communities and advocacy platforms. California has thousands of

GSAs providing protective factors for LGBTQ+ students.

LGBT Centers in San Francisco, Los Angeles, San Diego, and other cities provide comprehensive youth services including counseling, support groups, HIV prevention, and safe social spaces.

Family Acceptance Project (San Francisco State University) provides research and resources helping families accept LGBTQ+ children, addressing rejection that drives homelessness and suicidality.

Immigrant Youth: California's large immigrant population needs culturally responsive prevention:

Newcomer programs in schools provide intensive English language support, academic content, and social-emotional support for recently arrived immigrants, preventing disconnection from education.

Cultural pride programs build positive identity while teaching bicultural navigation skills.

Immigrant legal services address anxiety about immigration status that can manifest behaviorally.

Juvenile Justice Diversion Programs: For young people showing early delinquent behavior, California operates diversion programs preventing deeper justice involvement. Many California police departments operate diversion programs for low-level offenses:

Santa Clara County's Youth Diversion Program allows officers to divert youth to community-based services rather than arresting for first-time minor offenses. Youth complete educational programming, community service, and receive support addressing underlying needs.

Los Angeles Police Department's Juvenile Diversion Program similarly diverts first-time youth offenders to wraparound services addressing family needs, mental health, substance abuse, and education while avoiding formal justice involvement.

School-Based Diversion: Rather than arresting students for on-campus incidents, some California jurisdictions divert to school-based responses:

Restorative Justice processes handle harm through dialogue, accountability, and repair rather than criminal charges.

Teen Courts (peer courts) allow youth to have cases heard and sanctions determined by trained student judges, with research showing lower recidivism than traditional courts.

Counseling and support services address underlying issues driving misbehavior.

Measuring Prevention Success

Individual Outcomes

- School attendance and academic performance
- Social-emotional competency gains
- Reduced disciplinary incidents
- Lower substance use initiation
- Decreased delinquent behavior

Program Metrics

- Participation rates and retention
- Dosage (hours of programming received)
- Implementation fidelity
- Participant satisfaction
- Cost per participant

Community Indicators

- Juvenile arrest rates
- School suspension/expulsion rates
- High school graduation rates
- Youth victimization rates
- Community safety perceptions

California prevention programs consistently demonstrate positive ROI. The RAND Corporation found quality prevention programs return $2-17 for every dollar invested through reduced criminal justice costs, improved educational outcomes, and increased lifetime earnings.

Challenges and Future Directions

Prevention is often the first cut during budget constraints despite long-term savings. California continues seeking sustainable funding through:

- Dedicated revenue streams (like Proposition 63 mental health tax)
- Public-private partnerships
- Reinvestment of criminal justice savings
- Federal grants

Not all programs maintain quality implementation. California works to ensure:

- Evidence-based practice selection
- Fidelity monitoring
- Continuous quality improvement
- Staff training and support
- Outcome evaluation

Youth most needing prevention are often hardest to engage. California programs increase reach through:

- Eliminating participation barriers (cost, transportation, stigma)
- Meeting youth in their communities
- Building trust through cultural responsiveness
- Providing incentives and supports
- Sustained outreach to disengaged families

Youth interact with multiple systems (schools, health, mental health, child welfare, juvenile justice). California improves coordination through:

- Integrated data systems
- Cross-system teams
- Co-located services
- Care coordination roles
- Shared accountability

California's juvenile and youth prevention infrastructure represents a monumental investment in young people's positive development. From universal school-based programs reaching millions, to targeted interventions for highest-risk youth, to community-wide initiatives transforming neighborhoods, California has built comprehensive systems recognizing that preventing delinquency requires addressing the whole child in the context of family, school, and community.

The most effective programs share common elements: they are evidence-based, developmentally appropriate, culturally responsive, relationship-centered, and sustained over time. They build protective factors (skills, connections, opportunities, hope) while reducing risk factors (trauma, poverty, academic failure, isolation). They engage youth as active participants rather than passive recipients, and they strengthen families and communities rather than working in isolation.

While challenges remain—sustainable funding, quality implementation, reaching all who need services—California's prevention

efforts demonstrate that delinquency is not inevitable. With sufficient investment in positive youth development during formative years, California can ensure all young people have opportunities to thrive, dramatically reducing juvenile justice involvement while building healthier communities for everyone.

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9.6: Key Strategies & Goals

Collaboration: Builds trust and accountability between police, government, and community organizations.

Data-Driven Approaches: Uses research and data (like Byrne Criminal Justice Innovation (BCJI)) to target hotspots and tailor solutions.

Holistic Support: Offers mental health, substance abuse treatment, job skills, housing, and trauma-informed care.

Prevention: Addresses risk factors early through education, positive youth development, and social-emotional learning.

Federal Support

Office of Justice Programs (OJP): A key federal agency providing leadership, grants, and resources through offices like the Bureau of Justice Assistance (BJA) and Office of Juvenile Justice and Delinquency Prevention (OJJDP).

Initiatives: Includes the Community Based Violence Intervention and Prevention Initiative (CVIPI) and the Byrne Criminal Justice Innovation Program (BCJI).

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9.7: How Crime Prevention Differs from Crime Intervention

Crime Intervention vs. Crime Prevention

Crime Prevention	Crime Intervention
Stops crime before it starts	Interrupts ongoing criminal behavior
Targets general population or at-risk youth	Targets active offenders
Universal or selective programs	Indicated programs for identified individuals
Long-term, developmental focus	Immediate, crisis-oriented focus
Example: After-school programs	Example: Street outreach to gang members

Crime Intervention vs. Criminal Justice Response

Criminal Justice Response	Crime Intervention
Reacts after crime occurs	Proactively engages before next crime
Focus on punishment and incapacitation	Focuses on behavior change and support
System-centered	Individual-centered
Adversarial relationship	Supportive relationship
Example: Arrest and prosecution	Example: Case management and services

Crime Intervention vs. Treatment

Traditional Treatment	Crime Intervention
Clinic-based	Community-based, field-based
Requires motivation/readiness	Engages ambivalent individuals
Scheduled appointments	Flexible, meets people where they are
Single issue (mental health, substance use)	Holistic, addresses all needs
Example: Outpatient therapy	Example: Street outreach with wraparound services

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CHAPTER 10: CROSS-CULTURAL VARIATION OF CRIME

Learning Objectives

- Explain cultural influences on crime
- Analyze cross-cultural differences
- Understand demographic and social patterns
- Evaluate institutional responses

Key Terms

- Culture
- Acculturation
- Social norms
- Cultural values
- Honor
- Face
- Collectivism
- Individualism
- Demographics
- Cultural competence
- Immigration and crime
- Institutional trust

Summary

This chapter explores how culture shapes crime and justice. It examines differences across societies and within diverse populations, emphasizing cultural values, demographics, and institutional responses. The chapter highlights the importance of culturally informed policy.



Figure 10.1: Photo courtesy of Kenneth Padaowitz

Cross-cultural variation of crime is a complex phenomenon influenced by several factors, including cultural values, norms, and practices. Different societies have unique interpretations of what constitutes acceptable or illegal behavior, which can lead to significant differences in crime rates and the effectiveness of criminal justice systems. Understanding these variations is crucial for developing effective crime prevention strategies and policies that are sensitive to the cultural context of different communities. This chapter examines cross-cultural variations in crime through theoretical frameworks, empirical evidence, and case studies, with particular emphasis on California's diverse multicultural landscape. California, as the most populous and culturally diverse state in the United States, provides a unique context for examining how cultural factors influence criminal behavior, victimization patterns, and justice system responses.

10.1: Theoretical Framework

10.2: Theoretical Perspectives on Cultural Variations in Crime

10.3: Demographic Landscape and Crime Patterns

10.4: Overall Crime Trends in California

10.5: Cultural-Specific Crime Patterns and Issues

10.6: Cultural Values, Norms, and Perceptions of Crime

10.7: Criminal Justice System Responses and Cultural Competence

10.8: Crime Prevention Strategies and Policy Implications

10.9: Importance of Cross-Cultural Variations Considerations

10.10: References

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10.1: Theoretical Framework

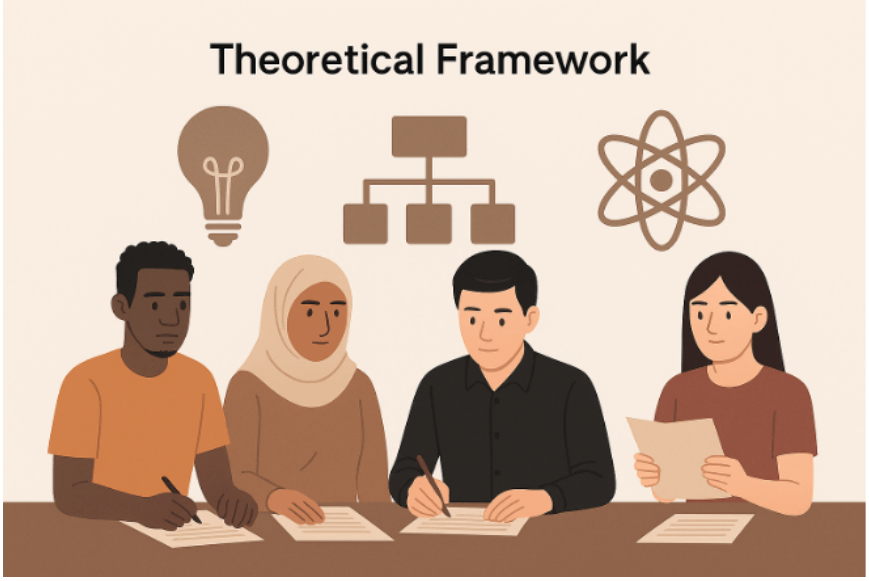


Figure 10.1.1: Image created by Copilot

Crime is a universal phenomenon, yet its manifestations, prevalence, and societal responses vary dramatically across cultures and communities. The study of cross-cultural variations in crime has emerged as a critical field within criminology, providing insights into how cultural values, social norms, economic conditions, and institutional structures shape criminal behavior and justice system responses (Karstedt, 2001). Understanding these variations is essential for developing culturally competent crime prevention strategies, implementing effective justice policies, and addressing the complex challenges posed by increasingly diverse societies.

California represents a particularly compelling context for examining cross-cultural variations in crime. As the most populous state in the United States, with approximately 39 million residents, California is also the most culturally diverse (U.S. Census Bureau, 2023). The state is home to the largest populations of Mexican Americans, Chinese Americans, Filipino Americans, Vietnamese Americans, and Korean Americans in the nation (California Department of Finance, 2024). This extraordinary diversity creates a complex tapestry of cultural communities, each with distinct values, norms, and relationships with the criminal justice system.

According to the California Department of Justice (2024), California's crime landscape reflects its multicultural composition. While overall crime rates have declined significantly since the 1990s, patterns of offending, victimization, and justice system involvement vary considerably across different cultural and ethnic groups. These variations cannot be explained solely by socioeconomic factors; rather, they reflect the complex interplay of cultural values, migration experiences, acculturation processes, and systemic factors including discrimination and differential policing (Peterson & Krivo, 2010).

Defining Culture and Crime



Figure 10.1.2: Image created by Copilot

Culture can be understood as the shared values, beliefs, norms, customs, behaviors, and artifacts that characterize a group or society (Kroeber & Kluckhohn, 1952). Culture provides individuals with frameworks for interpreting the world, guiding behavior, and evaluating the actions of others. In the context of crime, culture influences both what behaviors are defined as criminal and how individuals and communities respond to deviance (Sellin, 1938).

The relationship between culture and crime is multifaceted. First, cultural norms define which behaviors are considered acceptable or deviant within a particular community. What constitutes a serious offense in one culture may be viewed as minor or even acceptable in another (Wolfgang & Ferracuti, 1967). Second, cultural values influence individual decision-making processes related to criminal behavior, including perceptions of risk, costs, and benefits. Third, cultural contexts shape victimization patterns and help-seeking behaviors, as different communities may have varying levels of trust in formal institutions and different preferences for conflict resolution (Tyler & Huo, 2002).

In California, the complexity of cultural influences on crime is amplified by the state's history of immigration and demographic change. The California Immigrant Data Portal (2024) reports that approximately 27% of California's population is foreign-born, with significant populations from Mexico, China, the Philippines, Vietnam, India, and El Salvador. These immigrant communities bring diverse cultural backgrounds, legal statuses, and experiences that shape their interactions with the criminal justice system in unique ways (Rumbaut & Ewing, 2007).

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10.2: Theoretical Perspectives on Cultural Variations in Crime



Figure 10.2.1: Copy and Paste Caption here. (Copyright; author via source)

Thorsten Sellin's (1938) cultural conflict theory provides a foundational framework for understanding crime in multicultural societies. Sellin argued that crime often results from conflicts between the conduct norms of different cultural groups. When individuals migrate from one cultural context to another, they may find that behaviors considered normal in their culture of origin are criminalized in the receiving society. This conflict between normative systems can lead to criminal behavior, not from malicious intent, but from adherence to cultural norms that conflict with legal codes (Sellin, 1938).

In California, cultural conflict manifests in various ways. For example, traditional disciplinary practices in some Asian and Latine cultures may conflict with child abuse laws, leading to misunderstandings and potential criminal justice involvement (Ima & Hohm, 1991). Similarly, traditional healing practices involving certain substances may violate drug laws, despite their cultural significance (Lee & Filipovic, 2022). Understanding these conflicts is essential for developing culturally appropriate responses that balance legal requirements with cultural sensitivity.

In Social Disorganization Theory, Shaw and McKay's (1942) emphasizes the role of neighborhood characteristics in shaping crime rates. According to this perspective, areas characterized by poverty, residential instability, and ethnic heterogeneity experience higher crime rates due to weakened social controls and reduced collective efficacy. While originally developed to explain crime in immigrant neighborhoods in Chicago, this theory has been extensively applied to understanding crime patterns in California's diverse communities (Sampson & Groves, 1989).

Research in Los Angeles has demonstrated that neighborhoods with high concentrations of recent immigrants often experience lower crime rates than might be predicted by their socioeconomic characteristics alone, a phenomenon sometimes referred to as the 'immigrant paradox' (Sampson, 2008). The finding challenges simple applications of social disorganization theory and suggests that immigrant communities may possess protective cultural factors, such as strong family ties and community cohesion, that buffer against crime despite economic disadvantage (Martinez et al., 2010).

Robert Merton's (1938) strain theory posits that crime results from the disjunction between culturally defined goals and the legitimate means available to achieve them. This framework is particularly relevant for understanding crime among immigrant and minority communities in California. When cultural groups experience blocked opportunities due to discrimination, language barriers, or credential recognition issues, individuals may resort to illegitimate means to achieve economic success or other culturally valued goals (Agnew, 2006). However, cultural variations exist in how different groups respond to strain. Some cultures emphasize collective over individual responses to adversity, leading to community-based solutions rather than individual criminal adaptations (Messner & Rosenfeld, 2013). For instance, rotating credit associations in Asian communities and cooperative

economic networks in Latine communities represent cultural adaptations that provide legitimate alternatives to crime, even in the face of economic strain (Zhou, 2009).

Cultural Criminology and Subcultural Theory examines how cultural forces shape both crime and crime control, emphasizing the role of meaning, representation, and identity in criminal behavior (Ferrell et al., 2015). This perspective is valuable for understanding how cultural identities, including ethnic and racial identities, intersect with criminal subcultures in California's diverse urban landscapes. Subcultural theories, developed by Wolfgang and Ferracuti (1967) suggest that certain groups develop normative systems that are conducive to violence or other forms of crime.

In California, this framework has been applied to understanding gang culture, particularly among Latine and African American youth in urban areas (Vigil, 2002). However, critics argue that subcultural explanations can stigmatize entire communities and overlook structural factors like poverty, segregation, and limited opportunities that drive gang involvement (Rios, 2011).

Immigration, Acculturation, and Crime

The relationship between immigration and crime has been a subject of intense scholarly and public debate. Contrary to popular perceptions that link immigration with increased crime, extensive research consistently demonstrates that immigrants, including undocumented immigrants, commit crimes at lower rates than native-born Americans (Ousey & Kubrin, 2018). This pattern is particularly evident in California, where cities with large immigrant populations have experienced significant crime reductions over the past three decades (Sampson, 2008).

A comprehensive study by the Public Policy Institute of California (2023) found that foreign-born individuals in California are incarcerated at rates far lower than U.S.-born individuals. While foreign-born individuals comprise approximately 27% of California's adult population, they represent only 15% of the state's prison population. This disparity exists across virtually all major crime categories, including violent crimes and property crimes (Johnson & Lofstrom, 2023).

Several factors explain lower crime rates among immigrants. First, immigration represents a form of positive self-selection, as individuals who choose to migrate tend to be more motivated, future-oriented, and law-abiding than those who remain in their countries of origin (Feliciano, 2005). Second, many immigrant communities maintain strong family structures and social networks that provide informal social control and support (Portes & Rumbaut, 2014). Third, immigrants often face additional deterrents to criminal behavior, including fear of deportation and concerns about jeopardizing their immigration status or that of family members (Armenta, 2017).

However, the relationship between acculturation and crime is more complex. While first-generation immigrants typically have lower crime rates, research suggests that crime rates tend to increase among second and later generations (Bui, 2009). This pattern, sometimes called 'segmented assimilation,' indicates that as immigrant children become more acculturated to American society, particularly to disadvantaged urban environments, they may adopt behaviors and attitudes associated with higher crime involvement (Portes & Zhou, 1993).

A study of Vietnamese youth in California found that those who maintained strong connections to their ethnic culture and community had lower rates of delinquency compared to those who adopted an adversarial stance toward mainstream institutions while losing ties to their heritage culture (Zhou & Bankston, 1998). This suggests that cultural retention, rather than assimilation, may serve as a protective factor against crime for immigrant youth.

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10.3: Demographic Landscape and Crime Patterns

California's demographic composition is unparalleled in its diversity. According to the U.S. Census Bureau (2023), California's population of approximately 39 million is composed of multiple racial and ethnic groups, with no single group constituting a majority. The state's racial and ethnic composition includes approximately 39% Hispanic or Latine (15.3 million), 35% White non-Hispanic (13.7 million), 15% Asian (5.9 million), 6% Black or African American (2.3 million), and 5% identifying as multiracial or other races.

This diversity extends beyond these broad categories. California's Latine population includes significant communities from Mexico (representing over 80% of California Latine), El Salvador, Guatemala, Nicaragua, and other Latin American countries, each bringing distinct cultural traditions and migration experiences (California Department of Finance, 2024). The Asian population encompasses diverse groups including Chinese (1.5 million), Filipino (1.4 million), Vietnamese (755,000), Korean (505,000), Indian (590,000), and Japanese (328,000), among others (U.S. Census Bureau, 2023).

Geographic concentration patterns vary significantly across the state. Los Angeles County alone is home to approximately 10 million people and is the most diverse county in the nation, with substantial populations of Latine, Asians, African Americans, and Whites living in distinct yet overlapping communities (Los Angeles County Department of Public Health, 2024). The San Francisco Bay Area has the highest concentration of Asian Americans, particularly Chinese, Filipino, Indian, and Vietnamese communities. California's Central Valley has experienced rapid demographic change, with Latine populations now constituting majorities in many agricultural communities (California Rural Legal Assistance, 2023

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10.4: Overall Crime Trends in California

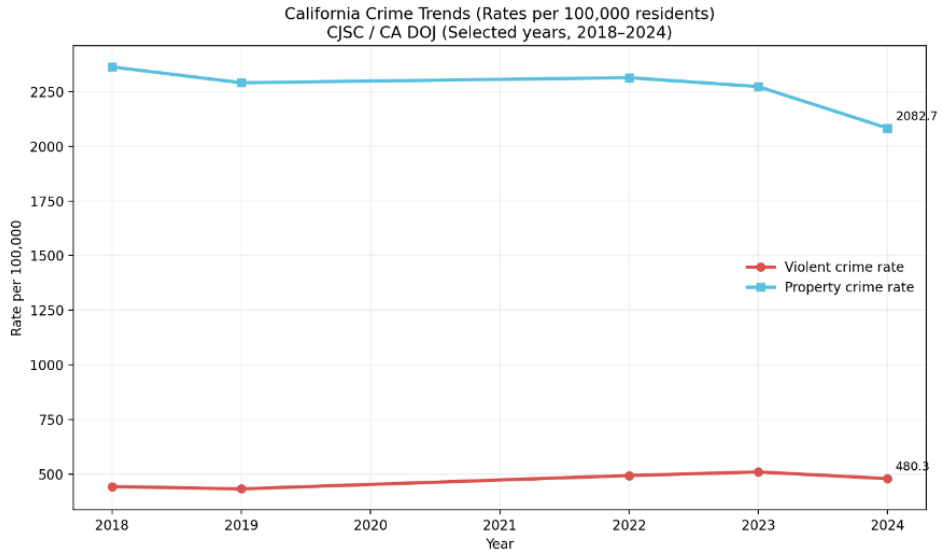


Figure 10.4.1: Data points used (CJSC, rates per 100,000 residents) After the pandemic-era uptick, violent crime eased in 2024 (down from 511.0 to 480.3), but it remains above 2019 levels (433.5). Property crime fell notably in 2024 to 2,082.7, below both 2023 (2,272.7) and 2019 (2,290.3).

California has experienced significant changes in crime rates over the past three decades. According to the California Department of Justice's Criminal Justice Statistics Center (2024), violent crime rates in California have declined by approximately 50% since their peak in the early 1990s, mirroring national trends. In 2023, California's violent crime rate was 442 per 100,000 residents, compared to 1,120 per 100,000 in 1992 (California Department of Justice, 2024).

Property crime has followed a similar trajectory, declining by approximately 55% since 1992. The property crime rate in 2023 was 2,331 per 100,000 residents, down from 5,210 per 100,000 in 1992 (California Department of Justice, 2024). These declines occurred during a period of massive demographic change, including substantial increases in immigrant populations, challenging assumptions about relationships between diversity and crime. However, crime patterns vary considerably across different regions and communities within California. Urban areas generally experience higher crime rates than suburban or rural areas, though this relationship is complex and mediated by factors including poverty concentration, police resources, and community characteristics (Kubrin & Weitzer, 2003). Los Angeles and Oakland consistently rank among California cities with the highest violent crime rates, while cities in Orange County and some Bay Area suburbs report much lower rates (FBI Uniform Crime Reports, 2023).

Understanding crime patterns across racial and ethnic groups requires careful attention to both arrest data and victimization data, as well as recognition of the limitations and potential biases in official crime statistics. The California Department of Justice (2024) reports arrest statistics by race and ethnicity, though these data reflect law enforcement activity and may not accurately represent actual offending patterns due to potential biases in policing, reporting, and criminal justice processing (Gelman et al., 2007).

According to the California Attorney General's Office (2024), African Americans, who comprise approximately 6% of California's population, accounted for 16% of felony arrests in 2023. Latine represented 42% of felony arrests while comprising 39% of the population. Whites accounted for 28% of arrests while representing 35% of the population, and Asians accounted for 4% of arrests while comprising 15% of the population. These disparities have persisted over time and reflect complex interactions between offending patterns, police practices, socioeconomic conditions, and systemic factors (Petersilia, 1985). Research suggests that disparities in arrest rates are partially explained by socioeconomic factors, as minority communities in California experience higher rates of poverty, unemployment, and residential segregation (Massey & Denton, 1993). Studies controlling for neighborhood disadvantages find that racial disparities in offending are substantially reduced, though not entirely eliminated (Peterson & Krivo, 2010). However, disparities also reflect differential policing practices, with minority neighborhoods subject to more intensive surveillance and enforcement (Goffman, 2014).

Victimization data from the California Health Interview Survey (2023) reveals that violent crime victimization rates vary across racial and ethnic groups. African Americans report the highest rates of violent victimization, followed by Latine, Whites, and Asians. However, reporting rates to police vary significantly, with Asian and Latine victims less likely to report crimes to authorities compared to White and African American victims (Xie & Baumer, 2019). These differences in reporting may reflect cultural factors, including trust in police, language barriers, immigration concerns, and preferences for informal conflict resolution.

Immigration Status and Crime

California is home to approximately 2.2 million undocumented immigrants, representing about 6% of the state's population and approximately 20% of the nation's undocumented population (Public Policy Institute of California, 2024). The relationship between undocumented immigration and crime has been subject to considerable political debate, often characterized by misconceptions and inflammatory rhetoric (Vaughan, 2006). Empirical research consistently demonstrates that undocumented immigrants commit crimes at lower rates than native-born citizens. A comprehensive study by Lofstrom and colleagues (2023) at the Public Policy Institute of California examined incarceration rates and found that undocumented immigrants had an incarceration rate of 262 per 100,000, compared to 813 per 100,000 for native-born citizens. Even when controlling for age and gender distributions, undocumented immigrants were significantly less likely to be incarcerated than U.S.-born individuals.

Studies of California cities have found that increases in undocumented immigration are associated with decreases in violent crime (Kubrin & Ousey, 2009). Research in San Diego examining data from 1980 to 2000 found that neighborhoods with higher concentrations of immigrants, including undocumented immigrants, experienced greater declines in violent crime than other neighborhoods, controlling for other demographic and economic factors (Stowell et al., 2009).

Several mechanisms explain lower crime rates among undocumented immigrants. First, the risks associated with criminal justice involvement are significantly higher for undocumented individuals, as criminal convictions can trigger deportation proceedings (Armenta, 2017). Second, undocumented immigrants often maintain strong ties to family and community networks that provide informal social control (Capps et al., 2007). Third, many undocumented immigrants come from communities with strong work ethics and traditional family values that discourage criminal behavior (Portes & Rumbaut, 2014). However, undocumented status creates unique vulnerabilities to victimization. Undocumented immigrants are reluctant to report crimes to police due to fears of immigration enforcement, making them attractive targets for predatory criminals (Theodore, 2013).

A study in Los Angeles found that 70% of undocumented immigrant victims of crime did not report incidents to police, compared to 30% of documented immigrant victims and 20% of U.S.-born victims (Davis et al., 2001). This underreporting creates opportunities for exploitation and enables criminal activity within immigrant communities to persist without intervention.

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10.5: Cultural-Specific Crime Patterns and Issues

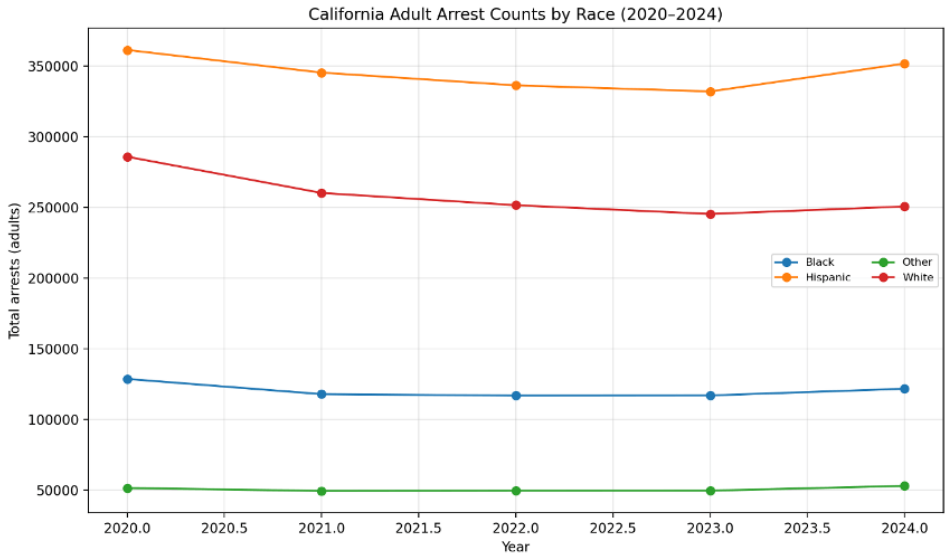


Figure 10.5.1: California LEAs report monthly information on felony, misdemeanor, and status offense arrests from 2020-2024. Reported: https://openjustice.doj.ca.gov/data

Latine Communities and Crime

Latine communities in California, representing the state's largest ethnic group, exhibit complex crime patterns that defy simple characterizations. Research consistently shows that first-generation Latine immigrants have substantially lower crime rates than both native-born Latine and the general population (Sampson, 2008). However, this advantage diminishes with succeeding generations, illustrating the importance of cultural factors and acculturation processes.

Data from the California Department of Justice (2024) indicates that while Latine represent 39% of California's population, they account for 42% of arrests statewide. However, these aggregate figures mask significant variations within Latine communities based on national origin, generation, immigration status, and socioeconomic position. Mexican Americans, who comprise over 80% of California's Latine population, show different patterns than Central American, South American, or Caribbean Latine groups (Martinez, 2002).

Gang involvement represents a significant issue within some Latine communities, particularly in urban areas of Los Angeles, San Diego, and the Central Valley. The Los Angeles County Sheriff's Department (2023) estimates that approximately 40% of gang members in Los Angeles County are Latine, with major gangs including the 18th Street Gang, MS-13, and various Sureño affiliates. However, it is crucial to recognize that gang members represent a tiny fraction of the overall Latine population, and gang activity is concentrated in specific disadvantaged neighborhoods characterized by poverty, limited opportunities, and historical disinvestment (Vigil, 2002).

Cultural factors influencing crime patterns in Latine communities include strong familial bonds, traditional gender roles, and cultural concepts such as 'respeto' (respect) and 'familismo' (family orientation). These cultural values generally serve as protective factors against crime, particularly for first-generation immigrants (Buriel & De Ment, 1997). However, cultural conflict can arise when traditional values clash with American norms, particularly for second-generation youth navigating multiple cultural contexts (Portes & Rumbaut, 2001).

Domestic violence represents a particular concern within some Latine communities, where traditional gender roles and cultural values regarding family privacy may discourage help-seeking (Perilla et al., 2011). A study of Latina domestic violence victims in California found that 44% did not report abuse to authorities, citing concerns about breaking up the family, fear of deportation, and cultural values emphasizing family unity over individual safety (Murdaugh et al., 2004). These cultural factors necessitate specialized, culturally competent interventions that respect cultural values while ensuring victims' safety.

Economic factors intersect with cultural dynamics in shaping crime patterns. Many Latine immigrants work in low-wage sectors including agriculture, construction, and service industries, facing economic strain that can contribute to property crime (Martinez et al., 2010). However, strong community networks and mutual aid systems often provide alternatives to crime, with informal economies and cooperative ventures offering legitimate income opportunities (Portes & Rumbaut, 2014).

The role of immigration enforcement in Latine communities has significant implications for crime and justice. California's sanctuary policies aim to separate local policing from immigration enforcement, yet many Latine residents remain fearful of police contact (California Values Act, 2017). Research indicates that enhanced immigration enforcement is associated with decreased crime reporting in Latine communities, creating opportunities for victimization and enabling criminal activity to persist without intervention (Theodore, 2013).

Asian American Communites and Crime

Asian Americans in California demonstrate the lowest crime rates among major racial and ethnic groups. According to the California Department of Justice (2024), Asian Americans account for only 4% of felony arrests while comprising 15% of the state's population. This pattern holds across virtually all crime categories, including violent crimes, property crimes, and drug offenses (Le, 2007).

However, the category 'Asian American' encompasses tremendous diversity, including Chinese, Filipino, Vietnamese, Korean, Indian, Japanese, Cambodian, Hmong, and other groups with distinct cultural backgrounds, migration histories, and socioeconomic profiles (Zhou & Gatewood, 2000). Crime patterns vary considerably across these subgroups. For instance, Southeast Asian refugees, particularly Cambodian and Hmong communities, experience higher rates of poverty and gang involvement compared to East Asian and South Asian immigrants who often arrive with higher levels of education and economic resources (Yang, 2004).

Cultural factors contributing to low crime rates in many Asian American communities include strong emphasis on education, respect for authority, family honor, and community cohesion (Zhou & Bankston, 1998). The concept of 'saving face' in many Asian cultures creates powerful informal social controls, as criminal behavior brings shame not only to the individual but to their entire family and community (Chin, 1996). These cultural values are reinforced through ethnic institutions, including language schools, religious organizations, and community associations that provide both socialization and social support.

Despite overall low crime rates, Asian American communities face specific crime issues. Organized crime, including human trafficking, illegal gambling, and intellectual property theft, affects some Asian communities in California. The California Department of Justice's Asian Organized Crime Task Force (2023) has documented activities of Chinese triads, Vietnamese gangs, and Korean organized crime groups operating in California's major urban centers. These criminal organizations often victimize members of their own ethnic communities, taking advantage of language barriers, cultural unfamiliarity with American legal systems, and reluctance to seek help from authorities (Chin et al., 2011).

Domestic violence in Asian American communities is significantly underreported due to cultural factors including stigma, emphasis on family harmony, and patriarchal family structures (Yoshihama, 2002). A study of Asian American domestic violence in California found that only 12% of victims reported abuse to police, compared to 35% of White victims (Abraham, 2000). Cultural values emphasizing privacy, family reputation, and female subordination create barriers to help-seeking and necessitate culturally specific intervention approaches (Raj & Silverman, 2002).

Elder abuse represents another concern in Asian American communities, particularly where traditional expectations of filial piety conflict with the realities of caregiving in American society (Lee & Kolomer, 2005). Studies have documented that Asian American elders are reluctant to report abuse by family members, viewing such disclosure as bringing shame to the family (Moon & Benton, 2000). These cultural dynamics require specialized outreach and intervention strategies that acknowledge cultural values while protecting vulnerable individuals.

Language barriers significantly affect Asian American interactions with the criminal justice system. While California courts provide interpreters in over 100 languages, many Asian Americans with limited English proficiency avoid seeking help or reporting crimes due to communication difficulties (California Courts, 2024). Research indicates that Asian language interpretation quality varies considerably across jurisdictions, affecting access to justice for non-English speaking community members (Berk-Seligson, 2002).

African American Communities and Crime

African Americans in California experience disproportionately high rates of both criminal justice involvement and violent crime victimization. While comprising approximately 6% of California's population, African Americans account for 16% of felony arrests and 28% of the state's prison population (California Department of Justice, 2024; California Department of Corrections and Rehabilitation, 2024). These disparities reflect complex historical, structural, and cultural factors that cannot be reduced to individual or cultural pathology.

Historical context is essential for understanding crime patterns in African American communities. California's African American population has been shaped by the Great Migration, racial segregation, discriminatory housing policies, and systematic exclusion from economic opportunities (Sides, 2003). Residential segregation has concentrated African Americans in disadvantaged urban neighborhoods characterized by poverty, unemployment, failing schools, and limited resources (Massey & Denton, 1993). These structural conditions create criminogenic environments that affect residents regardless of individual characteristics or cultural values.

Research in Los Angeles has documented that African American neighborhoods experience violent crime rates approximately four times higher than White neighborhoods, even after controlling for poverty (Peterson & Krivo, 2010). However, these disparities are largely explained by concentrated disadvantage, with African American communities experiencing more extreme and persistent poverty than other groups. Studies show that when African American and White neighborhoods with equivalent levels of disadvantage are compared, crime rate differences are minimal (Krivo & Peterson, 1996).

Gang involvement affects some African American communities in California, particularly in South Los Angeles, Oakland, and other urban areas. The Los Angeles County Sheriff's Department (2023) estimates that approximately 35% of gang members in Los Angeles County are African American, including members of the Bloods, Crips, and their various subsets. Gang violence has contributed significantly to homicide rates in affected neighborhoods, with young African American males experiencing victimization rates far exceeding other demographic groups (Cooper & Smith, 2011).

Cultural factors influencing crime in African American communities are complex and contested. Some scholars have pointed to the legacy of slavery and ongoing discrimination in creating adaptations to blocked opportunities, including 'code of the street' norms that emphasize respect, toughness, and violent retaliation to disrespect (Anderson, 1999). However, critics argue that such cultural explanations risk pathologizing African American communities while minimizing structural causes of crime, including poverty, segregation, and discriminatory criminal justice practices (Unnever & Gabbidon, 2011).

The relationship between African Americans and the criminal justice system in California is marked by distrust rooted in historical and ongoing discrimination. Research documents racial disparities at every stage of criminal justice processing, from police stops and searches to charging decisions, bail determinations, and sentencing outcomes (Gelman et al., 2007). A study of police stops in Oakland found that African Americans were three times more likely to be stopped than Whites, even after controlling for neighborhood crime rates and other factors (Eberhardt et al., 2006). These disparities contribute to perceptions of injustice and undermine police legitimacy in African American communities (Tyler & Huo, 2002).

Victimization rates in African American communities are substantially higher than other groups. African Americans experience violent crime victimization at rates approximately 25% higher than the national average, with homicide being the leading cause of death for African American males aged 15-34 (Cooper & Smith, 2011). This elevated victimization reflects both higher crime rates in disadvantaged neighborhoods and potentially differential police response and investigation patterns.

White Communities and Crime

White Americans in California, while comprising 35% of the population, account for 28% of felony arrests and approximately 26% of the state's prison population (California Department of Justice, 2024). Crime rates among Whites vary considerably based on socioeconomic status, geographic location, and community characteristics, though this variation often receives less attention than diversity within minority communities.

White-collar crime, including fraud, embezzlement, and securities violations, disproportionately involves White offenders, though such crimes are often excluded from conventional crime statistics and public discourse about crime (Sutherland, 1949). The California Department of Business Oversight (2023) reports that approximately 70% of securities fraud cases involve White defendants, reflecting both greater access to opportunities for such crimes and potentially differential prosecution patterns.

Substance abuse and drug-related crime represent significant issues in some White communities, particularly rural areas

affected by methamphetamine and opioid epidemics. The California Department of Public Health (2024) reports that White Californians account for approximately 60% of opioid-related deaths, despite comprising only 35% of the population. Rural White communities in Northern California and the Central Valley have been particularly affected by methamphetamine production and use, leading to property crime, domestic violence, and child neglect (Bourgois, 2003).

Cultural factors influencing crime in White communities are diverse and complex, varying by region, class, and subculture. Research on rural White communities has documented the influence of individualistic values, distrust of government, and economic dislocation in shaping both crime patterns and responses to crime (Sherman, 2009). In contrast, affluent White suburban communities exhibit extremely low crime rates, supported by economic resources, effective formal and informal social controls, and access to preventive interventions (Hagan & Peterson, 1995).

Geographic variations in White crime patterns are substantial. Rural White communities experience different crime patterns than suburban or urban White communities, with rural areas seeing higher rates of domestic violence, methamphetamine-related crimes, and property crimes, while urban White neighborhoods may experience different patterns related to nightlife economies and property crimes (FBI Uniform Crime Reports, 2023).

White privilege in the criminal justice system has been extensively documented, with white defendants and victims receiving preferential treatment at various stages of criminal justice processing (Spohn, 2000). Research shows that White defendants are more likely to be released on bail, less likely to be charged with felonies, and receive shorter sentences than minority defendants convicted of similar crimes (Crow & Johnson, 2008). These disparities reflect both implicit biases and systemic factors that advantage White individuals.

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10.6: Cultural Values, Norms, and Perceptions of Crime

What constitutes criminal or deviant behavior varies significantly across cultures, creating challenges in multicultural societies like California. Legal codes represent the dominant culture's definitions of acceptable behavior, but these definitions may conflict with the norms and values of minority cultural groups (Sellin, 1938). Understanding these cultural variations is essential for effective law enforcement, fair adjudication, and culturally appropriate interventions.

Cultural conflict around child discipline provides a clear example. In many Asian and Latine cultures, physical discipline is viewed as a normal and appropriate parenting practice, reflecting cultural values emphasizing parental authority and child obedience (Ima & Hohm, 1991). However, California's child abuse laws prohibit physical discipline that results in injury or poses risk of serious harm. This creates potential conflicts when parents from cultures accepting corporal punishment face child abuse investigations for practices they view as legitimate parenting (Fontes, 2002).

A study of child protective services cases in Los Angeles County found that Asian and Latine families were more likely to have cases opened for physical discipline compared to White families engaging in similar behaviors, suggesting potential cultural biases in reporting and investigation (Ards et al., 2012). However, the same study found that when abuse was substantiated, minority families received fewer services and supports, indicating disparities in both surveillance and assistance.

Cultural variations also exist in definitions of property and property crimes. Some Indigenous cultures maintain concepts of communal property that differ from Western notions of individual ownership (Ross, 1998). Similarly, extended family systems in many cultures create expectations of resource sharing that may conflict with legal boundaries regarding property use. These cultural differences can lead to misunderstandings and criminal justice involvement when behavior that is culturally normative is legally prohibited.

Sexual behavior and gender norms represent another area of cultural variation with legal implications. Different cultures maintain varying norms regarding appropriate sexual behavior, age of consent, and gender relations. While California law establishes universal standards, cultural communities may maintain different expectations that create conflicts and potential legal violations (Renteln, 2004).

Honor, Face, and Respect Across Cultures

Cultural concepts of honor, face, and respect significantly influence both criminal behavior and responses to victimization across different communities in California. These cultural values shape how individuals respond to perceived insults, threats, or violations of dignity, with important implications for violence and conflict resolution (Nisbett & Cohen, 1996).

In many Latine communities, the concept of 'respeto' (respect) is central to social interactions and identity. Perceived disrespect can trigger violent responses, particularly among young men socialized in honor cultures where defending one's reputation is essential to maintaining social status (Kubrin & Weitzer, 2003). Research in Los Angeles has documented that many homicides among Latino males involve disputes over respect, with minor initial conflicts escalating to lethal violence when participants feel disrespected (Kubrin, 2005).

Similarly, African American communities have been described as maintaining a 'code of the street' that emphasizes respect, toughness, and willingness to use violence to defend one's honor (Anderson, 1999). Anderson argues that in disadvantaged urban neighborhoods where formal institutions provide little protection or opportunity, street codes provide alternative frameworks for achieving respect and safety. However, adherence to these codes can lead to cycles of violence as individuals feel compelled to respond violently to perceived disrespect.

Asian cultures emphasize the concept of 'face,' referring to social standing and respect within the community (Ho, 1976). The importance of face influences both crime and responses to victimization. Fear of losing face may prevent Asian Americans from reporting crimes or seeking help, as acknowledging victimization brings shame and potentially damages family reputation (Ima & Hohm, 1991). This cultural dynamic contributes to underreporting of crimes within Asian communities and can enable ongoing victimization.

Understanding these cultural values is essential for effective crime prevention and intervention. Programs that recognize the importance of respect and honor can design interventions that help young people achieve status through prosocial means rather

than through violence or criminal activity (Rios, 2011). Similarly, victim services that acknowledge cultural concerns about shame and reputation are more likely to be utilized by community members who might otherwise suffer in silence (Abraham, 2000).

Collectivism, Individualism, and Crime

Cultural orientations toward collectivism and individualism significantly influence crime patterns, victim responses, and justice preferences. Collectivist cultures emphasize group harmony, family obligations, and community cohesion, while individualistic cultures prioritize personal autonomy, individual rights, and self-determination (Triandis, 1995). These cultural orientations shape both motivations for crime and responses to it.

Many Asian and Latine cultures maintain collectivist orientations that emphasize family and community over individual interests. This collectivism can serve as a protective factor against crime, as individuals are embedded in social networks that provide support, monitoring, and consequences for deviant behavior (Zhou & Bankston, 1998). The shame and dishonor that criminal behavior brings to family and community serve as powerful deterrents, often more influential than formal legal sanctions (Braithwaite, 1989).

Research in California has documented that collectivist values contribute to lower crime rates among first-generation Asian and Latine immigrants compared to more acculturated second-generation individuals who adopt more individualistic orientations (Bui, 2009). A study of Vietnamese youth in California found that those maintaining strong family obligations and community ties had significantly lower rates of delinquency than those who prioritized individual autonomy and peer relationships over family connections (Zhou & Bankston, 1998).

However, collectivism can also create challenges for crime control. In collectivist cultures, there may be reluctance to report crimes committed by family or community members, as doing so violates norms of loyalty and brings shame to the group (Xie & Baumer, 2019). This dynamic is particularly evident in cases of domestic violence, where victims may be pressured by family members to remain silent to preserve family unity and reputation (Abraham, 2000).

Collectivist values also influence preferences for conflict resolution and justice. Many collectivist cultures prefer restorative justice approaches that emphasize healing, reconciliation, and restoration of harmony over punitive sanctions that separate offenders from family and community (Braithwaite, 1989). Research in California has shown that Asian American and Latine victims often prefer mediation and restitution over incarceration, particularly for less serious offenses (Tyler et al., 2007).

Trust in Legal Institutions Across Cultures

Trust in legal institutions varies dramatically across cultural communities in California, with profound implications for crime reporting, cooperation with authorities, and perceptions of justice system legitimacy. Historical experiences with law enforcement, immigration status concerns, language barriers, and cultural norms all shape community relationships with police and courts (Tyler & Huo, 2002).

Research by the Public Policy Institute of California (2023) found significant variations in police trust across racial and ethnic groups. Approximately 65% of White Californians reported trusting local police to treat community members fairly, compared to 58% of Latine, 51% of Asian Americans, and 38% of African Americans. These differences reflect both contemporary experiences with policing and historical legacies of discrimination and mistreatment.

For immigrant communities, trust in legal institutions is complicated by concerns about immigration enforcement. California's sanctuary policies, which limit cooperation between local law enforcement and federal immigration authorities, are designed to address these concerns (California Values Act, 2017). However, research indicates that many immigrants remain fearful of police contact, with 44% of undocumented immigrants in California reporting that they would be less likely to report crimes due to fear of immigration consequences (Nguyen & Gill, 2010).

Language barriers significantly affect immigrant community engagement with legal institutions. The California Courts (2024) provide interpreters in over 100 languages, yet many immigrants report difficulty accessing justice due to language issues. A study of Asian American crime victims in California found that 60% of those with limited English proficiency did not report crimes to police, citing inability to communicate as a major barrier (Davis et al., 2001).

Cultural experiences with law enforcement in countries of origin also shape immigrant attitudes toward police in California. Immigrants from countries with corrupt or repressive police forces may transfer those expectations to American contexts, leading

to reluctance to seek police assistance even when needed (Davis & Hendricks, 2007). Conversely, some immigrants come from societies with highly respected and effective police forces and may have unrealistic expectations about American law enforcement capabilities.

African American communities in California report particularly low levels of trust in legal institutions, reflecting historical and ongoing experiences with discriminatory policing and criminal justice practices (Eberhardt et al., 2006). Research documents that African Americans in California are more likely to experience police stops, searches, use of force, and arrests compared to other groups, even when controlling for crime rates and behavior (Gelman et al., 2007). These experiences undermine police legitimacy and reduce cooperation with law enforcement.

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10.7: Criminal Justice System Responses and Cultural Competence



Figure 10.7.1: Image created by Copilot

The effectiveness of the criminal justice system in multicultural societies depends critically on the ability to recognize, understand, and appropriately respond to cultural diversity. Cultural competence in criminal justice encompasses the knowledge, skills, and attitudes necessary to provide equitable services to individuals from diverse backgrounds.

Policing in Multicultural Communities

Law enforcement in California faces unique challenges in serving highly diverse communities with varying languages, cultural norms, and relationships with authority. Effective policing in multicultural contexts requires cultural competence, language capabilities, community engagement, and awareness of how cultural differences affect both crime patterns and police-community interactions (Skogan & Frydl, 2004).

California law enforcement agencies have implemented various strategies to improve cultural competence. The California Commission on Peace Officer Standards and Training (POST, 2024) requires cultural diversity training for all peace officers, covering topics including implicit bias, cultural differences in communication styles, and appropriate responses to diverse communities. However, research suggests that traditional diversity training has limited effectiveness in changing officer behavior or improving community relations (Fridell, 2008).

Community-oriented policing approaches have shown more promise in building trust and improving police-community relations in diverse communities. The Los Angeles Police Department's community policing initiatives, developed after the 1992 civil unrest, emphasize building relationships with diverse communities, establishing community advisory boards, and deploying officers with language skills and cultural knowledge appropriate to the neighborhoods they serve (Skogan & Hartnett, 1997).

Language access remains a critical challenge for California law enforcement. While major agencies employ multilingual officers and utilize language line services, communication barriers continue to affect police effectiveness and community trust. The San Francisco Police Department (2023) reports that approximately 30% of 911 calls involve callers with limited English proficiency, requiring interpreter services that can delay emergency response and complicate investigations.

Recruitment and retention of officers who reflect California's diversity is an ongoing challenge. Despite efforts to diversify police forces, California law enforcement remains disproportionately White and male compared to the communities served (California Department of Justice, 2024). The Los Angeles Police Department, serving a city that is 48% Latine and 9% African American,

has a sworn officer force that is 47% Latine and 9% African American, representing significant progress from past decades but still indicating underrepresentation of some communities (LAPD, 2024).

Use of force incidents and their investigation represent critical issues for police legitimacy in diverse communities. Research has documented racial disparities in police use of force, with African American and Latine civilians more likely to experience force than White civilians in similar encounters (Gelman et al., 2007). Addressing these disparities requires policy reforms, enhanced training, robust oversight mechanisms, and accountability for officers who violate policies or engage in discriminatory practices.

Courts and Cultural Considerations

California's court system manages cases involving defendants, victims, and witnesses from extraordinarily diverse cultural backgrounds, requiring careful attention to language access, cultural competence, and fair treatment. The California Judicial Council (2024) has implemented policies and programs designed to ensure access to justice regardless of cultural or linguistic background, though significant challenges remain.

Language interpretation in courts is essential for due process and fair outcomes. California courts provide interpreters in over 100 languages, with Spanish, Vietnamese, Cantonese, Mandarin, and Korean being the most commonly requested (California Courts, 2024). However, providing qualified interpreters for less common languages poses ongoing challenges, and research indicates that interpretation quality varies significantly across languages and jurisdictions (Berk-Seligson, 2002).

Cultural factors influence case outcomes in various ways. Research has documented that defendants from different cultural backgrounds may be perceived differently by judges and juries, affecting bail decisions, plea negotiations, and sentencing (Spohn, 2000). A study of California Superior Courts found that Latine and African American defendants received longer sentences than White defendants convicted of similar crimes, even after controlling for legally relevant factors including prior criminal history and offense severity (Crow & Johnson, 2008).

Cultural defenses—where defendants argue that cultural background explains or mitigates criminal behavior—raise complex legal and ethical issues. California courts have grappled with cultural defense claims in cases involving domestic violence, child abuse, and other offenses where defendants argue that their actions were consistent with cultural norms (Renteln, 2004). While cultural factors may be considered as mitigating circumstances in sentencing, courts generally reject cultural defenses as justifications for criminal behavior, maintaining that all residents must comply with California law regardless of cultural background.

Jury composition and representation present challenges in culturally diverse jurisdictions. The Sixth Amendment guarantees criminal defendants the right to trial by an impartial jury drawn from a fair cross-section of the community. However, research shows that minority groups are often underrepresented on juries due to factors including voter registration rates, summons response rates, and peremptory challenges (Fukurai et al., 1993). A study of Los Angeles County juries found that while Latine comprised 48% of the county population, they represented only 28% of actual jury panels (Fukurai & Krooth, 2003).

Corrections and Rehabilitations in Diverse Populations

California's correctional system incarcerates individuals from extraordinarily diverse backgrounds, requiring culturally appropriate programming, language services, and sensitivity to cultural needs. The California Department of Corrections and Rehabilitation (CDCR, 2024) reports that the state's prison population of approximately 95,000 inmates includes substantial numbers of Latine (42%), Whites (26%), African Americans (28%), and other groups (4%), with about 10% of inmates having limited English proficiency.

Cultural factors influence prison social organization, with race and ethnicity playing significant roles in prison gang affiliations, social networks, and interpersonal conflicts. California prisons are organized around racial and ethnic lines, with major prison gangs including the Mexican Mafia (La Eme), Nuestra Familia, Black Guerrilla Family, Aryan Brotherhood, and various Asian gangs (Skarbek, 2014). Prison administrators must navigate these cultural dynamics while maintaining safety and order.

Rehabilitation programming must be culturally relevant to be effective. Research indicates that culturally adapted interventions produce better outcomes than generic programs that ignore cultural context (Lau, 2006). CDCR (2024) offers some culturally specific programming, including Spanish-language substance abuse treatment, Asian Pacific Islander cultural groups, and African American mentoring programs. However, advocates argue that culturally specific programming remains insufficient given population diversity.

Religious accommodation presents another cultural consideration in corrections. California prisons house inmates practicing diverse religions including Christianity, Islam, Buddhism, Hinduism, Judaism, and Indigenous spiritual traditions. CDCR policies require reasonable accommodation of religious practices, including dietary requirements, prayer times, religious holidays, and access to religious materials (CDCR, 2024). However, conflicts arise when security concerns clash with religious practices, requiring careful balancing of competing interests.

Reentry services must address cultural factors affecting successful community reintegration. Research shows that strong family and community ties facilitate successful reentry, yet these connections may be strained by incarceration, particularly for immigrants whose families may be in other countries (Visher & Travis, 2003). Language barriers, limited education, and lack of legal work authorization create additional challenges for immigrant ex-offenders reentering communities (Brotherton & Barrios, 2011).

Victim Services and Cultural Responsiveness

Providing effective victim services in California's multicultural context requires cultural competence, language access, and understanding of how cultural factors shape victimization experiences and help-seeking behaviors. The California Victim Compensation Board (2024) reports that crime victims from different cultural backgrounds have varying rates of service utilization, with Asian Americans and undocumented immigrants particularly underserved.

Cultural factors affect whether and how victims report crimes and seek services. Research documents that immigrant victims, particularly those who are undocumented, are reluctant to report crimes or access services due to fears about immigration consequences, language barriers, and unfamiliarity with American systems (Davis & Erez, 1998). A study in Los Angeles found that only 30% of immigrant crime victims reported offenses to police, compared to 50% of native-born victims (Davis et al., 2001).

Domestic violence services have developed specialized programs for different cultural communities, recognizing that generic services may not address culturally specific needs and barriers. Organizations such as the Asian Pacific Islander Legal Outreach and Casa de las Madres in San Francisco provide culturally specific domestic violence services, including language-appropriate advocacy, understanding of cultural dynamics affecting abuse, and connections to community resources (Abraham, 2000).

Sexual assault services face challenges in reaching victims from cultures where sexual violence carries severe stigma. Research indicates that Asian American and Latina sexual assault victims are significantly less likely to seek services than White victims, due to cultural shame, family reputation concerns, and fear of community ostracism (Yoshihama, 2002). Culturally specific outreach and services that acknowledge these barriers are essential for serving these populations.

Human trafficking represents a crime particularly affecting immigrant communities in California. The California Department of Justice (2024) reports that California has the highest number of human trafficking cases in the nation, with victims predominantly from Asia, Latin America, and Eastern Europe. Culturally appropriate victim services are essential, as trafficking victims face language barriers, trauma, immigration concerns, and fears of criminal prosecution for offenses committed while being trafficked (Farrell & Pfeffer, 2014).

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10.8: Crime Prevention Strategies and Policy Implications

Crime prevention in multicultural societies requires approaches that recognize and leverage the unique cultural strengths, values, and social structures of diverse communities. Traditional crime prevention programs developed from mainstream populations offer fail to achieve desirable outcomes when applied to culturally distinct groups, necessitating systematic adaptations that maintains program fidelity while incorporating culturally relevant content, delivery methods, and goals.

Culturally Adapted Prevention Programs

Effective crime prevention in multicultural communities requires programs that are culturally adapted to address the specific values, norms, and challenges of different populations. Generic prevention programs developed for mainstream populations may not resonate with or effectively serve diverse communities, necessitating cultural adaptation while maintaining program fidelity to evidence-based principles (Castro et al., 2004).

Youth violence prevention programs have been adapted for various cultural groups in California. The Homeboy Industries program in Los Angeles provides gang intervention and employment services to predominantly Latine gang members, incorporating cultural elements including family engagement, respect for Latine cultural values, and recognition of immigration-related stressors (Fremon, 2004). Evaluation research demonstrates that culturally adapted programs produce better outcomes than generic interventions for Latine youth (Kumpfer et al., 2002).

Substance abuse prevention programs have also benefited from cultural adaptation. The Strengthening Families Program has been adapted for various cultural groups, including Latine, Asian American, and Native American families, with modifications addressing cultural values, family structures, and communication styles (Kumpfer et al., 2008). Research shows that culturally adapted versions produce larger effect sizes than the original generic program when serving minority populations.

School-based prevention programs must address the cultural diversity of California's student population. The Los Angeles Unified School District, where over 90 languages are spoken, has developed culturally responsive bullying and violence prevention programs that acknowledge different cultural norms around conflict, authority, and peer relationships (LAUSD, 2024). These programs engage parents from diverse backgrounds and incorporate cultural brokers who can bridge mainstream institutions and immigrant communities.

Community-based prevention initiatives leverage cultural strengths and protective factors specific to different communities. For example, programs working with Asian American youth emphasize educational achievement and family honor as protective factors, while programs serving Latine youth may focus on familism and respeto as cultural values that discourage delinquency (Buriel & De Ment, 1997).

Community-Based Approaches

Community-based crime prevention leverages cultural strengths and community resources to address crime and safety concerns. This approach recognizes that communities possess cultural knowledge, social networks, and informal social controls that can be mobilized for crime prevention, often more effectively than formal criminal justice interventions (Clear, 2007).

Faith-based organizations play crucial roles in crime prevention within many immigrant and minority communities. Churches, temples, mosques, and other religious institutions provide social support, youth programming, conflict mediation, and connections to services (Johnson, 2011). In California's Latine communities, Catholic churches have developed violence prevention programs, gang intervention initiatives, and reentry services that leverage religious values and community trust (Cruz, 2008).

Ethnic community organizations serve as important partners in crime prevention. The Chinese Consolidated Benevolent Association, Japanese American Citizens League, Korean Community Center, and similar organizations provide culturally specific programs addressing crime prevention, victim services, and youth development (Zhou & Kim, 2006). These organizations understand cultural dynamics within their communities and can address issues that mainstream institutions might miss or mishandle.

Community mediation and restorative justice programs offer culturally appropriate alternatives to formal criminal justice

processing for some offenses. Many cultures prefer conflict resolution approaches that emphasize healing, reconciliation, and restoration of relationships over punitive sanctions (Braithwaite, 1989). California's Community Boards Program in San Francisco provides mediation services sensitive to diverse cultural approaches to conflict resolution, achieving high satisfaction rates among participants from various cultural backgrounds (McGillis, 1997).

Informal social controls within cultural communities represent powerful crime prevention mechanisms. Strong family structures, community monitoring, and cultural values emphasizing honor and shame create deterrents to criminal behavior that operate independently of formal legal sanctions (Zhou & Bankston, 1998). Supporting and strengthening these informal controls, rather than undermining them through aggressive policing, can enhance public safety while respecting cultural autonomy.

Immigration Policy and Crime

Immigration policies significantly affect crime and justice in California, shaping both immigrant behavior and criminal justice system responses. California has adopted various policies designed to separate immigration enforcement from local law enforcement, recognizing that fear of immigration consequences undermines public safety by discouraging crime reporting and cooperation with police (California Values Act, 2017).

The California Values Act (Senate Bill 54), enacted in 2017, limits cooperation between state and local law enforcement agencies and federal immigration authorities. The law prohibits officers from asking about immigration status, participating in immigration enforcement activities, or detaining individuals based solely on immigration holds (California Legislature, 2017). Supporters argue that this policy encourages immigrant communities to report crimes and cooperate with police without fear of immigration consequences.

Research examining the impact of sanctuary policies on crime has generally found either no effect or slight decreases in crime rates (Gonzalez et al., 2019). A study of California jurisdictions that adopted sanctuary policies found that violent crime decreased by approximately 15% following policy implementation, while property crime showed no significant change (Martínez-Schuldt & Martínez, 2019). These findings suggest that separating local policing from immigration enforcement does not compromise public safety and may enhance it by improving police-community relations.

U-visas and T-visas provide immigration relief for victims of certain crimes and human trafficking who cooperate with law enforcement. These visa programs recognize that immigrant victims need protection from deportation to safely report crimes and participate in prosecutions (Victims of Trafficking and Violence Protection Act, 2000). California law enforcement agencies have increasingly utilized these programs to encourage immigrant crime victims to come forward, though significant barriers remain in accessing these protections (Reina et al., 2017).

Enhanced immigration enforcement has documented negative effects on public safety in immigrant communities. Research shows that increased immigration enforcement is associated with decreased crime reporting, reduced cooperation with police, and increased vulnerability to victimization among immigrant populations (Theodore, 2013). These effects extend beyond undocumented immigrants to affect entire Latine and Asian communities, creating pervasive fear and distrust of law enforcement.

Policy Recommendations

Developing effective crime policies in California's multicultural context requires evidence-based approaches that acknowledge cultural diversity while maintaining commitment to public safety and justice. Several policy directions emerge from research on cross-cultural variations in crime.

First, invest in cultural competence training for criminal justice personnel that goes beyond superficial diversity awareness to develop genuine understanding of cultural differences and their implications for justice practice. This training should be ongoing, practice-oriented, and evaluated for effectiveness in changing behavior and improving outcomes (Fridell, 2008). Training should address implicit bias, cultural communication styles, and strategies for building trust across cultural divides.

Second, ensure language access throughout the criminal justice system, from police contacts through court proceedings to correctional programs and victim services. This requires investment in qualified interpreters, translation of essential materials, and recruitment of multilingual personnel (Berk-Seligson, 2002). Language access is not merely a convenience but a fundamental requirement for due process and equal access to justice.

Third, support community-based crime prevention programs that leverage cultural strengths and community resources. This

includes funding for ethnic community organizations, faith-based initiatives, and culturally adapted evidence-based programs (Clear, 2007). Community-based approaches recognize that communities themselves possess expertise and resources for addressing crime and should be partners in prevention efforts.

Fourth, address structural inequalities that contribute to crime disparities, including poverty, segregation, educational inequities, and employment discrimination. Crime prevention requires investment in economic opportunity, quality education, affordable housing, and community development in disadvantaged neighborhoods (Sampson, 2012). Addressing root causes of crime is more effective and sustainable than relying solely on criminal justice interventions.

Fifth, reforming criminal justice practices that produce racial and ethnic disparities, including racial profiling, biased charging and sentencing, and differential treatment throughout the justice process. This requires data collection, monitoring, and accountability for disparate impacts (Spohn, 2000). Justice system legitimacy depends on fair and equitable treatment of all community members regardless of race, ethnicity, or immigration status.

Sixth, expand alternatives to incarceration that are culturally appropriate and effective in reducing recidivism. This includes restorative justice programs, community-based supervision, and culturally adapted treatment programs (Braithwaite, 1989). Incarceration should be reserved for serious offenses where public safety requires it, with culturally appropriate alternatives available for other cases.

Seventh, protect immigrant communities by maintaining policies that separate local policing from immigration enforcement, enabling all residents to report crimes and access justice without fear of deportation (Armenta, 2017). Public safety requires that all community members feel safe approaching law enforcement and the courts.

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10.9: Importance of Cross-Cultural Variations Considerations

Cross-cultural variations in crime represent complex phenomena shaped by cultural values, immigration experiences, socioeconomic conditions, and criminal justice system responses. California's extraordinary diversity provides a unique laboratory for examining these variations and developing culturally competent approaches to crime prevention and justice administration. This chapter has demonstrated that culture influences crime in multiple ways, from definitions of criminal behavior to patterns of offending and victimization, from help-seeking behaviors to justice system outcomes.

Several key findings emerge from this analysis. First, immigrants, including undocumented immigrants, consistently demonstrate lower crime rates than native-born Americans, challenging popular stereotypes and suggesting that immigration is associated with decreased rather than increased crime. This pattern holds across California's diverse immigrant communities and across multiple types of crimes. The mechanisms explaining this pattern include positive self-selection, strong family structures, community social controls, and additional deterrents related to immigration consequences.

Second, cultural values including collectivism, family orientation, and respect for authority serve as protective factors against crime in many immigrant communities. These values create informal social controls that deter criminal behavior and encourage prosocial adaptations to challenges. However, the protective effects of these cultural values diminish through acculturation processes, with later-generation immigrants showing increased crime involvement compared to first-generation immigrants. This suggests that cultural retention, rather than assimilation, may serve as a protective factor against crime.

Third, acculturation processes affect crime patterns in complex ways, with cultural conflict creating challenges while also presenting opportunities for adaptation. The segmented assimilation framework helps explain why some immigrant youth maintain low crime involvement while others become involved in street culture and criminal activity. Factors influencing these divergent pathways include community context, economic opportunities, family support, and connections to ethnic communities and mainstream institutions.

Fourth, structural factors including poverty, segregation, and discrimination significantly contribute to crime disparities across racial and ethnic groups. While cultural factors matter, they cannot be understood separately from the structural conditions that shape opportunities and constraints. African American communities in California experience elevated crime rates primarily due to concentrated disadvantage, historical discrimination, and ongoing structural inequality rather than cultural pathology. Addressing crime disparities requires confronting these structural realities.

Fifth, the criminal justice system must adapt to California's cultural diversity through culturally competent practices, language access, community engagement, and recognition of how cultural factors affect both crime and justice processes. This requires ongoing training, policy reform, and commitment to equity and fairness across all stages of criminal justice processing. Current disparities in police stops, arrests, charging, bail, sentencing, and corrections demonstrate that significant work remains to achieve equal justice.

Sixth, crime prevention strategies must be culturally adapted to address the specific values, norms, and challenges of different communities while maintaining fidelity to evidence-based principles. Generic prevention programs developed for mainstream populations often fail to resonate with diverse communities, while culturally adapted interventions produce better outcomes. Supporting community-based prevention efforts that leverage cultural strengths and community resources represents a promising direction for crime prevention.

The criminal justice system's relationship with different cultural communities varies dramatically based on historical experiences, current interactions, and perceptions of fairness and legitimacy. Trust in police and courts is lowest among African Americans and immigrants, particularly undocumented immigrants, reflecting both historical legacies of discrimination and contemporary experiences with discriminatory practices. Building trust requires fundamental reforms in policing practices, increased accountability for misconduct, and separation of immigration enforcement from local policing.

Understanding cross-cultural variations in crime is essential for developing effective policies and programs in California and other diverse jurisdictions. Future research should continue examining how cultural factors interact with structural conditions to shape crime patterns, how criminal justice systems can better serve diverse populations, and how communities can leverage cultural strengths for crime prevention. As California becomes increasingly diverse, the lessons learned from studying cross-cultural variations in crime will only grow in importance for ensuring public safety, promoting justice, and building inclusive communities.

The challenge moving forward is to develop approaches that acknowledge and respect cultural diversity while maintaining commitment to fundamental principles of justice, equality, and human rights. This requires balancing cultural sensitivity with universal standards, recognizing cultural strengths while addressing cultural factors that may contribute to crime or victimization, and ensuring that all community members have equal access to safety, justice, and opportunity regardless of cultural background.

California's experience with cultural diversity in crime and justice provides valuable lessons for other jurisdictions facing similar challenges in an increasingly multicultural world. The state's efforts to separate immigration enforcement from local policing, provide language access throughout the justice system, support culturally specific prevention programs, and reform discriminatory practices offer models for other jurisdictions. However, significant challenges remain, including persistent disparities in justice outcomes, underreporting crimes in some communities, and gaps in culturally appropriate services.

Ultimately, addressing cross-cultural variations in crime requires comprehensive approaches that combine cultural competence with structural reform. Cultural adaptation alone cannot overcome the effects of poverty, segregation, and discrimination. Similarly, structural reforms must be implemented with cultural sensitivity to be effective and legitimate in diverse communities. The integration of cultural and structural approaches offers the best path forward for reducing crime, promoting justice, and building safe and inclusive communities in California's multicultural society.

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CHAPTER 11: RACE, ETHNICITY, GENDER, AGE, CLASS, SEXUALITY, AND CRIME

Learning Objectives

- Analyze disparities by race, gender, and class
- Explain intersectionality
- Identify structural factors influencing justice involvement
- Evaluate policy implications

Key Terms

- Social Inequality
- Structural Inequality
- Racial Disparity
- Gender Disparity
- Age-Crime Curve
- Socioeconomic Status (SES)
- Intersectionality
- Systemic Bias
- Discrimination
- Poverty
- Criminal Justice Disparity

Summary

This chapter examines how social inequalities shape crime and justice outcomes. It explores disparities across multiple identities and emphasizes the role of structural factors. Intersectionality provides a framework for understanding overlapping inequalities.



Figure 11.1: Our identities are formed by dozens of factors, sometimes represented in intersection wheels. Consider the subset of identity elements represented here. Generally, the outer ring contains elements that may change relatively often, while the elements in the inner circle are often considered more permanent. Photo courtesy of Lumen Learning Sociology

Understanding how race, ethnicity, gender, age, class, and sexuality intersect with crime is essential because these social identities shape both people's experiences with victimization and their treatment within the criminal justice system. Intersectionality helps us see that crime and justice are not experienced the same way by everyone—structural inequalities, historical discrimination, and cultural norms influence who is more likely to be targeted, who is more likely to be arrested, and who receives protection or punishment. By studying these overlapping factors, students, practitioners, and policymakers gain a deeper, more accurate understanding of crime patterns and can develop fairer, more culturally competent approaches to policing, courts, corrections, and prevention.

Here are three key reasons this is important:

1. It reveals structural inequalities and disproportionality: People from marginalized racial and ethnic groups, lower socioeconomic backgrounds, and gender or sexual minority populations often experience higher levels of surveillance, harsher sentencing, or reduced access to legal protections. Understanding intersectionality exposes how these patterns are produced not by individual traits, but by social structures, historical biases, and policy choices.
2. It improves accuracy in understanding crime and victimization: Different groups face different risks and barriers: for example, cultural stigma may prevent LGBTQ+ individuals or certain immigrant communities from reporting crimes; young people may be policed more heavily; women of color may experience unique forms of violence. Intersectional thinking helps explain why crime rates or victimization patterns vary between communities and why a one-size-fits-all explanation fails.
3. It leads to more effective and equitable criminal justice responses: Culturally responsive policing, trauma-informed victim services, and community-based prevention programs all depend on understanding how identity shapes people's needs and experiences. Intersectionality helps ensure that policies reduce harm rather than unintentionally reinforcing existing disparities, ultimately making justice more fair, inclusive, and effective for all.

The United States criminal justice system has long been characterized by significant disparities in arrest and incarceration rates across various demographic groups. Understanding these patterns is essential for developing evidence-based policies and interventions aimed at promoting equity and justice (Alexander, 2020; Western, 2018). The Federal Bureau of Investigation's Uniform Crime Reporting (UCR) Program provides standardized data on criminal offenses nationwide, categorizing crimes into Part I offenses (violent crimes including murder, rape, robbery, and aggravated assault; and property crimes including burglary, larceny-theft, motor vehicle theft, and arson) and Part II offenses (encompassing a broader range of less serious crimes including simple assault, fraud, vandalism, drug violations, and other statutory offenses) (FBI, 2023).

By examining arrest and incarceration patterns across six key demographic dimensions: race and ethnicity, gender, age, socioeconomic status, and sexuality. Each of these characteristics has been shown to correlate with differential treatment within the criminal justice system, from initial police contact through sentencing and incarceration (Piquero et al., 2021; Spohn, 2019).

The information presented in this will consist of national data as well as California specific.

11.1: Theoretical Framework - Revisit

11.2: Arrest and Incarceration Disparities by Race and Ethnicity

11.3: Incarceration Disparities

11.4: Gender Disparities in Arrest and Incarceration

11.5: Age-Related Patterns in Arrest and Incarceration

11.6: Socioeconomic Status and Criminal Justice Involvement

11.7: Sexual Orientation and Gender Identity in Criminal Justice

11.8: Intersectional Analysis of Criminal Justice Disparities

11.9: Detailed Analysis by UCR Offense Categories

11.10: Criminal Justice Disparities in California

- 11.10.1: California's Demographic and Criminal Justice Context
- 11.10.2: Arrest and Incarceration Disparities by Race and Ethnicity in California
- 11.10.3: Incarceration Disparities in California Prisons
- 11.10.4: Gender Disparities in California's Criminal Justice System
- 11.10.5: Women's Incarceration in California Prisons
- 11.10.6: Age Patterns in California Arrests and Incarceration
- 11.10.7: Socioeconomic Status and Criminal Justice Involvement in California
- 11.10.8: Sexual Orientation and Gender Identity in California's Justice System
- 11.10.9: Intersectional Disparities in California's Criminal Justice System
- 11.10.10: Multiple Marginalization - Compounded Disparities
- 11.10.11: Key Findings for California

11.11: References

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11.1: Theoretical Framework - Revisit

Multiple theoretical perspectives inform our understanding of demographic disparities in criminal justice outcomes. Conflict theory posits that criminal justice policies and practices reflect the interests of dominant social groups and serve to maintain existing power structures (Quinney, 2019). Critical race theory examines how racial categories and racism are embedded in legal systems and institutions, producing disparate outcomes even in the absence of overtly discriminatory intent (Delgado & Stefancic, 2017).

Intersectionality theory, originally developed by Crenshaw (1989), emphasizes how multiple forms of inequality and identity intersect to create unique experiences of discrimination and disadvantage. This framework is particularly relevant when examining how race, gender, class, and other identities combine to shape criminal justice experiences (Crenshaw, 1989; Potter, 2015). Social disorganization theory and strain theory provide additional context for understanding how community-level factors and socioeconomic conditions contribute to crime patterns and subsequent justice system involvement (Sampson & Wilson, 2020).

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11.2: Arrest and Incarceration Disparities by Race and Ethnicity

Racial disparities in arrest rates represent one of the most extensively documented patterns in criminal justice research. According to recent FBI UCR data, Black individuals are arrested at rates substantially disproportionate to their representation in the general population, accounting for approximately 27% of all arrests while comprising roughly 13% of the U.S. population (FBI, 2023). Research by Nellis (2021) examining arrest rate disparities found that Black individuals were arrested at 3.6 times the rate of White individuals for drug offenses, despite similar rates of drug use across racial groups.

Hispanic individuals also experience disproportionate arrest rates, though the magnitude varies by geographic region and specific offense type. Approximately 18% of arrests involve Hispanic individuals, roughly proportionate to their population share, but significant regional variations exist, particularly in border states and urban areas (Hartney & Vuong, 2019). Indigenous Americans experience the highest rates of arrest and incarceration relative to population size of any racial group. Native Americans are incarcerated at a rate 38% higher than the national average, with particularly stark disparities in states with significant Native populations (Perry, 2020).

Part I Violent Offenses

For Part I violent offenses, racial disparities are pronounced. Black individuals account for approximately 37% of arrests for violent crimes, including 52% of murder and nonnegligent manslaughter arrests, 54% of robbery arrests, and 33% of aggravated assault arrests (FBI, 2023). However, research by Steffensmeier et al. (2020) demonstrates that these disparities cannot be explained solely by differential offending rates. When controlling for neighborhood disadvantage, prior record, and other legally relevant factors, significant racial gaps in arrest probability persist, suggesting bias in policing practices.

Analysis of rape and sexual assault arrests reveals complex patterns. While White individuals account for many arrests for these offenses (67%), Black individuals are arrested at rates approximately 2.5 times their population share. Research suggests these disparities may reflect differential policing intensity, victim-reporting patterns, and prosecutorial decision-making (Spohn & Holleran, 2018).

Part I Property Offenses

Property crime arrests also demonstrate significant racial disparities. For burglary, Black individuals account for approximately 29% of arrests, while White individuals account for 68%. For larceny-theft, the distribution is 28% Black and 69% White. Motor vehicle theft arrests show similar patterns, with 31% Black and 63% White arrestees (FBI, 2023). Geographic analysis reveals that these disparities are most pronounced in urban areas with high levels of residential segregation. Research by Peterson and Krivo (2019) found that neighborhood racial composition significantly predicted arrest rates even when controlling for actual crime rates, suggesting targeted policing of minority neighborhoods.

Part II Offenses

Part II offenses demonstrate even more striking racial disparities in many categories. Drug abuse violations show particularly severe disparities, with Black individuals accounting for 27% of arrests despite representing 13% of the population and using drugs at similar rates to White individuals (Ghandnoosh, 2022). A comprehensive study by the ACLU (2020) analyzing drug arrest data across all 50 states found that Black individuals were 3.64 times more likely to be arrested for marijuana possession than White individuals, despite similar usage rates.

Weapons violations also show significant disparities, with Black individuals accounting for 42% of arrests despite comprising 13% of the population. Quality-of-life offenses such as vagrancy, loitering, and disorderly conduct show substantial racial disparities. In many urban jurisdictions, Black individuals are arrested at rates 5-10 times higher than White individuals for these offenses, which often involve significant officer discretion (Baumgartner et al., 2018).

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11.3: Incarceration Disparities

Racial disparities are even more pronounced in incarceration data than in arrest data, suggesting cumulative disadvantages through multiple stages of the justice process. According to the Bureau of Justice Statistics (2022), Black individuals represent 33% of the imprisoned population while comprising 13% of the U.S. population. The Sentencing Project (2021) calculated that Black Americans are incarcerated in state prisons at a rate 5.1 times that of White Americans. For young Black men aged 18-19, the incarceration rate is nearly 11 times higher than for their White peers (Nellis, 2021).

Hispanic individuals are incarcerated at 1.3 times the rate of White individuals. While this disparity is less severe than for Black individuals, it still represents significant overrepresentation and has grown in recent decades, particularly for drug and immigration-related offenses (Lopez & Light, 2019). Native Americans experience incarceration rates 38% higher than the national average, with particularly severe disparities in states with large Native populations (Perry, 2020).

Factors Contributing to Racial Disparities

Multiple mechanisms contribute to observed racial disparities in arrest and incarceration. Differential policing practices, including targeted enforcement in minority neighborhoods and racial profiling, play a significant role. Research demonstrates that police stops, searches, and uses of force occur at higher rates for Black and Hispanic individuals even when controlling for crime rates (Goel et al., 2020).

Prosecutorial decision-making also contributes to disparities. Studies show that prosecutors are more likely to charge Black defendants with offenses carrying mandatory minimum sentences and are less likely to offer plea bargains to Black defendants compared to similarly situated White defendants (Starr & Rehavi, 2021). Sentencing disparities persist even when controlling for offense severity and criminal history. Meta-analytic research by Mitchell (2018) examining 51 studies found that Black defendants receive sentences approximately 10% longer than White defendants for similar offenses.

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11.4: Gender Disparities in Arrest and Incarceration

Gender represents one of the most pronounced demographic correlates of criminal justice involvement. Males account for approximately 73% of all arrests nationally, though this proportion varies substantially by offense type (FBI, 2023). The gender gap in criminal justice involvement has been extensively documented across cultures and historical periods. Research by Lauritsen et al. (2019) examining arrest trends over four decades found that while absolute gender gaps have narrowed somewhat, particularly for property and drug offenses, males continue to dominate arrest statistics for most offense categories.

Part I Violent Offenses by Gender

Violent crime arrests show the largest gender disparities. Males account for 79% of all violent crime arrests. Breaking down by specific offenses, males constitute 88% of murder and nonnegligent manslaughter arrests, 87% of robbery arrests, and 77% of aggravated assault arrests (FBI, 2023). Rape arrests are overwhelmingly male, with men accounting for approximately 97% of arrests for this offense.

Part I Property Offenses by Gender

Property crime arrests show somewhat smaller but still substantial gender disparities. Males account for 63% of larceny-theft arrests, 69% of burglary arrests, 78% of motor vehicle theft arrests, and 81% of arson arrests (FBI, 2023). The gender gap for larceny-theft is notably smaller than for other property crimes. Research suggests this reflects women's greater involvement in shoplifting and employee theft compared to burglary and other property offenses requiring greater physical risk or capability (Schwartz & Steffensmeier, 2019).

Gender Disparities in Incarceration

The gender gap is even more pronounced for incarceration than arrest. Males account for approximately 93% of the state and federal prison population. As of 2022, there were approximately 1.2 million men and 95,000 women incarcerated in state and federal prisons (BJS, 2022). However, women represent the fastest-growing segment of the incarcerated population. Between 1980 and 2020, the female incarceration rate increased by more than 700%, compared to 400% for males (Sawyer, 2021).

Research examining sentencing outcomes shows that women receive more lenient sentences than men for similar offenses, even when controlling for criminal history and offense severity. However, this leniency is not uniform across all women. Research by Embry and Lyons (2018) found that the sentencing advantage for women is diminished or eliminated for Black women, women with prior records, and women charged with violent offenses, suggesting an intersectional pattern where gender interacts with race and offense type.

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11.5: Age-Related Patterns in Arrest and Incarceration

The relationship between age and criminal justice involvement follows a well-established pattern known as the age-crime curve. Criminal activity peaks in late adolescence and early adulthood, then declines steadily with age. This pattern is remarkably consistent across cultures, historical periods, and offense types (Piquero et al., 2021). According to FBI UCR data, individuals aged 18-24 account for approximately 25% of all arrests despite representing only about 9% of the population (FBI, 2023).

Young Adults (Ages 18-24)

Young adults aged 18-24 show the highest arrest rates of any age group. This group accounts for 25% of all arrests while representing 9% of the population. Peak arrest ages occur around 19-20 for most offense types. For Part I violent offenses, young adults account for 27% of arrests. For property crimes, individuals aged 18-24 account for 31% of burglary arrests, 29% of larceny-theft arrests, and 39% of motor vehicle theft arrests (FBI, 2023).

Adults (Ages 25-64)

Arrest rates decline steadily after the mid-20s. Adults aged 25-34 account for approximately 27% of arrests, those aged 35-44 for 20%, and those 45-54 for 14%. This decline reflects maturation processes, accumulation of conventional social bonds, and physiological changes (Laub & Sampson, 2020). However, age-related declines are not uniform across all offense types. Drug offense arrests show a more gradual decline with age compared to property and violent crimes.

Explaining Age Effects

Multiple theories attempt to explain the age-crime curve. Maturational reform theory suggests that biological and psychological maturation naturally reduces criminal propensity with age. Social control theory emphasizes how age-graded social bonds (employment, marriage, parenthood) increase informal social control (Sampson & Laub, 2019). Recent neuroscience research has identified ongoing brain development through the mid-20s, particularly in prefrontal regions governing impulse control, future orientation, and risk assessment (Johnson et al., 2019).

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11.6: Socioeconomic Status and Criminal Justice Involvement

Socioeconomic status represents one of the most robust predictors of criminal justice involvement. Individuals living in poverty are arrested and incarcerated at substantially higher rates than those with higher incomes, even when controlling for other demographic factors (Western, 2018). Research by Reeves et al. (2020) examining ZIP code-level data found that arrest rates in the poorest neighborhoods were 8-10 times higher than in affluent neighborhoods, with much of this disparity persisting even after controlling for reported crime rates.

Educational attainment, a key component of socioeconomic status, shows strong inverse correlations with arrest and incarceration. Approximately 68% of state prisoners have not completed high school, compared to 18% of the general population. Only 6% of state prisoners hold bachelor's degrees or higher, compared to 33% nationally (BJS, 2022).

Employment and Criminal Justice Contact

Unemployment strongly predicts arrest and incarceration risk. The unemployment rate among state prisoners in the year before arrest was 22%, compared to 5% for the general population. Median pre-incarceration income for prisoners was $19,650, just above the federal poverty line (Rabuy & Kopf, 2018). Longitudinal research demonstrates bidirectional relationships between unemployment and criminal justice involvement. Job loss increases arrest risk, while arrest and incarceration severely impair future employment prospects, creating a cycle of disadvantages (Apel & Powell, 2019).

Wealth, Debt, and Justice System Processing

Beyond income, accumulated wealth dramatically affects criminal justice outcomes. Wealthy defendants can afford private attorneys, post bail, and access expert witnesses. Poor defendants rely on overburdened public defenders, remain detained pretrial, and plead guilty at higher rates (Bach, 2019). The money bail system creates a two-tier justice system based on wealth. On any given day, approximately 465,000 people sit in jail awaiting trial, 74% because they cannot afford bail. Pretrial detention increases conviction probability and sentence severity (Heaton et al., 2020).

Socioeconomic Disparities Across Offense Types

Part I violent offenses show strong socioeconomic gradients. Individuals arrested for murder, robbery, and aggravated assault disproportionately come from economically disadvantaged backgrounds. Property crimes similarly show concentration among economically disadvantaged individuals (Krivo & Peterson, 2018). Part II drug offenses demonstrate perhaps the starkest socioeconomic disparities in arrest patterns despite similar usage rates across income levels. Drug arrests are heavily concentrated in poor neighborhoods, reflecting both open-air markets and intensive police enforcement (Beckett et al., 2018).

Mechanisms Linking Poverty and Criminal Justice Contact

Multiple pathways connect poverty to increased criminal justice involvement. Economic strain theory suggests that frustration from blocked opportunities and inability to achieve conventional success may motivate criminal behavior (Agnew, 2018). Social disorganization theory emphasizes how poverty undermines community institutions and collective efficacy (Sampson, 2019). Differential enforcement represents a critical mechanism. Research consistently documents more intensive policing in poor neighborhoods, including greater stop-and-frisk activity, more drug enforcement, and more aggressive quality-of-life policing (Fagan & Geller, 2018).

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11.7: Sexual Orientation and Gender Identity in Criminal Justice

Research on criminal justice disparities based on sexual orientation and gender identity faces significant data limitations. Most official crime statistics, including the FBI's UCR program, do not systematically collect information on sexual orientation or gender identity. This gap impedes comprehensive analysis and policy development (Meyer et al., 2018). Available research relies primarily on self-report surveys, convenience samples, and limited jurisdictions that do collect SOGI data.

Prevalence of Justice System Contact

Available evidence suggests that LGBTQ+ individuals experience disproportionate criminal justice involvement. Survey research by the Williams Institute (2021) found that lesbian, gay, and bisexual adults are approximately 2-3 times more likely to report lifetime arrest compared to heterosexual adults (Mallory et al., 2021). Transgender individuals appear to experience even higher rates of justice system contact. Research estimates that 20-30% of transgender individuals have been arrested or incarcerated at some point, compared to approximately 10% of the general adult population (James et al., 2019).

Pathways to Justice System Involvement

Multiple pathways contribute to disproportionate LGBTQ+ justice system contact. Family rejection and homelessness are particularly significant. LGBTQ+ youth are 120% more likely to experience homelessness than non-LGBTQ+ youth, and homelessness dramatically increases survival crime, substance use, and police contact (Choi et al., 2019). Economic marginalization affects justice system's contact probability. Employment discrimination against LGBTQ+ individuals, particularly transgender people, increases poverty and economic desperation (Carpenter et al., 2020).

LGBTQ+ individuals comprise an estimated 6-7% of jail and prison populations, approximately 2-3 times their representation in the general population (Meyer et al., 2020). Incarcerated LGBTQ+ individuals face severe challenges related to safety, healthcare, and dignity. Sexual assault rates are dramatically elevated, with LGB prisoners 10 times more likely to experience sexual victimization than heterosexual prisoners (Beck et al., 2018).

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11.8: Intersectional Analysis of Criminal Justice Disparities

Intersectionality theory, developed by Kimberlé Crenshaw (1989), provides a framework for understanding how multiple systems of oppression and identity categories interact to create unique experiences of marginalization and privilege. Research demonstrates that intersectional effects are multiplicative rather than merely additive. The experience of being a young Black man from a poor neighborhood reflects unique vulnerabilities and stereotypes associated with this intersection (Potter, 2015).

Race, Gender, and Age Intersections

Young Black men face extraordinarily high rates of criminal justice contact. For Black men aged 18-24, lifetime arrest probability approaches 50%, compared to approximately 15% for White men in the same age group (Shannon et al., 2017). Black women experience arrest and incarceration at rates 2-3 times higher than White women, though absolute rates are much lower than for men of any race. Black women's justice involvement is often linked to poverty, trauma, and responsibilities as primary caregivers (Ocen, 2019).

Race, Class, and Neighborhood Context

The intersection of race and poverty creates concentrated disadvantages in many communities. Poor Black and Latine neighborhoods experience both higher crime rates and more intensive policing than poor White neighborhoods (Peterson & Krivo, 2019). Research demonstrates that racial segregation and economic segregation combine to create extreme concentrations of arrest and incarceration. In some census tracts in major cities, more than half of adult Black men have been imprisoned at some point (Clear, 2018).

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11.9: Detailed Analysis by UCR Offense Categories

Part I Violent Crimes: Murder and Nonnegligent Manslaughter

Murder and nonnegligent manslaughter show pronounced demographic disparities. Black individuals account for 52% of murder arrests while representing 13% of the population. Males account for 88% of arrests, with peak ages in the early to mid-20s (FBI, 2023). Victimization data reveals complex patterns. Black individuals are also disproportionately represented among murder victims, accounting for approximately 50% of victims. Most homicides are intraracial, with both victims and offenders typically from the same racial group (Lauritsen & Rezey, 2018).

Part I Violent Crimes: Robbery

Robbery shows some of the most extreme racial disparities of any offense category. Black individuals account for 54% of robbery arrests, dramatically disproportionate to population share. Young adults aged 18-24 account for 40% of arrests (FBI, 2023). Gender patterns for robbery are highly skewed, with males accounting for 87% of arrests. Socioeconomic factors strongly predict robbery arrest patterns, with concentration in economically disadvantaged areas (Rosenfeld & Levin, 2019).

Part II Offenses: Drug Violations

Drug abuse violations demonstrate severe racial disparities despite similar usage rates across racial groups. Black individuals account for 27% of drug arrests while representing 13% of drug users (FBI, 2023; SAMHSA, 2022). The war on drugs has disproportionately impacted Black and Latine communities. Crack cocaine versus powder cocaine sentencing disparities, targeted enforcement in minority neighborhoods, and mandatory minimums have created massive racial disparities (Alexander, 2020).

Marijuana arrests show particularly stark disparities. Despite similar usage rates, Black individuals are arrested at 3.64 times the rate of White individuals nationally, with some jurisdictions showing 9:1 disparities (ACLU, 2020).

Key Findings

This comprehensive review of arrest and incarceration patterns across demographic variables reveals consistent disparities that cannot be explained by differential offending alone. Racial disparities are severe and persistent, with Black individuals experiencing arrest and incarceration rates 3-5 times higher than White individuals across most offense categories (Alexander, 2020; Nellis, 2021). Gender represents the strongest demographic predictor of criminal justice involvement, with males accounting for approximately 73% of arrests and 93% of incarceration (FBI, 2023; BJS, 2022).

Age-crime patterns follow a consistent curve peaking in late adolescence and early adulthood. Individuals aged 18-24 account for approximately 25% of arrests while representing 9% of the population (Piquero et al., 2021). Socioeconomic status emerges as a critical mediating factor affecting all other demographic patterns. Poverty, unemployment, and limited education strongly predict criminal justice involvement independent of other factors (Western, 2018).

Policy Recommendations

Addressing criminal justice disparities requires comprehensive reforms targeting multiple system components. Policing reforms should include implicit bias training, accountability mechanisms, and community policing approaches (Goel et al., 2020). Prosecutorial reforms should address charging and plea-bargaining disparities. Sentencing reforms including eliminating mandatory minimums, reducing sentence lengths, and expanding alternatives to incarceration can reduce disparities (Mitchell, 2018).

Bail reform eliminating wealth-based detention is essential for reducing socioeconomic disparities. Pretrial services and supervision can maintain public safety while reducing unnecessary detention (Heaton et al., 2020). Drug policy reforms including decriminalization, harm reduction approaches, and treatment expansion can reduce the devastating impact of drug enforcement

on minority communities (Ghandnoosh, 2022).

Addressing root causes require investments in education, employment, housing, mental health, and substance abuse treatment. Criminal justice reform must be accompanied by social policy addressing underlying inequalities (Western & Pettit, 2019).

The criminal justice disparities across race, gender, age, socioeconomic status, and sexuality represent one of the most pressing civil rights issues facing American society. These disparities reflect and perpetuate broader patterns of social inequality (Alexander, 2020). Evidence clearly demonstrates that disparities cannot be explained solely by differential offending. Bias in policing, prosecution, sentencing, and other processing stages contributes substantially to observed patterns (Western, 2018). Addressing these disparities requires sustained commitment to reform across all criminal justice system components. Only comprehensive approaches can achieve meaningful progress toward justice and equity (Spohn, 2019).

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11.10: CRIMINAL JUSTICE DISPARITIES IN CALIFORNIA

California operates the largest state criminal justice system in the United States, incarcerating approximately 95,000 individuals in state prisons and processing over 1 million arrests annually (California Department of Corrections and Rehabilitation [CDCR], 2023; California Department of Justice [CA DOJ], 2023). As the most populous and ethnically diverse state, California presents a unique context for examining demographic disparities in criminal justice outcomes. Understanding these patterns is essential for evaluating the effectiveness of California's recent criminal justice reforms and developing evidence-based policies promoting equity.

California has implemented numerous criminal justice reforms in recent decades, including Assembly Bill 109 (Criminal Justice Realignment), Proposition 47 (Safe Neighborhoods and Schools Act), and Proposition 57 (Public Safety and Rehabilitation Act). These reforms have fundamentally altered California's approach to incarceration and sentencing, reducing prison populations by approximately 50,000 since peak levels in 2006 (Lofstrom & Martin, 2021). However, demographic disparities in arrest and incarceration persist despite these reforms, raising critical questions about equity in California's justice system.

This analysis examines arrest and incarceration patterns across California using FBI Uniform Crime Report (UCR) data, California Department of Justice arrest statistics, and California Department of Corrections and Rehabilitation incarceration data. The analysis is structured around Part I offenses (violent crimes: murder, rape, robbery, aggravated assault; and property crimes: burglary, larceny-theft, motor vehicle theft, arson) and Part II offenses (including simple assault, forgery, fraud, embezzlement, vandalism, weapons violations, prostitution, drug abuse violations, gambling, offenses against family, driving under the influence, liquor laws, drunkenness, disorderly conduct, vagrancy, and other offenses) (FBI, 2023).

11.10.1: California's Demographic and Criminal Justice Context

11.10.2: Arrest and Incarceration Disparities by Race and Ethnicity in California

11.10.3: Incarceration Disparities in California Prisons

11.10.4: Gender Disparities in California's Criminal Justice System

11.10.5: Women's Incarceration in California Prisons

11.10.6: Age Patterns in California Arrests and Incarceration

11.10.7: Socioeconomic Status and Criminal Justice Involvement in California

11.10.8: Sexual Orientation and Gender Identity in California's Justice System

11.10.9: Intersectional Disparities in California's Criminal Justice System

11.10.10: Multiple Marginalization - Compounded Disparities

11.10.11: Key Findings for California

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11.10.1: California's Demographic and Criminal Justice Context

California is the nation's most populous state with approximately 39 million residents and exceptional racial and ethnic diversity. According to U.S. Census data, California's population is approximately 39% Latine/Hispanic, 35% White (non-Hispanic), 15% Asian/Pacific Islander, 6% Black/African American, 1% Native American, and 4% multiracial (U.S. Census Bureau, 2023). This diversity varies substantially across California's 58 counties, with some counties predominantly Latine (Imperial County: 85%), others predominantly White (El Dorado County: 76%), and urban centers showing exceptional diversity (Los Angeles County).

California's age distribution skews younger than the national average, with a median age of 36.8 years compared to 38.5 nationally. The state's 18-29 age cohort represents approximately 22% of the adult population. Socioeconomic inequality is substantial, with California having both the nation's highest number of billionaires and approximately 12% of residents living below the federal poverty line (PPIC, 2023). Regional economic disparities are extreme, with median household incomes ranging from $91,000 in Marin County to $42,000 in Imperial County.

California's Criminal Justice System Structure

California's criminal justice system operates through multiple jurisdictions. The California Department of Corrections and Rehabilitation (CDCR) operates in the state prison system, housing individuals sentenced to terms exceeding one year. County jails, operated by county sheriffs, house pretrial detainees and those serving sentences of one year or less. Following AB 109 implementation in 2011, many lower-level offenders who previously would have been sentenced to state prison now serve sentences in county jails under Post-Release Community Supervision (Bird et al., 2020).

California's prison population peaked at approximately 163,000 in 2006, reaching 200% of design capacity and prompting federal court intervention. A 2011 Supreme Court decision in Brown v. Plata ordered California to reduce prison overcrowding. Subsequent reforms including realignment, Proposition 47, and Proposition 57 reduced the prison population to approximately 95,000 by 2023, though jail populations increased substantially (Lofstrom & Martin, 2021).

Recent Criminal Justice Reforms in California

Assembly Bill 109 (2011), known as Criminal Justice Realignment, transferred responsibility for certain lower-level felons from state prisons to county jails. This reform aimed to reduce overcrowding of prisons while providing counties flexibility in developing evidence-based practices. Evaluation research indicates realignment successfully reduced state prison populations without significant public safety impacts, though implementation varied substantially across counties (Petersilia & Snyder, 2019).

Proposition 47 (2014) reclassified certain non-violent property and drug offenses from felonies to misdemeanors, reducing penalties and enabling resentencing for previously convicted individuals. An estimated 200,000 individuals have benefited from reduced charges or resentencing under Prop 47. Research by the Public Policy Institute of California found that Prop 47 reduced incarceration without increasing crime rates, though critics argue it contributed to increases in property crime in some jurisdictions (Lofstrom & Martin, 2021).

Proposition 57 (2016) increased parole eligibility for non-violent offenders and enhanced credits for rehabilitation programming. Early evaluations suggest Prop 57 has facilitated earlier release for thousands of individuals while maintaining public safety. However, the definition of 'non-violent' offenses excluded many individuals, limiting the reform's impact (Lofstrom & Raphael, 2019).

Theoretical Framework for Understanding California Disparities

Critical Race theory provides essential context for understanding California's criminal justice disparities. Despite progressive reputation, California has a complex racial history including Chinese Exclusion, Japanese internment, and discriminatory policing of Latine communities. Contemporary disparities reflect both historical legacies and ongoing structural inequalities (Delgado & Stefancic, 2017).

Intersectionality theory is particularly relevant in California given the state's diversity. The experiences of Latine immigrants, Asian Americans across diverse ethnic subgroups, and multiracial individuals require intersectional analysis that considers how multiple identities and systems of oppression interact. Research demonstrates that justice outcomes for Latine individuals vary substantially based on citizenship status, English proficiency, and national origin (Menjívar & Abrego, 2019).

Social Disorganization theory helps explain geographic patterns in California's arrest data. Concentrated poverty in areas like South Los Angeles, East Oakland, and parts of the Central Valley creates conditions associated with higher crime rates and intensive policing. However, this perspective must be balanced with recognition that policing intensity itself shapes observed crime patterns (Sampson, 2019).

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11.10.2: Arrest and Incarceration Disparities by Race and Ethnicity in California

California's arrest data reflects both the state's diversity and significant disparities. According to 2022 California DOJ data, Latine individuals accounted for 48% of arrests, White individuals 26%, Black individuals 15%, Asian/Pacific Islanders 4%, and other/unknown 7% (CA DOJ, 2023). Comparing arrest proportions to population shares reveals substantial disparities, particularly for Black Californians who represent 6% of the population but 15% of arrests—a 2.5:1 disparity ratio.

However, California data reveals important nuances often obscured in national analyses. The Latine population's representation in arrests (48%) roughly approximates population share (39%), though significant variations exist across offense types and regions. Asian/Pacific Islander individuals are substantially underrepresented in arrests (4% of arrests vs. 15% of population), though this aggregate obscures important differences across specific ethnic groups and offense categories (Hing et al., 2021).

Regional variation within California is substantial. In counties with large Black populations like Alameda and Los Angeles, Black individuals account for 25-30% of arrests despite representing 8-14% of county populations. In Central Valley agricultural counties with large Latine populations, arrest patterns differ markedly. In rural Northern California counties with significant Native American populations, Indigenous individuals experience arrest rates 3-5 times their population share (CPOA, 2022).

Part I Violent Crime Arrests in California

Violent crime arrests in California show pronounced racial disparities. For murder and nonnegligent manslaughter, Black individuals account for 33% of arrests, Latine individuals 45%, White individuals 18%, and Asian/Pacific Islanders 3% (CA DOJ, 2023). The Black arrest rate for murder is approximately 5.5 times the population share, reflecting both victimization patterns (Black Californians are also disproportionately murder victims) and enforcement patterns.

Robbery arrests demonstrate even more extreme disparities. Black individuals account for 37% of robbery arrests in California, Latine individuals 48%, White individuals 11%, and Asian/Pacific Islanders 3%. Given that robbery is often an urban, street-level crime, these patterns correlate strongly with poverty and residential segregation in California's major cities. Los Angeles County data reveals that robbery arrests are concentrated in South LA, Compton, and East LA—areas characterized by poverty, limited opportunities, and historical disinvestment (Kubrin & Weitzer, 2019).

Aggravated assault arrests show somewhat different patterns. Latine individuals account for 50% of aggravated assault arrests, Black individuals 20%, White individuals 25%, and Asian/Pacific Islanders 4%. The relatively high proportion of White arrests for aggravated assault compared to other violent crimes may reflect domestic violence incidents, which show less racial concentration than street crimes (Truman & Morgan, 2018).

Rape and sexual assault arrests in California show 44% Latine, 30% White, 21% Black, and 4% Asian/Pacific Islander arrestees. Research examining sexual assault prosecution in California counties found significant variation in charging decisions based on victim-offender relationship, with acquaintance assaults less likely to result in arrest regardless of race, while stranger assaults showed more pronounced racial disparities (Spohn & Tellis, 2020).

Part I Property Crime Arrests in California

Property crime arrests in California demonstrate moderate racial disparities with important variations by offense type. Burglary arrests show 47% Latine, 31% White, 17% Black, and 4% Asian/Pacific Islander arrestees. The relatively high proportion of Latine arrests reflects both population demographics and geographic concentration of burglaries in areas with large Latine populations (CA DOJ, 2023).

Larceny-theft, California's most common property crime, shows 45% Latine, 28% White, 19% Black, and 6% Asian/Pacific Islander arrests. Shoplifting constitutes a considerable proportion of larceny-theft arrests, and analysis of retail theft data suggests enforcement varies substantially by neighborhood and store type. Proposition 47's reclassification of theft under $950 as a misdemeanor has altered enforcement patterns, with some retailers reporting less aggressive prosecution of shoplifting (Lofstrom & Martin, 2021).

Motor vehicle theft arrests demonstrate pronounced disparities: 52% Latine, 25% White, 18% Black, 4% Asian/Pacific Islander. California experiences some of the nation's highest motor vehicle theft rates, particularly in the Central Valley and Southern California. Gang involvement in auto theft rings contributes to observed patterns, with law enforcement targeting known gang members who are disproportionately Latine and Black in California's urban areas (Maxson & Matsuda, 2019).

Part II Offense Arrests in California

Drug abuse violations constitute a major Part II offense category in California, accounting for approximately 100,000 arrests annually despite marijuana legalization and Proposition 47 reforms (CA DOJ, 2023). Drug arrest patterns show 46% Latine, 30% White, 18% Black, and 5% Asian/Pacific Islander arrestees. Black Californians are arrested for drug offenses at approximately 3 times their population share, despite research showing similar drug usage rates across racial groups (Ghandnoosh, 2022).

Following marijuana legalization in 2016, overall drug arrests declined approximately 50%, but racial disparities persisted. Black Californians remain 2.5 times more likely to be arrested for marijuana offenses than White Californians, despite legalization. This reflects differential enforcement patterns, with arrests continuing in areas with illegal markets and among individuals with prior criminal justice involvement (Garvey et al., 2021).

Weapons violations show substantial disparities: 43% Latine, 23% Black, 29% White, 4% Asian/Pacific Islander. Gang injunctions and targeted enforcement in high-crime areas contribute to these patterns. Research in Los Angeles found that gang injunction zones, which enable enhanced penalties for various offenses including weapons possession, are disproportionately located in Black and Latine neighborhoods (Muñiz, 2019).

Driving under the influence (DUI) arrests represent an important exception to typical racial disparity patterns. DUI arrests show 38% White, 45% Latine, 9% Black, 7% Asian/Pacific Islander. This more proportionate distribution likely reflects enforcement patterns (sobriety checkpoints on highways rather than neighborhood-focused policing) and actual offending patterns (Desmond et al., 2020).

Quality-of-life offenses including disorderly conduct, vagrancy, and loitering show extreme disparities in California's major cities. Analysis of Los Angeles and San Francisco arrest data found that Black individuals were arrested for these offenses at rates 5-8 times their population share. Homeless sweeps and broken windows policing in Skid Row (LA) and the Tenderloin (SF) disproportionately impact Black and Latine individuals experiencing homelessness (Stuart, 2021).

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11.10.3: Incarceration Disparities in California Prisons

California's prison population demonstrates even more severe racial and ethnic disparities than arrest data. As of 2023, California's prison population was approximately 28% Black, 45% Latine, 23% White, 2% Asian/Pacific Islander, and 2% other/unknown (CDCR, 2023). Black Californians, representing 6% of the state population, account for 28% of prisoners—a disparity ratio of 4.7:1.

Latine individuals comprise 45% of California's prison population compared to 39% of the state population, a more moderate 1.15:1 disparity ratio. However, this aggregate obscures important variations. Research examining citizenship status found that non-citizens, particularly undocumented immigrants, are substantially overrepresented in California prisons for certain offenses, particularly those resulting in immigration consequences (Eagly, 2018).

White Californians are significantly underrepresented in prisons, accounting for 23% of prisoners versus 35% of the state population. Asian/Pacific Islanders show the most dramatic underrepresentation at 2% of prisoners versus 15% of the population. However, disaggregated data reveals important differences across Asian ethnic groups, with some Southeast Asian populations experiencing higher incarceration rates (Hing et al., 2021).

Life sentences in California show particularly extreme racial disparities. Black individuals constitute 39% of those serving life sentences in California, nearly 6.5 times their population share. Of the approximately 33,000 Californians serving life sentences (with or without parole), disproportionate numbers are Black men from Los Angeles County's most disadvantaged neighborhoods. Research by the Stanford Three Strikes Project found that habitual offender enhancements disproportionately impacted Black Californians (Ehret et al., 2020).

County Jail Disparities Post-Realignment

Following AB 109 realignment, county jail populations increased substantially as lower-level offenders who previously served state prison sentences were redirected to county custody. Analysis of county jail populations reveals disparities similar to or exceeding state prison patterns. In Los Angeles County, the nation's largest jail system, Black individuals comprise 28% of the jail population despite representing 8% of county residents (Vera Institute, 2021).

Pretrial detention contributes significantly to jail disparities. Research examining California's bail system found that Black and Latine defendants were more likely to have bail set and less likely to be released pretrial even controlling for offense severity and criminal history. Median bail amounts were higher for Black defendants than White defendants charged with similar offenses. Pretrial detention, in turn, increases conviction probability and sentence severity (Heaton et al., 2020).

Some California counties have implemented pretrial reform initiatives to reduce wealth-based detention. Santa Clara County's pretrial release program increased release rates while maintaining public safety. However, evaluation research found that even with risk assessment tools, racial disparities persisted, raising questions about algorithm bias and broader systemic factors (Skeem & Lowenkamp, 2020).

Geographic and Regional Variations Within California

California's size and diversity produce substantial regional variation in criminal justice patterns. Northern California urban counties (San Francisco, Alameda, Sacramento) show different patterns than Southern California (Los Angeles, Orange, San Diego), while rural counties and the Central Valley present distinct profiles. Arrest rates in San Francisco are substantially higher for Black residents (comprising 5% of population but 35% of arrests) than in more diverse Los Angeles County (Lofstrom et al., 2019).

The Central Valley, characterized by agricultural economies, Latine majority populations, and higher poverty rates, demonstrates unique patterns. Fresno, Kern, and Tulare Counties show high overall arrest rates but less racial disparity given population composition. However, these counties also demonstrate significant socioeconomic disparities in arrests, with agricultural workers and individuals in poverty experiencing disproportionate justice contact (Mitchell & Brown, 2020).

Rural Northern California counties with significant Native American populations show extreme disparities for Indigenous residents. In Humboldt County, Native Americans comprise 5% of the population but 18% of arrests. Similar patterns appear

in Lake, Mendocino, and Trinity Counties. These disparities reflect both historical trauma, poverty on reservations, and targeted enforcement in Native communities (Perry, 2020).

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11.10.4: Gender Disparities in California's Criminal Justice System

Males account for approximately 74% of arrests in California, closely matching national patterns but with notable variations across offense types and counties (CA DOJ, 2023). California arrests approximately 750,000 males and 250,000 females annually. While this substantial gender gap persists across most offense categories, California has witnessed growing female arrest rates over recent decades, particularly for drug and property offenses.

Research examining 30-year trends in California arrest data found that female arrest rates increased 65% between 1990 and 2020, while male arrest rates remained relatively stable after declining from 1990s peaks. This narrowing gender gap reflects both changing female offending patterns and changing enforcement practices (Schwartz & Steffensmeier, 2019). The increase in female arrests has been most pronounced for drug offenses (following methamphetamine epidemic impacts on California women), domestic violence-related assaults (following mandatory arrest policies), and theft offenses.

Part I Violent Crime Arrests by Gender in California

Violent crime arrests in California show pronounced gender disparities. Males account for 81% of violent crime arrests, with variations by specific offense: murder (91% male), rape (98% male), robbery (90% male), and aggravated assault (78% male) (CA DOJ, 2023). These patterns closely parallel national data, though California's domestic violence mandatory arrest policies have increased female arrests for aggravated assault.

California implemented mandatory arrest policies for domestic violence in the 1980s, requiring officers to arrest at least one party when probable cause exists. Research evaluating these policies' impact found increased arrests of both males and females involved in domestic disputes. Some studies suggest that women's defensive violence or dual arrests contributed to rising female assault arrests (Hirschel & Deveau, 2020).

Homicide patterns in California demonstrate extreme gender concentration. Of approximately 2,000 annual homicides in California, males commit approximately 91% while females commit 9%. However, victim-offender relationship analysis reveals important differences. Women who commit homicide are substantially more likely than men to kill intimate partners, often in contexts involving prior domestic violence victimization. Research examining California homicides found that 65% of female-perpetrated homicides involved intimate partners or family members, compared to 28% of male-perpetrated homicides (Smith & Brewer, 2019).

Part I Property Crime Arrests by Gender in California

Property crime arrests show smaller gender gaps than violent crimes. Males account for 65% of larceny-theft arrests, 71% of burglary arrests, 82% of motor vehicle theft arrests, and 84% of arson arrests in California (CA DOJ, 2023). The relatively narrow gender gap for larceny-theft reflects women's substantial involvement in shoplifting, which constitutes a substantial proportion of theft arrests.

Following Proposition 47's implementation, which raised the felony theft threshold to $950, some retailers reported changing enforcement practices. Research examining retail theft in California found that arrest rates declined more for women than men post-Prop 47, possibly because women's theft more often involved amounts below the new threshold (Lofstrom & Martin, 2021). This suggests that policy changes can differentially impact gender patterns in arrests.

Fraud and embezzlement arrests in California show near gender parity, with women accounting for 45% of fraud arrests and 48% of embezzlement arrests. These patterns reflect women's representation in retail and office positions providing access to financial resources. Research in Los Angeles County found that female embezzlement cases more often involved smaller amounts and employee theft, while male cases more often involved investment fraud and larger sums (Daly, 2018).

Part II Offense Arrests by Gender in California

Drug abuse violations show males accounting for 72% of arrests in California, though this represents a narrowing gap. Female

drug arrests increased dramatically during California's methamphetamine epidemic, particularly in rural counties. Research in Fresno and Kern Counties found that methamphetamine-related arrests showed the smallest gender gaps of any drug type, with women comprising 35-40% of meth arrests (Messina et al., 2020).

Prostitution-related arrests in California historically showed female predominance, with women comprising 60-70% of arrests. However, recent policy shifts emphasizing sex trafficking and buyer accountability have altered patterns. Several California jurisdictions including San Francisco and Los Angeles have reduced arrests of individuals selling sex while increasing arrests of buyers (predominantly male). These policy changes reflect recognition of coercion, economic desperation, and victimization in commercial sex (Weitzer, 2018).

DUI arrests in California show males accounting for 77% of arrests, though female DUI arrests have increased substantially. Research examining California DUI trends found that female arrests increased 42% between 2000 and 2020, while male arrests remained stable. This narrowing gap may reflect changing social norms around women's drinking and increased enforcement through sobriety checkpoints that reduce gender bias in detection (Schwartz et al., 2019).

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11.10.5: Women's Incarceration in California Prisons

California's prison system houses approximately 3,800 women in state prisons and thousands more in county jails post-realignment (CDCR, 2023). Women comprise approximately 4% of California's state prison population, substantially lower than their 26% share of arrests. This disparity reflects both lower rates of violent crime among women and sentencing practices that treat women more leniently for comparable offenses.

However, California's female prison population increased dramatically between 1980 and 2008, rising from approximately 1,200 to 11,000—a nine-fold increase driven primarily by drug crime enforcement during the war on drugs. Following realignment and Proposition 47, California's female prison population declined by approximately 65%, from peaks around 11,000 to current levels around 3,800. However, county jail populations of women increased, resulting in more limited overall reduction (Males, 2020).

Research examining sentencing outcomes in California found that women received sentences approximately 30% shorter than men for comparable offenses, even controlling for criminal history and offense severity. However, this 'chivalry effect' was substantially diminished for Black women and women with extensive prior records, demonstrating intersectional patterns where race and criminal history interact with gender (Steffensmeier et al., 2020).

Unique Challenges for Incarcerated Women in California

Approximately 80% of incarcerated women in California are mothers, and 65% have children under age 18 (CDCR, 2021). California's women's prisons are in Chowchilla and Corona, often hundreds of miles from women's home communities in the Bay Area and Los Angeles. This geographic distance creates significant barriers to family visitation and community reintegration planning.

California established the Community Prisoner Mother Program, allowing pregnant women and mothers with young children to serve sentences in community-based residential facilities. However, program capacity serves only a small fraction of eligible women. Research evaluating the program found positive outcomes for both mothers and children, including reduced recidivism and better child development outcomes (Carlson, 2019).

Trauma histories are nearly universal among incarcerated women in California. Research examining California's female prisoner population found that 85% experienced physical or sexual abuse prior to incarceration, 77% experienced intimate partner violence, and 70% witnessed violence as children. Despite these extraordinarily high trauma rates, trauma-informed programming remains limited in most California facilities (Messina & Grella, 2020).

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11.10.6: Age Patterns in California Arrests and Incarceration

California arrest patterns demonstrate the classic age-crime curve observed nationally, with arrests peaking in young adulthood and declining steadily with age. However, California's specific age distribution creates somewhat different patterns than national averages. Individuals aged 18-29 comprise approximately 22% of California's adult population but account for 42% of arrests, demonstrating concentrated involvement during this developmental period (CA DOJ, 2023).

Peak arrest ages in California vary by offense type. Property crime arrests peak earliest, around age 19-21, while violent crime arrests peak slightly later around age 22-25. Drug offense arrests show a broader age distribution with a peak around age 28-32. This variation reflects different pathways into crime, with property offenses more associated with youthful risk-taking and economic desperation, while drug offenses show persistence into later ages (Piquero et al., 2021).

Juvenille Justice in California

California has substantially reformed its juvenile justice system over recent decades, closing the Division of Juvenile Justice (formerly California Youth Authority) in 2023 and reallocating responsibility to counties. Juvenile arrests in California declined approximately 85% from 1990s peaks, from over 300,000 annual arrests to approximately 45,000 in 2022 (BSCC, 2023). This dramatic decline reflects both reduced youth offending and policy changes diverting youth from formal arrest.

Despite overall declines, racial disparities in California's juvenile arrests are extreme. Black youth comprise 5.5% of California's youth population but 22% of juvenile arrests—a 4:1 disparity. Latine youth show slight overrepresentation (46% of arrests vs. 52% of youth population), while White youth are substantially underrepresented (22% of arrests vs. 25% of population). Asian/Pacific Islander youth comprise 4% of arrests versus 12% of the youth population (Hockenberry & Puzzanchera, 2020).

California has prioritized diversion and community-based interventions for youth. Programs like Los Angeles County's Youth Diversion and Development program route youth away from formal processing toward community services. Evaluation research found that diverted youth showed lower recidivism than those formally processed, while saving counties substantial incarceration costs (Steinberg et al., 2021).

Young Adults in California's Justice System

Young adults aged 18-25 account for approximately 35% of California arrests despite representing 12% of the adult population (CA DOJ, 2023). This age group shows particularly high arrest rates for violent crimes (38% of arrests) and property crimes (41% of arrests). Motor vehicle theft arrests show extreme age concentration, with 48% involving individuals aged 18-25.

Part I offense arrests for young adults in California demonstrate different patterns across crime types. Robbery arrests peak earliest, at ages 18-20, with 45% of all robbery arrests occurring in this narrow age band. Murder arrests peak slightly later, at ages 22-25. Burglary and motor vehicle theft arrests also concentrate heavily in the 18-25 age range, with approximately 45% and 48% respectively (CA DOJ, 2023).

California has begun exploring 'emerging adult' reforms recognizing developmental differences between 18-25-year-olds and older adults. San Francisco and other jurisdictions have developed specialized young adult units in probation and jails, providing developmentally appropriate programming. Research examining these programs found improved outcomes compared to traditional adult processing (Steinberg & Scott, 2019).

Adults and Age-Related Decline in California

Arrest rates decline steadily after age 25 in California. Adults aged 26-35 account for 28% of arrests, those 36-45 for 18%, those 46-55 for 11%, and those over 55 for 6% (CA DOJ, 2023). This decline is steepest for property and violent crimes, more gradual for drug offenses and DUI. White-collar crimes including fraud and embezzlement show different patterns, with peak arrests occurring in the 35-45 age range.

Despite declining arrest rates, California's incarcerated population is aging rapidly due to long sentences imposed in previous decades. Approximately 16% of California state prisoners are age 50 or older, up from 5% in 1990. This aging population creates

substantial healthcare costs, with elderly prisoners experiencing rates of chronic illness, dementia, and mobility limitations far exceeding the general population (Williams et al., 2019).

California implemented compassionate release provisions allowing early release for elderly and terminally ill prisoners. However, these provisions have been used sparingly, with fewer than 200 releases annually despite thousands of potentially eligible individuals. Research examining California compassionate release found extraordinarily low recidivism rates (under 5%) among elderly releases, supporting expanded use of these provisions (Ahalt et al., 2019).

Explaining Age Effects in California

Multiple factors explain age-related patterns in California arrests and incarceration. Developmental maturation reducing impulsivity and increasing future orientation contributes to declining crime with age. The accumulation of social bonds through employment, marriage, and parenthood increases informal social control. California's economy creates challenges for young adults, with high housing costs, limited affordable housing, and wage stagnation potentially extending the period of economic instability associated with elevated crime risk (Laub & Sampson, 2020).

Gang involvement in California peaks in adolescence and young adulthood. Research in Los Angeles found that gang joining typically occurs around ages 13-16, with peak involvement at ages 16-22, followed by gradual desistence. Gang membership substantially increases arrest risk during the involvement period. California's gang databases contain over 150,000 names, disproportionately young Latine and Black males from disadvantaged neighborhoods (Maxson & Matsuda, 2019).

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11.10.7: Socioeconomic Status and Criminal Justice Involvement in California

Socioeconomic disparities in California's criminal justice system are substantial and well-documented. Analysis of arrest patterns across California counties reveals that arrest rates correlate strongly with poverty rates, even controlling for crime rates. Counties with poverty rates above 15% (Imperial, Fresno, Tulare, Kern) show arrest rates 6-8 times higher than affluent counties like Marin and Santa Clara, even after adjusting for population differences (PPIC, 2022).

Research examining California arrests at the ZIP code level found extreme concentration in economically disadvantaged areas. In Los Angeles County, ZIP codes with median incomes below $35,000 accounted for 65% of arrests while representing 28% of the population. In contrast, ZIP codes with median incomes above $75,000 accounted for only 8% of arrests while representing 35% of the population (Lofstrom et al., 2019).

Educational attainment among California's imprisoned population demonstrates stark disparities. Approximately 71% of California state prisoners have not completed high school, compared to 17% of California's general population. Only 4% of California prisoners hold bachelor's degrees or higher, compared to 35% of the state population. These educational disparities are even more pronounced than national patterns, reflecting California's particularly educated population overall (CDCR, 2023).

Employment and Justice Involvement in California

Unemployment rates among California's imprisoned population are extraordinarily high. Survey research found that 31% of California prisoners were unemployed in the month prior to arrest, compared to approximately 5% unemployment in the general population. The median annual income of California prisoners in the year before incarceration was $16,400, well below both the federal poverty line and California's substantially higher cost of living (Males, 2020).

California's economy creates challenges for employment-related pathways to crime. High housing costs mean that even employed individuals may face economic insecurity. Research in Los Angeles found that individuals working full-time at minimum wage cannot afford a one-bedroom apartment at fair market rent in any California county. This economic pressure may contribute to property crime even among employed individuals (PPIC, 2023).

Post-incarceration employment prospects in California are severely limited by criminal records and Ban-the-Box policies' limited effectiveness. Research examining California labor markets found that formerly incarcerated individuals in California earn approximately 45% less than similar individuals without records. This wage penalty is particularly severe in California's expensive housing markets, contributing to high rates of homelessness among formerly incarcerated Californians (Couloute & Kopf, 2018).

California's Unique Socioeconomic Context

California exhibits extreme income inequality, with the highest income inequality of any state as measured by Gini coefficient. The state has both the nation's highest concentration of billionaires and approximately 12% of residents living below the federal poverty line (which understates actual poverty given California's high cost of living) (PPIC, 2023). This inequality is spatially concentrated, with affluent coastal areas contrasting sharply with impoverished Central Valley and inland counties.

Housing costs drive much of California's economic inequality. The median California home price exceeds $700,000, approximately double the national median. Median rents exceed $2,000 monthly for one-bedroom apartments in major cities. This housing crisis contributes to California having the nation's largest homeless population (approximately 170,000 individuals), with homelessness substantially increasing criminal justice contact (Tars & Foscarinis, 2020).

Research examining the relationship between homelessness and arrests in California found that homeless individuals were arrested at rates 6-10 times higher than housed individuals, primarily for quality-of-life offenses including camping, loitering, and public urination. These arrests create cycles of incarceration and homelessness, as jail stays disrupt housing and employment while criminal records impede housing access (Stuart, 2021).

Wealth, Bail, and Pretrial Detention in California

California's money bail system creates severe wealth-based detention. On any given day, approximately 47,000 individuals sit in California jails awaiting trial, with roughly 63% held primarily because they cannot afford bail (typically set between $25,000 and $150,000). Research in Los Angeles and San Francisco found that Black and Latine defendants were more likely to have bail set and received higher bail amounts than White defendants charged with similar offenses (Heaton et al., 2020).

California voters rejected Proposition 25 in 2020, which would have eliminated cash bail statewide. However, some California counties have implemented pretrial reforms reducing reliance on money bail. San Francisco and Santa Clara County use risk assessment tools and expanded pretrial services. Evaluation research found these reforms successfully reduced pretrial detention without increasing failure to appear or new arrests, though racial disparities persisted (Skeem & Lowenkamp, 2020).

Court fines and fees create substantial burdens for poor Californians. Although California eliminated many criminal justice fees following litigation, individuals still face fines, restitution, and other obligations often totaling thousands of dollars. Research examining California's fine and fee system found that low-income individuals often face choices between paying legal financial obligations and meeting basic needs including food and housing (Harris, 2020).

Socioeconomic Patterns Across Offense Types in California

Part I violent crime arrests in California show strong socioeconomic concentration. Homicides in California are heavily concentrated in economically disadvantaged neighborhoods. Analysis of California homicide data found that census tracts with poverty rates above 25% experienced homicide rates 15 times higher than tracts with poverty below 10%. This pattern held even within counties, demonstrating neighborhood-level effects independent of regional factors (Kubrin & Weitzer, 2019).

Property crime arrests similarly concentrate in low-income areas, though the relationship varies by offense type. Burglary and motor vehicle theft show strong socioeconomic gradients, with arrest rates highest in poorest areas. Shoplifting shows somewhat less concentration, occurring across economic strata, though enforcement patterns (security presence, prosecution decisions) vary by neighborhood income level (Lofstrom & Martin, 2021).

Drug arrests in California demonstrate perhaps the starkest socioeconomic disparities despite similar usage rates across income levels. Research comparing drug use surveys with arrest data found that usage rates varied little across income levels, but arrest rates in low-income California neighborhoods were 8-12 times higher than in affluent areas. This reflects open-air markets in disadvantaged areas, differential enforcement, and economic factors driving participation in drug distribution (Ghandnoosh, 2022).

Regional Socioeconomic Variations in California

California's Central Valley counties experience particularly severe socioeconomic disadvantages and corresponding high arrest rates. Fresno, Kern, Tulare, and Merced Counties have poverty rates of 18-25%, approximately double the state average. These agricultural counties feature low-wage seasonal employment, limited educational opportunities, and concentrated poverty. Arrest rates in these counties exceed state averages by 40-70%, even accounting for population (Mitchell & Brown, 2020).

Coastal urban areas show extreme within-county variation. Los Angeles County contains both Beverly Hills (median income $103,000) and Compton (median income $52,000). Arrest rates vary dramatically across these areas, with South Los Angeles neighborhoods experiencing arrest rates 10-15 times higher than West LA. This spatial inequality shapes dramatically different justice system exposure based on neighborhood (Sampson, 2019).

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11.10.8: Sexual Orientation and Gender Identity in California's Justice System

California has made greater progress than most states in collecting sexual orientation and gender identity (SOGI) data in criminal justice contexts, though significant gaps remain. Following passage of the Dignity for All act and other reforms, California now requires SOGI data collection in several justice contexts. However, UCR arrest data still does not systematically include SOGI information, and available data comes primarily from surveys, advocacy organizations, and limited research studies (Meyer et al., 2018).

California is home to large LGBTQ+ populations, with an estimated 1.8 million LGBTQ+ adults (5.3% of the adult population) (UCLA Williams Institute, 2021). The state's LGBTQ+ population concentrates in urban areas including San Francisco, Los Angeles, San Diego, and Sacramento, though substantial populations exist throughout the state. California has enacted numerous protections for LGBTQ+ individuals, yet criminal justice disparities persist.

LGBTQ+ Californians and Justice System Contact

Available research suggests LGBTQ+ Californians experience disproportionate criminal justice involvement. Survey research by the Williams Institute examining California LGBTQ+ adults found that 21% reported lifetime arrest, compared to approximately 12% of heterosexual adults. This disparity persisted even controlling for age, race, and socioeconomic status, suggesting pathways beyond these demographic factors (Wilson & Meyer, 2021).

Youth data reveals particularly concerning patterns. Research examining California's juvenile justice systems found that LGBTQ+ youth comprised approximately 18-20% of youth in detention, despite representing an estimated 7-8% of the general youth population. LGBTQ+ youth of color, particularly Black and Latine LGBTQ+ youth, experienced compounded disparities, with overrepresentation exceeding 25% in some California facilities (Wilson et al., 2020).

Pathways to Justice Involvement for California LGBTQ+ Individuals

Family rejection and homelessness represent critical pathways to justice involvement for California LGBTQ+ individuals, particularly youth. Research in Los Angeles and San Francisco found that LGBTQ+ youth comprised 30-40% of homeless youth populations. This substantially elevated homelessness risk translates directly to increased arrest risk, as homeless youth engage in survival crimes and face targeted enforcement of quality-of-life offenses (Choi et al., 2019).

California's relatively progressive policies have not eliminated LGBTQ+ employment discrimination. Research examining California labor markets found that transgender individuals, particularly transgender women of color, face unemployment rates of 15-20%, approximately triple the state average. This economic marginalization increases involvement in underground economies including sex work and drug markets, with corresponding arrest risks (Carpenter et al., 2020).

School discipline and pushout contribute to California LGBTQ+ youth's justice involvement. Research examining California school suspension data found that LGBTQ+ students experienced suspension rates 1.5-2 times higher than non-LGBTQ+ students, even controlling for behavior. This differential discipline contributes to the school-to-prison pipeline, with suspended students showing elevated later arrest rates (Palmer & Greytak, 2018).

Transgender Californians and Criminal Justice

Transgender individuals experience extraordinarily high rates of criminal justice contact in California. Research by the Williams Institute found that approximately 18% of transgender Californians reported lifetime arrest, compared to 12% of cisgender Californians. Transgender women of color experienced even higher rates, with some studies finding lifetime arrest rates exceeding 30% (James et al., 2019).

Policing of transgender Californians, particularly transgender women of color, involves substantial profiling and harassment. Research in Los Angeles found that transgender women reported being stopped by police at rates 3-4 times higher than cisgender women, often in contexts suggesting profiling based on gender presentation. Such stops frequently resulted in arrests

for outstanding warrants, minor offenses, or 'walking while trans' in areas associated with sex work (Woods et al., 2019).

Incarceration of LGBTQ+ Californians

California made national headlines in 2021 by passing SB 132, allowing transgender, non-binary, and intersex individuals in state prisons to request placement consistent with gender identity. This law represented a significant advance in transgender prisoner rights. Through 2023, over 300 transfers occurred under SB 132. However, implementation challenges persist, including resistance from some correctional staff and concerns about safety assessments (CDCR, 2023).

Research examining California's prison populations pre-SB 132 found that transgender women housed in men's facilities experienced sexual assault rates exceeding 35%, approximately 13 times the rate for non-transgender male prisoners. Isolation was frequently used for 'protective custody,' but this created severe psychological harm. Early evaluations of SB 132 implementation suggest improved safety outcomes, though comprehensive data remains limited (Emmer et al., 2019).

LGBTQ+ prisoners in California report victimization rates substantially exceeding heterosexual prisoners. Survey research in California prisons found that 14% of LGB prisoners reported sexual victimization, compared to 2% of heterosexual prisoners. This victimization contributes to mental health challenges, disciplinary infractions, and other difficulties during incarceration (Beck et al., 2018).

California Policy Responses

California has implemented several policies addressing LGBTQ+ justice involvement. In addition to SB 132 (transgender prison placement), California requires SOGI data collection, prohibits conversion therapy for minors, and has enhanced hate crime protections. San Francisco and Los Angeles have implemented specialized training for law enforcement on LGBTQ+ issues and created LGBTQ+ liaison positions (Mallory et al., 2021).

However, significant gaps remain. Mental health and substance abuse treatment for LGBTQ+ individuals in California's justice system remains limited. Few California counties offer LGBTQ+-affirming programming for justice-involved individuals. Family acceptance programs that could prevent youth homelessness and justice involvement remain under-resourced relative to need (Wilson & Meyer, 2021).

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11.10.9: Intersectional Disparities in California's Criminal Justice System

California's exceptional diversity makes intersectional analysis particularly important. The state's large populations of Black residents in urban areas, Latine residents throughout the state (with important differences between Mexican Americans, Central Americans, and recent immigrants), diverse Asian/Pacific Islander communities (Chinese, Filipino, Vietnamese, Cambodian, Laotian, Pacific Islander), and Native American communities create complex intersectional patterns that aggregate analyses obscure (Potter, 2015).

Research in California has produced some of the most sophisticated intersectional analyses of criminal justice disparities. Studies examining how race, gender, age, immigration status, and socioeconomic status combine to shape justice outcomes reveal multiplicative rather than additive effects. For example, young Black men from low-income Los Angeles neighborhoods face arrest risks dramatically exceeding what would be predicted from simply adding effects of being young, Black, male, and poor (Rios, 2019).

Race, Gender, and Age Intersections in California

Young Black men experience extraordinarily high rates of criminal justice contact in California. Research in Los Angeles County found that Black men aged 18-29 had a 45% lifetime arrest probability, compared to 12% for White men in the same age group. In some South Los Angeles neighborhoods, over 60% of young Black men had been arrested by age 25. This intensive justice involvement fundamentally shapes life trajectories, impairing education, employment, and family formation (Males, 2020).

Young Latino men, particularly those perceived as gang members, face unique intersectional vulnerabilities in California. Gang injunctions, gang databases, and gang sentencing enhancements disproportionately impact young Latino males. Research examining California's gang database found that 65% of entries were Latine individuals, despite Latine individuals comprising 39% of California's population. Once entered in gang databases, individuals face enhanced scrutiny, harsher charges, and longer sentences (Muñiz, 2019).

Black women in California experience distinct intersectional patterns. While incarcerated at lower rates than men of any race, Black women experience arrest and incarceration rates 2.8 times those of White women in California. Research in Los Angeles found that Black women's arrests concentrated in drug offenses and theft, often linked to poverty, single parenthood, and economic desperation. Sentencing studies found that Black women received less leniency than White women for comparable offenses, suggesting that gender advantages in sentencing accrue primarily to White women (Ocen, 2019).

Latinas in California show increasing justice involvement, particularly related to drug offenses. Research examining California women's prisons found that Latina women comprised 42% of female prisoners, roughly proportionate to population, but showed increasing representation in recent years. Immigration status intersects with ethnicity and gender, with undocumented Latinas facing unique vulnerabilities including fear of deportation deterring crime reporting and separation from children following detention (Menjívar & Abrego, 2019).

Race, Immigration Status, and Justice Involvement

California's large immigrant population (approximately 27% foreign-born) creates important intersectional patterns involving immigration status. Research examining California arrests found that immigration status substantially affected justice outcomes independent of race and ethnicity. Undocumented immigrants were less likely to be arrested for many offenses (possibly due to reluctance to report crime or lower police contact), but once arrested, faced substantially higher pretrial detention rates and harsher sentences due to immigration consequences (Eagly, 2018).

The intersection of race and immigration status creates vulnerabilities. Research in California found that undocumented Latine immigrants were detained pretrial at rates exceeding 90%, compared to 40% for U.S.-born Latine defendants and 30% for White defendants. This reflected both flight risk concerns and immigration holds. Pretrial detention, in turn, increased conviction rates and sentence severity (Armenta & Rosales, 2020).

Asian and Pacific Islander populations in California demonstrate important within-group variations often obscured by aggregate data. While Asian/Pacific Islanders overall show low arrest and incarceration rates, some Southeast Asian communities (particularly Cambodian, Laotian, and Hmong) experience elevated justice involvement. Research in Fresno and Sacramento found that Southeast Asian youth showed arrest rates approximately 2-3 times higher than other Asian groups, reflecting refugee trauma, poverty, and gang involvement (Hing et al., 2021).

Socioeconomic Status, Race, and Geographic Context

The intersection of race and poverty in California's urban areas creates concentrated disadvantage with profound justice implications. Research examining Los Angeles census tracts found that predominantly Black and Latine tracts with poverty rates above 30% experienced arrest rates 15-20 times higher than affluent, predominantly White tracts. This cannot be explained by differential offending alone, suggesting intensive policing of poor minority neighborhoods (Sampson, 2019).

However, socioeconomic status does not fully explain racial disparities. Middle-class Black Californians still experience higher arrest rates than working-class White Californians. Research examining traffic stops in Los Angeles found that Black drivers in luxury vehicles were stopped at higher rates than White drivers in economy vehicles, suggesting that race effects persist even for economically successful individuals (Goel et al., 2020).

California's Central Valley demonstrates how rural poverty intersects with ethnicity. Predominantly Latine agricultural communities experience poverty rates of 20-30%, limited educational opportunities, and few economic alternatives. These factors contribute to elevated arrest rates in Fresno, Kern, Tulare, and Merced Counties. However, arrests in these counties show less racial disparity given population composition, with socioeconomic factors dominating (Mitchell & Brown, 2020).

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11.10.10: Multiple Marginalization - Compounded Disparities

Individuals at multiple marginalized intersections face compounded vulnerabilities. Research examining California's incarcerated population found that Black transgender women from low-income backgrounds represent perhaps the most criminalized demographic, experiencing arrest rates potentially exceeding 40%. This reflects intersecting effects of racism, transphobia, economic marginalization, and survival crimes (Grant et al., 2018).

Homeless individuals of color experience severe compounded disadvantages in California. Research in San Francisco found that homeless Black individuals were arrested at rates 8 times higher than housed Black individuals and 30 times higher than housed White individuals. Quality-of-life policing in areas like the Tenderloin and Skid Row disproportionately impacts homeless people of color (Stuart, 2021).

Undocumented LGBTQ+ immigrants face unique intersectional vulnerabilities. Fear of deportation deters crime reporting and help-seeking, while economic marginalization (due to both immigration status and sexual orientation/gender identity discrimination) may increase involvement in criminalized economies. Research in Los Angeles found that undocumented transgender Latinas experienced extraordinary rates of violence and justice involvement (Woods et al., 2019).

Part I Violent Crimes: Murder and Nonnegligent Manslaughter in California

California experiences approximately 2,000-2,200 murders annually, for a rate of 5.6 per 100,000, slightly above the national average of 5.0 (CA DOJ, 2023). Murder arrests show pronounced demographic patterns: 45% Latine, 33% Black, 18% White, 3% Asian/Pacific Islander. Black Californians account for 33% of murder arrests while comprising 6% of the population, a 5.5:1 disparity ratio representing one of the most extreme disparities for any offense category.

However, victimization patterns largely mirror offending patterns. Black Californians comprise approximately 34% of murder victims, demonstrating that murder is predominantly intraracial. Research in Los Angeles examining 2,000 homicides found that 87% of murders with identified suspects involved victims and offenders of the same race/ethnicity. This intraracial pattern holds across all demographic groups (Kubrin & Weitzer, 2019).

Geographic concentration is extreme. Analysis of California homicide data found that 5% of census tracts account for 45% of murders. These tracts are characterized by concentrated poverty, residential instability, and historical disinvestment. In Los Angeles County, South LA, Compton, and East LA neighborhoods account for disproportionate shares of homicides. In Oakland, specific neighborhoods in East and West Oakland show similar concentration patterns (Papachristos & Wildeman, 2018).

Age patterns show homicide arrests peaking in the 22-27 age range, somewhat later than other violent crimes. Males account for 91% of murder arrests in California. Gang involvement accounts for approximately 15-20% of California homicides, with gang-related murders showing even more pronounced concentration in young males and Black/Latine individuals (Maxson & Matsuda, 2019).

Part I Violent Crimes: Rape and Sexual Assault in California

California reports approximately 9,000 rape arrests annually, though this represents only a small fraction of sexual assaults given low reporting rates (estimated at 25-35% of assaults reported) (CA DOJ, 2023). Rape arrests show: 44% Latine, 30% White, 21% Black, 4% Asian/Pacific Islander. Unlike most violent crimes, rape arrests show White individuals closer to population proportionate representation.

Males account for 98% of rape arrests in California. Age patterns show arrests peaking in the 25-35 age range, later than most offenses. Research examining California rape prosecutions found that acquaintance assaults are substantially less likely to result in arrest than stranger assaults, and arrests vary significantly based on victim-offender relationship and circumstances (Spohn & Tellis, 2020).

California's evolving legal definitions and policies around sexual assault affect arrest patterns. Affirmative consent laws expanded definitions of sexual assault, and enhanced training for sexual assault response teams have altered both reporting and arrest

patterns in recent years. However, racial disparities in arrests persist, raising questions about differential prosecution and policing (Clay-Warner & Burt, 2018).

Part I Violent Crimes: Robbery in California

Robbery arrests in California show some of the most extreme racial disparities. Approximately 12,000 robbery arrests occur annually, distributed as: 48% Latine, 37% Black, 11% White, 3% Asian/Pacific Islander (CA DOJ, 2023). Black Californians account for 37% of robbery arrests despite comprising 6% of the population—a 6.2:1 disparity ratio.

Age concentration is particularly pronounced for robbery. Individuals aged 18-25 account for 46% of all robbery arrests in California, with peak arrests occurring around age 19-21. This early peak suggests robbery is particularly associated with youthful offending and economic desperation. Gender disparities are also extreme, with males accounting for 90% of robbery arrests (CA DOJ, 2023).

Commercial robbery (banks, stores, businesses) versus street robbery shows different demographic patterns. Street robberies, more common in California's urban areas, show more pronounced racial disparities and younger perpetrators. Commercial robberies show broader age distribution and somewhat less racial concentration. Both types concentrate in urban areas and lower-income neighborhoods (Rosenfeld & Levin, 2019).

Part I Violent Crimes: Aggravated Assault in California

Aggravated assault is California's most common Part I violent crime, with approximately 70,000 arrests annually (CA DOJ, 2023). Arrests show: 50% Latine, 25% White, 20% Black, 4% Asian/Pacific Islander. While still showing disparities, aggravated assault demonstrates more proportionate representation than robbery or murder.

Domestic violence constitutes a substantial proportion of aggravated assaults in California, estimated at 30-40%. Following mandatory arrest policies implemented in the 1980s, domestic violence arrests increased substantially. These policies increased both male and female arrests, though males still account for approximately 78% of aggravated assault arrests overall (Hirschel & Deveau, 2020).

California's diverse communities show varying assault patterns. Research examining assault arrests across California counties found that rural counties showed higher proportions of domestic violence-related assaults, while urban counties showed more street assaults. Gang-related assaults concentrate heavily in Los Angeles, Oakland, and other urban areas with active gang presence (Maxson & Matsuda, 2019).

Part I Property Crimes: Burglary in California

Burglary arrests in California total approximately 25,000 annually, distributed as: 47% Latine, 31% White, 17% Black, 4% Asian/Pacific Islander (CA DOJ, 2023). Males account for 82% of burglary arrests, with young adults aged 18-25 comprising 38% of arrests. Burglary shows strong socioeconomic patterns, with arrests concentrated in lower-income areas.

Residential versus commercial burglary shows different patterns. Residential burglaries occur more often during daytime hours when homes are vacant, while commercial burglaries concentrate overnight. Professional burglary rings operating in affluent areas show different demographic patterns than opportunistic burglaries in lower-income areas. Proposition 47's provisions did not affect burglary (which remained a felony), but research suggests some offenders shifted from burglary to theft given reduced penalties (Lofstrom & Martin, 2021).

Part I Property Crimes: Larceny-Theft in California

Larceny-theft is California's most common Part I offense, with approximately 180,000 arrests annually before Proposition 47 and approximately 120,000 post-Prop 47 (CA DOJ, 2023). The decline reflects reclassification of thefts under $950 from felonies to misdemeanors. Current arrests show: 45% Latine, 28% White, 19% Black, 6% Asian/Pacific Islander.

Shoplifting constitutes the largest category of larceny-theft. Proposition 47's impact on shoplifting has been controversial, with some retailers reporting increased theft and reduced prosecution. Research examining Prop 47's effects found modest increases

in larceny rates in some jurisdictions but no statewide crime increases. However, some organized retail theft rings may have increased activities knowing prosecution was less likely for under-$950 thefts (Lofstrom & Martin, 2021).

Gender gaps for larceny-theft are smaller than most offenses. Males account for 63% of arrests, while females account for 37%—the smallest gender gap for any Part I offense. Research suggests women's participation in shoplifting and employee theft contributes to this relatively balanced distribution (Schwartz & Steffensmeier, 2019).

Part I Property Crimes: Motor Vehicle Theft in California

California experiences some of the nation's highest motor vehicle theft rates, with approximately 35,000 arrests annually (CA DOJ, 2023). Arrests show: 52% Latine, 25% White, 18% Black, 4% Asian/Pacific Islander. Young adults dominate motor vehicle theft arrests, with 48% of arrestees aged 18-25 and peak arrests around age 19.

Motor vehicle theft in California involves both opportunistic joyriding and organized theft rings. Professional auto theft rings export vehicles to Mexico or operate chop shops in urban areas. Research in Los Angeles found significant gang involvement in auto theft, contributing to observed racial and ethnic patterns. Certain vehicle models (Honda Civic, Honda Accord, Toyota Camry) are disproportionately targeted (Maxson & Matsuda, 2019).

Part II Offenses: Drug Abuse Violations in California

Drug abuse violations represent a major arrest category in California despite recent reforms. Approximately 100,000 drug arrests occur annually, down from peaks exceeding 200,000 before marijuana legalization and Proposition 47 (CA DOJ, 2023). Current arrests show: 46% Latine, 30% White, 18% Black, 5% Asian/Pacific Islander.

Marijuana legalization in 2016 dramatically reduced marijuana arrests, which declined from approximately 90,000 annually to under 15,000. However, racial disparities persist even post-legalization. Black Californians continue to be arrested for marijuana offenses at 2.5 times the rate of White Californians. This reflects illegal market activity and differing policing intensity across neighborhoods (Garvey et al., 2021).

Methamphetamine represents California's most significant current drug problem, particularly in rural and Central Valley areas. Meth-related arrests show somewhat different demographic patterns than other drugs: 50% Latine, 35% White, 10% Black, 4% Asian/Pacific Islander. The relatively high proportion of White arrests reflects meth's prevalence in rural areas with larger White populations (Messina et al., 2020).

Opioid-related arrests have increased in recent years as California grapples with the opioid epidemic. Fentanyl deaths increased dramatically, from approximately 200 annually in 2016 to over 5,000 in 2022. However, arrests for opioid possession remain relatively limited given California's emphasis on treatment over incarceration for drug users. Most opioid arrests involve distribution rather than simple possession (CA DOJ, 2023).

Part II Offenses: Weapons Violations in California

Weapons violations in California total approximately 18,000 arrests annually, distributed as: 43% Latine, 29% White, 23% Black, 4% Asian/Pacific Islander (CA DOJ, 2023). Black Californians are arrested for weapons violations at approximately 3.8 times their population share, reflecting both gang-related enforcement and targeted policing in certain neighborhoods.

California's strict gun control laws create numerous weapons-related offenses including unlawful possession, carrying concealed weapons, and possession by prohibited persons (felons). Gang injunctions and gang databases contribute to weapons arrest disparities, as individuals with gang affiliations face enhanced scrutiny and stricter enforcement. Research examining gang databases found that being listed increased likelihood of weapons charges even for identical conduct (Muñiz, 2019).

Part II Offenses: DUI in California

DUI arrest in California total approximately 120,000 annually, showing different demographic patterns than most offenses: 45% Latine, 38% White, 9% Black, 7% Asian/Pacific Islander (CA DOJ, 2023). This more proportionate distribution reflects enforcement patterns (sobriety checkpoints on highways) that show less geographic and demographic bias than street-level

policing.

However, immigration consequences of DUI arrests fall disproportionately on Latine immigrants. DUI convictions can result in deportation for non-citizens, creating severe disparate impacts. Research found that immigration enforcement following DUI arrests increased substantially in recent years, particularly in counties cooperating with ICE (Eagly, 2018).

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11.10.11: Key Findings for California

This comprehensive analysis reveals substantial demographic disparities in California's criminal justice system across Part I and Part II offenses. Black Californians experience the most severe disparities, comprising 6% of the population but 15% of arrests and 28% of state prisoners—representing disparity ratios of 2.5:1 for arrests and 4.7:1 for incarceration. These disparities are most extreme for violent crimes, drug offenses, and weapons violations (CA DOJ, 2023; CDCR, 2023).

Latine individuals represent California's largest demographic group and largest arrested population (48% of arrests), creating different dynamics than in states where racial disparities primarily involve Black-White comparisons. Latine individuals show roughly proportionate arrest representation overall, but important variations exist across offense types, with overrepresentation in drug, gang, and weapons offenses. Immigration status creates additional layers of disparity within the Latine population (Menjívar & Abrego, 2019).

Gender disparities remain pronounced, with males comprising 74% of California arrests and 96% of prisoners. However, California's female arrest and incarceration rates increased dramatically during the war on drugs, though recent reforms have reduced female incarceration by 65% from peaks. Age patterns show extreme concentration in young adults aged 18-29, who comprise 22% of adults but 42% of arrests (CA DOJ, 2023).

Socioeconomic disparities are severe and mediate other demographic patterns. Arrest rates in California's poorest counties are 6-8 times higher than affluent counties. California's extreme housing costs, income inequality, and homelessness crisis create unique economic pressures contributing to justice involvement. Limited LGBTQ+ data suggests substantial disparities, particularly for transgender individuals and LGBTQ+ youth (PPIC, 2022).

Evaluation of California's Recent Reforms

California's criminal justice reforms have achieved substantial prison population reductions without compromising public safety. The prison population declined from 163,000 in 2006 to 95,000 in 2023, a 42% reduction. Crime rates have not increased during this period, remaining near historic lows despite predictions that reforms would increase crime (Lofstrom & Martin, 2021).

However, these reforms have not meaningfully reduced racial disparities. Black Californians comprised 29% of state prisoners before reforms and 28% after – virtually unchanged despite a 65,000-person reduction in total prisoners. Latine representation increased slightly from 42% to 45%, while White representation increased from 19% to 23%. This suggests reforms reduced incarceration across all groups but did not address underlying disparities (CDCR, 2023).

Proposition 47's reclassification of certain drug and property offenses from felonies to misdemeanors reduced incarceration and enabled resentencing for 200,000+ individuals. However, evaluation research found that Black Californians were less likely to benefit from resentencing provisions, possibly due to prior serious/violent convictions making them ineligible. This demonstrates how reform design can inadvertently maintain disparities (Bird et al., 2020).

County-level variation in implementing realignment and other reforms is substantial. Progressive counties like San Francisco and Los Angeles have invested heavily in diversion, alternatives to incarceration, and reentry services. Conservative counties have maintained more punitive approaches. This variation creates geographic inequities in how reforms impact different populations (Petersilia & Snyder, 2019).

Policy Recommendations for California

Addressing California's criminal justice disparities requires comprehensive, multi-pronged reforms. First, California should implement equity-focused policing reforms including civilian oversight, accountability mechanisms, and restricting pretextual stops. Oakland and San Francisco have developed strong civilian oversight boards, models that could be expanded statewide. Banning minor traffic stops that disproportionately impact communities of color could substantially reduce disparate arrests (Goel et al., 2020).

Second, prosecutorial reforms should address charging and plea-bargaining disparities. California should expand conviction integrity units, require prosecutors to collect and analyze data on charging decisions by defendant race, and develop guidelines promoting consistency. Eliminating gang and firearm enhancements that disproportionately impact Black and Latine defendants

would reduce sentencing disparities (Muñiz, 2019).

Third, California should eliminate money bail statewide despite voters' rejection of Proposition 25. Wealth-based detention creates a two-tier justice system and contributes substantially to racial disparities. Risk assessment tools should be scrutinized for bias, and pretrial release should be the default with detention reserved for serious public safety risks (Heaton et al., 2020).

Fourth, continued drug policy reform is essential. California should decriminalize personal drug possession, following Oregon's model, and expand treatment access. Drug courts and diversion should be available in all counties. Expunging marijuana convictions should be accelerated, and racial disparities in post-legalization enforcement should be addressed (Ghandnoosh, 2022).

Fifth, addressing socioeconomic root causes requires major investments in education, employment, housing, and mental health services. California's housing crisis drives much homelessness and economic desperation. Expanding affordable housing, homeless services, and economic opportunity in disadvantaged communities would reduce justice involvement more effectively than enforcement (PPIC, 2023).

Sixth, California should implement emerging adult reforms recognizing developmental differences in 18-25-year-olds. This could include raising juvenile court jurisdiction to age 21, creating specialized young adult courts, and prohibiting life without parole for offenses committed before age 25 (Steinberg & Scott, 2019).

Seventh, expanding data collection on LGBTQ+ populations, disaggregating Asian/Pacific Islander data by ethnicity, and collecting immigration status data (with privacy protections) would enable better understanding of intersectional disparities and more targeted interventions (Meyer et al., 2018).

California's criminal justice system, despite progressive reforms, continues to exhibit substantial disparities across demographic categories. Black Californians experience the most severe disparities, with incarceration rates 4.7 times their population share. Latine individuals, while closer to proportionate representation overall, experience pronounced disparities in specific offense categories and intersectional contexts. Gender, age, and socioeconomic disparities persist, with young males from disadvantaged communities experiencing extraordinary justice involvement (CDCR, 2023; CA DOJ, 2023).

Recent reforms including AB 109, Proposition 47, and Proposition 57 have successfully reduced California's prison population by 42% without compromising public safety. However, these reforms have not meaningfully addressed racial disparities, which remain essentially unchanged. This demonstrates that population reduction alone does not ensure equity; reforms must explicitly target disparity reduction (Lofstrom & Martin, 2021).

California's size, diversity, and progressive policies position it to lead national criminal justice reform. However, realizing this potential requires sustained commitment to equity-focused reforms addressing disparities at every system stage—from policing through reentry. Only comprehensive approaches addressing both justice system practices and socioeconomic root causes can achieve meaningful progress toward true justice and equity (Bird et al., 2020).

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CHAPTER 12: VICTIM AND VICTIMOLOGY

Learning Objectives

- Define victimology and its scope
- Explain theories of victimization
- Identify types and impacts of victimization
- Describe support systems and policies

Key Terms

- Victimology
- Victimization
- Lifestyle-Exposure Theory
- Routine Activities Theory
- Guardianship
- Secondary Victimization
- Victim Impact
- Trauma
- Victim Compensation
- Restorative Justice
- Victim Advocacy

Summary

This chapter shifts focus to victims and their experiences. It examines theories, types, and impacts of victimization, including psychological and economic effects. The chapter also explores victim support systems and prevention strategies.



Figure 12.1: Photo courtesy of Justice Innovation Victimology

Victimology, as a branch of criminology, focuses on the study of victims and the patterns, consequences, and responses to victimization. Unlike criminology, which primarily centers on the behaviors and psychology of criminals, victimology shifts the

focus towards the victims, examining their roles, experiences, and responses in the context of crimes and other harmful events. This field emerged as an important discipline in the mid-20th century, recognizing that understanding the victim's perspective is crucial to comprehensively understanding crime and developing effective criminal justice policies.

Victimology does not just limit itself to studying the aftermath of crime from a victim's perspective; it also delves into the interactions between victims and offenders, the criminal justice system's treatment of victims, and societal attitudes towards victims. It examines how factors like gender, age, social status, and psychological traits influence one's likelihood of becoming a victim and the subsequent experience of victimization. This perspective marks a significant shift from earlier criminological theories which often overlooked or marginalized the victim's role in the crime and justice processes.

12.1: Scope of Victimology

12.2: Theories of Victimization

12.2.1: Lifestyle-Exposure Theory

12.2.2: Routine Activities Theory

12.2.3: Victim Precipitation Theory

12.2.4: Systemic Models of Victimization

12.3: Types of Victims and Victimizations

12.4: The Impact of Victimization

12.5: Responding to Victimization

12.6: References

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12.1: Scope of Victimology

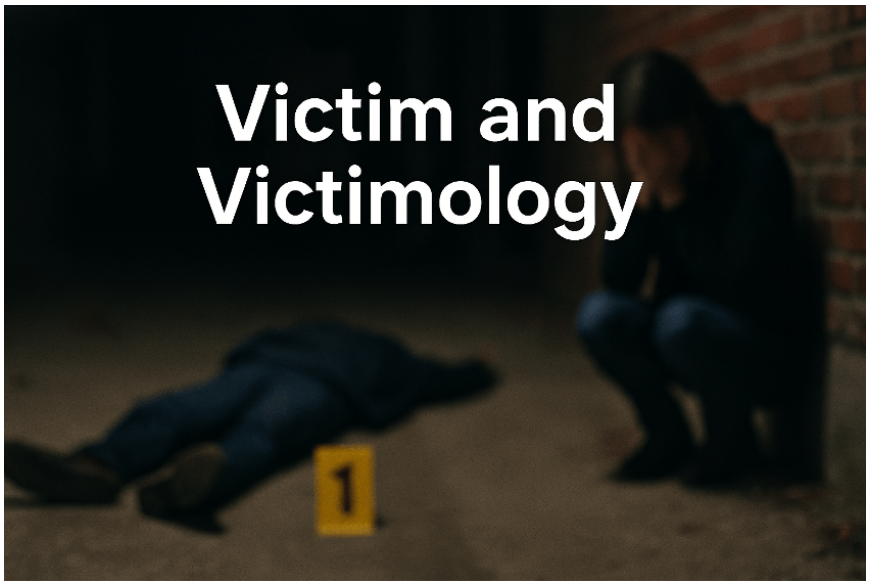


Figure 12.1.1: Photo courtesy of copilot

The scope of victimology is extensive, stretching beyond the conventional bounds of criminal acts. While it does encompass the study of victims of crimes such as theft, assault, and homicide, it also includes the exploration of non-criminal forms of victimization. This broad scope includes abuse, negligence, and systemic victimizations, like those experienced by individuals due to social inequality, discrimination, or historical oppression.

One of the critical aspects of victimology is its focus on the consequences of victimization. This includes immediate physical and psychological effects, long-term socio-economic impacts, and even intergenerational trauma. Victimologists examine how these consequences vary across different types of crimes and different groups of people, thereby uncovering patterns that might be invisible in a strictly offender-focused criminological approach.

Another significant aspect is the systemic study of victimization. This involves analyzing how various social systems – be it legal, educational, or healthcare – contribute to or mitigate the risk and impact of victimization. For instance, it explores how inadequacies in the legal system may lead to secondary victimization or how societal norms and media portrayals can perpetuate victim-blaming attitudes.

Victimology also critically examines the prevention and intervention strategies related to victimization. This includes evaluating the effectiveness of laws and policies designed to protect potential victims, the support services available for those who have been victimized, and the societal efforts to change attitudes and behaviors that lead to victimization. This comprehensive approach positions victimology as a pivotal field in understanding and addressing the multifaceted nature of victimization.

Historical Perspective of Victimology

The inception of victimology in the early 20th century marked a significant shift in criminological thought. Pioneers like Hans Von Hentig and Benjamin Mendelsohn, often referred to as the “father of victimology,” began exploring the relationship between victims and offenders. Von Hentig’s “victim precipitation theory” suggested that victims might play a role in the genesis of the crime committed against them, sparking controversy and debate. Mendelsohn, in 1947, systematically categorized victims based on their involvement in the crime, further expanding the scope of victimology. These early theories, while groundbreaking, often risk victim-blaming, an issue that modern victimology actively works to address and rectify.

Victimology in the Mid-20th Century

By the mid-20th century, victimology had begun to evolve distinctively. Researchers like Marvin Wolfgang uncovered complex

dynamics in victim-offender interactions, as seen in his study of homicides in Philadelphia. This period also saw the emergence of theories like the “lifestyle-exposure theory” and “routine activities theory,” which focused on situational factors influencing victimization rather than victim characteristics. This era marked the start of a shift away from potential victim-blaming attitudes, with growing advocacy for victim rights leading to initial movements for legal reforms to support and protect victims.

Recent Developments and Modern Victimology

Modern victimology strongly opposes the concept of victim-blaming and instead emphasizes understanding the multifaceted nature of victimization. Contemporary theorists focus on the societal and systemic factors contributing to victimization, recognizing that it is often a result of broader issues like inequality, social injustice, and systemic failures. This shift to a more empathetic and holistic understanding has led to interdisciplinary approaches, incorporating psychology, sociology, and public health perspectives.

The field now addresses global challenges such as cybercrime, human trafficking, and terrorism, advocating for international cooperation and comprehensive victim support systems. Modern victimology also prioritizes the resilience and recovery of victims, advocating for their rights within the criminal justice process. By focusing on empowerment rather than blame, contemporary victimology seeks to provide a more compassionate and effective response to those affected by crime and abuse.

The Role of Victimology in Criminology

Victimology and criminology, while closely related, are distinct fields with different focuses. Criminology traditionally concentrates on understanding criminal behavior, the causes of crime, and the functioning of the criminal justice system. It seeks to unravel the complexities of criminal psychology, societal factors leading to crime, and the effectiveness of penal systems. Victimology, on the other hand, centers on the study of victims of crime, examining their experiences, responses to victimization, and the role they play in the criminal justice process.

Despite these differences, victimology and criminology are inherently complementary. Victimology’s insights into the experiences and needs of victims provide a crucial perspective for criminological studies, enabling a more holistic understanding of crime and its impacts. It challenges criminology to consider the full spectrum of crime’s effects, beyond the actions and motivations of offenders alone. This integrated perspective is vital for developing effective crime prevention strategies, supporting victims, and implementing comprehensive criminal justice policies.

Moreover, victimology enriches criminological research by highlighting the societal and systemic factors that contribute to victimization. It brings attention to issues like social inequality, power dynamics, and cultural attitudes, which are essential for understanding the context in which crimes occur and are addressed.

Contributions to Criminal Justice Policies

Victimology has significantly influenced criminal justice policies, leading to substantial reforms and the development of new practices aimed at supporting victims. One of the primary contributions of victimology has been the emphasis on victims’ rights within the criminal justice system. This focus has led to the establishment of legal rights for victims, including the right to be informed, to be present, and to be heard during criminal justice proceedings.

Victim impact statements, now a common practice in many jurisdictions, are a direct result of victimological research. These statements allow victims to express the emotional, physical, and financial impact of the crime, influencing sentencing and parole decisions. Furthermore, victimology has propelled the creation of victim compensation programs, providing financial assistance to victims for losses suffered due to criminal acts.

Another significant area of impact is the development of specialized services for victims, such as counseling, legal assistance, and support hotlines. These services acknowledge the complex needs of victims and provide essential support beyond the trial process.

Victimology has also led to policy changes that make the criminal justice process more victim sensitive. This includes reforms in police training to handle victim interviews sensitively, the establishment of special units for crimes like domestic violence and sexual assault, and adjustments in court procedures to protect the privacy and dignity of victims.

Future Directions in Victimology

The future of victimology promises further advancements, with emerging trends and research areas focusing on technological impacts, globalization, and evolving societal attitudes. The rise of cybercrime and online victimization is pushing victimologists to explore digital spaces and the unique challenges they present. Additionally, global issues like human trafficking and international terrorism are prompting cross-border collaborations in victim research and support.

Technological advancements are also enabling new methods for studying victimization and offering innovative solutions for victim support, such as online counseling services and digital platforms for victim advocacy. The field is increasingly recognizing the importance of intersectionality, examining how factors like race, gender, and socioeconomic status intersect to impact victimization experiences.

Victimology in Practice: Practical Applications

Victimology's practical applications are evident in various sectors, including law enforcement, social services, and policymaking. In law enforcement, victimology has led to specialized training for officers in handling domestic violence cases and interviewing victims sensitively. In the realm of social services, victimology informs the design of support programs that address the specific needs of different victim groups, such as survivors of sexual assault or human trafficking.

Case studies, such as the implementation of victim advocate programs in court systems, illustrate the practical impact of victimological research. These programs provide emotional support, information about the legal process, and assistance in accessing services, significantly improving the experience of victims in the criminal justice system. These practical applications demonstrate how victimology translates into tangible support and reforms, ultimately contributing to a more victim-centric and empathetic approach in responding to crime and its aftermath.

Victimology, a branch distinct from but complementary to criminology, has evolved significantly since its inception in the early 20th century. Its focus lies in understanding the experiences and responses of victims of crime and harmful events, marking a shift from the traditional criminology perspective which centers mainly on offenders. This field examines the complex dynamics between victims and offenders, the treatment of victims within the criminal justice system, and societal attitudes towards them. It highlights the influence of various factors such as gender, age, and social status on victimization, thus broadening the scope of criminological research.

The scope of victimology extends beyond criminal acts to include non-criminal forms of victimization, such as abuse and systemic injustices. It explores the immediate and long-term effects of victimization, including physical, psychological, and socio-economic impacts. This approach uncovers patterns and dynamics often overlooked in an offender-focused analysis. Victimology's systemic study includes an evaluation of social systems and their role in either exacerbating or mitigating victimization, emphasizing the necessity of comprehensive prevention and intervention strategies.

Historically, victimology challenged and expanded criminological thought. Early theorists like Hans Von Hentig and Benjamin Mendelsohn initiated the exploration of victim-offender relationships. Despite initial controversies, such as victim-blaming, the field has evolved to oppose such concepts strongly. Modern victimology emphasizes understanding the societal and systemic factors contributing to victimization, advocating for victim resilience and rights within the criminal justice process.

In criminology, victimology provides essential insights, enriching the study of crime by incorporating the victims' perspectives. This integration is crucial for developing effective crime prevention strategies and comprehensive criminal justice policies. Victimology has significantly influenced criminal justice policies, emphasizing victims' rights, and leading to the establishment of specialized services and legal reforms.

Looking forward, victimology is poised to address emerging challenges such as cybercrime, global issues like human trafficking, and evolving societal attitudes. Its practical applications in law enforcement, social services, and policymaking underscore its pivotal role in shaping a more victim-centric and empathetic response to crime and its aftermath. By focusing on empowerment and comprehensive support, victimology continues to be an integral part of the broader criminological landscape, contributing to a more nuanced and effective understanding of crime and its impact on individuals and society.

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12.2: THEORIES OF VICTIMIZATION

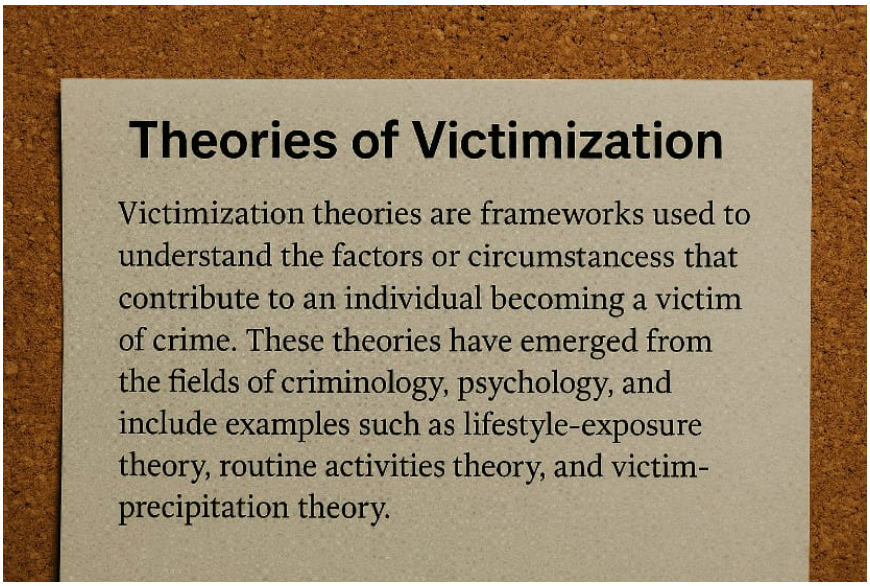


Figure 12.2.1: Photo courtesy of copilot

Victimization theories explain why certain people or groups are more likely to become victims of crime. These theories look at different factors, like lifestyle, daily activities, or societal issues, to understand victimization. In this section, we will explore various victimization theories and how they help us understand and prevent crime.

12.2.1: Lifestyle-Exposure Theory

12.2.2: Routine Activities Theory

12.2.3: Victim Precipitation Theory

12.2.4: Systemic Models of Victimization

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12.2.1: Lifestyle-Exposure Theory

The Lifestyle-Exposure Theory in Victimology, developed in the late 20th century, notably by criminologists Michael Hindelang, Michael Gottfredson, and James Garofalo in their seminal work "Victims of Personal Crime: An Empirical Foundation for a Theory of Personal Victimization" (1978), provides a comprehensive framework for understanding how an individual's lifestyle can influence their risk of becoming a victim of crime. Central to this theory is the notion that daily activities and behavioral patterns significantly affect one's exposure to potential offenders. The theory posits that individuals who engage in high-risk lifestyles or activities are more likely to encounter situations where victimization can occur.

Diverging from earlier victimological perspectives, the Lifestyle-Exposure Theory focuses on the situational aspects of victimization rather than characteristics inherent to the victim. Hindelang, Gottfredson, and Garofalo suggest that risk is not uniformly distributed across all populations but is instead contingent upon how one's lifestyle intersects with opportunities for crime. For instance, certain behaviors, such as frequenting late-night establishments or engaging in illegal activities, inherently increase the likelihood of encountering criminal elements. Similarly, occupations or hobbies that involve higher levels of public interaction or valuable assets can also elevate risk.

By highlighting the role of lifestyle in victimization, this theory, as outlined in Hindelang, Gottfredson, and Garofalo's work, underscores the importance of situational awareness and personal choices in understanding crime patterns and victim profiles. Their research has been influential in shaping contemporary understandings of victimization, emphasizing the dynamic interplay between individual lifestyle choices and the risk of becoming a victim of crime.

Application and Examples

The practical application of the Lifestyle-Exposure Theory in victimology is extensive, influencing how law enforcement, policymakers, and social scientists approach crime prevention and victim support.

For instance, this theory has been instrumental in shaping crime prevention strategies. Understanding that certain lifestyles are more susceptible to specific types of crime, police forces and community organizations can tailor their prevention efforts more effectively. Nightlife districts, known for higher crime rates, may see increased police patrols or campaigns promoting safe behaviors like traveling in groups or avoiding poorly lit areas.

In social policy, the theory has informed the development of targeted interventions aimed at high-risk groups. Programs designed for youth at risk of gang involvement, for example, focus on altering lifestyles that expose them to criminal elements by providing alternative social activities and support networks.

In the realm of personal security, the theory has driven awareness campaigns highlighting how individual choices can mitigate or increase risk. These campaigns often educate the public on safe practices, such as secure online behavior to prevent cybercrimes or advice for securing personal belongings in public spaces.

Real-world examples of the theory in action include studies linking nightlife activities with increased risks of violent victimization, or research showing how certain professions, like taxi driving or retail, have higher rates of occupational victimization due to their high exposure to the public and cash transactions. Another application can be seen in urban planning, where the design of safer public spaces considers the lifestyle patterns of different community members, aiming to reduce opportunities for victimization.

These applications underscore the significance of the Lifestyle-Exposure Theory in understanding and addressing victimization, highlighting the dynamic interplay between individual lifestyles and environmental factors in shaping vulnerability to crime.

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12.2.2: Routine Activities Theory

Fundamentals of the Theory

The Routine Activities Theory, established by Lawrence Cohen and Marcus Felson in the late 1970s, offers a lens to understand crime by examining the conditions under which it occurs rather than focusing on the characteristics of offenders or victims. This theory is grounded in three core elements: a motivated offender, a suitable target, and the absence of a capable guardian. According to this perspective, crimes are more likely to occur when these three elements converge in space and time.

This theory diverges from traditional criminological models by emphasizing situational factors over dispositional factors in crime causation. It posits that crime is a product of everyday activities and routines, which shape opportunities for victimization. The routine activities of individuals, therefore, inadvertently create situations where the paths of potential victims and offenders intersect.

An integral aspect of this theory is the concept of a "capable guardian." This role can be filled by anything that discourages crime, such as police presence, security systems, or even social norms and community vigilance. The theory suggests that the presence or absence of capable guardians is a critical determinant in whether a crime will be committed.

Implications and Case Studies

The Routine Activities Theory has profound implications in criminology, particularly in crime prevention and policy-making. By focusing on situational prevention, this theory guides strategies that aim to disrupt the convergence of the three elements necessary for a crime to occur. This approach has led to the development of various crime prevention techniques, including environmental design, increased surveillance, and community-based strategies.

For instance, the implementation of neighborhood watch programs exemplifies the application of this theory. By increasing the presence of capable guardians in the form of vigilant community members, these programs aim to deter potential offenders. Similarly, urban planning that incorporates crime prevention through environmental design (CPTED) principles, such as improved lighting and natural surveillance, also draws from this theory.

Case studies demonstrating the efficacy of the Routine Activities Theory include the reduction of car thefts through improved vehicle security systems, illustrating the removal of suitable targets. Another example is the decrease in burglary rates following increased police patrolling in high-crime areas, showcasing the impact of enhancing capable guardianship.

In the realm of cybercrime, the theory has been adapted to understand phenomena like online fraud. Here, the absence of physical guardians makes certain online activities riskier, and initiatives to educate the public about safe online practices are in line with the theory's emphasis on prevention.

Overall, the Routine Activities Theory has played a crucial role in shaping modern criminological thought and practice. By highlighting the significance of routine activities in creating opportunities for crime, it has influenced a wide range of crime prevention strategies, emphasizing the importance of altering environmental factors and daily routines to reduce the risk of victimization.

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12.2.3: Victim Precipitation Theory

Victim Precipitation Theory, which emerged as a significant concept in criminology and victimology in the mid-20th century, was notably developed by criminologists like Marvin Wolfgang in his influential study "Victim Precipitated Criminal Homicide" (1957). This theory suggests that victims may play an active role in the criminal process, potentially initiating the chain of events that lead to their victimization. The development of this theory was aimed at better understanding the dynamics of certain crimes, especially those involving personal and interpersonal violence, such as assault or homicide.

The theory initially focused on the idea that victims could contribute to their victimization through their behavior, characteristics, or interactions with the offender. It implied that certain actions or attributes of victims, such as provocation or aggression, might trigger or escalate a conflict that leads to a crime. This approach was exemplified in Wolfgang's work, where he examined instances of victim-precipitated homicides, analyzing how victim behavior may have played a role in the escalation to lethal violence.

Historically, Victim Precipitation Theory marked a shift in focus within criminological research. By moving some of the focus from the offender to the victim, it suggested a more interactive understanding of crime causation. Researchers like Wolfgang encouraged a consideration of the complex interplay between victim and offender, rather than viewing criminal acts as solely the result of the perpetrator's actions. This perspective was groundbreaking at the time, as it expanded the scope of criminological inquiry to include the role and impact of the victim's actions in the context of criminal events.

Criticism and Modern Perspectives

Despite its historical significance, Victim Precipitation Theory has faced significant criticism, particularly concerning the notion of "victim blaming." The primary critique is that the theory can be interpreted as shifting the blame for the crime onto the victim, suggesting that the victim's actions or characteristics justify or excuse the offender's criminal behavior. This perspective has been particularly contentious in cases of sexual assault and domestic violence, where it can perpetuate harmful stereotypes and discourage victims from coming forward.

Modern perspectives on victimology and criminology have sought to address these concerns by reevaluating the theory within a more nuanced and victim-sensitive framework. Contemporary scholars emphasize that understanding the interactions between victims and offenders is vital, but this should not lead to blaming victims for the crimes committed against them. The focus has shifted to examining how societal attitudes, cultural norms, and systemic issues might contribute to victimization without implying victim fault.

Moreover, current research in this area often incorporates an intersectional approach, considering how factors such as gender, race, socioeconomic status, and other social identities intersect to impact experiences of victimization and the criminal justice process. This approach acknowledges the complexity of victim-offender dynamics without oversimplifying or moralizing the victim's role.

In practice, while the concept of victim precipitation is still a topic of academic discussion, it is approached with caution and a deeper understanding of its implications. The modern interpretation strives to balance the exploration of victim-offender interactions with a strong stance against victim blaming, ensuring that the focus remains on prevention, support, and justice for victims.

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12.2.4: Systemic Models of Victimization

Introduction to Systemic Models

Systemic models of victimization represent a broad, holistic approach to understanding crime and its impacts, focusing on the role of societal structures and systems. Unlike theories that concentrate on individual behaviors or specific situational factors, systemic models consider the broader social, economic, political, and cultural contexts that contribute to victimization. This perspective posits that victimization is not merely the result of isolated actions or interactions but is deeply embedded in and influenced by the functioning of societal systems.

These models explore how various social systems — such as the legal system, economic policies, cultural norms, and political environments — can create conditions that facilitate or mitigate crime and victimization. For example, systemic models might examine how economic inequality, systemic racism, or gender discrimination contribute to higher rates of victimization among certain population groups. The relevance of these models lies in their ability to highlight the underlying causes of crime that are rooted in societal structures and to propose changes at a systemic level to address these issues.

By shifting the focus from individual to systemic factors, these models provide a more comprehensive understanding of crime and its prevention. They challenge us to think beyond immediate causes and to consider the broader societal changes needed to reduce victimization.

Examples and Broader Impact

The application of systemic models in understanding victimization has led to significant insights into how societal structures impact crime rates and victim experiences. One prominent example is the exploration of how systemic poverty and economic inequality can lead to higher rates of crime and victimization in certain communities. Studies have shown that areas with higher poverty rates often experience more frequent and severe forms of crime, indicating a link between economic conditions and crime.

Another area of application is the examination of how systemic racism and discrimination contribute to victimization. For example, systemic models have been used to understand the disproportionate rates of police violence and criminal victimization experienced by racial minorities. These models highlight how historical and ongoing racial prejudices within legal and social systems can lead to increased vulnerability and marginalization.

Gender-based victimization is also a critical area where systemic models have provided valuable insights. These models explore how societal norms and gender roles contribute to domestic violence, sexual assault, and harassment. By understanding these systemic issues, it becomes possible to develop more effective prevention strategies that address the root causes of gender-based violence.

In the realm of policy-making, systemic models have informed the development of comprehensive strategies to reduce victimization. This includes policies aimed at economic development, education, social welfare, and criminal justice reform. By addressing the systemic issues that contribute to crime, these policies aim not only to reduce immediate victimization but also to create long-term societal change.

Overall, systemic models of victimization underscore the importance of considering the broader societal context in understanding and addressing crime. They encourage a shift in focus from reactive approaches to proactive strategies that target the systemic roots of victimization, leading to more effective and sustainable solutions.

This section has explored the various theories of victimization, each providing unique insights into the complexities of crime and its impact on victims. From the Lifestyle-Exposure Theory to systemic models, these theories collectively enhance our understanding of why certain individuals or groups are more susceptible to becoming victims of crime.

The Lifestyle-Exposure Theory, developed by Hindelang, Gottfredson, and Garofalo, emphasizes the role of an individual's daily activities and behaviors in their risk of victimization. This theory has been crucial in shaping crime prevention strategies, guiding law enforcement and policymakers to tailor their efforts based on the understanding that certain lifestyles are more prone to specific types of crime.

Similarly, the Routine Activities Theory, established by Cohen and Felson, highlights the importance of situational factors in crime causation. It identifies the convergence of a motivated offender, a suitable target, and the absence of a capable guardian as key elements that lead to a crime. This theory has significantly influenced crime prevention techniques, including environmental design and community-based strategies.

Victim Precipitation Theory, notably developed by Marvin Wolfgang, suggests that victims may play an active role in the criminal process. While this theory has been subject to criticism for potentially blaming victims, modern interpretations emphasize a balanced understanding of victim-offender interactions without attributing fault to victims.

Lastly, systemic models of victimization offer a broader perspective, examining how societal structures and systems contribute to higher rates of victimization among certain population groups. These models have informed policies aimed at addressing systemic issues like economic inequality, systemic racism, and gender discrimination.

These theories collectively provide a comprehensive framework for understanding victimization. They highlight the multifaceted nature of crime and its impacts, emphasizing the need for varied and nuanced approaches to crime prevention and victim support. By considering both individual and societal factors, these theories guide us toward more effective and sustainable solutions to reduce victimization and support victims of crime.

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12.3: Types of Victims and Victimizations



Figure 12.3.1: Photo courtesy of copilot

Individual victimization refers to crimes or harmful acts where a single person is targeted. The profile and experiences of individual victims can vary widely based on the nature of the crime, the victim's background, and the context in which the victimization occurs. Factors such as age, gender, socioeconomic status, and psychological makeup play a significant role in shaping an individual's experience of victimization.

For instance, the impact of a burglary or a physical assault can be profoundly different for different individuals. Some may experience severe psychological trauma, leading to long-term effects like anxiety, depression, or post-traumatic stress disorder (PTSD). Others might recover more quickly, depending on their resilience, support systems, and previous experiences. The severity and nature of the crime, the relationship to the offender (if any), and the response of the criminal justice system also significantly influence the victim's recovery and perception of the event.

Individual victims might face challenges in the aftermath of the crime, such as navigating the legal system, dealing with financial losses or physical injuries, and coping with societal stigma or disbelief. Understanding these varied experiences is crucial for providing effective support and developing policies that address the diverse needs of individual victims.

Dynamics of Group Victimizations

Group victimization occurs when a specific community, social group, or minority is targeted due to their shared characteristics, such as race, ethnicity, religion, or sexual orientation. These types of victimizations can take many forms, including hate crimes, genocides, and systemic discrimination. The dynamics of group victimization are complex, as they affect not only the individuals within the group but also the collective identity and cohesion of the group as a whole.

In cases of group victimization, individuals often experience a dual form of trauma: the personal impact of the crime and the broader psychological distress caused by being targeted as part of a group. This can lead to a pervasive sense of fear and vulnerability within the community, affecting group members' daily lives and sense of safety.

Moreover, group victimization can have long-term consequences for the community, including eroding trust in social institutions and authorities, especially if the response to the victimization is inadequate or discriminatory. It can also lead to increased social tensions and conflicts, as victimized groups seek justice or retribution.

Understanding the dynamics of group victimization is essential for developing effective strategies to prevent such crimes and to support the affected communities. It requires a comprehensive approach that addresses not only the immediate needs of the

victims but also the underlying societal issues that contribute to such victimizations.

Property, Personal, and Virtual Victimizations

Property Victimizations

Property victimization refers to crimes involving the theft or destruction of property. Common examples include burglary, vandalism, and larceny. Victims of property crimes often experience a range of emotions, including violation, anger, and a sense of loss. The impact can extend beyond the immediate financial loss, affecting the victim's sense of security and trust in their community.

The prevention of property crimes involves both individual and community efforts. At the individual level, measures like installing security systems, using robust locks, and being cautious about sharing personal information can deter potential crimes. Community-based strategies, such as neighborhood watch programs and police-community partnerships, play a crucial role in creating a vigilant environment that discourages property crimes. Educating the public about crime trends and protective measures is also vital in reducing the incidence of property victimization.

Personal Victimizations

Personal victimization encompasses crimes directly involving the victim, such as assault, robbery, and sexual violence. These crimes often have profound physical and emotional impacts on the victim, ranging from physical injuries to long-term psychological effects like PTSD, anxiety, and depression. The personal nature of these crimes can leave victims feeling vulnerable, traumatized, and isolated.

The response to personal victimization requires a multifaceted approach. Law enforcement plays a critical role in ensuring justice and safety for victims. However, the support provided by healthcare professionals, counselors, and victim support groups is equally important in addressing the emotional and psychological aftermath of such crimes. Raising awareness about personal safety, self-defense, and the importance of timely reporting of crimes can also help in reducing the incidence of personal victimization.

Virtual Victimizations

Virtual victimization refers to crimes committed in the digital realm, including identity theft, online fraud, cyberbullying, and unauthorized data breaches. These crimes pose unique challenges due to their anonymous and borderless nature. Victims of cybercrimes can experience financial loss, emotional distress, and a breach of privacy. The impersonal nature of these crimes often leaves victims feeling helpless and unsure of how to seek recourse.

Addressing virtual victimization requires a combination of technological solutions, legal frameworks, and public awareness. Strong cybersecurity measures, such as secure passwords and cautious online behavior, are essential for prevention. Legal systems need to evolve to better address and prosecute cybercrimes effectively. Public education campaigns can play a significant role in informing individuals about the risks of virtual victimization and ways to protect themselves online. As technology continues to advance, adapting strategies to combat virtual victimization remains a critical challenge for individuals, organizations, and governments.

Victimizations in Different Contexts

Domestic Victimizations

Domestic victimization, encompassing domestic violence and abuse, is a pervasive issue impacting individuals in the privacy of their homes. This form of victimization often involves a pattern of abusive behavior in any relationship that one partner uses to gain or maintain control over another intimate partner. It includes physical violence, sexual abuse, emotional abuse, economic deprivation, and psychological manipulation.

The long-term effects of domestic victimization are profound and multifaceted. Physically, victims may suffer injuries ranging from bruises to severe, lasting impairments. Psychologically, the impact includes anxiety, depression, PTSD, and other mental health issues. Domestic victimization also often leads to a cycle of abuse, where victims find it challenging to escape the abusive

environment due to fear, financial dependence, or psychological manipulation.

The response to domestic victimization requires a coordinated effort involving law enforcement, legal systems, social services, and community support. Protective laws, shelters, counseling services, and advocacy programs play a vital role in providing support and avenues for escape and recovery for victims. Raising public awareness about the signs of domestic abuse and providing education on healthy relationships are also critical in preventing domestic victimization.

Workplace Victimizations

Workplace victimization encompasses a range of harmful behaviors, including harassment, bullying, and occupational crimes like theft or fraud. Harassment in the workplace can take many forms, such as sexual harassment, racial discrimination, or power-based bullying. These behaviors not only affect the individual's well-being and job performance but also create a toxic work environment.

The consequences of workplace victimization extend beyond the immediate emotional and psychological distress. Victims often face professional setbacks, such as loss of job or career opportunities, and may feel compelled to leave their jobs to escape the abuse. This not only impacts the individual's career trajectory but can also lead to financial instability.

Addressing workplace victimization involves creating policies and practices that promote a safe and respectful work environment. This includes clear anti-harassment policies, effective reporting mechanisms, regular training sessions on workplace conduct, and a culture that does not tolerate abusive behavior. Employers play a critical role in setting these standards and ensuring they are upheld.

Cyber Victimizations

Cyber victimization, occurring in the digital space, includes a range of activities like identity theft, online fraud, cyberbullying, and unauthorized data breaches. The anonymity and vast reach of the internet facilitate these types of crimes, making them particularly challenging to prevent and prosecute.

Identity theft and online fraud can lead to significant financial losses and a long, complicated recovery process for victims. Cyberbullying, involving harassment and abuse over digital platforms, can result in severe emotional and psychological distress, especially among younger victims. The impersonal nature of these crimes often exacerbates the feeling of violation and helplessness experienced by victims.

Combating cyber victimization requires robust cybersecurity measures, legal frameworks adapted to the digital age, and public education on safe internet practices. Individuals are encouraged to safeguard their personal information online, use strong, unique passwords, and be cautious of phishing scams. Legal systems worldwide are continually evolving to better address cybercrimes, with laws being updated to cover a broader range of online offenses.

Other Contexts

Victimization can also occur in various other contexts, such as educational institutions, public spaces, and during disasters or conflicts. In educational settings, bullying, sexual harassment, and violence can significantly impact students' mental health and academic performance. Creating a safe and inclusive learning environment is crucial, with anti-bullying programs and support services for affected students.

Public spaces are another area where victimization can occur, ranging from street harassment to public assaults. Ensuring public safety involves effective law enforcement, community vigilance, and public awareness campaigns that encourage bystander intervention.

During disasters or conflicts, individuals are particularly vulnerable to victimization. This includes exploitation, violence, and abuse, often exacerbated by the breakdown of social and legal norms. Humanitarian organizations and governments play a critical role in providing protection and support to victims in these situations, addressing their immediate needs and working towards long-term recovery and rebuilding.

In each of these contexts, understanding the unique challenges and dynamics at play is essential in developing effective strategies to prevent victimization and support those affected. This includes tailored policies, specialized support services, and

public education initiatives that address the specific needs and vulnerabilities of individuals in these environments.

In this comprehensive exploration of individual and group victimization, we've delved into the myriad ways in which crimes and harmful acts impact victims, highlighting the importance of context in shaping these experiences. Factors like age, gender, socioeconomic status, and psychological makeup are crucial in determining an individual's response to victimization. The wide-ranging impacts of crimes, from psychological trauma to physical injury, necessitate a nuanced understanding and approach to victim support.

Individual victimization, whether through personal attacks or property crimes, can leave deep scars. The responses to these crimes are as varied as the victims themselves, influenced by resilience, support systems, and interactions with the criminal justice system. The journey to recovery is often fraught with challenges, including legal hurdles, financial losses, and societal stigma.

Group victimization, targeting specific communities or social groups, adds another layer of complexity. These acts, including hate crimes and genocides, not only affect individuals personally but also strike at the heart of communal identity and cohesion. The ensuing fear, vulnerability, and long-term consequences like eroded trust in institutions call for a response that addresses both individual and collective needs.

Property, personal, and virtual victimizations each present unique challenges. Property crimes, while not physically harming the victim, can violate their sense of security and trust. Personal victimizations, involving direct attacks, can lead to lasting physical and psychological damage. Virtual victimizations, emerging in the digital age, bring new challenges in the form of online fraud, identity theft, and cyberbullying, necessitating updated legal frameworks and enhanced public awareness for prevention.

In different contexts, victimization takes various forms. Domestic victimizations, such as abuse and violence within intimate relationships, have profound, multifaceted impacts. Workplace victimizations, including harassment and bullying, extend beyond emotional distress to professional and financial repercussions. Cyber victimizations in the digital realm underscore the need for robust cybersecurity measures and evolving legal responses.

Victimization in educational institutions, public spaces, and during disasters or conflicts highlights the need for context-specific strategies. Tailored policies, specialized support services, and public education initiatives are vital in addressing the unique vulnerabilities and needs in these environments.

Understanding the diverse experiences of victims, the dynamics of their victimization, and the contexts in which these occur is crucial in developing effective support systems and prevention strategies. This comprehensive approach is essential for addressing the varied needs of victims and ensuring a more just and empathetic response to crime and victimization.

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12.4: The Impact of Victimization



Figure 12.4.1: Photo courtesy of copilot

The impact of victimization extends far beyond the immediate aftermath of a crime, deeply affecting individuals and rippling through communities. This section, 8.4, delves into the multifaceted nature of these impacts, exploring the profound and often long-lasting effects on victims and the broader social fabric. The consequences of being a victim of crime are not just isolated incidents but can lead to a complex array of psychological, physical, economic, and social challenges. Understanding these impacts is crucial for comprehending the full scope of crime and its repercussions, providing a foundation for effective responses and support systems.

Victimization can leave indelible marks on a person's life, altering their sense of safety, well-being, and outlook on the world. It can disrupt the normalcy of daily life, leading to long-term psychological and physical health issues, financial strain, and changes in social dynamics. At the community level, the effects of victimization can erode trust in institutions, impact social cohesion, and shape community responses to crime and safety. This section aims to provide a comprehensive overview of these varied impacts, offering insights into the challenges faced by victims and the strategies needed to address them effectively. Through this exploration, we aim to underscore the importance of a holistic approach to understanding and addressing victimization, one that acknowledges and responds to its diverse and far-reaching effects.

Psychological Impact

The emotional and psychological aftermath of victimization is often a complex and deeply ingrained experience, with effects that can reverberate long after the crime itself has occurred. Victims of crime, regardless of the nature of the offense, are susceptible to a myriad of psychological consequences. These can range from acute stress reactions immediately following the incident to more enduring conditions like trauma, anxiety, depression, and post-traumatic stress disorder (PTSD). The extent and severity of these psychological effects often depend on factors such as the individual's previous mental health history, the nature and severity of the crime, and the support systems available to them. For many victims, the experience shatters their sense of safety and normalcy, plunging them into a state of constant fear and vulnerability. This can be particularly pronounced in cases of violent crimes or those where the victim felt a significant loss of control.

The disruption caused by trauma can extend far beyond the initial emotional response, infiltrating every aspect of a victim's life. One of the most debilitating aspects of this aftermath is the potential development of PTSD, characterized by persistent flashbacks, nightmares, and severe anxiety. These symptoms are not just fleeting moments of fear; they are invasive, often uncontrollable responses that can make everyday life a constant challenge. Moreover, the psychological impact of victimization often extends to one's social and professional life. Relationships can become strained as victims may struggle with trust issues or social withdrawal, while their performance at work may suffer due to difficulties in concentration, heightened anxiety, or ongoing

mental health appointments. The cumulative effect of these issues can lead to a significant decline in the overall quality of life, with victims feeling isolated, misunderstood, and unable to move past the incident.

Furthermore, the journey to recovery and coping with these psychological effects is unique to each individual and can be influenced by a variety of factors. Access to mental health resources, the responsiveness and sensitivity of the criminal justice system, and the presence of a supportive social network are crucial in this process. However, barriers to accessing these supports, such as stigma surrounding mental health or inadequate victim services, can exacerbate the psychological impact. The need for comprehensive and victim-centered mental health care is paramount in addressing these challenges. Mental health professionals play a crucial role in helping victims process their experiences, develop coping mechanisms, and regain a sense of control and normalcy in their lives. Community support, including understanding from family, friends, and colleagues, can also provide a nurturing environment that fosters healing and resilience. The road to recovery may be long and fraught with challenges, but with the right support and resources, victims can embark on a path towards healing and reclaiming their lives.

Physical Impact

Victimization, particularly in cases of violent crime, often results in immediate physical injuries that can have a profound impact on the victim's health. These injuries can range in severity from minor cuts and bruises to more serious, life-threatening conditions. In situations of severe violence, victims may endure lasting physical disabilities or disfigurements, which can be a constant reminder of the traumatic event. However, the physical impact of victimization extends beyond visible injuries. Victims of both violent and non-violent crimes can experience a range of psychosomatic health issues due to the stress and trauma associated with their experiences. Common manifestations of this stress include headaches, fatigue, and a worsening of pre-existing chronic conditions. These symptoms, while not as immediately apparent as physical injuries, can significantly impair a person's daily functioning and quality of life.

Over the long term, the physical impact of victimization can lead to chronic health problems that persist well beyond the initial recovery period from any physical injuries. Chronic pain is a frequent complaint among victims, often resulting from the physical trauma of the crime or as a psychosomatic response to the psychological trauma. Sleep disturbances, including insomnia and nightmares, are also common, further exacerbating physical health problems by preventing the body from getting the rest it needs to recover. Moreover, the sustained stress associated with being a victim can weaken the immune system, leaving the individual more susceptible to a variety of illnesses. This heightened vulnerability to illness can turn even common health issues into significant challenges, compounding the victim's physical suffering and hindering their overall recovery process.

The enduring physical consequences of victimization highlight the need for comprehensive medical care that addresses both the immediate and long-term health needs of victims. This care should include not only treatment for physical injuries but also support for managing stress-related health issues and psychological care to address trauma's role in physical symptoms. Ensuring access to such holistic care is essential in supporting victims' recovery and helping them to regain their health and well-being. Additionally, recognition of these potential long-term effects is important in both medical and legal contexts, as it underscores the full extent of harm that victimization can inflict and the need for adequate support and resources to address these ongoing health challenges.

Economic Impact

The financial implications for victims of crime create a significant burden that goes well beyond the initial loss or damage incurred. Direct economic impacts are often the most visible and immediate consequences. These can include the loss of property, which may range from valuables stolen in a burglary to damage caused during an assault. Such losses can be particularly devastating when the stolen or damaged items hold not only monetary value but also sentimental significance. Additionally, victims often face considerable medical expenses, especially if the crime resulted in physical injuries requiring treatment, hospitalization, or ongoing medical care. For many, these expenses are compounded by the costs associated with legal proceedings, including attorney fees and court costs, which can be substantial even if restitution is part of the judicial outcome.

Beyond these direct costs, victims frequently face indirect financial impacts that are equally burdensome. Time taken off work for recovery, whether for physical or emotional healing, can result in lost wages or even job loss in extreme cases. This loss of income is particularly challenging for those without sufficient sick leave or those in precarious employment situations. Furthermore, the long-term financial burdens can be overwhelming, with ongoing costs such as continuous medical treatments, therapy, and rehabilitation. For those who have suffered severe injuries or psychological trauma, these costs can span years or even a lifetime, drastically altering their financial stability and future planning.

The economic strain resulting from victimization often exacerbates the emotional and physical distress experienced, creating a compounded effect that significantly hinders the recovery process. The stress of financial instability can impede healing, leading to heightened anxiety and prolonging the trauma's impact. This intersection of financial hardship with emotional and physical recovery underscores the need for comprehensive support systems for victims. It highlights the importance of not only addressing the immediate needs following a crime but also providing long-term assistance to help victims rebuild their lives financially. This support can come in various forms, including victim compensation funds, financial counseling, and assistance navigating insurance and legal claims, all aimed at easing the financial burden and aiding in the overall recovery process.

Social Stigma and Secondary Victimization

Social Stigma

Victims of crime often face social stigma that can be as damaging as the crime itself. This stigma is fueled by myths and stereotypes that permeate society, influencing how victims are perceived and treated. Common stereotypes include the notion that victims are somehow responsible for the crime, especially in cases of sexual assault or domestic violence. There's a pervasive belief that victims should have behaved differently, been more cautious, or not been at a particular place at a particular time.

These misconceptions can lead to victim-blaming, where the victim's actions, rather than the perpetrator's, are scrutinized. Such attitudes not only compound the trauma experienced by the victim but also discourage others from coming forward for fear of being judged or disbelieved. Victims may also confront stigma related to their perceived weakness or vulnerability, particularly male victims of certain crimes who may feel societal pressure to appear strong and unemotional.

The impact of this stigma can be profound, leading to social isolation, feelings of shame, and reluctance to seek help. It also perpetuates a culture of silence around victimization, hindering effective response and support from the community and authorities. Breaking down these stereotypes and changing societal attitudes is essential for creating an environment where victims feel supported and empowered to seek justice and healing.

Secondary Victimization

Secondary victimization refers to the additional trauma that victims can experience through the responses of institutions and individuals they interact with following the crime. This can occur in various forms, including insensitive treatment by law enforcement, the criminal justice system, medical personnel, or the media. For instance, victims may feel re-traumatized by invasive or accusatory questioning by police, or by the requirement to repeatedly recount their experiences during legal proceedings.

The media can also contribute to secondary victimization by sensationalizing or trivializing the victim's experience, or by invading their privacy. In some cases, the portrayal of the crime in media can reinforce harmful myths and stereotypes, further stigmatizing the victim.

Secondary victimization can exacerbate a victim's sense of injustice and powerlessness, impeding their recovery process. It underscores the need for more victim-centered approaches in law enforcement, judicial proceedings, and media reporting. Such approaches should prioritize the dignity, privacy, and emotional well-being of the victim, ensuring that their journey through the aftermath of a crime is not marked by additional trauma.

The exploration of victimization in Section 8.4 reveals the profound and multifaceted impact that crimes have on individuals and communities. It's clear that the consequences of being victimized extend far beyond the initial incident, often leading to long-term psychological, physical, economic, and social repercussions. The emotional and psychological aftermath, including trauma, anxiety, depression, and PTSD, can disrupt a victim's life significantly, affecting their sense of safety, normalcy, and overall well-being. This psychological toll can hinder relationships, work, and daily activities, deeply impacting the victim's quality of life.

Physically, the impact of victimization can range from immediate injuries to chronic health issues, further complicated by the stress-induced weakening of the immune system. These health problems are not only a direct result of violent crimes but can also arise from the stress and trauma associated with being a victim. Economically, victimization can impose significant financial burdens, including the direct costs of property loss or damage, medical expenses, and legal fees, as well as indirect costs like lost wages and long-term financial instability. These economic strains can exacerbate the emotional and physical distress experienced, creating a compounded effect that hinders recovery.

Social stigma and secondary victimization present additional challenges. Victims often face societal misconceptions and prejudices, leading to victim-blaming and social isolation. Such stigma can discourage victims from seeking help and can perpetuate a culture of silence around victimization. Secondary victimization, through insensitive institutional responses or media portrayal, can further traumatize victims, undermining their recovery and sense of justice.

Looking at the broader community and societal impacts, victimization can erode social cohesion and trust in institutions. It can lead to changes in community dynamics, influencing public policy, and societal attitudes towards crime and justice. These broader effects highlight the need for a comprehensive, empathetic, and well-coordinated response to victimization.

Understanding the extensive impact of victimization is crucial for developing effective support systems and prevention strategies. A holistic approach, addressing both individual and community needs, is essential in fostering resilience and aiding recovery for victims while also strengthening the societal fabric against the ripple effects of crime.

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12.5: Responding to Victimization

This section delves into the multifaceted approaches and strategies implemented in responding to victimization, underscoring the importance of comprehensive support and protection for victims of crime. The section is structured to provide a thorough understanding of the various mechanisms in place to aid victims, ranging from legal and social support systems to innovative strategies for prevention and victim compensation.

The focus is not only on addressing the immediate needs of victims but also on long-term recovery and resilience. This exploration highlights the evolving nature of victim support, acknowledging the complexity of victimization and the necessity for adaptive and empathetic responses. The section emphasizes the significance of integrated efforts involving legal assistance, community support, policy initiatives, and restorative practices in creating a holistic support framework for victims.

The legal and social support systems available to victims are discussed, highlighting the crucial role of legal representation, protective orders, counseling services, and support groups in the recovery process. The section also examines victim compensation programs and restorative justice practices, which provide financial relief and seek to heal the relationship between victims, offenders, and the community.

Prevention strategies and policies are analyzed for their effectiveness in reducing victimization rates and protecting potential victims, while future directions in victim support and protection are discussed, focusing on emerging trends and innovations. This comprehensive approach to victim support and protection reflects a deep understanding of the challenges faced by victims and the need for a multifaceted and evolving response.

Legal and Social Support Systems for Victims

Legal Support Systems

The legal system plays a crucial role in providing assistance and protection to victims of crime. A cornerstone of this support is the availability of legal representation, which is essential in navigating the often complex and daunting judicial process. Legal representatives not only advocate on behalf of the victim in court but also help in understanding their rights and the intricacies of legal proceedings. Additionally, protective orders, such as restraining orders, serve as vital tools in ensuring the safety of victims, particularly in cases of domestic violence or stalking. These orders legally restrict the offender from contacting or approaching the victim, providing a layer of security.

Victims also have access to various legal rights and protections, which vary by jurisdiction but commonly include the right to be informed about the status of the investigation and legal proceedings, the right to provide input during plea bargaining or sentencing, and the right to restitution. Some regions also offer victim impact statements, allowing victims to express in court how the crime has affected them. Moreover, there are specialized legal services available for different types of victimization, such as sexual assault or human trafficking, where victims require specific legal expertise and sensitivities.

Social Support Systems

Beyond the legal realm, social support systems play an integral role in aiding victims' recovery. Counseling services offer a safe space for victims to process their experiences and work through the psychological aftermath of the crime. These services range from individual therapy sessions to group counseling and can be found in community centers, hospitals, and specialized victim support organizations.

Support groups are another critical aspect of social support for victims. These groups provide a platform for victims to share their experiences and feelings with others who have gone through similar situations, fostering a sense of community and mutual understanding. These interactions can be incredibly validating and empowering, helping victims to feel less isolated in their experiences.

Community support mechanisms extend to various other services, including crisis hotlines, shelters for victims of domestic violence or homelessness due to victimization, and advocacy services that help victims navigate the system and access necessary resources. These services are vital in providing immediate and long-term support, addressing various needs from emergency

shelter to long-term emotional and psychological care. Community education and outreach programs also play a key role in raising awareness about victimization and available support, creating a more informed and supportive community environment.

Victim Compensation and Restorative Justice

Victim Compensation Programs

Victim compensation programs are a critical aspect of the support system for victims of crime. These programs, often funded by government sources and sometimes supplemented by private sector initiatives, are designed to alleviate the financial burden that can result from victimization. They typically provide compensation for a variety of expenses incurred as a result of the crime, including medical bills, counseling services, lost wages, and funeral costs in the case of fatal crimes. The eligibility criteria and the extent of compensation can vary depending on the program and jurisdiction. Some programs require the victim to engage with the criminal justice process, while others are available regardless of whether an offender is identified or prosecuted.

These compensation schemes are essential not only for easing the immediate financial strain on victims but also for facilitating their long-term recovery. By addressing the economic impact of victimization, these programs help victims focus on their emotional and physical healing without the added stress of financial insecurity. However, the effectiveness of these programs can be limited by factors such as lack of awareness among victims about these resources, bureaucratic hurdles, and limited funds, which is why continuous evaluation and improvement of these programs are vital.

Restorative Justice Practices

Restorative justice represents a paradigm shift in addressing the consequences of crime, focusing on healing and reconciliation between victims, offenders, and the community. Unlike the traditional justice system, which often centers on punishment, restorative justice practices aim to give victims a voice, meet their needs, and enable offenders to take responsibility for their actions. This approach can involve mediated meetings between victims and offenders, community service, restitution to victims, and other reparative activities.

The restorative justice process provides an opportunity for victims to express the impact of the crime, ask questions, and receive apologies, facilitating emotional closure that might not be possible through conventional legal proceedings. For offenders, this process can foster empathy and an understanding of the real-life consequences of their actions. Restorative justice can also strengthen community bonds by involving community members in the healing process. These practices have been shown to reduce recidivism rates and increase victim satisfaction with the justice process.

However, restorative justice is not appropriate or desired in all cases, particularly where there is a significant power imbalance or ongoing safety concerns. Therefore, careful consideration and the consent of all parties involved are crucial for the effective implementation of restorative justice practices. When applied appropriately, restorative justice can be a powerful tool for healing and reconciliation, complementing the traditional justice system and providing a more holistic response to victimization.

Prevention Strategies and Policies

Development of Prevention Strategies

Developing effective strategies to prevent victimization is a multifaceted task that involves various stakeholders, including law enforcement, community organizations, educational institutions, and individuals. One key approach is the implementation of educational programs that raise awareness about the nature of crimes, potential risks, and ways to protect oneself. These programs can vary from school-based initiatives that teach children and young adults about personal safety and digital security to community workshops focusing on crime prevention techniques like neighborhood watch programs.

Community policing is another crucial strategy in the prevention of victimization. This approach involves building strong, cooperative relationships between law enforcement agencies and the communities they serve. By fostering trust and open communication, community policing can lead to more effective crime prevention and reporting. This strategy also includes involving community members in decision-making processes related to safety and encouraging their active participation in crime prevention efforts.

In addition to this, environmental design plays a significant role in deterring criminal activities. The use of lighting, landscaping, and architectural features can increase the visibility and accessibility of public spaces, thereby reducing opportunities for crime. Such environmental modifications, coupled with technological advancements like surveillance cameras and alarm systems, can significantly enhance public and private security.

Policies for Victim Protection

The development of comprehensive policies is vital in protecting potential victims and reducing victimization rates. These policies range from stricter enforcement and penalties for crimes to legislation that addresses underlying societal issues contributing to crime, such as poverty and inequality. Victim protection policies also include measures like restraining orders, enhanced rights for victims within the legal process, and improved access to support services.

Another critical aspect is the formulation of policies that ensure a coordinated and victim-centered approach across various agencies dealing with victimization. This involves integrating the efforts of law enforcement, social services, healthcare providers, and the legal system to provide holistic support to victims.

Advocacy for policy changes often comes from various quarters, including non-governmental organizations, victim support groups, and concerned citizens. These groups play a crucial role in highlighting gaps in existing policies and advocating for reforms that better protect and support victims.

The prevention of victimization and the protection of potential victims require a concerted effort encompassing education, community involvement, environmental design, and robust policy frameworks. By adopting a multi-pronged approach that addresses both immediate safety concerns and broader societal issues, communities can work towards significantly reducing the incidence and impact of victimization.

Future Directions in Victim Support and Protection

Emerging Trends in Victim Support

The field of victim support is continuously evolving, with new trends and approaches developing in response to changing societal needs and technological advancements. One significant trend is the increasing use of digital platforms and online resources to provide support and information to victims. These platforms offer accessibility and anonymity, which can be crucial for victims who are hesitant to seek help in person. Online support groups, virtual counseling sessions, and informational websites are becoming more prevalent, offering vital resources to those affected by crime.

Another emerging trend is the focus on specialized services for different types of victimization, recognizing that the needs of victims can vary significantly based on the nature of the crime. For instance, services tailored specifically for victims of domestic violence, human trafficking, or cybercrime are being developed, providing targeted support and expertise. Additionally, there's a growing emphasis on culturally sensitive services that consider the unique experiences and needs of diverse communities, ensuring that victim support is inclusive and effective for all.

The integration of mental health care in victim support is also gaining recognition. Understanding that the impact of victimization is not just physical or financial, but deeply psychological, more programs are incorporating mental health services as a fundamental part of the support provided to victims. This includes not only counseling and therapy but also mental health education and awareness-raising initiatives.

Innovations in Victim Protection

Technological advancements are playing a significant role in the realm of victim protection. Innovations such as improved security systems enhanced forensic techniques, and the use of artificial intelligence in crime detection and prevention are contributing to better protection for individuals and communities. Developments in mobile technology, such as safety apps that alert authorities or loved ones in emergencies, are also enhancing personal security.

Policy innovations are another crucial area in victim protection. Legislative bodies are increasingly recognizing the need for laws that address emerging types of crimes, such as cyberstalking or online harassment, and provide comprehensive protections for victims. There's also a movement towards policies that not only focus on the aftermath of victimization but also aim to tackle root

causes, including initiatives aimed at reducing social inequality, improving education, and fostering community development.

As we look to the future, it's clear that victim support and protection must continue to adapt and innovate. This includes staying abreast of technological developments, understanding the changing landscape of crime, and responding to the diverse needs of victims with empathy and expertise. Through continued research, advocacy, and collaboration across various sectors, the goal remains to build a society where victims receive the support they need and are protected against future victimization.

This exploration underscores the critical need for a multifaceted approach in addressing the aftermath of victimization, one that encompasses legal, social, financial, and restorative aspects. The section highlights the indispensable role of legal support systems, including legal representation and protective orders, which are foundational in providing victims with a sense of security and justice. Equally important are the social support systems, such as counseling services and support groups, which offer emotional and psychological aid, aiding victims in navigating the complex journey of recovery.

The discussion on victim compensation programs reveals their significance in alleviating the financial burdens that often accompany victimization. These programs, whether government-run or privately sponsored, are vital in offering victims a pathway to financial stability, allowing them to focus on healing rather than monetary concerns. Restorative justice practices are presented as a transformative approach, emphasizing reconciliation and healing for victims, offenders, and the broader community. This perspective shifts the focus from punishment to restoration, fostering a more empathetic and understanding approach to dealing with the consequences of crime.

Prevention strategies and policies are also a crucial part of the response to victimization. The development of educational programs, community policing, and victim protection policies reflects a proactive stance in not only addressing crime but also in preventing it. These strategies aim to create safer communities, reduce victimization rates, and protect potential victims from harm.

Emerging trends and innovations in technology and policy are reshaping how support is provided to victims, pointing towards a future where victim support is more accessible, inclusive, and effective. Responding to victimization requires a comprehensive and dynamic approach. By integrating legal, social, financial, and restorative elements and by continually adapting to new challenges and innovations, we can provide more effective support to victims, fostering resilience and recovery and, ultimately, contributing to a safer and more empathetic society.

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CHAPTER 13: ISSUES IN CRIME AND CRIMINAL JUSTICE SYSTEMS

Learning Objectives

- Identify current challenges in criminal justice
- Analyze the impact of technology
- Explain mass incarceration and reform efforts
- Evaluate emerging policy approaches

Key Terms

- Cybercrime
- Surveillance
- Privacy
- Use of Force
- Police Accountability
- Mass Incarceration
- Reentry
- Recidivism
- Mental Health and Crime
- Substance Use
- Criminal Justice Reform
- Evidence-Based Policy

Summary

This chapter examines modern challenges, including cybercrime, policing debates, and mass incarceration. It highlights reform efforts and emphasizes the role of evidence-based policy. The chapter situates crime within rapidly changing social and technological contexts.



Figure 13.1: Photo courtesy of the Economist

Although there may not be a consensus on the cause(s) of crime, one thing is certain: crime is not going away. Understanding root causes, risk factors, and more can help us mitigate risk, prevent or treat crime, and make our communities safer. Going forward, the field of criminology will and should continue to study everything from property crime to violent crime.

13.1: Mass Murder

13.2: Crime and Media

13.3: Gender-Based Violence

13.4: Cybercrime

13.5: Mass Incarceration

13.6: The War on Drugs and Gangs

13.7: Aging and Overcrowding Prisons

13.8: Transcarceration

13.9: Revolving Door

13.10: Terrorism

13.11: References

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13.1: Mass Murder

While other countries experience their own types of tragedies, the United States has become known for certain types of horror-filled events where one or a few individuals take the lives of many. A **mass killing** or **mass murder** is federally defined as a single incident in which three or more people are killed in a public place (Investigative Assistance, 2013). The types of mass murder vary by the weapon used (such as a firearms, knives, explosives, vehicles, or even airplanes), by the perpetrator (such as a lone wolf, members of a cult, or religious extremists), by the amount of time between killings (meaning all in one event or across multiple locations), and by the motive (such as hate/bigotry, mental illness, religious extremism, or politics). What does not vary is that each type of mass murder includes the killing of at least three people by at least one perpetrator. Given the range of factors involved, mass murders exhibit considerable variation in their characteristics, despite being among the least frequently occurring crimes.

Many contemporary mass murder single events are also termed **mass shootings** because of the use of firearms to kill or injure the greatest number of people in the shortest amount of time. These killings happen in the same location, such as at a school, workplace, public location, or event – and at the same time. School shootings, in which students arrive heavily armed and ready to kill their classmates and teachers, have gone from being extremely rare to becoming frighteningly common. The incident most often referenced as the start of this horrible trend is the massacre at Columbine High School on April 20, 1999. Two high school seniors from the school, Eric Harris and Dylan Klebold, murdered 12 students and one teacher and injured another 21 people. They then killed themselves in the school library. At the time, Columbine was the deadliest school shooting in U.S. history, and even though it was not the first school shooting in the United States, it changed how we viewed safety in schools. Schools now routinely practice lockdowns and have active shooter drills. Students and teachers alike are all very aware of the possibility of a school shooting on their campus.

Understanding the reasons, motives, and causes of different types of mass murder events may be key to reducing them. The debate over gun control and accessibility in this country is a controversial policy discussion that comes up in every election and, typically, after every mass shooting on the news. Criminologists are well-situated to meaningfully contribute to this conversation.

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13.2: Crime and Media

Crime and media are intricately and historically linked. In our modern society, crime **infotainment** such as documentaries, podcasts, tv series, and other true crime media are incredibly popular. Journalistic reporting of crime and victimization has changed drastically since the time of print newspapers as we now get stories about crime from social media and other online outlets. Additionally, there is growing distrust for “the media” and “the news”—the ambiguous collective—that leads to public questioning of crime-related information.

Criminologists and media scholars alike have their work cut out for them. There is a heap of research already that assesses how the media portrays victims, perpetrators, and crime issues. Much of this research looks at the ways in which gender, race, religion, and other identities are represented in crime-related media. For many criminologists, the accuracy of an impact that these portrayals have on victims, public opinion about justice issues, knowledge of the legal system, and more are incredibly important.

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13.3: Gender-Based Violence

Gender-based violence, a broad category of violence that is directed at someone because of their gender, is a phenomenon that occurs in all parts of the world and across time. Often, gender-based violence refers to violence against women that includes sexual assault and rape, **intimate partner violence** (violence committed by a sexual/romantic partner or ex-partner), **domestic violence** (violence in a domestic/family setting), and **femicide** (the killing of women because of their gender). According to The National Intimate Partner and Sexual Violence Survey, 47% of women in the United States reported any contact sexual violence – including rape, sexual coercion, and unwanted sexual contact – physical violence, and/or stalking victimization by an intimate partner at some point in their lifetime (Leemis et al., 2022). Additionally, the Centers for Disease Control and Prevention (CDC) reported that between 2003 and 2014, 55% of the homicides of American women involved an intimate partner, and non-Hispanic Black women had the highest rate of dying by homicide (Petrosky et al., 2017). Many cultural factors have been tied to these forms of gender-based violence, such as patriarchal structures and rape culture (Johnson & Johnson, 2021).

Gender-based violence can also include infanticide, which is the killing of an infant; honor killing, which is the killing of someone who has allegedly dishonored their family; female genital mutilation, which is the partial or total removal of female external genitalia; forced marriage; and human trafficking. Worldwide, girls and women are subjected to these types of violence at a disproportionate rate (UN Women, 2020).

Another area of focus regarding gender-based violence relates to hate crime victimization, particularly of transgender individuals. In a study that looked at violent victimization between 2017 and 2020, the rate of violent victimization against transgender persons was 2.5 times the rate among cisgender persons (Truman & Morgan, 2022). Relatedly, “corrective rape,” or rape that is intended to force the victim to conform to a heterosexual or cisgender identity, is a form of sexual violence often perpetrated against women and members of the LGBTQ+ community. The issue of gender-based violence, in all its forms, is not unique to the United States and is in need of continued criminological study.

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13.4: Cybercrime

- iPhone
- TikTok
- Spotify
- Smartwatch
- Wi-Fi
- Google
- Shein
- Hospitals
- Subway Rewards
- Chick-Fil-A App
- This class

What do they all have in common? They all have your personal information in some form or fashion stored somewhere digitally in a “secure” location. Oh sure, they say it’s “safe,” but is it? At any given moment, someone is trying to get into the sensitive areas of every one of those places to attempt to take the personal information that you have entered and steal your identity for the purposes of an illegal act. They will then sell it to whoever will buy it, and that individual will create a persona using your information to open credit cards and bank accounts, make purchases, and ruin your good credit and reputation that you have worked so hard for. And all these criminals need to do it are a computer and an Internet connection. Welcome to the Age of Cybercrime.

Technological advancements have drastically changed the way we live our lives. New tools and technologies can make life easier, but they can also create new opportunities for harm and victimization. Not only is it challenging for the law to keep up with these changes, but the field of criminology must adapt and evolve as well.

Cybercrime is an umbrella term that refers to essentially all crime that is committed via the internet or with the use of computers. As Artificial Intelligence (AI) capabilities improve and become harder to detect, issues such as **deep-fake** videos that impose someone’s likeness onto an existing video may change the way fraud, identity theft, blackmail, and more are committed. Although internet and mobile phone connectivity varies across the globe and is especially lacking in developing countries, 95% of the world’s population has mobile broadband network coverage and 63% are using the internet (International Telecommunications Union, 2022). The expansion of these network connections makes it easier for organized crime groups to facilitate the trafficking of drugs, people, guns, and other contraband.

Technological advancements, the Internet, and our willingness to be open and free with the sharing of our personal information makes it that much easier for criminals to take advantage of the large amount of data that is out there, ripe for the taking. But criminals aren’t the only ones using our information for nefarious things. Corporations, advertising and marketing firms, and even governments use the same information we provide to tailor experiences and goods and services based on our everyday activities.



Figure 13.4.1: "Cybercrime Abstract Concept" ITSveronica is licensed CC-BY-SA 4.0

The Evolution of Cybercrime

As the Internet became more of a "thing" and people became more connected with each other through their digital personalities, the opportunities for crime also exponentially increased. As mentioned earlier, the crimes did not change, just the means by which they were committed. Robbery and theft no longer had to be face-to-face. They could be perpetrated simply by using a bit of code and a phone line connection to the Internet. Thieves didn't have to physically be in the building to steal anything of value if they had the means to get past the online security.

Electronic mail (E-mail) and Texting have morphed into new communication services that criminals are using to defraud would-be victims. **Phishing** and **Smishing** are new methods of information gathering that are illegal and can trick a person into thinking that they are interacting with legitimate service providers; unbeknownst to them, they are being preyed upon by identity thieves.

Cybercrimes also include bullying and harassing messages sent through social media and other digital platforms. They can also include cyberstalking, as well as many others. Some other common cybercrimes include:

- **Ransomware –** personal data is encrypted and unusable until a payment is made to gain access.
- **Hacking –** unauthorized use electronic equipment for the sole purpose of gaining access to restricted information.
- **Fraud –** bank theft, misuse of personal information, theft of services.
- **Software Piracy –** illegal possession of software by a violation of copyright or license restrictions.
- **Cyber Extortion –** threats/digital blackmail where ransom is demanded so as not to harm the victim's data or system (e.g., DDOS (Direct Denial of Service), doxxing).

Cybercrimes and the Criminal Justice System

There really isn't much to say about cybercrimes when it comes to the criminal justice system. As mentioned before, crimes do not change, just the method of how they are committed. The real problem is how they are investigated and apprehended. Law enforcement agencies now must get creative in their investigative practices because cyber criminals are much more "tech savvy" in their approach to crime. Special teams need to be created to attempt to track these violators who are experienced in the same methods the criminals are using to commit their crimes. Computer programmers, computer scientists, financial experts, forensic accountants, social media consultants, etc. are all being utilized to stay up-to-date with all the new ways in which criminals are carrying out their schemes.

Criminologists will continue to research how to detect these threats, the impact of cybercrime victimization, and practical investigative practices for identifying and catching people engaged in cybercrime. This topic is forever and fast-changing as our technologies grow and change.

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13.5: Mass Incarceration

Feeling safe and secure in one's person and home is arguably one of the most discussed priorities in our nation today. Our fear of crime influences how we think, vote, and act day-to-day. It also shapes how we punish people who are convicted of violating the law. In part, punishment reflects the will of the people, which is then carried out by legislators, and converted into sentencing practices. However, has our desire to feel safe led to counterproductive policies? In other words, have these policies made us less safe? Moreover, has a natural fear of crime been exploited by politicians who try to "out-tough" their opponents? This final section attempts to reflect on how our collective fears have created a system of mass incarceration that has paradoxically made some communities less safe and secure, even as crime on a national scale has fallen dramatically since the 1990s. While this text has consistently focused on fear of crime, the influence of persistent racism (periodically inflamed by the Civil Rights Movement, economic recession, and the election of the nation's first Black president) has undoubtedly contributed to the wars on crime, drugs, and immigration that gave rise to mass incarceration.

To give us a clear understanding of America's use of prisons, here is a comparison of the U.S. rate of incarceration with that of other countries around the world. As one can see here, America uses incarceration quite extensively; in fact, one might argue that we are the "best" at it.

The United States was not always this punitive. As we have discussed, our orientation toward punishment has evolved over time (even if it has not changed dramatically in the last 40 years). In the 1970s, there was a confluence of events that put the U.S. on a path toward mass incarceration – a path that has had lasting effects. In the graph below, you can see when the expansion of the correctional system began.

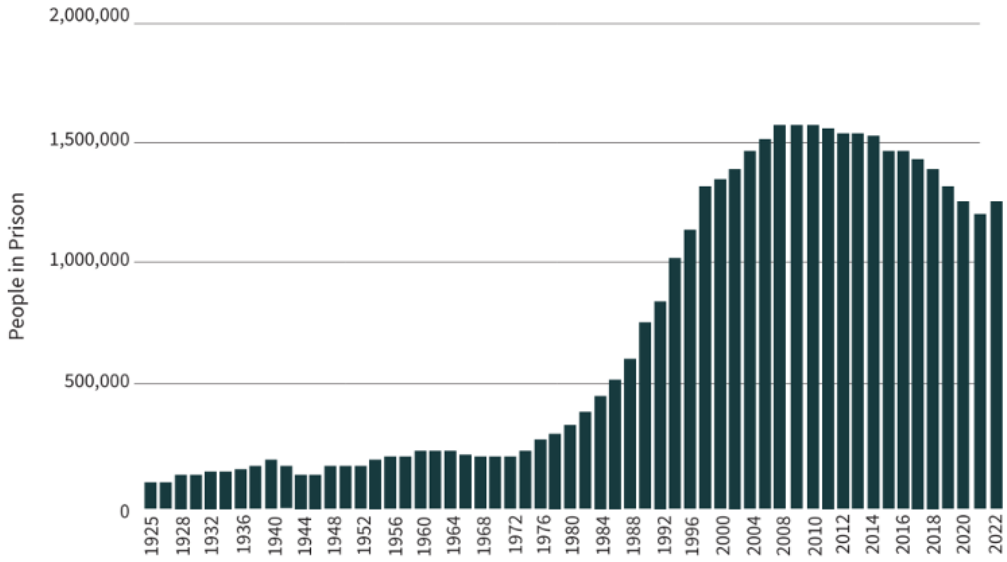


Figure 13.5.1: Trends in Incarceration. Over the past century, the U.S. prison population has increased nearly 16-fold, while the overall population has not even quadrupled (Data provided by the Sentencing Project). Mass Incarceration Trends by The Sentencing Project used under fair use. Sources: Cahalan, M. W. (1986). *Historical corrections statistics in the United States, 1850-1984.* Bureau of Justice Statistics; Carson, E. A. (2023). *Prisoners in 2022–Statistical tables.* Bureau of Justice Statistics.

As you can see from the chart above, the uptick in imprisonment dates to the early 1970s. During this time, the U.S. was in the midst of a period of civil unrest (relating to the Vietnam War, the Civil Rights Movement, and the Women's Liberation Movement, among other social justice movements), while crime had begun to tick up in the previous decade. Many politicians exploited middle class, White Americans' unease with such developments, eagerly conflating the rise in street crime with protests, at a time when the economy was increasingly precarious. Elected to office, such officials sponsored "get-tough" policies – such as the War on Drugs – while other factors also conspired to increase the prison population. Notably, the anti-psychiatry movement and the government's embrace of deinstitutionalization left many individuals suffering severe mental illness with nowhere to turn. The next several sections will explore the diverse policies that conspired to create mass incarceration.

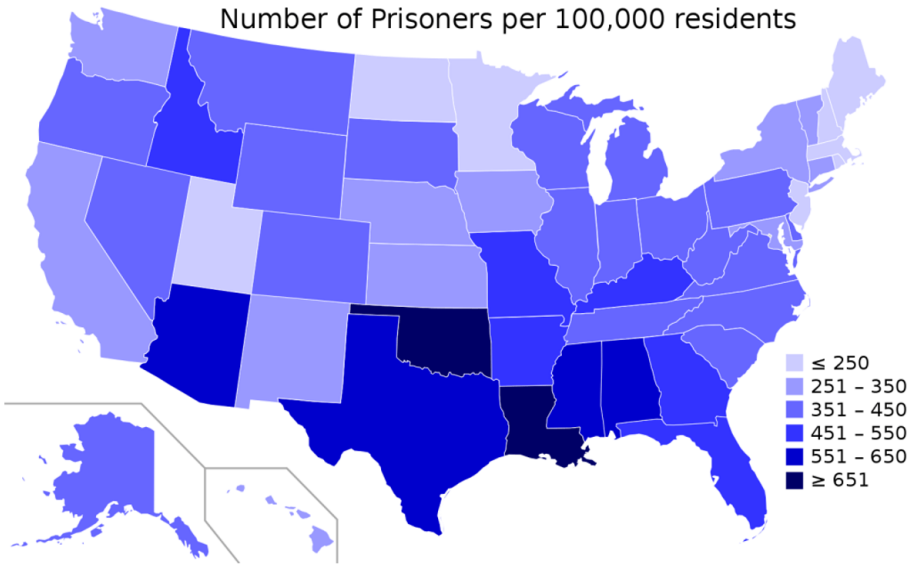


Figure 13.5.2: ***Not Just a National Problem*** The increase in the national incarceration rate is not only a problem of the federal government. Many states have also seen an increase in the incarceration of their respective populations in recent history.
"US States by Incarceration Rate" by Spaceboyjosh licensed CC-BY-SA 3.0

Many factors can be attributed to the increase in prison populations since the Civil Rights Movement of the 1960s, as previously discussed. The War on Drugs is certainly a major contributor. However, what recent studies have found is that the overwhelming majority of people being held in jails, prisons, and other detention facilities are first-time, non-violent offenders who could be subjected to alternative means of adjudication while awaiting their day in court (bail, bond, diversion, etc.). There is also evidence that suggests the population of incarcerated individuals in Louisiana, for example, is overrepresented by people of color. Louisiana is 62% White and 33% Black; however, its prison population is the opposite: 64% Black and 34% White (Kanu, 2023).

Tennessee has an incarceration rate of 817 per 100,000 people, which is higher than the national average (614 per 100,000), and any other democratic country on earth (Prison Policy Initiative, 2025). Like Louisiana, there is evidence to suggest that the population of incarcerated individuals in Tennessee is overrepresented by people of color. The imprisonment rates for those incarcerated in a prison for White Tennesseans is 241 per 100,000, for Black Tennesseans is 830 per 100,000 and for American Indian or Alaskan Native Tennesseans is 350 per 100,000. Notably, the imprisonment rate for Hispanic Tennesseans is 141 per 100,000 (Prison Policy Initiative, 2025).

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13.6: The War on Drugs and Gangs

The War on Drugs, initiated by President Nixon in 1971, was framed as an all-out war to eradicate drugs in the United States. Beyond reorienting governmental policy on substance use toward law enforcement, the war on drugs also led to a profound cultural shift: we became much more punitive towards drugs, treating it largely as a criminal justice issue, rather than a public health issue. (Illicit) drug use was demonized by politicians and the media, which in turn fed the constant intensification of sanctions for drug use. The Drug Enforcement Agency (DEA) was created in 1973, to provide the government with a dedicated agency for battling drugs. In the 1980s, recommended and mandatory sentences for drug violations – as enshrined in the Comprehensive Crime Control Act and the Anti-Drug Abuse Acts of 1986 and 1988 – also skyrocketed, particularly at the federal level. (It is important to note that most statutes distinguish "possession for personal use" and "possession with intent to distribute" solely the quantity of drugs found on an individual; moreover, some statutes do not require physical evidence of contraband but may allow a person to be charged for alleged quantities, as reported by co-defendants or police informants.) What were once to 1–5-year sentences became 5–25-year bids or higher. While drug sentences have plateaued in recent years, following a popular and political backlash, drug offenders still represent significant proportions of state (15-20%) and federal (45%) prison systems. With over one million drug arrests recorded each year, drug laws also cause a steady churn in U.S. jail populations.

The same period also saw an increased focus on gangs, which were held responsible for much of the drug trade in the United States. Gang activity in the United States was prevalent long before the enactment of the war on drugs; indeed, large-scale organized crime was known to control the illicit drug trade through the 1960s, only exiting when the political furor surrounding drugs threatened to ratchet up the costs of involvement with controlled substances. From the mid-century onward, organized criminal control of the drug trade became more decentralized, with newer, smaller gangs taking over distribution in major urban centers. In turn, with less-established organizations battling for control of a profitable commodity, drug-related violence also surged, drawing the attention of policymakers who fused their "war on drugs" with a "war on gangs." Predictably, the latter war not only failed to eliminate new gangs but also entrenched them with the carceral system, where they continue their control of the drug trade (inside and out). While there are thousands of different gangs operating on different blocks, neighborhoods, and cities throughout the United States, gangs in prison are generally organized around racial and ethnic lines, with larger gangs traversing state and federal correctional systems. From "inside," gangs still actively recruit members, communicate with operatives on the streets, and control the drug trade, battling for dominance in both settings. For additional information, consult the Justice Department's slide show of common gang-related tattoos documented with the federal prison system.

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13.7: Aging and Overcrowding Prisons

One major side effect of longer prison sentences is an aging incarcerated population. In the past 20 years, the nation's correctional system has seen a dramatic increase in the proportion of prisoners over age 55. As McKillop and Boucher (2018) relate in the graphic below (based on BJS data), there has been a 280% increase in such prisoners (McKillop & Boucher, 2018).

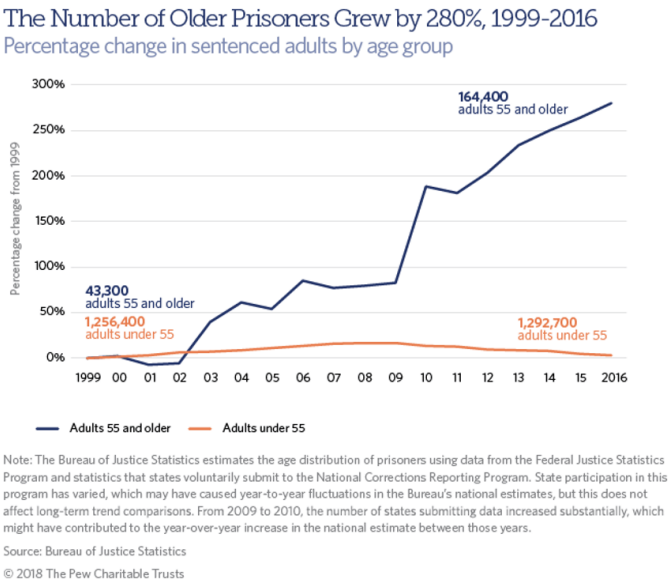


Figure 13.7.1: The number of incarcerated individuals by age group from 1999–2016. Image from "Aging Prison Populations Drive Up Costs" by Matt McKillop and Alex Boucher at Pew used under fair use.

Aging Prisoners

As the title above implies, there is a growing cost associated with this subpopulation of inmates; in fact, the care of inmates over 55 is estimated to be three times as expensive as that of inmates under 55 (McKillop & Boucher, 2018). Beyond the matter of cost, this phenomenon raises moral questions concerning the treatment of prisoners as they enter the last phase of their lives. Many organizations have advocated for the compassionate release of inmates entering hospice care or in need of assisted living conditions. Others have argued that it is unfair to continue to punish individuals who are at low-risk of re-offending.

Overcrowding

It is widely agreed that the imposition of longer sentences has led to profound overcrowding in many prison systems across the country – and an unmanageable burden of individuals under community supervision. It is estimated that we have nearly 6 million individuals under correctional control in the United States, and while that number has subsided in recent years, the rate of decrease is slow. The below graphic depicts levels of correctional control by state, showing, moreover, how different states "distribute" the offenders they manage (Jones, 2018).

Prison overcrowding is problematic for multiple reasons. First, when there are too many individuals housed within a facility, there are more assaults and injuries that occur within the institution. Moreover, there is a safety concern for not only inmates, but also staff. Second, the more people you have in a facility, the faster that facility wears down. Operating a jail or prison at maximum (or over maximum) capacity causes more items to break or wear out within the facility at a fast rate. Finally, when individuals are unable to access adequate health care because of the excessively long waits, due to overcrowding, it is a violation of their constitutional rights, as found in the case of *Estelle v. Gamble* (1976) and more recently, *Brown v. Plata* (2011) (*Estelle v. Gamble* 429 U.S. 97 (1976), n.d.) (*Brown v. Plata* 563 U.S. 493 (2011), n.d.). Unfortunately, many correctional systems (including California's, which was ordered to dramatically lower its burden of inmates over 10 years ago) have responded to overcrowding by simply moving prisoners around – to county jails, other state systems, or private facilities.

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13.8: Transcarceration

One prominent social justice campaign of the mid-twentieth century that is less remembered today is the anti-psychiatry movement. This movement questioned the science behind psychiatry, the evidence underlying different mental health diagnoses, and the function of psychiatry as an effective form of social control (sometimes leveraged against political dissidents around the world.) Among other goals, the movement sought to reduce the use of involuntary commitment, particularly within state-run hospitals, where "treatment" was sometimes indistinguishable from incarceration. (An important, if disturbing, documentary from 1967, *The Titicut Follies*, reveals in gruesome detail how patients at the Bridgewater State Hospital in Massachusetts were dehumanized by staff.) Deinstitutionalization of individuals with no income, and no other caretakers, may have remained an impossible target, were it not for the advent of the first powerful neurotropic drugs in the 1950s, most notably Thorazine – an antipsychotic used to treat schizophrenia.

The Community Mental Health Act (CMHA) of 1963 was the last piece of legislation signed by John F. Kennedy Jr. before his assassination less than one month later. The law sought to provide funding for a vast network of outpatient mental health centers "in the community," thus allowing for the release of thousands of inpatients from state psychiatric hospitals. Unfortunately, while the latter institutions began rapidly shedding patients – and closing – in the years that followed, over half of the promised community centers never materialized. In turn, many individuals with severe mental illness found themselves precariously housed, homeless, and then sometimes incarcerated. Having few choices of where to go, many individuals with severe mental illness became destitute and/or destitute. Ultimately, some wound up in America's jails and prisons, after committing offenses to support themselves, violating anti-homeless ordinances, or acting in ways deemed violent or dangerous by law enforcement. This phenomenon is referred to as **"Transcarceration"** or "Transinstitutionalization," as individuals simply moved from one facility of involuntary confinement to another. At the dawn of the 1960s, the rate of confinement within state psychiatric hospitals was over 800 individuals per 100,000 population, while the incarceration rate was barely over 200 per 100,000; by the new millennium, these rates had flipped, with the population in prisons and jails exceeding 800 per 10,000 populations, and the rate of psychiatric hospital less than 500 per 100,000. (These trajectories are reflected in some stunning charts produced by the scholar Bernard Harcourt in the article *Reducing Mass Incarceration: Lessons from the Deinstitutionalization of Mental Hospitals in the 1960s*.)

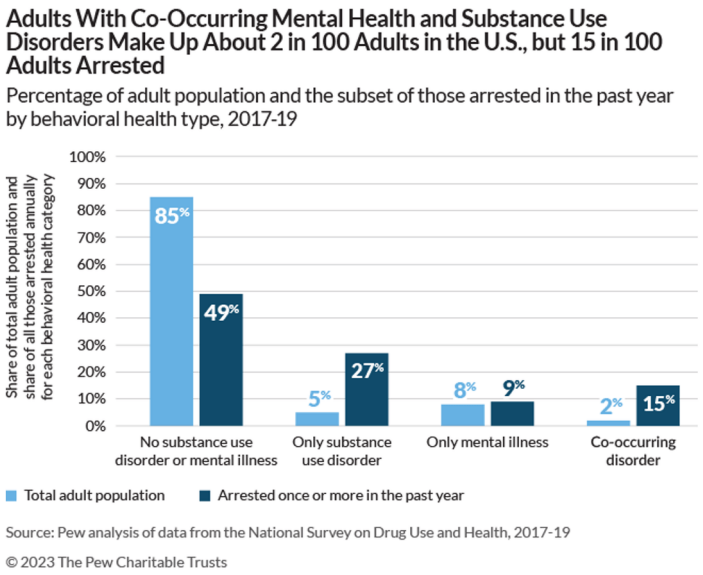


Figure 13.8.1: Adults with Co-Occurring Disorders. Adults (ages 18 and older) with past-year co-occurring mental illness and substance use disorder represented about 2% of the population but made up 15% of all adults who reported being arrested in the past year. Those with a mental illness alone made up a similar share of the adult population in general and of those arrested (8% and 9%, respectively). Most adults with a mental illness who were arrested had a co-occurring disorder (60%). "Figure 1" by Pew used under fair use.

Today, many might argue that – whatever the deficiencies of state psychiatric hospitals – prisons and jails are more traumatizing institutions that are ill-equipped to treat complicated mental illnesses. It may surprise and shock many to learn that the largest "mental health providers" in the United States are, in order, the Los Angeles County Jail, the Cook County Jail (Chicago), and Rikers Island Jail in New York City, a reality that has had tragic consequences for both mentally-ill inmates as well as those without a diagnosis. Yet, as detailed by Alisa Roth in her 2018 book *Insane: America's Criminal Treatment of Mental Illness*, America's

jails are among the few institutions filling in disastrous gaps in outpatient mental health care nationwide. Now, nearly 60 years after President Kennedy signed the CMHA, the question of how to treat homeless individuals with severe mental illness remains pressing and unresolved. Unfortunately, many cities continue to seek ways to arrest and incarcerate such individuals on a larger scale rather than address their underlying diagnoses and risk factors.

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13.9: Revolving Door

Parole, as discussed in previous chapters, has had mixed success. Overall, the effectiveness of parole hovers around 50% nationwide – meaning that roughly 50% of parolees are sent back to prison to complete their sentences. It is estimated that somewhere between 600,000 and 800,000 individuals are on parole in any given year, with several hundred thousand exiting each year. This brings up questions about what happens to these individuals – do they remain in the community after completing their sentence...or do they return to prison like their less successful parole counterparts?

The reality is that many of them will be rearrested. In one of the most comprehensive studies on reentry outcomes, Alper, Durose, and Markman (2018) tracked the **recidivism rate** of individuals over a 9-year follow-up period. What they found was that rearrest occurred for about 70% in the first three years, and by year 9, 83% of the individuals released had been rearrested. Many of these individuals return to prison, giving rise to the concept of the "revolving door" of justice. These statistics reflect poorly on the long-term effects of incarceration as well as the reentry programs available to support individuals leaving prison. To be more successful, individuals returning to society need assistance to get back on their feet – and stay on their feet. Such assistance includes education and vocational training, employment assistance to get a job, legal services, information on public benefits, and housing connections. Interestingly, it appears as though many of these "reentry needs" here are the same as the "criminogenic needs" that landed individuals in the justice system initially (Alper, Durose, and Markman, 2018). Unfortunately, it appears as though such needs are not being addressed while individuals are incarcerated, creating a cycle of "catch and release."

Many social circumstances and policies compound the challenges offenders face upon release. Over the last 40 years, there has been an overwhelming push to include items on employment applications that ask about prior criminal history. If an individual responds truthfully, their applications may be overlooked or discarded (an act of illegal discrimination, in fact). Moreover, gaps in ex-offenders' career history and education may undermine their attempts at gainful employment after incarceration, a reality that has become even starker in the U.S. "knowledge economy." Discrimination against ex-offenders is also rampant in housing applications, which similarly inquire about criminal history. If an individual reports prior arrests, their applications may be placed at the bottom of the pile. We might further note the ways in which barriers to housing and employment for ex-offenders are mutually reinforcing; it is hard for an individual without stable housing to hold down a job, while someone without a regular income may struggle to pay for housing. Combined, these barriers to reentry call into question when an ex-offender's sentence has been "served" if consequences continue well beyond the period of formal correctional control. The informal discrimination faced by offenders after release is sometimes labeled as the "collateral consequences" of punishment.

Future Outlook of Corrections

Given the "revolving door" presented above, the problems facing corrections (overcrowding, violence) are not likely to go away anytime soon. Even as crime has decreased dramatically, the U.S. has seen an increase in the overall correctional population for decades. While there has been some reduction in prison populations recently, these changes are unlikely to hold unless other changes are made. Notably, the functions of community corrections need to be better supported, and follow evidence-based practices, if individuals are expected to stay out of prison. Without such support, the prison population is likely to increase once again, due to the eventual return of too many "failures" in community corrections. Most offenders need some basic assistance to get themselves back to a functioning level in society, including help with education, substance use, employment, and general and mental health. Otherwise, the 6 million individuals in all forms of correctional control can quickly turn into 8 million.

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13.10: Terrorism

Contrary to popular belief, terrorism in the United States did not begin with the catastrophic events of September 11, 2001. The downing of the World Trade Center Towers in New York City will be forever ingrained in the memories of Americans forever. However, there have been many events that foreshadowed this one incident that were just as memorable, if not more so. Before we get into further detail, it is important that we give a bit of context into the history of Terrorism and its impact on current issues within the Criminal Justice System in the United States, because the United States has had such a unique relationship with the term "terrorism." And what the graphic below shows is that not all acts of terrorism come from foreign adversaries. Much of it is born right here inside the United States.

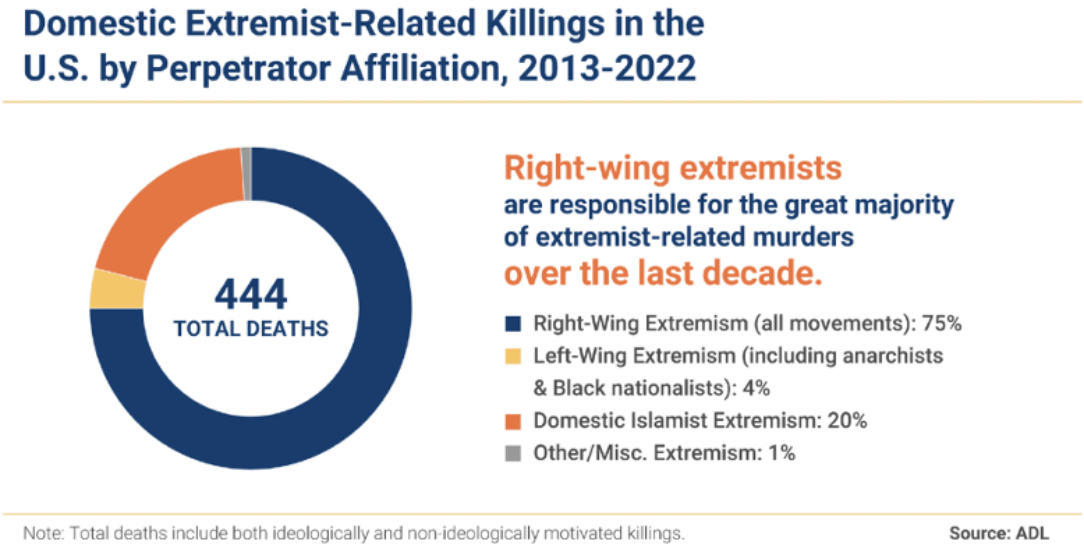


Figure 13.10.1: Domestic Extremist Related Killings. Included as part of the *Murder & Extremism in the United States in 2022: Including an In-Depth Analysis of Extremist Mass Killings* by the ADL.

What is Terrorism?

"Terrorism" is an extremely difficult word to define. It really depends on which side of the argument you are on in how you would describe its meaning. Have you ever heard the phrase "one person's trash is another person's treasure?" When discussing terrorism, the phrase can be reinterpreted as "one person's freedom fighter is another person's terrorist." For example:



Figure 13.10.2: "The logo of Star Wars – epic space opera multimedia franchise created by George Lucas" is in the public domain. This is an oversimplification of an age-old story plot. However, when discussing terrorism, it can get much more complex.
For the purposes of this Introductory text, a generalized definition of terrorism is the best course. Therefore, **terrorism** is the unlawful use of violence and intimidation, especially against civilians, in the pursuit of political gains.

A Brief History of Terrorism in America

If we were to have a serious global historical discussion about terrorism, this textbook would be very long. In fact, there are entire courses dedicated to the study of Terrorism and **Counterterrorism** at the college level if you choose to pursue a career in that field. We would have to go back to before the creation of the United States to even before the journey of Christopher Columbus. However, we will keep the historical context in America to the 20th century until the present.

The Milwaukee Police Department Bombing (1917)

Italian anarchists protesting the conscription of men into World War I unintentionally detonated an improvised explosive device inside the Milwaukee, Wisconsin Police Department, killing 9. The bomb was meant to be set off inside a nearby church, where a local priest was campaigning for the war effort (Esmail, Eargle, and Hamann, 2021).

The Tulsa Race Riots (1921)



Figure 13.10.3: Image of Greenwood, Oklahoma as it burned during the Tulsa Riots, 1921. "TulsaRaceRiot-1921" is in the public domain.

Greenwood, Oklahoma, a suburb of Tulsa, is burned to the ground when an angry mob of White residents descend upon the majority Black community after a Black man is accused of assaulting a White woman. The area at the time was known as

“Black Wall Street” because of the affluence of the Black-owned businesses that made up the neighborhood (Esmail, Eargle, and Hamann, 2021).

The Unabomber (1978-1995)



Figure 13.10.4: FBI composite sketch of the Unabomber in 1987. Image in the public domain.
Ted Kaczynski, the Unabomber, FBI mugshot, 1996. Image in the public domain.

Theodore “Ted” Kaczynski, a noted Harvard educated mathematician and engineer, terrorized the country by sending homemade letter bombs through the mail. It was only after family members recognized his writing style from a manifesto Kaczynski had sent to media outlets that he was apprehended in a small log cabin in rural Montana. Ted Kaczynski took his own life while in prison in June 2023 (Esmail, Eargle, and Hamann, 2021).

World Trade Center Bombing (1993)

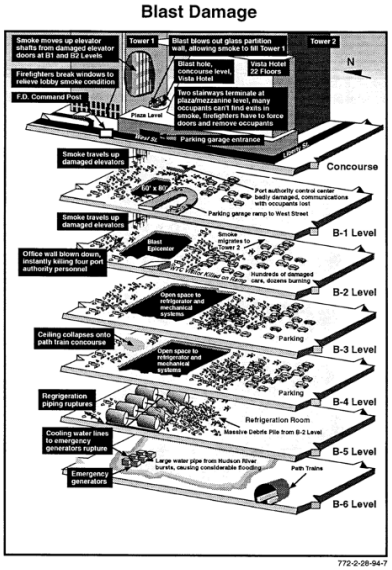


Figure 13.10.5: FEMA illustration of the blast damage from the 1993 WTC bombing. Image in the public domain.

Believe it or not, the events of September 11 were not the first time the World Trade Center Towers were the victim of a terrorist attack. In the early morning of February 26, 1993, a moving van loaded with a chemical mixture of fuel and fertilizer was detonated in the parking garage of the North Tower. Six were killed, and over 1000 people were injured in the blast. Ramzi Yousef, a member of an international terrorist group called al-Qaeda, was tried and convicted with 5 other co-conspirators (Law, 2016).

The Branch Davidians (1993)



Figure 13.10.6: The Branch Davidian compound on fire. Waco, Texas. February 1993, following a 51-day siege involving the ATF, FBI, and other law enforcement agencies. The fire resulted in the deaths of 76 people, including 20 children. Image in the public domain.

Fearing that a group of Christian Fundamentalists called The Branch Davidians were stockpiling illegal weapons and maintaining a meth lab inside their Waco, Texas compound, the ATF and DEA attempted to execute a search warrant on February 28, 1993. Fifty-one days later, 82 members of the Branch Davidian group, including men, women, and children, and multiple federal law enforcement officers, had been killed during a lengthy standoff that ended in a fire that consumed the building where the leader, David Koresh, had been hiding out.

The Oklahoma City Bombing (1995)



Figure 13.10.7: Aftermath of the Oklahoma City bombing, 1995. Image in the public domain.

In retaliation for the disaster at Waco, among others, two American extremists, Timothy McVeigh and Terry Nichols, detonated an improvised explosive device in front of the FBI building in Oklahoma City, Oklahoma, on April 19, 1995. The explosion killed 168, including children who were attending childcare services for federal employees working in the office building.

Atlanta Olympics Bombing (1996)

During the 1996 Summer Olympics in Atlanta, Georgia, a pipe bomb exploded in Olympic Park, killing 2 and injuring 111. Initially, the FBI had alleged the perpetrator to be a security guard, Richard Jewell, and made every attempt to discredit him to get him to confess. Jewell was later exonerated when, in 2003, Eric Rudolph was arrested after a lengthy manhunt for the bombing of an abortion clinic in Alabama, Atlanta, and the bombing of a gay nightclub.

World Trade Center Towers (September 11, 2001)



Figure 13.10.8: September 11, 2001. World Trade Center Towers, New York City. "WTC smoking on 9-11" by Flickr user Michael Foran licensed CC-BY 2.0

After failing in 1993 to take down the World Trade Center Towers from the inside, al-Qaeda leader Osama bin Laden orchestrated a daring plot to topple the buildings from the sky. Two commercial airliners were hijacked and flown directly into Towers 1 and 2, culminating in their collapse on September 11, 2001. Additionally, a simultaneous attack was carried out against the Pentagon in Washington, D.C. when another hijacked commercial airliner was flown into it. A fourth attempt was thwarted when passengers were able to successfully subdue the terrorists and force the plane down in a field in rural Pennsylvania. Reports indicated that flight was intended for either the White House or the Capitol Building.

Domestic Terrorism

While the events of 9/11 awakened the United States to the threat of foreign terrorist attacks, there was still the issue of how the country and its criminal justice system defined domestic threats as well. Even while the country fought to avenge the destruction of the World Trade Centers on a global scale, it was wrestling with how to deal with its own homegrown problems. Terrorism in its simplistic definition does involve violence for political gain; that violence gets even more complex when other ideologies become involved, such as

- Religion
- Homophobia
- Xenophobia
- Racism
- Environmental Extremism

Since 9/11, there have been some notable domestic events that have added to the debate of just how far behind the criminal justice system is in dealing with terroristic attacks on U.S. soil by U.S. citizens. In 2015, Congress attempted to fix that by passing The Freedom Act and 18 U.S. Code 2331, both of which were instrumental in defining what **domestic terrorism** was (Hamann, et al., 2021). Unfortunately, neither legislation laid out the groundwork for penalties to be sanctioned on those who were convicted of crimes of domestic terrorism.

To fight global terrorism, the United States government began a counterterrorism campaign that included a war effort against al-Qaeda and the countries alleged to have given them financial support and shelter. This brought the United States into conflict with Afghanistan and Iraq. Ultimately, these campaigns led to the deaths of both the leaders of al-Qaeda, Osama bin Laden and Saddam Hussein, the militant dictator of Iraq. However, by the end of 2017, those war efforts had cost the United States approximately $2.8 trillion dollars (stimson.org).

Domestically, since 9/11, the United States has continuously increased its spending on counterterrorism efforts domestically. President George W. Bush created the Department of Homeland Security in 2002 with the expressed purpose of safeguarding the American people from domestic threats. These threats include cyber-attacks, border security, and domestic terrorism in cooperation with the FBI. The Department of Justice has also been given ample budgetary monies to investigate and prosecute domestic offenders. In 2022, the Department of Justice (DOJ) budget request totaled $101.2 million for domestic terrorism threats alone. This allocation would be used for the FBI, U.S. Marshals, U.S. Attorneys, and other offices to research “domestic radicalization” (DOJ, 2022).

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SECTION 4: INTRODUCTION TO CAREERS IN CRIMINAL JUSTICE

Understanding crime and the criminal justice system also opens pathways to professional practice. Careers in criminal justice allow individuals to apply theoretical knowledge to real-world contexts.

The criminal justice field offers diverse career pathways across law enforcement, courts, and corrections. Professionals including police officers, detectives, forensic specialists, probation officers, attorneys, judges, correctional officers, victim advocates, and crime analysts work collaboratively to maintain public safety, administer justice, and support communities through prevention, intervention, and rehabilitation efforts.

Chapter 14: Careers in Criminal Justice

Chapter 14: Careers in the Criminal Justice System

14.1: Law Enforcement

14.2: Courts

14.3: Jail / Prison

14.4: References

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CHAPTER 14: CAREERS IN THE CRIMINAL JUSTICE SYSTEM

Learning Objectives

- Synthesize major course themes
- Identify emerging trends in crime
- Analyze the role of technology and globalization
- Evaluate future policy directions

Key Terms

- Emerging Crime
- Predictive Policing
- Artificial Intelligence (AI)
- Risk Assessment
- Ethical Considerations
- Civil Liberties
- Globalization
- Transnational Crime
- Public Health Approach
- Criminal Justice Reform
- Interdisciplinary Approach

Summary

This final chapter integrates key concepts from the text and explores future developments in crime and justice. It emphasizes technological change, inequality, and reform efforts. The chapter concludes by highlighting the importance of balanced, evidence-informed approaches to building a fair and effective justice system.

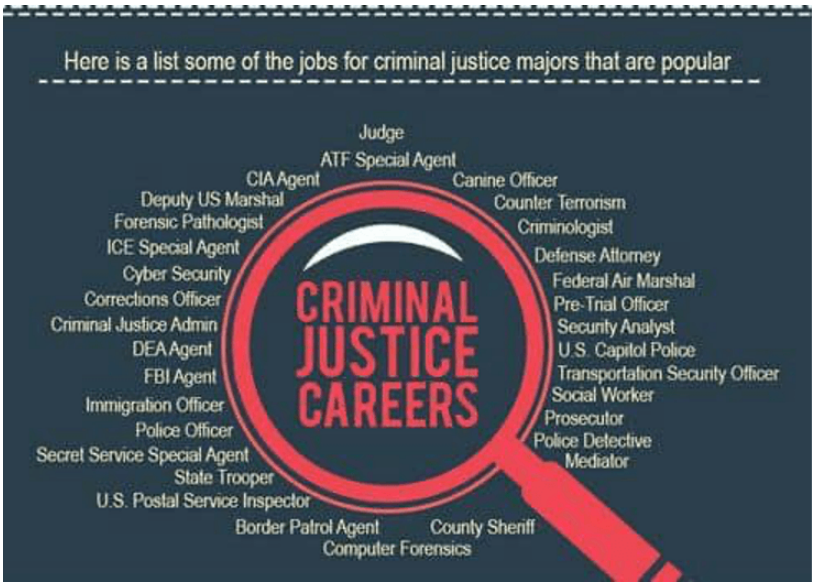


Figure 14.1: Photo courtesy of the Social Worker

The criminal justice system branches into three major career areas, each offering its own way to serve the public and uphold

justice. **Law enforcement** careers focus on preventing crime, responding to emergencies, and maintaining community safety through roles like police officers, detectives, and federal agents. **Court system** careers center on interpreting and applying the law, involving positions such as judges, prosecutors, defense attorneys, paralegals, and court clerks. **Jails and prisons** careers emphasize supervising individuals in custody, supporting rehabilitation, and ensuring secure facility operations through jobs like correctional officers, probation officers, and reentry specialists. Together, these paths form a coordinated system that works to protect rights, promote accountability, and strengthen communities.

Careers in the criminal justice system open the door to a wide spectrum of roles dedicated to protecting communities, upholding the law, and ensuring fairness within society. Whether someone is drawn to law enforcement work, fascinated by courtroom and legal processes, or motivated to support rehabilitation through corrections and reentry services, the field offers paths that match many different strengths and interests. It is a profession built on integrity, critical thinking, and a commitment to public service, giving people the chance to make a meaningful impact every day.

The criminal justice system in the United States is built on a network of interconnected professions that work together to maintain public safety, uphold the law, and ensure fair treatment for all individuals. These careers span three major sectors—law enforcement, the courts, and corrections—each with its own responsibilities, challenges, and professional expectations. Understanding the roles within each sector provides insight into how justice is administered from the moment a crime is reported through adjudication and, when necessary, rehabilitation or supervision. The following report explores key careers across these sectors, offering expanded descriptions of the duties, skills, and environments associated with each role. Below is a listing of some of the careers within the field – please note that this is not an exhaustive list.

14.1: Law Enforcement

14.2: Courts

14.3: Jail / Prison

14.4: References

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14.1: Law Enforcement

Careers in law enforcement play a vital role in maintaining public safety, enforcing laws, and supporting the broader criminal justice system. Professionals in this field work in a variety of settings, ranging from local police departments to federal investigative agencies, each contributing unique skills and responsibilities. At the local level, police officers and sheriff's deputies respond to emergencies, conduct patrols, and engage in community-oriented policing strategies designed to build trust and reduce crime (O*NET OnLine, n.d.). Supervisory roles such as sergeants, captains, and chiefs provide leadership, ensure policy compliance, and guide departmental operations. Investigative positions, including detectives and federal agents, focus on gathering evidence, interviewing witnesses, and solving complex criminal cases (U.S. Bureau of Labor Statistics, n.d.-b). Law enforcement careers also require strong ethical judgment, effective communication, and the ability to make rapid decisions in high-pressure situations (Schmalleger, 2023). As crime trends evolve and communities change, the demand for well-trained, adaptable law enforcement professionals remains essential. Understanding the range of roles within this field helps illustrate how law enforcement agencies contribute to public safety and the functioning of the justice system.



Figure 14.1.1: Photo courtesy of copilot

Police Officer

Police officers serve as the frontline representatives of the criminal justice system, responding to emergencies, enforcing laws, and maintaining public order. Their daily responsibilities often include patrolling assigned areas, conducting traffic stops, and interacting with community members to build trust and gather information. Officers investigate crimes by interviewing witnesses, collecting evidence, and preparing detailed reports that may later be used in court. They must be prepared to make quick decisions in high-pressure situations, such as when responding to violent incidents or providing first aid. Police officers also play a crucial role in crime prevention through community policing strategies that emphasize visibility and relationship-building. Their work requires strong communication skills, physical fitness, and a commitment to ethical conduct. Because they frequently collaborate with other agencies, officers must understand local, state, and federal laws. Ultimately, police officers help maintain safety and stability within the communities they serve.

Detective

Detectives specialize in investigating complex or serious crimes that require deeper analysis and follow-up beyond initial patrol

responses. They gather and evaluate evidence, interview victims and suspects, and develop theories about how crimes occurred. Detectives often work closely with forensic specialists to interpret physical evidence such as fingerprints, DNA, or digital records. Their role requires strong analytical thinking, attention to detail, and persistence, as investigations may take weeks or months to complete. Detectives also prepare case files and testify in court, explaining their investigative methods and findings. They may focus on specific crime categories, such as homicide, robbery, narcotics, or cybercrime. Because they often work irregular hours and must respond to new leads quickly, flexibility is essential. Detectives contribute significantly to solving crimes and ensuring offenders are held accountable.

Police Sergeant

Police sergeants serve as first-line supervisors responsible for overseeing patrol officers and ensuring that departmental policies are followed. They review reports, provide guidance during investigations, and monitor officer performance. Sergeants often respond to major incidents to coordinate activities and make tactical decisions. They also play a key role in training new officers, offering mentorship and reinforcing professional standards. Administrative duties, such as scheduling shifts and conducting evaluations, are common. Because sergeants bridge the gap between officers and higher-level command staff, they must communicate effectively and manage personnel challenges. Their leadership helps maintain discipline, accountability, and operational efficiency within the department.

Police Captain

Police captains hold mid-level management positions responsible for overseeing entire divisions or specialized units within a department. They develop operational plans, allocate resources, and ensure that officers under their command meet performance expectations. Captains analyze crime trends to determine staffing needs and strategic priorities. They also collaborate with community leaders, government officials, and other agencies to address public safety concerns. Administrative responsibilities, such as budgeting, policy development, and internal investigations, are central to the role. Captains must balance organizational goals with the needs of their personnel, requiring strong leadership and decision-making skills. Their work shapes the overall effectiveness of departmental operations.

Police Chief

Police chiefs serve as the highest-ranking officers in municipal police departments, responsible for setting the agency's vision, policies, and long-term strategies. They work closely with city officials to establish public safety priorities and ensure compliance with legal and ethical standards. Chiefs oversee all departmental operations, including personnel management, budgeting, and community relations. They often serve as public spokespeople during major incidents or crises. Chiefs must navigate political pressures while maintaining professional independence and integrity. Their leadership influences department culture, officer morale, and community trust. As the top executive, the police chief plays a critical role in shaping the direction and reputation of the entire agency.

FBI Special Agent

FBI special agents investigate federal crimes such as terrorism, cybercrime, public corruption, organized crime, and civil rights violations. Their work involves gathering intelligence, conducting surveillance, interviewing witnesses, and executing search or arrest warrants. Agents often collaborate with local and international partners to address threats that cross jurisdictional boundaries. The role requires strong analytical skills, physical fitness, and the ability to handle sensitive information. Agents may specialize in areas such as counterterrorism, financial crimes, or behavioral analysis. Because investigations can be complex and high-stakes, agents must demonstrate sound judgment and adaptability. Their work protects national security and upholds federal law.

DEA Special Agent

DEA special agents focus on enforcing federal drug laws by investigating narcotics trafficking organizations and disrupting illegal drug distribution networks. They conduct undercover operations, gather intelligence, and work with informants to identify key players in drug operations. Agents also collaborate with international partners to combat global drug trafficking. The role requires courage, discretion, and the ability to operate in high-risk environments. DEA agents prepare detailed reports and testify in court to support prosecutions. Their work helps reduce the availability of illegal drugs and dismantle criminal organizations that threaten public safety.

U.S. Marshal

U.S. Marshals perform a wide range of duties related to federal law enforcement, including apprehending fugitives, transporting prisoners, and protecting federal judges and courthouses. They manage the Witness Security Program, ensuring the safety of individuals who cooperate with law enforcement. Marshals also seize and manage assets obtained through criminal activity. Their work requires strong tactical skills, attention to detail, and the ability to operate in unpredictable situations. Because they interact with multiple agencies, marshals must be effective communicators and team players. Their efforts support the functioning and security of the federal justice system.

Deputy Sheriff

Deputy sheriffs enforce laws at the county level, performing duties similar to police officers but often with additional responsibilities such as managing county jails or serving civil documents. They patrol rural and suburban areas, respond to emergencies, and investigate crimes. Deputies may also provide security in courthouses or assist with search-and-rescue operations. Their work requires versatility, as county jurisdictions often cover large geographic areas with diverse needs. Deputies must be skilled in communication, problem-solving, and conflict resolution. They play a vital role in maintaining safety across county communities.

Sheriff

Sheriffs are elected officials who oversee county law enforcement operations, including patrol services, jail administration, and civil process functions. They set departmental policies, manage budgets, and ensure compliance with state laws. Sheriffs often serve as public representatives of their agencies, engaging with community members and local government leaders. Because they are elected, sheriffs must balance law enforcement responsibilities with public accountability. Their leadership influences the effectiveness and reputation of county law enforcement services.

O*Net Summaries for Law Enforcement

Police Officer

Police and sheriff's patrol officers maintain public safety by patrolling assigned areas, responding to calls for service, enforcing traffic and criminal laws, and conducting preliminary investigations. They write reports, collect basic evidence, and may testify in court. The role emphasizes public interaction, conflict resolution, and quick decision-making in sometimes dangerous situations.

Detectives and criminal investigators handle more complex cases, gathering and analyzing evidence, interviewing witnesses and suspects, and building cases for prosecution. They often specialize (e.g., homicide, narcotics, fraud) and work closely with prosecutors. The job requires strong analytical skills, attention to detail, and persistence over long investigations.

Police Sergeant / Police Captain / Police Chief

First-line supervisors of police and detectives coordinate and supervise the activities of officers and investigators. They assign

cases, review reports, manage performance, and ensure policies are followed. At higher ranks (captain, chief), responsibilities expand to strategic planning, budgeting, policy development, and community relations, with a strong emphasis on leadership and organizational management.

FBI Special Agent / DEA Special Agent / U.S. Marshal

These roles align with detectives and criminal investigators in O*NET: they investigate federal crimes, gather intelligence, conduct surveillance, execute warrants, and prepare cases for prosecution. Special agents and marshals often work in specialized units (e.g., counterterrorism, narcotics, fugitive apprehension) and collaborate with multiple agencies. The work is complex, often high-risk, and requires strong judgment and adaptability.

Deputy Sheriff / Sheriff

Deputy sheriffs perform patrol, investigation, and jail-related duties like police officers, often in county jurisdictions. Sheriffs, typically elected, oversee the entire sheriff's office, including patrol, jail operations, and civil process. Supervisory duties mirror those of first-line supervisors of police and detectives, with added political and administrative responsibilities.

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14.2: Courts



Figure 14.2.1: Photo courtesy of copilot

Careers within the court system form a critical component of the criminal justice process, ensuring that legal disputes are resolved fairly, efficiently, and in accordance with constitutional principles. Court professionals work together to interpret laws, protect individual rights, and administer justice in both criminal and civil cases. Judges preside over hearings and trials, evaluate evidence, and make decisions that shape legal outcomes, requiring deep legal knowledge and impartial judgment (U.S. Bureau of Labor Statistics, n.d.-b). Attorneys, including prosecutors and defense lawyers play adversarial roles by presenting evidence, advocating for their clients, and upholding due process (Schmalleger, 2023). Supporting positions such as paralegals, court clerks, and bailiffs ensure that court operations run smoothly by managing records, assisting legal professionals, and maintaining courtroom security (O*NET OnLine, n.d.). Together, these careers form a coordinated system that balances the pursuit of justice with the protection of individual rights. As legal issues grow more complex and court caseloads increase, the demand for skilled court personnel remains essential to the functioning of the justice system.

Judge

Judges preside over court proceedings, ensuring that trials and hearings are conducted fairly and in accordance with the law. They interpret statutes, rules on motions, and provide instructions to juries. Judges evaluate evidence and determine the admissibility of testimony. In bench trials, they serve as the fact-finder and issue verdicts. Judges also impose sentences in criminal cases, balancing punishment, deterrence, and rehabilitation. Their work requires impartiality, strong legal knowledge, and the ability to make complex decisions. Judges play a central role in protecting constitutional rights and maintaining the integrity of the judicial process.

Lawyers

Generally, those interested in becoming a licensed attorney must obtain a four-year undergraduate degree, apply, be admitted to and graduate from a law school, and then take and pass a comprehensive state bar examination for each state where they intend to set up a legal practice. Oregon became the first state to eliminate the bar exam requirement while California and Utah are also considering an alternative (Kaur, 2023). On March 15, 2024, Washington joined Oregon in dropping the bar requirement (Rosciglione, 2024). Below are several links with information offering insight into the processes and protocols for becoming a lawyer. The information is grouped into three broad questions or topics:

1. Is Law School “Right” for Me?

1. *Why You Should Not Go to Law School*, Huffington Post
2. *So, You Want To Go To Law School?*, Medium
3. *Should I Go To Law School? Reasons For And Against*, Zippia
4. *6 Questions to Ask Yourself Before You Go to Law School*, CNBC

2. How Do I Do Well on the LSAT?
    1. *The Law School Admission Council*, Law School Admission Council
    2. *Frequently Asked Questions About the LSAT*, Law School Admission Council
    3. *10 Steps to Ensure You Ace the LSAT*, Accepted.com
    4. *5 Harsh Truths That Will Make You Better At The LSAT*, Lawschooli.com
    5. *8 Essential LSAT Tips*, LSAT Center
3. How Do I Do Well in Law School?
    1. *4 Strategies to Succeed in Law School*, The Princeton Review
    2. *20 Tips for Success in Law School*, Fowler School of Law, Chapman University
    3. *Ten Things I Wish I'd Known Before Becoming a Law Student*, The Guardian
    4. *Law School: How Many Hours a Week Should I Be Studying?*, California Desert Trial Academy College of Law
    5. *How Much Writing Do You Have to Do in Law School?*, Word Counter Blog

Prosecutor

Prosecutors represent the government in criminal cases, deciding whether to file charges and presenting evidence in court. They work closely with law enforcement to review investigative findings and determine appropriate legal actions. Prosecutors negotiate plea agreements, prepare witnesses, and argue cases before judges and juries. Their role requires strong analytical skills, ethical judgment, and the ability to communicate persuasively. Prosecutors must balance the pursuit of justice with fairness, ensuring that defendants' rights are respected. Their decisions significantly influence case outcomes and public trust in the justice system.

Defense Attorney

Defense attorneys represent individuals accused of crimes, ensuring that their constitutional rights are protected throughout the legal process. They investigate cases, review evidence, and develop defense strategies. Attorneys negotiate plea deals, cross-examine witnesses, and present arguments in court. Their work requires strong advocacy skills, legal knowledge, and the ability to analyze complex information. Defense attorneys must maintain confidentiality and act in the best interests of their clients. They play a crucial role in maintaining the adversarial system and ensuring that justice is administered fairly.

Paralegal

Paralegals support attorneys by conducting legal research, drafting documents, organizing case files, and assisting with trial preparation. They may interview clients, summarize depositions, and prepare exhibits for court. Paralegals must be detail-oriented and skilled in written communication. Their work helps attorneys manage large caseloads efficiently. Although they cannot provide legal advice or represent clients in court, paralegals are essential to the functioning of law offices and legal departments.

The specific duties of a paralegal can vary tremendously depending on the type of law being practiced (civil v. criminal v. corporate), the nature of the employment (solo practice v. law firm) and the particular legal interests of the individual. Specific duties often include preparing legal documents, conducting interviews, assisting with legal proceedings and engaging in various office and administrative work (Parker, 2023).

Here are links to some articles that explain what a paralegal does, the educational and other requirements to become a paralegal, the licensing and reporting requirements of the position and the general range for salaries for paralegals.

- *How To Become A Paralegal: Responsibilities, Requirements And Salary*, Forbes
- *Paralegals*, American Bar Association
- *What a Paralegal Does and How to Become One*, US News

Court Clerk

Court clerks manage the administrative functions of the court, including maintaining records, processing filings, and scheduling hearings. They prepare official documents such as warrants, subpoenas, and court orders. Clerks assist judges by organizing case materials and ensuring that courtroom procedures run smoothly. Their work requires accuracy, organization, and familiarity with legal terminology. Court clerks help ensure that the judicial system operates efficiently and transparently.

Bailiff

Bailiffs maintain order and security in courtrooms, ensuring that proceedings are conducted safely and without disruption. They escort defendants, manage juries, and enforce courtroom rules. Bailiffs may also handle evidence, administer oaths, and assist judges as needed. Their presence helps prevent conflicts and ensures that all participants feel safe. Bailiffs must be observant, calm under pressure, and capable of responding to emergencies. They play a vital role in supporting the daily operations of the courts.

O*Net Summaries for the Courts

Judges, magistrate judges, and magistrates preside over court proceedings, interpret and apply laws, rule on motions, and ensure fair process. They may conduct bench trials, instruct juries, and impose sentences. The role demands deep legal knowledge, impartiality, and the ability to make complex, high-impact decisions.

Prosecutor / Defense Attorney

Both fall under lawyers in O*NET. Prosecutors represent the government, decide whether to bring charges, negotiate pleas, and present cases in court. Defense attorneys represent individuals accused of crimes, protect their rights, challenge the prosecution's evidence, and advocate for favorable outcomes. Both roles require strong research, writing, and oral advocacy skills.

Paralegals and legal assistants support lawyers by conducting legal research, drafting documents, organizing case files, and assisting with trial preparation. They do substantive legal work under attorney supervision but do not provide legal advice or represent clients in court. The role is detail-oriented and heavily document-focused.

Court Clerk

Court clerks manage court records, process filings, schedule hearings, and prepare official documents such as orders and judgments. They ensure that case information is accurate and accessible and support judges and attorneys with administrative tasks. The job requires strong organizational skills and familiarity with legal procedures.

Bailiffs maintain order and security in courtrooms, escort defendants and jurors, enforce courtroom rules, and assist judges as needed. They may handle evidence and respond to emergencies. The role combines security functions with direct support to the court.

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14.3: Jail / Prison

Careers in jails and prisons form a vital component of the corrections system, focusing on the safe custody, supervision, and rehabilitation of individuals who have been detained or convicted of crimes. Professionals working in these environments contribute to institutional security while also supporting programs that promote behavioral change and successful reentry into society. Correctional officers, who make up the largest segment of the correctional workforce, are responsible for enforcing rules, monitoring inmate behavior, and responding to emergencies within facilities (O*NET OnLine, n.d.). Other specialized roles, such as correctional treatment specialists, psychologists, and social workers, provide counseling, assessments, and rehabilitative services aimed at reducing recidivism and addressing the underlying factors that contribute to criminal behavior (U.S. Bureau of Labor Statistics, n.d.-b). These careers require strong communication skills, emotional resilience, and the ability to maintain professionalism in challenging and sometimes volatile environments (Schmalleger, 2023). As correctional systems increasingly emphasize rehabilitation alongside security, the demand for skilled professionals in jails and prisons continues to grow. Understanding the diverse roles within correctional institutions highlights the importance of these careers in promoting safety, accountability, and long-term community well-being.



Figure 14.3.1: Photo courtesy of copilot

Correctional Officer / Prison Guard

Correctional officers supervise individuals who have been arrested or convicted of crimes, ensuring the safety and security of correctional facilities. They monitor inmate behavior, conduct searches, and enforce rules. Officers also escort inmates to medical appointments, court hearings, or work assignments. Their work requires vigilance, communication skills, and the ability to de-escalate conflicts. Correctional officers must maintain professionalism while interacting with individuals who may be hostile or distressed. They contribute to institutional safety and the orderly functioning of correctional environments.

Prison Psychologist

Prison psychologists provide mental health services to incarcerated individuals, conducting assessments, offering therapy, and developing treatment plans. They evaluate inmates for suicide risk, competency, and behavioral concerns. Psychologists may also assist with crisis intervention and provide recommendations for housing or program placement. Their work requires strong clinical skills, empathy, and the ability to navigate challenging environments. Prison psychologists play a key role in rehabilitation by addressing mental health needs that may contribute to criminal behavior.

Probation Officer

Probation officers supervise individuals who have been sentenced to probation instead of incarceration. They monitor compliance with court-ordered conditions, such as attending treatment programs or maintaining employment. Officers conduct home visits, meet with clients regularly, and coordinate services to support rehabilitation. They also prepare reports for judges and recommend actions when violations occur. Probation officers must balance accountability with support, helping clients reintegrate into the community while protecting public safety.

Parole Officer

Parole officers supervise individuals who have been released from prison under conditional supervision. They help clients transition back into society by connecting them with housing, employment, and treatment resources. Officers monitor compliance with parole conditions and respond to violations when necessary. Their work requires strong interpersonal skills, cultural awareness, and the ability to manage high-risk caseloads. Parole officers play a crucial role in reducing recidivism and promoting successful reentry.

Prison Social Worker

Prison social workers provide counseling, case management, and support services to incarcerated individuals. They assess inmates' needs, develop treatment plans, and coordinate programs such as education, substance abuse treatment, or vocational training. Social workers also assist with reentry planning, helping inmates prepare for life after release. Their work requires empathy, communication skills, and an understanding of the challenges faced by justice-involved individuals. Prison social workers contribute to rehabilitation efforts and help address the social factors that influence criminal behavior.

O*Net Summaries for Jails / Prisons

Correctional Officer / Prison Guard

Correctional officers and jailers oversee individuals in jails and prisons, maintain security, enforce rules, and monitor inmate behavior. They conduct searches, supervise movements, and respond to incidents. The work environment can be stressful and requires vigilance, self-control, and clear communication.

Prison Psychologist

Clinical and counseling psychologists in correctional settings assess, diagnose, and treat mental health conditions among incarcerated individuals. They provide therapy, crisis intervention, and evaluations related to risk, competency, or treatment needs. The role blends clinical expertise with an understanding of correctional environments.

Probation Officer / Parole Officer

Probation officers and correctional treatment specialists supervise individuals on probation or parole, ensuring compliance with court or parole board conditions. They conduct assessments, develop case plans, connect clients with services, and report progress or violations to the court. The job balances enforcement with rehabilitation and support.

Prison Social Worker

Social workers in correctional settings provide case management, counseling, and reentry planning for incarcerated individuals. They help address issues such as substance use, family relationships, and community reintegration. The role focuses on reducing recidivism and improving post-release outcomes.

For more information on careers in the Criminal Justice System, Review O*Net

Job Title	Closest O*NET Occupation (Embedded Link)	BLS SOC Code
Police Officer	Police and Sheriff's Patrol Officers	33-3051
Detective	Detectives and Criminal Investigators	33-3021
Police Sergeant	First-Line Supervisors of Police and Detectives	33-1012
Police Captain	First-Line Supervisors of Police and Detectives	33-1012
Police Chief	First-Line Supervisors of Police and Detectives	33-1012
FBI Special Agent	Detectives and Criminal Investigators	33-3021
DEA Special Agent	Detectives and Criminal Investigators	33-3021
U.S. Marshal	Detectives and Criminal Investigators	33-3021
Deputy Sheriff	Police and Sheriff's Patrol Officers	33-3051
Sheriff	First-Line Supervisors of Police and Detectives	33-1012
Judge	Judges, Magistrate Judges, and Magistrates	23-1023
Prosecutor	Lawyers	23-1011
Defense Attorney	Lawyers	23-1011

Paralegal	Paralegals and Legal Assistants	23-2011
Court Clerk	Court Clerks	43-4031
Bailiff	Bailiffs	33-3011
Correctional Officer / Prison Guard	Correctional Officers and Jailers	33-3012
Prison Psychologist	Clinical and Counseling Psychologists	19-3033
Probation Officer	Probation Officers and Correctional Treatment Specialists	21-1092
Parole Officer	Probation Officers and Correctional Treatment Specialists	21-1092
Prison Social Worker	Social Workers, All Other	21-1029

The criminal justice system relies on a diverse array of professionals who work together to maintain safety, uphold the law, and support rehabilitation. From police officers and detectives to judges, attorneys, and correctional staff, each role contributes uniquely to the administration of justice. Understanding these careers highlights the complexity of the system and the importance of collaboration across its various sectors. Whether enforcing laws, adjudicating cases, or supporting individuals in custody or under supervision, these professionals play essential roles in promoting fairness, accountability, and community well-being.

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By Page

- Crime and Deviance (Aizon) - *CC BY-NC-SA 4.0*
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    - TitlePage - *CC BY-NC-SA 4.0*
    - InfoPage - *CC BY-NC-SA 4.0*
    - Table of Contents - *CC BY-NC-SA 4.0*
    - Licensing - *CC BY-NC-SA 4.0*
  - Section 1: Understanding Crime and Deviance - *CC BY-NC-SA 4.0*
    - Chapter 1: Study of Deviance - *CC BY-NC-SA 4.0*
      - 1.1: Defining Deviance - *CC BY-NC-SA 4.0*
      - 1.2: Social Control - *CC BY-NC-SA 4.0*
      - 1.3: Deviance, Rule Violations, and Criminality - *CC BY-NC-SA 4.0*
      - 1.4: Research Methods - *CC BY-NC-SA 4.0*
      - 1.5: Crime Data - *CC BY-NC-SA 4.0*
      - 1.6: References - *CC BY-NC-SA 4.0*
    - Chapter 2: Theoretical Explanations of Deviance - Biological and Psychological - *CC BY-NC-SA 4.0*
      - 2.1: Biological Influences - *CC BY-NC-SA 4.0*
        - 2.1.1: Genetics - *CC BY-NC-SA 4.0*
        - 2.1.2: Brain Chemistry - *CC BY-NC-SA 4.0*
        - 2.1.3: Brain Damage - *CC BY-NC-SA 4.0*
        - 2.1.4: Nutrition and Alcohol - *CC BY-NC-SA 4.0*
      - 2.2: Psychological Perspectives - *CC BY-NC-SA 4.0*
        - 2.2.1: Individual Psychology - *CC BY-NC-SA 4.0*
        - 2.2.2: Cognitive & Cognitive-Behavioral Theories of Criminal Behavior - *CC BY-NC-SA 4.0*
        - 2.2.3: Cognitive-Behavioral Psychology in Law Enforcements - *CC BY-NC-SA 4.0*
        - 2.2.4: Antisocial Personality Disorder - *CC BY-NC-SA 4.0*
        - 2.2.5: Psychosis - *CC BY-NC-SA 4.0*
      - 2.3: References - *CC BY-NC-SA 4.0*
    - Chapter 3: Theoretical Explanations of Deviance- Sociological and Criminological - *CC BY-NC-SA 4.0*
      - 3.1: Sociological Perspectives - *CC BY-NC-SA 4.0*
        - 3.1.1: Durkheim and Anomie - *CC BY-NC-SA 4.0*
        - 3.1.2: Social Ecological – The Chicago School - *CC BY-NC-SA 4.0*
        - 3.1.3: Strain Theory - *CC BY-NC-SA 4.0*
        - 3.1.4: Subcultural Theories - *CC BY-NC-SA 4.0*
        - 3.1.5: Social Control Theory - *CC BY-NC-SA 4.0*
        - 3.1.6: Conflict and Feminist Explanations - *CC BY-NC-SA 4.0*
        - 3.1.7: Symbolic Interactionist Explanations - *CC BY-NC-SA 4.0*
      - 3.2: Criminological Perspectives - *CC BY-NC-SA 4.0*
      - 3.3: References - *CC BY-NC-SA 4.0*
  - Section 2: Criminal Justice - Systems, Processes, and Perspectives - *CC BY-NC-SA 4.0*
    - Chapter 4: History of Criminal Law, Policing, Punishment, and Corrections - *CC BY-NC-SA 4.0*
      - 4.1: Criminal Law - *CC BY-NC-SA 4.0*
      - 4.2: Policing - *CC BY-NC-SA 4.0*
        - 4.2.1: Early History of American Policing - *CC BY-NC-SA 4.0*
        - 4.2.2: Political Era Policing - *CC BY-NC-SA 4.0*
        - 4.2.3: The Professional Era - *CC BY-NC-SA 4.0*
        - 4.2.4: The Community Era - *CC BY-NC-*

SA 4.0
- 4.3: Punishment and Corrections - CC BY-NC-SA 4.0
  - 4.3.1: The Penitentiary Era (1790s-1860s) - CC BY-NC-SA 4.0
  - 4.3.2: The Reformatory (1860s–1930s) - CC BY-NC-SA 4.0
  - 4.3.3: Twentieth Century Corrections (1930-Present) - CC BY-NC-SA 4.0
  - 4.3.4: History of the Juvenile Justice System - CC BY-NC-SA 4.0
- 4.4: References - CC BY-NC-SA 4.0

- Chapter 5: Types of Crime - CC BY-NC-SA 4.0
  - 5.1: Classifications - CC BY-NC-SA 4.0
    - 5.1.1: Violent Crime - CC BY-NC-SA 4.0
    - 5.1.2: Property Crime - CC BY-NC-SA 4.0
    - 5.1.3: Homicides - CC BY-NC-SA 4.0
    - 5.1.4: Gang-Related Violent Crimes - CC BY-NC-SA 4.0
    - 5.1.5: Intimate Crimes - CC BY-NC-SA 4.0
    - 5.1.6: White-Collar Crime - CC BY-NC-SA 4.0
    - 5.1.7: Organized Crime - CC BY-NC-SA 4.0
    - 5.1.8: Economic Crimes - CC BY-NC-SA 4.0
    - 5.1.9: Cyber Crime - CC BY-NC-SA 4.0
    - 5.1.10: Public Order and Public Decency Crimes - CC BY-NC-SA 4.0
    - 5.1.11: Victimless Crime - CC BY-NC-SA 4.0
  - 5.2: Official Statistics - CC BY-NC-SA 4.0
  - 5.3: Crime Trends - CC BY-NC-SA 4.0
  - 5.4: Who Commits Crime - CC BY-NC-SA 4.0
  - 5.5: References - CC BY-NC-SA 4.0
- Chapter 6: Deviance and Social Control – Police, Law Enforcement, the Court System - CC BY-NC-SA 4.0
  - 6.1: Why People Stop Committing Crimes - CC BY-NC-SA 4.0
  - 6.2: Essentials of the Criminal Justice System - CC BY-NC-SA 4.0
  - 6.3: Criminal Justice Process - CC BY-NC-SA 4.0
  - 6.4: Levels of Policing and their Role - CC BY-NC-SA 4.0
    - 6.4.1: Police Related Case Law - CC BY-NC-SA 4.0
  - 6.5: Court Jurisdiction - CC BY-NC-SA 4.0
    - 6.5.1: Structures of the Dual Court System - CC BY-NC-SA 4.0
    - 6.5.2: The Federal Court System - CC BY-NC-SA 4.0
    - 6.5.3: State Courts - CC BY-NC-SA 4.0
  - 6.6: Why is Policy so Important in Criminal Justice - CC BY-NC-SA 4.0
  - 6.7: References - CC BY-NC-SA 4.0
- Chapter 7: Competing Perspectives on Due Process and Criminal Control Models - CC BY-NC-SA 4.0
  - 7.1: Criminal Justice Funnel - CC BY-NC-SA 4.0
  - 7.2: The Wedding Cake Model - CC BY-NC-SA 4.0
  - 7.3: Perspective on Justice - CC BY-NC-SA 4.0
  - 7.4: American Criminal Courts - CC BY-NC-SA 4.0
    - 7.4.1: Adversarial System - CC BY-NC-SA 4.0
    - 7.4.2: Roles within the Courtroom - CC BY-NC-SA 4.0
    - 7.4.3: Prosecutors - CC BY-NC-SA 4.0
    - 7.4.4: Defense Attorneys - CC BY-NC-SA 4.0
    - 7.4.5: Private Attorney - CC BY-NC-SA 4.0
    - 7.4.6: Jurors - CC BY-NC-SA 4.0
  - 7.5: Trial Process - CC BY-NC-SA 4.0
  - 7.6: Juvenile Justice - CC BY-NC-SA 4.0
  - 7.7: References - CC BY-NC-SA 4.0
- Chapter 8: Criminal Sentencing and Incarceration - CC BY-NC-SA 4.0
  - 8.1: Sentencing - CC BY-NC-SA 4.0
  - 8.2: Ideologies of Punishment - CC BY-NC-SA 4.0
  - 8.3: Incapacitation - CC BY-NC-SA 4.0
  - 8.4: Incarcerations - CC BY-NC-SA 4.0
    - 8.4.1: Prisons - CC BY-NC-SA 4.0
  - 8.5: Community Corrections - CC BY-NC-SA 4.0
    - 8.5.1: Intermediate Sanctions - CC BY-NC-SA 4.0
  - 8.6: Juvenile Institutions - CC BY-NC-SA 4.0
  - 8.7: References - CC BY-NC-SA 4.0

◦ Section 3: Contemporary Issues in Crime and Justice - CC BY-NC-SA 4.0

- Chapter 9: Crime Intervention and Prevention - CC BY-NC-SA 4.0
  - 9.1: Community Violence Intervention - CC BY-NC-SA 4.0
  - 9.2: Focused Deterrence - CC BY-NC-SA 4.0
  - 9.3: Crisis Intervention - CC BY-NC-SA 4.0
  - 9.4: Gang Reduction & Prevention - CC BY-NC-SA 4.0
    - 9.4.1: Comprehensive California Gang Reduction Programs - CC BY-NC-SA 4.0
  - 9.5: Juvenile & Youth Prevention - CC BY-NC-SA 4.0
  - 9.6: Key Strategies & Goals - CC BY-NC-SA

- *4.0*
  - 9.7: How Crime Prevention Differs from Crime Intervention - *CC BY-NC-SA 4.0*
  - 9.8: References - *CC BY-NC-SA 4.0*
- Chapter 10: Cross-Cultural Variation of Crime - *CC BY-NC-SA 4.0*
  - 10.1: Theoretical Framework - *CC BY-NC-SA 4.0*
  - 10.2: Theoretical Perspectives on Cultural Variations in Crime - *CC BY-NC-SA 4.0*
  - 10.3: Demographic Landscape and Crime Patterns - *CC BY-NC-SA 4.0*
  - 10.4: Overall Crime Trends in California - *CC BY-NC-SA 4.0*
  - 10.5: Cultural-Specific Crime Patterns and Issues - *CC BY-NC-SA 4.0*
  - 10.6: Cultural Values, Norms, and Perceptions of Crime - *CC BY-NC-SA 4.0*
  - 10.7: Criminal Justice System Responses and Cultural Competence - *CC BY-NC-SA 4.0*
  - 10.8: Crime Prevention Strategies and Policy Implications - *CC BY-NC-SA 4.0*
  - 10.9: Importance of Cross-Cultural Variations Considerations - *CC BY-NC-SA 4.0*
  - 10.10: References - *CC BY-NC-SA 4.0*
- Chapter 11: Race, Ethnicity, Gender, Age, Class, Sexuality, and Crime - *CC BY-NC-SA 4.0*
  - 11.1: Theoretical Framework - Revisit - *CC BY-NC-SA 4.0*
  - 11.2: Arrest and Incarceration Disparities by Race and Ethnicity - *CC BY-NC-SA 4.0*
  - 11.3: Incarceration Disparities - *CC BY-NC-SA 4.0*
  - 11.4: Gender Disparities in Arrest and Incarceration - *CC BY-NC-SA 4.0*
  - 11.5: Age-Related Patterns in Arrest and Incarceration - *CC BY-NC-SA 4.0*
  - 11.6: Socioeconomic Status and Criminal Justice Involvement - *CC BY-NC-SA 4.0*
  - 11.7: Sexual Orientation and Gender Identity in Criminal Justice - *CC BY-NC-SA 4.0*
  - 11.8: Intersectional Analysis of Criminal Justice Disparities - *CC BY-NC-SA 4.0*
  - 11.9: Detailed Analysis by UCR Offense Categories - *CC BY-NC-SA 4.0*
  - 11.10: Criminal Justice Disparities in California - *CC BY-NC-SA 4.0*
    - 11.10.1: California's Demographic and Criminal Justice Context - *CC BY-NC-SA 4.0*
    - 11.10.2: Arrest and Incarceration Disparities by Race and Ethnicity in California - *CC BY-NC-SA 4.0*
    - 11.10.3: Incarceration Disparities in California Prisons - *CC BY-NC-SA 4.0*
    - 11.10.4: Gender Disparities in California's Criminal Justice System - *CC BY-NC-SA 4.0*
    - 11.10.5: Women's Incarceration in California Prisons - *CC BY-NC-SA 4.0*
    - 11.10.6: Age Patterns in California Arrests and Incarceration - *CC BY-NC-SA 4.0*
    - 11.10.7: Socioeconomic Status and Criminal Justice Involvement in California - *CC BY-NC-SA 4.0*
    - 11.10.8: Sexual Orientation and Gender Identity in California's Justice System - *CC BY-NC-SA 4.0*
    - 11.10.9: Intersectional Disparities in California's Criminal Justice System - *CC BY-NC-SA 4.0*
    - 11.10.10: Multiple Marginalization - Compounded Disparities - *CC BY-NC-SA 4.0*
    - 11.10.11: Key Findings for California - *CC BY-NC-SA 4.0*
  - 11.11: References - *CC BY-NC-SA 4.0*
- Chapter 12: Victim and Victimology - *CC BY-NC-SA 4.0*
  - 12.1: Scope of Victimology - *CC BY-NC-SA 4.0*
  - 12.2: Theories of Victimization - *CC BY-NC-SA 4.0*
    - 12.2.1: Lifestyle-Exposure Theory - *CC BY-NC-SA 4.0*
    - 12.2.2: Routine Activities Theory - *CC BY-NC-SA 4.0*
    - 12.2.3: Victim Precipitation Theory - *CC BY-NC-SA 4.0*
    - 12.2.4: Systemic Models of Victimization - *CC BY-NC-SA 4.0*
  - 12.3: Types of Victims and Victimizations - *CC BY-NC-SA 4.0*
  - 12.4: The Impact of Victimization - *CC BY-NC-SA 4.0*
  - 12.5: Responding to Victimization - *CC BY-NC-SA 4.0*
  - 12.6: References - *CC BY-NC-SA 4.0*
- Chapter 13: Issues in Crime and Criminal Justice Systems - *CC BY-NC-SA 4.0*
  - 13.1: Mass Murder - *CC BY-NC-SA 4.0*
  - 13.2: Crime and Media - *CC BY-NC-SA 4.0*
  - 13.3: Gender-Based Violence - *CC BY-NC-SA 4.0*
  - 13.4: Cybercrime - *CC BY-NC-SA 4.0*
  - 13.5: Mass Incarceration - *CC BY-NC-SA 4.0*
  - 13.6: The War on Drugs and Gangs - *CC BY-NC-SA 4.0*
  - 13.7: Aging and Overcrowding Prisons - *CC BY-NC-SA 4.0*
  - 13.8: Transcarceration - *CC BY-NC-SA 4.0*

        - 13.9: Revolving Door - *CC BY-NC-SA 4.0*
        - 13.10: Terrorism - *CC BY-NC-SA 4.0*
        - 13.11: References - *CC BY-NC-SA 4.0*
    - Section 4: Introduction to Careers in Criminal Justice - *CC BY-NC-SA 4.0*
        - Chapter 14: Careers in the Criminal Justice System - *CC BY-NC-SA 4.0*
            - 14.1: Law Enforcement - *CC BY-NC-SA 4.0*
            - 14.2: Courts - *CC BY-NC-SA 4.0*
            - 14.3: Jail / Prison - *CC BY-NC-SA 4.0*
            - 14.4: References - *CC BY-NC-SA 4.0*
    - Back Matter - *CC BY-NC-SA 4.0*
        - Index - *CC BY-NC-SA 4.0*
        - Glossary - *CC BY-NC-SA 4.0*
        - Detailed Licensing - *CC BY-NC-SA 4.0*

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GLOSSARY

A

Acculturation The process of adapting to a new culture while retaining elements of one's original culture.

Adversarial System A legal system in which opposing parties present arguments and evidence before an impartial judge or jury.

Anomie A state of normlessness in which social norms are unclear or weakened, often leading to deviance.

Artificial Intelligence (AI) Technology that enables machines to perform tasks requiring human-like reasoning, widely used in modern policing and crime analysis.

Arrest The act of taking a person into legal custody based on probable cause.

B

Biological Theories Explanations of behavior that emphasize genetic, neurological, and physiological influences.

Brain Structure The physical organization of the brain, which can influence behavior and decision-making.

C

Case Law Law established by judicial decisions and precedents rather than statutes.

Collectivism A cultural orientation that emphasizes group goals over individual interests.

Community Corrections Programs that supervise offenders in the community rather than in prison.

Community Violence Intervention (CVI) Programs designed to reduce violence through community-based strategies and outreach.

Conflict Theory A perspective emphasizing inequality and power differences in shaping law and deviance.

Corrections The system responsible for managing individuals convicted of crimes, including incarceration and supervision.

Court Jurisdiction The authority of a court to hear and decide cases.

Crime Control Model A model emphasizing efficiency, rapid processing, and public safety in the justice system.

Crime Prevention Strategies aimed at reducing the likelihood of crime before it occurs.

Crime Trends Patterns and changes in crime rates over time.

Criminal Justice Funnel A model illustrating how cases are filtered at different stages of the justice system.

Criminality Behavior that is defined and punished as a crime under the law.

Cybercrime Criminal activity conducted through digital or online means.

D

Deviance Behavior that violates social norms and generates negative social reactions.

Deterrence A punishment philosophy aimed at discouraging criminal behavior.

Determinate Sentencing A sentencing structure with a fixed duration of punishment.

Discretion The authority to make decisions based on judgment within legal guidelines.

Due Process Legal protections ensuring fair treatment through the judicial system.

Due Process Model A model emphasizing fairness, legal safeguards, and protection of individual rights.

E

Economic Impact Financial consequences resulting from crime or victimization.

Evidence-Based Policy Policy decisions informed by research and empirical data.

Epigenetics The study of how environmental factors influence gene expression.

Equal Justice The principle that all individuals should be treated equally under the law.

F

Felony A serious crime punishable by more than one year of imprisonment.

Feminist Theory A perspective examining how gender inequality influences crime and justice.

Folkways Informal norms governing everyday behavior.

G

Gang Prevention Programs aimed at reducing gang involvement and activity.

Gene–Environment Interaction (GxE) The interaction between genetic predispositions and environmental factors.

H

Hate Crime A criminal act motivated by bias against a person's identity.

Honor A cultural value emphasizing reputation and respect, often influencing behavior.

I

Incapacitation A strategy that prevents crime by restricting an offender's ability to act, usually through incarceration.

Indeterminate Sentencing A sentencing structure that provides a range of time rather than a fixed term.

Individualism A cultural orientation emphasizing personal freedom and independence.

Infraction A minor violation usually punishable by a fine.

Intersectionality A framework examining how multiple social identities overlap to shape experiences.

J

Jail A local facility used for short-term confinement or pretrial detention.

Juvenile Justice The legal system that addresses offenses committed by minors.

L

Labeling Theory A theory suggesting that deviance results from societal labels placed on individuals.

Larceny The unlawful taking of property without force.

Law Enforcement Agencies responsible for maintaining order and enforcing laws.

Lifestyle-Exposure Theory A theory stating that lifestyle increases or decreases risk of victimization.

M

Mass Incarceration The large-scale imprisonment of individuals, particularly evident in the United States.

Misdemeanor A less serious crime punishable by less than one year of incarceration.

Moral Entrepreneurs Individuals or groups who influence the creation of laws and norms.

Mores Strongly held norms with moral significance.

N

National Crime Victimization Survey (NCVS) A survey measuring both reported and unreported crime.

Neurotransmitters Chemical messengers in the brain that influence behavior and mood.

Nonintervention A perspective favoring minimal involvement for minor offenses.

O

Organized Crime Crime committed by structured groups engaged in ongoing illegal activity.

P

Personality Traits Stable characteristics influencing behavior.

Policing The practice of enforcing laws and maintaining order.

Positivist Theory A perspective emphasizing scientific explanations of behavior.

Pre-Sentence Report A document used to assist judges in sentencing decisions.

Presumption of Innocence The legal principle that individuals are considered innocent until proven guilty.

Probable Cause Reasonable grounds to believe a crime has been committed.

Property Crime Crime involving theft or damage to property.

Public Health Approach A strategy treating crime as a health issue influenced by social conditions.

Q

Qualitative Research Research focused on descriptive, non-numerical data.

Quantitative Research Research based on numerical data and statistical analysis.

R

Recidivism The tendency of a person to reoffend.

Rehabilitation Efforts to change behavior and reintegrate offenders into society.

Restorative Justice A process focusing on repairing harm through dialogue and accountability.

Routine Activities Theory A theory suggesting crime occurs when a motivated offender meets a suitable target without guardianship.

S

Sanctions Rewards or punishments used to enforce norms.

Self-Control The ability to regulate impulses and behavior.

Social Control Mechanisms used to regulate behavior and maintain order.

Social Disorganization Breakdown of social institutions contributing to crime.

Social Inequality Unequal distribution of resources and opportunities.

Social Norms Shared expectations guiding behavior.

Socioeconomic Status (SES) An individual's economic and social position.

Strain Theory A theory suggesting crime results from blocked opportunities.

Subculture
A group with values and norms differing from the dominant culture.

Surveillance Monitoring behavior for security and enforcement purposes.

T

Taboo A strongly prohibited behavior.

Trauma Emotional or psychological harm resulting from distressing experiences.

Traumatic Brain Injury (TBI) Head injury affecting brain function and behavior.

U

Uniform Crime Report (UCR) A system collecting official crime data reported to police.

V

Victim Compensation Financial assistance provided to victims of crime.

Victimology The study of victims and victimization.

Victimization The experience of being harmed by crime.

Violent Crime Crime involving force or threat of force.

W

Wedding Cake Model
A model describing how cases are prioritized within the justice system.

White-Collar Crime
Nonviolent crime committed for financial gain, typically in professional settings.

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INDEX

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