

## First Lessons

Like many people—the general public, politicians, human service professionals, and professionals in the criminal justice field—I have spent years trying to understand crime and criminals. My journey started early. I clearly recall my first horror-filled realization that some people commit crimes so serious that they are imprisoned. When I was six years old my father took my older brother and me to the local library in my Baltimore neighborhood. While a librarian assisted my brother, I scanned books on the lower shelves in the stacks. Quite by accident my eyes landed on a book jacket that featured a photograph of an inmate in a prison cell. Intrigued, I reached for the book and sat on the floor staring at photo after photo. I remember feeling startled, curious, and unnerved. What, I wondered, had these people done to deserve being locked up in these cages? Why would these men do such terrible things? What was it like for them to be in prison?

During many subsequent trips to that library, I headed straight for that book. In a sense, I still have not put it down. Little did I know then that my naive fascination at six would turn into a lifelong preoccupation with these questions. Along the way I have spent considerable time working with convicted criminals. My tour of duty has included a stint as a group worker and social worker in a U.S. Bureau of Prisons institution in Chicago in the mid-1970s (the Metropolitan Correctional Center), the maximum-security state penitentiary in Jefferson City, Missouri, in the early 1980s, and the forensic unit of the state psychiatric hospital in Rhode Island in the mid-1980s. Since 1992 I have served on the Rhode Island Parole Board.

This book sums up what I have learned from these experiences about crime and criminals. It is based primarily on the more than thirteen thousand

cases in which I have been involved as a parole board member, supplemented by my earlier experiences working in a federal correctional facility, a state penitentiary, and a forensic unit in a state psychiatric hospital (the forensic unit housed mentally ill prisoners and “patients” who had been found not guilty of a crime by reason of insanity or were not competent, psychiatrically, to stand trial). My purpose is to reflect on my encounters with a remarkably diverse group of criminals and to speculate about what leads to crime and what we, as a society, can do to prevent and respond to it meaningfully.

Of course, I am hardly the first person to pursue this topic. Hundreds of books address the subjects of crime, criminal behavior, and the criminal justice system. Serious scholarly observations and conclusions about the causes and consequences of crime fill these thoughtful tomes. There is no need for me to be redundant or to cover the same ground.

Put simply, the vast majority of authors of books on crime and criminal behavior are writing deductively, from the top down. That is, authors offer conceptual frameworks and typologies—rigorous and thoughtful ones, I should add—that readers may use to understand crime and criminal behavior (see, for example, Barkan 2000; Bernard, Vold, and Snipes 2002; Crutchfield, Kubrin, and Bridges 2000; Gottfredson and Hirschi 1990; Reid 1999; Schmallegger 2001; Sheley 2000; Siegel 2000; Wilson and Petersilia 1995). These frameworks and typologies are of two types. The first group—which I will describe more fully shortly—focuses on different causal (or, to use more formal terminology, *etiological*) theories, to explain why people commit crimes by exploring the relevance of, for example, psychological, biological, economic, political, community, and familial factors. The second group focuses on different types or categories of offenders, based on the patterns of their criminal activities and behaviors. Gibbons (1982), for example, distinguishes among a wide variety of “criminal role careers,” such as professional thieves, embezzlers, white-collar criminals, naive check forgers, semiprofessional property offenders, violent sex offenders, amateur shoplifters, addicts, and so on. Clinard and Quinney (1973; also see Clinard, Quinney, and Wildeman 1994) differentiate groups by types of criminal behavior: violent personal crime, occasional property crime, occupational crime, corporate crime, political crime, public-order crime (victimless crimes such as prostitution and drunkenness), conventional crime, organized crime, and professional crime. D. Glaser (1978) also classifies offenders according to types of crime: predatory crime, illegal performance offenses (vagrancy, disorderly conduct), illegal selling offenses (drug selling, prostitution), illegal consumption offenses, disloyalty offenses, and illegal status offenses. Abrahamsen (1960) compares and contrasts “acute criminals” (including situational, associational, and accidental offenders) and “chronic of-

fenders” (including neurotic, psychopathic, and psychotic offenders), while Schafer (1976) classifies offenders based on their “life trends,” for example, occasional, professional, abnormal, and habitual criminals.

### The Typology of Criminal Circumstances

In contrast, my approach in this book is to present a typology that integrates a number of useful elements found in other typologies but that classifies offenders on the basis of the *circumstances* that led to their crimes. This “typology of criminal circumstances” incorporates what we have learned about three key dimensions of crime and criminal behavior: the causes of crime, the diversity of types of crimes, and various types of criminal careers and patterns during the offenders’ lives. Also, this typology is unique in that I based it on inductive inquiry, from the bottom up. I have systematically collated information about the thousands and thousands of offenders whom I have encountered, along with a significant number of their victims, and have used qualitative research methods to create a typology of the *circumstances* that lead to serious criminal behavior (that is, criminal behavior that is serious enough to warrant incarceration).<sup>1</sup> Using what academics call “grounded theory”—which entails deriving theories, concepts, propositions, and new hypotheses from qualitative data collected in the field—I have developed a seven-category typology of the circumstances that appear to lead to serious criminal behavior.<sup>2</sup>

Briefly, these categories include crimes that are the result of

*Desperation.* Put simply, people who find themselves in desperate circumstances—for example, as a result of sudden debt or family crises—sometimes engage in desperate acts. Examples of crimes of desperation include burglaries committed by parents living in dire poverty who need money to feed their children, fraud committed by people who are under intense pressure to pay their debt to organized crime figures, and embezzlement by white-collar offenders whose financial world has crumbled around them.

*Greed, exploitation, and opportunism.* For all kinds of reasons—some psychological, some cultural, and some, perhaps, biochemical—some people are eager to outdo the neighbors, even if they cannot afford the competition. They want more money and trappings, and they want them yesterday. For some, crime is the fastest route to big bucks, late-model cars, and large houses. Examples of crimes of greed, exploitation, and opportunism are financial schemes and Internet scams that

take advantage of vulnerable people (for example, the elderly), corporate fraud, drug deals that generate large profits, racketeering, murder for hire and arson for hire, and warehouse thefts to obtain goods for black-market sales.

*Rage.* Everyone becomes angry at times, and most people are able to control their aggressive impulses during these episodes. But some people are unable or unwilling to contain their rage. They respond to conflict by lashing out or worse. Examples of crimes of rage include stabbings and murders that arise from fierce domestic disputes, assaults that arise from “road rage” conflicts, and spontaneous intergang warfare.

*Revenge and retribution.* Some crimes are mere payback. Party A becomes enraged with party B, and no easy resolution is apparent. The disagreement and resentment escalate and time runs out. Examples of crimes of revenge and retribution are planned (as opposed to spontaneous or impulsive) murders, assaults, and thefts whose goal is to “pay back” the victim for some perceived wrong or injustice.

*Frolic.* Many crimes occur in the context of people doing their best to have a good time—a *really* good time, often laced with mayhem and mischief. Examples of crimes of frolic are teenaged high-speed drag races that lead to serious injury or death, serious vandalism preceded by heavy drinking or drug use, and death caused by recreational gunplay (e.g., Russian roulette).

*Addiction.* This is the elephant in the room that we need to acknowledge. An overwhelming portion of crime is related to addiction. Examples include drug possession, prostitution by drug addicts to pay for their habits, pathological gambling, driving under the influence with death or serious injury resulting, and a wide range of property crimes committed to obtain goods to sell on the black market to finance addictions (for example, auto theft, breaking and entering, burglary, receiving stolen goods).

*Mental illness.* One sad and rather well-kept secret in this business is that many crimes are committed by people with diagnosable, although not always diagnosed, mental illness or brain damage. Typically, these crimes can be linked directly to psychiatric problems. For a variety of complex reasons—some justifiable and some not—a significant number of these offenders end up in the criminal justice system rather than the mental health system. Examples include sex offenders who have been diagnosed with pedophilia or mental retardation, individuals with bipolar disorder who have been arrested for domestic violence, and people with schizophrenia who have been convicted of murder or assault.

Although these seven categories of crime are compelling, these broad distinctions are not sufficient. Within each group we must distinguish many different subtypes of crime if we are to truly understand patterns of criminal behavior. With respect to crimes of addiction, for example, we need to distinguish among addictions related to drugs, alcohol, and gambling. With respect to crimes of rage we need to distinguish among offenses involving, for example, strangers (road rage) and offenses involving family and acquaintances (domestic disputes). With respect to crimes of greed, we need to distinguish among street offenses (such as drug dealing for profit), white-collar financial schemes, and crimes involving serious personal injury (such as murder for hire).

Although I firmly believe that typologies provide a useful way to conceptualize crime and criminals, I recognize that they have their limitations. Typologies sometimes oversimplify remarkably complex phenomena, forcing into tidy categories a diverse array of elements that are not nearly as homogeneous as the categories of the typology suggest. As Gibbons (1982:263, cited in Hagan 1990:111) says, criminals “defy pigeonholing.” Criminals are complicated and many do not specialize in particular types of offenses or engage in linear criminal careers. Criminals who commit offenses that fall within the category of crimes of addiction, for example, may also manifest symptoms of mental illness. Criminals who commit crimes of frolic may have been under the influence of cocaine at the time. That is, the seven categories in the typology that I present are not mutually exclusive.

In my experience, however, most offenders have a center of gravity, so to speak; their behavior and the challenge that they present tend to have a central theme that must be addressed if we are to prevent and control crime. For some, the central theme pertains to their struggles with substance abuse, while for others the central theme is mental illness or rage-filled interpersonal conflict, and so on. The typology that I present here will, I believe, help criminal justice professionals to focus on key central themes in offenders’ lives in constructive ways. As Hagan observes: “The real value of criminal typologies is their heuristic benefit in providing a useful, illustrative scheme, a practical device which, although subject to abstraction and overgeneralization, enables us to simplify and make sense of complex realities. Any ideal types are prone to oversimplification, but without them the categorical equivocations in discussing reality become overwhelming” (1990:112–13).

This book includes a large collection of case studies based on my experience with offenders. The cases serve two purposes. First, they provide readers with real-life portraits of criminal activity and the circumstances that surround it. These cases may provide criminal justice educators and professionals with

valuable material for discussions about and analyses of crime, etiology, prevention, sanctions, and public policy. Second, the cases provide points of departure for my own observations about these topics and, in particular, my typology of criminal circumstances. These prototypical examples come directly from my extensive encounters with offenders to illustrate and support my points about conceptually distinct groups of criminals and crimes. These cases will bring to life what might otherwise be a relatively sterile discussion of abstruse concepts. With the exception of several case examples that are unusually well known and unique (for example, the conviction of a prominent judge for accepting a bribe and a governor for racketeering), I have modified the case examples to disguise the identities of the principals (both offenders and victims). All cases are based on actual circumstances and hence provide readers with realistic accounts of crimes, criminals, and offenders' lives.

### **Lessons Learned**

My discussion will focus mainly on factors that appear to explain criminal behavior, ways to prevent criminal behavior (for example, the role of primary prevention programs and services, economic policy, school reforms, drug interdiction) and appropriate responses to individual offenders (that is, the role of community-based and residential treatment, counseling, incarceration, probation, parole, electronic monitoring). Throughout the book I will offer succinct recommendations related to social services, criminal justice, and public policy.

Interestingly, the conceptual frameworks that I learned as an undergraduate student in criminology courses in the early 1970s are still taught today. Many intellectual debates about the subject in today's literature—where authors speculate about the relative influence of diverse psychological, biological, economic, political, and environmental factors—are virtual clones of the debates that I first encountered in the 1970s. In one sense this is frustrating, in that little evidence exists that our collective understanding of the crime problem has advanced significantly, save for modest gains in empirically based knowledge about the correlates of crime and the effectiveness of various preventative and rehabilitation efforts. In another important respect, however, the sameness of the intellectual and conceptual contours of the debate—including our persistent attempts to sort out the relative influence of diverse psychological, biological, economic, political, and environmental factors—suggests that our initial instincts were on target: crime and criminals are complicated, and the multiple and complex reasons why people commit crimes

force us to dissect the issue carefully, mindful that we will not find simple answers. Every crime and criminal produce a unique case study that requires in-depth analysis and subtle, complex interpretation. Fortunately, we can aggregate cases and find patterns and themes, which is what I will offer in subsequent pages.

Here is a *précis*, with supporting details to follow: Many of the public's impressions and conclusions about crime and criminals are based on high-profile offenders, the cases that reach the public's eye because of the journalistic flashlight that shines on them. This is regrettable because these are the remarkably *atypical* cases and circumstances. News reports about the more prosaic crimes and criminals—which are far more representative of the risks that each of us faces on a day-to-day and night-to-night basis—tend to be buried in the police blotter on page five of the metropolitan section of the paper and squeezed into twenty seconds during the thirty-minute local television newscast.

I am not suggesting that we ignore the dramatic, high-profile cases. These too are significant and, human nature being what it is, impossible to ignore. For me, several cases stand out: the senior official in a state child welfare department who was sexually involved and used drugs with a youngster who was in the department's custody; the prominent judge who accepted a bribe from a lawyer; the incorrigible organized crime figure who seemed right out of central casting; a former governor who pleaded guilty to corruption-related charges.

But these headline cases—cases that deserve to be the lead story—are not the ones from which I have learned most of my lessons. The big lessons come from the sea of inmates—most of them poor—convicted of such crimes as drug dealing and possession, automobile theft, breaking and entering, robbery, credit card fraud, prostitution, domestic violence, and vehicular homicide. These inmates are the product of all that is wrong with our world, and their fractured lives offer messages about what we need to do to repair it.

Here is what I have learned, repeatedly, based on my face-to-face conversations with convicted criminals and my review of their remarkably diverse life circumstances: Most inmates are serving sentences for some drug- or alcohol-related offense or were heavily involved with alcohol or drugs during the period just before their arrest. These cases include armed robberies committed while under the influence or to get quick cash to buy drugs, heroin sold to undercover police officers, cars stolen to finance drug deals, and women stabbed by drunk partners. The connection between drugs and crime is stunning, and the general public needs to understand this. Effective drug- and alcohol-abuse prevention will lower the nation's crime rate. Drug- and alcohol-involved inmates who leave prison without serious treatment are likely to return. This we know.

And we know more. Especially in recent years, I have seen a steady rise in the number of gambling-related offenses—crimes as diverse as bank robbery, insurance fraud, auto theft, and stealing credit cards from rural mailboxes. Most gamblers are not criminals, of course, but we cannot ignore the result of our national casino fever.

Over the years I have been struck especially by the women inmates. The vast majority are serving sentences for drug-related offenses, and many have prostitution charges as well. In important respects they are cookie-cutter cases: victims of childhood sexual abuse by their step-fathers, biological fathers, or mothers' boyfriends . . . which led to poor self-esteem and a series of relationships with abusive men . . . which led to substance abuse to numb the pain . . . which led to some sort of addiction and, often, prostitution and shoplifting to finance the addiction . . . which led to prison. Incarceration in such cases can accomplish only so much; these women have coped as best they can under remarkably abusive, stressful circumstances. Their emotional scars are so deep that only the most sustained counseling and treatment are likely to make a meaningful difference. Stopping sexual abuse is key.

There is no simple solution, no one-stop shopping. Some criminals are fiercely mean and dangerous and should never, ever be released. Some are wickedly greedy and deserve to be punished. Some are mentally ill, desperately poor, and unemployable and need considerable help, in the form of sustained social services, to stay out of trouble. Some—especially those with substance abuse histories—are likely to repeat their crimes if not supervised closely and provided with substantial treatment. And quite a few, I am happy to say, are able to turn it around and put all their crime in their rearview mirror—usually with the help of caring, earnest, and committed human service professionals.

My principal argument is that a thoughtful approach to the problem of crime must take into account the diverse *circumstances* that lead to criminal behavior. Crime-prevention policies, interventions, and legislation are destined to have limited success if they fail to consider the unique etiological factors associated with different forms of crime. By way of analogy, no singular, comprehensive treatment strategy exists for cancer. Like crime, cancer is a simplistic, one-dimensional term that is used to characterize a remarkably diverse array of phenomena. Effective cancer treatment protocols necessarily consider the many forms of cancer (for example, lung, prostate, brain, tongue, bone, pancreatic, ovarian, breast) and the diverse etiological factors (for example, biochemical, genetic, environmental, dietary, occupational, lifestyle) that cause them. To address cancers thoughtfully and effectively, health care professionals identify specific subtypes, explore the unique causal factors as-



sociated with them, and tailor meaningful responses that are designed with the traits and attributes of the subtypes in mind. The health care professionals then adjust and tweak the interventions in response to lab results and symptom reports obtained along the way.

Similarly, meaningful responses to crime must be based on our understanding of specific subtypes, the unique causal factors associated with them, and current knowledge about which responses are most likely to succeed, given the unique characteristics and attributes of the subtypes. Residential drug treatment programs may have a positive effect on addiction-related crimes, but little effect on crimes of greed. Addicts who have a major mental illness, such as schizophrenia, need to be treated differently than addicts without a major mental illness. The threat of incarceration may deter some offenders who orchestrate crimes of revenge but may have relatively little effect on offenders whose crimes are a function of their severe mental illness. My claim is that a fuller, richer grasp of the diverse subtypes of crimes and offenders will help policy makers and practitioners fashion more effective prevention and treatment strategies.

### **A Primer on Etiology**

My discussion throughout this book will draw extensively on historic and contemporary thinking about the causes of crime, a body of information known as etiological theory. Thus it will be helpful for me to present a succinct overview of major perspectives and schools of thought, to facilitate my subsequent shorthand references to these views.

Serious scholarly writing on criminal behavior and theories of causation began in the mideighteenth century. Since then hundreds of authors have posed a staggering number of explanatory etiological theories, ranging from narrowly focused speculation about the influence of genetic and biochemical factors on behavior to broad, expansive disquisitions on the pernicious consequences of market economies.

A comprehensive overview of etiological theories would be both distracting and exhausting.<sup>3</sup> Throughout my discussion I will draw on and cite specific theories to highlight and clarify key conceptual points that I wish to make about meaningful responses to crime. For now it will be more useful for me to provide a broad summary of major strains in the evolution of etiological theory.

In general, theories of crime causation are of three types. The first group includes theories that focus on the role of the “free will” that some individuals exercise when they decide to commit crimes. From this perspective, generally

known as the classical point of view, criminals make conscious choices to break the law; thus prevention and treatment programs, public policy, and judicial responses should assume that people have the capacity and tendency to make deliberate, rational choices about whether to engage in criminal conduct. Put simply, the classical theorists argue that criminal conduct reflects offenders' free will, which is motivated by their hedonistic pursuit of pleasure. According to the classical view, criminals rob banks, steal cars, commit fraud, and assault people because of the pleasurable sensations associated with these activities. These acts are the product of rational choices that take into consideration the tradeoffs involved in pleasurable consequences and the various risks, or "pain," associated with the criminal activity (such as the risk of physical injury, monetary penalties, legal expenses, and incarceration). Hence, crime is the product of a cost-benefit calculus by the offender.

The earliest serious writings on the classical perspective began with Cesare Beccaria's 1764 publication of *On Crimes and Punishments*. Early adherents of classical theory also included the well-known nineteenth-century British philosopher Jeremy Bentham (1748–1832), who argued that human nature leads people to act in a way that produces the greatest ratio of good to evil (the so-called utilitarian perspective).

The second prominent school of thought approaches etiological issues from a fundamentally different vantage point. From this perspective, generally known as the positivist point of view, people commit crimes as a result of a variety of factors that are entirely or largely beyond their personal control.<sup>4</sup> Typical positivist theories assert that a variety of environmental, geographic, economic, psychological, cultural, and biological factors cause crime. For example, in the nineteenth century, Cesare Lombroso argued in *The Criminal Man* (1876) that criminals have unique physical stigmata, or characteristics, such as their facial features, cheekbones, arches, palm lines, and so on (in other words, he was arguing that he knew a crook when he saw one). Also in the nineteenth century, Karl Marx foreshadowed the economic theory of crime, which claims that capitalism creates inequality, poverty, and forms of social conflict that lead to crime (see Willem Bonger's *Criminality and Economic Conditions* [1910] for a prototypical application of Marxist concepts to the analysis of crime). During this same general period Charles Darwin, in *Origin of the Species* (1859), introduced theories of evolution and natural selection that provided the conceptual foundation for biological positivism. Other noteworthy positivist views include the claims of Robert Dugdale (1877) and Henry Goddard (1912) about the hereditary nature of criminality based on their analyses of generations of criminals in the notorious Jukes and Kallikak families; the twentieth-century hypotheses of Ernst Kretschmer (1926) and

Sheldon and Eleanor Glueck (1956) about the correlation between distinct body types and personality traits; and the conclusions of Charles Goring (1913) about the prominence of feeble-mindedness among criminals.

A wide range of twentieth-century sociological theories of crime—which are largely positivistic in nature—have also been highly influential. Among the best-known and most-cited perspectives are the so-called anomie theories, which focus on the breakdown (or lack) of social norms that constrain criminal behavior (Durkheim 1951, 1964). The concept of anomie provided a conceptual anchor for a number of prominent theories, including Robert Merton’s “strain theory” (1957), according to which crime is a by-product of society’s failure to provide everyone with the means to attain the material goods to which they aspire; Richard Cloward and Lloyd Ohlin’s “differential opportunity” theory (1960), which emphasized offenders’ selective use of “illegitimate opportunity structures” to get what they want (social status, goods, and so on) because these items either are or seem to be unattainable through more legitimate avenues; and Albert Cohen’s “subculture theory” (1955), which focused on the reactions of lower social class members to middle-class values and aspirations.

Other prominent sociological theories include social process theories, labeling theories, and radical theories. Social process theories view criminal behavior as a product of learned behavior, typically learned through cultural norms (Hagan 1990). Prominent social process theories include Robert Park’s emphasis on “natural areas” or subcommunities that produce crime (1952) and Ernest Burgess’s discussion of geographic “zones of transition” (1925) that breed crime; Clifford Shaw and Henry McKay’s “social disorganization theory” (1942), which was based on the authors’ extensive use of maps and arrest statistics to find the ecological patterns associated with crime; Edwin Sutherland’s “differential association theory” (1947), which argues that individuals who have extensive contact with people who engage in deviant behavior are themselves more likely to engage in criminal conduct because of their opportunity to learn these behaviors; and Walter Miller’s “focal concerns theory” (1958), which identified a number of supposed preoccupations in lower-class culture: trouble, toughness, smartness, excitement, fate, and autonomy.

Labeling theory emerged in the 1960s, based on the argument that individuals engage in criminal behavior in large part because the broader society has labeled them as deviant. That is, many crimes are not inherently deviant; rather, the broader society has labeled them as such and, in so doing, exacerbates criminal conduct. Key assumptions under labeling theory are that no act is inherently criminal in nature; those in positions of authority (for example, legislators, policy and administrative officials) define what is and is

not criminal; the act of being caught sets the labeling process in motion; certain demographic traits (such as age, social class, gender, race/ethnicity) increase the likelihood of being labeled criminal; and the labeling process strengthens offenders' identification as criminal as well as their "rejection of the rejectors" (Hagan 1990:192; see also Becker 1963, 1964; Lemert 1951; Schrag 1971; Schur 1969, 1971; Tannenbaum 1938).

Perhaps the best-known labeling theory is based on Edwin Lemert's distinction between "primary deviance" and "secondary deviance" (1967). Primary deviance refers to the initial offense itself, such as stealing a car, committing a robbery, or assaulting someone. Secondary deviance entails the formation of a deviant or criminal identity as a result of being caught, prosecuted, convicted, incarcerated, and otherwise processed as a deviant. According to labeling theory, this new identity greatly increases the likelihood that the individual will continue to engage in criminal activity (a form of self-fulfilling prophecy).

In contrast, radical theory—sometimes known as Marxist theory—is rooted in the belief that capitalism and the forces of free-market economies create the conditions for criminal behavior. Richard Quinney (1970, 1974, 1977, 1979) and William Chambliss (1975) argue forcefully that in capitalist nations the criminal law is an instrument of the privileged and elite ruling class, and the elite use it to maintain social order by controlling and oppressing those who are poor and otherwise subordinate (the proletariat). According to Anthony Platt (1974), a noted radical theorist, criminologists have become conservative handmaidens of state repression.

The third major group of theories incorporates elements of the classical and positivist perspectives. From this perspective—which has been dubbed the neoclassical view, the mixed view, or soft determinism—crime is best understood as the product of, to varying degrees and in different proportions, both individual choice and structural or environmental circumstances that are largely or entirely beyond the control of the individuals. A prototypical example of this perspective is David Matza's "drift theory" (1964). Matza argues that while outside forces determine human behavior to some extent, individuals nonetheless have the capacity to exercise some degree of free will. Matza argues that offenders tend to drift between criminal and conventional behaviors and rationalize (or, to use Matza's term, *neutralize*) their conduct by blaming it on their toxic home life or communities, denying that their actions have harmed their victims, condemning people in positions of authority as corrupt, and so on.

Other prominent examples of the mixed view include so-called social control theories. Social control theories typically focus on the influence of social

institutions and norms as mechanisms that contain crime. Walter Reckless (1961), for example, advanced the so-called containment theory, arguing that crime is the result of flawed external conditions (for example, poverty, chaotic neighborhoods and families, unemployment) and internal conditions (for example, poor self-concept and impulse control). Travis Hirschi (1969), in his discussion of the “social bond theory,” stresses the importance of social connections between individuals and family, friends, schools, employers, neighbors, and religious institutions, as mechanisms that enhance the ability of an individual to engage in law-abiding behavior and avoid criminal behavior.

### Responding to Crime

It seems clear to me that people’s opinions about how we ought to respond to criminal behavior have a great deal to do with our beliefs about the extent to which offenders are responsible for their behavior. Those who claim that offenders have the ability to exercise control over their behavior, consistent with the “free will” view, are much more inclined to endorse punitive sanctions. Those who embrace a more deterministic view, believing that misconduct is a function of a range of circumstances and phenomena beyond the control of the offender, are much less likely to be punitive and much more likely to embrace rehabilitative efforts.

The concept of punishment, and its proper place in criminal justice, is key. Historically, moral and political philosophers have espoused one of three perspectives on the issue. The first, known as the teleological view (from the Greek *teleios*, “brought to its end or purpose”), maintains that punishment, such as imprisonment, is morally justifiable when its aim is to produce a specific beneficial consequence, such as rehabilitating an offender, deterring the individual offender from committing crimes in the future (known in the trade as specific deterrence), and deterring members of the general public from committing crimes (general deterrence). In moral philosophy teleology—also known as consequentialism—is the school of thought that asserts that an action is morally justifiable to the extent that it produces “good” consequences or, more specifically, more good than “evil.” As Jeremy Bentham argued in his classic eighteenth-century commentary on utilitarianism (the most common form of teleology), *An Introduction to the Principles of Morals and Legislation* (1789), “An action may be said to be conformable to the principle of utility, or, for shortness sake, to utility (meaning with respect to the community at large), when the tendency it has to augment the happiness of the community is greater than any it has to diminish it” (1973:362). With regard to punishment

specifically, Bentham argued that while punishment is inherently evil, it is justifiable to the extent that it prevents some greater harm:

- I. *The end of law is to augment happiness.* The general object which all laws have, or ought to have, in common, is to augment the total happiness of the community; and therefore, in the first place, to exclude, as far as may be, every thing that tends to subtract from that happiness: in other words, to exclude mischief.
- II. *But punishment is an evil.* But all punishment is mischief: all punishment in itself is evil. Upon the principle of utility, if it ought at all to be admitted, it ought only to be admitted in as far as it promises to exclude some greater evil. (1789, cited in Ezorsky 1972:56)

Perhaps the earliest argument that punishment is morally justifiable as an effort to “cure” the offender appears in the dialogue between Socrates and Polus in Plato’s *Gorgias*:

SOCRATES: Of two who suffer evil either in body or in soul, which is the more wretched, the man who submits to treatment and gets rid of the evil, or he who is not treated but still retains it?

POLUS: Evidently the man who is not treated.

SOCRATES: And was not punishment admitted to be a release from the greatest of evils, namely wickedness?

POLUS: It was.

SOCRATES: Yes, because a just penalty disciplines us and makes us more just and cures us of evil. (cited in Ezorsky 1972:37)

The second major perspective—known as the retributivist view—reflects the widespread belief that the primary purpose of punishment is to convey the community’s anger, indignation, and resentment toward the offender—what Feinberg refers to as the “expressive function” of punishment (1965). Whether the punishment “cures” or deters the offender or deters others is not critically important; what matters is that members of the broader society have an opportunity to condemn the offender for the misconduct and to “restore the moral balance disturbed by crime” (Ezorsky 1972:xvii). According to Ezorsky, “For all retributivists punishment has moral worth independently of any further desirable effects. *Ceteris paribus*, the world is better, morally speaking, when the vicious suffer. Thus it is not surprising that retributivism is sometimes characterized as the vindictive theory of punishment” (1972:xviii).<sup>5</sup>

Among the earliest classic commentaries on the retributive functions of punishment are Immanuel Kant's nineteenth-century observations in his *Philosophy of Law*:

Juridical punishment can never be administered merely as a means for promoting another good, either with regard to the criminal himself or to civil society, but must in all cases be imposed only because the individual on whom it is inflicted has committed a crime. For one ought never to be dealt with merely as a means subservient to the purpose of another, nor be mixed up with the subjects of real right. . . . The penal law is a categorical imperative; and woe to him who creeps through the serpent-windings of utilitarianism to discover some advantage that may discharge him from the justice of punishment, or even from the due measure of it.

(1887, cited in Ezorsky 1972:103–4)

The third—and I think most sensible—perspective reflects a blend of the teleological and retributivist perspectives: teleological retributivism. This point of view acknowledges the legitimate right of the community to express its indignation and resentment toward those offenders who have the ability to exercise some measure of control over their behavior (this would not include, for example, offenders whose crimes are the result of serious mental illness). However, according to teleological retributivism, reasonable constraints must temper these understandable instincts; any punishment imposed on an offender must serve a constructive purpose with respect to some beneficial consequence, such as public safety, deterrence, or rehabilitation. As Ezorsky notes, teleological retributivists are pluralists in that they “mediate between a teleological principle, i.e., utilitarianism, and principles of justice held by retributivists” (1972:xix). In other words, punishment serves multiple aims, which may vary from circumstance to circumstance and case to case. Moral indignation may be particularly important in some circumstances (for example, when a judge accepts a bribe meant to influence his handling of a case being tried before him, or when a man makes a deliberate decision to sexually exploit his stepdaughter), while deterrence and rehabilitation are more compelling in others (for example, when a loving, caring mother who is earnestly trying to conquer her drug addiction shoplifts in order to feed her hungry children, or when a homeless man suffering from untreated schizophrenia is arrested after he accidentally starts a fire in a warehouse where he sought shelter in freezing temperatures).

I would add to this mix a major commitment to the goal of restorative justice, a concept of ancient origin that has resurfaced in the criminal justice field only in recent years (especially since the 1980s). Put briefly, restorative

justice is based on a belief that an important goal of the criminal justice system should be to restore victims who have been harmed or injured by offenders. *Victims* can be defined broadly to include individual victims (as in cases of robbery, rape, and murder, for example), organizational victims (as in cases of embezzlement or fraud), and the broader community (as in cases of vandalism or theft of public property).

Original notions of restorative justice have their roots in Jewish, Buddhist, Taoist, Greek, Arab, Roman, and Hindu civilizations, among others (Braithwaite 1998; Van Ness 1986). According to Braithwaite, “Taken seriously, restorative justice involves a very different way of thinking about traditional notions such as deterrence, rehabilitation, incapacitation, and crime prevention. It also means transformed foundations of criminal jurisprudence and of our notions of freedom, democracy, and community” (1998:323).

Restorative justice programs can take various forms, the most common of which include

1. Victim-offender mediation. Canada and the United States pioneered this form of restorative justice in the 1970s (Umbreit 2001). The victims and offender meet with a facilitator to address their conflict and to explore meaningful ways to resolve the conflict and find ways for the offender to compensate victims for their injuries.
2. Conferencing. New Zealand introduced the concept of conferencing in the late 1980s (G. Maxwell and Morris 1992, 1993). This restorative justice approach builds on the concept of victim-offender mediation but broadens it to include relevant family members, clergy, social service professionals, law enforcement officials, and attorneys. The principal goal is for the offender to acknowledge the wrongdoing and for the group to reach consensus about what constructive steps the offender can take to make reparations.
3. Circles. The concept of circles (of relationships) has a long history in Native American (United States) and First Nation (Canada) cultures (Galaway and Hudson 1996). These communities use circles to provide offenders with an opportunity to acknowledge their misconduct and to address problems and conflicts between people. The criminal justice system has used circles since the 1980s. Circles usually include diverse participants concerned about the victim and offender (professionals, community leaders, family, and so on). In turn, each participant holds the “talking piece” and has an opportunity to express his or her views about the crime, the offender, the victim, and opportunities to make reparations.



4. **Restitution.** Restitution programs typically provide offenders with an opportunity to repay their victims for the economic injuries that they have incurred. Individual victims may receive compensation for their property and economic losses, and organizational victims may receive compensation for theft of property or money (for instance, as a result of fraud or embezzlement).
5. **Community service.** Community service is a popular option in restorative justice programs, especially when the crime had no individual or organizational victims per se. Community service programs provide the offender with an opportunity to “pay back” the community for the misdeeds. The service may take the form of teaching (for example, when offenders convicted of killing someone while driving drunk lecture high school students about the dangers of drunk driving), labor (for example, when an offender paints or repairs public buildings or cleans public property), or service (for example, when an offender provides assistance at a shelter or soup kitchen).

Restorative justice can achieve various goals (Braithwaite 1998), including the restoration of

**Property.** Offenders who broke into a home can return stolen jewelry or, if it has already been sold, pay restitution to compensate for the loss.

**Injury.** Offenders who injured others in a fight can pay the victims’ medical bills or lost wages. They can also express their sincere remorse—either in person, by telephone, or in writing—for the pain that they have caused. Offenders who have somehow harmed the community but whose actions did not harm individuals can compensate by performing some form of community service (for example, volunteering to work with disabled people, painting a neighborhood health clinic, removing litter from a public park).

**Sense of security.** Offenders who become acquainted with their victims may provide reassurance that they did not target these individuals specifically and that the victims need not fear retaliation.

**Dignity.** Offenders who engage in sincere attempts to restore their victims can enhance their own sense of dignity and reduce their sense of shame. Restorative efforts may be an important step in the offender’s rehabilitation.

**Sense of empowerment.** Both offenders and victims may enhance their sense of empowerment. For victims, restorative justice provides an opportunity to confront crime and criminals and to assert their rights and

indignation. For offenders, taking responsibility for their misdeeds can provide a strong sense of empowerment for those who are eager to change their conduct.

**Deliberative democracy.** Restorative justice is but one expression of the true democratic process, actively engaging citizens in the administration of justice. That is, justice is not rendered only from on high—in the form of judicial sanctions and oversight—but within the commonweal itself.

**Harmony based on a feeling that justice has been done.** Consistent with ancient traditions, restorative justice can help people make amends for their wrongdoing. An increased sense of justice among citizens has the useful by-product of increased harmony. This is especially true when restorative justice programs take the form of reconciliation meetings between victims and offenders.

**Social support.** Here too both victims and offenders may find healing. Through restorative justice efforts victims may gain a sense that the broader community in general, and the criminal justice system in particular, are behind them, in their corner, and supportive. Similarly, offenders may gain a sense that those responsible for administering justice have more than punishment and retribution in mind, that they are genuinely concerned about the offender's well-being and future.

Restorative justice programs are gaining in popularity in part because of their nearly universal intuitive appeal and the opportunity that they provide to engage common citizens in the administration of justice. Braithwaite states it well:

All cultures value in some way repair of damage to our persons and property, security, dignity, empowerment, deliberative democracy, and harmony based on a sense of justice and social support. These are universals because they are all vital to our emotional survival as human beings and vital to the possibility of surviving without constant fear of violence. The world's greatest religions recognize that the desire to pursue these restorative justice values is universal, which is why some of our spiritual leaders offer hope against those political leaders who wish to rule through fear and by crushing deliberative democracy. (1998:332)

My pluralistic approach to crime and the treatment of offenders—which blends features of incapacitation for public safety, punishment and retribution, rehabilitation and treatment, and restorative justice—is based on honest

acknowledgment that the responses to crime should be thoughtful, selective, and tailored to individual circumstances and that we need to resist the understandable but naive temptation of one-size-fits-all dispositions and sentencing guidelines. In our wish for clarity and simplicity, too often we end up with simplistic, uniform responses to wildly diverse criminal and life circumstances. The noted legal philosopher H. L. A. Hart echoes this sentiment in this profoundly important and levelheaded passage from *Punishment and Responsibility*, about the relevance of abstruse philosophical principles in the face of real-life crime and criminals:

No one expects judges or statesmen occupied in the business of sending people to the gallows or prisons, or in making (or unmaking) laws which enable this to be done, to have much time for philosophical discussion of the principles which make it morally tolerable to do these things. A judicial bench is not and should not be a professorial chair. Yet what is said in public debates about punishment by those specially concerned with it as judges or legislators is important. Few are likely to be more circumspect, and if what they say seems, as it often does, unclear, one-sided and easily refutable by pointing to some aspect of things which they have overlooked, it is likely that in our inherited ways of talking or thinking about punishment there is some persistent drive towards an over-simplification of multiple issues which require separate consideration. To counter this drive what is most needed is *not* the simple admission that instead of a single value or aim (Deterrence, Retribution, Reform or any other) a plurality of different values and aims should be given as a conjunctive answer to some *single* question concerning the justification of punishment. What is needed is the realization that different principles (each of which may in a sense be called a “justification”) are relevant at different points in any morally acceptable account of punishment. What we should look for are answers to a number of different questions such as: What justifies the general practice of punishment? To whom may punishment be applied? How severely may we punish? In dealing with these and other questions concerning punishment we should bear in mind that in this, as in most other social institutions, the pursuit of one aim may be qualified by or provide an opportunity, not to be missed, for the pursuit of others.

(cited in Ezorsky 1972:154–55)

Understanding the causes of crime and the purposes of punishment and other interventions is helpful to the extent that such insights enable us to prevent crime and fashion meaningful responses to it. Like etiological theories of

crime causation, the organized responses to crime by a community also have evolved over time. Historically, responses to crime have been of three types: institutional (such as traditional prisons and less traditional correctional facilities or units with specialized missions, for example, those designed to treat prisoners diagnosed with major mental illness, drug and alcohol addictions, or sex-related disorders); community-based residential programs (such as privately operated drug and alcohol treatment programs and programs designed to provide offenders, many of whom are on parole or probation, with vocational and educational tools); and community-based nonresidential social service programs (such as outpatient mental health counseling, group treatment for sex offenders, job-training programs, and restitution programs). Other innovations in the field include intensive probation, home confinement, electronic monitoring, mediation and other restorative justice programs, day reporting centers, residential treatment for sex offenders, and corrections-oriented boot camp.<sup>6</sup> Throughout the book I will comment on the lessons that I have learned about the most appropriate use of the available options.

### **The Calibration-Recalibration Model of Crime Prevention and Control**

Once criminals have been identified—either through arrest or conviction—the criminal justice system has, in principle, four goals or aims: public safety through containment (through electronic monitoring, secure residential care, or incarceration); treatment and rehabilitation (in the form of residential or outpatient social services and counseling); restorative justice (victim restitution or community service); and punishment or retribution (in the form of incarceration or the payment of fines). My principal argument is that, in light of the best available knowledge and centuries of reflection about and experience with criminals and criminal behavior, the most sensible and rational response to crime should entail several key elements. These constitute what I call the calibration-recalibration model of crime prevention and control.

When the criminal justice system first identifies offenders, it should make assertive efforts to assess the circumstances in offenders' lives that have led them to commit crimes—that is, the degree of an offender's desperation, rage, greed, frolic, revenge, addiction, and mental illness or mental retardation. The focus should not be limited to the crime or crimes that triggered the current offense (known in the trade as the "instant offense"). In addition, justice should consider the offender's criminal career, to determine whether enduring and persistent themes exist. Some offenders' criminal careers and patterns are long standing, consistent, and predictable; they have a *modus operandi* that is

rooted in their chronic drug addiction, mental illness, or greed. The careers of other offenders are much more diverse, uneven, and curvilinear—and much less predictable. For example, earlier chapters in their criminal careers may have been a function of youthful frolic and opportunism, crimes of rage may have dominated the middle chapters, and the most recent chapter may have arisen from a problem with alcohol. In some instances—a very small percentage, I find—a pattern may not be discernible. And, of course, some offenders are just getting started, so no historical pattern or criminal career exists to assess. However, comprehensive assessments of the circumstances that surround criminal activity almost always yield themes and patterns that suggest prominent core issues that the criminal justice system must address. Typically, these core issues include some combination of problems related to desperation, rage, greed, frolic, revenge, addiction, and mental illness or retardation.

Upon completion of this initial assessment, criminal justice must carefully consider its four key goals—public safety through containment, treatment and rehabilitation, restorative justice, and punishment or retribution—and pursue those goals that best suit each offender's unique circumstances. This is the process of calibration. Which goal, or combination of goals, the system pursues will, and should, vary from offender to offender. As I will show throughout the book, some offenders—a relatively small percentage, fortunately—are so dangerous and incorrigible that the only reasonable goals are public safety and containment through long-term incarceration. In many cases the most sensible course of action is the development and implementation of a comprehensive treatment plan and set of social services, for example, substance abuse treatment, mental health counseling, literacy education, and vocational training. Restorative justice—in the form of victim compensation or community service—may be a useful adjunct. In some instances some form of punishment, for retribution's sake, may be appropriate to reflect the legitimate indignation of the community.

Another key feature of this approach to crime prevention and control is that the degree of emphasis on the goals of public safety, treatment and rehabilitation, restorative justice, and punishment or retribution will vary from offender to offender. That is, in some cases the primary emphasis may be on the goal of public safety through incarceration, because of the offender's violent behavior, while the secondary emphasis may be on the goals of punishment and treatment or rehabilitation within the correctional institution. In other cases the proportions may be reversed, for example, when the offender does not pose a major threat to public safety and can be supervised through electronic monitoring; the primary aim may be to engage the offender in meaningful treatment and rehabilitation. In sum, the goals of public safety, treatment and rehabilitation,

restorative justice, and punishment or retribution should be “mixed and matched” in varying proportions, depending upon the unique features of the current and historical life circumstances of each offender.

Once the system has set initial goals for an offender—the calibration stage—it is critically important that the professionals working with the offender (for example, probation and parole officers, parole boards, judges, mental health and social service professionals) monitor the individual’s progress consistently, diligently, and thoroughly. Beyond the practical reasons for such monitoring (to determine whether the offender is complying with court orders or parole plans, for instance), the principal aim here is to regularly gather information in order to assess whether the plan for the offender—specifically, the degree of emphasis on the goals of public safety, treatment and rehabilitation, restorative justice, and punishment or retribution—need to be adjusted or recalibrated. That is, society cannot assume that a sound plan implemented when an offender is placed on probation, sentenced to prison, or released on parole will never need modification. Life does not work that way. New and unanticipated issues emerge in offenders’ lives, often with little or no notice, and these may require some adjustment in the master plan and goals. An offender may function just fine for months in a drug treatment and restitution program but then relapse when he learns that his wife has filed for divorce. The relapse may lead to a new crime, such as a robbery to get money for drugs, which requires some recalibration, for example, that the goal of public safety becomes more compelling for a period of time than the goals of community-based treatment and restorative justice. Treatment should continue, of course, but it may need to occur within the context of a secure environment. That is, new circumstances and events will lead to a change in the constellation of goals for this particular offender. The overarching purpose of recalibration is to increase or decrease emphasis on the goals of public safety (periodically tightening or loosening the leash), treatment and rehabilitation, restorative justice, and punishment or retribution based on information gathered at regular intervals. The mix of responses should always be proportionate, based on principles of justice and the long-standing concept of the least restrictive intervention necessary.

I think several analogies will help to convey the conceptual basis for the calibration-recalibration model.

Sailing entails constant navigation—processing data from a variety of sources, and making many adjustments along the way, to ensure safe passage toward one’s ultimate destination. Sailors who fail to pay attention to key pieces of information, such as wind and wave conditions, weather forecasts, water currents, and boat condition—do so at their peril. When they begin their journey, sailors plot their course based on the best information available at departure

time (comparable to the calibration stage involved in the management of offenders). Throughout the journey competent sailors pay close attention to and monitor various on-board gauges, radio reports, and maps, supplemented by their own eyeball observations, to chart their course and modify their tacking. They make adjustments in direction, speed, sails, and so forth, based on changes in the data that they receive (comparable to recalibration in work with offenders). Sailors' ability to keep their boat on course and to proceed safely depends on their ability to factor in steady streams of new and changing information and make wise adjustments accordingly. The goal is to keep the wind in the sails; the goal of criminal justice professionals is to keep offenders on course.

Diabetes—a disease in which the body does not produce or properly use insulin, the hormone needed to convert sugar, starches, and other food into energy—requires constant monitoring and feedback once the condition is diagnosed. Patients' conditions and needs vary, of course, but generally the initial treatment plan (calibration) for people with diabetes entails some combination of diligent nutrition and meal planning, exercise, and, especially for people with Type 2 diabetes, weight loss. Initial calibration is not enough, however. People with diabetes know that they must be vigilant about monitoring their blood glucose levels. Diabetics routinely prick their fingers throughout the day, obtain a drop of blood, and check the sugar level with a glucose meter. Based on this data, patients adjust their food intake and activity levels (recalibration). The measurement-adjustment-measurement-adjustment sequence is constant, just as it must be with the supervision of offenders.

Every thoughtful parent knows that child rearing is a never-ending work in progress. Each child has a unique temperament and personality, physical and genetic endowment, and proclivities. Parenting approaches and strategies that are effective with one child may be ineffective and counterproductive with another child in the same family. Parenting techniques that were effective with a child at age six may lose their effectiveness when the child is nine. Effective parenting requires constant and consistent monitoring of the child's physical, cognitive, emotional, and behavioral development.

Information about the child typically comes from various sources, including the parents' observations, as well as feedback from child care providers, teachers, camp and after-school activities counselors, clergy, friends, relatives, neighbors, and so on. Ideally, parents take in all this information, which is typically provided sporadically and in diverse forms, review it critically and constructively, and make parenting decisions accordingly (recalibration). Effective parenting requires varying degrees of emotional support, nurturance, therapeutic intervention, discipline, and punishment, which are adjusted over the days, weeks, months, and years according to the child's needs. The proportions

vary over time depending on the information available to parents. At times children need much more emotional support and solace than at other times, when some degree of discipline or punishment may be more necessary. As with sailing, diabetes management, and the supervision of offenders, parenting requires nonstop monitoring and adjustment, or recalibration.

### The Stages of Change

Several components of the calibration-recalibration model are relatively easy to conceptualize and implement. The key ingredients of institutional care, for example, are well understood. Although implementation may be flawed, we know how to incarcerate offenders when this form of segregation is necessary for public safety. Similarly, we now know how to design and implement all manner of victim compensation and community service programs in our efforts to promote restorative justice (Braithwaite 1998; Nugent et al. 2001; Umbreit 1997, 2001). Much debate continues about which models, strategies, and approaches are most valid and effective, of course, but the consensus on the basics is considerable.

What is especially challenging in criminal justice, however, is the design and implementation of various rehabilitation, educational, and vocational programs whose goal is to change unlawful and destructive behavior. What is clear to me from my experience over the years is that offenders vary considerably with respect to their willingness and readiness to change. This is not unusual, of course, with involuntary clients (Rooney 1994).

I do not believe that behavior change can be coerced or mandated. Offenders who struggle with problems related to substance abuse, gambling, sexual molestation, domestic violence, impulse control, greed, and so on can be helped only when they reach a point where they genuinely want help. This is hardly a novel concept; mental health and social service professionals have known and embraced this idea for years. Yet this concept, which is so widely accepted in work with voluntary clients—in various mental health, domestic violence, and substance abuse treatment settings, for instance—is much less prominent in the criminal justice system. Because of their coercive approaches to involuntary clients, professionals in criminal justice settings are likely to *impose* treatment and social services as a requirement of probation, incarceration, or parole.

The best available evidence of the importance of clients' readiness for change comes from a widely cited model that is based on the concept of stages of change (Prochaska 1994; Prochaska, Norcross, and DiClemente 1995; Pro-



chaska and Velicer 1997). The model, which is based on extensive empirical research, describes how people modify a problem behavior or engage in a positive or desirable behavior. The approach focuses on the individual's emotions, cognitions (ways of thinking), and behaviors and focuses on intentional change, that is, efforts to change that begin with the individual (as opposed to being imposed externally). Research on the model has focused mostly on behaviors such as smoking, diet, exercise, alcohol and drug abuse, condom use for HIV protection, and stress management. Although research on the stages-of-change approach has not typically focused explicitly on criminal conduct per se, the model is clearly relevant to many behaviors that lead to a significant portion of criminal conduct (such as alcohol and drug abuse).

The stages-of-change approach is organized around five specific stages that occur over time.

### *Precontemplation*

At the stage of precontemplation people are not planning to engage in any meaningful change. This may be because the individual does not have sufficient information about the problem or the options available or because past attempts at change have been frustrating and unsuccessful. Some inmates I have met are not willing or able to acknowledge that they have a problem that warrants change. On occasion, although this is relatively infrequent, inmates tell me that they are not guilty of the crime—that they were “set up” or that someone else is the one who needs to change (for example, the domestic partner whom the inmate abused). Or the inmate may acknowledge having a serious problem but will say that prison is no place to address it. For example, I have heard many sex offenders plead with me to grant them parole, claiming that they have their problem “under control.” They add that if my colleagues and I insist on it, they would enroll in a community-based sex offender treatment program. Some of these inmates are willing to admit their guilt, but they are not willing to join a prison-based sex offender treatment program because of their fear of harassment from other inmates. They may want help, but during the time that they are in prison, they are still treading water in the precontemplation stage.

### *Contemplation*

In the contemplation stage individuals are beginning to think about change and hope to change within the near future (the model suggests a time frame of six months within which the individual plans to engage in serious efforts

to change). The individual may assess the potential benefits and costs of change and may be quite ambivalent. For example, I have heard many inmates and parolees talk about the difficult decisions that they need to make concerning enrollment in an ambitious treatment program. Some acknowledge the potential benefits but are afraid of the program's intensity and demands or are reluctant to change their lifestyle, while others are afraid to expose themselves during group discussions. For some individuals, the prospect of genuine change is highly threatening. Some inmates are remarkably pragmatic, saying that they do not want to enroll in a program because they would have to give up their prison job and would lose their per diem pay.

### *Preparation*

Preparation is the stage in which individuals actively engage in plans to make changes in the immediate future. In the corrections field this would include planning to join a substance treatment or twelve-step program (such as Alcoholics Anonymous, Narcotics Anonymous, or Gamblers Anonymous), seeking mental health counseling to address problems with depression, enrolling in a literacy course or vocational training program, or joining a domestic violence therapy group.

### *Action*

In the action stage individuals take actual steps to change their behavior. Examples of behaviors by offenders in prison or under supervision in the community that would "count" include abstaining from alcohol consumption (in the case of an alcoholic offender who is in recovery), stopping all physical aggression toward one's spouse (in the case of an offender convicted of domestic violence), learning how to read (in the case of an offender who is illiterate), and having no contact with children while alone (in the case of an offender convicted of child molestation).

### *Maintenance*

In the maintenance stage individuals have achieved some degree of positive behavior change and are engaged in actions to prevent relapse.

According to the stages-of-change approach, movement toward change occurs as a function of several factors. Individuals weigh the relative pros and cons of changing their behavior. The pros include an assessment of the benefits for the individual and others. With offenders, for instance, the benefits of

changing behavior might include avoiding or being released from prison, reconciling an estranged relationship with a spouse or partner, regaining custody of one's child from the state child welfare agency, and enhancing one's self-esteem. The down side includes an assessment of costs to the individual and others. With offenders the down side might include being away from family while enrolled in a residential drug treatment program, having to wear an electronic bracelet, performing community service by picking up litter in a public park, and enduring the scorn of neighbors who know from television and newspaper coverage that the individual has been convicted of a heinous crime.

The stages-of-change model is particularly appropriate in criminal justice settings. At any moment one can find offenders at every stage, ranging from stark precontemplation, where no evidence of intent to change exists, to earnest forms of action, where offenders are actively and eagerly involved in programs and behaviors designed to help them change for the better. Offenders may be at one stage with respect to one problem but another stage with respect to another. For example, I once interviewed an inmate who was at the action stage with respect to his heroin problem but at the precontemplation stage with respect to his alcohol addiction.

As a parole board member, I could talk to an inmate forever about the importance of enrolling in this, that, or the other mental health, substance abuse, educational, or vocational program. It is clear to me, however, that if the inmate is at the precontemplation stage and not ready to actively pursue change, my words are like cotton candy at the county fair—once tasted, they dissolve instantly. More than once an inmate has told me that she or he would prefer to serve the entire sentence rather than increase her or his chances for parole by participating in a treatment or educational program. My goal with such an inmate should be to help him or her explore the relative benefits and costs of changing a specific behavior so that he or she can contemplate—really contemplate—behavior change. But if the inmate is not ready to change, no persistence on my part or anyone else's is likely to lead to change. Quite the contrary: a pointless tug-of-war is likely to ensue; the more the criminal justice professional demands change, the more the offender asserts the right to autonomy by resisting.

The artful practitioner who wants to help an inmate move beyond the precontemplation stage skillfully listens with genuine respect and empathy, reflects the offender's ambivalence about change, and gently offers information about options. The professional is patient, not insistent or demanding, empathic and not punitive. Change, or at least the offender's interest in changing, may come in time, but preaching, lecturing, admonishing, or coercing is not likely to accelerate it. From the perspective of the stages-of-change model,

client resistance arises from client-practitioner interaction and is entirely avoidable when the practitioner maintains a truly respectful, reflective listening stance, allowing the client to guide the process, focusing on the client's hopes and goals.

I have met many inmates who clearly are at a more advanced stage, such as the action stage, where they are actively involved in rehabilitation, educational, or vocational programs. In these instances the criminal justice professional's main job is to encourage and facilitate these efforts, as a coach and cheerleader, and help the offender move toward maintenance and relapse prevention. I have witnessed many such successful attempts.

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Clearly, during the last several centuries we have seen a remarkable proliferation of theories concerning crime causation and creative attempts to respond to it. Some etiological perspectives are as different as black and white, and some are merely different shades of gray. As with arguments about any intensely provocative subject, such as the morality of abortion and whether God exists, I suspect that we will never achieve true consensus on the issue. Rather, people are destined to disagree about the nature and causes of crime and about the most appropriate way to respond to and prevent crime.

Nonetheless, over time the debates have become richer, more nuanced, and refined. In my view, competing perspectives do not necessarily require a stark choice between that which is right and that which is wrong. As I will make clear throughout this discussion, a wise, mature, realistic, and informed approach to understanding, preventing, and responding to crime necessarily entails careful, thoughtful, judicious, and selective use of different theoretical, ideological, programmatic, and policy perspectives and assumptions. Although some conceptual views have been completely discredited or are terminally simplistic or antiquated, our selective use of many of the perspectives that have emerged over the centuries can be effective. My claim is that our selective use of these theoretical perspectives and assumptions should be guided by the unique and diverse circumstances before us in the form of the different categories of crime that I will now explore: crimes of desperation; rage; greed, exploitation, and opportunism; frolic; revenge and retribution; addiction; and mental illness.