A weary English bobby (a popular nickname for British police officers) patrolling his foot beat on a chilly November night hears the unmistakable sounds of sexual activity from the dark entranceway of a closed greengrocer’s shop. He smiles to himself and tiptoes toward the sound. When he reaches the entranceway he switches on his flashlight and booms out the favorite line of the stereotypical bobby: “What’s goin’ on ‘ere then?” The squeaking couple immediately come to attention and adjust their dress before the young man—obviously still in a state of arousal—stammers, “Why, nothing, constable.” The officer recognizes the woman as a local “slapper” (prostitute) and he vaguely recognizes the man (more of a boy of around 17, really) as a local supermarket worker. The constable reasons that he should arrest both parties for public indecency but that would entail about an hour of paperwork (an hour in the warm police station with a nice cup of tea sounds good, though) and lead to the profound embarrassment of the poor boy. He finally decides to give some sound advice about sexually transmitted diseases to the boy and a stern warning to the woman and sends them both on their way.

This short story illustrates that official statistics are measuring police behavior as much as they are measuring crime. Sir Josiah Stamp, director of the Bank of England in the 1920s, cynically stated this criticism: “The government are very keen on amassing statistics. They collect them, raise them to the nth power, take the cube root and prepare wonderful diagrams. But you must never forget that every one of these figures comes in the first instance from the village watchman, who just puts down what he damn pleases” (in Nettler, 1984, p. 39). We don’t recommend
this kind of cynicism, but we do counsel that you keep a healthy skepticism about
statistics as you read this chapter.

Categorizing and Measuring
Crime and Criminal Behavior

When attempting to understand, predict, and control any social problem, including the crime
problem, the first step is to determine its extent. Gauging the extent of the problem means dis-
covering how much of it there is, where and when it occurs most often, and among what social
categories it occurs most frequently. It also helps our endeavors if we have knowledge of the
patterns and trends of the problem over time. Note that we did not address “why” questions
(why does crime occur; why is it increasing/decreasing, who commits it and why, and so on);
such questions can only be adequately addressed after we have reliable data about the extent
of the problem. However, all social statistics are suspect to some extent, and crime statistics are
perhaps the most suspect of all. They have been collected from many different sources in many
different ways and have passed through many sieves of judgment before being recorded.

There is a wide variety of data provided by government and private sources to help us to
come to grips with America’s crime problem, all with their particular strengths and weak-
nesses. The major data sources can be grouped into three categories: official statistics, victim-
ization survey data, and self-reported data. Official statistics are those derived from the
routine functioning of the criminal justice system. The most basic category of official statis-
tics comes from the calls made to police by victims or witnesses and the crimes that the police
discover on patrol. Other major categories of official crime data consist of information about
arrests, about convictions, and about correctional (prison, probation/parole) populations.

The Uniform Crime Reports:
Counting Crime Officially

The primary source of official crime statistics in the United States is the annual Uniform Crime
Reports (UCR) compiled by the Federal Bureau of Investigation (FBI). The UCR reports crimes
known to the nation’s police and sheriff’s departments and the number of arrests made by these
agencies; federal crimes are not included. Offenses known to the police are recorded whether
or not an arrest is made or an arrested person is subsequently prosecuted and convicted.
Participation in the UCR reporting program is voluntary, and thus not all agencies participate.
This is unfortunate for anyone hoping for comprehensive crime data. In 2005, law enforcement
agencies participating in the program represented approximately 281 million United States res-
idents, or about 94% of the population (FBI, 2006). This means that crimes committed by about
6% of the American population (about 17 million people) were not included in the UCR data.

The UCR reports the number of each crime reported to the police as well as their rate of
occurrence. The rate of a given crime is the actual number of reported crimes standardized by
some unit of the population. We expect the raw number of crimes to increase as the popula-
tion increases, so comparing the number of crimes reported today with the number reported
30 years ago, or the number of crimes reported in New York with the number reported in
Wyoming, tells us little unless we consider population differences. For instance, California
reported 2,407 murders to the FBI in 2003, and Louisiana reported 586. These figures don’t provide an accurate image of the comparative murder picture in these states unless we take their respective populations into consideration. To obtain a crime rate, we divide the number of reported crimes in a state by its population and multiply the quotient by 100,000, as in the following comparison of California and Louisiana rates:

\[
\text{California Murder Rate: } \left( \frac{2,407}{35,484,453} \right) \times 100,000 = 6.8
\]

\[
\text{Louisiana Murder Rate: } \left( \frac{586}{4,490,334} \right) \times 100,000 = 13.0
\]

Thus, a person in Louisiana is almost at twice the risk of being murdered compared to a person in California. This statement is based on statewide averages; the actual risk will vary widely from person to person based on such factors as age, race, sex, socioeconomic status (SES), and place of residence.

The UCR separates crimes into two categories: Part I offenses (or Index Crimes), and Part II offenses. Part I offenses include four violent (homicide, aggravated assault, forcible rape, and robbery) and four property offenses (larceny/theft, burglary, motor vehicle theft, and arson). Notice that these are all universally condemned mala in se offenses. Part I offenses correspond with what most people think of as “serious” crime. Part II offenses are treated as less serious offenses and are recorded based on arrests made, rather than cases reported to the police. Part II offense figures understate the extent of criminal offending far more than is the case with Part I figures because only a very small proportion of these crimes result in arrest.

Table 2.1 is a page from the 2005 UCR listing all Part I and II crimes broken down by sex and age for the years 2000 and 2004.
Table 2.1  Estimated Number of Arrests for Part I and Part II Crimes by Sex and Age in 2000 and 2004

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<tr>
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<td>1,822,827</td>
<td>1,935,212</td>
<td>+6.2</td>
<td>1,011,721</td>
<td>893,547</td>
<td>−11.7</td>
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<td>860</td>
<td>+2.1</td>
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<td>194</td>
<td>214</td>
<td>+10.3</td>
<td>194</td>
<td>214</td>
<td>+10.3</td>
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<td>6,164</td>
<td>6,894</td>
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<td>6,164</td>
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<td>+15.3</td>
<td>22,843</td>
<td>26,343</td>
<td>+15.3</td>
<td>22,843</td>
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<td>113,048</td>
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<td>256,556</td>
<td>269,413</td>
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<td>142,354</td>
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<td>−20.6</td>
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<td>Motor vehicle theft</td>
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<td>23,211</td>
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<td>−20.9</td>
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<td>4,123</td>
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<td>1,442</td>
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<td>4,680</td>
<td>4,123</td>
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<td>179,032</td>
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<td>293,812</td>
<td>311,488</td>
<td>+6.0</td>
<td>221,533</td>
<td>179,032</td>
<td>−19.2</td>
<td>293,812</td>
<td>311,488</td>
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<td>Other assaults</td>
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<td>100,699</td>
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<td>190,397</td>
<td>+5.7</td>
<td>97,400</td>
<td>100,699</td>
<td>+3.4</td>
<td>180,093</td>
<td>190,397</td>
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<td>Forgery and counterfeiting</td>
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<td>1,774</td>
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<td>4,197</td>
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<td>Stolen property; buying, receiving, possessing</td>
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<td>62,201</td>
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<td>14,251</td>
<td>11,556</td>
<td>−18.9</td>
<td>12,508</td>
<td>14,600</td>
<td>+16.7</td>
<td>14,251</td>
<td>11,556</td>
<td>−18.9</td>
<td>12,508</td>
<td>14,600</td>
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<td>Vandalism</td>
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<td>132,323</td>
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<td>60,138</td>
<td>52,484</td>
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<td>25,651</td>
<td>26,867</td>
<td>+4.7</td>
<td>8,488</td>
<td>8,720</td>
<td>+2.7</td>
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<td>Weapons; carrying, possessing, etc.</td>
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<td>21,156</td>
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<td>2,721</td>
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<td>281</td>
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<td>610</td>
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<td>Sex offenses (except forcible rape and prostitution)</td>
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<td>662</td>
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<td>92,553</td>
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<td>190,667</td>
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<td>19,710</td>
<td>+10.1</td>
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<td>5,745</td>
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<td>+27.6</td>
<td>657</td>
<td>611</td>
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<td>31</td>
<td>35</td>
<td>+12.9</td>
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<td>Offenses against the family and children</td>
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<td>2,161</td>
<td>−32.3</td>
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<td>17,500</td>
<td>−6.5</td>
<td>1,823</td>
<td>1,329</td>
<td>−27.1</td>
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<td>−26.1</td>
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<td>30,254</td>
<td>26,410</td>
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<td>Drunkenness</td>
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<td>2,469</td>
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<td>924</td>
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<td>All other offenses (except traffic)</td>
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<td>176,264</td>
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<td>−12.4</td>
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<td>34,747</td>
<td>28,350</td>
<td>−18.4</td>
<td>49,425</td>
<td>40,547</td>
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<td>40,547</td>
<td>−18.0</td>
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</table>


1. Does not include suspicion.

2. Violent crimes are offenses of murder, forcible rape, robbery, and aggravated assault. Property crimes are offenses of burglary, larceny-theft, motor vehicle theft, and arson.
Clear Offenses

If a person is arrested and charged for a Part I offense, the UCR records the crime as cleared by arrest. A crime may also be cleared by exceptional means when the police have identified a suspect and have enough evidence to support arrest but the suspect could not be taken into custody immediately, or at all. Such circumstances exist when the suspect dies or is in a location where the police cannot presently gain custody. For instance, he or she is in custody on other charges in another jurisdiction or is residing in a country with no extradition treaty with the United States. As can be seen in Figure 2.1, violent crimes are more likely to be cleared than property crimes because violent crime investigations are pursued more vigorously and because victims of such crimes may be able to identify the perpetrator(s).

![Figure 2.1](Title)

**Figure 2.1 Percentage of Crimes Cleared by Arrest or Exceptional Means in 2005**

<table>
<thead>
<tr>
<th>Crime</th>
<th>Violent Crime</th>
<th>Property Crime</th>
</tr>
</thead>
<tbody>
<tr>
<td>Murder</td>
<td>62.1</td>
<td></td>
</tr>
<tr>
<td>Forcible Rape</td>
<td>41.3</td>
<td></td>
</tr>
<tr>
<td>Robbery</td>
<td>25.4</td>
<td></td>
</tr>
<tr>
<td>Aggravated Assault</td>
<td>55.2</td>
<td></td>
</tr>
<tr>
<td>Burglary</td>
<td>12.7</td>
<td></td>
</tr>
<tr>
<td>Larceny-Theft</td>
<td>18.0</td>
<td></td>
</tr>
<tr>
<td>Motor Vehicle Theft</td>
<td>13.0</td>
<td></td>
</tr>
</tbody>
</table>

**Source:** Federal Bureau of Investigation (2006).

Problems With the UCR

UCR data have serious limitations that restrict their usefulness for criminological research, particularly research seeking to uncover causes of crime. Some of the more serious of these limitations are outlined below.

- The UCR data significantly underrepresents the actual number of criminal events in the United States each year. According to a nationwide victim survey, only 47% of victims of
violent crime and 40% of victims of property crime indicated that they reported their victimization to the police (Catalano, 2006). Victims are more likely to report violent crimes if injuries are serious and are more likely to report property crimes when losses are high. Females (54.6%) are more likely than males (47%) to report violent victimization; males and females are about equally as likely (39%) to report property victimization.

- Federal crimes, such as highly costly white-collar crimes like stock market fraud, hazardous waste dumping, tax evasion, and false claims for professional services, are not included.

- Crimes committed in the jurisdictions of nonparticipating law enforcement agencies are not included in the data. Even with full voluntary compliance, all departments would not be equally as efficient and thorough (or honest) in their record keeping.

- Crime data may be falsified by police departments for political reasons. The National Center for Policy Analysis (1998b) reports that police departments in Philadelphia, New York, Atlanta, and Boca Raton, Florida had underreported and/or downgraded crimes in their localities (and these are just the departments we know about).

- Because of the FBI’s hierarchy rule, the UCR even underreports crimes that are known to the police. The hierarchy rule requires police to report only the highest (most serious) offense committed in a multiple offense-single incident to the FBI and to ignore the others. For instance, if a man robs five patrons in a bar, pistol whips one patron who tried to resist, locks the victims in the beer cooler, and then rapes the female bartender, only the rape is reported to the FBI.

**NIBRS: The “New and Improved” UCR**

Efforts to improve the reliability and validity of official statistics are occurring all the time, with the most ambitious being the National Incident-Based Reporting System (NIBRS). NIBRS began in 1982 and is designed for the collection of more detailed and more comprehensive crime statistics than is the UCR (which it is supposed to replace). As opposed to the current UCR, which monitors only a relatively few crimes and gathers few details associated with them, NIBRS collects data on 46 “Group A” offenses and 11 “Group B” offenses. There is no hierarchy rule under the NIBRS system; it reports multiple victims, multiple offenders, and multiple crimes that may be part of the same incident. It also provides information about the circumstances of the offense and about victim and offender characteristics, such as offender/victim relationship, age, sex, and race of victims and perpetrators (if known). Unfortunately, only 19 states and three cities with populations greater than 500,000 (Austin, Memphis, and Nashville) were reporting crime incidents to NIBRS as of 2004 (Finkelhor & Ormrod, 2004). Many police departments lack the manpower and technical expertise to collect and process the wide and detailed range of information that is part of each crime incident their officers deal with, and administrators see little benefit to their department to justify the effort (Dunworth, 2001).

Because NIBRS data provides information about the offender and the victim (victims can identify physical characteristics of perpetrators), it can be used to try to resolve certain criminological issues. One issue is the disproportionately high rate of arrest for blacks in the United States. Is this the result of disproportionately high involvement in crime or the result of discriminatory arrest patterns of police? This issue was explored by Stewart D’Alessio and
Lisa Stolzenberg in the article presented in this section. Using data on 335,619 incidents in 1999 from 17 participating states, they found that whites were significantly more likely to be arrested than blacks for all reported violent crimes except rape, in which case there was no significant difference. D’Alessio and Stolzenberg conclude that the disproportionately high rate of arrest rate for blacks in the United States is the result of disproportionately high involvement of blacks in crime (at least in violent crime).

Crime Victimization Survey Data and Their Problems

Crime victimization surveys involve asking large numbers of people if they have been criminally victimized within some specified time frame, regardless of whether they reported the incident to police. Census Bureau personnel interview a national representative sample of people aged 12 or older on behalf of the Bureau of Justice Statistics (BJS) twice each year. This survey is known as the National Crime Victimization Survey (NCVS), and in 2005, 134,000 people from 77,200 households were interviewed (Catalano, 2006). The NCVS requests information on crimes committed against individuals and households, the circumstances of the offense, and personal information about victims (age, sex, race, income, and education level) and offenders (approximate age, sex, race, and victim/offender relationship). Figure 2.2 presents highlights from the 2006 NCVS report.

Victimization surveys have their own dark figures as well as other problems that make them almost as suspect as the UCR. These problems include the following:

- Crimes such as drug dealing and all “victimless” crimes such as prostitution and gambling are not revealed in the surveys, for obvious reasons. And because murder victims cannot be interviewed, this most serious of crimes is not included.
Because NCVS only surveys households, crimes committed against commercial establishments such as stores, bars, and factories are not included. This exclusion results in a huge underestimate of crimes such as burglaries, robberies, theft, and vandalism.

Victimization data do not have to meet any stringent legal or evidentiary standards in order to be reported as an offense; if the respondent says he or she was robbed, a robbery will be recorded. UCR data, on the other hand, passes through the legal sieve to determine whether the reported incident was, indeed, a robbery.

Other problems include memory lapses; providing answers the respondent thinks the interviewer wants to hear; forgetting an incident; embellishing an incident; and any number of other misunderstandings, ambiguities, and even downright lies, that occur when one person is asking another about his or her life experiences.

Consistent with the above, there are suggestions that just as underreporting plagues UCR data, overreporting may plague NCVS data (O’Brien, 2001). Whatever the case may be, we find many anomalies when comparing the two sources of data. For instance, the 2006 UCR reports 93,934 cases of rape versus the 2006 NCVS’s report of 191,670. The problem is that only 38.3% (73,410) of the NCVS rape victims said they reported it to the police, and that number is 20,524 fewer victims than were “known to the police” that year. The same situation exists for other crimes; that is, substantially more crimes appear in police records than NCVS victims claim to have reported to the police. The discrepancy is easily explained for burglary and motor vehicle theft because the NCVS does not include commercial establishments in its reports. It is more difficult to explain the violent crime discrepancy, however. One explanation for this is that the NCVS does not include victims less than 12 years of age, whereas the UCR does, although it is difficult to believe that children under 12 account for 15% to 20% of all rapes known to the police.
How is it that the NCVS can report 191,670 rapes when it only interviewed 134,000 people? As in any statistical analysis, sample results such as these are generalized to the population. If the sample reveals a rape rate of 0.66 per 1,000 individuals over age 12, for instance, the NCVS will report a rate of 66 per 100,000 for the United States. Assuming a population of 290 million, this will extrapolate to approximately the number of rapes reported by the NCVS. It is perfectly acceptable to make inferences from samples to populations when samples are truly representative of the population.

NCVS researchers are aware of the many problems that arise when asking people to recall victimization and have initiated many interview improvements in their methodology, one of which is the *bounding interview*. This technique involves comparing reported incidents from the same household in the current interview with those reported six months prior. When a report appears to be a duplicate, the respondent is reminded of the earlier report and asked whether the new report represents the incident previously mentioned or whether it is different. Other techniques used to minimize some of the reported problems mentioned above are available on the NCVS Web site at http://www.icpsr.umich.edu/NACJD/NCVS/.

### Areas of Agreement Between the UCR and NCVS

The UCR and NCVS agree on the demographics of crime in that they both tell us that males, the young, the poor, and African Americans are more likely to be perpetrators and victims of crime than are females, older persons, wealthier persons, and persons of other races. Both sources also agree as to the geographic areas and times of the year and month when crimes are more likely to occur. Over a three year period, O’Brien (2001) found that NCVS victims reported that 91.5% of those who robbed them and 87.7% of their aggravated assault assailants were male, as were 91.2% and 84.3%, respectively, of those arrested for those offenses. Likewise, NCVS victims reported that 64.1% of those who robbed them and 40% of their aggravated assault assailants were African American. These percentages fit the UCR arrest statistics for race almost exactly; 62.2% arrested for robbery were African American, as were 40% of those arrested for aggravated assault.

Comparisons of UCR and NCVS data have often proven very useful to resolve issues such as these. The article by Darrell Steffensmeir and his colleagues in this section uses a comparison of data trends reported in the UCR and the NCVS from 1980 to 2003 to explore gender ratios in violent crime. The issue for them is whether the gap between males and females is closing with regard to violent crime. They found that both data sources found little or no changes in the gender ratio for violent crimes such as murder and rape, but that the UCR reports indicated a sharp rise in assaults. Does this mean that women became more violent over the period examined, or does the increase reflect the behavior of the police more than the behavior of women? NCVS data do not bear out UCR trends, leaving Steffensmeir and his colleagues to conclude that the increase is due to police net-widening policies that mandate arrest for marginally serious offenses, and that there has been no actual increase in female violence.

Another area of broad agreement is recent crime trends. The 2005 NCVS (Catalano, 2006) reports that victimization rates for violent crimes declined 58% from 1993 to 2005, and that property crime victimization fell 50%. The UCR violent crime rate fell from 746 per 100,000 in 1993 to 469.2 per 100,000 in 2005 (FBI, 2006) for a decrease of 37.1%, and the UCR property crime rate fell from 4,737 to 3,429.8, a decrease of 27.6%.
**Self-Reported Crime Surveys and Their Problems**

Self-report surveys of offending provide a way for criminologists to collect data without having to rely on government sources. Questionnaires used in these surveys typically provide a list of offenses and ask subjects to check each offense they recall having committed and how often, and sometimes whether they have ever been arrested, and if so, how many times. Self-report surveys have relied primarily on college and high school students for subjects, although prison inmates and probationers/parolees have also been surveyed.

Several studies have addressed the issue of the accuracy and honesty of self-reported offenses in various ways, and the results have generally been encouraging, at least for uncovering the extent of minor offenses. On average, known delinquents and criminals disclose almost four times as many offenses as the non-delinquents. Had these differences not been found, the validity of the self-report procedure would have been in doubt.

The greatest strength of self-report research is that researchers can correlate admitted offenses with a variety of characteristics of respondents that go beyond the demographics of age, race, and gender. For instance, they can attempt to measure various constructs thought to be associated with offending, such as impulsiveness, lack of empathy, and sensation seeking, as well as their peer associations and their attitudes. The evidence indicates that self-report crime measures provide largely accurate information about some illegal acts sometime in their lives. However, there are a number of reasons why self-report crime surveys also provide a distorted picture of criminal involvement.

- The great majority of self-report studies survey “convenience” samples of high school and college students, populations in which we don’t expect to find many seriously criminally involved individuals. Most self-report studies thus eliminate the very people we are most interested in gathering information about. One strength of the self-report method, however, is that it appears to capture the extent of illegal drug usage among high school and college students, something that neither the UCR nor the NCVS attempt to do.

- Self-report studies typically uncover only fairly trivial antisocial acts such as fighting, stealing items worth less than $5, smoking, and truancy. Almost everyone has committed one or more of these acts. These are hardly acts that help us to understand the nature of serious crime. A connected problem is that some researchers lump respondents who report one delinquent act together with adjudicated delinquents who break the law in many different ways many different times.

- Even though most people are forthright in revealing their peccadilloes, most people do not have a serious criminal history, and those who do have a distinct tendency to underreport their crimes (Hindelang, Hirschi, & Weis, 1981). As the number of crimes people commit increases, so does the proportion of offenses they withhold reporting, with those arrested for the most serious offenses having the greatest probability of denial (Farrington, 1982).

- Males tend to report their antisocial activities less honestly than females and African Americans less honestly than other racial groups (Cernkovich, Giordano, & Rudolph, 2000; Kim, Fendrich, & Wislar, 2000). This evidence renders suspect any statements about gender or racial differences in antisocial behavior that are based on self-report data. When it comes to relying on self-report data to assess the nature and extent of serious crime, it is well to remember the gambler’s dictum: “Never trust an animal that talks.”
The final article in this section illustrates the self-report method of data gathering. Jerome Cartier, David Farabee, and Michael Prendergast use the method to explore the link between methamphetamine use and self-reported crime and recidivism among 614 California parolees. They found that methamphetamine use was significantly related to self-reported violent crime and to recidivism. The authors claim a high level of agreement between self-reported crime and actual crimes committed.

The Dark Figure of Crime

The dark (or hidden) figure of crime is that portion of the total crimes committed each year that never comes to light. Figure 2.3 presents three diagrams that show the different dark figures for the three major measures of criminal behavior. (The dark figures are represented by the dark shading in each diagram.)

Each diagram shows the degree to which crimes of varying degrees of seriousness are most likely to be detected by each measure (“victimless” crimes excluded). In the top diagram displaying UCR data, you can see that very few trivial offenses are reported in official statistics, and most of those that are will be dismissed by the police as unfounded. For official statistics, then, the dark figures are highly concentrated at the non-serious end of the crime seriousness spectrum.

The middle diagram reveals that the dark figures for victimization data are primarily concentrated in the non-serious end of the spectrum also, although to a lesser degree than in the case of official data. The failure of victimization data to pick up these minor offenses is largely due to survey subjects not remembering all incidences of victimization.

In the bottom diagram, we see that most of the dark figures in the case of self-reports are concentrated in the upper end of the seriousness continuum rather than the lower end. This is partly due to (a) nearly all self-report surveys excluding most persistent serious offenders from their subject pools, and (b) many of the most serious offenders who remain in self-report subject pools not revealing the full extent of their criminal histories.

What Can We Conclude About the Three Main Measures of Crime in America?

All three main measures of crime in America are imperfect measures, and which one of them is “best” depends on what we want to know. UCR data is still probably the best single source of data for studying serious crimes and, indeed, the only one for studying murder rates and circumstances. For studying less serious but much more common crimes, either victimization or self-report survey data are best. If the interest is in drug offenses, self-reports are the preferable data source.

Because all three data sources converge on some very important points about crime, they enable us to proceed with at least some confidence in our endeavors to understand the whys of crime. The basic demographics of crime constitute the raw social facts that are the building blocks of our criminological theories. If street crime is concentrated among the lower socioeconomic classes and in the poorest neighborhoods, we can begin to ask such things as does poverty “cause” crime, or does some other variable cause both? Is social disorganization in a neighborhood independent of the people living in it, or completely dependent on the
Figure 2.3  Differing Proportions of Reported/Unreported Crimes for the Three Major Measures of Victimful Crimes

Note: Light shading = proportion of crimes reported. Dark shading = proportion not reported.
people living in it? Why do females always and everywhere commit far less crime (particularly the most serious crimes) than males? These and many dozens of other “why” questions can be asked once we have a firm grip on the raw facts.

**Summary**

- Crime and criminal behavior are measured in several ways in the United States. The oldest measure is the FBI’s Uniform Crime Reports (UCR), which is a tabulation of all crimes reported to the police in most of the jurisdictions in the United States in the previous year. The UCR is divided into two parts: Part I records the eight Index crimes (homicide, rape, robbery, aggravated assault, burglary, larceny/theft, motor vehicle theft, and arson) and Part II records arrests made for all other crimes.

- UCR data seriously underestimates the extent of crime because it only records reported crimes, ignores drug offenses, and only reports the most serious crime in a multiple-crime event. The problems with the UCR led to the implementation of the National Incident-Based Reporting System (NIBRS).

- The second major source of crime statistics is the National Crime Victimization Survey (NCVS). This survey consists of many thousands of interviews of householders throughout the United States, asking them about their crime victimization (if any) during the previous six months. The NCVS also has problems because it leaves out crimes against commercial establishments and relies exclusively on the memory and the word of interviewees.

- The third source of crime data is self-report data collected by criminologists. The advantage of self-report data is that they are derived “from the horse’s mouth,” and typically the questionnaires used ask about “victimless” offenses not covered in either the UCR or NCVS. The major problems with self-report data are that it does not capture serious criminal behavior and is subject to dishonesty in the form of underreporting, especially underreporting by those most seriously involved in criminal activity.

- The UCR, NCVS, and self-report data come to different conclusions on a variety of points, but they agree about where, when, and among whom crime is most prevalent and the fact that crime has decreased dramatically in the United States over the past decade. Taken together, then, we have a fairly reliable picture of the correlates of crime from which to develop our theories about explanatory mechanisms.

**EXERCISES AND DISCUSSION QUESTIONS**

1. Consult your college library and browse one or more government documents (such as the *Source Book of Criminal Justice Statistics*, published annually by the U.S. Department of Justice) for information on some crime-related topic that interests you. Examples might be “United States crime trends” or “How age is related to crime rates.” Then write a one- to two-page summary of what the document indicates about the topic.

2. Do you think it wise to make “authoritative” statements or formulate theories of criminal behavior, especially serious criminal behavior, based on self-report data?
3. Can you think of other problems possibly associated with asking people about their delinquent or criminal behavior or their victimization, other than those discussed in the chapter?

4. If you were the American “crime Czar,” what would you do to get the various law enforcement agencies to fully implement NIBRS—no, you just can’t order them to do so.

**USEFUL WEB SITES**


**CHAPTER GLOSSARY**

Cleared: A crime is cleared by the arrest of a suspect or by exceptional means (cases in which a suspect has been identified but he or she is not immediately available for arrest).

Crime rate: The rate of a given crime is the actual number of reported crimes standardized by some unit of the population.

Dark (or hidden) figure of crime: The dark (or hidden) figure of crime refers to all of the crimes committed that never come to official attention.

Hierarchy rule: A rule requiring the police to report only the most serious offense committed in a multiple-offense single incident to the FBI and to ignore the others.

National Incident-Based Reporting System (NIBRS): A comprehensive crime statistic collection system that is currently a component of the UCR program and is eventually expected to replace it entirely.

Part I offenses (or Index Crimes): The four violent offenses (homicide, aggravated assault, forcible rape, and robbery) and four property offenses (larceny/theft, burglary, motor vehicle theft, and arson) reported in the Uniform Crime Reports.

Part II offenses: The less serious offenses reported in the Uniform Crime Reports, recorded based on arrests made rather than cases reported to the police.

National Crime Victimization Survey (NCVS): A biannual survey of a large number of people and households requesting information on crimes committed against individuals and households (whether reported to the police or not) and the circumstances of the offense (time and place it occurred, perpetrator’s use of a weapon, any injuries incurred, and financial loss).
Self-report surveys: The collecting of data by criminologists asking people to disclose their delinquent and criminal involvement on anonymous questionnaires.

Uniform Crime Reports (UCR): Annual report compiled by the Federal Bureau of Investigation (FBI) containing crimes known to the nation’s police and sheriff’s departments, the number of arrests made by these agencies, and other crime-related information.

**READING**

*Gender Gap Trends for Violent Crimes, 1980 to 2003*

*A UCR-NCVS Comparison*

Darrell Steffensmeier, Hua Zhong, Jeff Ackerman, Jennifer Schwartz, and Suzanne Agha

Darrell Steffensmeier and his colleagues assess whether or not female violent crime is rising relevant to male violent crime. Toward this end, they examine 1980 to 2003 trends in female-to-male interpersonal violence reported in Uniform Crime Reports (UCR) statistics and National Crime Victimization Survey (NCVS) data. Their analyses show much overlap yet differences in each source’s portrayal of trends in female violence levels and the gender gap. Both sources show little or no change in the gender gap for homicide, whereas UCR police counts show a sharp rise in female-to-male arrests for criminal assault during the past one to two decades—but that rise is not borne out in NCVS counts. The authors conclude that net-widening policy shifts have apparently escalated the arrest proneness of females for “criminal assault” (e.g., policing physical attacks/threats of marginal seriousness that women, in relative terms, are more likely to commit); rather than women having become any more violent, official data increasingly mask differences in violent offending by men and women.

The past decade or so has witnessed a lively discussion in both the scholarly and popular literatures about whether female violence is rising and, in turn, causing the gap between female and male crime rates to close. The scholarly discussion centers mainly on the national arrest statistics from the FBI’s (1979–2003) Uniform Crime Reports (UCR), which show women making substantial gains on men in violent crime levels. For example, from 1980 to 2003, the female percentage (FP) of all arrests increased from one-fifth to one-third for simple or misdemeanor assault, from one-sixth to one-fourth for aggravated or felony assault, and from one-tenth to one-fifth for the Violent Crime Index (sum of homicide, forcible rape, robbery, and aggravated assault arrests). In the popular literature, media reports depict instances of high-profile violent crimes committed by women, which further serve to bolster the view that females appear to be “moving into the

world of violence that once belonged to males” (Ford, 1998, p. 13).

### Increasing Female Arrest Rates: More Violence or More Enforcement?

We characterize the two competing explanations for the increased female arrest rate found in the UCR arrest statistics as the behavior change hypothesis and the policy change hypothesis. The behavior change explanation is supported to the degree that the NCVS victimization patterns are consistent with the UCR arrest patterns. In contrast, if the FP increase occurs only in the UCR but not the NCVS, the policy change explanation is more probable.

#### The Behavior Change Hypothesis

Although diverse in their speculations, an underlying theme of many recent writings on women's arrest trends is that the lives of girls and women have undergone major changes in ways that contribute to their greater involvement in physical aggression and violence. One popular view attributes women’s arrest gains to changing gender role expectations that have allowed for greater female freedom and assertiveness. According to this view, these changes have subsequently “masculinized” female behavior and engendered in women an “imitative male machismo competitiveness,” which has produced a greater penchant for physical aggression or attack (Adler, 1975, p. 12). Variations in this view also link the increases to today’s entertainment media or to greater exposure to messages portraying or condoning women as violent.

A second view is that breakdowns in the effectiveness of the social control mechanisms found in the family, church, and community, which for years have been held responsible for violence among men, are finally catching up to women. Indeed, the recent trends toward higher divorce rates and the shifts in community social organization toward female-headed families can be seen as affecting female violence more than male violence because women’s psychic and economic well-being is more dependent on the domestic sphere and because family and kin networks act as buffers against victimization and other conditions that lead to involvement in violence. Moreover, although these conditions affect women in general, their effects are likely to be felt most strongly by marginalized populations of females, especially minorities and low-income women living in depressed urban areas. Women may use violent offending in disadvantaged surroundings as coping strategies for dealing with abusive homes or for confronting interpersonal conflicts with partners, children, extended family, neighbors, or authority figures.

A third and overlapping perspective is that women experience greater role strain today, a combination of old stresses and new ones. They face greater struggles in maintaining a sense of self and confront a much more complex, multidimensional, and often-contradictory set of behavioral scripts that specify what is appropriate, acceptable, or possible for women to do. The stressful economic circumstances more common in poor and minority communities, brought about by recent changes in community social organization and family structure, may intensify these strains. The heightened role strain, along with greater freedom, subsequently increases women’s propensities and opportunities for violence.

#### The Policy Change Hypothesis

The possibility that female arrest trends are by-products of policy changes that have led to greater visibility and to the increased reporting of women’s violence rests on the interplay of three exigencies that surround the measurement of violence and its distribution by gender. These are (a) the elasticity of violence definitions, (b) the broadness of UCR violence categories such as aggravated or simple assault, and (c) the variability in the gender/violence relationship depending on behavioral or item content.

By the elasticity of violence definitions, we mean that citizens, police, and other officials have considerable discretion in defining violence
and that the various ways in which they do so may mask considerable differences in its seriousness. Victims and those responsible for addressing victimization must decide on the lens they will use to determine the thresholds whereby a particular behavior is considered violent and the corresponding threshold between minor and serious violence.

The broadness of the UCR offense categories such as aggravated assault and simple assault produce a heterogeneous mix of behaviors and culpability levels. State laws and UCR offense definitions require police officials to distinguish one type of assault from another. Differences between assault categories frequently require inference about the offender’s intent to commit harm and if harm was intended, the degree of injury the offender wished to inflict.

Along with considering the offender’s perceived intent, other factors that may affect the decision on whether to file the most serious or the least serious charge may include the officer’s perception of current injury seriousness and the officer’s estimate of the ability of the offender to cause serious future injury if substantial sanctions are not imposed for the current transgression. Some of these factors may include (a) the size difference between offender and officer, (b) the level of physical exertion required by the officer(s) to make the arrest, and (c) beliefs about the judiciousness of devoting limited police resources to individuals not viewed as “real” or “serious” criminals. During times and in locations where criminal justice officials do not perceive women as serious violent offenders prone to repeat their behavior, the offense classifications of women in arrest situations similar to this example are more likely to fall in the lower region of the offense seriousness scale. Occasionally, police action related to perceived “minor” offenses may result in no criminal prosecution and no record of a UCR-classified arrest.

It is likely that relatively recent changes in criminal justice policy and practice have increased the variance of subjective violence thresholds longitudinally in addition to the cross-sectional variances already described. For example, the emerging practice of employing more female police officers, although innocuous or beneficial in many regards, may drastically alter officer/offender physical size and power differentials and, thus, may substantially change police perceptions about the level of physical exertion required to subdue the offender and the ability of the offender to cause future officer injury. Such changes may feed what several scholars have noted to be more inclusive, expansive definitions of what constitutes “violence” or “assault” (Steffensmeier, 1993).

By the variability in the gender/violence relationship we mean that the gender gap is smaller for violence involving (a) less seriousness, (b) less offender culpability, and (c) behaviors that occur in private settings and against intimates. Although serious, injury-producing violence is largely confined to men, women commit minor acts of violence nearly as often as do men. The more elastic or encompassing the definition of violence, the smaller the gender gap. Women’s violence typically is perpetrated within or near the home and among family and other primary groups, whereas men are much more likely to commit serious or injury-producing acts within or near street or commercial settings and among acquaintances, strangers, or other secondary groups. Abundant research suggests that young women typically assume a less culpable role when engaged in aggression among mixed-sex peer groups. The role of females in these groups, for example, is often peripheral, such as being an accomplice or a bystander. In addition, the female role is often one that arguably might be considered self-defense (Miller, 2001). Thus, to the extent that measures of violence tap physical aggression within private settings and against intimates, women’s violence will seem more frequent and the gender gap will appear to be narrower.

Gender-Specific Impact of Net-Widening Policy Shifts

There are at least three sets of developments that have escalated the arrest proneness of women today relative to women in prior decades and relative to men. The first set of developments
involves recent policy changes toward criminalization and/or "charging up" of less serious or minor forms of violence, thus producing a net-widening effect that escalates female arrests because female violent offending is less serious and less chronic relative to male violent offending. Criminalization includes but goes beyond “zero-tolerance” policies to encompass quite broadly (a) the targeting of minor forms of physical or interpersonal aggression and (b) the charging up or converting of physical attacks or threats of marginal seriousness into offense classifications representing greater seriousness and harsher statutory penalties.

Recent enforcement practices have lowered the tolerance threshold for low-level crime, a shift that disproportionately will produce more arrests of less serious offenders. Analysts of crime trends point out that this net widening has been particularly robust in broad offense categories such as simple or aggravated assault. Today, it is more likely that (a) disorderly conducts, harassments, endangering, resisting arrest, and so forth will be categorized as simple assaults; and (b) former simple assaults will be charged up to aggravated assault. Regardless of whether these net-widening effects resulted from an overt bias toward women or from a more general trend toward zero tolerance by criminal justice officials, the effects are the same—a narrowing of the officially recorded gender gap in violence without any necessary changes in underlying behavior.

The second set of developments involves legal changes that have criminalized the violence occurring between intimates and in private or domestic settings. In these contexts, female violence levels more closely approximate male levels, whereas violence between strangers and in public or street settings is more typically male dominated.

After years of neglect and the questionable use of police discretion in domestic and/or intimate partner violence cases, state legislative bodies have implemented civil-legal protection and mandatory arrest policies as the appropriate response to such cases. These pro-arrest policies are based on the assumption "that the temporary removal of the perpetrators of domestic violence through arrest will immediately defuse the domestic violence situation and serve as a specific deterrent by reducing the individual's subsequent abusive behavior" (Mosher, Miethe, & Phillips, 2002, p. 177). Resulting changes in law, in policing, and in victim supports for battered women have greatly altered the response to domestic and relational violence from a private, family matter to a public, criminal one. Although the extent of pro-arrest policies varies considerably across state, county, city, and local departments, police no longer are discouraged from making arrests in domestic disputes or ignoring them.

Although established mainly for the protection of women against abusive partners, the reality of mandatory or pro-arrest policies always has been more complicated. It is ironic that both research and anecdotal evidence is accumulating that shows that pro-arrest policies disproportionately have affected female more so than male violence arrests. Many police departments have adopted the practice of arresting both parties in a family or partner violence incident (e.g., arrest the man and the woman, the parent and the son or daughter) if the “primary” aggressor is unclear. This practice partly reflects police departments’ and officers’ fears of liability if no arrest is made and a major incident subsequently occurs, as well as more altruistic motives on the part of some police to take immediate action to protect both parties or to prod the victim to seek help. Second, arrest increases have resulted in men becoming more savvy, knowing better the ins and outs of the criminal justice system, and being better able to manipulate it to their advantage. The new tactics used by men apparently include being the first one to call 911 to proactively define the situation (“get to the phone first”), self-inflicting wounds so that police would view the woman as assaultive and dangerous, and capitalizing on the outward calm they display once police arrive (his serenity contrasts with the hysterical, out-of-control woman). Some police have become more strict in following the rule of law, such that when a woman does commit (violent) crime or if allegations arise that she has, authorities believe she should be
held accountable and arrested just as a man would. This new attitude persists in spite of the frequent scenario in which the woman is fighting back and “typically caused little damage to the man” (Miller, 2001, p. 1353).

The third set of developments includes the more punitive attitudes toward women and the more gender-neutral nature of law enforcement. Changes in police and public attitudes toward female suspects also may affect female violence rates. An increased emphasis on the legal equality of the sexes, the changing role of women in society, and the perception that they are becoming more violent may produce (a) an increased willingness on the part of the victims or the witnesses of female violence to report women suspects to the police and (b) an increased willingness for the police to proceed more bureaucratically and formally in processing female suspects after viewing them as having greater legal culpability.

Research Strategy

With these divergent positions as a backdrop, we turn now to an examination of female violence trends as reflected in arrest counts of the UCR (FBI, 1979–2003) vis-à-vis their trends as reflected in victims’ reports of the NCVS (Bureau of Justice Statistics, 1979–2003, 1998, 2004). Aggravated assault typically involves bodily injury and/or the use of a weapon; simple assault (including attempts) does not involve a weapon or aggravated bodily injury. Similar to the UCR, the NCVS also gathers information for both types of assault (aggravated and simple). The NCVS provides no homicide counts (i.e., dead victims cannot report or identify the slayer). However, because homicide arrest figures are viewed as highly accurate, we can rely on them as robust markers of gender gap trends that require no contrast with alternative estimates.

UCR statistics can be criticized for being contaminated by changes in enforcement policy. The NCVS survey data, however, although derived from a sample intended to represent the noninstitutionalized U.S. population older than 12 years of age, are unlikely to include some groups most at risk for victimization (e.g., the transient or homeless), who are excluded from the NCVS sampling frame. The precision of NCVS rates is further confounded by the relatively small sample size and the low base rates of reported victimization for infrequent crimes such as aggravated assault.

We employed several methods to assess trends in female violence and the gender gap. First, we calculated sex-specific arrest rates for violent crime and the female-to-male percentage of arrests. The formula for female arrest rates per 100,000 is:

\[
\frac{(U.S. \text{ population}/UCR \text{ covered population}) \times (\text{number of females arrested } \times 100,000)}{\text{Number of females in U.S. population (ages 12-64)}}
\]

The rates adjust for the sex and age composition of the population and a correction factor is applied to account for variable coverage across jurisdictions in the UCR during the period from 1980 to 2003. Examining female and male rates yields evidence about (a) sex differences in violence both in general and by type of violent offense and (b) whether violence levels of either women or men are rising, falling, or holding steady. We used similar procedures to derive rates for NCVS data.

Second, we used the female-to-male percentage of violent offending to describe the gender gap. This measure indicates the female share of assault, or other measures of violence, after adjusting for the sex composition of the target population. Note that a narrowing gender gap does not necessarily imply that female rates of violence are rising. The female share of violence may increase because male rates are declining at a faster pace than female rates or female rates might be steady despite male declines.

Fourth, we conducted time-series tests on the data to assess statistically whether the trends in the gender gap have been converging, diverging,
or essentially stable (trendless). The time-series method is well-suited for establishing statistically reliable patterns in the gender gap in violence during the 1980 to 2003 period, including (a) whether there are systematic year-to-year changes in the share of female offending after taking into account random fluctuations in the data, isolated “shocks” that cause rates to fluctuate and the aftermath of those shocks, and autocorrelated residuals; and (b) the direction of systematic trends in the gender gap (i.e., convergence or divergence).

**UCR Results**

(Only homicide and assault [simple and aggravated] are discussed here.) For homicide, the gender gap in arrests is essentially stable (i.e., year-to-year changes in female-to-male rates are not statistically significant). For assault, the gender gap in arrests has narrowed. Figure 2.4 A and B show these trends. In these figures, we can see that the gender gap in arrests is essentially stable or trendless for homicide. The female percentage (FP) for homicide fluctuates a bit between 10% and 13%, whereas the gender gap has narrowed considerably for assault. For the composite assault index, the FP rose from about 20% in 1980 to 32% in 2003.

Male and female rates rose during much of the past two decades, particularly during the 1986 to 1994 period, but leveled off or declined in the late 1990s—more so for males than females, whose rates had merely stabilized or continued to inch upward. Therefore, the narrowing gender gap for both types of assault is at least partly a function of the recent downward movement in male violence. It is not surprising that male interpersonal violence rates continue to be much higher than female rates.

So far, our analysis shows females making arrest gains on males for aggravated and simple assault but not for homicide. Thus, the arrest trends for the assault offenses support the widely publicized view that female violence is rising, but the trends for other violent crimes do not. The finding that female arrest gains are confined largely to assault, especially to simple assault, provides at least some inferential support for the view that police today tend to cast a wider net when making arrests for violent crimes—because criminal assault (physical attack or attempt or threat) is defined more ambiguously than homicide and, therefore, more subject to elastic definitions of violence.

**NCVS Results**

We turn next to a more discerning test of the policy change hypothesis by comparing female arrest trends for violence to their trends as reflected in victim’s reports found in the NCVS. Unlike the UCR, victimization data are not limited to cases that come to the attention of the police or result in arrests. Recall that the policy change hypothesis implies disagreement across official and unofficial sources of data, with arrest data showing noticeably larger female gains in violence than do victimization data. In contrast, the behavioral change hypothesis implies general agreement across these data sources.

Figure 2.5 illustrates the 1980 to 2003 trends by displaying NCVS rates of male and female assault along with the relevant FPs. We see that the NCVS shows female assault levels as being much lower than male levels, and that male and female rates move largely in tandem; female rates of assault rose when male rates rose and declined when male rates declined, yielding a stable gender gap in overall violence. In combination with Figure 2.4 A, we see that both the NCVS and UCR trends show male and female assault rates rising during the late 1980s through the early 1990s and then tapering off. The rise, however, is smaller and the decline is greater in the NCVS series. The NCVS series in Figure 2.5 shows both female and male rates of assault dropping considerably in recent years as compared to the UCR series in Figure 2.4 A and B, where only male arrest rates for assault have been in sharp decline. This comparison supports a conclusion that recent policy shifts have affected women’s more so than men’s arrest proneness.
Figure 2.4a & b  Trends in Female and Male Arrest Rates (per 100,000) and Female Percentage of Arrests for Interpersonal Violence: Uniform Crime Reports, 1980 to 2003

NOTICE: The assault index includes aggravated and simple assaults.

Note: Because the rates for homicide are much lower than the rates for assaults, the left scale for the histograms was reduced from 2,000 to 100.
If we partition the NCVS findings into two decades and calculate an averaged FP for each decade, the gender gap for the assault index is roughly 17% in both the 1980s and the 1990s. These decade comparisons underscore the conclusion that female rates of violence typically rise when male rates rise and decline when male rates decline, yielding a stable or trendless gender gap in overall violence. In addition, the gender gap in assault is fairly comparable between NCVS and UCR figures in earlier years, but the two sources diverge in more recent years, as we would expect based on the policy change hypothesis. For example, the FP for aggravated assault in the 1980s was about 12% to 13% in both the NCVS and UCR figures in earlier years, but the two sources diverge in more recent years, as we would expect based on the policy change hypothesis. For example, the FP for aggravated assault in the 1980s was about 12% to 13% in both the NCVS and UCR, whereas by the early 2000s, the percentage in the NCVS had held at 12% but had jumped to about 20% in the UCR. Finally, there have been sizable declines in NCVS assault rates in recent years that considerably outpace the much smaller declines in UCR assault arrest rates, particularly for females.

The most important conclusion from the UCR-NCVS comparison is that the two sources differ sharply in their representation of gender gap trends in assault. In contrast to the UCR, the NCVS reveals very little change or a lack of convergence in the gender gap for assault crimes during the past one to two decades. Teased out, this comparison suggests that the sharp declines in assault crimes among both females and males since about the mid-1990s, as noted by the NCVS, have been partly offset by the greater proneness of police to arrest and charge persons with assault. The greater arrest proneness is salient particularly for females, as these trends show that female arrests have largely leveled, whereas victims’ reports indicate sizable declines in female-perpetrated assaults since at least the mid-1990s.
Summary and Discussion of Gender Gap Trends

We began with two observations concerning the meaning of UCR arrest trends that show female violence rates rising and the gender gap closing. First, we noted the importance of examining alternative sources of data when generalizing about recent trends in female arrests for violence because these data are prone to criminal justice selection processes. At issue is whether the arrest trends reflect changes in underlying behaviors of females toward more violence or instead reflect policy changes that place females at risk of arrest without any change in underlying behavior. Second, we proposed that a comparison of UCR arrest counts with NCVS victimization reports is a particularly useful strategy for addressing the behavior change versus policy change hypotheses. Our analysis of these two sources reveals considerable overlap in their findings about female-to-male trends in violent crime but also important differences.

Both the overlap and the differences are summarized in Figure 2.6, which displays the female-to-male percentages for assault as based on UCR arrest figures with counts based on NCVS tabulations, together with the trend percentages in homicide arrests.

Figure 2.6 succinctly summarizes the main points of our analyses: (a) both arrest and victimization data show male levels of interpersonal violence as much higher than female levels both now and in the past; (b) both arrest and victimization data show male levels of interpersonal violence as much, much higher than female levels.

**Figure 2.6** Summary of Trends in the Gender Gap for Homicide and Assault Index: Uniform Crime Reports (UCR) Versus National Crime Victimization Survey (NCVS), 1980 to 2003

Section 2  Gender Gap Trends for Violent Crimes, 1980 to 2003

for more serious forms of violence both now and in the past; (c) for the most serious kinds of interpersonal violent crime or “predatory violence,” female rates have not been rising and the gender gap has not been closing; (d) only trends in assault differ by type of data—UCR arrest statistics show female rates rising and the gender gap closing (mainly since 1990), whereas victimization data show a stable gender gap; (e) arrest trends in assault are the driving force behind recent concerns about rising levels of female violence, but those trends are not borne out in victim’s reports; and (f) the findings from both sources confirm what traditionally has been known about the gendered nature of interpersonal violence and its variation depending on behavioral item—the existence of a fairly small gender gap for minor kinds of physical attack or threat (e.g., misdemeanor assault) as compared to a very large gender gap for more serious forms.

These findings taken together are at odds with the behavior change hypothesis but supportive of the policy change hypothesis. In sum, there is no meaningful or systematic change in the violent-offending gender gap. First, the finding that female arrest gains are confined largely to aggravated assault and especially simple assault provides at least some inferential support for the view that police today tend to cast a wider net, particularly for female suspects in violent crime cases. Second, the reasoning of many criminologists that the NCVS series provides accurate estimates that are not confounded with changes in the behavior of criminal justice agents adds credibility to the NCVS finding of a lack of convergence in the gender gap for assault crimes during the past one to two decades. Third, the evidence from the victim surveys indicating no change in the female-to-male percentage of criminal violence is even more remarkable in light of caveats that a change in perceptions and expectations about women’s violence in the society at large might itself have “self-fulfilling” effects leading to higher reported levels of women’s assaults in survey responses. All else equal, just as police have become more prone to arrest females for violent misconduct, it also seems likely that victims have become more prone to identify female assailants in NCVS interviews.

Conclusion

A recurring theme in research and policy circles is the need for more accurate data on violence levels and trends both as a necessary foundation for informed opinion, theory, or policy and for correcting damaging myths and stereotypes that interfere with theory construction or effective policy approaches. Thus, the results of our analysis comparing arrest counts of the UCR with victims’ reports of the NCVS (where victims identify the sex of the offender) are timely as well as cautionary in their portrayal of women’s violence trends. Our key conclusion is that there has been no meaningful or systematic change in women’s involvement in crimes of interpersonal violence and in the gender gap during the past couple of decades. This conclusion is based on (a) UCR trend data showing little or no change in the gender gap in arrests for homicide, a reliably reported crime; (b) UCR and NCVS trend data showing no change in the gender gap for rape/sexual assault; and (c) NCVS figures showing little or no change in female levels of assault and in the gender gap. We view the NCVS findings as particularly convincing because the data are independent of criminal justice selection biases and derived from nationally representative samples, because the NCVS is held in high regard within the social science research community, and because we observed these null results in the context of heightened perceptions about women today as being more violent and “male like.” These perceptions might sway some victims and citizens to be less protective and more willing to identify women as violent offenders.

Our findings regarding the stability of the gender gap in interpersonal violence are hardly surprising in several respects. The first is that social change is seldom, if ever, so abrupt and robust as to bring about such a dramatic shift in
behavior as characterizes the female-to-male trend in arrests for assault during the past decade or so (e.g., the FP of assault arrests jumped from roughly 15% to 24% since 1990). Second, it is doubtful that women’s life experiences and the organization of gender have changed more drastically during the past decade or so than during the previous one or two decades. Third, even if women’s lives are much more stressful today, this greater role strain may not translate into more violence on grounds that females tend to internalize stress and physical aggression, whereas males tend to externalize it. Fourth, it appears that women have not become more attracted to, or have much greater access to, violence-likely situations that historically overwhelmingly have involved males, such as violence occurring in the context of robbery, extortion, gangs, and drug or organized-crime networks.

Last, even if one accepts at face value the UCR arrest trends for criminal assault and also believes that women have become more prone for violence (e.g., because of greater stress or diminished femininity), it is also true that we have changed our laws, police practices, and policies in other ways toward enhanced identification and criminalization of violence in general and of women’s violence in particular. The analysis here, based on the best data available, makes a strong case for the position that it is the cumulative effect of these policy shifts, rather than a change in women’s behavior toward more violence, that accounts for their higher arrest rates and the narrowing gender gap in official counts of criminal assault. It is not so much that women have become any more violent as it is that the avenues to prevent or punish violence have grown so enormously and that the official data increasingly mask differences in violence among men and women.

References


Discussion Questions

1. What does this article tell us about the social construction of crime statistics?

2. What part may feminism have played in perpetrating the idea that women are as violent as men?

3. What part may the media have played in generating the idea that women are becoming as violent as men?
The previous article showed how we can use the UCR and NCVS to bring light to bear on the issue of gender violence. This article by D’Alessio and Stolzenberg brings NIBRS data (which combines the best features of the UCR and NCVS) to bear on another vexing issue in criminology, the differential black/white arrest rate. Some criminologists maintain that the black/white difference is a function of discriminatory policing, others that it is a function of greater black participation in crime. D’Alessio and Stolzenberg use NIBRS data from 17 states and 335,619 arrests for rape, robbery, and aggravated and simple assault to assess the effect of offenders’ race on the probability of arrest. Their results indicate the odds of arrest for robbery, aggravated assault, and simple assault were significantly greater for white offenders than for black offenders, but there was no racial difference in the probability of arrest for rape. D’Alessio and Stolzenberg conclude that the disproportionately high black arrest rate is most likely attributable to their disproportionately higher involvement in crime.

The relationship between race and arrest remains a topic of contentious debate. While blacks constitute about 12.8% of the population, they accounted for 38% of the arrests for violent crimes and 31% of the arrests for property crimes in 2000 (FBI 2001; U.S. Census Bureau 2001). Although it is readily acknowledged that blacks are arrested in numbers far out of proportion to their numbers in the population, considerable disagreement exists as to what this finding exactly means. Social scientists have proffered two major explanations. The first and most broadly solicited explanation employs normative theories to explain the overrepresentation of black citizens in official arrest statistics. Normative theories view the enforcing of criminal laws as unbiased, with little or no consideration being given to the offender’s race or other demographic characteristics. These types of theories purport to attribute most of the disparity in arrest statistics between blacks and whites to differences in criminal involvement. It is argued that racial differences in arrest patterns occur primarily because blacks violate the law more frequently and commit more serious crimes than do whites.

Normative theories typically emphasize the nexus between social factors and crime to explicate differences in crime patterns between the races. The social factors most highlighted in the literature include poverty, economic inequality/deprivation, social disorganization, segregation, and family structure. Constitutional factors such as intelligence have also been adduced as engendering race differences in criminal behavior, but research on this topic is highly controversial. An alternative explanation for the differential arrest patterns of whites and blacks focuses on racially biased law enforcement practices. This perspective draws from conflict theory, which posits that the elevated arrest rate for black citizens is
the consequence of discrimination by police. Conflict theorists view society as consisting of groups with differing and conflicting values and maintain that the state is organized to represent the interests of citizens who are wealthy and powerful. Criminal law is conceived as an instrument to protect the interests of the elite, and the severity of criminal sanction is based to a large degree on extralegal factors such as race and social class. Consequently, groups that challenge the status quo are more apt to be subjected to criminalization, arrest, and increased incarceration compared to groups that are perceived as less menacing. The conflict perspective thus suggests that blacks and other racial minorities will be more susceptible to biased law enforcement practices in order to ensure they are brought under state control.

It is also asserted that blacks, especially young black males, face a higher probability of arrest because the police have a negative perception of them. Disparaging labels such as “delinquents,” “dope addicts,” and “welfare pimps” are used frequently to depict black males (Gibbs 1988:2). Black males also epitomize an aggressive behavior style that is perceived by many whites to be threatening. The media often acts to render these stereotypes more negative. This general stereotype of blacks, especially young black males, as being dangerous and criminally inclined is thought to compel police to monitor and arrest black citizens more frequently than warranted based on their actual criminal behavior.

The Hindelang Study

Michael Hindelang compared race-specific arrest data derived from the UCR with reported offender data drawn from the National Crime Victimization Survey (NCVS) to ascertain the convergence of these two data sets in terms of the relative amount of crime committed by both blacks and whites. He used arrest data from the UCR because it is at this point in the criminal justice process that information about the race, sex, and age of offenders is first recorded. The NCVS contains data on the race of the offender as determined by the crime victim. Hindelang analyzed four crimes for which offenders and victims must come into contact and, thus, allow for the potential identification of the offender’s race. These were rape, robbery, aggravated assault, and simple assault.

Hindelang (1978:99) theorized that, “if there are substantial biases in the UCR data for any reason, we would expect, to the extent that victimization survey reports are unbiased, to find large discrepancies between the UCR arrest data and victimization survey reports on the racial characteristics of offenders.” His results showed that 62% of the robbery victims in the NCVS reported their assailants to be black, whereas 62% of the people arrested for robbery during the same year by police were also black. However, although Hindelang showed that data drawn from the UCR and NCVS did converge for the crime of robbery, he still evinced some evidence of racial bias in the arrest sanction for the crimes of rape and assault. Specifically, he found that blacks were overrepresented by about 10 percentage points in the UCR arrest data for the crimes of rape, aggravated assault, and simple assault.

Although these findings were consistent with the differential arrest hypothesis, Hindelang speculated that the observed dissimilarities between the UCR and the NCVS were in large part due to the fact that crimes involving black offenders were less apt to be reported to police than crimes involving white offenders. A supplemental analysis that only considered those crimes reported to the police by crime victims showed that these slight discrepancies in arrest patterns diminished substantially. Although the NCVS and UCR did not converge perfectly, Hindelang felt confident to conclude that blacks comprise a larger proportion of criminal offenders than their representation in the general population would warrant.

Because Hindelang analyzed only aggregate data, we cannot definitely say on the basis of his study whether blacks are more likely than whites to be arrested by police for similar types of
Section 2 - Race and the Probability of Arrest

Crimes. All we are able to conclude from his work is that his findings are not consistent with the idea that blacks are more apt to be arrested by police than are whites. Taken in total, these problems compel us to seriously question whether the general absence of a race-arrest effect in Hindelang’s research is not idiosyncratic to his reliance on the UCR and NCVS.

Our charge in this article is to resume where Hindelang halted. Using data from the NIBRS, we attempt to determine the extent that black overrepresentation in official arrest statistics is explained by differential offending or by differential selection into the criminal justice system via arrests by police. NIBRS represents the next generation of crime data and it is designed to replace the nearly 70-year-old UCR. The intent of NIBRS is “to enhance the quantity, quality, and timeliness of crime statistical data collected by the law enforcement community and to improve the methodology used for compiling, analyzing, auditing, and publishing the collected crime data” (FBI 2000:1). NIBRS is unique because rather than being restricted to a group of eight Index crimes that the summary-based program uses, it gathers information from individual crime reports recorded by police officers at the time of the crime incident for 57 different criminal offenses. The information collected by police typically includes victim and offender demographics, victim/offender relationship, time and place of occurrence, weapon use, and victim injuries. Because NIBRS is capable of producing more detailed and meaningful data than that generated by the traditional UCR, it is a valuable tool in the study of crime.

NIBRS data are well suited for our intentions because it is possible to link a reported crime incident to a subsequent arrest that was heretofore not feasible with the UCR. The ability to merge crime incident data with arrest data enables researchers to calculate the actual probability of arrest by race for crimes communicated to the police where the victim is able to identify the race of the offender. This is the most appropriate strategy for evaluating the discriminatory use of the arrest sanction because the police can only act upon illegal behaviors that come to their attention. These data also afford us the opportunity to examine how the arrest sanction is influenced by a number of salient factors about which Hindelang lacked data, such as whether the victim was injured, the race of the victim, the victim/offender relationship, and weapon use.

Data

The data used in this study were obtained from the NIBRS for 2,852 reporting jurisdictions in 17 states for 1999. Our sample comprised 9,551 forcible rapes, 12,315 robberies, 60,249 aggravated assaults, and 253,504 simple assaults where there was one offender and one victim. Of these crimes, approximately 25% of the forcible rapes, 16% of the robberies, 44% of the aggravated assaults, and 42% of the simple assaults resulted in an arrest. The offender was reported to be white in 63% of the forcible rapes, 21% of the robberies, 56% aggravated assaults, and 65% of the simple assaults.

Although our primary objective is to assess the influence of an offender’s race on the likelihood of arrest, the multivariate model we develop allows us to discern the impact of other variables on the arrest sanction. If these additional variables are not controlled for, any observed relationship between an offender’s race and the probability of arrest might be spurious. The control variables measure criminal offense characteristics, offender characteristics, and victim characteristics. Criminal offense characteristics account for whether the victim suffered a serious injury during the course of the crime, whether a deadly weapon was used in the crime, and whether the offender perpetrated less serious ancillary crimes during the commission of the primary offense. Criminal offense characteristics also include the relationship between the victim and offender and the location of the crime. The offender characteristic variables, in addition to the offender’s race, include the age of the offender, the gender of the offender, and whether...
the offender was under the influence of drugs and/or alcohol during the commission of the crime. The variables measuring victim characteristics comprise the race, age, and gender of the crime victim. Table 2.2 provides the summary statistics and codings for the variables included in the study.

### Bivariate Analyses

The differential arrest hypothesis predicts that controlling for crimes reported to the police, black citizens have a greater chance of being subjected to arrest. Looking simply at the two-way relationships presented in Table 2.3, we see that there is a consequential association between the race of the offender and the prospect of arrest for robbery, as 807/2,620 (31%) of the robberies with white offenders and 1,132/5,278 (21%) of the robberies with black offenders are cleared by arrest ($X^2 = 82.705, p < .001$).

Inspection of this table also reveals that aggravated assaults and simple assaults involving white offenders are significantly more likely to be cleared by arrest. Whites have about a 10% greater chance of being arrested for both aggravated and simple assault. Only for the crime of rape do blacks have an enhanced proclivity to be arrested by police. There is about a 28% chance of arrest for blacks, whereas whites have a 27% probability of arrest. This 1% difference, however, is not statistically significant ($X^2 = .694, p = .405$). These bivariate results are interesting because it appears that whites are more likely than blacks to be arrested by police. Such findings tend to cast doubt on the differential arrest thesis, which theorizes that black criminal offenders have a markedly higher prospect of arrest than do whites.

Table 2.4 shows the likelihood of arrest for white-on-white crimes, white-on-black crimes, black-on-black crimes, and black-on-white crimes. The results presented in this table indicate that the police are most disposed to effectuate an arrest for aggravated assaults and simple assaults involving white offenders and white victims. These findings run counter to much of the literature suggesting that blacks who victimize whites are more likely to be sanctioned severely by the state because of the elevated status of white victims in our society. In contrast, the odds of a black offender being arrested for raping a black is higher than for any other of the other victim/offender racial combinations. Table 2.4 also reveals that white-on-black robberies have the greatest likelihood of arrest.

### Logistic Regression Analyses

A multivariate method is required to discern whether an offender’s race influences the probability of arrest independently of other factors. We use logistic regression for this purpose because it is appropriate for analyzing a dichotomous dependent variable and allows use of both categorical and continuous independent variables. The regression coefficients from a logistic regression can also readily be translated into easily interpretable odds indicating the change in the likelihood of the dependent variable (probability of arrest) given a unit shift in an independent variable, holding other variables constant.

Table 2.5 presents the logistic regression models for the likelihood of arrest in forcible rape, robbery and assault cases. In addition to the offender’s race and control variables, each model includes a logit-based “hazard rate” variable to account for the exclusion of crime incidents with multiple offenders and/or victims.

The first model in Table 2.5 estimates the effects of an offender’s race and the control variables on the likelihood of arrest for the crime of forcible rape. The small and nonsignificant effect of an offender’s race can be interpreted as evidence against the differential arrest hypothesis. It appears that black offenders are no more likely to be arrested for forcible rape, controlling for other factors, than are white offenders. One salient effect in this model is whether the offender perpetrated less serious ancillary crimes during the commission of the forcible rape. The presence of
### Table 2.2
Percentage Distributions of Descriptive Characteristics of Crimes, Offenders and Victims by Type of Violent Crime, 1999

<table>
<thead>
<tr>
<th></th>
<th>Forcible Rape</th>
<th>Robbery</th>
<th>Aggravated Assault</th>
<th>Simple Assault</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Offender arrested</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>0 = No</td>
<td>75.4</td>
<td>84.0</td>
<td>55.5</td>
<td>58.5</td>
</tr>
<tr>
<td>1 = Yes</td>
<td>24.6</td>
<td>16.0</td>
<td>44.5</td>
<td>41.5</td>
</tr>
<tr>
<td><strong>Offender white</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>0 = No</td>
<td>24.1</td>
<td>42.9</td>
<td>31.8</td>
<td>27.9</td>
</tr>
<tr>
<td>1 = Yes</td>
<td>63.3</td>
<td>21.3</td>
<td>56.5</td>
<td>64.9</td>
</tr>
<tr>
<td>Missing data</td>
<td>12.6</td>
<td>35.9</td>
<td>11.7</td>
<td>72</td>
</tr>
<tr>
<td><strong>Victim white</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>0 = No</td>
<td>17.0</td>
<td>26.0</td>
<td>30.2</td>
<td>23.9</td>
</tr>
<tr>
<td>1 = Yes</td>
<td>78.8</td>
<td>53.4</td>
<td>66.1</td>
<td>73.1</td>
</tr>
<tr>
<td>Missing data</td>
<td>4.2</td>
<td>20.6</td>
<td>3.7</td>
<td>3.0</td>
</tr>
<tr>
<td><strong>Offender male</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>0 = No</td>
<td>1.5</td>
<td>3.9</td>
<td>19.7</td>
<td>21.0</td>
</tr>
<tr>
<td>1 = Yes</td>
<td>92.1</td>
<td>62.4</td>
<td>71.3</td>
<td>74.2</td>
</tr>
<tr>
<td>Missing data</td>
<td>6.3</td>
<td>33.7</td>
<td>9.0</td>
<td>4.8</td>
</tr>
<tr>
<td><strong>Victim male</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>0 = No</td>
<td>98.2</td>
<td>27.5</td>
<td>44.6</td>
<td>64.3</td>
</tr>
<tr>
<td>1 = Yes</td>
<td>1.8</td>
<td>54.9</td>
<td>54.7</td>
<td>35.2</td>
</tr>
<tr>
<td>Missing data</td>
<td>0.0</td>
<td>17.6</td>
<td>0.8</td>
<td>0.5</td>
</tr>
<tr>
<td><strong>Offender stranger</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>0 = No</td>
<td>78.7</td>
<td>54.9</td>
<td>78.1</td>
<td>85.8</td>
</tr>
<tr>
<td>1 = Yes</td>
<td>8.2</td>
<td>27.8</td>
<td>9.6</td>
<td>5.7</td>
</tr>
<tr>
<td>Missing data</td>
<td>13.1</td>
<td>17.3</td>
<td>12.3</td>
<td>8.4</td>
</tr>
<tr>
<td><strong>Multiple offenses</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>0 = No</td>
<td>95.5</td>
<td>97.1</td>
<td>96.3</td>
<td>97.0</td>
</tr>
<tr>
<td>1 = Yes</td>
<td>4.5</td>
<td>1.9</td>
<td>3.7</td>
<td>3.0</td>
</tr>
<tr>
<td><strong>Residence</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>0 = No</td>
<td>28.2</td>
<td>84.6</td>
<td>43.4</td>
<td>34.8</td>
</tr>
<tr>
<td>1 = Yes</td>
<td>71.8</td>
<td>15.4</td>
<td>56.6</td>
<td>65.2</td>
</tr>
<tr>
<td><strong>Serious injury</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>0 = No</td>
<td>94.7</td>
<td>78.0</td>
<td>75.2</td>
<td>100.0</td>
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<td>24.8</td>
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</tr>
<tr>
<td>Missing data</td>
<td>0.0</td>
<td>16.1</td>
<td>0.0</td>
<td>0.0</td>
</tr>
<tr>
<td><strong>Offender substance abuse</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>0 = No</td>
<td>86.9</td>
<td>96.2</td>
<td>83.3</td>
<td>84.7</td>
</tr>
<tr>
<td>1 = Yes</td>
<td>13.1</td>
<td>3.8</td>
<td>16.7</td>
<td>15.3</td>
</tr>
</tbody>
</table>

*(Continued)*
INTRODUCTION TO CRIMINOLOGY

Table 2.2 (Continued)

<table>
<thead>
<tr>
<th></th>
<th>Forcible Rape</th>
<th>Robbery</th>
<th>Aggravated Assault</th>
<th>Simple Assault</th>
</tr>
</thead>
<tbody>
<tr>
<td>Deadly weapon</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>0 = No</td>
<td>90.9</td>
<td>51.0</td>
<td>42.5</td>
<td>97.3</td>
</tr>
<tr>
<td>1 = Yes</td>
<td>3.7</td>
<td>42.0</td>
<td>54.6</td>
<td>0.0</td>
</tr>
<tr>
<td>Missing data</td>
<td>5.4</td>
<td>7.0</td>
<td>2.9</td>
<td>2.7</td>
</tr>
<tr>
<td>Offender’s age</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mean years</td>
<td>28.5</td>
<td>27.5</td>
<td>30.6</td>
<td>30.1</td>
</tr>
<tr>
<td>Missing data</td>
<td>14.7</td>
<td>43.9</td>
<td>13.7</td>
<td>8.4</td>
</tr>
<tr>
<td>Victim’s age</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mean years</td>
<td>20.8</td>
<td>34.6</td>
<td>30.2</td>
<td>29.1</td>
</tr>
<tr>
<td>Missing data</td>
<td>1.7</td>
<td>18.9</td>
<td>3.9</td>
<td>2.9</td>
</tr>
<tr>
<td>Total N</td>
<td>9,551</td>
<td>12,315</td>
<td>60,249</td>
<td>253,504</td>
</tr>
</tbody>
</table>

Table 2.3 Offenses Known and Clearances by Arrest by Race of the Offender, 1999

<table>
<thead>
<tr>
<th>Offense</th>
<th>Crimes (N)</th>
<th>Arrests (N)</th>
<th>Cleared (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Forcible rape</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Offender white</td>
<td>6,043</td>
<td>1,642</td>
<td>27.2</td>
</tr>
<tr>
<td>Offender black</td>
<td>2,304</td>
<td>647</td>
<td>28.1</td>
</tr>
<tr>
<td>Robbery</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Offender white</td>
<td>2,620</td>
<td>807</td>
<td>30.8</td>
</tr>
<tr>
<td>Offender black</td>
<td>5,278</td>
<td>1,132</td>
<td>21.4</td>
</tr>
<tr>
<td>Aggravated assault</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Offender white</td>
<td>34,055</td>
<td>18,095</td>
<td>53.1</td>
</tr>
<tr>
<td>Offender black</td>
<td>19,137</td>
<td>8,141</td>
<td>42.5</td>
</tr>
<tr>
<td>Simple assault</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Offender white</td>
<td>164,543</td>
<td>76,966</td>
<td>46.8</td>
</tr>
<tr>
<td>Offender black</td>
<td>70,646</td>
<td>26,022</td>
<td>36.8</td>
</tr>
</tbody>
</table>

these ancillary offenses elevates the odds of arrest for forcible rape by approximately 210%. The coefficients for the age of the victim and criminal offender are also noteworthy in this equation. An arrest is more apt to occur in forcible rapes involving younger victims and older offenders. Injury to the victim also increases the likelihood of arrest by about 65%.

The second model reports a discernible relationship between an offender’s race and the likelihood of arrest for robbery. Being white elevates the odds of arrest for robbery by 22%. This finding also fails to support the differential arrest hypothesis. Several other factors also directly impact the probability of arrest for robbery. One strong predictor is the relationship between the
When the victim and offender know each other, the probability of arrest is magnified. Whether the offender had been drinking or was under the influence of drugs also impacts the likelihood of arrest. The odds of arrest are 3.3 times as large for intoxicated offenders and/or drug-induced offenders as they are for offenders not under the influence of alcohol and/or drugs.

An examination of the third model reveals that the likelihood of arrest for aggravated assault varies directly with the offender’s race, as reported by the victim. Being white heightens the odds of arrest for aggravated assault by 13%. Thus, relative to violation frequency as reported by crime victims, the likelihood of an arrest for aggravated assault is higher for whites than for blacks, net other factors. While the results for the offender’s race variable is the most important substantively, the effects of some of the other variables are also worth noting. We again observe a rather pronounced effect of the victim/offender relationship variable on the odds of arrest. The effects of several other variables are also consequential. Net controls, the police are more likely to make an arrest in aggravated assaults with women victims, that include ancillary crimes, that result in victim injury, that include offenders under the influence of alcohol and/or drugs, and that involve older victims.

The final model also indicates an association between an offender’s race and the probability of arrest for simple assault, as depicted previously in Table 2.3. Being white heightens the odds of arrest for simple assault by about 9%. The effect of the victim/offender variable remains stable.

<table>
<thead>
<tr>
<th>Table 2.4</th>
<th>Offenses Known and Clearances by Arrest by Race of the Offender and Race of the Victim, 1999</th>
</tr>
</thead>
<tbody>
<tr>
<td>Offense</td>
<td>Crimes (N)</td>
</tr>
<tr>
<td>-----------</td>
<td>------------</td>
</tr>
<tr>
<td>Forcible rape</td>
<td></td>
</tr>
<tr>
<td>White-on-white</td>
<td>5,733</td>
</tr>
<tr>
<td>White-on-black</td>
<td>128</td>
</tr>
<tr>
<td>Black-on-black</td>
<td>1,376</td>
</tr>
<tr>
<td>Black-on-white</td>
<td>884</td>
</tr>
<tr>
<td>Robbery</td>
<td></td>
</tr>
<tr>
<td>White-on-white</td>
<td>1,733</td>
</tr>
<tr>
<td>White-on-black</td>
<td>154</td>
</tr>
<tr>
<td>Black-on-black</td>
<td>2,122</td>
</tr>
<tr>
<td>Black-on-white</td>
<td>2,377</td>
</tr>
<tr>
<td>Aggravated assault</td>
<td></td>
</tr>
<tr>
<td>White-on-white</td>
<td>31,608</td>
</tr>
<tr>
<td>White-on-black</td>
<td>1,261</td>
</tr>
<tr>
<td>Black-on-black</td>
<td>15,248</td>
</tr>
<tr>
<td>Black-on-white</td>
<td>3,576</td>
</tr>
<tr>
<td>Simple assault</td>
<td></td>
</tr>
<tr>
<td>White-on-white</td>
<td>156,261</td>
</tr>
<tr>
<td>White-on-black</td>
<td>4,310</td>
</tr>
<tr>
<td>Black-on-black</td>
<td>53,733</td>
</tr>
<tr>
<td>Black-on-white</td>
<td>15,798</td>
</tr>
</tbody>
</table>

Note: The total number of crimes reported within each offense category is less than the totals reported in Table 2.3 because missing data were excluded from this analysis.
Controlling for other factors, simple assaults that involve nonstrangers are more likely to culminate in an arrest. Additionally, the police are more apt to make an arrest in simple assaults that involve white victims, male offenders, female victims, offenders under the influence of alcohol and/or drugs, younger offenders, older victims and that occur in a private residence. The multiple offenses variable also shows some predictive power in the simple assault equation, but in the negative direction. As the number of ancillary crimes rises, the likelihood of arrest decreases. Although this finding seems counterintuitive, it is most likely the result of police effectuating arrests in domestic violence cases. Approximately 70% of the arrests for simple assault without multiple offenses pertained to an offender and a victim involved in some type of domestic relationship. In contrast, the majority of simple assault incidents involving multiple offenses derived from disputes over property. It seems likely that police perceive these minor disagreements over property as less serious than domestic disputes. Additionally, many jurisdictions have mandatory arrest policies in domestic violence incidents, thereby increasing the

### Table 2.5 Logistic Regression Coefficients Predicting Probability of Arrest, 1999

<table>
<thead>
<tr>
<th></th>
<th>Forcible Rape (1)</th>
<th>Robbery (2)</th>
<th>Aggravated Assault (3)</th>
<th>Simple Assault (4)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Offender white</td>
<td>-.088 (.082)</td>
<td>.202* (.077)</td>
<td>.121** (.032)</td>
<td>.089** (.016)</td>
</tr>
<tr>
<td>Victim white</td>
<td>-.073 (.092)</td>
<td>.049 (.077)</td>
<td>-.085 (.034)</td>
<td>.191** (.017)</td>
</tr>
<tr>
<td>Offender male</td>
<td>-1.983 (6.918)</td>
<td>.101 (.128)</td>
<td>-.044 (.023)</td>
<td>.096** (.011)</td>
</tr>
<tr>
<td>Victim male</td>
<td>-1.886 (6.915)</td>
<td>-.114 (.067)</td>
<td>-.150** (.020)</td>
<td>-.211** (.010)</td>
</tr>
<tr>
<td>Offender stranger</td>
<td>-.235 (.109)</td>
<td>-.545** (.077)</td>
<td>-.215** (.033)</td>
<td>-.168** (.020)</td>
</tr>
<tr>
<td>Multiple offenses</td>
<td>1.132* (.385)</td>
<td>.277 (.208)</td>
<td>.613* (.193)</td>
<td>-.755** (.063)</td>
</tr>
<tr>
<td>Residence</td>
<td>.131 (.063)</td>
<td>.037 (.109)</td>
<td>-.074 (.098)</td>
<td>.916** (.048)</td>
</tr>
<tr>
<td>Serious injury</td>
<td>.503* (.174)</td>
<td>.311 (.223)</td>
<td>.128* (.042)</td>
<td>—*</td>
</tr>
<tr>
<td>Offender substance abuse</td>
<td>.497 (.271)</td>
<td>1.181** (.271)</td>
<td>.774** (.064)</td>
<td>.349** (.022)</td>
</tr>
<tr>
<td>Deadly weapon</td>
<td>.243 (.255)</td>
<td>.543 (.508)</td>
<td>.146 (.059)</td>
<td>—*</td>
</tr>
<tr>
<td>Offender’s age</td>
<td>.008** (.002)</td>
<td>.001 (.003)</td>
<td>.001 (.001)</td>
<td>-.005** (.000)</td>
</tr>
<tr>
<td>Victim’s age</td>
<td>-.020** (.003)</td>
<td>.003 (.002)</td>
<td>.010** (.001)</td>
<td>.013** (.000)</td>
</tr>
<tr>
<td>Hazard rate</td>
<td>-9.205 (6.481)</td>
<td>-7.263 (4.555)</td>
<td>-.5492** (1.518)</td>
<td>10.964** (.826)</td>
</tr>
<tr>
<td>Constant</td>
<td>1.772</td>
<td>1.588</td>
<td>.499</td>
<td>-2.801</td>
</tr>
<tr>
<td>-2 Log-likelihood</td>
<td>9,150.293</td>
<td>6,353.865</td>
<td>67,274.108</td>
<td>299,543.020</td>
</tr>
</tbody>
</table>

**Note:** Standard errors are in parentheses.

*a.* The victim injury and weapon use variables were excluded from the simple assault equation because these offense characteristics are not applicable to simple assaults.

*p < .01; **p < .001 (two-tailed tests).
likelihood of arrest even in relatively minor cases (Sherman 1992).

Overall, the bivariate and multivariate logistic regression results furnish little empirical evidence of systematic racial bias against blacks in the arrest decision for forcible rape, robbery, aggravated assault, and simple assault. These findings suggest some rethinking of traditional held notions about the underlying causes of the elevated arrest rate for blacks. Recall that a central aspect of the differential arrest thesis is that the police are racially biased, and that this bias is a major reason for blacks having a higher arrest rate. The differential arrest hypothesis is simply incapable of handling the disproportionate arresting of white offenders that we show to be associated with the crimes of robbery, aggravated assault, and simple assault. It is also incapable of explaining a lack of a race effect for the crime of forcible rape.

**Conclusion**

Debate persists as to whether the police perform their duties in a racially discriminatory fashion. The most frequently cited evidence for this assertion is the observation that blacks are arrested in numbers far out of proportion to their numbers in the general population. This observation, however, cannot in itself be taken as evidence of racial discrimination, since the elevated arrest rate for blacks may simply reflect their greater involvement in criminal activities. Because our legal system’s claim to legitimacy is especially dependent on the public’s perception of fairness and equity in the decision to arrest, we took a closer look at the evidence bearing on this issue.

Using data from the new NIBRS, we analyzed the effect of an offender’s race, as perceived by the crime victim, on the probability of arrest for 335,619 incidents of forcible rape, robbery, aggravated assault, and simple assault in 17 states during 1999. Contrary to the theoretical arguments of the differential arrest hypothesis, and consistent with the tenets of the differential offending perspective, our analyses show that whites are considerably more likely than blacks to be arrested for robbery, aggravated assault, and simple assault. There are also no glaring differences in the data between white and black offenders regarding their chances of being arrested for forcible rape. This null finding also tends to refute the argument that racial bias in policing is affecting the arrest rate for blacks. Such findings beg the question: How can it be that whites and not blacks are more likely to be arrested for robbery and for assault, when many individuals who write about the criminal justice system assume precisely the opposite?

One likely explanation for our findings relates to black citizens’ distrust of the police. In police work there are two basic ways that an individual is initially linked with the commission of a crime: (1) the police officer can observe the criminal offense and (2) a citizen can give testimony against the individual. In most cases, however, the police officer usually arrives too late to witness the criminal offense. Accordingly, the police are often forced to rely on the testimony of witnesses to gather the necessary evidence to effectuate an arrest. Our finding that whites are more likely to be arrested than blacks should be understood in this context. It is well known that blacks distrust the police more than whites (Sherman 2002). For example, a recent national Gallup Poll showed that 36% of black citizens, as compared to 13% of white citizens, have an unfavorable opinion of the local police (Gallup & Gallup 1999). Although speculative, this interpretation most likely explains our findings. Only future research designed to test this hypothesis can ascertain whether it is more than merely plausible and whether it actually produces the patterns we observe in this study.

Although our analyses present empirical evidence that whites generally have a higher expectation of arrest, our findings should be qualified by the fact that we analyze only certain types of crimes and cannot definitively say what the effects of an offender’s race might be for other offenses. Our analyses are limited to rape, robbery, and assault because it is in these types of crimes that the victim is confronted by the offender and hence is able to infer his or her physical characteristics. Further insight into the nature and strength of the underlying structural relationship
between race and the probability of arrest for other crimes such as drug or property offenses must await the development of richer data sets. Contextual analyses are also needed because it is plausible that the impact of an offender’s race on the likelihood of arrest varies across social contexts. It is often argued that the amount of social control experienced by blacks in society is greatest in areas where the size of the black population presents a serious challenge to the political and economic power of whites (Jacobs & Wood 1999). On the basis of this research, we believe that future investigations should concentrate on multilevel studies in which police actions are nested within differing social contexts.

Finally, our findings do not negate the possibility that some individual police officers discriminate against black citizens. What the present analysis does show is that regardless of whatever discrimination is present at the arrest stage, the outcome is generally a lower chance of arrest for blacks than for whites. If there is discrimination against blacks by some police officers, then, given the observed net result, it appears that there must also be some compensating effect. It is also important to consider that although we find no evidence of racial discrimination, such discrimination may manifest itself at later stages in the legal process.

A paramount concern about racial discrimination in the administration of justice relates to the unequal treatment of similarly situated individuals by law enforcement officials. Our findings have profound implications since they bear directly on the current debate as to whether the police perform their duties in a racially discriminatory fashion. The results of this study suggest that the disproportionately high arrest rate for black citizens is most likely ascribable to differential criminal participation in reported crime rather than to racially biased law enforcement practices. The new data presented here also suggest some caution in the pervasive practice of employing race-specific arrest rates as a surrogate measure of race-specific criminal offending, at least for the crimes of robbery, aggravated assault, and simple assault.

References


**DISCUSSION QUESTIONS**

1. How is the NIBRS by itself better than a UCR/NCVS comparison in answering questions such as these?

2. Why do we continue to hear charges of discriminatory arrests of minorities when the variety of data source comparisons mentioned here do not support the contention?

3. What is your explanation for the greater probability of arrest for white offenders?
Methamphetamine Use, Self-Reported Violent Crime, and Recidivism Among Offenders in California Who Abuse Substances

Jerome Cartier, David Farabee, and Michael L. Prendergast

The study by Jerome Cartier, David Farabee, and Michael L. Prendergast illustrates the use of self-report data by criminologists. Their study uses data from 641 state prison parolees in California to examine the associations between methamphetamine use and three measures of criminal behavior: (a) self-reported violent criminal behavior, (b) return to prison for a violent offense, and (c) return to prison for any reason during the first 12 months of parole. Methamphetamine use was significantly predictive of self-reported violent criminal behavior and general recidivism (i.e., a return to custody for any reason). However, methamphetamine use was not significantly predictive of being returned to custody for a violent offense. These trends remained even after controlling for involvement in the drug trade (i.e., sales, distribution, or manufacturing).

Methamphetamine (MA), also known as “speed,” “meth,” “ice,” “crystal,” and “crank,” is a highly addictive (Schedule II) stimulant that acts on the central nervous system. Unlike other stimulants, such as cocaine, MA is metabolized at a slower rate, thus producing a sustained euphoric state for up to 8 hours (Anglin et al., 2000). Preliminary data from the Arrestee Drug Abuse Monitoring (ADAM) report for the year 2000 indicate that MA use among adult male arrestees is most prevalent in the western states, with the highest rates reported in three California cities: Sacramento (27%), San Diego (25%), and San Jose (22%; National Institute of Justice [NIJ], 2001).

Although researchers have hypothesized that causal relationships exist between MA use and violence, previous studies are ambiguous in demonstrating a significant association between the two. One of the barriers to measuring this association is the dichotomous separation of alcohol and “other” drugs when discussing links to violent behavior. A substantial literature demonstrates a significant correlation between alcohol and violence (e.g., Martin, 2001), and a growing body of literature suggests a strong correlation between drug misuse and violent crime (Grann & Fazel, 2004), as well as recidivism (Bonta, Law, & Hanson, 1998). Even so, these researchers do not distinguish between the types of other drugs that would make an assessment of the relationship between a specific drug and violence possible. However, because of the increased prevalence of MA use in the past decade many researchers are now beginning to focus on the specific relationship between MA use and subsequent human behavior.

Although the findings are inconclusive, clinical studies indicate that stimulants, including MA, may increase the likelihood of attack behaviors...

and aggression in humans (Pihl & Hoaken, 1997). Other, nonclinical researchers have warned that public safety may be threatened by high-level MA users whose irritability and paranoia may initiate a violent reaction when brought into contact with others, especially medical or law enforcement personnel. This is supported by a Japanese study (Yui et al., 2000) that demonstrated that even mild psychosocial stressors could initiate flashbacks to MA-induced psychosis in MA users even during periods of nonuse.

In a study of MA users admitted to treatment in Los Angeles, nearly two-thirds of the participants cited violent behavior as an outcome of their usage (von Mayrhauser, Brecht, & Anglin, 2002). Wright and Klee (2001) found that 47% of their participants who used MA reported being involved in violent crime, and 24% reporting that their involvement in violent crime was a direct result of their MA use. Another study, specific to MA use in five western cities, found that one third of arrestees using MA cited violent behavior as a consequence of their use. Moreover, arrestees using MA were more likely to have been arrested and incarcerated previously than their peers who did not use MA (Pennell et al., 1999).

Violent criminal behavior has also been associated with the manufacture, sales, and distribution of illicit drugs. Goldstein (1998) referred to this as the systemic model of drug-related violence and associated the high level of violence with the need to protect manufacturing sites, distribution operations, and trafficking territories in a black-market business environment. Methamphetamine production and trafficking have been demonstrated to be strongly associated with violent behavior and have forced local law enforcement agencies in those California counties with high levels of MA production to establish task forces specifically trained to interdict the production and distribution of the drug and cope with the associated violence (Blankstein & Haynes, 2001).

Because the prevalence of MA use remains substantially higher in California than in any other state—particularly among offenders—an opportunity exists to assess the specific relationships between MA use, violence, and recidivism among a sample of parolees who abused substances. The purpose of the current study was to test the hypothesis that, even after controlling for involvement in the drug trade (sales, distribution, or manufacture), MA use would be predictive of violent crime and recidivism in a population of adult male parolees during the 12-month period following release from prison.

Method Sample

The data for the current study were obtained from interviews conducted with 641 (321 treatment, 320 comparison) of the participants 12 months after their release to parole from baseline incarceration.

The interviews used for baseline and follow-up were modified versions of criminal justice treatment evaluations forms developed by researchers at Texas Christian University (Simpson & Knight, 1998). Current MA users were those who reported any MA use during the 30 days prior to the 12-month follow-up interview. This measure used a 9-point scale ranging from 0 (no use) to 9 (use of methamphetamine 4 or more times daily). The frequency of violent crime was based on the number of days a participant reported having committed robbery (e.g., armed robbery, mugging) or violence against other persons (e.g., homicide, aggravated assault, kidnapping, domestic violence, etc.) during the 30 days prior to the follow-up interview. Drug trade involvement was also determined by self-report and included sales, distribution, or manufacturing of drugs during the 30 days prior to the follow-up interview. Although not without controversy, the use of self-reported drug use and criminal behavior has substantial support in the literature (Nieves, Draine, & Solomon, 2000; Tran-Ha, Wiley, & Des Jarlais, 1998).

One-year recidivism outcomes in the current study were based on official records from the California Department of Corrections (CDC) records. General recidivism was defined as being returned to prison for any reason (including technical violations of parole conditions). Parolees were categorized as having been returned to custody for a violent crime if they had a conviction
of any of 44 penal code offenses comprising four categories of violent crime: murder, manslaughter, robbery, or assault.

**Results**

Nearly 20% of the participants reported MA use in the 30 days prior to the interview. Those reporting MA use were significantly younger than the nonusers. Moreover, the majority (63.8%) of the sample that used MA was white. Although African Americans constituted almost 42% of the entire follow-up cohort, they were only 6% of those reporting any MA use. With regard to recidivism, those who used MA (81.6%) were significantly more likely than those who did not use MA (53.9%) to have been returned to custody for any reason or to report committing any violent acts in the 30 days prior to the follow-up interview (23.6% vs. 6.8%, respectively). However, the two groups did not differ in the likelihood of being returned to prison for a violent offense.

Self-reported frequency of violent activities during the past 30 days was significantly associated with younger age and Hispanic ethnicity (relative to white non-Hispanic). MA use over the past 30 days was significantly related to the frequency of self-reported violent activities. Likewise, involvement in the drug trade also has a significant, positive relationship to violence.

Table 2.6 shows the results of two logistic regressions predicting the likelihood of being returned to prison for any reason within 12 months after release. We see that after controlling for background covariates, MA use is a strong predictor of general 12-month recidivism. In Model 3, MA use is associated with a 30% increase in the likelihood of being returned to custody within 12 months of release; the drug trade variable in Model 4 appears to account for only a small amount of the maximum likelihood estimate attributed to MA use in Model 3.

Table 2.7 shows the results of two logistic regression models predicting 12-month return to custody for a violent offense. Recidivism for violence was associated with younger age. However, none of the other background variables was statistically significant. Moreover, MA use was not related to the likelihood of being returned for a violent offense. Although involvement in the drug trade is predicative of self-reported violent crime and return to custody for any reason, it is not predictive of return to custody for a violent offense.

<table>
<thead>
<tr>
<th>Predictor</th>
<th>Model 3</th>
<th>Model 4</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>OR</td>
<td>95% CI</td>
</tr>
<tr>
<td>Age</td>
<td>.99</td>
<td>.97, 1.00</td>
</tr>
<tr>
<td>African American</td>
<td>1.72*</td>
<td>1.17, 2.52</td>
</tr>
<tr>
<td>Hispanic</td>
<td>1.08</td>
<td>.67, 1.73</td>
</tr>
<tr>
<td>High school degree</td>
<td>.84</td>
<td>.60, 1.18</td>
</tr>
<tr>
<td>Full-time employment</td>
<td>.76</td>
<td>.54, 1.07</td>
</tr>
<tr>
<td>Married</td>
<td>1.15</td>
<td>.71, 1.87</td>
</tr>
<tr>
<td>Methamphetamine use (Past 30 days)</td>
<td>1.30*</td>
<td>1.18, 1.43</td>
</tr>
<tr>
<td>Drug sales (Past 30 days)</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Model $\chi^2$</td>
<td>38.82**</td>
<td>45.95**</td>
</tr>
</tbody>
</table>

**Note:** OR = odds ratio; CI = confidence interval.

*p < .05; **p < .001.
Table 2.7 | Odds Ratios Predicting 12-Month Return to Custody for a Violent Offense (N = 445)

<table>
<thead>
<tr>
<th>Predictor</th>
<th>Model 5</th>
<th></th>
<th>Model 6</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>OR</td>
<td>95% CI</td>
<td>OR</td>
<td>95% CI</td>
</tr>
<tr>
<td>Age</td>
<td>.94*</td>
<td>.91, .97</td>
<td>.94*</td>
<td>.91, .97</td>
</tr>
<tr>
<td>African American</td>
<td>1.11</td>
<td>.63, 1.93</td>
<td>1.21</td>
<td>.68, 2.14</td>
</tr>
<tr>
<td>Hispanic</td>
<td>.75</td>
<td>.37, 1.50</td>
<td>.76</td>
<td>.39, 1.55</td>
</tr>
<tr>
<td>High school degree</td>
<td>1.11</td>
<td>.68, 1.81</td>
<td>1.12</td>
<td>.68, 1.83</td>
</tr>
<tr>
<td>Full-time employment</td>
<td>.98</td>
<td>.60, 1.60</td>
<td>.97</td>
<td>.59, 1.58</td>
</tr>
<tr>
<td>Married</td>
<td>1.15</td>
<td>.58, 2.26</td>
<td>1.16</td>
<td>.59, 2.30</td>
</tr>
<tr>
<td>Methamphetamine use (Past 30 days)</td>
<td>.98</td>
<td>.86, 1.10</td>
<td>1.0</td>
<td>.90, 1.12</td>
</tr>
<tr>
<td>Drug sales (Past 30 days)</td>
<td>—</td>
<td></td>
<td>.98</td>
<td>.94, 1.01</td>
</tr>
<tr>
<td>Model $\chi^2$</td>
<td>16.6**</td>
<td></td>
<td>18.4**</td>
<td></td>
</tr>
</tbody>
</table>

Note: OR = odds ratio; CI = confidence interval.

*p < .05; **p < .001.

Discussion

The purpose of the current study was to test the hypothesis that, even after controlling for drug trade involvement (i.e., sales, distribution, manufacturing), MA use would be predictive of violent crime and recidivism among adult male parolees during their first 12 months of parole. Methamphetamine use was statistically significant in predicting self-reported violent crime and general recidivism, but not for a return to custody for a violent offense. These findings held even after controlling for background variables (age, ethnicity, education, marital status, and employment), though age and ethnicity were also predictive of outcomes.

While examining the relationship between MA use and involvement in the drug trade, we found that drug trade involvement was statistically significant for self-reported violent crime and general recidivism, but not for a return to custody for a violent offense. However, after controlling for drug trade involvement, MA use was still significantly predictive of self-reported violent crime and general recidivism.

Although MA use demonstrated reliable relationships with self-reported violent crime and general recidivism, it was not predictive of recidivism for a violent offense. This inconsistency may be a methodological artifact. Offenders are not arrested for every crime they commit, and a return to custody occurs when an offender is arrested and convicted for a crime or parole is revoked for technical reasons. In addition, the official charge or instant offense resulting in a return to custody may be the result of plea bargaining and should not be assumed to be a pristine measure of offender criminal behavior.

Although the use of self-report as a measure of violent crime may be a limitation in the current study, evidence exists that the concordance of self-report with actual crime committed is quite high. In a review of recidivism studies by Lagenbucher and Merrill (2001), the majority of these studies demonstrated a high level of agreement between self-report and official records in the measurement of lifetime arrest. Moreover, where discrepancies were evident, the number of self-reported arrests was more likely to be higher than those found in official records. Another
limitation is the absence of arrest records. As previously mentioned, the findings in the current study relied on official return to custody records that contain only the offense for which the parolee was convicted, or pled guilty to, and not the full array of charges that may have been cited at the time of the parolee’s arrest.

We lost 19% of the original cohort to follow-up, which raises the issue of bias in our outcomes. However, an analysis of baseline data and official records shows no significant differences between this subgroup and the larger study group in the basic demographic variables and recidivism rates. Although the lack of data on self-reported MA use and violent crime at follow-up precludes us from describing any correlation between MA use, violence, and recidivism for this subgroup, the fact that both groups were nearly identical suggests that the loss of follow-up data did not bias the results.

Notwithstanding these limitations, we believe these findings, in an environment of increasing levels of MA use and high levels of recidivism (Langan & Levin, 2002), provide impetus for further research into behaviors related to MA use. Furthermore, these findings demonstrate that offenders who use MA may differ significantly from their peers who do not use MA and may require more intensive treatment interventions and parole supervision than other types of offenders who use drugs.

References


DISCUSSION QUESTIONS

1. Does this article increase or decrease your confidence in the validity of self-report data?
2. How is methamphetamine use related to violent behavior?
3. How could the authors have further validated their self-report measures?
“Lisa” is a 30-year-old mother of three children aged 8, 6, and 4. Her husband left her a year ago for another woman and his present whereabouts are unknown. Because Lisa only has a 10th-grade education and because she cannot afford child care costs, she was forced onto the welfare rolls. When Christmas rolled around she had no money to buy her children any presents, so she took a temporary Christmas job at the local Wal-Mart store where she earned $1,200 over a two-month period. Lisa did not report this income to the welfare authorities as required by law; a welfare audit uncovered her crime. The terrified and deeply ashamed Lisa pled guilty to grand theft, which carries a possible sentence of two years in prison, and she was referred to the probation department for a pre-sentence investigation report (PSI) and sentencing recommendation.

“Chris” is a 30-something male with a record of thefts and other crimes committed since he was 10 years old. Chris pled guilty before the same judge on the same day and was likewise referred for a PSI. Chris had stolen money and parts totaling $1,200 from an auto parts store during one of his very brief periods of employment.
These two cases point to a perennial debate among criminal justice scholars, with one side favoring the so-called classical school position and the other favoring the positivist position. Both positions are ultimately about the role of punishment in deterring crime, but the classical position maintains that punishment should fit the crime and nothing else; that is, all people convicted of similar crimes should receive the same punishment regardless of any differences they may have. Both Lisa and Chris freely chose to commit the crime, and the fact that Chris has a record and Lisa does not is irrelevant. The positivist position is that punishment should fit the offender and be appropriate to rehabilitation. Lisa’s and Chris’s crimes were motivated by very different considerations, they are very different people morally, and blindly applying similar punishments to similar crimes without considering the possible consequences is pure folly. Think about these two cases as you read about classical and positivists thought about human nature, punishment, and deterrence.

The Classical School

Modern criminology is the product of two main schools of thought: The classical school originating in the 18th century, and the positivist school originating in the 19th century. You may ask yourselves why a discussion of the “old masters” is necessary; after all, you don’t see such discussions in physics, chemistry, or biology texts. The reason for this is that unlike those disciplines, modern criminology is still confronted by the same problems that confronted its pioneers, specifically the problem of explaining crime and criminality. Thus, their works are of more than passing interest to us.

The father of classical criminology is generally considered to be the Italian nobleman and professor of law, Cesare Bonesana, Marchese di Beccaria. In 1764, Beccaria published what was to become the manifesto for the reform of judicial and penal systems throughout Europe—Dei Delitti e dellea Pene (On Crimes and Punishments) (1764/1963). The book is an impassioned plea to humanize and rationalize the law and to make punishment more just and humane. The treatment of criminals at the time often included torture for all manner of offenses, and judges often levied vicious and arbitrary penalties, with the harshness of punishment often based on the social positions of offenders and victims and on a judge’s penchant for mercy or cruelty. Public punishment was justified as social revenge and as a means of deterring others; the crueler the punishment, the greater its deterrent effect was assumed to be.

Beccaria believed that punishment should be identical for identical crimes, applied without reference to the social status of either the offender or the victim, and should be proportional to the level of damage done to society. Punishment must also be certain and swift to make a lasting impression on the criminal. He also argued for many of the due process rights, such as the right to confront accusers, to be informed of the charges, and to have the benefit of a public trial before an impartial judge as soon as possible after arrest and indictment.

Jeremy Bentham and Human Nature

Perhaps an even more prominent figure of the classical school was British lawyer and philosopher Jeremy Bentham. His major work, Principles of Morals and Legislation (1789/1948), is essentially a philosophy of social control based on the principle of utility,
which prescribed “the greatest happiness for the greatest number.” The principle posits that any human action at all should be judged moral or immoral by its effect on the happiness of the community. Thus, the proper function of the legislature is to promulgate laws aimed at maximizing the pleasure and minimizing the pain of the largest number in society—“the greatest good for the greatest number” (1789/1948, p. 151).

If legislators are to legislate according to the principle of utility, they must understand human motivation, which for Bentham was easily summed up: “Nature has placed mankind under the governance of two sovereign masters, pain and pleasure. It is for them alone to point out what we ought to do, as well as to determine what we shall do” (Bentham, 1789/1948, p. 125). Bentham more fully describes the principle of utility and his understanding of human nature in the piece in this section taken from his Principles.

The classical explanation of criminal behavior and how to prevent it can be derived from the Enlightenment assumption that human nature is hedonistic, rational, and endowed with free will. **Hedonism** is a doctrine whose central tenet is that the achievement of pleasure is the main goal of life. All other life goals are seen only as instrumentally desirable; that is, they are only desirable as means to the end of achieving pleasure or avoiding pain. Thus, hedonism is the greatest single motivator of human action.

**Rational** behavior is behavior that is consistent with logic. People are said to behave rationally when we observe a logical “fit” between the goals they strive for and the means they use to achieve them. The goal of human rationality is self-interest, and self-interest governs our behavior, whether in conforming or deviant directions.

Hedonism and rationality are combined in the concept of the **hedonistic calculus**, a method by which individuals are assumed to logically weigh the anticipated benefits of a given course of action against its possible costs. If the balance of consequences of a contemplated action is thought to enhance pleasure and/or minimize pain, then individuals will pursue it; if not, they will not.

**Free will** enables human beings to purposely and deliberately choose to follow a calculated course of action. If people seek to increase their pleasures illegally, they do so freely and with full knowledge of the wrongness of their acts, and thus society has a perfectly legitimate right to punish those who harm it.

It follows from these assumptions about human nature that if crime is to be deterred, punishment (pain) must exceed the pleasures gained from crime. Criminals will weigh the costs against the benefits of crime and desist if, on balance, the costs exceed the benefits. Estimations of the value of pleasures and pains are to be considered with reference to four circumstances: intensity (severity), duration, certainty, and propinquity (how soon after the crime pleasure or pain is forthcoming; Bentham, 1789/1948, p. 151).
The Rise of Positivism?

The explosion of technology and scientific knowledge in the 19th century led scholars to move away from classical assumptions and toward a more scientific view of human behavior. The increasingly popular view among criminologists of this period was that crime resulted from internal and/or external forces impinging on individuals, biasing or even completely determining their behavior. This position became known as determinism, and its adherents were known as positivists.

Positivism is simply the scientific method from which more positive knowledge can be obtained. Positivists insisted on divorcing science from metaphysics and morals and on looking only at what is, not what ought to be. The Enlightenment’s flattering image of human beings gave way to the evolutionary view that we are different only in degree from other animal forms, and that science could explain human behavior just as it could explain events in the nonhuman world. Positivist criminologists were more concerned with discovering biological, psychological, or social determinants of criminal behavior than with the classical concerns of legal and penal reforms.

Cartographic Criminology

Some of the earliest positivist attempts to leave the armchair and collect facts about crime in order to understand it were cartographers: scholars who employ maps and other geographic information in their research. Rather than asking why individuals commit crimes, cartographic criminologists are more interested in where and when criminal behavior is most prevalent. The two most important cartographic criminologists were Andre-Michel Guerry and Lambert-Adolphe-Jacques Quetelet. Quetelet compared crime rates in France across ages, sexes, and seasons and saw the same reflections in his data that we see today in the American data: Young males living in poor neighborhoods commit the most crime. He thought sociologically about crime before the discipline officially existed, writing that “society prepares the crime and the guilty is only the instrument by which it is accomplished” (in Vold & Bernard, 1986, p. 132).

This cartographic method crossed the English Channel to influence British researchers Henry Mayhew and Joseph Fletcher. Using British crime data from the 1830s to 1840s, both men independently mapped out the concentration of various kinds of criminal activity across England and Wales. They concluded that crime is concentrated in poor neighborhoods undergoing population changes. Many British cities experienced the same demographic changes in the early 1800s that American cities were to experience in the early 1900s. Rural people were flocking into the big cities to obtain work in the new factory system, and in the anonymity of these cities of strangers, social bonds were weakened, morals declined, and crime flourished (Levin & Lindesmith, 1971).

Biological Positivism: Cesare Lombroso and the Born Criminal

Italian army psychiatrist Cesare Lombroso published Criminal Man (1876), the first book devoted solely to the causes of criminality. His basic idea was that many criminals are evolutionary “throwbacks” to an earlier form of life. The term used to describe organisms resembling ancestral prehuman forms of life is atavism. Atavistic criminals could be identified by
a number of measurable physical stigmata, including protruding jaws, drooping eyes, large
ears, twisted and flattish noses, long arms relative to the lower limbs, sloping shoulders, and a
coccyx that resembled “the stump of a tail” (Lombroso-Ferrero, 1911/1972, pp. 10–21).
Lombroso was just one of many who sought to understand behavior with reference to the
principles of evolution as they were understood at the time. If humans were just at one end of
the continuum of animal life, it made sense to many people
that criminals—who acted “beastly” and lacked reasoned
conscience—were biologically inferior beings.

However, data did not support Lombroso’s extreme
views, so he modified his theory to include two other types
in addition to his atavistic type: the insane criminal, and
the criminaloid. Insane criminals bore some stigmata, but
they were not born criminals; rather, they became criminal
as a result of “an alteration of the brain, which completely
upsets their moral nature” (Lombroso-Ferrero, 1911/1972,
p. 74). Among the “insane” criminals were kleptomaniacs,
nymphomaniacs, and child molesters. Criminaloids had
none of the physical peculiarities of the born or insane
criminal. They were further categorized as habitual crimi-
nals, who became so by contact with other criminals, the
abuse of alcohol, or other “distressing circumstances”;
juridical criminals, who fall afoul of the law by accident; and
the criminal by passion, hot-headed and impulsive persons
who commit violent acts when provoked.

Raffael Garofalo: Natural Crime and Offender Peculiarities

Lombroso and two of his Italian contemporaries, Raffael Garofalo and Enrico Ferri,
founded what became known as the Italian school of criminology. Garofalo (1885/1968) is
perhaps best known for his efforts to formulate a “natural” definition of crime, wanting to
anchor it in human nature. Garofalo believed that an act would be considered a crime if it was
universally condemned, and it would be universally condemned if it offended the natural
altruistic sentiments of probity (integrity, honesty) and pity (compassion, sympathy). Natural
crimes are evil in themselves (mala in se), whereas other kinds of crimes (mala prohibita) are
wrong only because they have been made wrong by the law.

Garofalo rejected the classical principle that punishment should fit the crime, arguing
instead that it should fit the criminal, with the only question to be considered at sentencing
being the danger the offender posed to society, as judged by his or her peculiarities.
Peculiarities are characteristics that place offenders at risk for further criminal behavior. There
were four such categories, each meriting different forms of punishment: extreme, impulsive,
professional, and endemic. Society could only be defended from extreme criminals by swiftly
executing them, regardless of the crime for which they were being punished. Impulsive crim-
inals (alcoholics and the insane) were to be imprisoned. Professional criminals are normal
individuals who choose to commit their crimes, and thus require “elimination,” either by life
imprisonment or transportation to a penal colony. Endemic crimes (crimes peculiar to a given
region and mala prohibita crimes) could best be controlled by changes in the law.
Enrico Ferri and Social Defense

Enrico Ferri believed that moral insensitivity underscored by low intelligence were the criminal’s most marked characteristics: The criminal has “defective resistance to criminal tendencies and temptations, due to that ill-balanced impulsiveness which characterizes children and savages” (Ferri, 1897/1917, p. 11). Given this conception of criminals, his only rationale for punishment was social defense. This theory of punishment asserts that its purpose is not to deter or to rehabilitate but to defend society from criminal predation. Ferri reasoned that if criminals were not capable of basing their behavior on rational calculus, how could they be deterred? Rather, criminals must be locked up for as long as possible so that they no longer pose a threat to society.

Neoclassicism: Rational Choice Theory

A combination of high crime rates, the failure of existing criminological theories to adequately account for crime, and the emergence of more conservative attitudes in the country in the 1980s saw a swing away from the ideals of the positivist school back to the classical notion that offenders are free actors responsible for their own actions. Neoclassical criminologists are “soft determinists” because while they believe that criminal behavior is ultimately a choice, the choice is made in the context of personal and situational constraints and the availability of opportunities. In other words, rational choice theorists substitute the extremes of the classical free will concept (our actions are free of any causal chains, i.e., undetermined) for that of human agency. Human agency is a concept that maintains humans have the capacity to make choices and the moral responsibility to make moral choices regardless of the internal or external constraints on one’s ability to do so. According to rational choice theory, rationality is the quality of thinking and behaving in accordance with logic and reason, such that one’s reality is an ordered and intelligible system.

Rational choice theorists view rationality as a logical correspondence between the goals we have and the means we use to obtain them. This does not mean that they view people as walking calculating machines, or that they are even concerned about just how people actually go about their calculations. Rationality is both subjective and bounded, and unwanted outcomes can be produced by rational strategies (Boudon, 2003). We do not all make the same calculations or arrive at the same plan when pursuing the same goals, for we contemplate our anticipated actions with less than perfect knowledge, with different mind-sets, and with different reasoning abilities. Our emotions (guilt, shame, anxiety, etc.) also function to keep our temptations in check by “overriding” purely rational calculations of immediate gain (Mealey, 1995). We do the best we can to order our decisions relating to our self-interest with the knowledge and understanding we have about the possible outcomes of a particular course of action. All people have mental models of the world and behave rationally with respect to them, even if others might consider our behavior to be irrational. Criminals behave rationally from their private models of reality, but their rationality is constrained, as is everyone’s, by ability, knowledge, emotional input, and time (Cornish & Clarke, 1986).

Rational choice theorists thus view crime in terms of Bentham’s principle of maximizing pleasure and minimizing pain. People are conscious actors with the capacity to choose between alternative behaviors. They will choose crime if they perceive that its pleasures exceed the pains they might conceivably expect if discovered. The theory does not assume that we are
all equally at risk to commit criminal acts, or that we do or do not commit crimes simply because we do or do not “want to.” However, while the theory recognizes that factors such as temperament, intelligence, class, family structure, and neighborhood impact our choices (Clarke & Cornish, 1985, p. 168), it largely ignores these factors in favor of concentrating on the conscious thought processes involved in making decisions to offend.

Rather than focusing on the criminal, rational choice theory simply assumes a criminally motivated offender and focuses on the process of the choice to offend. This process is known as choice structuring, and is defined as “the constellation of opportunities, costs, and benefits attaching to particular kinds of crime” (Cornish & Clarke, 1987, p. 933). Thus, criminal events require motivated offenders meeting situations that they perceive as an opportunity to acquire something they want. Each event is the result of a series of choice-structuring decisions to initiate the event, continue, or desist, and each particular kind of crime is the result of a series of different decisions that can only be explained on their own terms: The decision to rape is arrived at quite differently than the decision to burglarize.

**Routine Activities Theory**

Lawrence Cohen and Marcus Felson (1979) have devised a neoclassical theory in the tradition of rational choice theory that may explain high crime rates in different societies and neighborhoods without invoking individual differences, but simply by pointing to the routine activities in that society or neighborhood. Routine activities are defined as “recurring and prevalent activities which provide for basic population and individual needs” (Cohen & Felson, 1979, p. 593). In other words, they are the day-to-day activities characterizing a particular community. In disorganized communities, the routine activities are such that they practically invite crime.

According to Cohen and Felson (1979), crime is the result of (a) motivated offenders meeting (b) suitable targets that lack (c) capable guardians. If any one of these three elements is missing, crime is not likely to occur. Cohen and Felson take motivated offenders for granted and do not attempt to explain their existence. The theory is thus very much like rational choice theory in that it describes situations in which criminal victimization is likely to occur. In poor, disorganized communities, there is never a shortage of motivated offenders, and although the pickings are generally slim in such areas, victimization is more prevalent in them than in more affluent areas (Catalano, 2005). One of the obvious reasons for high victimization rates in poor, disorganized areas (besides the abundance of motivated offenders) is that they tend to lack capable guardians for either persons or property.

**Routine activities theory** looks at crime from the points of view of both the offender and crime prevention. A crime will only be committed when a motivated offender believes that he or she has found something worth stealing or someone to victimize who lacks a capable guardian. A capable guardian is a person or thing that discourages the motivated offender from committing the act. It can be the presence of a person, police patrols, strong security protection, neighborhood vigilance, or whatever. Because of disrupted families, transient neighbors, poverty, and all the other negative aspects of disorganized neighborhoods, except for police patrols, capable guardians are in short supply. Crime is a “situation,” and crime rates can go up or down depending on how these situations (routine activities) change without any changes at all in offender motivation. Recurring situations conducive to acquiring resources with minimal effort may also tempt more individuals to take advantage of them.
Deterrence and Choice: Pain Versus Gain

That people respond to incentives and are deterred by the threat of punishment is the philosophical foundation behind all systems of criminal law. Rational choice theory evolved out of deterrence theory, which can be encapsulated by the principle of operant psychology that states that behavior is governed by its consequences. A positive consequence of crime for criminals is that it affords them something they want for little effort; a negative consequence is the possible punishment attached to their crimes.

Deterrence is the prevention of criminal acts by the use or threat of punishment and may be either specific or general. Specific deterrence refers to the effect of punishment on the future behavior of the person who experiences the punishment. For specific deterrence to work, a previously punished person must make a mental connection between an intended criminal act and the punitive consequences suffered as a result of similar acts committed in the past. Unfortunately, such connections, if made, rarely have the socially desired effect, either because memories of the previous consequences were insufficiently emotionally strong or the offender discounted them.

Committing another crime after previously being punished for one is called recidivism (“falling back” into criminal behavior). Recidivism is a lot more common among ex-convicts than repentance and rehabilitation. Nationwide, about 33% of released inmates recidivate within the first six months, 44% within the first year, 54% by the second year, and 67.5% by the third year (Robinson, 2005, p. 222). These are just the ones who are caught, so we can safely say that there is very little specific deterrent effect.

The effect of punishment on future behavior also depends on the contrast effect, which is the distinction between the circumstances of punishment and the usual life experience of the person being punished. The prospect of incarceration is a nightmarish contrast for those who enjoy a loving family and a valued career. The mere prospect of experiencing the embarrassment of public disgrace threatening families and careers is a strong deterrent. For those lacking these things, punishment has little effect because the contrast between the punishment and their normal lives is minimal. Specific deterrence thus works least for those who need deterrence the most.

General deterrence refers to the preventive effect of the threat of punishment on the general population; it is thus aimed at potential offenders. The existence of a system of punishment for law violators deters a large but unknown number of individuals who might commit crimes if no such system existed. Reviews of deterrence research indicate that legal sanctions do have “substantial deterrent effect” (Nagin, 1998, p. 16). Punishment has a greater deterrent effect for instrumental crimes (crimes that bring material rewards) than for expressive crimes (crimes that bring psychological rewards) the more certain it is, and the more swiftly it is applied, but as we have seen, there is little evidence that increasing the severity of sanction (in the form of sentence length) has any effect (McCarthy, 2002). These findings underscore the classical notions that individuals do (subconsciously at least) calculate the ratio of expected pleasures to possible pains when contemplating a course of action.

In their article in this section, Dutch criminologists Willem De Haan and Jaco Vos find the assumption of rational (reasoning) criminals to be a mistaken one. Based on their interviews with a number of street robbers, they conclude that the affective (emotional) aspects of criminal behavior are more important than the rational aspects in motivating
offending behavior. They explore impulsiveness, self-expression, moral ambiguity, and shame in the accounts of the crimes and lives of their interviewees. They conclude that rather than simply arguing that robbers rob “to get money,” we need to understand the meanings that criminals attribute to their behavior before and after they have committed their crimes.

In his article “The Economics of Crime,” Nobel prize-winning economist Gary Becker, on the other hand, is more interested in the practical aspects of rationality rather than philosophizing about the relative merits of rationality and emotion in motivating behavior. Becker insists that people are rational insofar as reasoning is engaged to make choices about offending. Offenders and potential offenders are aware (more so that the average person, says Becker) of the relative probabilities attached to criminal activity. Policymakers cannot do anything about the varying ratios of rational and emotional factors motivating or inhibiting offenders, but they can increase the probability of punishment so that the deck can be stacked more favorably toward inhibiting the antisocial impulse. Becker knows that people are not calculating machines, but he also says that people are aware of the shifting probabilities of punishment and act accordingly.

Table 3.1 summarizes major differences between the classical and positivist schools.

| **Table 3.1** Summary and Comparisons of the Classical and Positivist Schools |
|---------------------------------|---------------------------------|---------------------------------|---------------------------------|
| **Historical period**           | Classical                       | Positivist                      |
| 18th-century Enlightenment, early period of Industrial Revolution | 19th-century Age of Reason, Mid-Industrial Revolution |
| **Leading figures**             | Cesare Beccaria, Jeremy Bentham | Cesare Lombroso, Raffael Garofalo, Enrico Ferri |
| **Purpose of school**           | To reform and humanize the legal and penal systems | To apply the scientific method to the study of crime and criminality |
| **Image of human nature**       | Humans are hedonistic, rational, and have free will. Our behavior is motivated by maximizing pleasure and minimizing pain. | Human behavior is determined by psychological, biological, or social forces that constrain our rationality and free will. |
| **Image of criminals**          | Criminals are essentially the same as noncriminals. They commit crimes after calculating costs and benefits. | Criminals are different from noncriminals. They commit crimes because they are inferior in some way. |
| **Definition of crime**         | Strictly legal; crime is whatever the law says it is. | Based on universal human abhorrence; crime should be limited to inherently evil (mala in se) acts. |
| **Purpose of punishment**       | To deter. Punishment is to be applied equally to all offenders committing the same crime. Judicial discretion to be limited. | Social defense. Punishment to be applied differently to different offenders based on relevant differences and should be rehabilitative. |
Evaluation of Neoclassical Theories

Critics of neoclassical theories complain about the overemphasis on the rationality of human beings and criticize the theories for ignoring the social conditions that may make it rational for some to engage in crime (Curran & Renzetti, 2001, p. 21). We do need to understand what turns some people into “motivated offenders,” that is, what it is that makes some of us willing to expend one resource (our potential loss of freedom) to attain another (the fruits of crime). Many of us don’t spend our resources all that wisely because of a tendency to favor immediate gain over long-term consequences, and we would like to know why some of us more strongly favor immediate gain than others.

In response, neoclassical theorists might insist that they do not assume a model of “pure” rationality; rather, they assume a limited rationality constrained by ability, knowledge, and time (Cornish & Clarke, 1986, p. 1). These theories do not claim to explore the role of outside forces in producing criminals, but rather they explore criminal events with the purpose of trying to prevent them. They seek to deny the motivated offender the opportunity to commit a crime by target hardening. Additionally, the notion that individuals are responsible for their own actions meshes well with American values. If this assumption “grants society permission” (Williams & McShane, 2004, p. 242) to punish criminals who make purposeful decisions to flout the law, then so be it, for the act of punishment presupposes free human beings and thus dignifies them.

Policy and Prevention: Implications of Neoclassical Theories

If you were the kind of motivated rational criminal assumed by neoclassical theorists, what sorts of questions would you ask yourself at the potential crime site before you made your decision to commit the crime or not? We bet that among them would be “Is there a quick way out of the area after the job is done?” “How vulnerable are the targets (is the car unlocked, is the door open, is the girl alone)?” “What are my chances of being seen by people in the area?” “If people in this area do see me, do they look likely to do something about it?” The policy implications of neoclassical theories boil down to trying to arrange things to make criminals’ choice structuring as difficult as possible, such that criminals will dissuade themselves from committing crimes.

Rational choice and routine activities theories thus shift the policy focus from large and costly social programs, such as antipoverty programs, to target hardening. They shift attention away from policies designed to change offenders’ attitudes and behavior toward making it more difficult and more costly for them to offend. Examples of target hardening include antitheft devices on automobiles, the use of vandal-resistant materials on public property, improved city lighting, surveillance cameras in stores and at public gathering places, check guarantee cards, banning the sale of alcohol at sporting events, neighborhood watches, and curfews for teenagers.

Environmental design is primarily concerned with defensible space, defined as “a model for residential environments which inhibit crime by creating the physical expression of a social fabric that defends itself” (Newman, 1972, p. 3). It endeavors to bring people together into a tribe-like sense of community by designing the physical environment so as to awaken the human sense of territoriality. The best possible physical environment for the growth of crime is the large barracks-like blocks of apartments with few entrances, few private spaces, and few demarcation barriers that say, “This space is mine.” Families must be given back a sense of
ownership, for if everything is “owned” in common (elevators, walkways and staircases, balconies, grass and shrubberies), then no one takes care of it and it deteriorates rapidly. Streets must be blocked off, both to generate a sense of belonging to “my special little neighborhood” and so that criminals cannot easily access or escape them.

**Summary**

- The classical school of criminology began during the Enlightenment with the work of Cesare Beccaria, whose aim was to reform an arbitrary and cruel system of criminal justice.

- Jeremy Bentham, best known for his concept of the hedonistic calculus, was another leading figure. The hedonistic calculus summarized the classical notion of human nature as hedonistic, rational, and possessing free will.

- The positivist school aimed at substituting the methods of science for the armchair philosophizing of the classicists; i.e., they sought measurable causes of behavior.

- The cartographic criminologists such as Geurry, Quetelet, Mayhew, and Fletcher were among the first positivists. These scholars studied maps and statistics to pinpoint where and when crime was most likely to occur.

- Cesare Lombroso is widely considered the father of criminology. His work was much influenced by evolutionary thought as he understood it. Lombroso saw criminals as atavistic “throwbacks” to an earlier evolutionary period who could be identified by a number of bodily stigmata.

- Other early positivists included Raffael Garofalo and Enrico Ferri. Garofalo was interested in developing a “natural” definition of crime and in generating categories of criminals for the purpose of determining what should be done with them. Ferri was instrumental in formulating the concept of social defense as the only justification for punishment.

- Neoclassical theories reemerged in the form of rational choice and routine activities theories in the 1970s. These theories assume that humans are rational and self-seeking, although rationality is bounded by knowledge levels and thinking abilities. They downplay personal and background factors that influence choices in favor of analyzing the processes leading to offenders’ choices to offend.

- Routine activities theory looks at a criminal event as a motivated offender meeting a suitable target lacking a capable guardian. These ideas show how crime rates can go up or down, without a change in the prevalence of motivated offenders, by increasing or decreasing suitable targets and capable guardians.

**EXERCISES AND DISCUSSION QUESTIONS**

1. If humans are primarily motivated by the hedonistic calculus, is simple deterrence the answer to the crime problem?

2. What advantages (or disadvantages) does positivism offer us over classicism?
3. Is Ferri’s social defense rationale for punishment preferable to one emphasizing rehabilitation of offenders?

4. Use any search engine and type in “Beccaria preventing crime.” How do Beccaria’s ideas compare with those of the positivists for preventing crime? What is Beccaria’s idea of “real crime,” and how does it compare with Garofalo’s?

**USEFUL WEB SITES**


**CHAPTER GLOSSARY**

Atavism: Cesare Lombroso’s term for his “born criminals,” meaning that they are evolutionary “throwbacks” to an earlier form of life.

Cartographic criminologists: Criminologists who employ maps and other geographic information in their research to study where and when crime is most prevalent.

Choice structuring: A concept in rational choice theory referring to how people decide to offend, and defined as “the constellation of opportunities, costs, and benefits attaching to particular kinds of crime.”

Classical school: The classical school of criminology was a non-empirical mode of inquiry similar to the philosophy practiced by the classical Greek philosophers.

Contrast effect: The effect of punishment on future behavior depends on how much the punishment and the usual life experience of the person being punished differ or contrast.

Criminaloid: One of Lombroso’s criminal types. They had none of the physical peculiarities of the born or insane criminal and were considered less dangerous.

Defensible space: A model for residential environments which inhibit crime by creating the physical expression of a social fabric that defends itself.

Deterrence: The prevention of criminal acts by the use or threat of punishment; deterrence may be either specific or general.
Free will: That which enables human beings to purposely and deliberately choose to follow a calculated course of action.

General deterrence: The assumed preventive effect of the threat of punishment on the general population; i.e., potential offenders.

Hedonism: A doctrine assuming that the achievement of pleasure or happiness is the main goal of life.

Hedonistic calculus: Combining hedonism and rationality to logically weigh the anticipated benefits of a given course of action against its possible costs.

Human agency: A concept that maintains humans have the capacity to make choices and the moral responsibility to make moral ones regardless of the internal or external constraints on one’s ability to do so.

Insane criminal: One of Lombroso’s criminal types. Insane criminals bore some stigmata but were not born criminals. Among their ranks were alcoholics, kleptomaniacs, nymphomaniacs, and child molesters.

Positivism: An extension of the scientific method—from which more positive knowledge can be obtained—to social life.

Principle of utility: A principle that posits that any human action at all should be judged moral or immoral by its effect on the happiness of the community.

Rational: Rational behavior is behavior consistent with logic, a logical “fit” between the goals people strive for and the means they use to achieve them.

Rational choice theory: A neoclassical theory asserting that offenders are free actors responsible for their own actions. Rational choice theorists view criminal acts as specific examples of the general principle that all human behavior reflects the rational pursuit of benefits and advantages. People are conscious social actors free to choose crime, and they will do so if they perceive that its utility exceeds the pains they might conceivably expect if discovered.

Routine activities theory: A neoclassical theory pointing to the routine activities in a society or neighborhood that invite or prevent crime. Routine activities are defined as “recurrent and prevalent activities which provide for basic population and individual needs.” Crime is the result of (a) motivated offenders meeting (b) suitable targets that lack (c) capable guardians.

Social defense: A theory of punishment promulgated by the Italian School of criminology asserting that its purpose is not to deter or to rehabilitate but to defend society against criminals.

Specific deterrence: The effect of punishment on the future behavior of the person who experiences the punishment.
An Introduction to the Principles of Morals and Legislation

Jeremy Bentham

This excerpt from Jeremy Bentham’s 1789 book, An Introduction to the Principles of Morals and Legislation, lays out some of the classic assumptions of the classical school. Bentham was the most prominent member of this school, and it is to him that we owe the hedonistic (or “felicitous”) calculus concept. People choose their activities according to the calculus of the pleasures they expect to receive and the pains that could be avoided. Note how Bentham qualifies the pleasure/pain motive by reference to such things as intensity, duration, and certainty.

Of the Principle of Utility

Nature has placed mankind under the governance of two sovereign masters, pain and pleasure. It is for them alone to point out what we ought to do, as well as to determine what we shall do. On the one hand the standard of right and wrong, on the other the chain of causes and effects, are fastened to their throne. They govern us in all we do, in all we say, in all we think: every effort we can make to throw off our subjection, will serve but to demonstrate and confirm it. In words a man may pretend to abjure their empire: but in reality he will remain subject to it all the while. The principle of utility recognizes this subjection and assumes it for the foundation of that system, the object of which is to rear the fabric of felicity by the hands of reason and of law. Systems which attempt to question it, deal in sounds instead of sense, in caprice instead of reason, in darkness instead of light.

But enough of metaphor and declamation: it is not by such means that moral science is to be improved.

The principle of utility is the foundation of the present work: it will be proper therefore at the outset to give an explicit and determinate account of what is meant by it. By the principle of utility is meant that principle which approves or disapproves of every action whatsoever, according to the tendency which it appears to have to augment or diminish the happiness of the party whose interest is in question or, what is the same thing in other words, to promote or to oppose that happiness. I say of every action whatsoever; and therefore not only of every action of a private individual, but of every measure of government.

By utility is meant that property in any object, whereby it tends to produce benefit, advantage, pleasure, good or happiness, (all this in the present case comes to the same thing) or (what comes again to the same thing) to prevent the happening of mischief, pain, evil, or unhappiness to the party whose interest is considered: if that party be the community in general, then the happiness of the community: if a particular individual, then the happiness of that individual. . . .

Value of a Lot of Pleasure or Pain, How to Be Measured

Pleasures then, and the avoidance of pains, are the ends which the legislator has in view: it behooves him therefore to understand their value. Pleasures and pains are the instruments he
has to work with: it behooves him therefore to understand their force, which is again, in other words, their value. To a person considered by himself, the value of a pleasure or pain considered by itself, will be greater or less, according to the four following circumstances.

1. Its intensity.
2. Its duration.
3. Its certainty or uncertainty.
4. Its propinquity or remoteness.

These are the circumstances which are to be considered in estimating a pleasure or a pain considered each of them by itself. But when the value of any pleasure or pain is considered for the purpose of estimating the tendency of any act by which it is produced, there are two other circumstances to be taken into the account; these are,

5. Its fecundity, or the chance it has of being followed by sensations of the same kind: that is, pleasures, if it be a pleasure: pains, if it be a pain.
6. Its purity, or the chance it has of not being followed by sensations of the opposite kind: that is, pains, if it be a pleasure: pleasures, if it be a pain.

These two last, however, are in strictness scarcely to be deemed properties of the pleasure or the pain itself; they are not, therefore, in strictness to be taken into the account of the value of that pleasure or that pain. They are in strictness to be deemed properties only of the act, or other event, by which such pleasure or pain has been produced; and accordingly are only to be taken into the account of the tendency of such act or such event.

To a number of persons, with reference to each of whom the value of a pleasure or a pain is considered, it will be greater or less, according to seven circumstances: to wit, the six preceding ones; viz.

1. Its intensity.
2. Its duration.
3. Its certainty or uncertainty.
4. Its propinquity or remoteness.
5. Its fecundity.
6. Its purity.
7. Its extent; that is, the number of persons to whom it extends; or (in other words) who are affected by it.

To take an exact account then of the general tendency of any act, by which the interests of a community are affected, proceed as follows. Begin with any one person of those whose interests seem most immediately to be affected by it: and take an account,

1. Of the value of each distinguishable pleasure which appears to be produced by it in the first instance.
2. Of the value of each pain which appears to be produced by it in the first instance.
3. Of the value of each pleasure which appears to be produced by it after the first. This constitutes the fecundity of the first pleasure and the impurity of the first pain.
4. Of the value of each pain which appears to be produced by it after the first. This constitutes the fecundity of the first pain, and the impurity of the first pleasure.
5. Sum up all the values of all the pleasures on the one side, and those of all the pains on the other. The balance, if it be on the side of pleasure, will give the good tendency of the act upon the whole, with respect to the interests of that individual person; if on the side of pain, the bad tendency of it upon the whole.
6. Take an account of the number of persons whose interests appear to be concerned; and repeat the above process with respect to each. Sum up the numbers expressive of the degrees of good tendency, which the act has, with respect to each individual, in regard to whom the tendency of it is good upon the whole; do this again with respect to each individual, in regard to whom the tendency of it is bad upon the whole. Take the balance; which, if on the side of pleasure, will give the general good tendency of the act, with respect to the total number or community of individuals concerned; if on the side of pain, the general evil tendency, with respect to the same community.

It is not to be expected that this process should be strictly pursued previously to every moral judgment, or to every legislative or judicial operation. It may, however, be always kept in view: and as near as the process actually pursued on these occasions approaches to it, so near will such process approach to the character of an exact one.

The same process is alike applicable to pleasure and pain, in whatever shape they appear: and by whatever denomination they are distinguished: to pleasure, whether it be called good (which is properly the cause or instrument of pleasure) or profit (which is distant pleasure, or the cause or instrument of distant pleasure) or convenience, or advantage, benefit, emolument, happiness, and so forth: to pain, whether it be called evil, (which corresponds to good) or mischief, or inconvenience, or disadvantage, or loss, or unhappiness, and so forth.

Nor is this a novel and unwarranted, any more than it is a useless theory. In all this there is nothing but what the practice of mankind, wheresoever they have a clear view of their own interest, is perfectly conformable to. An article of property, an estate in land, for instance, is valuable, on what account? On account of the pleasures of all kinds which it enables a man to produce, and what comes to the same thing the pains of all kinds which it enables him to avert. But the value of such an article of property is universally understood to rise or fall according to the length or shortness of the time which a man has in it: the certainty or uncertainty of its coming into possession: and the nearness or remoteness of the time at which, if at all, it is to come into possession. As to the intensity of the pleasures which a man may derive from it, this is never thought of, because it depends upon the use which each particular person may come to make of it; which cannot be estimated till the particular pleasures he may come to derive from it, or the particular pains he may come to exclude by means of it, are brought to view. For the same reason, neither does he think of the fecundity or purity of those pleasures.

**DISCUSSION QUESTIONS**

1. If you were Bentham and were asked to devise a correctional system designed to minimize crime, what would you advise legislators to do?

2. Are we motivated at bottom by only pleasure and pain? If not, what else motivates us?

3. Describe what Bentham means by fecundity and purity of pleasure.
A Crying Shame

The Over-Rationalized Conception of Man in the Rational Choice Perspective

Willem de Haan and Jaco Vos

In this article, de Haan and Vos take rational choice theory to task for its over-rational view of human nature. The rational choice perspective explains all forms of crime by viewing offenders as reasoning criminals, and the authors test its heuristic potential by looking at how well it works for one special type of crime, street robbery. On the basis of a detailed analysis of offender accounts, they argue that rational choice theory fails to adequately conceptualize some of the essential aspects of this form of criminal behavior, namely, impulsiveness, expressivity, moral ambiguity, and shame. They conclude that adequate explanations of criminality require taking more seriously the affective aspects of criminal behavior and the normative meanings that perpetrators attribute to their own behavior before, during, and after the crime.

Street robbery tends to be regarded as an “opportunistic” offence. It is viewed as an act of desperation, committed by “desperados” with a chaotic lifestyle, by “muggers” who act spontaneously out of boredom, or by “losers” who “accidentally” get caught in a theft or a break-in and, instantly, decide to rob the person. In the typical case of street robbery, there seems to be no obvious relationship between the means and the goal, like in the extreme example of the case of a woman who was beaten with an iron pipe one evening by two men who tried to rob her and, when they failed to get her handbag, threw both her and the bag into a canal. How can such excessively violent behaviour, which shows a large discrepancy between a small gain for the perpetrator and the serious violation of the personal integrity of the victim, be understood?

In this article, we take one of the most commonly used explanations for criminal behaviour, the rational choice perspective, and confront it with the accounts provided by the street robbers we interviewed and who participated in focus group discussions. In this way, we take the rational choice model to task by trying out its heuristic potential. It is not our intention to test empirically the rational choice theory (RCT) as this is impossible because RCT is not a theory but merely a heuristic model which, by definition, cannot be refuted but only evaluated in terms of its usefulness.

Rational Choice

Rational choice theory has its roots in utilitarian moral philosophy, political and legal theory, and...
economics. Classical sociological theorists like Marx, Durkheim, and Weber argued that the utilitarian view of the rational individual was a fundamentally flawed "fiction" (Marx). “Individuality” as a concept and as a way of existing is a product of the division of labour in society (Durkheim), and all social actions have meaning only within a context of norms and values (Weber). To these social theorists, the social construction of the individual and the problems of meaning and morality were essential to the explanation and understanding of social action.

Rational choice theorists have considered this a fundamental straying and, therefore, claim that a focus on rational choice will offer a proper foundation for social theory and bring sociology back in line with the “hard” sciences of psychology and economics.

Clarke and Cornish (1985) were the first criminologists to offer a conception of crime as the outcome of rational choices and decisions, which was built on developments in the economic analysis of criminal behaviour. Reviving the cost-benefit analysis of criminal behaviour as one of the concerns of the utilitarian tradition in criminal law and criminology, these economic models assume that individuals, whether criminal or not, share in common the properties of being active, rational decision makers who respond to incentives and deterrents. Cornish and Clarke acknowledge that the purely economic models are too idealized and too abstract to be useful for empirical research. Therefore, they take as their own starting point “the assumption that offenders seek to benefit themselves by their criminal behaviour; that this involves the making of decisions and of choices, however rudimentary on occasion these processes might be; and that these processes exhibit a measure of rationality, albeit constrained by limits of time and ability and the availability of relevant information” (Cornish and Clarke, 1986a: 1).

The characteristic feature of their rational choice approach of reasoning criminals who make rational decisions based on “strategic thinking” is that it rejects deterministic and pathological explanations for criminality in favour of explanations for criminal behaviour, which give the goal-oriented, rational, and everyday aspects of human activity a central place. In this respect, the rational choice theory can be distinguished from traditional criminological theories that presuppose that criminals are different from “normal” people.

While critical criminologists reject rational choice theory mainly for its policy implications, which they see as reproducing conservative (neo)classical penal policies, they have only rarely taken the trouble of critically investigating the theoretical problems of the rational choice approach. However, a critical discussion of rational choice theory should not be limited to the realm of crime policy but should also, and more importantly, question the basic assumptions, limitations, and shortcomings of its theoretical model.

Sociologists critical of rational choice or rational action theory see it as a dubious form of “economic imperialism,” misunderstanding or disregarding the importance of the problems of meaning and morality with which the classical sociological theorists were concerned, and unwarranted in its claim to be a general theory of social action. Donald Levine (1997: 7) calls on critics of rational choice theory “to mount a more vigorous offensive to engage its defenders in an exploration of the limits of that conceptual framework, insisting on a full accounting for the customary, habitual, emotional... and serendipitous dimensions of human action.”

By disregarding the role of norms, values, and moral emotions like guilt and shame and leaving aside these normative and emotional elements of decision making, the rational choice perspective seems to misrepresent the nature of the action it explains in terms of rational choice. Moreover, the rational choice model “misconstrues rationality and choice, by neglecting that social actors often do not have or make choices and, if they do, these choices are not necessarily rational. As soon as there is no way of denying
the prevalence of systematic irrational or non-rational action, rational action theory fails and clearly more explanatory work needs to be done. These criticisms have not been very effective. Largely this has been the result of certain ‘immunization strategies’ that proponents of rational choice theory tend to apply. One important way in which rational action theorists counter these criticisms and try to defend their approach is by arguing that the question of what exactly counts as ‘rational’ is simply beside the point, if only because ‘the very concept of rational action is one of “understandable” action that we need to ask no more questions about’ (Coleman, 1986: 1). In other words, “we need to know nothing more” (Boudon, 1998: 817), because “rational action is its own explanation” (Hollis, 1977: 21).

Boudon (1998) points out three major problems with the generality claim of rational choice. One problem is that rational choice assumes that individual action is instrumental and has to be explained by the actors’ will to reach certain goals, whereas action is not always instrumental and, therefore, rational choice theory cannot be a general theory of action. The second problem is that RCT has never succeeded in explaining satisfactorily important classes of phenomena. Moreover, and this is a third problem, this version of rationality is not the only one representing the uniqueness of providing explanations without black boxes. As Boudon notes, classical sociologists like Max Weber have pointed out that the causes of action reside in their meaning, i.e., in the reasons the actor has of adopting this action, and these reasons can take the form of cost-benefit considerations, but they can also take other forms. Strategies currently used to make non-instrumental actions appear instrumental, e.g., by assuming that the causes of behaviour are unknowable in principle or by supposing that actions that seem to be non-instrumental are actually instrumental at a deeper level, appear to be unconvincing if only because they raise more problems than they solve.

Within criminology, Stanley Cohen addresses the same issue by accusing Cornish and Clarke of portraying their “reasoning criminal” as “someone who not only has more rationality than the determined creatures of sociological inquiry but also has nothing but choice and rationality. Disembodied from all social context—deprivation, racism, urban dislocation, unemployment...” (Cohen, 1996: 5). Cornish and Clarke would [reply] that their model is “an idealized picture of decision making” (Clarke and Cornish, 1985:170), that their version of rational choice theory is merely “informal” and that accounts of criminal behaviour do not have to be “complete” explanations of criminal conduct. In their view, simple and parsimonious accounts of criminal offending can have considerable heuristic value and be “good enough” to accommodate existing research, suggest new directions for empirical inquiry, and provide new clues for preventing and combating criminality.

Left without any substantial criteria of rationality, this line of defence, ironically, creates several paradoxes. A first paradox is that in their eagerness to provide practical policy recommendations, Cornish and Clarke, prematurely, gave up the very normative concept of rationality that economists successfully applied to issues of crime, punishment, and social control. A second paradox is that, as a consequence of the fact that the number of subjective assumptions that need to be made as well as the possibly anticipated consequences of any course of action that the formal model requires are both seemingly endless, the basic idea of rational choice loses “its spartanic elegance” to become almost “baroque” (Karstedt and Greve, 1995: 187). And there is the paradox that, without a clearly defined concept of rationality, rational choice theorists need to differentiate between the decision-making processes of “reasoning criminals” and everybody else, which leads them right back to the deterministic and pathological explanations of a “types of people” criminology that they, initially, rejected (1995: 189).

If we accept that the rational choice perspective is not a theory but an idealized model of
decision making, there is no point in empirically testing the rational choice approach. The value of a model should be in its heuristic usefulness and is, therefore, to be appreciated by applying it and seeing how much insight and understanding of criminal behaviour it provides. This is what we try to do in this article. As a hypothesis for this exercise, we take the conclusion that Cornish and Clarke’s reduction of a rational choice theory to a heuristic rational choice model does not solve any of the theoretical problems that criticisms of RCT have revealed and that, rather, because of this reduction, the heuristic potential of the model cannot be fully developed.

**Interviews and Focus Groups**

As part of our investigation, we conducted several interviews and group discussions with perpetrators of street robberies. Some of the respondents were detained, while others underwent alternative punishment and still others were released. For this article, we have reassessed the accounts of the respondents and interpreted them from the rational choice perspective in order to get an answer to the following questions: What were their goals? What did they consider to be specific advantages in robbing passers-by? Were perpetrators aware of any disadvantages of street robbery? Why was street robbery preferred to other forms of violent criminality and offences against property?

**Impulsivity**

We came across examples of robbery that were committed without planned intentions or in which the perpetrator suddenly changed his mind, without being able to give a rational explanation for this in retrospect. The rational choice perspective assumes that the committing of a crime involves costs and benefits and that analysing them makes criminal behaviour more understandable. Most street robbers hardly ever weigh the costs and benefits against each other and are in fact hardly capable of doing so. The majority of robberies, and most certainly street robberies, are “opportunistic,” committed by impulsive, chaotic youngsters who seldom prepare their crimes and who are not capable of advance planning. Jacobs and Wright found that the “choice” to rob occurs in a context in which rationality not only is sharply bounded, but barely exists (1999: 167).

Cornish and Clarke recognize that many robberies are “impulsive and not planned” (1986a: 6). Nevertheless, they maintain that even in situations where an unexpected opportunity exists for committing a crime, “the offender still must decide to take advantage of the situation” (1986b: 6) and this can even be a “substantial degree of rationality” (Cornish and Clarke, 1986a: 14). This demand of substantial rationality seems to be easily fulfilled for “it seems likely that ‘pattern planning’ would be sufficient for offences that rely largely for their success on surprise, intimidation and a general ability to seize the initiative and think on one’s feet” (Cornish and Clarke, 1986a: 14). Even if the choices made and decisions taken are far from optimal, if measured according to the results, “they may make sense to the offender and represent his best efforts at optimising outcomes” (Clarke and Cornish, 1985: 164).

Like Cornish and Clarke, Feeney (1986) believes that raiders’ and street robbers’ impulsively taken decisions may still be considered rational because committing robberies “clearly requires some thought” (1986: 66). In his view, the only exception is robbery committed under the influence of alcohol and/or drugs. From this point of view, criminal behaviour is rational if there is a conceivable framework in which this behaviour can be seen as functional, as some means to some end. However, as such a framework can (almost) always be conceived, the rational choice perspective, as a theory, is tautological and cannot be refuted. This leaves us the question, namely, to what extent does a rational choice perspective render this kind of criminal behaviour more plausible?

In our own research, we came across offenders who, in retrospect, found it difficult to explain or
did not even “have a clue” why they had committed the crime. We would like to illustrate this with the following story about the robbery of a perfume shop where the perpetrators took money from the till while they walked past it. The answers to some questions that were asked during one of the focus group discussions indicate how difficult the offender found it to even imagine that committing the crime could be seen as involving a choice.

**Question:** At which point could you have chosen not to do it?

**Andy:** Have chosen not to do it? If we hadn’t seen the price tag.

**Question:** Which price tag?

**Andy:** From where we were standing we saw bottles of seventeen hundred, eighteen hundred, sixteen hundred guilders. Yes, at that point we became a bit paranoid, you know.

**Ahmed:** One bottle?

**Andy:** One bottle, man, of sixteen hundred guilders, man, “Giorgio Beverly Hills.” . . . Yeah, man, we became all paranoid. . . .

**Ahmed:** What did you want to do with it anyway?

**Andy:** We didn’t want to do anything. We had no money, man. We thought it would be nice to have all the money. . . .

**Question:** That was just an idea occurring to you? You had not decided in advance to rob the store?

**Andy:** No, not yet. . . . Yes, when we walked past and could see there was nobody in the store. . . .

**Question:** But that was a point at which you could have changed your mind.

**Andy:** No way, man. . . . We just had too much courage that day. We just went. . . . Yes, a mistake, yes.

**Question:** And you got the idea by looking through the display window?

**Andy:** Yes, you could put it that way. Then we got even more courage, when we saw that. . . . Sixteen hundred. . . . I hate it when I see a perfume shop. . . . I never look at perfume any more.

From a rational choice approach, street robbers’ impulsivity can indeed be retrospectively reconstructed in terms of rational choices and decisions. Hence, the rational choice perspective enjoins us to assume that offenders make rational decisions in split seconds, even if they were not aware of doing so. We believe that we understand certain forms of behaviour better if the involved parties have told us they have weighed pros and cons we were perhaps not aware of or had imagined being different. However, forms of behaviour in which decisions are taken impulsively or intuitively, and in which other possibilities for action are not assessed in terms of pros and cons, do not become more understandable by applying the rational choice perspective.

When people try to make sense of their behaviour, their accounts usually go hand in hand with apologies and clarifications. For example, “impulsivity” not only provides the perpetrator with an excuse but also clarifies what s/he was experiencing before, during and after s/he committed the offence. When we discount such justifications as pure rhetoric, we neglect a useful opportunity for obtaining insight into some of the motives that played a role for the perpetrator. Instead of labelling perpetrators’ accounts as unconvincing or discounting them as irrelevant, it may be more productive to acknowledge their reasons, analyse the context in which
they are given, and interpret them from the standpoint of the perpetrators themselves.

In order to answer the question of why people commit offences, it is necessary to listen to what they have to say and to respect their moral feelings and emotions as authentic. Moral emotions that play a role during the commission of an offence are, for example, humiliation, self-righteousness, arrogance, ridiculousness, cynicism, horror, vengeance. Drawing upon the accounts of perpetrators, Katz made a case that perpetrators more or less consciously construct the “causes” themselves—“causes” that they feel compel them to commit the offence (1988: 216). For street robbers, this means that committing a robbery is more than an easy way to get money. Robbing people serves a “larger, more widely embraced fascination with the achievement of a morally competent existence” (1988: 272). The impulsivity of a street robber is ultimately inconceivable without a deep-seated conviction that he is a “real criminal.”

Thus, there is more to say about how a criminal offence takes place than whether the perpetrator consciously or unconsciously chooses to do it. A rational choice approach is not only misleading because it emphasizes or even projects rational elements into this process. By putting human action in a cost-benefit analysis it also overestimates the importance of rationality in these activities, and thereby underestimates, if not neglects, the relevance of the shadow side of these activities, namely, impulsivity, lack of self-control, and faulty awareness.

Moral Ambiguity

Many perpetrators try to justify the offence for themselves and for others. Sykes and Matza (1957) have described several fallacies that delinquents use to legitimate their crimes, namely, denying their own responsibility; denying the victim; denying injury, damage, or harm; and denying others the moral right to condemn their behaviour. The apparent need for self-justification suggests the presence of feelings of shame and guilt that are “neutralized” through the above-mentioned “neutralization techniques.” Thus, these neutralization techniques can be used to shed more light on offenders’ feelings of shame and guilt.

Feelings of guilt or shame can generally be only indirectly inferred from perpetrators’ utterances. The most remarkable thing that emerged from our interviews and focus group discussions is that by far the majority of the respondents were not attracted to robberies and many even resented having to commit such offences. Most considered the crime as a last resort or desperate act or at least presented it as such.

Perpetrators’ justification of street robbery as a desperate act is an example of a “neutralization technique.” Strangely enough, the rational choice theory does not answer the question whether this neutralization technique is only used in retrospect as justification or whether it enables perpetrators to commit crimes without twinges of conscience. For the rational choice perspective, neutralization techniques or rationalizations are only interesting as part of a cost-benefit analysis. Truth and the function of these rationalizations are of no concern to the rational choice perspective. At best they can give insight into the boundaries of one’s rationality. So Andy’s saying he had too much courage the day he committed the robbery of the perfumery indicates his “bounded” rationality that day. By leaving the question unexplored whether these so-called “neutralization techniques” are used in prospect or in retrospect, their significance for perpetrators is misjudged, or, at best, underestimated. In contrast, we consider motivation to be both a rationalization in retrospect and a reference to motives that enables perpetrators to commit their crimes without fear or twinges of conscience. In other words, motivations offer both justifications and explanations. They refer to current as well as past feelings, thoughts, desires, and fantasies.

From a rational choice perspective, it is of no interest whatsoever how criminal perpetrators deal with their emotions or how they make sense of their feelings. Of interest is merely whether the result of their thoughts and feelings can be
conceived as the outcome of a cost-benefit analysis. Employing a rational choice approach leads to evaluating thoughts and feelings in terms of their functionality, whereby feelings, in particular, are defined as primarily negative. In a rational choice model, emotions are subordinate to a mode of formal reasoning, and actors behave more rationally in a substantial, empirical way to the extent that feelings, which deter them from reaching their goals, are eliminated or suppressed. From a rational choice perspective, emotions are merely interesting as elements in a cost-benefit analysis and hardly as indicating different ways in which decisions can be made.

The notion that is sustained in RCT, that neutralization techniques serve to suppress or eliminate feelings, gives a rather limited perception of the role of emotionality and morality in the committing of a robbery. The habit of some street robbers, for example, of listening to loud, aggressive rap music and consuming drugs and alcohol before “having some fun” can hardly be understood as simply a way of suppressing emotions. Moral ambiguity is displayed in the fact that feelings are not only suppressed, but also evoked. Perpetrators must feel they are capable of doing anything, that they can control things, and that at the moment they are seduced by their surroundings they can “rise above” them. The behaviour of street robbers can be seen as rational to the extent that they act within the boundaries of their own limited rationality. From this point of view, drugs and alcohol can be seen as ways to manipulate the cost-benefit analysis in such a way that, subjectively, perceived costs decrease and benefits increase. It is our contention, however, that taking drugs and alcohol is a way of deliberately dismissing a cost-benefit analysis and of defying the normal injunction to think and act rationally.

Our research showed that street robbers adopt moral boundaries. A high moral barrier for the actual committing of a robbery must be overcome by “giving yourself some pep talk.” There is always the danger of creating a situation that cannot be controlled and in which borders are crossed that the person would prefer not to cross. If s/he does not want to end up in a situation in which the means seem to justify the goal, it is better to anticipate this in advance than to place all hope in “common sense.” For that reason, one of the participants in the focus group discussion never carried a knife with him because he feared that he would stab someone in blind anger: “You carry that knife for a reason.”

Compared to the rational choice perspective, it is possible to approach criminal behaviour by stressing the often ambivalent emotional and moral aspects of a robbery. When one of the respondents hangs around the foreign exchange office, this should not only be understood as waiting for a suitable victim and a large profit. It is also a necessary “moral warm-up” to not only seeming insensitive but also being insensitive at the crucial moment (Katz, 1988: 173).

Expressivity

All human forms of behaviour consist of instrumental and expressive aspects. On the one hand, we can consider what is the function of a concrete form of behaviour, what purpose it is meant to serve. On the other hand, we can look for the meaning of a certain action—that is, what the perpetrator wants to make clear with his/her action. Blok suggests that expressive aspects of criminal violence are often misjudged. Violence is dismissed as “useless” because an easily recognizable goal is absent (2001: 189). But if forms of behaviour can be considered as instrumental, this does not necessarily mean that expressive aspects are missing altogether.

Criminal behaviour is rational if a framework can be conceived in which it can be seen as instrumental, even if such a framework can only be constructed afterwards. In this way, every robbery can be called instrumental and, therefore, rational, which leaves us wondering whether qualitative empirical research on the perpetrator’s perspective makes any sense when everything will a priori be conceived as rational. In our view, this shows the poverty of the rational choice approach with its overly rationalized
conception of man. It does not lead us into the field and into the lives of the actors (offenders) that we want to understand. Instead of trying to discover the objectives of criminal behaviour by inspecting it as closely as possible, a rational choice approach deflects researchers from ethnographic investigation, giving away the opportunity of fully developing its heuristic potential.

As an example, we would like to take a look at one of the group discussions, which involved what a street robber should do in the case that the victim resists.

Marciano: When you rob someone and you don’t want to hurt them and he starts resisting, then you don’t know what else to do, then you have to stab. I mean, you can run away, but well, then you’re also stupid.

Question: Why would you be stupid?
Marciano: You’re already committing a robbery, so then you should finish it... Otherwise the victim will think, “Oh, that was easy.” Running away while you have a weapon in your hand and while you’re robbing someone...

Question: Still, why would it be stupid to run away?
Marciano: You’re robbing him. I mean why would one run away?
Robin: Either you do it, or you don’t.
Marciano: You have different thoughts when you’re robbing someone; then you don’t remind yourself to run away. You remind yourself instead just to get him... Not that you immediately want to stab him, but when he resists, you just see red... And then you just start stabbing.

Marciano’s violent behaviour could be considered functional. For example, he intends to make it clear to the victim that he is serious or to prevent the victim from running away. However, it remains to be seen whether this is really Marciano’s intent. It is for a good reason that the question about the functionality of his behaviour was a surprise to Marciano. When he is committing a robbery Marciano does not realize what he is doing; he “just does it.” Committing a robbery does not fulfill a particular function for him, but is an expression of his thoughts and feelings at that particular moment.

The rational choice theory does not do justice to the expressivity of committing robberies because the theory focuses on the functionality of the means that are used for achieving a certain goal. If one wishes to use the perpetrator’s perspective to make the committing of robberies more understandable, then it is not sufficient to put all the elements of a robbery into a functional context. Committing a robbery has a meaning for the perpetrator and that meaning extends beyond the direct goal of his actions. As the rational choice theory asks the wrong questions based on wrong assumptions, the expressive meaning the perpetrator attaches to committing a robbery cannot be retrieved.

In an approach to criminal behaviour which leaves room for expressive aspects, robbery is not understood as a separate act that can be placed in a functional context and assessed in terms of rationality, but “as part of a larger ethnically or subculturally relevant project” (Katz, 1988: 272). From Marciano’s perspective, functionality is not the essence. Far from it: his behaviour can only be understood as part of a larger subcultural “identity project.”

In our research we came across different examples of such “projects,” the core of which seems to lie in the norm of being “ruthless.” In one of the group discussions Rico pointed out to Glenn what “ruthless” means.

Rico: Tight, no jokes, tough guys.
Glenn: More courage, dare to fight with the police.
Rico: For nothing, but if you’re ruthless, then you should also look for other people. For instance, I hang out with them. He is a
tight Antillean; I am a tight Antillean. We have a couple of friends; they are tight too.

For Rico and Glenn, committing robberies is assigned meaning partly by a subculturally valued attitude of being “tight” or “ruthless.” By committing robberies they give shape to their lives. The risks that are attached to committing robberies are dealt with in a daring and non-rational way. They command respect, if not from others, then at least from each other, and this enables them to continue the business of committing robberies. They not only develop a personal style of robbing, but also a corresponding self-image. The committing of the robbery reflects who the perpetrator is. Thus, it becomes part of a lifestyle and the perpetrator considers committing robbery as an “identity project” (Giddens, 1991).

Living a life in which committing robberies goes hand in hand with an unrestrained consumption of sex, drugs, alcohol, and gambling entails creating circumstances which constantly pressure perpetrators into committing more robberies. Although many of our respondents indicated they preferred not to commit robberies and intended to stop doing it after a few times, most of them continued doing it. They committed robberies because, no matter how risky it was, it at least provided them with the opportunity to maintain a lifestyle that they had become used to and that suited them. Why they nevertheless labelled the robbing of passers-by as a desperate act can only be understood when we take their mixed feelings about doing this into account.

**Conclusion**

The rational choice perspective claims to shed light on all forms of criminality, including the impulsive or irrational ones, enabling such forms of criminal behaviour to become more plausible. At first sight, it appeared that street robbers chose to commit an offence only after they had weighed the relative advantages and disadvantages. However, after we examined to what extent impulsivity, moral ambiguity, and expressivity could make sense if considered as part of a rational choice process, we began to doubt whether the spontaneous and moral aspects of criminal behaviour can be understood if we assume that the crimes were committed as the result of a rational and deliberate choice.

Before, during and after an offence, perpetrators often experience contradictory feelings. In addition to relief and pride, they also experience feelings of fear, regret, shame, and guilt. In the rational choice perspective, these emotional aspects of criminal behaviour can be placed in a functional context without further ado as, from a rational choice point of view, goals like excitement, status, friendship or respect are, “of course,” also rational. Although these emotions occur in different phases of the crime and are not necessarily inconsistent with a rational decision-making process of weighing costs and benefits, we would still argue that the three dimensions of impulsivity, moral ambiguity, and expressivity are essential in understanding street robberies and that a rational choice perspective is incapable of taking these into account without being abstract and artificial.

Within a rational choice perspective, it is not important whether the perpetrator has actually made a rational analysis of the costs and gains at the moment of his/her action, but rather whether his/her behaviour can be interpreted retrospectively as rational in the light of specific goals. Given that these goals can be reconstructed retrospectively, a tautology emerges in which the motives of perpetrators are irrelevant, simply because “the presumed causes of action are reconstructed in a circular fashion on the basis of what is actually chosen; they are “revealed” (Turner, 1992: 193). As any decision-making process can always be interpreted as rational by way of what Elster (1993) has called “backward induction,” the rational choice perspective opens the door to an unrestrained “pseudo-rationalism” (Karstedt and Greve, 1995: 188).

In a rational choice perspective, even ostensibly senseless criminal behaviour is seen as “calculated” to meet more or less legitimate but unsatisfied needs of the perpetrator. By using a heuristic method of rational reconstruction,
nearly all behaviour can be seen as rational. For the proponents of a rational choice approach, even an emotional outburst does not pose a problem: it has advantages and disadvantages and can, therefore, be interpreted as a choice. Thus, in this perspective “rationalizing everything is the solution, not the problem” (Turner, 1992: 193). It hinders rather than helps us to understand why offenders feel “they gotta do what they gotta do.”

We believe that it is not possible to understand and explain criminal behaviour without paying attention to the way in which offenders themselves try to understand and explain the committing of crimes. Taking seriously the emotional aspects of criminal behaviour and the moral significance perpetrators assign to their actions calls for a theory that does justice to both the rational aspects of committing a crime and the moral feelings of a perpetrator before, during, and after the offence. A more adequate explanation of criminality needs to take account of the affective aspects of criminal behaviour, the normative meanings that perpetrators attribute to their own behaviour, and the social and cultural circumstances of the perpetrators. In order to explain criminal behaviour, a theory is required that does not treat perpetrators as rational actors, but rather assumes that they are moral subjects who are compelled to give meaning to their lives.

References


DISCUSSION QUESTIONS

1. If rationality is a fit between means and ends, can we call the kinds of behavior examined in the article rational or not?
2. Do you think rationality or emotion guides human behavior most of the time?
3. Since street muggers are hardly the brightest of individuals, is it fair to test rational choice theory using only them?
The Economics of Crime

Gary S. Becker

In this article, Nobel Prize-winning economist Gary Becker offers the economist’s “pure” rational explanations of why people commit crime, that is, logical cost/benefit analyses. Crime offers rewards, and if we are to prevent it, the costs associated with crime must outweigh the rewards. In contrast to the previous article by de Haan and Vos, Becker sees a much more rational criminal who will respond to reward and punishment contingencies just like everyone else. He shows how crime fell in the U.S. as punishments increased, and how crime increased in the U.K. as punishments decreased. He then offers a number of policy recommendations consistent with deterrence theory.

During the past 35 years, crime has grown enormously, not only in the United States, in Richmond, Chicago, and elsewhere in this country, but also in most other countries. The problems that we think are unique to the United States are found in most parts of Latin America, for example. Rio de Janeiro is at least as high a crime area as is Mexico City or Bogota. And crime is found increasingly in Great Britain and Europe. In Warsaw, Poland, people are more afraid to park their cars on the street without arranging for somebody to watch them than we would be in almost any part of the United States. The same is true in Prague. And while we all think of Switzerland as the epitome of a safe country, crime is growing. The crime rate there is perhaps modest compared to that in some parts of the United States, but it is not insignificant. In fact, property crimes are probably at about the same level in most parts of Europe as in the United States.

The question to ask then is whether a high crime rate is an inevitable part of life. Or, can we do something about crime, and if so, what? Or, can we at least understand a little better the causes of the growth in crime? Knowing the causes will help us learn how to combat crime in the future.

I believe that crime is not inevitable. It’s not like death and taxes, which always will be with us. High crime rates have not prevailed throughout this country’s history. The 1940s and 1950s were a period of relatively low crime rates. We should see if we can devise ways to go back to the levels of those times.

What is the best way of analyzing the crime problem? There may be no single way available at present that can touch on all aspects of crime and handle all the issues that we face. But there is an approach to crime that helps us understand a surprisingly large fraction of the regularities that we observe in crime. I call it the economic approach, although it certainly far transcends emphasis on monetary gains and benefits. Let me outline briefly what this approach is, then use it to explain some observations we have regarding crime, and finally use those explanations to discuss a few public policy issues and make some recommendations.

The essence of the economic approach to crime is amazingly simple. It says that people decide whether to commit crime by comparing the benefits and costs of engaging in crime. True, the forces behind individuals’ decisions to commit crimes differ. But I submit that some general principles apply in trying to understand the factors that determine whether people engage in crime.

It’s pretty simple to assess the benefits from crime. For property crimes, the benefits are the car that is stolen, the money that is stolen, the goods that are taken in a burglary or a robbery, and the like. Forgeries, embezzlements, and many other white collar violations also yield monetary benefits. And there are psychic, even sick, thrills that criminals might get from assault and rape and other violent acts for which there are no monetary benefits. In understanding criminal behavior, we have to recognize that these benefits exist and are, for some people, important.

Turning to the costs of crime, we first can look at the simple monetary costs. If people are engaging in crime, they are not engaging in legal work, so the value of the time that they are forgoing working is a cost. In addition, there is the likelihood that they will be caught. The punishment, if caught, could take a variety of forms, ranging from simple probation to fines to imprisonment, and the like. So punishments can be monetary, but they also can take other forms.

The likelihood that criminals will be punished also affects the costs of criminal activity. Criminal behavior is risky: the returns are uncertain, and there is a good chance that you will get caught. I believe that criminals actually like risk—they’re risk takers, not risk avoiders. What supports this belief? The economic approach implies that, for a risk taker engaged in crime, the certainty of punishment is more important than the magnitude of the punishment when or if you are convicted. The punishment may still be important, but certainty of punishment for a risk taker would be more of a deterrent that the magnitude of the punishment if convicted. It may still be important to punish, and not negligibly, but the certainty of conviction is crucial.

Unfortunately, the likelihood of being caught and convicted is low. For Great Britain, the data indicates that the probability of being caught, convicted, and sent to prison for committing a crime is under two percent. I think it is higher in the United States for most crimes, but still a conviction is far from certain for most crimes.

Crime also has psychic costs associated with it. Many people do not commit crimes because they believe doing so is ethically wrong. And the feelings we have about what is right and what is wrong are important. The decline in the attitude that crime is wrong has been one factor leading to the growth of crime.

If some events raise the benefits of crime—for example, the amount of money that can be stolen, the value of cars that can be stolen—then those events encourage crime. Similarly, if you lower the probability of being convicted, reduce the punishments if convicted, weaken the strength of the belief that it is wrong to commit crime, then you encourage crime. So changes in benefits and costs are the major tools for understanding why crime changes over time, and why certain individuals or groups are more likely to commit crimes than others. The economic approach means that people are acting rationally, driven in their behavior by the benefits and costs, taking account of all the ethical and psychic and other aspects that go into determining their behavior.
white-collar crimes. Why should that be so? I think a good part of the answer is that the poor and less educated don’t have as many opportunities to earn. So the gain to them from spending time stealing, rather than from working at some legal job, is greater than it is for the more educated. This story does not require assuming that the poor have low I.Q.s, an idea that has received some attention. It also does not require assumptions about genetics. It is simply that, being low educated and having fewer alternatives, you will be more likely to commit crime. That may be reinforced by the tendency of poor families to be less stable and thus less likely to instill the view that crime is bad.

We also observed that, among the poor, teenagers commit a disproportionate number of robberies, burglaries, thefts, and violent crimes. So in trying to understand crime, information about the age distribution of the population is important. There is some evidence that the young are committing an increasing share of these crimes and that the age at which the young are beginning to commit crimes is going down.

There are a few simple forces that explain the increase in crimes committed by teenagers. As I have already mentioned, low earnings are a factor behind crime, and teenagers have lower earnings and fewer opportunities. Some teenagers also may discount the future more heavily in assessing the costs and potential punishment. Punishment is something that will come in the future, so groups that more heavily discount the future will be more likely to engage in crime. Peer pressure and gangs may play a role, too.

Still another factor in teenage crime is the way most countries in the West, including the United States, have structured punishments. For teenagers especially, if their first crime is not too serious, it is free. By free I mean that there essentially is no punishment. Well, people respond to signals about punishment. If one can steal a bike or something else without expecting any serious punishment, combined with the other forces that I mentioned, then it is not at all surprising that teenagers are much more likely to engage in crime.

Let me now address an observation that often is cited as challenging the economic approach to crime: that recidivism is high. By recidivism I mean that people who are in prison and then released are likely to engage in further crime. This is said to be a puzzle because if they were caught, and if they are rational, it is claimed they would not want to engage in crime again. But that reasoning shows a misunderstanding of the way rationality operates. Let me give you an analogy. Suppose a construction worker falls and is seriously injured and out of work for a year. Does that mean he won’t go back into construction work after recovering? Well, if the person knew the risks associated with construction work before the accident, and if the decision initially to go into construction work took into consideration these risks, then the decision to go into construction work before the accident was rational. And if the risks remain about the same after the accident, and if the person recovers fairly fully, then we should expect the same decision to be rational after the accident. So the fact that people go back to crime, or construction, or whatever, is a sign of rationality. If they did not go back, it would mean that they were not rationally weighing costs and benefits, which is inconsistent with the economic approach to decision making.

To understand why recidivism is high, you also have to consider that, when people go to prison, they may learn how to be better criminals. They also may have more difficulty getting good jobs when they come out because they have criminal records or their skills have rusted. Add in those factors, and you would surely expect high rates of recidivism. But that is true even if convicted criminals learn nothing in prison and even if the likelihood of their getting legal jobs when they come out is unaffected by their prison stays. So for me, the high rates of repeat crime, even for those who go to prison, support the economic approach to crime.

Another observation is that drug users commit crimes at high rates. The question is whether that observation reflects causation (whether drug use causes criminal behavior) or correlation
(whether drug users tend also to be criminals). I do not think we know fully, but as I mentioned already, people are more likely to commit crimes if they discount the future heavily. That suggests that drug users would commit crimes more heavily or that people who commit crimes would more heavily use drugs because the cost of drug use comes later. But it also suggests—and this turns out to be true—that people who commit crimes are more likely to drink more heavily than others, to smoke more heavily than others, and to engage in other forms of addictive behavior for which the costs of the behavior are postponed until the future and the benefits come in the present. So a good part of the association between crime and drugs may be simply a common response to the role of discounting the future.

**Policy Issues**

Now let me apply this analysis of crime to address several quite controversial policy issues. First let me discuss gun control, a divisive issue. I agree that guns add to the likelihood of more serious crimes, as the evidence we have indicates. Nevertheless, the issue remains of what type of gun control policy we should have. On the one hand, there is considerable support for outlawing ownership of guns, not only assault weapons but also the weapons more typically used in the commission of crime. I don’t support that policy. The question that I have asked is, “How effective will it be?” We have something like 70 million handguns in the United States, so about one out of every four have guns. With about three people per family, there is on average about one gun per family. Guns are not equally distributed among all families. I estimate that in the inner city of Chicago, for example, about 60 percent to 70 percent of families own guns.

Most of the guns in the hands of the public are obtained illegally, not by going to a registered gun dealer and through the waiting period. They are obtained in the significant underground that we have now in weapons. This, I believe, makes it difficult, if not impossible, to enforce effectively a law that prohibits people from having guns. Such a law would prevent the people you want to have guns from having guns, namely, shopkeepers, homeowners, and so on, who use guns in self-defense. There have been some studies by criminologists and economists showing that in many cases, guns are used in self-defense and to protect people against the commission of crime. There are far more of these cases than cases when guns accidentally go off and harm the owner of the gun.

So what should we do? I think what we’re concerned about mainly is the use of guns to commit crime. The use of guns in criminal activity is worrisome because there is some chance that crime will be escalated. And gun use induces enormous fear in the minds of victims. For these reasons, the use of guns in crimes is something we want to discourage.

It seems to me that there are two ways to reduce gun use in crimes without attacking the ownership of guns. One way is to increase the sentence significantly for people who use guns to commit crimes. For example, if the normal punishment for a robbery or burglary is a year in jail in a particular jurisdiction, then the sentence might be doubled to two years if a gun was involved in the commission of a crime. The punishment for using guns could depend on the severity of the crime, whether the gun was fired, or whether the circumstances made it more likely that the gun would be fired. This would raise the costs—the magnitude of the punishment—so it would reduce the desire to use guns in committing crimes.

A second alternative is to give a little more freedom to police to frisk people whom they have a reasonable suspicion might be carrying weapons. Such searches once were common in the United States, but their use has declined in the last couple of decades. I think it would be wise to make them more commonplace so that, on the one hand, we make an effort to locate illegal guns directly, and on the other hand, we punish the use of guns in the commission of crimes.

Now let me turn to policies concerning conviction and imprisonment. There was a large increase in crime in the 1960s and 1970s. The
explanation for it is not fully known; however, two important factors are known. One, and this has been documented, the likelihood of convicting somebody of a violent crime went down sharply in the 1960s and 1970s. This came about for a combination of reasons: more attention perhaps to criminals’ rights and less to victims’ rights; a general belief among many intellectuals, which spread to others, that deterrents were ineffective; the view that criminals are sick (the title of a book by a famous psychiatrist), and other views of that type. Whatever the reason, people have shown that the decline in the likelihood of apprehending and convicting criminals caused a significant part of the growth in crime over these two decades.

Families also began to deteriorate in the 1960s and 1970s, and we know that children of broken families, disruptive families, or parents on drugs, etc., are more likely to commit crime. So that was becoming more common at that time and clearly was also a factor. On this basis you might have expected crime would have continued to grow in the 1980s and 1990s. And in other nations, in many respects comparable to the United States, like Great Britain, that’s precisely what happened. Property crime went up by more than 50 percent in Great Britain from 1980 to the early 1990s. Yet property crimes fell by more than 25 percent after 1979 in the United States, and violent crimes also fell by much less, maybe 10 percent. These statistics are based on household studies that ask people if they were victims of crimes.

The usual statistics you see quoted in the newspapers are not these but are based on FBI calculations of crimes reported to police departments. The trouble with the latter statistics is that many people don’t report crimes. If you have a bicycle stolen, why report it? You know you’ll never see your bike again.

When you compare the households survey data with the FBI data, the households survey shows a lot more crime than the FBI data, especially for the crimes that are less likely to be reported—the less serious crimes, or crimes like rape that people have been embarrassed to report. It’s also true that the trends in these two sets of data are different, and the household data on victimization, which are the more reliable, actually show a rather significant decrease in crime since 1980, particularly in property crimes. And still families were dissolving and the rate of dissolution was growing in the 1980s. So why did crime decrease?

Nobody fully knows the answer yet, but an important part of the answer, although it has not been demonstrated, is that the probability of conviction and imprisonment rose substantially during this period. For a number of reasons, partly due to the Supreme Court’s movement toward victims’ rights and away from criminals’ rights, partly because law and order became a major political issue, the states began to put more money into fighting crime. And there are other reasons. But we know that the number of persons in prisons grew significantly during the 1980s. And while the growth in federal prisoners was in good part due to growth in drug use, that was not true for the equally large growth in state prisoners, only a rather small fraction of whom were drug users. Meanwhile, in Great Britain the trend was toward less rather than more punishment, so it may not be surprising that crime in Britain went up while it went down in the United States.

This suggests, in my view, that imprisonment works and, barring any more effective methods, is useful. We should distinguish, however, between people committed for serious crimes and those committed for minor drug charges. I am not an enthusiast about giving people long prison sentences for drug activity. And for those who say we cannot afford to build more prisons, let me point out that about 6 percent of state and local budgets goes for incarceration and police. It’s a rather small part of total state and local spending. It’s even a small part of federal spending. Governments at all levels are taking over 40 percent of the U.S. gross national product (GNP), and of that, let’s say 4 percent of their budgets is going into these activities. That means that about 1.5 percent of GNP is
financing incarceration and police forces. We can well afford to put more money into police and punishment if we feel they are effective deterrents. The overwhelming fraction of our budgets goes for other activities that can be cut more easily, or we can increase total taxes in a minor way to have the significant impact on spending here.

Now let me discuss a third policy: the three-strikes-and-you’re-out laws. A number of states have passed them, and some others are considering them. My own view on the laws is mixed. On the one hand, there is no question that, if you have committed one or two crimes and you face the risk of going to prison for life on a third crime, the laws will deter you by significantly raising the cost of committing another crime. This is the positive side. The negative side is that you also give criminals an incentive, if they do commit these additional crimes, to escalate the severity of the crimes. The reason is that they will go to prison for life if they’re convicted a third time, so it won’t matter to them if they get convicted for a more severe crime or a less severe crime. That’s the risk of what’s called “technically marginal punishment.” The economic approach teaches that you always want to have punishments rising for more severe crimes, because otherwise you don’t discourage people from committing the more severe crimes. But the three-strikes-and-you’re-out laws for people who already have been convicted of two crimes make the marginal punishment for raising the severity of crimes zero.

How do you balance the positive and negative aspects of these laws? It’s not easy. My own conclusion is that you want to limit the three-strikes-and-you’re-out laws only to quite serious crimes. The fact that this will escalate these crimes isn’t so important because the laws are already limited to highly serious crime. But if you do restrict the laws to serious crimes, I think there’s a lot to be said for them.

I have mentioned a few law-and-order-type policies that one can use—extra punishment for using guns, frisking people, convicting at a high rate, serious punishment for major crimes, building more prisons, and maybe three-strikes-and-you’re-out for serious crimes. It might seem that all that comes out of this economic approach is a harsh law-and-order approach to crime. It’s true that people respond to incentives; teenagers respond to the fact that they can get a free crime. A significant fraction of people respond to the fact that punishments might be weak or nonexistent, etc. And for those who will say, “Well, people don’t have information about apprehension and conviction,” let me point out to you that people who are thinking of engaging in crime, who live in areas with high crime rates, know far more about these probabilities than you and I do. Interviews of young people in high crime areas who do engage in crime show an amazing understanding of what punishments are, what the young people can get away with, how to behave when going before a judge, etc. So they do know, and punishments can deter.

But the economic approach to crime does not only suggest a focus on law and order to reduce crime. It also encompasses other more fundamental, or indirect, ways to attack crime. There’s no question that we should devote resources to improving the opportunities in the legal sector for teenagers, the poor, and other groups who are more likely otherwise to turn to crime. One action that I think is important for improving opportunities is to improve the quality of schools, especially in inner cities. I’ve been a strong advocate of a school voucher system, tailored especially to inner-city families, that can be used for tuition to private and public schools.

Another action is to keep unemployment down overall and job opportunities up with sensible monetary fiscal policies. Further, reducing the unemployment of groups that are more likely to turn to crime can help, too. One policy that will help in this regard is to not increase the minimum wage. A minimum wage simply puts people out of work, which alone is bad for them, and, as a result, leads them to commit more crime.
The final and toughest issue is how to strengthen families. Many things have been suggested like welfare reform, changing divorce laws, taking children away more readily from parents who abuse them than we do currently, and still others. I think that if we can keep unemployment down and raise the quality of schooling and do some of these other things, then we will improve the quality of family life.

I’ve given a very brief glimpse of what I consider to be a powerful way of trying to understand crime, and a way that leads to suggestions for policies on how to reduce significantly the unacceptably high crime rate in this country. If there is a single message that I’ve been giving it is that crime is not inevitable. Rather, it’s a result in part, at least, of public policies; policies not only about police and prisons, but about education and a number of other things. And we can improve those policies to have a significant effect on crime. Will we return this country to the way it was in the 1950s? Probably not, but we can make it a lot closer to the 1950s than it is today. If we can get crime to be at least half the way it was in the 1950s, living in major and medium-sized cities and almost everywhere else in the United States will be a lot more pleasant than it is now.

**DISCUSSION QUESTIONS**

1. Assume you are Gary Becker: How would you respond to the de Haan and Vos article?
2. Assume that you are either de Haan or Vos: How would you respond to Becker?
3. Can the two sides be reconciled?