

Modern Applications of the Classical Perspective

Deterrence, Rational Choice, and Routine Activities or Lifestyle Theories of Crime

This chapter will discuss the early aggregate studies of deterrence in the late 1960s, then the perceptual studies of the 1970s, and finally, the longitudinal and scenario studies of the 1980s and 1990s to present. Other policy applications, such as increased penalties toward drunk driving, white-collar crime, and so on, will also be examined. The chapter will also discuss the development of rational choice theory in economics and its later application to crime. Finally, it will examine the use of **routine activities** or **lifestyle theory** as a framework for modern research and applications for reducing criminal activity.

In Chapter 2, we discussed the early development of the Classical and Neoclassical Schools of criminological thought. This theoretical perspective has been the dominant framework used by judges and practitioners in the practice of administering justice and punishment even in current times, but beginning in the late 19th century, criminological researchers dismissed the classical and neoclassical frameworks. Rather, criminological research and theorizing began emphasizing factors other than free will and deterrence. Instead, an emphasis was placed on social, biological, or other factors that go beyond free will and deterrence theory. These theories will be discussed in later sections, but first, we will examine the recent rebirth of classical and neoclassical theory and deterrence.

Rebirth of Deterrence Theory and Contemporary Research

As discussed above, the Classical and Neoclassical School frameworks fell out of favor among scientists and philosophers in the late 19th century, largely due to the introduction of Darwin's ideas about evolution and natural selection. However, virtually all Western criminal systems retained the classical and neoclassical frameworks for their model of justice, particularly the United States. Nevertheless, the ideology of Beccaria's work was largely dismissed by academics and theorists after the presentation of Darwin's theory of evolution in the 1860s. Therefore, the Classical and Neoclassical Schools fell out of favor in terms of criminological theorizing for about 100 years. However, in the 1960s, the Beccarian model of offending experienced a rebirth.

In the late 1960s, several studies using aggregate measures of crime and punishment were published that used a deterrence model for explaining why individuals engage in criminal behavior. These studies revealed a new interest in the deterrent aspects of criminal behavior and further supported the importance of certainty and severity of punishment in deterring individuals from committing crime, particularly homicide. In particular, evidence was presented that showed that increased risk or certainty of punishment was associated with less crime for most serious offenses. Plus, it is a fact that most offenders who are arrested once never get arrested again, which lends some basic support for deterrence.

Many of these studies used statistical formulas to measure the degree of certainty and severity of punishment in given jurisdictions. One measure used the ratio of crimes reported to police as compared to the number of arrests in a given jurisdiction. Another measure of certainty of punishment was the ratio of arrests to convictions, or findings of guilt, in criminal cases. Other measures were also employed. Most of the studies showed the same result: The higher the likelihood of arrest compared with reports of crime, or the higher the conviction rate compared to the arrest rate, the lower the crime rate was in a jurisdiction. On the other hand, the scientific evidence regarding measures of severity, which such studies generally indicated by the length of sentence for comparable crimes or a similar type of measure, did not show much impact on crime.

Additional aggregate studies examined the prevalence and influence of capital punishment on the crime rate in given states.¹ The evidence showed that the states with death penalty statutes also had higher murder rates than nondeath penalty states. Furthermore, the studies showed that murderers in death penalty states who were not executed actually served less time than murderers in nondeath penalty states. Thus, the evidence regarding increased sanctions, including capital punishment, was mixed. Still, a review of the early deterrence studies by the National Academy of Sciences concluded that, overall, there was more evidence for a deterrent effect than against it, although the finding was reported in a tone that lacked confidence, perhaps cautious of what future studies would show.²

It was not long before critics noted that studies incorporating aggregate (i.e., macrolevel) statistics are not adequate indicators or valid measures of the deterrence theoretical framework largely because the model emphasizes the perceptions of individuals. Using aggregate or group statistics is flawed because

¹Daniel Glaser and Max S. Zeigler, "Use of the Death Penalty v. Outrage at Murder," *Crime and Delinquency* 20 (1974): 333–338; Charles Tittle, Franklin E. Zimring, and Gordon J. Hawkins, *Deterrence—The Legal Threat in Crime Control* (Chicago: University of Chicago Press, 1973); Johannes Andenaes, *Punishment and Deterrence* (Ann Arbor: University of Michigan Press, 1974); Jack P. Gibbs, *Crime, Punishment and Deterrence* (New York: Elsevier, 1975).

²Alfred Blumstein, Jacqueline Cohen, and Daniel Nagin, eds., *Deterrence and Incapacitation: Estimating the Effects of Criminal Sanctions on Crime Rates* (Washington, DC: National Academy of Sciences, 1978).

different regions may have higher or lower crime rates than others, thereby creating bias in the level of ratios for certainty or severity of punishment. Furthermore, the group measures produced by these studies provide virtually no information on the degree to which individuals in those regions perceive sanctions as being certain, severe, or swift. Therefore, the emphasis on the unit of analysis in deterrence research shifted from the aggregate level to that of a more micro, individual level.

The following phase of deterrence research focused on individual perceptions of certainty and severity of sanctions, primarily drawn at one point in time, known as **cross-sectional studies**. A number of cross-sectional studies of individual perceptions of deterrence showed that perceptions of the risk or certainty of punishment were strongly associated with intentions to commit future crimes, but individual perceptions of severity of crimes were mixed. Furthermore, it readily became evident that it was not clear whether perceptions were causing changes in behavior or whether behavior was causing changes in perception. This led to the next wave of research, longitudinal studies of individual perceptions and deterrence, which measured perceptions of risk and severity, as well as behavior, over time.³

One of the primary concepts revealed by longitudinal research was that behavior was influencing perceptions of the risk and severity of punishment more than perceptions were influencing behavior. This was referred to as the **experiential effect**, which is appropriately named because people's previous experience highly influences their expectations regarding their chances of being caught and suffering the resulting penalties. A common example is that of people who drive under the influence of alcohol (or other substances).

Studies show that if you ask people who have never driven drunk how likely they would be caught if they drove home drunk, most predict an unrealistically high chance of getting caught. However, if you ask people who have been arrested for driving drunk, even those who have been arrested several times for this offense, they typically predict that the chance is very low. The reason for this is that these chronic drunk drivers have typically been driving under the influence for many years, mostly without being caught. It is estimated that more than 1 million miles are driven collectively by drunk drivers before one person is arrested.⁴ If anything, this is likely a conservative estimate. Thus, people who drive drunk, with some doing so every day, are not likely to be deterred even when they are arrested more than once because they have done so for years. In fact, perhaps the most notable experts on the deterrence of drunk drivers, H. L. Ross and his colleagues, concluded that drunk drivers who "perceive a severe punishment if caught, but a near-zero chance of being caught, are being rational in ignoring the threat."⁵ It is obvious that even the most respected scholars in the area admit that sanctions against drunk driving are nowhere near certain enough, even if they are growing in severity.

Another common example is seen with white-collar criminals. Some researchers have theorized that being caught by authorities for violating government rules enforced by the Securities and Exchange Commission (SEC) will make these organizations less likely to commit future offenses.⁶ However, business

³Raymond Paternoster, Linda E. Saltzman, Gordon P. Waldo, and Theodore G. Chiricos, "Perceived Risk and Social Control: Do Sanctions Really Deter?" *Law and Society Review* 17 (1983): 457–80; Raymond Paternoster, "The Deterrent Effect of the Perceived Certainty and Severity of Punishment: A Review of the Evidence and Issues," *Justice Quarterly* 4 (1987): 173–217.

⁴H. Laurence Ross, *Detering the Drunk Driver: Legal Policy and Social Control* (Lexington: Lexington Books, 1982); H. Laurence Ross, *Confronting Drunk Driving: Social Policy for Saving Lives* (New Haven: Yale University Press, 1992); H. Laurence Ross, "Sobriety Checkpoints, American Style," *Journal of Criminal Justice* 22 (1994): 437–44; H. Laurence Ross, Richard McCleary, and Gary LaFree, "Can Mandatory Jail Laws Deter Drunk Driving? The Arizona Case," *Journal of Criminal Law and Criminology* 81 (1990): 156–170.

⁵H. Laurence Ross, "Sobriety Checkpoints," 164.

⁶Sally Simpson and Christopher S. Koper, "Detering Corporate Crime," *Criminology* 30 (1992): 347–376.

organizations have been in violation of established practices for years before getting caught, so it is likely that they will continue to ignore the rules in the future more than organizations that have never violated the rules. As it was with drunk drivers, the certainty of punishment for white-collar violations is so low—and many would argue the severity is also quite low—that it is quite rational for businesses and business professionals to take the risk of engaging in white-collar crime.

It is interesting to note that white-collar criminals and drunk drivers are two types of offenders who are most likely to be deterred because they are mostly of the middle- to upper-level socioeconomic class. The extant research on deterrence has shown that individuals who have something to lose are the most likely to be deterred by sanctions. This makes sense: Those who are unemployed or poor or both do not have much to lose, and for them, or for some minorities, incarceration may not present a significant departure from the deprived lives that they lead.

The fact that official sanctions have limitations in deterring individuals from drunk driving and white-collar crime is not a good indication of the effectiveness of deterrence-based policies. Their usefulness becomes even more questionable when other populations are considered, particularly the offenders in most predatory street crimes (e.g., robbery, burglary, etc.), in which offenders typically have nothing to lose because they come from poverty-stricken areas and are often unemployed. One recent study showed that being arrested had little effect on perceptions of the certainty of punishment; offending actually corresponded with decreases in such perceptions.⁷

Some people don't see incarceration as that much of a step down in life, given the three meals a day, shelter, and relative stability provided by such punishment. This fact epitomizes one of the most notable paradoxes we have in criminology: The individuals we most want to deter are the least likely to be deterred, primarily because they have nothing to fear. In early Enlightenment thought, Hobbes asserted that, although fear was the tool used to enforce the social contract, people who weren't afraid of punishment could not effectively be deterred. That remains true in modern days.

Along these same lines, studies have consistently shown that for young male offenders—at higher risk, with low emotional or moral inhibitions, low self-control, and high impulsivity—official deterrence is highly ineffective in preventing crimes with immediate payoffs.⁸ Thus, many factors go into the extent to which official sanctions can deter. As we have seen, even among those offenders who are in theory the most

⁷Greg Pogarsky, KiDeuk Kim, and Raymond Paternoster, "Perceptual Change in the National Youth Survey: Lessons for Deterrence Theory and Offender Decision-Making," *Justice Quarterly* 22 (2005): 1–29.

⁸For a review, see Stephen Brown, Finn Esbensen, and Gilbert Geis, *Criminology*, 6th ed. (Cincinnati: LexisNexis, 2007), 201–204; Nancy Finley and Harold Grasmick, "Gender Roles and Social Control," *Sociological Spectrum* 5 (1985): 317–330; Harold Grasmick, Robert Bursik, and Karla Kinsey, "Shame and Embarrassment as Deterrents to Noncompliance With the Law: The Case of an Antilittering Campaign," *Environment and Behavior* 23 (1991): 233–251; Harold Grasmick, Brenda Sims Blackwell, and Robert Bursik, "Changes in the Sex Patterning of Perceived Threats of Sanctions," *Law and Society Review* 27 (1993): 679–705; Pamela Richards and Charles Tittle, "Gender and Perceived Chances of Arrest," *Social Forces* 59 (1981): 1182–1199; George Loewenstein, Daniel Nagin, and Raymond Paternoster, "The Effect of Sexual Arousal on Expectations of Sexual Forcefulness," *Journal of Research in Crime and Delinquency* 34 (1997): 209–228; Toni Makkai and John Braithwaite, "The Dialects of Corporate Deterrence," *Journal of Research in Crime and Delinquency* 31 (1994): 347–373; Daniel Nagin and Raymond Paternoster, "Enduring Individual Differences and Rational Choice Theories of Crime," *Law and Society Review* 27 (1993): 467–496; Alex Piquero and Stephen Tibbetts, "Specifying the Direct and Indirect Effects of Low Self-Control and Situational Factors in Offenders' Decision Making: Toward a More Complete Model of Rational Offending," *Justice Quarterly* 13 (1996): 481–510; Raymond Paternoster and Sally Simpson, "Sanction Threats and Appeals to Morality: Testing a Rational Choice Model of Corporate Crime," *Law and Society Review* 30 (1996): 549–583; Daniel Nagin and Greg Pogarsky, "Integrating Celerity, Impulsivity, and Extralegal Sanction Threats Into a Model of General Deterrence: Theory and Evidence," *Criminology* 39 (2001): 404–430; Alex Piquero and Greg Pogarsky, "Beyond Stanford and Warr's Reconceptualization of Deterrence: Personal and Vicarious Experiences, Impulsivity, and Offending Behavior," *Journal of Research in Crime and Delinquency* 39 (2002): 153–186; for a recent review and an altered explanation of these conclusions, see Greg Pogarsky, "Identifying 'Deterrable' Offenders: Implications for Research on Deterrence," *Justice Quarterly* 19 (2002): 431–452.

deterrence, official sanctions have little impact because their experience of not being caught weakens the value of deterrence.

The identification and understanding of the experiential effect had a profound effect on the evidence regarding the impact of deterrence. Researchers saw that, to account for such an experiential effect, any estimation of the influence of perceived certainty or severity of punishment must control for previous behaviors and experiences engaging in such behavior. The identification of the experiential effect was the primary contribution of the longitudinal studies of deterrence, but such studies faced even further criticism.

Longitudinal studies of deterrence provided a significant improvement over the cross-sectional studies that preceded this advanced methodology. However, such longitudinal studies typically involved designs in which measures of perceptions of certainty and severity of punishment were collected at points in time that were separated by up to a year apart, including long stretches between when the crime was committed and when the offenders were asked about their perceptions of punishment. Psychological studies have clearly established that perceptions of the likelihood and severity of sanctions vary significantly from day to day, let alone month to month or year to year.⁹ Therefore, in the late 1980s and early 1990s, a new wave of deterrence research evolved, which asked study participants to estimate their immediate intent to commit a criminal act in a given situation, as well as their immediate perceptions of certainty and severity of punishment in this same situation. This wave of research was known as **scenario (vignette) research**.¹⁰

Scenario research (i.e., vignette design) was created to deal with the limitations of previous methodological strategies for studying the effects of deterrence on criminal offending, specifically, the criticism that individuals' perceptions of the certainty and severity of punishment changed drastically from time to time and across different situations. The scenario method dealt with this criticism directly by providing a specific, realistic (albeit hypothetical) situation, in which a person engages in a criminal act. The participant in the study is then asked to estimate the chance that he or she would engage in such activity in the given circumstances and to respond to questions regarding perceptions of the risk of getting caught (i.e., certainty of punishment) and the degree of severity of punishment they expected.

Another important and valuable aspect of scenario research was that it promoted a contemporaneous (i.e., instantaneous) response about perceptions of risk and the severity of perceived sanctions. In comparison, previous studies (e.g., aggregate, cross-sectional, longitudinal) had always relied on either group or individual measures of perceptions over long periods of time. However, some argue that intentions to commit a crime given a hypothetical situation are not accurate measures of what one would do in reality. Studies have shown an extremely high correlation between what people report doing in a given scenario and what they

⁹Icek Ajzen and Martin Fishbein, *Understanding Attitudes and Predicting Social Behavior* (Englewood Cliffs: Prentice Hall, 1980); Martin Fishbein and Icek Ajzen, *Belief, Attitude, Intention, and Behavior* (Reading: Addison-Wesley, 1975); Icek Ajzen and Martin Fishbein, "Attitude-Behavior Relations: A Theoretical Analysis and Review of Empirical Research," *Psychological Bulletin* 84 (1977): 888–918; for a recent review, see Pogarsky et al., "Perceptual Change."

¹⁰Loewenstein et al., "The Effect of Sexual Arousal"; Nagin and Paternoster, "Enduring Individual Differences"; Piquero and Tibbetts, "Specifying the Direct"; Paternoster and Simpson, "Sanction Threats"; Ronet Bachman, Raymond Paternoster, and Sally Ward, "The Rationality of Sexual Offending: Testing a Deterrence/Rational Choice Conception of Sexual Assault," *Law and Society Review* 26 (1992): 343–372; Harold Grasmick and Robert Bursik, "Conscience, Significant Others, and Rational Choice: Extending the Deterrence Model," *Law and Society Review* 24 (1990): 837–861; Harold Grasmick and Donald E. Green, "Legal Punishment, Social Disapproval, and Internalization as Inhibitors of Illegal Behavior," *Journal of Criminal Law and Criminology* 71 (1980): 325–335; Stephen Klepper and Daniel Nagin, "The Deterrent Effects of Perceived Certainty and Severity of Punishment Revisited," *Criminology* 27 (1989): 721–746; Stephen Tibbetts and Denise Herz, "Gender Differences in Students' Rational Decisions to Cheat," *Deviant Behavior* 18 (1996): 393–414; Stephen Tibbetts and David Myers, "Low Self-Control, Rational Choice, and Student Test Cheating," *American Journal of Criminal Justice* 23 (1999): 179–200; Stephen Tibbetts, "Shame and Rational Choice in Offending Decisions," *Criminal Justice and Behavior* 24 (1997): 234–255.

would do in real life.¹¹ A recent review of criticisms of this research method showed that one weakness was that it did not allow respondents to develop their own perceptions and costs associated with each offense.¹² Despite such criticisms, the scenario method appears to be the most accurate that we have to date to estimate the effects of individual perceptions on the likelihood of such individuals engaging in given criminal activity at a given point in time. This is something that the previous waves of deterrence research—aggregate, cross-sectional, and longitudinal studies—could not estimate.

Ultimately, the studies using the scenario method showed that participants were more affected by perceptions of certainty and less so, albeit sometimes significant, perceptions of severity. This finding supported previous methods of estimating the effects of *formal* or *official deterrence*, meaning the deterrent effects of three general groups: law enforcement, courts, and corrections (i.e., prisons and probation or parole). So, the overall conclusion regarding the effects of official sanctions on individual decision making remained unaltered. However, one of the more interesting aspects of the scenario method research is that it helped solidify the importance of extralegal variables in deterring criminal behavior, variables that had been neglected by previous methods.

These extralegal or informal deterrence variables, which include any factors beyond the formal sanctions of police, courts, and corrections—such as employment, family, friends, or community—are typically known as informal or unofficial sanctions. These studies helped show that these informal sanctions provided most of the deterrent effect—if there was any. These findings coincided with the advent of a new model of deterrence, which became commonly known as *rational choice theory*.

Rational Choice Theory

Rational choice theory is a perspective that criminologists adapted from economists, who used it to explain a variety of individual decisions regarding a variety of behaviors. This framework emphasizes all the important factors that go into a person's decision to engage or not engage in a particular act. In terms of criminological research, the rational choice model emphasized both official or formal forms of deterrence, as well as the informal factors that influence individual decisions for criminal behavior. This represented a profound advance in the understanding of human behavior. After all, as studies showed, most individuals are more affected by informal factors than they are by official or formal factors.

Although there were several previous attempts to apply the rational choice model to the understanding of criminal activity, the most significant work, which brought rational choice theory into the mainstream of criminological research, was Cornish and Clarke's *The Reasoning Criminal: Rational Choice Perspectives on Offending* in 1986.¹³ Furthermore, in 1988, Katz published his work *Seductions of Crime*, which, for the first time, placed an emphasis on the benefits (mostly the inherent physiological pleasure) in committing crime;¹⁴ before Katz's publication, virtually no attention had been paid to the benefits of offending, let alone the fun that people feel when they engage in criminal behavior. A recent study showed that the publication

¹¹Donald Green, "Measures of Illegal Behavior in Individual Behavior in Individual-Level Deterrence Research," *Journal of Research in Crime and Delinquency* 26 (1989): 253–275; Ajzen and Fishbein, *Understanding Attitudes*; I. Ajzen, "From Intentions to Actions: A Theory of Planned Behavior," in *Action-Control: From Cognition to Behavior*, eds. Julius Kuhl and Jurgen Beckmann (New York: Springer, 1985), 11–39; Icek Ajzen and Martin Fishbein, "The Prediction of Behavioral Intentions in a Choice Situation," *Journal of Experimental Psychology* 5 (1969): 400–416.

¹²Jeffrey A. Bouffard, "Methodological and Theoretical Implications of Using Subject-Generated Consequences in Tests of Rational Choice Theory," *Justice Quarterly* 19 (2002): 747–771.

¹³Derek Cornish and Ron Clarke, *The Reasoning Criminal: Rational Choice Perspectives on Offending* (New York: Springer-Verlag, 1986).

¹⁴Jack Katz, *Seductions of Crime* (New York: Basic Books, 1988).

of Cornish and Clarke's book, as well as the timing of other publications, such as Katz's, led to an influx of criminological studies in the late 1980s to mid-1990s based on the rational choice model.¹⁵

These studies on rational choice showed that while official or formal sanctions tend to have some effect on individuals' decisions to commit crime, they almost always are relatively unimportant compared to extralegal or informal factors. The effects of people's perceptions of how much shame or loss of self-esteem they would experience, even if no one else found out that they committed the crime, was one of the most important variables in determining whether or not they would do so.¹⁶ Additional evidence indicated that females were more influenced by the effects of shame and moral beliefs in this regard than were males.¹⁷ Recent studies have shown that levels of personality traits, especially low self-control and empathy, are likely the reasons why males and females differ so much in engaging in criminal activity.¹⁸ Finally, the influence of peers has a profound impact on individual perceptions of the pros and cons of offending by significantly decreasing the perceived risk of punishment if people see their friends get away with crimes.¹⁹

Another area of rational choice research dealt with the influence that an individual's behavior would have on those around them. A recent review and test of perceived social disapproval showed that this was one of the most important variables in decisions to commit crime.²⁰ In addition to self-sanctions, such as feelings of shame and embarrassment, the perceived likelihood of how loved ones and friends, as well as employers, would respond is perhaps the most important factor that goes into a person's decision to engage in criminal activity. These are the people we deal with every day and may be the source of our livelihoods, so it should not be too surprising that our perceptions of how they will react affect strongly how we behave.

Perhaps the most important finding of rational choice research was that the expected benefits, particularly the pleasure offenders would get from offending, had one of the most significant effects on their decisions to offend. Many other conclusions have been made regarding the influence of extralegal or informal factors on criminal offending, but the ultimate conclusion that can be made is that these informal deterrent variables typically hold more influence on individual decision making regarding deviant activity than the official or formal factors that were emphasized by traditional Classical School models of behavior.

The rational choice model of criminal offending became the modern framework of deterrence. Official authorities acknowledged the influence of extralegal or informal factors, which is seen in modern efforts to incorporate the family, employment, and community in rehabilitation efforts. Such efforts are highly consistent with the current state of understanding regarding the Classical School or rational choice frameworks, namely that individuals are more deterred by the impact of their actions on informal aspects of their lives as opposed to the formal punishments they face by doing illegal acts.

¹⁵Stephen Tibbetts and Chris Gibson, "Individual Propensities and Rational Decision-Making: Recent Findings and Promising Approaches," in *Rational Choice and Criminal Behavior*, eds. Alex Piquero and Stephen Tibbetts (New York: Routledge, 2002), 3–24.

¹⁶Grasmick and Bursik, "Conscience"; Pogarsky, "Identifying 'Deterrable' Offenders"; Tibbetts, "Shame and Rational Choice"; Nagin and Paternoster, "Enduring Individual Differences"; Tibbetts and Herz, "Gender Differences"; Tibbetts and Myers, "Low Self-Control"; Harold Grasmick, Brenda Sims Blackwell, and Robert Bursik, "Changes Over Time in Gender Differences in Perceived Risk of Sanctions," *Law and Society Review* 27 (1993): 679–705; Harold Grasmick, Robert Bursik, and Bruce Arneklev, "Reduction in Drunk Driving as a Response to Increased Threats of Shame, Embarrassment, and Legal Sanctions," *Criminology* 31 (1993): 41–67; Stephen Tibbetts, "Self-Conscious Emotions and Criminal Offending," *Psychological Reports* 93 (2004): 101–131.

¹⁷Tibbetts and Herz, "Gender Differences"; Grasmick et al., "Changes in the Sex Patterning"; Finley and Grasmick, "Gender Roles"; Pogarsky et al., "Perceptual Change"; Stephen Tibbetts, "Gender Differences in Students' Rational Decisions to Cheat," *Deviant Behavior* 18 (1997): 393–414.

¹⁸Nagin and Paternoster, "Enduring Individual Differences"; Grasmick et al., "Changes Over Time"; Tibbetts, "Self-Conscious Emotions."

¹⁹Pogarsky et al., "Perceptual Change."

²⁰Pogarsky, "Identifying 'Deterrable' Offenders."

Routine Activities Theory

Routine activities theory is another contemporary form of the Classical School framework in the sense that it assumes a rational decision-making offender. The general model of routine activities theory was originally presented by Lawrence Cohen and Marcus Felson in 1979.²¹ This theoretical framework emphasized the presence of three factors that come together in time and place to create a high likelihood for

crime and victimization. These three factors are: motivated offender(s), suitable target(s), and lack of guardianship. Overall, the theory is appropriately named, in the sense that it assumes that most crime occurs in the daily routine of people who happen to see—and then seize—tempting opportunities to commit crime. Studies tend to support this idea, as opposed to the idea that most offenders leave their home knowing they are going to commit a crime; the latter offenders are called *hydraulic* and are relatively rare compared to the opportunistic type.

Regarding the first factor noted as being important for increasing the likelihood of criminal activity—a motivated offender—the routine activities theory does not provide much insight. Rather, the model simply assumes that some individuals tend to be motivated and leaves it at that. Fortunately, we have many other theories that can fill this notable absence. Instead, the strength of routine activities theory is in the elaboration of the other two aspects of a crime-prone environment: suitable targets and lack of guardianship.

Suitable targets can include a variety of situations. For example, a very suitable target can be a vacant house in the suburbs, which the family has left for summer vacation. Data clearly show that burglaries more than double in the summer when many families are on vacation. Other forms of suitable targets range from an unlocked car to a female alone at a shopping mall carrying a lot of cash and credit cards or purchased goods. Other likely targets are bars or other places that serve alcohol. Offenders have traditionally tar-

geted drunk persons because they are less likely to be able to defend themselves, as illustrated in a history of rolling drunks for their wallets that extends back to the early part of the 20th century. This is only a short list of the many types of suitable targets that are available to motivated offenders in everyday life.

The third and final aspect of the routine activities model for increased likelihood of criminal activity is the lack of guardianship. Guardianship is often thought of as a police officer or security guard, which often is the case. There are many other forms of guardianship, however, such as owning a dog to protect a house, which studies demonstrate can be quite effective. Just having a car or house alarm constitutes a form of guardianship. Furthermore, the presence of an adult, neighbor, or teacher can be an effective type of guarding the area against crime. In fact, recent studies show that the presence of increased lighting in the area can prevent a significant amount of crime, with one study showing a 20% reduction in overall crime in areas randomly chosen to receive improved lighting as compared to control areas that did not.²² Regardless of the type of guardianship, it is the absence of adequate guardianship that sets the stage for crime; on the other



▲ **Image 3.1** Marcus Felson, 1947–, Rutgers University, Author of Routine Activities Theory

²¹Lawrence Cohen and Marcus Felson, “Social Change and Crime Rates: A Routine Activities Approach,” *American Sociological Review* 44 (1979): 214–241.

²²David P. Farrington and Brandon C. Welsh, “Improved Street Lighting and Crime Prevention,” *Justice Quarterly* 19 (2002): 313–343.

hand, each step taken toward protecting a place or person is likely to deter offenders from choosing the target in relation to others. Locations that have a high convergence of motivated offenders, suitable targets, and lack of guardianship are typically referred to as *hot spots*.

Perhaps the most supportive evidence for routine activities theory and hot spots was the study of 911 calls for service during 1 year in Minneapolis, Minnesota.²³ This study examined all serious calls (as well as total calls) to police for a 1-year period. Half of the top 10 places from which police were called were bars or locations where alcohol was served. As mentioned above, establishments that serve alcohol are often targeted by motivated offenders for their high proportion of suitable targets. Furthermore, a number of bars tend to have a low level of guardianship in relation to the number of people they serve. Readers of this book may well relate to this situation. Most college towns and cities have certain drinking establishments that are known as being hot spots for crime.

Still, the Minneapolis hot spot study showed other types of establishments that made the top 10 rankings. These included bus depots, convenience stores, run-down motels and hotels, downtown malls and strip malls, fast-food restaurants, towing companies, and so on. The common theme linking these locations and the bars was the convergence of the three aspects described by routine activities theory as being predictive of criminal activity. Specifically, these are places that attract motivated offenders, largely because they have a lot of vulnerable targets and lack sufficient levels of security or guardianship. The routine activities framework has been applied in many contexts and places, many of them international.²⁴

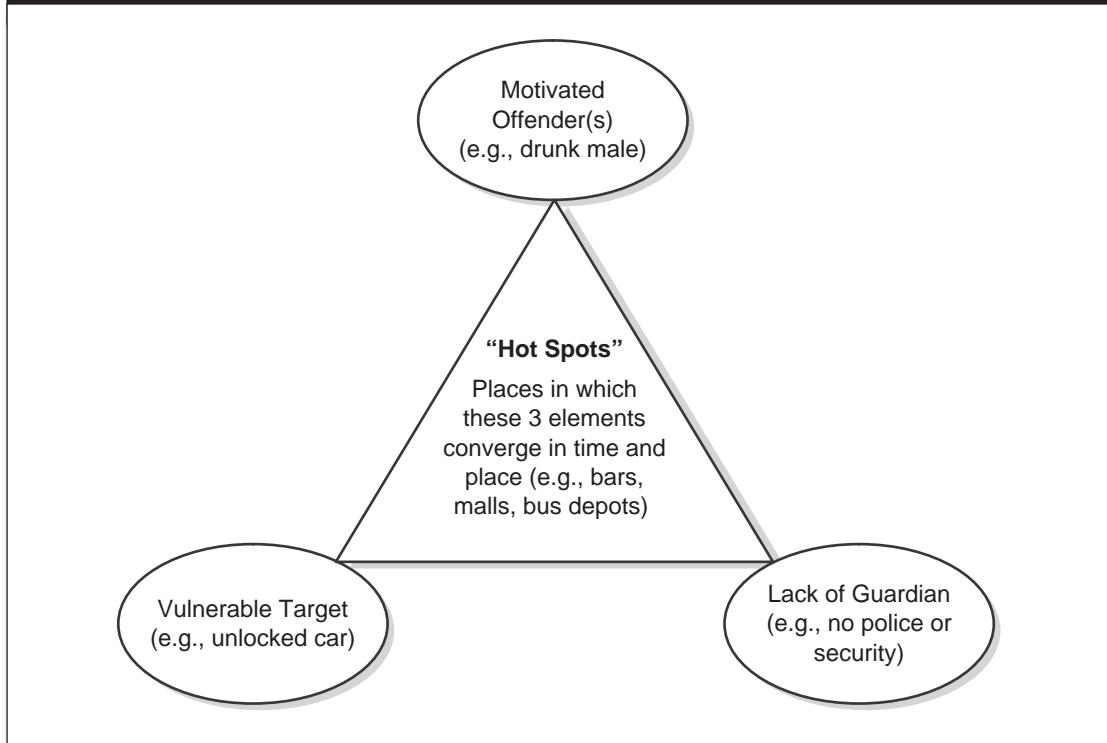
Modern applications of routine activities theory include geographic profiling, which uses satellite positioning systems in perhaps the most attractive and marketable aspect of criminological research in contemporary times. Essentially, such research incorporates computer software for global positioning systems (GPS) for identifying the exact location of every crime that takes place in a given jurisdiction. Such information has been used to solve or predict various crimes to the point where serial killers have been caught because the sites where the victims were found were triangulated to show the most likely place where the killer lived.

Some theorists have proposed a theoretical model based on individuals' lifestyles, which has a large overlap with routine activities theory, as shown in previous studies reviewed.²⁵ It only makes sense that a person who lives a more risky lifestyle, for example, by frequenting bars or living in a high-crime area, will be at more risk by being close to various hot spots identified by routine activities theory. Although some criminologists label this phenomenon a lifestyle perspective, it is virtually synonymous with the routine activities model because such lifestyles incorporate the same conceptual and causal factors in routine activities.

²³Lawrence Sherman, Patrick R. Gartin, and Michael Buerger, "Hot Spots of Predatory Crime: Routine Activities and the Criminology of Place," *Criminology* 27 (1989): 27–56.

²⁴Jon Gunnar Bernburg and Thorolfur Thorlindsson, "Routine Activities in Social Context: A Closer Look at the Role of Opportunity in Deviant Behavior," *Justice Quarterly* 18 (2001): 543–567; see also Richard Bennett, "Routine Activity: A Cross-National Assessment of a Criminological Perspective," *Social Forces* 70 (1991): 147–163; James Hawdon, "Deviant Lifestyles: The Social Control of Routine Activities," *Youth and Society* 28 (1996): 162–188; James L. Massey, Marvin Krohn, and Lisa Bonati, "Property Crime and the Routine Activities of Individuals," *Journal of Research in Crime and Delinquency* 26 (1989): 378–400; Terrance Miethe, Mark Stafford, and J. Scott Long, "Social Differences in Criminological Victimization: A Test of Routine Activities/Lifestyles Theories," *American Sociological Review* 52 (1987): 184–194; Elizabeth Mustaine and Richard Tewksbury, "Predicting Risks of Larceny Theft Victimization: A Routine Activity Analysis Using Refined Lifestyle Measures," *Criminology* 36 (1998): 829–857; D. Wayne Osgood, Janet Wilson, Patrick M. O'Malley, Jerald Bachman, and Lloyd Johnston, "Routine Activities and Individual Deviant Behavior," *American Sociological Review* 61 (1996): 635–655; Dennis Roncek and Pamela Maier, "Bars, Blocks, and Crimes Revisited: Linking the Theory of Routine Activities to the Empiricism of Hot Spots," *Criminology* 29 (1991): 725–753; Robert Sampson and John Wooldredge, "Linking the Micro- and Macro-Level Dimensions of Lifestyle-Routine Activity and Opportunity Models of Predatory Victimization," *Journal of Quantitative Criminology* 3 (1987): 371–393.

²⁵Hawdon, "Deviant Lifestyles"; Sampson and Wooldredge, "Linking the Micro"; Brown et al., *Criminology*.

Figure 3.1 Routine Activities Theory

Policy Implications

There are numerous policy implications that can be derived from the theories and scientific findings in this chapter. Here, we will concentrate on some of the most important policies. First, we look at the policy of broken windows, which has many assumptions similar to those of routine activities and rational choice theories. The broken windows perspective emphasizes the need for police to crack down on more minor offenses to reduce more major crimes.²⁶ Although many cities have claimed reductions in serious crimes by using this theory (such as New York and Los Angeles), the fact is that crime was reduced by the same amount across most cities during the same time (the late 1990s to mid 2000s).

Still, other policies that can be derived from theories in this chapter include the *three-strikes-you're-out* policy, which assumes that offenders will make a rational choice not to commit future offenses because they could go to prison for life if they commit three felonies; the negatives certainly outweigh the expected benefits for the third crime. For deterrence to be extremely effective, punishment must be swift, certain, and severe. Where does the three-strikes policy fall into this equation? The bottom line is that it is much more

²⁶James Q. Wilson and George Kelling, "Broken Windows: The Police and Neighborhood Safety," *Atlantic Monthly* (March 1982): 29–38.

severe than it is swift or certain. Given the Beccaria's philosophy (see Chapter 1), this policy will probably not work because it is not certain or swift. However, it is severe in the sense that a person can be sentenced to life if they commit three felony offenses over time.

A controversial three-strikes law was passed by voter initiative in California, and other states have adopted similar types of laws.²⁷ It sends third-time felons to prison for the rest of their lives regardless of the nature of that third felony. California first requires convictions for two *strikeable* felonies, crimes like murder, rape, aggravated assault, burglary, drug offenses, and so on. Then, any third felony can trigger a life sentence. The stories about some nonviolent offenders going to prison for the rest of their lives for stealing pieces of pizza or shoplifting DVDs, while rare, are quite true.

The question we are concerned with here is, does the three-strikes policy work? As a specific deterrent, the answer is clearly yes; offenders who are in prison for the rest of their lives cannot commit more crimes on the streets. In that regard, three-strikes works very well. Some people feel, however, that laws like three-strikes need to have a general deterrent effect to be considered successful, meaning that this law should deter everyone from engaging in multiple crimes. So, is three-strikes a general deterrent? Unfortunately, there are no easy answers to this question because laws vary from state to state, the laws are used at different rates across the counties in a given state, and so forth. There is at least some consensus in the literature, however.

One study from California suggests that three-strikes reduced crime,²⁸ but the remaining studies show that three-strikes either has no effect on crime or that it actually increases crime.²⁹ How could three-strikes increase crime? The authors attributed the increase in homicide, following three-strikes, to the possibility that third strikers have an incentive to kill victims and any witnesses in an effort to avoid apprehension. Although this argument is tentative, it may be true.³⁰ This is just one of the many policy implications that can be derived from this chapter. We expect that readers of this book will come up with many more policy implications, but it is vital that they examine the empirical literature in determining these policies' usefulness in reducing criminal activity. Other policy implications regarding the theories and findings discussed in this chapter will be discussed in the final section of this book.

In a strategy that is also strongly based on the rational choice model, a number of judges have started using shaming strategies to deter offenders from recidivating.³¹ They have ordered everything from publicly posting pictures of men arrested for soliciting prostitutes to forcing offenders to walk down main streets of towns wearing signs that announce they committed crimes. These are just two examples of an increasing trend that emphasizes the informal or community factors required to deter crime. Unfortunately, to date, there have been virtually no empirical evaluations of the effectiveness of such shaming penalties, although studies of expected shame for doing an act consistently show a deterrent effect.³²

²⁷David Shichor and Dale K. Sechrest, eds., *Three Strikes and You're Out: Vengeance as Social Policy* (Thousand Oaks: Sage, 1996).

²⁸Joanna M. Shepherd, "Fear of the First Strike: The Full Deterrent Effect of California's Two- and Three-Strikes Legislation," *Journal of Legal Studies* 31 (2002): 159–201.

²⁹See Lisa Stolzenberg and Stewart J. D'Alessio, "Three Strikes and You're Out: The Impact of California's New Mandatory Sentencing Law on Serious Crime Rates," *Crime and Delinquency* 43 (1997): 457–469; Mike Males and Dan Macallair, "Striking Out: The Failure of California's 'Three-Strikes and You're Out Law,'" *Stanford Law and Policy Review* 11 (1999): 65–72.

³⁰Thomas B. Marvell and Carlisle E. Moody, "The Lethal Effects of Three-Strikes Laws," *Journal of Legal Studies* 30 (2001): 89–106; see also Tomislav Kovandzic, John J. Sloan III, and Lynne M. Vieraitis, "Unintended Consequences of Politically Popular Sentencing Policy: The Homicide-Promoting Effects of 'Three Strikes' in U.S. Cities (1980–1999)," *Criminology and Public Policy* 1 (2002): 399–424. For a review of empirical evaluations of three-strikes laws, see John Worrall, "The Effect of Three-Strikes Legislation on Serious Crime in California," *Journal of Criminal Justice*, 32 (2004): 283–296.

³¹Piquero and Tibbetts, *Rational Choice*.

³²Tibbetts, "Gender Differences in Students' Rational."

Conclusion

This chapter reviewed the more recent forms of classical and deterrence theory, such as rational choice theory, which emphasizes the effects of informal sanctions (e.g., family, friends, employment) and benefits and costs of offending, and a framework called routine activities theory, which explains why victimization tends to occur far more often in certain locations (i.e., hot spots) due to the convergence of three key elements in time and place—motivated offender(s), vulnerable target(s), and lack of guardianship—which create attractive opportunities for crime as individuals go about their typical, everyday activities. The common element across all of these perspectives is the underlying assumption that individuals are rational beings who have free will and thus choose their behavior based on assessment of a given situation, such as possible risks versus potential payoff. Although the studies examined in this chapter lend support for many of the assumptions and propositions of the classical framework, it is also clear that there is a lot more involved in explaining criminal human behavior than the individual decision making that goes on before a person engages in rule violation. After all, human beings are often not rational and often do things spontaneously without considering the potential risks beforehand, especially chronic offenders. So, despite the use of the classical and neoclassical models in most systems of justice in the modern world, such theoretical models of criminal activity largely fell out of favor among experts in the mid-19th century, when an entirely new paradigm of human behavior became dominant. This new perspective became known as the Positive School, and we will discuss the origin and development of this paradigm in the following chapter.

Chapter Summary

- After 100 years of neglect by criminologists, the classical and deterrence models experienced a rebirth in the late 1960s.
- The seminal studies in the late 1960s and early 1970s were largely based on aggregate and group rates of crime, as well as group rates of certainty and severity of punishment, which showed that levels of actual punishment, especially certainty of punishment, were associated with lower levels of crime.
- A subsequent wave of deterrence research, cross-sectional surveys, which were collected at one time, supported previous findings that perceptions of certainty of punishment had a strong, inverse association with offending, whereas findings regarding severity were mixed.
- Longitudinal studies showed that much of the observed association between perceived levels of punishment and offending could be explained by the experiential effect, which is the phenomena of behavior affecting perceptions as opposed to deterrence (i.e., perceptions affecting behavior).
- Scenario studies addressed the experiential effect by supplying a specific context through presenting a detailed vignette and then asking what subjects would do in that specific circumstance and what their perceptions of the event were.
- Rational choice theory emphasizes not only the formal and official aspects of criminal sanctions but also the informal or unofficial aspects, such as family and community.
- Whereas traditional classical deterrence theory ignored them, rational choice theory emphasizes the benefits of offending, such as the thrill it produces, as well as the social benefits of committing crime.
- Routine activities theory provides a theoretical model that explains why certain places have far more crime than others and why some locations have hundreds of calls to police each year, whereas others have none.

- Lifestyle theories of crime reveal that the way people live may predispose them to both crime and victimization.
- Routine activities theory and the lifestyle perspective are becoming key in one of the most modern approaches toward reducing or predicting crime and victimization. Specifically, GPS and other forms of geographical mapping of crime events have contributed to an elevated level of research and attention given to these theoretical models, due to their importance in specifically documenting where crime occurs and, in some cases, predicting where future crimes will occur.
- All of the theoretical models and studies in this section were based on classical and deterrence models, which assume that individuals consider the potential benefits and costs of punishment and then make their decisions to engage (or not) in the criminal act.

KEY TERMS

Cross-sectional studies

Rational choice theory

Scenario (vignette) research

Experiential effect

Routine activities theory
(lifestyle theory)

DISCUSSION QUESTIONS

1. Do you think the deterrence model should have been reborn, or do you think it should have just been left for dead? Explain why you feel this way.
2. Regarding the aggregate level of research in deterrence studies, do you find such studies valid? Explain why or why not.
3. In the comparison of longitudinal studies versus scenario (vignette) studies, which do you think offers the most valid method for examining individual perceptions regarding the costs and benefits in offending situations? Explain why you feel this way.
4. Can you relate to the experiential effect? If you can't, do you know someone who seems to resemble the behavior that results from this phenomenon? Make sure to articulate what the experiential effect is.
5. Regarding rational choice theory, would you rather be subject to formal sanctions if none of your family, friends, or employers found out that you engaged in shoplifting, or would you rather face the informal sanctions with no formal punishment (other than being arrested) for such a crime? Explain your decision.
6. As a teenager, did you or family or friends get a rush out of doing things that were deviant or wrong? If so, did that feeling seem to outweigh any legal or informal consequences that may have deterred you or people you know?
7. Regarding routine activities theory, which places, residences, or areas of your hometown do you feel fit this idea that certain places have more crime than others (i.e., hot spots)? Explain how you, friends, or others (including police) in your community deal with such areas. Does it work?
8. Regarding routine activities theory, which of its three elements do you feel is the most important to address in efforts to reduce crime in the hot spots?

9. What type of lifestyle characteristics lead to the highest criminal or victimizing rates? List at least five factors that lead to such propensities.
10. Find at least one study that uses mapping and geographical (GPS) data, and report the conclusions of that study. Do the findings and conclusions fit the routine activities theoretical framework or not? Why?
11. What types of policy strategies derived from rational choice and routine activities theories do you think would be most effective? Least effective?

WEB RESOURCES

Modern Testing of Deterrence

<http://www.deathpenaltyinfo.org/>

Rational Choice Theory

<http://www.answers.com/topic/rational-choice-theory-criminology>

Routine Activities and Lifestyle Theory

<http://www.popcenter.org/learning/pam/help/theory.cfm>