Learning Topic 1: The History of Contemporary Crime Policy (Week 1)

Background and Rationale:

The examination of contemporary crime policy necessitates examination of the history of crime policy. Similar to the crime theory that previous deviant behavior is a predictor for future deviant behavior, the development and evolution of crime policy is based upon its foundation of politics, social control, and public expectations.

Outcomes:
After completing this learning topic, the student will be able to:

- Describe the traditional criminal justice theories about:
  - The causes of criminal behavior
  - Criminal sentencing
- Describe the social theories that contribute to the mechanisms at work in the traditional criminal justice system.
- Describe the division of responsibly for criminal activity and the management of offenders.

1.1 Introductions

Please introduce yourself to the facilitator and the other students in the course. Your introductions must be posted by Wednesday of Week 1. Include your name, professional and academic background and the reason that you have enrolled in this course.

1.2 The Foundation of Crime Policy

Crime control began by loosely organized, contracted individuals, enforcing the King's sovereign. Crime policy was held completely in the hands of the state with little to no citizen involvement in the delivery or development of the law.

Eventually, sovereign rule was progressively transferred into the hands the citizens who gained the power to contribute to the formation of laws and offer defense for themselves. Soon after, the privatization of the criminal justice system began with lawyers offering services to defend their clients against punishments. Progressively, crime policy became a reflection of politics, culture, and society. Crime policy has the goal of creating a peaceable maintenance of social order by defending citizens against violence, crime, and disorder. In the 1800's Patrick Colquhoun was one of the first to establish a dedicated workforce with the goal of identifying criminal offenders, promoting crime control, and acting as the first police organizations.
The first notion of public crime policy was that the criminal justice system should be fair, unbiased, and governmentally regulated. The creation of an established criminal justice system offered a means of social control within all communities.

1.3 Growing Needs in Crime Policy

As a result of increased crime prevention and investigation penal institutions grew. James C. Scott developed the concept of high modernism meaning that the government should handle social problems independent of public assistance. Scott’s theories created a separation of responsibility between the general public and the field of criminal justice. In a movement toward social reform, the concept of penal welfarism was developed and focused on rehabilitation rather than punishment.

The move from punishment to a more sensitive approach to crime created a wall of illusion between the criminal justice system and the public. Publicized sentences for offences were often greatly reduced by parole opportunities. Negotiations involving interventions rather than punishments appeared to detract from the seriousness of offenses. Internal workings of the criminal justice process were sheltered from public scrutiny. To further complicated matters, “experts” became so deeply involved in the correctional system that the focus of the penal system moved far way from the punishment of offenders in the effort to remain non-judgmental of the offender in order to facilitate rehabilitation. This created the distrust between public and criminal justice system.

1.4 Differing Ideologies

Crime Policy Ideologies

- Social reform will reduce the frequency of crime.
- The state holds the responsibility to care for offenders during their punishment and control.
- The state is responsible for the reform and repression of criminals and all of the responsibilities that are included in those processes.

This created a separation in the criminal justice system:

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<tr>
<th>Liberals</th>
<th>Conservatives</th>
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<td>Probation Officers</td>
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<td>Criminal Researchers</td>
<td>Police Officers</td>
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Liberals suggest that crime is a social disease caused by the inequalities in society and that it was society's responsibly to correct them. They offer the suggestion that criminals must be evaluated and understood to know the cause for their criminal behavior before they can be judged.
Conservatives profess self-responsibly, social order, tough sentences and police power.

Both agreed that the justice system should be influenced by mercy towards social and psychological circumstance.

The differing arenas such as social work, social reform, professional treatment and public provision creates frustration within the criminal justice sector as it tries to reach an ideal.

1.5 Rehabilitation and Reform

Rehabilitation is the model that prevailed and modern theorists such as Cesare Beccaria, and Jeremy Bentham supported the theory that the penal system served as a mechanism for reform and that “punishment” was ineffective and inefficient and therefore has no place in the criminal justice system. The support behind rehabilitation and reform garnered the energy of the criminal justice system until the 1970’s.

Research in the early twentieth century identified criminal behavior as a result of social deprivation and identified the government as having the responsibility to remedy the social ills that caused an individual to commit criminal acts. This contrasts contemporary research that identifies criminal behavior to be more individually interpreted and a result of the void between expectations and achievement. This moved the theory of criminal behavior away from examining only the deeply, psychologically disturbed to then need to examine the frustration of the “normal” criminal.

1.6 Social Support for Reform

Traditional crime policy integrated the social reform theory of John Rawls who supported the socialist concept that a welfare state which supports social rehabilitation was a small concession for peace, order, and stability in society. As a result, an increased number of social norms were established. Standard social expectations in the areas of education, health care, and child welfare developed with regard to minimal socially acceptable standards. These standards would later become law.

Like Rawls, authorities such as Mary Douglas identified crime in terms of social transgressions caused by shortfalls of society to support individuals and their needs. These ideas were prevalent post World War II during a time of social prosperity in which support for causes was strong. During prosperity, social tools such as family influence, community support, and social institutions were also strong and often able to guide individuals, through social control and intervention, into compliance
with established social norms. These interceptive measures reduced the number of criminal offenses.

Additionally, post war, affluence provided an environment in which work was readily available as was funding for rehabilitative measures. Additionally, the emergence of a strong academic attitude regarding criminal behavior emerged. Experts in the field of criminology emerged. These experts in the field gained credibility and authority to fulfill the growing needs of developing crime policy. Likewise, a platform of administrators within the criminal justice system emerged with “expert” advice on how to manage offenders and supported the internal needs for crime policy. In this environment, the success of the system often escaped scrutiny.

Securely nestled behind a panel of “experts” members of the criminal justice system were seemingly untouchable. Even when recidivism rates or crime rates rose, the experts were able to identify the cause for the shortfall. Often citing lack of qualified staff, insufficient funding, or lack of time were common reasons cited for the failing criminal justice mechanisms. The last reason that the criminal justice system and crime policy escaped scrutiny was that, in general, most citizens did not encounter criminal behavior. Therefore, crime policy was an area infrequently addressed, and left to the “experts” to manage and control.

1.7 A Glimpse at the Future

Contemporary criminal justice models introduced in the 1970’s and evolving to the present reintroduced the concept of punishment. As a result of social pressure and the public’s vocal desire for retribution, vengeance, and suffering for the offender for the benefit of the victim and/or the victim’s family, understanding the offender before passing judgment fell by the wayside.

Contrasting the rehabilitative perspective of caseworkers, child-guidance counselors, and criminal psychologists who seek to find the reason for criminal behavior, movement away from the concept that crime is a culmination of an individual’s reaction to social problems present in society became the norm. This contrasts the historic, rehabilitative perspective of crime policy in the United States.

The public recognized that in the push to identify causes for criminal behavior, psychopaths and frequent offenders became the focus of the rehabilitative efforts. As a result, minor offenders or infrequent offenders fell by the wayside and were minimally addressed with fines, or other dismissive penalties. This allowed a category of small scale repeat offenders to form who contributed to the problem of crime nearly without repercussion. Interestingly, the minimal sentences and fines imposed were starkly absent of the rehabilitative elements.

Discussion Question 1:
List pros and cons of rehabilitation theory. Do you support rehabilitation theory? Who should be responsible for the costs associated with this method of dealing with offenders? Defend your answer.

**Discussion Question 2:**
Research the success of several rehabilitation programs present in penal institutions. Are they successful? Why do you think that they are/are not?

**Discussion Question 3:**
From the perspective of victims of crime, what do you think is the impact of rehabilitative theory versus punitive theory for the offender(s)?

**Writing Assignment Week 1:**
Choose a rehabilitation program present in a penal institution. Discuss the methods used, the costs incurred, and the success of the program on preventing recidivism. Describe your findings in a 2-4 page paper due Sunday of Week 1 as a Word document attachment in the Assignment Drop Box.

**Topic 2: The Modern Criminal Justice System: Social Conditions that Influence Contemporary Crime Control (Week 2)**

**Background and Rationale**

From the inception of crime policy in the 1800’s and its evolution until the 1970’s society developed and changed slowly. Beginning in the 1960’s an era of rapid change began and has not slowed to date. Influential factors that have caused the evolution to contemporary crime policy include:

- Changes in conduct of protective agents- police, corrections, courts
- Changes in social trends
- Changes in social structure
- Public discourse and rhetoric on the topic of crime policy

“Crime control strategies and criminological ideas are not adopted because they are know to solve problems . . . They are adopted and they succeed because they characterize problems and identify solutions in ways that fit with the dominant culture and the power structure in which it rests” (Garland, 2001, p. 26).

**Outcomes**

After completing this learning topic, the student will be able to:

1) Describe the processes in our society have contributed to the way that crime is managed today.
2) Identify the historical influences that are present in contemporary crime control.
3) Discuss the influence of politics, social services, and the economy on crime policy and crime management.

### 2.1 Influences on Contemporary Crime Policy

- Penal Welfarism
- Private Prisons
- Victim Impact Statements
- Community Notification Laws
- Sentencing Guidelines
- Electronic Monitoring
- Punishments in the community
- Restorative Justice

The sociological impact of crime has created a volatile relationship between the citizens, government, and criminal justice stem as the balance between individual rights and freedoms are balanced with the need for social structure and social order.

The cultural, economic, and political influences on the criminal justice system are reflected in the evolution of crime policy. There is no argument that crime control is reactive. Informal social practices influence the reactions of the State and the creation of crime policy.

Problems with crime policy in the US are similar to the problems in most developed countries around the world. Therefore, it can be asserted that crime policy is not a unique or isolated issue.

### 2.2 Traditional Crime Policy to Contemporary Crime Policy

Changes from traditional crime policy to contemporary crime policy include:
- Decline of rehabilitation being the goal of correctional institutions
- Rehabilitation being replaced by punitive sanctions
  - Return to draconian laws
  - Prisons should feel like prisons
  - Less vigilance for the civil liberties of offenders
    - Sex Offender Identification/Community Notification
  - Victim Impact Statements influencing politics, crime policy, and sentencing
  - General public outrage towards criminal behavior

### 2.3 Public Fear of Crime

Fear of crime is a social characteristic of contemporary society. In the past, crime was sequestered to less fortunate people in less fortunate neighborhoods. Contemporary society is global which creates more opportunities to be exposed to crime. Television and the Internet share the presence of crime as it permeates all socioeconomic levels of society.
The fear of crime has created a strong public demand for strong punishments and protections to deter crime. The availability of shared information has created popular identification with victims. The victim, or victim's family is accepted as a spokesperson for all victims and potential victims. Protective measures are developed as a result and named accordingly:

- Megan’s Law
- Jenna's Law
- Brady Bill

Through public outrage, victims have become representative characters who speak for everyone rather than being the poor person on the news. The victim is Everyman.

2.4 Public Protection

Contemporary crime policy has relaxed some of the traditional fears of the government and has moved to accommodate society’s need for protection from the government to protection by the government. These governmental protections include:

- Relaxed civil liberties of offenders
- Community notification laws
- Knowledge of past offenses equating to propensity for future offenses
  - Consideration of past offenses in sentencing
- Surveillance cameras
- Parole/probation is under intense scrutiny
  - Strict eligibility requirements for early releases
  - Strict monitoring of early releases

Politicization of crime policy by the populist has moved decision making from bipartisan to electoral and introduced crime reduction measures such as:

- Three strikes and your out
- Truth in sentencing
- No frills prison
- Adult time for adult crime
- Mandatory sentencing
- Restrictions on early release
- Zero tolerance
- Punishments rest on the courts and legislature rather than the “experts”

2.5 Prison is a prison

Between 1973 and 1997 imprisonments rose 500%. The public had voiced their view that prison is not for rehabilitation. Prison is to preserve public safety and serve as a means of harsh punishment for offenses. The public voice was heard and
the prisons were filled. This increase in incarceration rates lead to a public call for an evaluation of the prison system, crime policy, and the financial impact of crime.

2.6 Transformation of Criminal Thought

The transformation from traditional crime policy to contemporary crime policy includes the movement from criminal episteme to control theory. Similar to the XY theories of leadership criminal episteme philosophy suggest that crime stems from social maladjustment and that society has failed to provide what is necessary for personal development into a good citizen. In contrast, control theory suggests that people are self-serving and opportunistic and inclined to criminal conduct unless there are clear and effective punishments to deter them.

Contemporary crime theory identifies criminals as normal people who make bad choices and get caught. Contemporary society suggests that the disincentives must be present and hold sufficient impact to control crime. This represents a change in social culture. In the past, crime was viewed as a separation from the norm. In contemporary society it is accepted that crime is part of everyday life.

Criminogenic situations- “The assumption that criminal actions will routinely occur if controls are absent and attractive targets are available whether or not the individuals have ‘criminal disposition’” (Granland, 2001, p. 16).

2.7 Expanding the infrastructure of Crime Prevention and Community Safety

Unlike the suggestion of Scott that crime control should rest solely in the hands of the government, contemporary crime policy recognizes the need for community involvement and had developed preventative programs and community partnerships such as:

- Community Policing
- Business improvement districts
- Neighborhood watch
- Crime prevention through environmental design
- Safer Cities

The privatization of crime control had also emerged as a social weapon against crime with:

- Private security
- Personal Protection
- Mitigation of Physical Dangers
- Technological Defenses Against Property crimes
- Protections Against Identity Theft
- Mixed Economics of Public and Private Partnerships Against Crime
- Private Prisons
Management styles and working practices have evolved to mitigate opportunities for crime. Tools are used to monitor, record, and eliminate opportunities for crime, or assist with apprehension of criminals include:

- Information Technology
- Financial Auditing
- Risk Management
  - Targets (Crime hot spots)
  - Repeat offenders
  - Repeat victims
- Diversion programs
- Decriminalization of minor offenses such as traffic violations
- Focus funds and efforts onto serious risks

**Discussion Question 1:**
Define the requirements of Megan’s Law, Jenna’s Law, and the Brady Bill. What processes in our society have contributed to these crime management laws? Do you think they are effective?

**Discussion Question 2:**
Discuss the historical influences that are present in the creation of the following:
- Three strikes and your out
- Truth in sentencing
- No frills prison
- Adult time for adult crime
- Mandatory sentencing
- Restrictions on early release
- Zero tolerance
Do you think these mechanisms are effective? Why or why not?

**Topic 3: Contemporary Crime Policy (Week 3)**

**Background and Rationale**

In the 1970’s crime policy became an issue of public scrutiny and the resulting chaos has created a wave of change that is still being ridden today. Under scrutiny, it was found that they system simply was not working. Crime was not being reduced and recidivism rates contrasted all rehabilitative outcomes in correctional system. Proponents of crime policy that supports correctionalism like Michael Fouchault and Michal Ignatieff have ignited changes in modern crime policy that has created a movement that is almost a reversal of previously established crime policy focused on penal-welfarism. The swiftness that the historically grounded policy of penal-welfarism was uprooted caused a multitude of new social challenges.

**Outcomes**
After completing this learning topic, the student will be able to:

- Describe the objections to traditional crime policy.
- Identify elements of crime policy that changed during the evolution from traditional crime policy to contemporary crime policy.
- Identify and explain the theses of Hirschman that describe the frustration with traditional crime policy.

3.1 The Success of Rehabilitation-Based Crime Policy

Until the 1970’s the need to individually assess offenders in an attempt to understand and reform them was the norm in correctional facilities. However, this method of providing individualized assessment and treatment for each offender was enormously taxing on the criminal justice system.

Over time populations increased, crime rates rose, and technology gave way to new avenues for crime enter the lives of normal citizens. The traditional, individualized methods of treatment involved in rehabilitation came under scrutiny as the public raised its voice for the rights of victims to be recognized and for public funds to be refocused on more effective means of crime control. Research by Robert Martinson on the effectiveness of the rehabilitative nature of the system identified that in total, the efforts of the rehabilitative model were ineffective.

3.2 Opposition to Traditional Crime Policy

Voices opposing traditional crime policies were also emerging from within the criminal justice system. Frequent complaints were raised from racially charged corners asserting that the rehabilitative initiatives were not only ineffective but abused. Activist groups asserted that “rehabilitative” tools were used to “repress blacks, the poor, the young, and various cultural minorities” (Garland, 2001, p. 55). These groups rallied for a “Prisoner’s Bill of Rights” and were in favor of the uniformity brought by standardized sentencing guidelines and decriminalizing general social offences, such as public intoxication, vagrancy, and truancy, which could be more appropriately handled thought non-governmental agencies such as social services.

In line with the activists, the 1960’s brought a wave of concern regarding the repression of individualism and freedom present in “rehabilitation.” The social voice of the 1960’s suggested that individual values and freedoms were more supported by well defined punitive measure than rehabilitative correctional methods.

Additionally, Judge Marvin Frankel argued, in 1972, for regulations on the sentencing discretion of judges. Sentencing reform gave way to the use of parole, fixed-term sentencing, and appropriate sanctions for crimes. The standardization of penalties simplified the criminal justice system as well as created confidence in the
system by removing some of the discretionary (and sometimes abused) power of the criminal administrators.

Von Hirsch created the first sentencing matrix, which aligned offenses with previous offenses to determine appropriate sentencing. James Wilson echoed the support of fixed sentencing established by von Hirsch by identifying that American crime rates were so high in the 1970's because criminals knew that their chances of being caught, prosecuted, and stringently punished was low. Therefore, punishments must be severe enough to deter crime. Additionally, contributing to the move from the rehabilitative methods of traditional crime policy, funding for treatment programs and research was significantly cut in the 1980's by legislative reorganization.

3.4 Fixed Sentencing

Review the following paper:

CONSISTENCY AND FAIRNESS IN SENTENCING – THE SPLENDOR OF FIXED PENALTIES by Mirko Bagaric*

http://www.boalt.org/CCLR/v2/v2bagaricfr.htm

This work provides an in depth discussion of the pros and cons of fixed sentencing and its impact on crime policy.

3.3 Frustration with Traditional Crime Policy

The downslide of faith in the criminal justice system came to a head in the 1980's with, termed by David Rothaman, “the Failure Model.” The Failure Model was a result of the general public and governmental frustration with the individualized treatment of social reform present in traditional crime policy that resulted in general demoralization of the entire criminal justice system.

The frustration with the current criminal justice system brought with it a negative shadow and the sentiment that nothing works. Hirschman identified three theses present in the negative notions:

The Perversity Thesis: Correctional institutions create unintended outcomes and make offenders worse rather than better.

The Futility Thesis: It is not possible to reform and efforts towards rehabilitation are futile.

The Jeopardy Thesis: Moral Autonomy and individual rights are sacrificed in the hands of correctional processes. Civil liberties and democratic values cannot survive in a penal system.
These dismal theories identify the demoralization crime policy. Research in the area of criminal justice seeking to identify reasons for criminal behavior in an effort to identify a “cure” had produced nothing noteworthy. Additionally, rising crime rates and rising levels of general social deviance supports the contention that current practices were not working well. Hence, the era of crime policy reform began and has continued to date.

The frustrations created by traditional crime policy provided the necessary fuel for change that began in the 1970’s is running strong today. New elements incorporated into contemporary crime policy include the social, political, and cultural issues present in modern society that were borne of technology, race relations, and class struggles present today.

**Discussion Question 1:**
Research the topic of rehabilitative correctional facilities and analyze the effectiveness of the program that you choose with regard to cultural sensitivity, racial sensitivity, respect for individuality, and cost. Share your findings.

**Discussion Question 2:**
Why do you think that rehabilitative methods identified as “ineffective” were continued for so long before change was proposed? Identify methods that may prevent a similar situation from occurring in the future.

**Discussion Question 3:**
Provide real-life examples that occur in contemporary society that support each of Hirschman's theories. Describe what changes could have be implemented to create more positive outcomes for your examples.

**Writing Assignment Week 3:**
Provide and analysis of fixed sentencing. Is it effective or inefficient? What is the impact on victims? Decide whether you support or oppose fixed sentencing and defend your position in a 4-6 page paper due to your facilitator as a Work attachment to the Assignment Drop Box by Midnight on Sunday of Week 3.

**Topic 4: The Road to Change (Week 4)**

**Background and Rationale**

The Regan and Bush administrations introduced new political initiatives in crime policy that combined social conservatism, the free-market and contemporary social conditions. This perpetuated the reactionary reversal of support for penal-welfarism in favor of crime policy that supports large-scale social change through punitive measures of correction for offenders. These political administrations began the move of crime policy from the hands of criminal justice administrators and “experts” to the citizens and the community.
Outcomes

Upon completion of this topic, the student will be able to:

- Describe the changes in the social structure that prompted the evolution of contemporary crime policy.
- Identify the role of technology in crime policy.
- Describe why traditional crime policy was in need of reform.

4.1 Changes in Social Expectations

Everyday life is different in contemporary society than it was when traditional crime policy was developed. As a result, completely different demands are made upon the criminal justice system and crime policy must efficiently meet those demands. We live in an information society that transcends previously established boundaries including culture, race, gender, and geography. The information age and technology has created limitless flow of money and information around the world.

Social expectations have evolved as middle-class affluence developed and ordinary people became financially sound. Luxuries of the rich became mainstream and expectations rose. Luxuries previously reserved for the affluent, such as owning a home, owning a car, and being able to pass wealth to the next generation became the norm. As a result, the luxuries that were once only accessible by the rich became mainstream. Even more than becoming mainstream, they became what T. H. Marshall identified as “social rights.” This supports the theory introduced in Learning Topic 1 which suggests that crime is the result of the void between expectations and achievement.

4.2 Changes in Social Structure

The changing economy of the 1970’s and 1980’s delivered more financially challenging times than in the earlier part of the 1900’s. Not only was the public in a different place financially but the social structure had also changed. For example, in 1941 less than 14% of married women worked outside the home. By 1980, more than half did.

The financial demands of restructured families fueled by changing social expectations began reshaping contemporary society by distorting the traditional dynamics of family life. This created a change in social forces that were previously at work. Divorce rates changed from 1 in 58 in the 1930’s to 1 in 2.2 in the 1980’s. Childcare outside the family became increasingly the norm. Parents spending time at work instead of at home created generations of latch-key kids. Teenagers were met with less adult supervision. Television became a babysitter and a tool for the media to target the young.

4.3 Change in Social Structure = Changes in Social Control
The changes in social structure resulted in a decrease of informal social controls such as family, school, and community. The changes to the family unit created increased demands on government interventions including increased demands on the criminal justice system.

Informal social control that previously rested in the hands of family was relinquished to caretakers, schools, and organized activities. Responsibility for developing citizenship skills, morals, ethics, and responsible behaviors that previously rested in the heart of the family, was now in the hands of commercial and governmental entities.

4.4 The Influence of Technology on Crime Policy

Technology also contributes to the rise in crime and complexity of criminal offenses. Television, the Internet, the anonymity of business transactions, and the accessibility to information complicated the structure of contemporary society. Increased opportunities for crime to occur in conjunction with decreased mechanisms for situational control create new issues that must be addressed by crime policy. The availability of new communication platforms such as IM, text, cellular communication, VOIP, and others provides unprecedented opportunity for information sharing, but also preys on the vulnerabilities of “at risk” populations such as unsupervised youth. The overall decreases in self-regulating mechanisms present in contemporary society’s techno-culture create avenues for increases in methods and types crime to emerge.

Television provides a mechanism for desensitization of society to criminal acts while increasing the expectations of individuals. Without regulating pressures such as those produced in family, social, or religious settings, and the opportunity for criminal inclinations to translate into criminal acts is limitless. Informal social interventions are another issue that must be addressed by contemporary crime policy.

4.5 Where Do We Go From Here?

Past efforts at rehabilitation have essentially failed. As a result, the monitoring of government spending and the reluctance of taxpayers to delegate funds for the benefit of offenders supports the consensus that crime policy must change. In step with the efforts to establish new sentencing guidelines, truth in sentencing initiatives and the changing expectations of contemporary society, crime policy must evolve better, smarter, and faster. Garland cites Durkheim who identified that “Complex societies need more organization, not less” (Garland, 2001, p. 101).

Discussion Question 1:
Research the correlation between family structure and crime. Share your findings.
Discussion Question 2:
Discuss the issues and ramifications for victims of identity theft. Research the prosecution rates for identity theft. How do you think this problem should be addressed? Share your findings.

Discussion Question 3:
Describe the changes in the social structure that prompted the evolution of contemporary crime policy. What do you think has been most influential and how?

Topic 5: Problems with Policy (Week 5)

Background and Rationale

New criminal theories, philosophies and penological aims have emerged the last quarter of the twentieth century as a result of social change, political movements and developments. Much is a consequence of old institutions opening the door to new thought processes. However, most have been repairs on already founded processes. Specifically, reconstruction and reform efforts were not well thought out. Some of the reforms, many of which are widely known, include victim advocacy, community policing and crime prevention. Understanding why these aims came to be is paramount to contemporary crime policy.

Outcomes

Upon completion of this topic, the student will be able to:

• Describe the effects of increasingly high crime rates for public, political authorities, and criminal justice professionals.
• Describe the state response to crime and the impact it has had on the criminal justice system.
• Identify new criminological approaches to crime.

5.1 Acknowledging Facts

Since the 1970s high crime rates and crime avoidance have become a normal social fact. This fact has been become more evident post Vietnam as rates have risen and peaked to new heights never seen before. In fact, crime has loss some of its distinctiveness such as being only an urban problem. Specifically, people today have fear of crime no matter the social setting. This growing fear has led some to believe that crime is getting worse and will continue to rise in the future.

Open the link below and read the information and data provided by the Crime and Justice Atlas (2000):

http://www.jrsa.org/programs/Historical.pdf
Based on the rise in crime, the criminal justice system is typically viewed by the public, political authorities and by its own personnel as a failure. Specifically, the system is now recognized for having a lineage of failures and limitations. From the mid-1980s it has become commonplace for crime to be accepted as something that cannot be eradicated, rather something that can only be minimized. As such, much effort is placed on the effects of crime rather than dealing with crime itself.

Open the link below and read the information and data from MacKenzie (1997) for a greater understanding of how the view of crime prevention has changed:

http://www.ncjrs.gov/works/chapter9.htm

5.2 A Structured State Response

The state response to crime is driven by internal and external pressure. Externally, state sponsors often shift with the political tide in an effort to demonstrate that they have not given up on the premise of the States responsibility to fight crime. In order to win popularity, sponsors typically advocate for measures with confirmed penological credibility and much public support. To do so otherwise may be political suicide. Internally, state sponsors are limited by many factors yet nearly all point to funding. For example, the state sponsors desire to increase the number of police officers could be impacted by the desire to lower taxes. Alternatively, another state funded area could be reduced, yet this may be problematic as it too may be important.

5.3 Balancing High Crime

Since the 1970s, balancing high crime rates with limitations imposed on the criminal justice system have become commonplace. Much is a consequence of funding, rather cost-savings. More specifically, the criminal justice system could no longer handle every complaint made and as such a type of filtering developed. As an indirect consequence of filtering, certain behaviors became less important affecting how they were criminalized and penalized. This became known as the defining down process. The process was more apparent at the lowest levels of the criminal justice system and although some controversy exists, the practice is still commonplace today.

The limitations imposed on the criminal justice system also led to more priority to dealing with the consequences of crime rather than the root causes of crime. This strategic shift can be seen in the need to mitigate crime costs, efforts done to address public fear, as well as the other priorities that do little to affect the causes of crime.

5.4 Defining Success
Pointing to limitations and constraints, state agencies of the justice system do admit their failings. However, police do claim success for bringing to justice the worst offenders. The problem – the majority are not affected by this type of crime. Rather, they are affected by the opportunistic offending, which is the most prevalent. Like the police, corrections officers claim success with the ability to control and hold prisoners rather than the ability to rehabilitate. Yet, rehabilitation is perhaps the most important aspect for the majority as it is only then when prisoners are released that they become a potential public hazard.

Like the shift in defining success, there has been a shift in liability. For example, the police will often emphasize that it is the victims’ responsibility to prevent crime from occurring. Specifically, people should protect their property by making themselves less of a target, being more alert and avoiding dangerous situations. The corrections system too has shifted liability to the offender by suggesting it is they who should take advantage of reformative services.

5.5 New Criminological Approaches

In the context where high crime rates are commonplace and the view of crime normal new criminological approaches reign. Many creative solutions have risen and fallen, yet some have lasted longer than others. By empowering agencies and testing new theories, some methods have had and continue to have minimizing effects on crime.

One solution to crime that has stood the test is community. Since the 1960s several different community programs have emerged such as, community corrections, community policing, community justice, and community crime prevention. Each of these community efforts adds an element of prevention with promising results. Another solution attempted to thwart crime is having non-state sponsored agencies exercising more responsibility. Specifically, it is an attempt to persuade organizations to take responsibility for crime.

Some key developments of the 1980s and 1990s have been ‘truth in sentencing’, ‘prison works’ and ‘zero tolerance’. Most of these have been political attempts to win public confidence. Like the ‘War on Drugs’ these developments have had little impact on confidence, rather have fueled the opinion that state agencies are limited on their ability to affect crime.

Open the link below and read the information and data from Sherman (2001) for a greater understanding of crime and public confidence:


Discussion Question 1:
How have high crime rates impacted the criminal justice system? What has been the response? Support your conclusions.

Discussion Question 2:

What factors currently affect public confidence in the criminal justice system? What is expected from the criminal justice system? Support your conclusions.

Topic 6: The Formation of a New Cultural Attitude (Week 6)

Background and Rationale

The new criminal theories, philosophies and penological aims that emerged the last quarter of the twentieth century for crime control were also influenced by pre-existing social routines and cultural sensibilities. Specifically, the new politics of crime-control continue to be socially and culturally conditioned.

Outcomes

Upon completion of this topic, the student will be able to:

- Describe the punitive response to crime.
- Understand the influence of popular appeal on crime prevention.
- Describe the middle-class correctionalist approach to crime.
- Discuss the cultural shift in criminal understanding.
- Identify attitudes, beliefs and assumptions pertaining to crime control.

6.1 Punitive Attitude

The turn towards punitive (i.e., tough on crime) measures to thwart crime is very apparent. One need to look no further than initiatives such as, ‘three strikes’, ‘truth in sentencing’, minimum sentence laws, boot camps, supermax prisons, ‘zero-tolerance’ and even the revival of chain gangs. The policies of punitive segregation should not be viewed as a primitive emotion, rather as a changing cultural response of the failing efforts to minimize crime. Much is an expression of cultural sensibilities evidenced in the strategy to:

- Increase prison sentences with no frills
- Turn away from criminal justice experts to policy makers for answers
- Evoke more response for victims

6.2 The Rise of Popular Appeal

The emergence of punitive segregation had as much to do with popular and political appeal as a loss of confidence in criminal justice professionals. Yet, it was not until the 1960s that it became an electoral competition gaining support/momentum at
the state or local level and has found its way into national politics. The loss in confidence in criminal justice professionals has created a significant shift in policy and practice as politicians gained [and continue to gain] a foothold.

The shift can be viewed as one between populism and professionalism in policy-making. Some argue this shift was [and continues to be] prompted by inflated media images and campaigns misrepresenting the true nature of crime and public sentiment. Although it is true that media does play a part in public sentiment, it is difficult to conclude the voting public is entirely persuaded by this medium. Specifically, the media is reinforcing already underlying social and psychological conditions to generate the shift.

Provided the public has formulated the principle that crime is a normal social fact, one may conclude that communities have developed a new collective experience. This is not to suggest everyone has “experienced” crime, rather the collective mentalities or cultural norms have shifted is such a way that crime is now more real than perhaps in the past. Specifically, media and other experienced behavioral influences [someone knows some who was victimized] has led to substantial shift in attitude that crime is a social and cultural fact.

Open the link below and read the article from Lowry, Nio, and Leitner (2003):


Since the late 1960s the credibility criminal justice experts’ ability to mitigate ever increasing crime rates came into doubt. Much was a consequence of failing ideologies and polices surrounding rehabilitation. As a result, legislatures have increasingly reclaimed the power to punish as evidenced in mandatory sentences, sentencing guidelines, increased scrutiny of institutional regimes as well as many other mandatory guidelines. Moreover, since the mid 1970s the decision-making authority has increasingly been placing in the hands of accountants and managers invigorating populist creep into policy-making.

6.3 Rise and Fall of Middle-Class Correctionalist Approach

Support for a more correctionalist approach for dealing with crime has been typically from the educated middle class. This class of people is consists of [some of which is new] several occupational groups such as, social workers, educationalists, psychologists, psychiatrists, probation and parole officers and state administrators. Parting from the punitive segregation attitude, the middle class supported the correctionalist approach for many reasons, which were:

- Economic interests. Specifically, the educated middle class had much to gain monetarily thru the development of new opportunities. These opportunities supported by education are invariably more available to this class than the poor.
• Educated response. The correctionalist approach responded to crime by addressing all systems or symptoms and not by laying sole blame on the individual. Moreover, the approach addressed the rehabilitation and/or reform efforts of criminals and victims.
• Social distance. Specifically, for some time the middle class was distanced or isolated from crime and as such, the middle-class was not as conditioned to believe crime is of great social magnitude.

Since the 1960s, however, the middle-class ideology has been steadily transformed by the increasing rate of crime – particularly vandalism, theft, burglary, and robbery. As the fear of crime impacted the middle-class, so too has the politics. In the 1970s, the reaction became one of blaming. Specifically, the middle class viewed themselves as victims of big government, tax and spend policies, and affirmative action programs among others. However, there were three social developments that significantly affected the middle-class, which were:

• Household crime. This is the consequence of economic and ecological developments. Specifically, the traditional make-up of the family unit has given way to more mobile, work-oriented, as well as busier family units. Because of this, opportunities for crime have increased.
• Change in crime policy. Specifically, as the perspective of crime changed, so too did policy. This reverts back to the some of the tactics sought to address high crime such as law enforcement increasingly tackling high-level crime while ignoring low-level crime.
• Mass media influence. The overwhelming boom of mass media helped to create themes in the minds of the middle-class. Specifically, crime became next-day news that occasionally ignited outrage and the need for swift action. As such, media has dramatized crime whereby affecting the psyche of society.

6.4 A Change of Culture

The increase rate of crime, the ever-increasing law enforcement focus (i.e., high-level crime), and middle-class lifestyle changes did have an impact on the culture. However, there were many other contributing factors in this social evolution – some known and still other unknown. As such, it should be understood that social developments alone did not determine the political and cultural response. Yet, it was these social adjustments and adaptations that expedited a cultural response.

One contributing factor to social evolution was the development of the victim’s movement. This movement developed out of a need to care for those who had no source of support. Stemming from local initiatives, some have found their way into contemporary practices such as, victim counseling and victim witness assistance. As such, what began as a grass-roots movement has now become a government subsidized function.
The commercial sector too has had an impact on culture. There are many examples to choose from – some more known than others. Some examples include community policing, privatized housing communities, commercial alarm monitoring, bounty hunters and security audits. Similarly, we have seen the emergence of ‘private justice’ enclaves. Carried out by the public, these enclaves carry out similar actions of local and state justice systems. This boom in commercial policing is a direct result in society’s belief that law enforcement has become incapable of protecting citizens from all forms of crime.

Capitalizing on the cultural shift, insurance agencies and the commercial security industries helped fuel public fears and insecurities. It is common for members of public to install locks and bolts on their doors, purchase intruder alarms, increase area lighting, as well as others. In fact, it is nearly standard for vehicles today to come with an alarm system. Likewise, it is common for new construction projects to incorporate designs to enhance security.

The cultural impact of the developments mentioned is difficult to quantify. Yet, the daily life of the public has been impacted and as such, the effects are arguably real. Specifically, the collective consciousness of society continues to gradually adapt to the realism (or belief thereof) of crime.

**6.5 Attitudes, Beliefs and Assumptions**

According to Garland (2001), the formation of a new cultural attitude is characterized by a distinctive cluster of attitudes, believes and assumptions which include:

- High crime rates are regarded as a normal social fact
- Emotional investment in crime is widespread and intense, encompassing elements of fascination as well as fear, anger and resentment
- Crime issues are politicized and regularly represented in emotive terms
- Concerns about victims and public safety dominate public policy
- The criminal justice state is viewed as inadequate or ineffective
- Private, defensive routines are widespread and there is a large market in private security
- A crime consciousness in institutionalized in the media, popular culture and the built environment

**Discussion Question 1:**

How has the media influenced crime policy? Does the severity of crime influence public opinion? Support your conclusions.

**Discussion Question 2:**
Describe the correctionalist approach towards crime. What has impacted this approach? How has this approach changed? Support your conclusions.

**Topic 7: The Emergence of a New Culture (Week 7)**

**Background and Rationale**

The approach to addressing crime has not changed fundamentally; however, it has changed in many respects. Much of the change can be attributed to the political pressure injected by society. Specifically, politicians will inevitably lean towards popular opinion rather than risk political suicide. Yet, other variables do influence crime policy, such as economic costs. Understanding how the approach to crime policy has impacted the criminal justice system is integral to understanding its change.

**Outcomes**

Upon completion of this topic, the student will be able to:
- Describe how the field of criminal justice has changed.
- Understand the populist influence on crime policy.
- Describe the affect of contemporary criminologies.
- Understand the economic impact of crime policy.

**7.1 Redefining the Field of Criminal Justice**

The justice system has not changed substantially since the 1970s; however, many institutions have risen alongside it (e.g., crime prevention organizations, public-private partnerships, community policing arrangements, and multi-agency working groups). As such, there has been substantial growth in the number of justice systems. Although fragile, these new systems offered a new apparatus of prevention and security. Despite not having large staffs and subsidies, the impact cannot be ignored.

Connecting citizens to criminal justice agencies, the boundaries that once existed no longer exist. As a result, crime control is no longer a profession influenced by solely by criminal justice experts. Now a whole series of social and economic factors are influential to criminal justice policy beyond the state. This influence has led to a differentiation of crime control that was once monopolized state bureaucracies and/or state officials.

This new development in crime control has pushed away from deterrence and reform towards a concern with prevention, harm-reduction, and risk management. Moreover, these new institutions have sought to minimize criminal opportunities, increase social controls, and channeling behavior away from criminal activity
whereby minimizing penal powers. As a result, fear-reduction, harm and loss-reduction and cost-control become over-arching considerations.

Because the criminal justice system has been infiltrated by a number of institutions over the past thirty years, criminal justice professionals are now somewhat tied-down when it comes to shaping policy. Public opinion is now more influential and politicians more directive in nature. In fact, some new laws and policies are enacted prior to receiving the consent of criminal justice professionals.

**7.2 The Populist Approach**

Driven mostly by political pressure, crime policy has become more of a populist approach of solving crime issues. Often change is made for short-term electoral advantages, which do not bode well for long-term solutions. With fewer intervening processes before policy formation, public demands (i.e., harsher punishment) are entertained more seriously.

The political culture of crime control now takes for granted the state's strong influence, yet the state will typically claim they do not have enough influence. As a result, the state becomes more and more influential on meeting the expectations of the public while criminal justice state follows behind claiming support has been lost and that they are no longer the sole or main supplier of security. Interestingly, however, the criminal justice institutions have adapted quickly.

**7.3 Transformation of the Field of Criminal Justice**

As discussed earlier, the penal modality has gained momentum from popular public appeal. Courts have even waived young offenders to be tried at adult courts. This penal attitude increasingly relies on incarcerations for offenders as a means of controlling crime. Probation also fits into this mold as it too is viewed as a means of controlling criminal behavior. Essentially, the system emphasizes effective controls that minimize costs and maximize security. As a result, many systems are being redefined.

The redefining of rehabilitation is evidenced by the ever-increasing perspective that this form of control is 'offense centered' rather than 'client-centered'. Specifically, the objective is no longer to reform offenders, rather to protect the public. Treatment is becoming more targeted as it seeks to minimize costs and as such, only those deemed less of a threat are afforded treatment under the guise of a 'client-centered' approach.

Like rehabilitation, probation has been influenced by the penal-welfare perspective. Loss of confidence in the system has now led to more restrictive measures such as, increased restrictions and reporting requirements. Curfews, fines tagging, tracking and partial custody too have additive measures to inflict more strenuous measures
on the rehabilitation processes. Despite these efforts, probation struggles to be considered a viable method of control.

Prisons too have been influenced by the penal-welfare perspective. The days of permeable prisons (e.g., furloughs, visitation) are becoming less commonplace. In fact, prisons today have become relatively impermeable with the sole intent of segregating deviants from society. Prison tactics too have transformed, for example, most have increased tighter controls and developed/employed ever-increasing means of controlling prisoners.

The contemporary penal attitude has also shifted punishment response from the perpetrator to the victim. This is evidenced as victim impact statements are now commonplace in the courtroom. In fact, some states confer with victims prior to parole boards and/or release. As a result, the offender is becoming more abstract. Mandatory sentence laws are a prime example of this shift in attitude. Because of this shift, individual characteristics are of less importance in determining sentences.

The decline for offender’s personal considerations driven by the need for public safety has also influenced the right to privacy. Specifically, the public has increasingly put pressure on criminal justice agencies to divulge information about criminals who pose a threat to society. Community notification laws and pedophile registries are prime examples of this movement. The controls levied on offenders are another example. Moreover, the stigma associated with this is arguably detrimental to the recovery efforts of offenders.

**7.4 A New Criminological Perspective**

Criminologies are typically concerned with scientific questions of causation seeking not to punish, rather to understand. Yet, just like the movement towards punitive modality, criminologies too are influenced. Criminologies before the 1970s regarded deterrent policies as little more than cover for retributive concerns. They mainly questions motivations from crime rather than control. Since then, new criminologies have emerged that have embraced the penal modality.

Contemporary criminologies have leaned towards situational engineering and away from social engineering. This phenomenon is likely the result of theorists and researchers becoming constrained and/or limited by the penal modality. As a result, new criminologies focus social systems and situations of offenders versus their moral attitudes or psychological dispositions. Moreover, they mainly seek to minimize deviance.

Contemporary criminologies have also sought to de-sensitize crime. Specifically, they look at crime as a normal routine of everyday life. Debunking penal modernism, this form of criminology seeks to uphold a strict moral code by suggesting certain criminals are ‘simply wicked’. This assertion suggests a certain offenders are not capable of being reformed. This criminology helps clear the
conscious of those who believe strict punishment and even death are acceptable sentences.

7.5 The Economics of Policing

Practitioners of crime control and criminal justice are more aware the economic costs than ever before. Specifically, any tactic to control crime comes at a cost. The objective is to get the most ‘bang for the buck’. Often a cost-benefit evaluation is calculated before new polices, tactics, procedures or any other system is entertained. The consequences of this approach are difficult to quantify. Yet, imagine a policy with greater deterrent value having been undercut by cost for one with lesser deterrent value. Conversely, there are examples where money has been plentiful (e.g., War on Drugs) and one could argue the merits. More importantly, the economics of crime control do influence social outcomes.

Discussion Question 1:

How has the field of criminal justice been impacted by crime policy since the 1970s? Describe how the populist approach fits in. Support your conclusions.

Discussion Question 2:

Describe the criminologies associated with punishment. What has been the impact on the criminal justice system? Support your conclusions.

Topic 8: The Nature of High Crime Rate Societies (Week 8)

Background and Rationale

The new criminal theories, philosophies and penological aims that emerged the last quarter of the twentieth century for crime control were also influenced by pre-existing social routines and cultural sensibilities. Specifically, the new politics of crime-control are socially and culturally conditioned. As such, there is a social impact to any new criminological approach. Understanding this impact is paramount to understanding crime policy.

Outcomes

Upon completion of this topic, the student will be able to:

- Describe the effects of penal-welfare
- Understand why the penal modality has taken root.
- Understand the social cost of the penal modality.

8.1 The Effects of Penal-Welfare
Crime control of late modernity has also impacted several other areas of social and economic policy. The poor, for example, are often looked at as burdens to society. They are no longer looked at as ‘disadvantaged’ rather ‘different’. As such, just as the criminal justice system as transformed so too have programs associated with the poor (e.g., welfare reform). For example, job seekers of today often have to prove that they are actively seeking employment to receive benefits.

Since the 1980s the benefits allocated to the poor have been steadily reduced. The limits to benefits as well as termination of benefits have forced the poor to take on low-paid work. The cycle becomes a vicious circle that often leads to alternative sources of income such as selling drugs. As a result of this, the poor have been increasingly viewed as a culturally distinct class beyond the reach of policy or regulatory control.

The more controls that are placed on the poor and less on the rest of society the wider the gap exists between them. In order to placate the problem, society has developed services (e.g., subsidized housing). However, these services are often viewed as a burden to taxpaying citizens and as a result, a growing perception exists that the poor are an undeserving group. The parallels to the field of crime control are evident.

8.2 Why Imprisonment?

The fundamental question is why society has turned to imprisonment as a means of control. The answer rests someplace between the dynamics of risk and retribution. Specifically, prisons are a form of punishment as well as a means of control. Because many sectors of the population are excluded from the world of work, they often find themselves closely tied to the penal system. As a result, the prison as of late has been viewed as a solution to a new problem of social and economic exclusion.

The turn to a more penal state is not hard to understand. Specifically, they are easy to implement, have few political opponents, comparatively low costs, and run alongside of common sense. However, the penal state also allows others to enjoy the fruits of labor by leaving them relatively free of the regulation and censure associated with them. As the penal modality takes hold, social reform programs begin to lose their grip. As social reform programs fade, situational crime prevention programs emerge.

8.3 Are We There Yet?

The crime control strategies of late have been shaped by political and cultural forces. Moreover, they are a product of a political style that is partly planned and partly unintended. However, because they are an outcome of political, cultural and policy choices – the outcome is not irreversible. Specifically, the current course may and likely will alter course in time. What this new course will be is anyone’s guess,
but like the current course, it will be influenced by the political, cultural and policy choices we make.

Many other possibilities exist for the control of crime. Even today we see efforts to share crime control responsibility, reduce the effects of crime on victims [especially repeat victims], as well as many others. Perhaps in time these efforts will become socially and politically favorable. In doing so, they may shift the cultural sensibility of how crime control is executed.

### 8.4 What Are The Social Costs?

The new crime-control provisions have come at a social cost. In fact, it may be these social costs that influence the future of crime control. Some of the more evident costs include; widening racial divisions, alienation of large social groups, and reduction in civil tolerance. As such, the short-term benefits offered by imprisonment may be undercut by the ideals of a liberal democracy. More specifically, there may be a day when reform efforts supplant the ideals of incarcerate and forget.

Read the following article by Travis (2002):

http://www.urban.org/uploadedPDF/1000557_invisible_punishment.pdf

**Discussion Question 1:**

What have been the impacts associated with the penal-welfare? Share your thoughts about imprisonment. Support your conclusions.

**Discussion Question 2:**

Describe some of the social costs associated with mass incarceration. Do you believe the social costs to be excessive, why or why not. Support your conclusions.