Lecture Notes

# Chapter 4: Contemporary Classical and Deterrence Research

**Learning Objectives**

* Explain the various types of research performed from the 1960s to the present to determine whether perceptions of sanctions had a significant impact on individual decisions to commit crimes
* Name the components of rational choice theory that were not included or emphasized by traditional Classical/deterrence theory in explaining criminal behavior
* Compare and Contrast formal and informal sanctions
* List the three key elements of routine activities theory, and be able to articulate which of the elements most important
* Describe which types of individuals are most likely to be deterred from committing most crimes, as well as which types of people are least likely to be deterred.
* Provide examples of modern-day applications and policies that most apply Beccaria’s principles and the Classical school

**Chapter Summary**

Early theorizing by Cesare Beccaria and others during the late 18th century remained dominant in terms of academics and, more important, policy-makers for close to 100 years. But the Classical framework as a model for understanding crime fell out of favor among academics and researchers in the late 19th century. While the Classical model never stopped being the favorite of policy-makers, virtually all dominant theories presented by scientists of the past century have been premised on assumptions and propositions that go against such Classical concepts as deterrence, free will/choice, and rational decision-making. However, Classical School concepts, assumptions, and propositions have experienced a “rebirth” in the past few decades. Furthermore, since the 1980s, several modern theoretical frameworks, such as rational choice, routine activities, and lifestyle perspectives, have given new life to the Classical perspective of criminological theorizing.

Some of these more modern Classical School–based theories emphasize only the potential negative consequences of criminal actions, whereas other theories focus on the possible benefits. Still others concentrate on the opportunities and existing situations that predispose one to engage in criminal activity. Regardless of their differences, all the modern theoretical perspectives discussed in this chapter emphasize a common theme: individuals commit crime because they identify certain situations and/or acts as beneficial due to the perceived low risk of punishment and perceived likelihood of profits, such as money or peer status. In other words, the potential offender weighs out the possible costs and pleasures of committing a given act and then behaves in a rational way based on this analysis of the situation.

The most important distinction of these Classical School theories, as opposed to those discussed in future chapters, is that they emphasize individual decision-making regardless of any extraneous influences on a person’s free will, such as the economy or bonding with society. Although many outside factors may influence an individual’s ability to rationally consider offending situations—and many of the theories in this chapter deal with such influences—the emphasis remains on the individual to consider all influences before making the decision to engage in or abstain from criminal behavior.

Given the focus on individual responsibility in modern times, it is not surprising that Classical School theories are still used as the basis for U.S. policies on punishment for criminal activity. After all, in the conservative “get tough” movement that has existed since the mid-1970s, the modern Classical School theories discussed in this chapter are highly compatible and consistent because they place responsibility on the individual. Thus, the Classical School still retains the highest influence in terms of policy and pragmatic punishment in the United States, as well as throughout all countries in the Western world. So the theories we examine in this chapter are the modern versions of the important assumptions, concepts, and propositions currently in use in virtually every system of justice in the Western world. Although most practitioners (even the judges who decide on sentences for a given illegal act) are likely not aware of these modern Classical theories of why individuals commit crimes (or do not), these modern perspectives represent the very types of concepts that all practitioners in our criminal justice system use to decide what is deserved or needed to reform an individual who has engaged in criminal activity.

**Chapter Outline**

* Rebirth of Deterrence Theory and Contemporary Research
  + In the 1960s, the Beccarian model of offending experienced a rebirth.
    - The rebirth was largely due to scientific reviews that showed that the rehabilitation programs, which were very popular during the 1960s, had virtually no impact in reducing recidivism among offenders.
      * A review of 100 programs by Bailey in the late 1960s showed that very few of them showed beneficial outcomes in reducing offenders’ recidivism.
      * Even more attention was given to Robert Martinson’s review of such rehabilitative programs and concluded that “nothing works.”
  + The Four Waves of Modern Deterrence Research
    - Aggregate Studies
      * Used a deterrence model for explaining why individuals engage in criminal behavior.
      * Supported the importance of certainty and severity of punishment in deterring individuals from committing crime, particularly homicide.
        + In particular, evidence was presented that showed that increased risk or certainty of punishment was associated with less crime for most serious offenses.
      * Many of these studies used statistical formulas to measure the degree of certainty and severity of punishment in given jurisdictions.
        + Specifically, the measures of certainty of punishment often were determined by creating a ratio of the crimes reported to police as compared to the number of arrests in a given jurisdiction.
        + Another employed measure of certainty of punishment was that of the ration of what percentage of arrests resulted in convictions, or findings of guilt in criminal cases.

An examination of both measures indicated that the higher the likelihood of arrest given reports of crime, or the higher the conviction rate per arrests, the lower the crime rate was in a jurisdiction.

However, scientific evidence regarding measures of severity did not show much impact on crime in jurisdictions.

* + - * Aggregate studies also examined the prevalence and influence of capital punishment and crime in given states.
        + States that have death penalty statutes also had higher murder rates than non-death penalty states.
        + The studies also showed that murderers in death penalty states who were not executed actually served less time than murderers in non-death penalty states.
        + A review by the National Academy of Sciences of the early deterrence studies concluded that overall there was more evidence for a deterrent effect than against it, although it was made with a tone that lacked confidence, perhaps cautious of what future studies would show.
      * Critics noted that studies incorporating aggregate statistics are not adequate indicators or valid measures of the deterrence theoretical framework, largely because the model emphasizes the perceptions of individuals.
        + Using aggregate/group statistics are flawed because different regions may have higher or lower crime rates than others, thereby creating bias in the level of rations for certainty and/or severity of punishment.
        + Further, the group measures produced by these studies provide virtually no information on the degree to which individuals in those regions perceive sanctions on being certain, severe, or swift.
    - Cross-Sectional Research
      * Focused on individual perceptions of certainty and severity of sanctions, primarily drawn at one point in time.
      * A number of cross-sectional studies of individual perceptions of deterrence showed that perceptions of the risk or certainty of punishment were strongly associated with intentions to commit future crimes, but individual perceptions of severity of crimes were mixed.
        + It became evident that it was not clear whether perceptions were causing changes in behavior, or whether behavior was causing changes in perception.
    - Longitudinal Studies
      * Individual perceptions and deterrence, which measures perceptions of risk and severity, as well as behavior, over time.
      * Experiential Effect
        + An individual’s previous experience highly influences persons’ expectations regarding their chances of being caught, and resulting penalties.

A common example is that of people who drive under the influence of alcohol.

Studies show that if you ask most people who have never driven drunk what the likelihood that they would be caught driving home drunk would be if they were to do it, most of these individuals predict an unrealistically high chance of getting caught.

However, if you ask persons who have been arrested for driving drunk, even those who have been arrested several times for this offense, they typically predict that the chance is very low.

The reason for this is that these chronic drunk drivers have typically been driving under the influence for many years, mostly without being caught.

* + - * + Individuals who have something to lose are the most likely to be deterred by sanctions.
        + Unemployed, poor individuals will probably not be deterred by incarceration or other punishments, largely due to the fact that they do not have much to lose.
        + Studies have consistently show that for criminal acts that involve immediate payoff, young male offenders, higher risk, low emotional/moral inhibitions, low self-control, and impulsivity, official deterrence becomes highly ineffective in terms of preventing crimes.
      * The identification and understanding of the experiential effect had a profound effect on the evidence regarding the impact of deterrence.
        + It was realized that any estimation of the influence of perceived certainty or severity of punishment in the future must control for previous behaviors and experiences with engaging in such behavior in order to account for such an experiential effect.
      * Provided a significant improvement over the cross-sectional studies.
      * However, such longitudinal studies typically involved designs in which measures of perceptions of certainty and severity of punishment were collected at pints in time that were separated by up to a year apart, including long stretches between when criminal offending was committed by individuals as compared to when such individuals were asked what were their perceptions of punishment.
    - Scenario Research or Vignettes
      * Created to deal with the limitations of the previous methodological strategies for studying the effects of deterrence on criminal offending.
      * The scenario method provides a specific, realistic (albeit hypothetical) situation, in which a person engages in a criminal act.
        + The participant in the study is asked to estimate the chance that he/she would engage in such activity in the given circumstances, as well as to respond to questions regarding perceptions of risk of getting caught (i.e., certainty of punishment) and the degree of severity of punishment they expected.
      * Another important and valuable aspect of scenario research was that it promoted a contemporaneous (i.e., instantaneous) response of perceptions of the risk and severity of perceived sanctions.
      * Studies have shown that there is an extremely high correlation between what one reports doing in a given scenario and what they would do in real life.
      * The scenario method appears to be the most accurate method that we have to date to accurately estimate the effects of individual perceptions with the likelihood of such individuals engaging in given criminal activity at a given point in time.
  + Formal and Informal Deterrence
    - Ultimately, the studies using the scenario method showed that participants were more affected by perceptions of certainty and less so—albeit sometimes significantly—by perceptions of severity.
      * This finding supported previous methods of estimating the effects of **formal/official deterrence** (see Figure 4.1), meaning the deterrent effects of law enforcement, courts, and corrections
    - One of the more interesting aspects of scenario research is that it helped solidify the importance of extralegal variables in deterring criminal behavior, which had been neglected by previous methods.
      * These extralegal variables, called **informal deterrence** factors, include any factors beyond the formal sanctions of police, courts, and corrections—such as employment, family, friends, and community.
      * These studies helped show that such informal sanctions are what provide most of the deterrent effect for individuals considering criminal acts.
* Rational Choice Theory
  + Adapted from economists who used it to explain a variety of individual decisions regarding a variety of behaviors.
  + Emphasizes all important factors that go into a person’s decision to engage, or not engage, in a particular act.
  + In terms of criminological research, the rational choice model emphasized both official/formal forms of deterrence, as well as the informal factors that influence individual decisions for criminal behavior.
  + Most Significant Work
    - Cornish and Clarke’s (1986) *The Reasoning Criminal: Rational Choice Perspectives on Offending*.
  + Around the same time Katz (1988) published his work, *Seductions in Crime,* which for the first time placed an emphasis on the benefits (mostly the inherent physiological pleasure) in committing crime.
  + Studies on rational choice showed that while official/formal sanctions tend to have some effect on individuals’ decisions to commit crime, they almost always are relatively unimportant compared to extralegal/informal factors.
    - Specifically, the effects of individual perceptions of how much shame or loss of self-esteem the individual would lose, even if no one else found out that they did the crime, was one of the most important variables in determining whether or not they would commit the crime.
    - Additional evidence indicated that females were more influenced by such effects of shame and moral beliefs in their decisions to commit offenses than were males.
    - Recent studies have shown that levels of personality traits, especially low self-control and empathy, are likely the reason why males and females differ so much in engaging in criminal activity.
    - The influence of peers have a profound impact on individual perceptions of the pros and cons of offending, namely by significantly decreasing the perceived risk of punishment because they see their friends get away with crimes.
  + Another area of rational choice research dealt with the influence that an individual’s behavior would have on those around them.
    - A recent review and test of perceived social disapproval showed that this was one of the most important variables in decisions to commit crime.
  + Perhaps the most important finding of rational choice research was that the expected benefits particularly the pleasure they would get from such offending, had one of the most significant effects on their decisions to offend.
  + The Rational Choice model of criminal offending became the modern framework of deterrence.
  + Applying Theory to Part II Crimes—Driving Under the Influence
    - Suggestions to prevent deaths and injuries due to impaired driving include:
      * Reducing the legal BAC limit to 0.05%.
      * Install ignition interlock devices in vehicles.
* Routine Activities Theory
  + Originally presented by Cohen and Felson in 1979.
  + The Three Elements of Routine Activities Theory
    - Motivated Offenders
      * The theory does not provide much insight.
      * The model simply assumes that there are some individuals who tend to be motivated, and simply leaves it at that.
    - Suitable Targets
      * Examples
        + A vacant house,
        + Unlocked car,
        + Female alone at a shopping mall carrying a lot of cash/credit cards and often purchased goods,
        + Bars or other places that serve alcohol.
    - Lack of Guardianship
      * Guardianship can be
        + Police or security guard,
        + Car or house alarm,
        + Presence of an adult, neighbor, or teacher,
        + Increased lighting.
    - Locations that have a high convergence of motivated offenders, suitable targets, and lack of guardianship are typically referred to as “hot spots.”
  + Applications of Routine Activities Theory
    - The Minneapolis Hot Spots Study
      * The most supportive study of routine activities theory and “hot spots” was the study of 911 calls for service during one year in Minneapolis, Minnesota.
      * The study examined all serious calls to police for a one-year period.
      * The top-ten of the places where police were called reveled that half (5) of those in the top-ten included bars, or locations in which alcohol were served.
      * Other types of establishments that made the top-ten or high rankings included: bus depots, convenience stores, rundown motels/hotels, downtown malls/strip malls, fast-food restaurants, and towing companies.
    - Crime Mapping and Geographic Profiling
      * One of the many applications of routine activities theory includes geographic profiling, which uses satellite-positioning systems.
      * Uses GPS to predict where certain chronic offenders or crews/gangs will strike next. In police departments that use geographical mapping software showing where crimes take place or 911 calls for service originate (i.e., “hot spots”), this technology helps policing authorities determine where they should concentrate their efforts, such as where to assign more officers.
    - Lifestyles Perspective
      * The lifestyles theory claims that individuals increase the probability to become victims (as well as offenders) due to the type of lifestyle they choose to engage in.
        + For example, elderly persons are far less likely to be victimized because they tend to stay indoors, especially at night. On the other hand, younger individuals are far more likely to be victimized because they tend to go out late at night and/or hang out with other young persons.
        + The bottom line in terms of theorizing about lifestyles is that certain individuals tend to increase the likelihood of their own victimization by associating with the very individuals most likely to commit offenses (e.g., young males), hanging out in locales that tend to serve alcohol, or not taking adequate measures to protect themselves from being victimized.
* Policy Implications
  + Broken Windows
    - Emphasizes the need for police to “crack down” on more minor offenses to reduce more major crimes.
    - Although many cities have claimed reductions in serious crimes by using this theory (such as New York and Los Angles) the fact is that crime was reduced by the same amount across most cities during the same time (the late 1990s to mid-2000s).
  + “Three-Strikes-You’re-Out”
    - Assumes that offenders will make a rational choice not to commit future offenses because they could go to prison for life if they commit three.
    - A controversial three-strikes law was passed by voter initiative in California, and other states have adopted similar types of laws.
      * It sends third-time felons to prison for the rest of their lives regardless of the nature of the third felony.
      * California first requires convictions for two “strikeable” felonies, crimes like murder, rape, aggravated assault, burglary, drug offenses, and so on. Then any third felony can trigger the life sentence.
      * One study from California suggests that three-strikes reduced crime, but the remaining studies show either that three-strikes has no effect on crime or that it actually increases crime.
  + Shaming
    - Includes everything from publicly posting pictures of men arrested for soliciting prostitutes to forcing offenders to walk down Main Streets of towns wearing signs that announce they committed crimes.