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Keynote Address: The Supreme Court Needs to Enter the 21st Century WSC Conference, 2012, Newport Beach, California

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Keywords: Supreme Court, Fourth Amendment, technological surveillance,

Technology has given the police an unprecedented ability to gather information about people. With increasing frequency courts face the question of when technological monitoring without a warrant violates the Constitution. Imagine, for example, that law enforcement uses a drone to track someone's movements or to gather images of what is going on in a backyard, or even within the home. Does that constitute a search for purposes of the Fourth Amendment?

The Supreme Court has yet to begin to develop an analytical approach to deal with such situations. This should not be surprising; it took the Court a long time to enter the 20th century. The Court first considered whether wiretapping constituted a search in 1928 in *Olmstead v. United States*. The Court held that electronic eavesdropping is not a search unless police physically trespass on a person's property. In other words, it was not a search so long as the police could tap the phone without entering the home. It was not until 1967, in *Katz v. United States*, that the Court departed from this narrow approach and held that in determining whether a search had occurred the focus must be on whether there was an invasion of the reasonable expectation of privacy.

The hope is that the Supreme Court will much more quickly adapt the Fourth Amendment to the new technology of the 21st century, but its recent decision in *United States v. Jones* provides little basis for optimism. In *Jones*, the Supreme Court considered whether the police, in placing a GPS device on a person's car and tracking its movements, had violated the Fourth

Amendment when there was not a warrant authorizing this action. The case involved Antoine Jones, who the police suspected of cocaine trafficking. The investigation included visual surveillance of Jones and the area around his nightclub, the installation of a fixed camera near the nightclub, a pen register which showed phone numbers of people called or receiving calls from Jones's phone, and a wiretap for Jones's cellular phone.

Additionally, the police obtained a warrant authorizing them to covertly install and monitor a GPS tracking device on a Jeep Grand Cherokee registered to Jones's wife, but used extensively by Jones. The warrant required that the device be installed within a 10-day period and only in the District of Columbia. Police installed it on the eleventh day and while the car was in Maryland. Both sides thus agreed that this was a warrantless planting and monitoring of the device. This could turn out to be very relevant in the Supreme Court's decision: it shows that the police can easily get warrants for the use of such tracking devices.

The police used the device over a four week period. Based on all of the information gained, the police obtained and executed a search warrant and cash and drugs were found.

After Jones was indicted, he moved to suppress the information gained from the GPS tracking device. The district court held that the information gained from the movement of the car on public roads was admissible, but that any data gained from the car while it was parked in Jones's garage at home had to be suppressed. Jones was

tried and acquitted on multiple charges, but the jury could not reach a verdict on the conspiracy charge, and on that a mistrial was declared. Jones was then retried for conspiracy to distribute five kilograms or more of cocaine and fifty grams or more of cocaine base. The GPS logs were important at trial in that they were used to link Jones to the “stash house.” This time, the jury convicted Jones of the conspiracy for which he had been indicted. The district court sentenced Jones to life imprisonment and ordered him to forfeit \$1,000, 000 in drug proceeds. The United States Court of Appeals for the District of Columbia Circuit found that the warrantless following of Jones via the GPS device was a search within the meaning of the Fourth Amendment. The Court of Appeals denied en banc review over the dissent of four justices.

I have long believed that the best predictor of whether the Supreme Court will find a violation of the Fourth Amendment is whether the justices can imagine the action happening to them. I was the confident in predicting the outcome when a justice at oral argument asked the government lawyer whether the government’s position meant that a police officer could put a GPS device on a justice’s car and track its movements. Another justice asked if it meant that a police officer could slip a GPS device in his pocket without a warrant.

The Supreme Court ruled 9-0 that placing the GPS device on Antoine Jones’ car and tracking its movements for 28 days without a warrant violated the Fourth Amendment. But the Court’s approach was remarkably unhelpful in dealing with issues of technological surveillance and the Fourth Amendment. Justice Scalia wrote a majority opinion joined by Chief Justice Roberts and Justices Kennedy, Thomas, and Sotomayor. Justice Scalia found the government’s action to violate the Fourth Amendment based on a 1765 English decision, *Entick v. Carrington*, under which the planting of the device would have been regarded as a trespass.

Justice Alito wrote an opinion concurring in the judgment – which was joined by Justices Ginsburg, Breyer, and Kagan -- in which he sharply criticized the majority’s approach. He said that the answer to when technological surveillance is a search cannot be found in 18th Century English law. He focused on the reasonable expectation of privacy and how this is violated when police track a person’s movements for 28 days without a warrant. Yet, his approach depended on how long the police used the GPS device, which makes the question of whether there is a search depend on an arbitrary distinction about time.

Justice Sotomayor interestingly joined Justice Scalia’s opinion rather than Justice Alito’s. She said that she agreed that a trespass on someone’s property – placing the GPS device on the car – was a search. Also, she likely was troubled by the arbitrary line-drawing in Justice

Alito’s approach. Justice Sotomayor emphasized the key question that the other opinions obscured: when is the government’s gathering of information about a person a search within the meaning of the Fourth Amendment? Unfortunately, *Jones* provides little guidance to an issue that is arising constantly in many different ways.

Indeed, neither the approach of Justice Scalia or Justice Alito is likely to be useful in deciding when the use of a satellite or a drone to gather information is a search within the meaning of the Fourth Amendment. Eighteenth century English law is certain to yield nothing useful for this analysis. But nor is focusing on the reasonable expectation of privacy likely to be useful. We have no expectation of privacy when we are driving on public roads; the police could have followed Jones’ movements by using undercover officers without ever needing a warrant. In *United States v. Knotts*, the Court said that a person “traveling in an automobile on public thoroughfares has no reasonable expectation of privacy in his movements from one place to another.”

The Court needs to develop a new approach to deciding when the gathering of information about a person is a search within the meaning of the Fourth Amendment. An approach taken in California privacy law might be useful. California law creates the notion of a technological trespass. Under California law, it is an invasion of privacy to use technology to gather information that otherwise would have required a physical trespass. If what is going on inside a house is monitored using technology, but otherwise the information only could have been gained by entering the home, that should be regarded as a search within the meaning of the Fourth Amendment.

It took the Supreme Court until 1967 to recognize that wiretapping is inherently a search because it violates the reasonable expectation of privacy. The Supreme Court needs to do a much better job in dealing with the sophisticated new technology of the 21st century. Unfortunately, *United States v. Jones* offers little basis for optimism.

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Sex Offender Myths in Print Media: Separating Fact from Fiction in U.S. Newspapers

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Abstract: *The media sometimes present certain myths related to sex offenders that run contrary to the data supported by empirical research, such as identifying sex offenders as being compulsive, homogenous, specialists, and incapable of benefiting from treatment. These myths affect the public's overall perception of sex offenders and their crimes, which, in turn, can influence public policy. The literature suggests that television news presents several myths about sex crimes and sex offenders; however, research on whether the print media perpetuate these myths is limited. This exploratory study seeks to begin filling this gap in the literature by examining the presentation of sex offender myths in newspaper articles. Employing content analysis, this study evaluated a sample of 334 articles published in 2009 in newspapers across the United States for the presence of sex offender myths. Sex offender myths were not significantly related to the type of article, region of publication, victim age or gender, or the type of offense. Myths were, however, significantly associated with articles reporting on various types of sex offender policies, often in a manner which runs contrary to empirical research. The legal and policy implications of these findings are explored.*

Keywords: criminal justice policy, crime and media, sex crimes, sex offenders

INTRODUCTION

Sexually-based crimes against children spark a sense of alarm and urgency among the public. This public response is exacerbated when the media sensationalizes cases involving the abduction and sexual victimization of children, especially those that tragically end in a child's murder (Katz-Schiavone et al. 2008). But such child abductions by strangers are rare. The National Center for Missing and Exploited Children (n.d.) estimates that roughly 115 children per year are the victims of kidnappings by strangers who hold the child overnight, transport the child 50 miles or more, kill the child, demand ransom, or intend to keep the child permanently (see also Sedlak et al. 2002). In contrast, young children are killed

by drunk drivers and as a result of "physical abuse or neglect perpetrated by their own parents or caretakers" at exponentially higher rates (Levenson and D'Amora, 2007: 179).

Media coverage of child sexual victimization fuels the public's morbid fascination with sex offenders who target children (Hanson et al. 2002; Levenson and D'Amora 2007; Lösel and Schmucker 2005; Miethe, Olson, and Mitchell 2006; Nieto and Jung 2006). Such media reports have led to a national moral panic surrounding the safety of children (Fox 2002; Jenkins 1998; Zgoba 2004) that has, in turn, perpetuated the acceptance of myths that run contrary to empirical knowledge about sex crimes and sex offenders (Center for Sex Offender Management 2000; Dowler 2006; Levenson et al. 2007; Zgoba 2004).

REVIEW OF THE LITERATURE

The Social Construction of Sex Crimes and Offenders in the Media

The media play an important role in the way the public perceives the criminal justice system since the majority of public knowledge about crime and justice is derived from the media (Dowler 2003; Surette 2011; Weitzer and Kubrin 2004). But media are often ineffective in educating the public about crime. Indeed, coverage of violent and sensational crimes disproportionate to their levels in official data exaggerates public fears of victimization (Dowler 2006; Proctor, Badzinski, and Johnson 2002; Quinn, Forsyth, and Mullen-Quinn 2004; Surette 2011; Weitzer and Kubrin 2004), especially for sex crimes (see Soothill and Walby 1991).

The sensational method by which the media highlights crime, especially those of a sexual nature, has resulted in the creation of moral panics among the public (Maguire and Singer 2011; Soothill 2010; Zgoba 2004). Moral panic—a term first coined by Young in 1971 and largely attributed to Cohen (1972)—describes “a condition, episode, person, or group of persons which emerge to become defined as a threat to societal values and interests” (Cohen 1972:9). Thus, these threats create socially constructed parameters of acceptable or deviant behavior (Zgoba 2004). The depiction of sex crimes in the media appears to follow this general pattern (Maguire and Singer 2011). Rape, for example, tends to be over-reported while less serious sexual assaults are under-reported unless they are sensational or unusual in nature (Carrington-MacDonald 1998; Marsh 1991; Meyers 1997).

Dowler (2006) suggests that the selection of only atypical, sporadic incidents of rape and sexual assault produce several myths, which include: rape as sex; sexual assault as infrequent and isolated; and that rapes and sexual assaults are committed primarily by strangers. Even more telling is the media's fascination with sex crimes committed against children. Palermo and Farkas (2001) posit that the outrage and fear that results from media reports of sex crimes against children sets the stage for widespread moral panic (see Blumer 1971). For example, a 2005 Gallup poll found that two-thirds of Americans polled were “very concerned” about the sexual molestation of children, out-rating their concern over violent crime or terrorism (Carroll 2005).

When a social problem is legitimated by the media, policy makers often respond with crime control strategies that address the socially constructed reality vis-à-vis the moral panic, rather than creating policies that are responsive to empirical data (Sample and Kadleck 2008). Griffin and Miller (2008:160) describe this process as *crime control theater*—“a public response or set of responses to crime which generate the appearance, but not

the fact, of crime control.” But, as Thomas (2010) pointed out, basing policy on high-profile cases is a flawed approach.

Rebuking Sex Offender Myths

Media present the public with “an increasingly distorted view of sex offending” which, in turn, molds public attitudes (Soothill 2010: 151). Through the process of crime control theater (Griffin and Miller 2008), these distortions lead to the adoption of policies that may be responsive to the moral panic of the public, but not necessarily to their actual safety needs (Cohen and Jeglic 2007; Craun, Kernsmith, and Butler 2011; Levenson and D’Amora 2007; Maguire and Singer 2011; Mancini et al. 2010; Sample and Bray 2006; Zgoba 2004). In the sections to follow, we explore several of the more prominent sex offender myths perpetuated by the media, as well as several of the crime control theater strategies that have been enacted in response to the moral panic caused by these myths.

Sexual compulsion. The notion of sexual compulsion suggests that sex offenders recidivate at an unusually high rate; yet, research suggests otherwise. Hanson and Bussière (1998) reported sexual recidivism rates between 10 to 15% after five years (as measured by rearrests). Other studies, however, have noted the importance of long-term, longitudinal research with sex offenders. Prentky and colleagues (1997), for example, reported that using a five-year window to look at recidivism misses 30% of the charges identified when a 25-year follow-up period is used. Still, when compared to other serious types of criminal behavior, sex offenders generally have lower recidivism rates and possess minimal criminal histories (Nieto and Jung 2006; Sample and Bray 2003). For example, Langan, Schmitt, and Durose (2003) examined the recidivism rates for sex offenders ($n=9,691$) across 15 states and found the three-year recidivism rate for those convicted of sex offenses was only 5.3%. This number stands in sharp contrast to the three-year recidivism rates for burglary, which was estimated at 74%; larceny, estimated at 75%; auto theft, estimated at 70%; or driving under the influence, estimated at 51% (Langan and Levin 2002; Nieto and Jung 2006; Sample and Bray 2003).

Specialization. Both in the news and in fictional portrayals of offenders on television, in books, and in movies, the media frequently represent criminals as specialists (Soothill, Fitzpatrick, and Francis 2009). But research suggests that, like most criminal offenders (Simon 1997), many sex offenders do not specialize in sex offenses generally or in a specific type of sex offense (e.g., Magers et al. 2009; Miethe et al. 2006). Of similar importance is the question of whether or not sexual offending continues throughout an offender's criminal career. For example, does the fact that a sexual offense was committed as a juvenile predict whether or not sexual

offenses will be committed as an adult? Zimring and colleagues (2007, 2009) found that committing a sex offense as a juvenile did not predict adult sex offending. These results further discount the belief that sex offenders are specialists who persist in sex offending throughout their criminal careers (see also Caldwell 2007; Vandiver 2006).

Homogeneity. Sex offenders are not part of a homogenous group (Magers et al. 2009). Specifically, different types of sex offenders recidivate at very different rates (Langan et al. 2003; Miethe et al. 2006; Sample and Bray 2003). Offenders who commit sexual acts against adults recidivate at higher rates than child molesters do (Alexander 1999; Miethe et al. 2006; Quinsey, Khanna, and Malcom 1998). There are even significant differences within the group of offenders who victimize children. Hood and colleagues (2002) reported that 26.3% of extra-familial offenders were convicted of a new sex crime after six years as opposed to less than 1% of intra-familial offenders. Sothill and colleagues (2000) also found that those who had committed offenses against someone of the same sex were less likely to commit subsequent violent or property offenses than sex offenders whose original offense had been against someone of the opposite sex. Despite the heterogeneity of sex offenders, programs designed to control and treat this population—most notably offender registration and notification laws—are often based on the flawed assumption of homogeneity (Beauregard and Lieb 2011; Levenson et al. 2007; Sample and Bray 2006).

Capability of benefiting from treatment. The media commonly portray sex offenders as being incapable of benefitting from any form of rehabilitation (Witt and Zgoba 2005). Some studies support this conclusion since they found no significant differences in the recidivism rates of treated and untreated groups of sex offenders (Furby, Weinrott, and Blackshaw 1989; Hanson, Broom, and Stephenson 2004; Marques et al. 2005; Quinsey et al. 1993; Rice and Harris 2003). Most studies, however, demonstrate that two forms of treatment—chemical castration and cognitive-behavioral therapy (CBT) that focuses on relapse prevention—are effective in reducing recidivism in sex offenders (Beech, Mandeville-Norden, and Goodwill 2012; Lösel and Schmucker 2005; Gordon and Grubin 2004; Hall 1995; Hanson et al. 2002, 2009; Schmucker and Lösel 2008; MacKenzie 2006).

Sex Offenders and Public Policy

Court-ordered cognitive behavioral therapies for sex offenders are underused (Levenson and D'Amora 2007; Meloy, Saleh, and Wolff 2007). In contrast, other forms of controlling sex offenders are widely used even though they are based, in large part, on popular misperceptions about sex offenders (Miethe et al. 2006). Many of these control policies merely “symbolically serve to pacify outrage by

‘doing something’ about brutal, heinous sex crimes” (Miethe et al. 2006:225; see also Sample, Evans, and Anderson 2011). Yet, most of these policies have been criticized for not only their lack of effectiveness (Agan 2011; Duwe and Donnay 2008; La Fond 2005; Meloy et al. 2007; Snyder 2000), but also for the ways in which they promote a false sense of security for communities (Agan 2011; La Fond 2005; Maguire and Singer 2011; Miethe et al. 2006; Sandler, Freeman, and Socia 2008).

Sex offender registry and notification laws. California was the first state to apply registration laws strictly to sex offenders in 1947 (La Fond 2005). Beginning in the early 1990s, registration laws became commonplace in the wake of the Jacob Wetterling and Megan Kanka cases. Generally speaking, these laws required convicted sex offenders to keep certain information up-to-date with their local police department, such as their current address, telephone number, Social Security number, and employment (Tewksbury and Lees 2006).

Some states went beyond the creation of sex offender registries by enacting notification laws designed to warn community members when sex offenders live nearby (Farkas and Stichman 2002). Notification laws are predicated on the assumption that community members will use this information to protect their children and report certain risky behaviors that could lead to sexual offending to their local police department (La Fond 2005). The notification approach was adopted nationally in 2006 when Congress passed The Adam Walsh Act—also known as the Sex Offender Registration and Notification Act (SORNA). That law made failing to register as a sex offender a federal felony offense. SORNA also created a baseline sex offender registry standard (McPherson 2007) and mandated that each state collect and track the names sex offenders, as well as a number of factors that can be used to identify and track them, including changes in residence and updated offense histories. When implementing SORNA, some states required offenders to provide local law enforcement with a recent photo of themselves, their fingerprints, and documentation of any treatment they may have received for mental disorders. And, according to the National Conference of State Legislatures (2010), all fifty states now require that convicted sex offenders provide a DNA sample to the state’s database.

Researchers question whether registration and notification laws have had any impact on sex offender recidivism (e.g., Schram and Milloy 1995). Vasquez, Maddan, and Walker (2008) examined the recidivism rate for convicted rapists across a number of states before and after those states implemented community notification laws. Six states included in their study (Arkansas, Connecticut, Nebraska, Nevada, Oklahoma, and West Virginia) experienced no significant change in the number of rapes reported monthly, three states (Hawaii, Idaho, and

Ohio) experienced significant decreases in rapes, and one state—California—experienced a significant *increase* in rapes following the introduction of registration and notification laws. The researchers interpreted these results as not offering “a clear or unidirectional conclusion as to whether sex offender notification laws reduce rapes” (2008:187).

Several other studies have also concluded that notification laws are ineffective in reducing sex offense recidivism (Agan 2011; Duwe and Donnay 2008; Prescott and Rockoff 2011; Sandler et al. 2008; Tewksbury and Jennings 2010; Veysey and Zgoba 2010; Zgoba et al. 2008). In fact, in their analysis of National Incidence Based Reporting System data in 15 different states, Prescott and Rockoff (2011) found some evidence that although notification laws may deter first-time sex offenders, they actually *increase* recidivism rates among registered sex offenders (see also Drake and Aos 2009; Letourneau et al. 2010).

Meloy, Saleh, and Wolff (2007) posited that notification laws are ineffective because sex offender registries are not comprehensive lists of sex offenders, but rather are incomplete due to a number of factors. Specifically, most sex crimes are not reported; plea bargaining allows the offender to negotiate a way out of registering; many mandated offenders do not comply with registration requirements; and most importantly, registration laws often focus on victimizations by strangers—the rarest form of sexual violence. In fact, children are much more likely to be abused by a family member or acquaintance (Simon 2000; Vanzile-Tamsen, Testa, and Livingston 2005). Consequently, notification laws may provide a false sense of security (Davey 2009; La Fond 2005; Miethe et al. 2006; Sandler et al. 2008) by misleading people into believing that children are more often victimized by strangers rather than someone they know (see also Craun and Theriot 2009). In addition, registries contain inaccurate entries due to changes in addresses and data entry mistakes, omissions, and deletions (Salmon 2010).

Others have added that notification laws do not decrease recidivism because they lack the important aspect of treatment that is necessary to control sex offenders effectively (Zevitz and Farkas 2000). Indeed, treatment is a forgotten consideration under such laws. But it is not just the law which has neglected the role that treatment can play if tied to notification laws; research has similarly neglected this link. Elbogen, Patry, and Scalora (2003) reported that sex offenders perceived notification laws as motivation to complete their treatment program and refrain from reoffending. But since the study did not provide any follow-up data, the impact of offender notification on treatment remains unclear.

Finally, it should be noted that notification laws have had some unforeseen consequences. Community notification can cause a decline in home values for

households near those of registered sex offenders (Linden and Rockoff 2008; Pope 2008). They have caused police to incur substantial labor and capital costs to implement community notification programs (Zgoba et al. 2008). Similarly, probation and parole agencies have had to invest significantly more time to assist offenders subject to notification in securing housing and jobs (Zevitz and Farkas 2000). Community notification can take a significant toll on an offender’s family members economically, socially, psychologically, and even physically (Levenson and Tewksbury 2009). And, finally, notification can cause high rates of socially destabilizing consequences for the offenders themselves, ranging from stress, shame, harassment, job loss, loss of friends, and, in rare cases, even community vigilantism against sex offenders (Ackerman and Sacks 2012; Lasher and McGrath 2012). Notably, all of these consequences can be counterproductive insofar as they can lead to reoffending (see Freeman and Sandler 2010; Hanson et al. 2009).

Global positioning system (GPS) monitoring. First introduced in 1984 in New Mexico, electronic monitoring of sex offenders with GPS technology is emerging as a common tool used to monitor offenders in the community (Levenson and D’Amora 2007). Offenders are required to wear a transmitter that allows their movements and whereabouts to be monitored. Passive GPS sends a report at intervals, which are determined by a supervising officer; active GPS provides continuous real-time surveillance (Levenson and D’Amora 2007). The premise behind GPS monitoring is that the offender is less likely to engage in impulsive behavior while being monitored and is, therefore, deterred from engaging in criminal activities (Levenson and D’Amora 2007).

Although GPS technology may assist in the overall supervision, management, and control of sex offenders (Delson 2006), it cannot directly prevent sexual crimes from occurring since GPS only provides notice of offenders who stray from approved locations, but does not prevent deviant activity that occurs within approved geographic locations (Levenson and D’Amora 2007). Consider the case involving Phillip Garrido. Despite the fact that he was not only required to register as a sex offender, but also to wear a GPS tracking device after his parole from kidnapping and rape charges, he was nonetheless able to hold Jaycee Dugard captive and abuse her for 18 years (Davey 2009).

Although the introduction of GPS monitoring has become an innovative way to control offenders, it is not without criticism. The constitutionality of GPS has been questioned with regard to search and seizure, self-incrimination, and the violation of due process rights (Delson 2006). Further, fiscal impacts exist for offenders who are required to fund the technology. More importantly, however, the reliability of GPS has been questioned. Some have argued that there is little evidence showing that GPS monitoring is more effective than other

sanctions at reducing recidivism (e.g., Levenson and D'Amora 2007; Turner et al. 2007). For instance, in a study comparing sex offender parolees who were being monitored using GPS technology with a comparison group of sex offender parolees, the Tennessee Board of Probation and Parole (2007) found no significant differences in the number of parole violations or new criminal charges between the two groups. A similar evaluation of San Diego's GPS pilot program for high-risk sex offenders also determined that GPS monitoring had little, if any, effect on parolee recidivism (Turner et al. 2007). And, as with notification laws, GPS monitoring of sex offenders has also produced an unintended consequence. Armstrong and Freeman (2011) report that "a significant portion of a probation officer's time, and consequently the jurisdiction's GPS monitoring program staffing resources, are spent responding to alerts produced by the limitations of underdeveloped technology" rather than "responding to violations of criminal behaviors, or precursory behaviors associated with an offending cycle" (2011:180).

Residence restrictions. Residence restrictions "are among the newest and most popular forms of sex offender laws" (Meloy, Miller, and Curtis 2008:209). First enacted by Delaware and Florida in 1995, residence restrictions were designed to limit where sex offenders can reside and in some cases, also place restrictions on where these offenders can "work, walk, or be physically present" (2008:210). These restrictions vary in specificity from state-to-state; however, they generally prohibit sex offenders from living within a certain number of feet from various locations including schools, parks, playgrounds and other places where children are likely to congregate (Nieto and Jung 2006). For example, the state of California enacted residence restrictions in 2006 for offenders who have committed certain sex crimes from residing within 2,000 feet of schools or parks (Meloy, Miller, and Curtis 2008).

Proponents of residence restrictions argue that these restrictions are necessary to limit where sex offenders can live or venture because it limits their access to children, thereby reducing their ability to reoffend (Center for Sex Offender Management 2007). But research has demonstrated that residential proximity to schools, parks, and other restricted areas where children are presumably found is not associated with sexual recidivism (Barnes et al 2008; Duwe, Donnay, and Tewksbury 2008; Zandbergen, Levenson, and Hart 2010). Thus, not only do opponents assert that these restrictions are unlikely to reduce sexual violence, but also, they may have the opposite effect by increasing sexual victimization (Davey 2006, 2009; Loney 2008; Meloy, Miller, and Curtis 2008; Nieto and Jung 2006; Tregilgas 2010). Consider that, as with notification laws, residential restrictions perpetuate the stranger-danger myth that the majority of sex crimes are committed by individuals not known to the victim when research demonstrates otherwise (Levenson and D'Amora 2007;

Meloy, Miller, and Curtis 2008; Snyder 2000).

The empirical research on residence restrictions suggests that this approach to dealing with sex offenders does not reduce recidivism. In 2007, the Minnesota Department of Corrections published the results of a study that followed the behavioral patterns of 224 recidivists who were released from prison between 1990 and 2002 and had been reincarcerated by 2006. Among the results of the study, it was found that "not one of the 224 sex offenses would likely have been deterred by a residency restrictions law" (2007: 2). The study also found that residence proximity (i.e., distance from a school or park) did not matter when it came to sexual recidivism, but "social or relationship proximity" would (2007: 2). Researchers in California found similar results (Nieto and Jung 2006).

As with community notification laws, restrictions on where sex offenders may live have produced some unintended consequences. First, these laws disproportionately burden people living in densely populated areas (Berenson and Appelbaum 2011; Socia 2011). Thus, if offenders abided by the restrictions, they would have to relocate to less densely-populated or rural areas where they are likely to find "less access to treatment facilities, fewer public transportation options, and fewer employment opportunities" all of which could actually increase recidivism (Socia 2011:379).

Second, residential restrictions assume that offenders can live in an area away from prohibited locations, but that is not necessarily the case. Finding available and affordable housing can prove to be a near impossible task in some areas. Consider that Berenson and Appelbaum's (2011) parcel geocoding study found that residential restrictions in two New York counties dramatically reduced available residential locations in non-urban areas by 89.46% and 73.16% in the two counties and almost eliminated them completely in the urban areas by restricting 95.45% and 97.21% of residential locations of the two counties. Given the lack of available and affordable alternatives, Berenson and Appelbaum found that more than 85% of offenders living in the urban areas they studied simply did not abide by the residential restrictions. Those offenders who do not want to risk reincarceration have only two real options. They can move into the few, concentrated geographic locations in which they may live legally; however, such living arrangements might prevent their successful reintegration into society, increase fear in those neighborhoods, and reduce housing values. Alternatively, they may be forced to live on the streets. California, for example, reported that over 6,000 sex offenders were transient in 2011—an increase of approximately 101% from 2007—a point about one year after the state's residence restrictions were put into place (California Sex Offender Management Board 2011). The stress of being homeless and the inability of probation and parole officers to monitor the homeless can,

in turn, increase sex offender recidivism.

Summary and Purpose of the Present Study

Research has cast doubt on the efficacy of each of the major policies designed to increase the social control of sex offenders. A strong argument can be made that media-fueled moral panics led to the adoption of laws and policies that may be popular with the public even though their efficacy is circumspect, if not downright dubious. But it is not just that research suggests that sex offender registry and notification programs, GPS monitoring schemes, and residential restrictions are all ineffective, rather, there is ample evidence that these policies have high monetary and human costs. Worse yet, by perpetuating myths which may create a false sense of safety, and by diverting resources away from treatment and reentry programs, bad public policies may actually be making society less safe. So why don't we demand better policies? Dowler (2006) suggested the answer to this question lies with the fact that public is misled by the television media to believe a socially constructed reality based on myths that underpin the creation of bad criminal justice policies. We seek to build on Dowler's research by exploring whether print media might also be complicit in perpetuating "crime control theater."

Specifically, this study was conducted to determine if sex offender myths are present in print media in ways that parallel their presentation in television news as identified by Dowler (2006). Dowler found that, when compared to other violent crimes, stories about sex crimes were more likely to be presented in a context of fear and to focus more on the latter phases of the criminal justice process. Although these differences help us to better understand the presentation of sex crimes in television news, they do not address the commonly held depictions or myths of sex offenders. This study seeks to fill this gap in the literature by focusing on three related research questions. First, we seek to determine if commonly held myths about sex offenders are presented in print media and, if so, with what frequency. Second, if such myths appear in print media, this research seeks to explore the contexts in which the four most common myths (compulsive, specialist, homogenous, and incapable of being treated) are presented. Finally, if sex offender myths are present in print media, this study seeks to determine what variables, if any, are significantly associated with the presentation of these myths.

RESEARCH METHODOLOGY

This study employed quantitative content analysis to uncover the presence of sex offender myths in print media. Content analysis is used to locate the presence of certain words, concepts, or themes within a form of communication (see Neuendorf 2002), in this case

newspapers. This is accomplished by obtaining data using predefined categories which are used to measure the frequency and eventually extent to which these variables and/or categories are related (Babbie 2007). Quantitative content analysis was appropriate for the purposes of this research because certain predefined sex offender myths were central to the hypotheses set forth by the researchers (Neuendorf 2002). This method was also appropriate because it allowed the researchers to identify, track, and analyze specific manifest content in newspaper articles, which naturally form the unit of analysis for this study.

Sample

This study examined a systematic random sample of newsprint media published throughout the United States during the year 2009. Factiva, a news database operated by Dow Jones, provided the sampling frame because it offers full-text access to a broad cross-section of major newspapers, specialized periodicals, and newswires. Rather than relying on keyword or headline searches, we ran the following Boolean search in Factiva's "Major News and Business Publications: US" database¹: SEX* AND (CRIM* AND OFFEND*), thereby increasing the representativeness of the sample. This process yielded a total of 667 articles. Because systematic random sampling for content analysis is appropriate to insure the validity of statistics inference (Neuendorf 2002), using a random start, every-other article was reviewed and coded, yielding a total of 334 articles—a more than sufficient amount to effectively represent content from an entire year (see Riffe, Aust, and Lacy 1993; Stemple 1952).²

Data Coding and Analysis

The content analysis was conducted in three phases. First, each of the 334 articles was examined for the presence of one or more of the 19 variables under examination. The variables were placed into five categories which included: 1) newspaper variables; 2) victim variables; 3) offense variables; 4) the presence or absence of sex offender myths; and 5) the presence or absence of sex offender policies. These categories and variables are described in more detail in Table 1.

The second phase involved examining the degree to which the articles focused on the relevant subject matter. Articles were coded into one of three categories: "key," "passing," or "duplicative/irrelevant." Articles coded as "key" contained substantive material related to sex offenders, a sex crime, or a sex offender policy. Articles coded as "passing" merely mentioned sex offenders, a sex crime, or a sex policy as part of a news story that focused on something else. And, of 334 cases examined in this study, 121 (36.2%) were excluded either because they were duplicates (largely a function of wire service articles being run in different newspapers), or because the article

Table 1. Description and Coding of Variables from News Stories in Research Sample Gathered From Factiva

Variable		Description and Coding
Newspaper Variables	Article Type	Article was: a news story = 0; an editorial = 1; or other = 2
	Geographic Origin	Region of publication was: northeast = 0; south = 1; mid-west = 2; west = 3
	Article Relevance	Discussion of sex offenders, sex offender policies, or sex crimes was: key to the article = 1; mentioned in passing = 2; not relevant = 3
Victim Variables	Victim Age	The article: did not identify the age of the victim = 0; identified the victim as a child = 1; identified the victim as an adult = 2; identified both child and adult victims = 3
	Victim Gender	The article: did not identify the gender of the victim = 0; identified the victim as a male = 1; identified the victim as a female = 2; identified victims of both genders = 3
Offense Variables	Assault	The article identified the crime as a sexual assault not amounting to a rape: no = 0; yes = 1
	Rape	The article identified the crime as a rape: no = 0; yes = 1.
	Possession of Child Pornography	The article identified the crime as possession of child pornography: no = 0; yes = 1
	Lewd and Lascivious Conduct	The article identified the crime as lewd and lascivious conduct: no = 0; yes = 1
	Child Molestation	The article identified the crime as child molestation: no = 0; yes = 1
Policy Variables	Effectiveness of Policy	The article discussed the effectiveness of a sex offender policy: no = 0; yes = 1
	Sex Offender Registration and/or Notification	The article discussed sex offender registration and/or community notification: no = 0; yes = 1
	Residence Restrictions	The article discussed sex offender residence restrictions: no = 0; yes = 1
	GPS/Electronic Monitoring	The article discussed the use of GPS/electronic monitoring relative to sex offenders: no = 0; yes = 1
	Cost Concerns	The article discussed cost concerns relative to sex offender policies: no = 0; yes = 1
Sex Offender Myth Variables	Compulsive	The article presented sex offenders as being compulsive individuals: no = 0; yes = 1
	Homogenous	The article presented sex offenders as belonging to a homogenous group of offenders: no = 0; yes = 1
	Specialist	The article presented sex offenders as committing strictly sex crimes: no = 0; yes = 1
	Incapable of Being Treated	The article presented sex offenders as being incapable of being treated: no = 0; yes = 1

was not about sex offenders, a sex crime, or a sex offender policy (e.g., announcements of lectures at local colleges, the publication of book, etc.). Thus, a total of 213 relevant newspaper articles were analyzed.

In the third and final phase, a second researcher independently reviewed and coded a random sample of 35 (10.4%) of articles from the 334 originally identified in the research sample. All but 2 of the 35 articles were coded identically by the two researchers, yielding an impressively high level of 94.3% inter-rater reliability.³

RESULTS

Frequency of Newspaper, Victim, and Offense Variables

Table 2 provides the characteristics of the sample. Of the articles examined in this study, the majority were news stories ($n=135$; 63.4%). Interestingly, 42.8% ($n=143$) of the articles discussed sex offenders, sex crimes, or sex

Table 2. Sample Characteristics from News Stories in Research Sample Gathered From Factiva (n=213)

Variable		Coding/Classification	N	Percent
Newspaper Variables	Article Type	News Story	135	63.4%
		Editorial	39	18.3%
		Other	39	18.3%
		Total	213	100%
	Geographic Origin	Northeast	77	36.2%
		South	70	32.9%
		Midwest	15	7.0%
		West	35	16.4%
		National Wireservice	16	7.5%
	Article Relevance	Key	70	21.0%
		Passing	143	42.8%
		Irrelevant	121	36.2%
Victim Variables	Victim Age	Not Reported	102	47.9%
		Child Victim	64	30%
		Adult Victim	36	16.9%
		Both Child and Adult Victims	11	5.2%
	Victim Gender	Not Reported	109	51.2%
		Female	79	4.7%
		Male	10	37.1%
		Both Male and Female	15	7.0%
Offense Variables	Assault	Yes	63	29.6%
		No	150	70.4%
	Rape	Yes	62	29.1%
		No	151	70.9%
	Possession of Child Pornography	Yes	18	8.5%
		No	195	91.5%
	Lewd and Lascivious Conduct	Yes	28	13.1%
		No	185	86.9%
	Child Molestation	Yes	26	12.2%
		No	187	87.8%
	Use of a Weapon	Yes	9	4.2%
		No	204	95.8%

policy “in passing,” rather than presenting one or more of these topics as the central focus of the article. Further, a plurality of the newspaper articles in the sample did not identify victim gender ($n=109$; 51.2%) or age ($n=102$; 47.9%). Similarly, most of the offense variables that were examined were rarely present in the articles. Specifically, 29.6% ($n=63$) discussed assault; 29.1% ($n=62$) mentioned rape; 13.1% ($n=28$) referenced lewd conduct; 12.2% ($n=26$) concerned child molestation; and 8.5% ($n=18$) referred to child pornography.

Policy Variables

Table 3 summarizes the type of policy and myth variables present in the sample. Only 15.5% ($n=33$) of the articles in the sample discussed the effectiveness of any sex offender policy. Sex offender registration/community

notification was the policy discussed most frequently ($n=96$, 45.1%), followed by residence restrictions with 13.1% ($n=28$), GPS/electronic monitoring ($n=25$, 11.7%), and finally cost concerns with 6.6% ($n=14$).⁴

Myth Variables

In the 80 (37.6%) articles that presented at least one sex offender myth, 23 (10.8%) presented sex offenders as being compulsive individuals; 67 (31.5%) presented sex offenders as belonging to a homogenous group; 12 (5.6%) presented sex offenders as specializing in strictly sex crimes; and only 5 (2.3%) presented sex offenders as being incapable of benefiting from treatment. Consequently, the answer to the first research question is a qualified yes; myths regarding sex offenders are reported in print media, but only in about one-third of the articles.

Table 3. Policy and Myth Variables from News Stories in Research Sample Gathered From Factiva (n=213)

	Variable	Coding/Classification	N	Percent
Policy Variables	Effectiveness of Policy	Discussed	33	15.5%
		Not Discussed	180	84.5%
	Sex Offender Registration and/or Notification	Discussed	96	45.1%
		Not Discussed	117	54.9%
	Residence Restrictions	Discussed	28	13.1%
		Not Discussed	185	86.9%
	GPS/Electronic Monitoring	Discussed	25	11.7%
		Not Discussed	188	88.3%
Myth Variables	Cost Concerns	Discussed	14	6.6%
		Not Discussed	199	93.4%
	Compulsive	Myth Present	23	10.8%
		Myth Not Present	190	89.2%
	Specialist	Myth Present	12	5.6%
		Myth Not Present	201	94.4%
	Homogenous	Myth Present	67	31.5%
		Myth Not Present	146	68.5%
	Incapable of Being Treated	Myth Present	5	2.3%
		Myth Not Present	208	97.7%

The second research question concerns the contexts in which the compulsive, specialist, homogenous, and incapable of being treated myths are presented. The following analyses address this question by explaining the most frequent ways in which the myths were presented.

Compulsive. Of the 23 articles that presented sex offenders as being compulsive, 19 (82.6%) of them pertained to sex crimes involving children or safeguards to prevent crimes against children. Key words, statements, and phrases, such as: *compulsion; compulsive; re-offend; likely to commit another offense; will commit future crimes; resume a life of crime; likely to repeat their crimes; protect from the threat of recidivism* appeared in newspaper articles that were coded for the presence of the compulsive myth. A few of the articles, however, appeared to suggest offenders are not compulsive individuals. This was true in articles that discussed possession of child pornography as a gateway to molesting children. U.S. District Judge Robin J. Cauthron is quoted in an article as saying:

It is too often the case that a defendant appears to be a social misfit looking at dirty pictures in the privacy of his own home without any real prospect of touching or otherwise acting out as to any person. As foul as child pornography is, I am unpersuaded by the suggestion that a direct link has been proven between viewing child porn and molesting children (as quoted in Cardona 2009:A1).

Homogenous. Of the 67 articles that presented sex offenders as part of a homogenous group, 42 (62.7%) discussed sex offender policy. Unlike the compulsive myth where keywords, phrases, or statements played a role in distinguishing the presence of the myth, the homogenous myth was located in a different way. Newspaper articles that discussed sex offenders, sex offender policy, or sex crimes without distinguishing between types of sex crimes (i.e., molestation, possession of child pornography, rape) were coded as homogenous. For example, in an article titled “Sex offenders more difficult to monitor; Increased arrests, lack of manpower, electronics cited” (Markon 2009), sex offenders were discussed as a homogenous group of offenders. The article failed to distinguish between what types of sex crimes would be cause for an offender being subject to electronic monitoring or other types of control methods. Other articles that were coded as presenting sex offenders as belonging to a homogenous group continually referred to particular offenders as “a sex offender,” without disseminating their commitment offense.

Specialist. Of the 12 articles that presented sex offenders as specialists, half did so in the context of describing lewd and lascivious conduct. Articles were defined as presenting sex offenders as specialists if they focused on one specific type of sex crime (i.e. child pornography), or on sex crimes in general. For example, in an article titled “Dark image of offenders emerges; Porn collectors can’t be stereotyped, but many also sexually

exploit children,” Scott (2009) presents the image of a particular, unidentified offender as having only committed the offense of collecting and possessing child pornography. By focusing on this one type of offense without making it clear to the reader that the offender has 1) no prior offenses for other types of crimes, or 2) has committed other types of crimes, the reader is led to believe that sex offenders are specialists; that is—offenders only commit crimes of a sexual nature.

Incapable of benefiting from treatment. Of the five articles that identified sex offenders as being incapable of benefiting from treatment, most focused on offenders who have been convicted of multiple sex crimes. It was apparent that when legislation regarding sex offenders was involved, lawmakers were more hesitant about providing a treatment alternative. For example, Representative Jack Franks of Woodstock, Illinois was quoted in an article as saying: “If you look at the recidivism rate of sex offenders, it’s over 50 percent. These people can’t be cured” (McDermott 2009:C1).

Table 4. Associations between Independent Variables and Sex Offender Myths from News Stories in Research Sample Gathered From Factiva (n=213)

Variable		Category	Myth Present	Chi-Square _(df)	Phi
Newspaper Variables	Article Type	News Story	48 of 135 (35.6%)	1.505 ₍₂₎	.084
		Editorial	14 of 39 (35.9%)		
		Other	18 of 39 (46.2%)		
	Geographic Origin	Northeast	33 of 77 (42.9%)	9.035 ₍₃₎	.214
		South	21 of 70(30.0%)		
		Midwest	9 of 15(60.0%)		
		West	8 of 35(22.9%)		
Victim Variables	Victim Age	Not Reported	43 of 102 (42.2%)	4.599 ₍₃₎	.147
		Child Victim	25 of 64 (39.1%)		
		Adult Victim	8 of 36 (22.2%)		
		Both	4 of 11 (36.4%)		
	Victim Gender	Not Reported	47 of 109 (43.1%)	5.312 ₍₃₎	.158
		Female	22 of 79 (27.8%)		
		Male	5 of 10 (50.0%)		
		Both	6 of 15 (40.0%)		
Offense Variables	Assault	Discussed	16 of 63 (25.4%)	5.642 ₍₁₎	-.163
	Rape	Discussed	18 of 62 (29.0%)	2.711 ₍₁₎	-.113
	Possession of Child Pornography	Discussed	8 of 18 (44.4%)	.398 ₍₁₎	.43
	Lewd and Lascivious Conduct	Discussed	9 of 28 (32.1%)	.403 ₍₁₎	-.44
	Child Molestation	Discussed	8 of 26 (30.8%)	.582 ₍₁₎	-.52
	Use of Weapon	Discussed	1 of 9 (11.1%)	2.803 ₍₁₎	-.115
Policy Variables	Effectiveness of Policy	Discussed	21 of 33 (63.6%)	11.323 ₍₁₎ *	.231
	Registration/Community Notification	Discussed	49 of 96 (51.0%)	13.547 ₍₁₎ *	.252
	Residence Restrictions	Discussed	25 of 28 (89.3%)	36.781 ₍₁₎ *	.416
	GPS/Electronic Monitoring	Discussed	16 of 25 (64.0%)	8.444 ₍₁₎ *	.199
	Cost Concerns	Discussed	8 of 14 (57.1%)	2.451 ₍₁₎	.107

Variables Associated with Sex Offender Myths

Bivariate analyses were required to examine the third research question which focuses on the variables that are associated with the presentation of the myths. Pearson’s chi-square analyses were used to examine associations between the independent variables (newspaper, victim, offense and policy variables) and an overall measure of sex offender myths. This dependent variable combined each

of the four sex offender myths examined in this study (i.e., compulsive, specialist, homogenous, incapable of being treated) into a single sex offender myth variable where presence was coded as 1 and absence was coded as 0. Combining the four myths yielded a total of 80 for articles that identified one or more sex offender myths. Chi-square analyses are appropriate because they allow for determining the significance of the relationship between

two categorical variables (Bachman and Paternoster 2004). Additionally, a Phi coefficient was used to examine the strength of the relationship between variables that were statistically significant. A Phi coefficient was used because it is “appropriate when we have nominal-level variables and a 2 X 2 table” (Bachman and Paternoster 2004: 345).

Table 4 presents the results of the chi-square analyses. None of the independent variables were significantly associated with sex offender myths except for those dealing with public policy. Specifically, of the 33 articles reporting on the alleged effectiveness of sex offender policies, 21 (63.6%) contained at least one of type of sex offender myth ($\chi^2_{(1)}=11.323$; $p < .01$); of the 96 articles discussing sex offender registration and/or community notification laws, 49 (51.0%) presented a sex offender myth ($\chi^2_{(1)}=13.574$; $p < .01$); of the 28 articles that addressed sex offender residence restrictions, 25 (89.3%) contained at least one myth about sex offenders ($\chi^2_{(1)}=36.781$; $p < .01$); and 16 (64.0%) of the 25 articles reporting on electronic monitoring of sex offenders contained a sex offender myth ($\chi^2_{(1)}=8.444$; $p < .01$).

DISCUSSION

One or more of the four popular myths regarding sex offenders (i.e., recidivism, specialization, homogeneity, and susceptibility to treatment) appeared in 38% ($n = 80$) of the newspaper articles in the sample. The existence of myths, as already discussed, may be present in print media due to responses to certain highly sensationalized sex crime stories (Levenson and D’Amora 2007; Meloy et al. 2007). For example, over a quarter (26%, $n=21$) of the 80 articles that presented myths were news stories involving the discovery of Jaycee Dugard who was held captive for over 18 years by Phillip Garrido, a convicted sex offender. Some articles referred to Garrido as a sex offender without identifying his original commitment or sex crime (rape). This suggests that the media are portraying him as belonging to a homogenous group of offenders, while articles that did mention Garrido’s rape conviction portray him as being a specialist. That is, by failing to mention other nonsexual crimes for which he had been convicted, such as kidnapping, the public is led to believe that he commits only crimes of a sexual nature. Additionally, the frequency with which the Garrido case was reported illustrates how the media over-report a single, high-profile crime. In doing so, media socially construct a distorted reality on the prevalence of sexual kidnappings which contributes to moral panics about sex offenders in much the same way that Sample (2006) found the media similarly distorts the prevalence of sexual homicides.

Many of the newspaper articles that presented sex offender myths did so within the context of sex offender policy ($n=51$; 64%). This is a noteworthy finding. As previously discussed, research has documented that many

sex offender policies themselves are based on false assumptions regarding the nature of sex offenders (Levenson, et al. 2007; Sample and Bray 2003, 2006). With this in mind, our finding that sex offender myths are most commonly reported in newspaper articles addressing sex offender control policies strongly suggests that the print media may be perpetuating incorrect beliefs about sex offenders. This, thereby, contributes to the support for ineffective control policies that are not supported by empirical findings. Indeed, this finding lends additional support to the results reported by Sample and Kadleck (2008) that public officials’ personal perceptions concerning sex offenders were significantly shaped by the media and influenced both the passage and content of legislation.

Policies that were examined in this paper included: sex offender registration/notification, residence restrictions, and GPS/electronic monitoring. Results revealed a strong association between effectiveness of policy and sex offender myths. That is, when an article discussed the effectiveness of a sex offender policy, sex offender myths were also present. After reviewing each of the articles that presented sex offender myths, it was determined that many articles were policy-based. These articles either discussed the effectiveness of a certain sex offender policy, like sex offender registration/notification, or discussed the ineffectiveness of a particular policy.

This was particularly apparent in articles that presented sex offenders as being compulsive and also those that presented sex offenders as being incapable of benefiting from treatment. Many of the articles that identified sex offenders as being compulsive discussed sex offender residence restrictions. For example, sex offender policy expert Jill Levenson is quoted as saying:

The risk that sex offenders might pose in shelters for women and children may make sense, but to ban them from any shelter would have to be balanced with the need to provide social services to sex offenders. If someone is homeless, despondent, and desperate, they’re more likely to resume a life of crime (as quoted in Abel, 2009:B1).

This article presented the debate on whether to ban sex offenders from seeking housing in homeless shelters. Proponents of extending sex offender residence restrictions to homeless shelters assume that these offenders will likely commit another offense against women and children in the same shelters. Opponents of this policy, like Jill Levenson, argue that banning these offenders from homeless shelters will pose a greater threat to society because it makes it more difficult for these offenders to meet their basic human needs. Such bans force sex offenders to live on the streets, a consequence which not only makes it difficult for law enforcement to keep track of sex offenders, but also increases strain on the offender

such that they are more likely to recidivate (Ackerman and Sacks 2012; Agnew 2001, 2006). Thus, such a policy may be counterproductive to the goal of effectively controlling sex offenders.

Similarly, policy was a strong theme in articles that presented sex offenders as being incapable of benefiting from treatment. Articles such as, "Illinois lawmakers seek more restrictions on sex offenders," discussed lawmakers' movement to pass more stringent laws against sex offenders because of the "special nature of sex crimes" (McDermott 2009:C1). Because of this belief, some lawmakers such as Representative Franks of Woodstock, Illinois, argue that "these people can't be cured" (2009:C1).

In order to understand why there was such a strong association found between effectiveness of policy and sex offender myths, each sex offender policy (registration/community notification, residence restrictions, and GPS/electronic monitoring) was examined separately to see if the policy was associated with particular sex offender myths. A strong association was found between sex offender registration and/or community notification laws and sex offender myths. That is, when an article discussed sex offender registration/notification, sex offender myths were also present in the article. The literature suggests that sex offender notification/registration laws were borne out of highly sensationalized incidents (Meloy et al. 2007; Sandler et al. 2008). For example, the abduction of Jacob Wetterling in 1989 led Congress to enact the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act (1994), which mandated all states adopt sex offender registration laws requiring offenders convicted of certain sexual acts to register their names and addresses with their local police department. Similarly, the rape-murder of Megan Kanka expanded sex offender registration to include community notification provisions. The logic of sex offender registration/notification laws assumes that if the public is notified of the presence of a sex offender in their community, they will be able to protect themselves and children from such perpetrators. Arguably, the underlying premise of this assumption is that sex offenders are compulsive individuals who are likely to commit another sex crime.

A strong association was also found between sex offender residence restrictions and myths. When a newspaper article in the research sample mentioned and/or discussed sex offender residence restrictions, sex offender myths were also present. Residence restrictions were enacted in order to protect children from being exposed to registered sex offenders near schools, playgrounds, parks, or other areas where children normally frequent. (La Fond 2005; Meloy et al. 2008). Again, residence restrictions may be based on the belief that that sex offenders are compulsive individuals. The assumption here is that if a sex offender is near where children congregate, he or she

lacks self-control to prevent victimizing another child.

The fourth analysis also found a strong association between GPS/electronic monitoring and sex offender myths. Again, when a newspaper article discussed/mentioned GPS/electronic monitoring of sex offenders, sex offender myths were also present in the article. Like residence restrictions, GPS/electronic monitoring were meant as control mechanisms or a means by which law enforcement officials would be able to track the whereabouts of sex offenders throughout the day, particularly if they entered restricted areas (such as a park or school campus). Here again, the assumption is that if law enforcement is able to control and track the whereabouts of registered sex offenders within the community, they may be able to prevent future victimization.

Taken as a whole, the results of this study suggest that sex offender myths are more likely to be present in articles discussing policy than in articles that do not discuss policy. Of the 80 newspaper articles that presented sex offender myths, 51 (64%) discussed one or more sex offender policies. Yet, these myths were not presented in high frequencies since only 38% of the articles in the sample presented one or more sex offender myths.

Study Limitations

Several limitations to this study should be noted. Because this study employed content analysis that is dependent, in part, upon interpretations of the data by the researcher, the possibility that others would have interpreted the data differently must be acknowledged. For example, while manifest content involves more apparent content (e.g., whether an article was a news story or an editorial; the region of the country in which an article was published), latent content required the researcher to examine the overall tone and placement of content in each newspaper article to determine the presence or absence of certain variables, like the myths or policies examined in this study. An inter-rater reliability level of 94.3%, however, helps minimize this concern.

Second, the conclusions in this study were drawn based on analyses of a random sample of articles which appeared in U.S. newspapers during a one-year period of time. Analyses performed on data drawn from a longer time-frame could potentially produce nuances that were not evident when examining only a single year of data. Future research on a larger sample of articles from a longer time period might yield a richer data set upon which more generalizable analyses could be conducted.

Third, as with all research which analyzes media content, the present research is limited by the filtering process of newspaper editing and publishing. News stories go through a number of steps from the time an event takes place until their dissemination to the public, including being put into a news pool from which editors or producers

select the most “newsworthy” stories to be published or presented (see Surette 2011). This organizational process of transforming events into news results in subjective, stylized information that limits liability issues. Thus, it is possible that the study’s results could be skewed due to either the over-selection or under-selection of sex offender news articles. However, because our goal was to analyze how media selection and reporting of stories contributes to the social construction of sex offenses and offenders—even if through over-reporting of high profile cases like that of Jaycee Dugard—this concern should be minimal.

Fourth, the data analyzed in this study were limited by the fact that data could be coded only as nominal-level variables. The level of measurement only allowed for the reporting of percentages, Pearson’s chi-square analyses, and Phi coefficients.

Fifth, because this study employed traditional content analysis, the variables that were examined in this study were predefined based on the existing literature. This method did not allow for the introduction of other new variables, such as additional sex offender myths or policies for the control of sex offenders beyond the ones identified in Table 1. Employing qualitative content analysis could have created a more rich and involved data set (see Altheide 1996). Future research triangulating both traditional and qualitative content analysis might yield an ever richer understanding of the ways in which media report on sex offenders, sex crimes, and policies designed to control sex offenders.

Finally, the researchers did not code for several variables that are sometimes included in content analyses of print media, such as article length or the source(s) of information identified in an article (i.e., official, victim, offender, general public, and/or politician). Those conducting future research on the depiction of sex offenders in print media might consider including these variables.

Conclusion

Understanding the ways in which media report crime is imperative because the portrayal of crime in media influences public policy in a manner that not only affects offenders, but also society as a whole (Meloy et al. 2007; Sample 2006). Current sex offender policies, such as sex offender notification, sex offender registration, and “predator-free zones” may represent “feel-safe policies” based on one-size-fits-all responses to sensationalized cases (Meloy et al. 2007). These policies, however, may actually put members of society at greater risk for sex crime victimization. Consider, for example, the risk of homelessness that sex offenders face as a function of stringent residence restrictions. Not only does homelessness make it quite difficult for law enforcement to track sex offenders effectively, but also, stressors to the offender that are produced by homelessness may actually

trigger additional offending.

Although it is not our intent to discount or minimize the acts of many sex offenders, we are concerned about how sex offender myths are reified in the media in a manner which may contribute to the development and implementation of non-evidence-based policies that are ineffective or even downright counterproductive vis-à-vis the process of “crime control theater” (Griffin and Miller 2008). The media have a social responsibility to stop their complicity in the passage of ineffective crime control policies. Quite simply, media must provide the public with better, more accurate information regarding sex offenders and the policies used to control them. This may be accomplished by employing individuals who specialize in these particular areas or collaborating with local universities that specialize in the development of evidence-based policy. In doing so, the public can become better informed about sex-related crimes and those who commit them so that they might make more intelligent decisions about the control policies they should support. Criminologists can also help the media present more accurate information by heeding the call of scholars like Barak (2007) and Katz-Schiavone and Jeglic (2009).⁵

Finally, legislators and other policymakers should adopt evidence-based policies to create offender-specific control or treatment methods that are not over-inclusive. Doing so, however, would require them to recognize that many of the widely-held beliefs regarding sex offenders are not based on empirical proof, but rather are myths. Only when policymakers reject commonly-held myths about sex offenders will effective control policies be designed and implemented. The media can do their part by reporting on sex crimes and offenders more responsibly.

Endnotes

¹ This database includes publications with national scope, such as *The New York Times*, *The Los Angeles Times*, *The Washington Post*, *USA Today*, and *The Wall Street Journal*, and regional newspapers such as *The Atlanta Journal-Constitution*, *The Baltimore Sun*, *The Boston Globe*, *The Charlotte Observer*, *The Chicago Tribune*, *The Denver Post*, *The Detroit Free Press*, *The Houston Chronicle*, *The San Jose Mercury News*, *The St. Louis Post-Dispatch*, *The St. Paul Pioneer Press*, and *The St. Petersburg Times*. It may be possible that newspapers to which the Factiva service does not subscribe (e.g., primarily local, rather than regional newspapers) cover sex offenders and sex crimes at a different rate, which would affect the generalizability of this study’s results. Nonetheless, given the number and geographic diversity of the newspapers analyzed in this study from across all major regions of the United States, concerns about the representativeness of the sample should be minimal.

² Connolly-Ahern, Ahern, and Bortree (2009) argue that

large samples are required to achieve representativeness when newswire services are included in comparison to more traditional sources of news content since these media gatekeepers can limit and standardize content. Because Factiva's "Major News and Business Publications" database contains major newswires, we followed the recommendation of Connolly-Ahern, Ahern, and Bortree by including media stories from an entire year because shorter time periods may not achieve representativeness when dealing with crime and justice-related news in light of its unpredictable nature. It should be noted, however, that a content analysis of a full census is unnecessary to achieve representativeness from which generalizations may be made. In fact, Connolly-Ahern, Ahern, and Bortree (2009) recommend sampling from 31 weeks for media content of this nature; we opted, however, to be more inclusive in an effort to increase content validity.

³ One of the articles that was coded differently by the two researchers concerned a difference of opinion concerning whether a sex offender policy was mentioned "in passing" or whether it was discussed in sufficient detail to warrant it being coded as "key." The other article coded differently concerned an oversight, as one researcher failed to code for the presence of a myth that was, in fact, presented in the article.

⁴ The presence or absence of each type of policy was examined separately. Since more than one policy may have been mentioned in an article, the percentages do not add to 100%.

⁵ Because media "commentators—legalistic, journalistic, or politico—are not capable of tackling the same kinds of questions, issues, or problems that policy-oriented criminologists" can address, Barak (2007:201) has called on criminologists to increase their participation in media. By engaging in such newsmaking criminology, Barak argues that experts in crime can help to shape the collective consciousness of society with empirical knowledge, rather than leaving non-experts in the media to construct narratives that sell newspapers and boost ratings, but distort reality. Katz-Schiavone and Jeglic (2009:693) have endorsed newsmaking criminology in the context of sex offenders by calling on criminologists to partner with media to dispel "common myths surrounding sex offender legislation" thereby making reintegration "less daunting."

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Incarcerated Sex Offenders' Perceptions of Family Relationships: Previous Experiences and Future Expectations

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Abstract: Utilizing semi-structured interviews with 24 inmates in one medium security prison, this study examines how incarcerated sex offenders approaching release perceive previous experiences with and future expectations for their families. Observed characteristics of family associations among these inmates, both prior and subsequent to their labeling as sex offenders, will help identify how such public identification may impact social support from loved ones that is often necessary for successful community reintegration. Findings reveal that incarcerated sex offenders held both positive and negative outlooks toward their families before and after their labeling. Almost without exception, sex offenders reporting positive family experiences prior to their public identification described relationships that featured support, encouragement, and intimacy. However, those detailing negative family experiences discussed traumatic situations riddled with separation, violence, and sexual abuse. The majority of sex offenders anticipating positive family experiences upon release described personal acceptance, employment opportunities, and housing options. Most of these inmates, however, also possessed negative expectations for their families, including relationships characterized by rejection and doubt. Limitations and directions for future sex offender research are discussed.

Keywords: sex offenders, sex offenses, families of sex offenders, sex offenders' perceptions

INTRODUCTION

As a result of increasingly large numbers of incarcerated offenders in the United States, numerous inmates are returning to society from prison each year. There are currently over 1.6 million criminal offenders living in American correctional facilities; approximately 1 in every 201 people in the U.S. are locked behind bars (Guerino, Harrison, and Sabol 2011). The majority of these people, nearly 650,000 inmates annually, are released from state and federal prisons (Swanson, Rohrer, and Crow 2010). Following release from incarceration, many of these ex-inmates quickly discover considerable setbacks in the community. Despite their liberation from

incarceration, former inmates may encounter debt, homelessness, substance abuse, and unemployment that make life on the outside more arduous (Travis, Solomon, and Waul 2001; Visher, La Vigne, and Travis 2004).

For these reasons, robust family ties are essential for both current and former inmates, as these relationships may increase post-release success. Lower recidivism rates are common among former inmates that have family contact throughout their incarceration (Arditti, Lambert-Shute, and Joest 2003; Klein, Bartholomew, and Hibbert 2002). Specifically, prison visits from loved ones significantly decrease the risk of backsliding into criminal activity (Bales and Mears 2008; Duwe and Clark, 2011). Family attachments also prove to be influential in assisting

ex-offenders with employment in the community (Berg and Huebner 2011). Further, family relationships often afford former inmates opportunities for financial assistance and housing (La Vigne, Visser, and Castro 2004; Nelson, Deess, and Allen 1999; Visser et al. 2004; Visser, Yahner, and La Vigne 2010).

Strong family support may be especially critical for sex offenders. Between 10,000 and 20,000 such offenders are estimated to be released annually from American correctional facilities (Center for Sex Offender Management 2007), and today, more than 700,000 individuals are registered sex offenders in the United States (Ewing 2011). Sex offenders arguably face more challenging impediments to successful reintegration (Burchfield and Mingus 2008; Levenson and Cotter 2005; Levenson, D'Amora, and Hern 2007; Levenson and Hern 2007; Mercado, Alvarez, and Levenson 2008; Robbers 2009; Tewksbury 2004, 2005; Tewksbury and Lees 2006, 2007; Zevitz and Farkas 2000). Publicly identified sex offenders experience feelings of anxiety, depression, embarrassment, isolation, and shame (Burchfield and Mingus 2008; Levenson and Cotter 2005; Levenson et al. 2007; Robbers 2009). Harassment and ostracism in the community also represent significant barriers that may prevent sex offenders from returning to society as productive, law-abiding citizens (Levenson and Cotter 2005; Tewksbury 2005; Tewksbury and Lees 2006; Zevitz and Farkas 2000). Another roadblock facing these former inmates is the stigma that is associated with labeling as a sex offender, especially in regards to issues of employment, education, and community activity (Tewksbury in press; Tewksbury and Lees 2006, 2007; Uggen, Manza, and Behrens 2004; Zevitz and Farkas 2000). Sex offenders in numerous studies report these marks of disgrace as common experiences, with feelings of vulnerability, stigmatization, and housing difficulties especially common (Levenson and Cotter 2005; Levenson and Hern 2007; Levenson et al. 2007; Mercado et al. 2008; Tewksbury 2004, 2005, in press; Tewksbury and Lees 2006).

SEX OFFENDERS AND FAMILY MEMBERS

Relatively little is known about sex offenders and their family members. In particular, how families respond to the return of sex offenders to the community is unknown. However, available studies suggest that those with family linkage to a known sex offender are likely to experience negative repercussions (Comartin, Kernsmith, and Miles 2010; Farkas and Miller 2007; Levenson and Tewksbury 2009; Tewksbury and Levenson 2009).

Farkas and Miller (2007) focused on adult family members of convicted sex offenders, interviewing 72 family members (within 28 families) from six different states. The most commonly reported feelings by family members were those of persistent hopelessness,

depression, and frustration that stemmed from adjusting to life with a publicly identified sex offender. Some family members also reported deterioration of relationships with other relatives, which came about as a result of their decision to remain in contact with the convicted sex offender.

Similarly, utilizing online survey data from 584 family members across the United States, Levenson and Tewksbury (2009) and Tewksbury and Levenson (2009) found that a substantial number of individuals related to known sex offenders experienced adverse consequences. As a result of their association with a sex offender, most family members (86%) reported experiencing a significant amount of stress, and nearly half (49%) often felt afraid for their own safety because of their loved one's status as a sex offender (Tewksbury and Levenson 2009). Half of the family members had lost friends or a close relationship, and 66% said that shame and embarrassment often prevented them from participating in community activities (Tewksbury and Levenson 2009). Those living with a known sex offender were more likely to encounter threats and harassment by neighborhood residents (Levenson and Tewksbury 2009). Children of sex offenders also reported unfavorable outcomes, with more than half stating that they were treated differently by teachers and other children at school. Tewksbury and Humkey (2010) found that, when legally permissible, school officials are likely to prohibit sex offender parents from attending school events. In a much smaller study, Comartin, Kernsmith, and Miles (2010) conducted a focus group with four mothers of sex offenders. Like the earlier studies concerning family members of sex offenders, the authors found that being related to a sex offender often generates negative ramifications, such as stigmatization, isolation, and changes in personal relationships.

In sum, the existing studies show that family members of sex offenders experience negative repercussions (e.g., "courtesy stigmas" [Goffman 1963]) because of their sex offender family member. These negative consequences include adverse emotions, sacrificed personal relationships, and admonition and harassment from others. In this way, actively pursuing and maintaining a social relationship with a publicly identified sex offender does not appear to be a desirable responsibility. Because the literature has only focused on family members' experiences in these relationships, the present study looks at perceptions of sex offenders regarding their relationships with family members.

THE PRESENT STUDY

To more fully understand how the public identification of sex offenders may impact their reintegration into society, this research examines how such inmates approaching release perceive their previous experiences with and future expectations for their families.

By means of in-depth, qualitative interviews, the analyses focus on the perceived quality of family relationships before and after their public identification as sex offenders. Examining family associations for these inmates, both prior and subsequent to their identification as sex offenders, will help identify how such public identification (i.e., labeling or recognition as a sex offender) may impact social support from loved ones that is often necessary for successful community reintegration.

METHODOLOGY

Data for the present analyses originate from semi-structured interviews conducted with 24 male sex offenders incarcerated in a medium security prison in the Midwest. All participants were incarcerated for at least one sex offense and had release dates within three years of the time of their interview (with a mean of approximately one year until release). The age of participants ranged from 24 to 67. Five interviewed inmates were African-American, and 19 were white. The most frequent criminal charge among these sex offenders ($n = 11$) was first degree sexual abuse. Additionally, seven were incarcerated for third degree rape, five for third degree sodomy, four for first degree rape, two for second degree rape, and one each for second degree sodomy, promoting a minor in a sexual performance, and incest. Participants had served a mean of 47.3 months at the time of their interview (range = 15 to 95).

The interviews were semi-structured to avoid imposing artificial concepts and categories on sex offenders, thereby allowing participants to speak freely using their own terminology. This style of interviewing allows participants to discuss their thoughts and beliefs in detail. Moreover, it allows researchers to gain extensive knowledge about the subject matter, in this case, inmates' perceptions of family before and after their public identification as sex offenders. Specifically, interviews focused on: with whom sex offenders have maintained contact while incarcerated; what types of contact maintained; feelings about these contacts; anticipations of how family, friends, and others may receive them upon return to the community; types of contacts with family and friends prior to their incarceration; and plans and anticipations for managing the public label of "sex offender" upon return to the community.

Interviews were conducted in a private office at the prison and audio-recorded with the permission of correctional administration and participants. All interviews were transcribed in full. The authors made every attempt to transcribe the interviews in a way that reflected natural speaking patterns, although some words and phrases have been edited to aid readability. All identifying information was removed during this process; when introducing quotes, each sex offender was assigned an alias to protect his confidentiality.

Data were coded by hand, following principles of analytic induction in multiple readings (Charmaz 1983, 2006). This approach utilizes numerous readings of all transcripts, with each reading focused on a narrow range of issues and conceptual categories. As this is an exploratory study, open coding was used, and findings reflected issues that emerged from the data during the coding for the concepts of primary interest (i.e., perceptions of family prior and subsequent to public identification). Prior to data collection, all procedures were reviewed by the institution warden, state Department of Corrections, and the authors' institutional review board to ensure that ethical standards were met.

It is recognized that the sample of 24 is relatively low, which some may see as a limitation of the data. However, the goal of exploratory qualitative research is to interview enough participants to reach saturation, which occurs when no new themes or information arise from additional interviews. Although there are no clear, universally accepted guidelines for how many interviews are sufficient to reach saturation, a review of ethnographic research in the leading criminology and criminal justice journals shows that the median sample size was 35 for studies based on semi-structured interviews (Copes, Brown, and Tewksbury 2011). Additionally, recent empirical evidence suggests that saturation can be reached with as few as twelve interviews (Guest, Bunce, and Johnson 2006). The more homogeneous the population, the more likely saturation can be reached with fewer interviews. This appears to be the case for incarcerated sex offenders, as saturation was achieved with the sample of 24. Further, despite the fact that many of these sex offenders shared similar observations concerning their family members, it is acknowledged that these findings may not apply to offenders in other facilities or jurisdictions.

FINDINGS

Incarcerated sex offenders articulated both previous experiences with and future expectations for their families. Described family relationships hinged on the perceived quality of these associations before and after their public identification as sex offenders.

Previous Family Experiences

When reflecting on the quality of family relationships before their public identification as sex offenders, incarcerated sex offenders expressed both positive and negative outlooks. Almost without exception, sex offenders reporting positive family experiences described relationships that featured support, encouragement, and intimacy. Alternatively, those detailing negative family experiences discussed traumatic situations riddled with separation, violence, and sexual abuse.

Positive Experiences. Many incarcerated sex offenders perceived their family experiences positively before their public identification as sex offenders. Among those sex offenders who believed their families provided support, this belief appeared to be largely based on recollections of family members displaying compassion and generosity toward others. For instance, Jeff explained the loving actions of his spouse. "When my aunt came down with lung cancer," he recalled, "my wife went to [my aunt's hometown] for a year to take care of her." Interestingly, sex offenders rarely discussed being the personal recipients of such kind actions. As an exception, when these inmates described support they directly received, they discussed situations following their own poor decisions, for which they sought forgiveness. Thus, it was only after making errors in judgment that sex offenders described their family members as personally supportive. Marcus, a 45-year-old serving time for first degree sexual abuse, stated, "My parents were there even when I failed, even when I messed up."

More common, however, was the view that sex offenders themselves were somehow responsible for the supportive bonds that characterized their families. As Dylan, a child pornography offender, succinctly declared, "I was sort of the glue that kept my family together on the outside." Further elaborating on this shared perspective, Jack remarked, "I was there for my kids, playing sports, fixing their bikes, you name it, I'd do it for them."

In addition, some inmates referenced encouragement that was associated with positive family relationships prior to their sex offender status. Like many sex offenders, Brent, a 34-year-old serving time for second degree sodomy, recalled a particular family member constantly inspiring him to move beyond his mistakes. "My mother-in-law," he said, "used to tell me that you can't change the past, but you can always make the future a better place." Other sex offenders credited certain family members for their unwavering fortitude in prison. Jimmy, likely to be released in less than one month, asserted, "My family has always taught us to be confident." Likewise, scheduled to be released in less than three months, Reese recalled, "My mother always told me to do what you got to do, take it one day at a time, and see what happens." Families were often seen as sources of encouragement, leading sex offenders to recall happy and blissful memories of specific relatives. These recollections were important in that they served to provide a sense of hope to incarcerated sex offenders. While incarcerated, these inmates perceived such family encouragement positively, and they trusted and staunchly believed the advice of family members to be applicable to their future lives as identified sex offenders.

Many sex offenders also talked about positive family relationships that were characterized by significant levels of intimacy. Jeff, again wholly focused on his spouse, referenced the fondness that he had for her. "Women are not even in my world," he promised, "because I've never

found a woman that had anything my wife didn't have at home." Derrick also echoed these experiences of marital closeness, as he reflected on travels with his wife. Recalling how spontaneous adventures sustained their marriage, he excitedly declared, "When I was out, we went roaming the country, just wandering around." Although some sex offenders spoke primarily of marital accord, others discussed relationships with particular relatives that featured comforting, supportive, and pleasant experiences. Reflecting on life before he was identified as a sex offender, Mark cherished thoughts of the close-knit relationships he once had with his brother's children. "We were real close," he lamented, "me and my niece and nephew, all three were real close."

Prior to their identification as sex offenders, it became evident that inmates detailing close family relationships regularly maintained limited social contacts. As stated by Jaden, "I really didn't associate too much with anybody." Incarcerated sex offenders, separated physically and emotionally from their loved ones in the free world, often glamorized these affectionate aspects of their family relationships. Unable to experience meaningful connections in prison and isolated from their small social network, many sex offenders described physical and emotional connections with family which they could not have behind bars, but for which they yearned.

Negative Experiences. Although it was apparent that many incarcerated sex offenders perceived their family experiences positively, many also described negative family events that transpired prior to their identification as sex offenders. Near-universal themes expressed by sex offenders reporting negative family experiences were traumatic situations involving separation, violence, and sexual abuse. More often than not, separation in the form of parental divorce and family estrangement remained significant and prominent themes for these inmates throughout their lives. Sex offenders frequently related their predicament of incarceration to these dilemmas experienced earlier in their childhoods. Reflecting on the sudden death of his grandparents, John contended, "My whole world crumbled from the loss of two people." Like others, he attributed his prison sentence to earlier family tragedy.

Inner turmoil resulting from traumatic experiences and losses was common among sex offenders. When discussing these unfavorable family dynamics prior to their public recognition as sex offenders, many inmates rationalized the seemingly irresponsible behavior that was demonstrated by particular family members. As an example, Jerry explained the absence of his father from his childhood as a mere consequence of parents splitting up. Likewise, a few sex offenders emulated the somewhat erratic behavior of family members, and they often justified their decisions to do so by describing such actions as ordinary. This included the perpetuation of extramarital affairs and child abandonment. Here, clear evidence of

socialization was seen, in that these sex offenders looked to what they knew as “common” or “typical” behaviors – e.g., that which they experienced and learned from earlier in life – and determined that such actions were normative, despite such behaviors being illegal, harmful, or unhealthy.

Indeed, the fracturing of family bonds through separation clearly impacted many inmates before, oftentimes many years prior to, their public identification as sex offenders. As a result of family separation, many sex offenders placed at least partial responsibility on family members for their incarceration. Other sex offenders were left to defend the ostensibly distasteful behavior of certain family members, while some additional individuals admitted involvement in similar conduct. Regardless of exactly how much earlier in life these experiences occurred, inmates reporting such events universally expressed continued, mostly negative, resulting consequences.

Another common set of perceptions regarding negative family relationships centered on violence. For many sex offenders, violence was perceived to be a persistent, frequent, and expected component of family life. Incidents of both executed and witnessed physical assault and exertions of force were commonplace in their reflections on childhood, adolescence, and pre-prison adult experiences. The regularity of violent behavior between family members stood out as the most prominent memory and family experience in the minds of numerous sex offenders. According to Jerry, such customary family violence ultimately led to the death of his six-year-old son, who was killed by the child’s stepbrother with a shotgun.

Women were commonly the victims of described physical aggression within families, especially when sex offenders themselves were the assailants. Like many sex offenders, Aaron confessed, although reluctantly, to engaging in violence against women. “My ex-wife,” he said, “we got into it, and I did put my hands on her.” Some sex offenders experienced verbal conflicts with female significant others that routinely escalated into physical assaults. Blaming his cloudy memory and erratic behavior on crack cocaine use, Kelly admitted to one instance, saying, “I evidently assaulted my wife over a four day period of time.” Although inmates were not eager to admit to their personal involvement in such behavior, many sex offenders readily discussed the routine violence that surrounded their relationships with families of origin, significant others, and children. The inmates who participated in and witnessed violent behavior against women, before their public identification as sex offenders, subsequently committed sex offenses against women. Thus, a connection between violent behavior and sex offenses was established.

One perceived traumatic event with negative family associations that was not afforded justification or minimization by sex offenders was sexual abuse. Prior to their public identification as sex offenders, some inmates

reported witnessing sexual abuse of siblings at the hands of relatives. After revealing that his younger sister was molested as a child, Devon announced his severe dislike of sex offenders. “I’ve hated people like that my whole life,” he fumed. Like Devon, most sex offenders describing experiences of family sexual abuse refrained from including themselves in such narratives. However, Dylan briefly acknowledged, “I was molested growing up and stuff.” It was possible that a greater number of these sex offenders endured sexual abuse, as those revealing such experiences were often reluctant in doing so. When sex offenders discussed sexual abuse, they consistently referred to the molestation of close family members, and they expressed their abhorrence of such behavior. Despite their own sex offending, incarcerated sex offenders viewed sexual abuse by family members as appalling conduct.

The fact that some sex offenders disclosed experiences of family sexual abuse earlier in life may explain their own behavior as adults. Several sex offenders continued known family relationship patterns of sexual abuse by victimizing relatives themselves. Moreover, pronouncing family members as individuals suffering from sexual abuse allowed these sex offenders to divert attention away from themselves as victims.

Future Family Expectations

When considering family responses subsequent to their public identification as sex offenders, inmates also held both positive and negative outlooks. With only two exceptions, sex offenders anticipating positive family experiences upon release described personal acceptance, employment opportunities, and housing options. Following their labeling as sex offenders, most inmates, however, also expressed negative expectations for their families.

Positive Expectations. Nearly all incarcerated sex offenders expressed positive expectations for their families. The most common theme across sex offenders was the idea that at least some family members would accept them as individuals, despite their status as convicted sex offenders. “They’ll be there for me the same way as they always have,” announced Devon. These conclusions by sex offenders appeared to be based on past experiences, before their public identification as sex offenders, when family members were perceived positively. Despite their sex offenses, assumptions were also made by sex offenders that many relatives believed in their inherent goodness. As John attested, “I don’t see family rejecting me, because they know who I am.” Sex offenders recognized that family members did not approve of their sex offenses; however, they felt that their criminal behavior would not define them in the eyes of their family members.

Also common among sex offenders was the sentiment that particular family members naturally understood their plight more than others. More often than not, these family

members, credited with the ability to empathize, maintained close relationships with sex offenders before they were publicly identified as such. Already extremely close to his parents, Jerry stated, "I think my mother and father understand the situation I'm in." Moreover, some sex offenders indicated that those closest to them were aware of the full details of their sex offenses. Hunter declared, "My immediate family, they understand, they know the whole thing." These sex offenders were confident that such close family members would remain in their lives once they were released from prison. Perhaps this was because these people have previously supported sex offenders during their incarceration. As Devon reported, "I've got good parents, and they've been here for me the whole time."

For many incarcerated sex offenders, time spent in prison also helped them distinguish between accepting family members and those likely to reject them. According to Jack, who considered himself a seasoned inmate after nearly six years incarcerated, "When you come to jail, you find out who your family and friends are real quick." Indeed, sex offenders were certain that at least some family members, often those closest to them prior to their sex offenses, would remain accepting of them. At the same time, sex offenders realized that many relatives, usually those on the periphery of family ties, would reject them. This allowed most incarcerated sex offenders to look with confidence to their release dates, as at least a few family members were perceived as remaining supportive.

Another common positive theme voiced by incarcerated sex offenders concerned the potential for employment. Recognizing the various challenges ahead of them, sex offenders believed strongly that family relationships would provide them with necessary work opportunities to survive while on parole supervision. On the whole, family members were perceived as being the driving forces behind employment opportunities. In some cases, sex offenders expected that family members would provide them directly with employment. Nathan recalled, "My uncle owns his own business painting houses, and he said I could work for him." Several sex offenders also reported having received job offers from family members that were contingent on their behavior in the community. Reflecting on a promising position as a groundskeeper, Jimmy expressed, "My dad's got everything lined up for me, all I got to do is get out of here, and do what I'm supposed to do." Sex offenders largely anticipated advantageous employment opportunities garnered from family relationships.

For the few sex offenders that did not see family members providing them with immediate employment opportunities, these inmates were still confident with their chances of returning to work as a direct result of their relationships with relatives. This strong belief concerning their ability to obtain employment always emanated from relationships that sex offenders maintained with family. "I

might go back to one of the jobs that I used to have," Barry said, "because it's where my mom works." In the end, many sex offenders saw family relationships as a primarily pragmatic means to attaining work in the community.

Numerous sex offenders also described advantageous housing options stemming from family relationships. Most inmates holding this view anticipated being able to live with particular family members in the community. Those with whom sex offenders expected to live were consistently regarded by inmates in positive terms. As reported by Marcus, "I love my mom, and I know I'd be welcome there." Such positively perceived family members also seemed to play influential roles in the overall lives of sex offenders, both before and after their public identification as sex offenders. This was significant because housing options are especially critical for sex offenders, considering residency restrictions for these inmates exist in the jurisdictions where almost all will return. Other sex offenders believed family members were preparing home placements for them. "My sister's husband knows the owner of a halfway house," Aaron recounted, "and he set it up to where I could come there." Following their release from prison, sex offenders largely expected and depended on family relationships to offer them access to housing accommodations. Thus, practical matters related to housing were identified by incarcerated sex offenders as central to their expectations for family members.

Negative Expectations. In addition to positive expectations, most incarcerated sex offenders also held negative beliefs about their families. Almost without exception, inmates anticipating negative family experiences following their public identification as sex offenders described relationships riddled with rejection and doubt. For many sex offenders, serving prison time for sex offenses had left them with the expectation that at least some family members would reject them outright, simply because their offenses were sexual in nature. As stated by Edward, "My ex-wife, stepdaughter, and stepson kicked me to the curb after all this." After pointing out his parents as supportive, Jerry conversely surmised, "My sister, that's another story." More often than not, these family members, perceived as very likely to reject the offender, did not maintain close relationships with inmates before their public labeling as sex offenders. Family separation, which was conspicuous in the lives of inmates before their public sex offender status, surfaced again to explain prolonged distance among certain family members. In this way, one's sex offenses or criminal actions were not necessarily the issue, although being labeled as a sex offender was certainly perceived to solidify or maintain the disposition of these relationships.

The sexual nature of their offenses prompted several sex offenders to speculate as to whether or not family would accept them. Although he reported having no adversaries prior to his public identification as a sex

offender, Hunter was quite aware that many people now despised him, including some family members. "My in-laws," he concluded, "are going to be my enemies." As with most sex offenders, Hunter observed that specific family members would repudiate him simply because he committed sex offenses. Sex offenders identified both family members who were certain to reject them and those likely to reject them, while focusing on the nature of sex offenses as potentially troublesome for family relationships.

It is important to note that some inmates felt their status as sex offenders thwarted family interactions. In other words, if they had been classified as another type of offender, some sex offenders believed that family reactions would be different. In the words of Aaron, "A sex offender has to always be careful of everything they say and do, because you never know how a person might take it." Because they were labeled as criminals engaged in sexual misconduct, these sex offenders felt that at least some family members would be unable to tolerate their actions. Perhaps the loathing of sexual abuse, which was prevalent before their identification as sex offenders, caused these inmates to become concerned how family members would regard them.

Common across these sex offenders was a strong belief that family members would likely direct feelings of doubt or uncertainty toward them. No matter how accepting or supportive loved ones appeared, these sex offenders anticipated that many family members would question their integrity and character, even if they did not overtly reject or distance them. Jerry asserted, "At first, a lot of them are going to be glad to see me, but after that, they'll have that doubt in their minds." Their concerns were aggravated when thinking about family members with children. "In the back of your family's mind," Hunter advised, "they're always going to have a small doubt, especially if they got kids." Jimmy worried that his adult children would harbor ill-will toward him for being a sex offender. "They say they forgive me," he said, "but they hold grudges, and I know it."

An additional issue for these sex offenders was a sense of doubt and uncertainty about whether family relationships could be maintained in any form. This was most prevalent when inmates contemplated whether or not their spouses remained faithful to them throughout their incarceration. Hunter, likely to serve another two years in prison, expressed, "I just hope I don't get out too late, before my wife ends up getting lonely." Although many inmates anticipated outward support from their families, these sex offenders were still distressed over the possibility of encountering doubt and uncertainty from at least some family members.

It is important to note that most incarcerated sex offenders reported never receiving visits from family members. When sex offenders discussed family visits taking place, they were extremely limited and certainly

uncommon. Many inmates attempted to downplay this absence of face-to-face meetings with family. Some sex offenders indicated that the lack of family visits was not necessarily harmful, as receipt of routine visits would likely prove to be personally detrimental. According to Jack, "I don't deal with visiting, because I don't take visiting very well, because my wife and my kids have to leave and they end up crying." These inmates often expressed a preference for phone calls and letters, as the inherent physical distance present in such written and verbal correspondence allowed them to keep family members somewhat removed from their incarceration as sex offenders. Other sex offenders placed responsibility on the correctional facility to explain their limited visits from family. According to Reese, "When my family gets through that gate, they got their rules and regulations they have to follow, and it's a pain." Nathan blamed the correctional facility's architecture. "My three oldest, they didn't like coming up," he stated, "because of the barbed wire and fences." Some inmates felt that the remote location of the prison was problematic for their families. "It's hard for them to come all the way out here," Hunter contended. Similarly, Larry expressed, "It's a pretty long haul for them to come." Although incarcerated sex offenders largely suggested that absent or limited family contact was of little or no importance to them, it appeared that these inmates intentionally minimized the negative impact of this reality.

DISCUSSION

The purpose of this exploratory study was to identify the perceptions of incarcerated sex offenders about previous experiences with and future expectations for their families. By means of in-depth, semi-structured interviews, this paper highlights the perceived quality of family relationships before and after their public identification as sex offenders. These incarcerated sex offenders held both positive and negative outlooks prior and subsequent to their labeling as sex offenders. The results of this study lend support to the existing literature about publicly identified sex offenders, provide insights into family dynamics and societal reintegration among known sex offenders, and suggest directions for future research.

Almost without exception, sex offenders reporting positive family experiences prior to their public identification described relationships that featured support, encouragement, and intimacy. However, sex offenders only described their family members as demonstrating support for them for the period following their offending and identification as an offender. Perhaps family members were largely unsupportive earlier in their lives, which may explain the view that sex offenders themselves were somehow mostly responsible for the supportive bonds that characterized their families. Similarly, although families

were often seen as sources of encouragement, sex offenders only recalled happy and blissful memories of specific relatives, suggesting that other family members may not have been associated with positive recollections.

Indeed, sex offenders also discussed traumatic family situations prior to their public identification, including separation, violence, and sexual abuse. This may explain their sex offending behavior later in life, which is consistent with earlier research contending that many sex offenders experience damaging and volatile family relationships throughout their childhood (Becker, Cunningham-Rathner, and Kaplan 1987; Burgess, Hartman, and McCormack 1987). These negative family experiences also likely account for the considerable reluctance among sex offenders to describe in detail negatively perceived family members. More research should consider how such absence of specificity impacts both sex offenders and other inmates returning to society from prison, especially in regard to quality of life issues and future offending.

Family intimacy reported by sex offenders prior to their public identification focused on specific relatives, but also exposed strong emotional dependency on their small social network. Evidence of limited social connections among sex offenders is consistent with earlier research, which found antisocial orientation to be a major predictor of sexual recidivism for adult offenders (Hanson and Morton-Bourgon 2005). Recollections by sex offenders also often glamorized these specific affectionate aspects of their family relationships before their public labeling. These findings illustrate the fact that positive social relationships should remain steadfast, in order to successfully assist sex offenders both while behind bars and upon reentering society. Ideally, these family relationships would provide sex offenders with extended social networks and increase their exposure to healthy associations that promote a sense of belonging and law-abiding conduct.

The majority of sex offenders approaching their return to society believed strongly that family relationships would provide them with necessary work opportunities to survive in the community. This finding is also congruent with prior research, which suggests that family members may be instrumental in assisting ex-offenders with employment (Berg and Huebner 2011). Also consistent with earlier research, which found that many former inmates intend to live with their families immediately following their incarceration (La Vigne et al. 2004; Nelson et al. 1999; Visher et al. 2004; Visher et al. 2010), numerous sex offenders anticipated advantageous housing options stemming from family relationships. However, for many released sex offenders, employment and housing emanating from family relationships may not be feasible or realistic. Family members, in reality, may be unwilling or unable to provide employment opportunities and housing accommodations for a known sex offender. This is likely

to be the result of both legal restrictions (such as residency restrictions) and the stigma that is associated with labeling as a sex offender (Tewksbury in press; Tewksbury and Lees 2006, 2007). A "courtesy stigma" may also be attached to families for providing support to sex offenders (Farkas and Miller 2007; Goffman 1963). Nonetheless, findings from this study indicate that family relationships appear to be the most consistent and reliable way in which incarcerated sex offenders may obtain work and housing in the community.

This research is not without limitations. First, the sample is small and drawn from only one jurisdiction and institution – therefore, readers should generalize from this sample with caution. Also, as interviews focused in part on past experiences, sometimes including events many years earlier, it is possible that both the passage of time and the effects of stigma recognition on the part of these sex offenders may have modified the ways that recollections are constructed and reported. Despite these limitations, this study sheds light on the ways that soon-to-be-released, incarcerated sex offenders approach their families and return to the community.

Although both positive and negative issues pervade the family experiences and expectations of sex offenders, these findings reflect both consistencies and variations across inmates. To more fully understand how the public identification of sex offenders impacts their reintegration, especially in regards to social support, more research should center on the experiences, approaches, and obstacles for sex offenders reentering communities. By further studying characteristics of social support within family units, it may be possible to identify ways in which loved ones can effectively assist sex offenders with their return to society. This may also allow for the enhancement and promotion of reentry efforts specifically designed for sex offenders. Ultimately, a more thorough understanding of sex offenders and their families may lead to reduced recidivism rates, increasing the opportunity for successful reintegration.

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Specifying the Dynamic Relationships of General Strain, Coping, and Young Adult Crime

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Abstract: *General strain theory has been tested critically, but the development of the theory has lagged because tests of the full model are rare, and the integration and specification of conditioning variables that affect crime and deviance are not clear. This test of general strain theory used a young adult sample (n=679) of university students to complete a comprehensive analysis of the main tenets of general strain theory with the specific inclusion of conditioning variables such as self-esteem, self-efficacy, and delinquent peers, and expansion of the traditional measures of affective states, coping strategies, and types of deviant and criminal behaviors. General support for the theory was confirmed. The results show that perceptions of success and fairness, a more traditional measure of strain, are not related to crime and deviance, but the more subjective measure of stress, consistent with general strain theory, does have a relationship with crime and deviance. Implications based on these findings are presented.*

Keywords: coping; crime; delinquency; general strain; negative affect; stress

INTRODUCTION

For nearly two decades, Agnew's (1992) general strain theory of crime and delinquency has generated much research and identified the need to examine critically and specify the personal, social, and psychological aspects of life related to individual criminal behavior. Agnew's

theory offered extensions to the domain of strain theories by embracing traditions of the theory that centered upon an individual's appreciation for achieving or expecting to achieve personal goals, while expanding the sources of strain to include the removal or threatened removal of positively valued stimuli and the introduction of negatively valued stimuli. Agnew presented these strain sources as

precursors to negative emotions that became a necessary intermediate status before leading a strained individual to delinquent or criminal behaviors. Individuals who experienced these negative emotions, however, might be able to disengage from a criminal trajectory if they were capable of evoking positive coping mechanisms, which might be cognitive, emotional, or behavioral (Agnew 2001; Brezina 1996; Broidy 2001). General strain theory proposes that strain, especially when combined with negative emotions such as anger and negative coping such as fighting, will lead to criminal behaviors. Generally, this model of how strain is connected to delinquency and crime is dynamic and identifies multiple testable propositions that relate to the individual human nature of behaviors.

The connection between strain and deviant or criminal behaviors has been empirically examined, and moderate support exists (see Akers and Sellers 2009; Kubrin, Stuckey and Krohn 2009), with several investigations confirming a relationship between negative emotions and strain (e.g., Brezina 1996; Broidy 2001; Mazerolle and Piquero 1997). Despite the vast literature, the specification of strain, and its connection to a negative affect, is incomplete and additional specification of causal pathways is needed (Kubrin, Stuckey and Krohn 2009). The validity of this causal relationship seems to be accepted, but instead of taking it for granted, it is important to continue examining general strain theory and to identify its ability to explain a range of crimes and criminals. Many tests of general strain theory tested its ability to explain adolescent delinquency (Agnew and Brezina 1997; Agnew, et al. 2002; Aseltine, Gore, and Gordon 2000; Baron 2007; Brezina 1996; Brezina 2010; Hoffman and Cerbone 1999; Hoffman and Miller 1998; Hoffman and Su 1997; Mazerolle, et al. 2000; Mazerolle and Maahs 2000; Paternoster and Mazerolle 1994; Piquero and Sealock 2004), but examinations of other populations exist, including juvenile offenders (Piquero and Sealock 2000), university-aged adults (Ganem 2010; Mazerolle and Piquero 1997; Mazerolle, et al. 2000), adults (Tittle, Broidy, and Gertz 2008), African American adults (Jang and Johnson 2003; Jang 2007), and South Korean youth (Moon, Blurton, and McCluskey 2008; Moon, et al. 2009; Morash and Moon 2007). While general strain appears to be applicable to various types of individuals, the broad range of negative emotions and legitimate coping strategies that can influence criminal behavior must be specified further.

Few studies of general strain theory, however, provide a comprehensive examination of the complete model developed in Agnew's (1992) presentation of the theory. By conducting full tests of general strain theory, the conceptual framework can be identified more securely and any weaknesses made more apparent. This research examines the nature of general strain theory and is focused on confirming the full theoretical model through the measurement of general strains, affective states, and the

range of criminal and deviant behaviors susceptible to both. The research presented here identifies sources of strain that might be unique to a young adult population and applies these to a wide array of behaviors that include social deviance, minor crime, multiple examples of illicit drug use, and serious violent crimes. First, a brief review of strain research is presented with a justification for specific elaborations of the theory. This is followed by an explanation of the research strategy and results. A discussion of the results is presented with expectations for continued research about general strain.

RESEARCH ABOUT GENERAL STRAIN THEORY

General strain theory argues that criminal and deviant behavior is connected to the various strains and stress experienced throughout one's life (Agnew 1992). The theory posits that those most likely to engage in crime are individuals who have negative affective states and cope negatively in response to accumulated stressors; criminal activity is their means of dealing with the stress of life. This section highlights some of the more recent and original research dedicated to the construction of general strain theory. This literature review is not meant to be a comprehensive historical presentation of studies about general strain theory; rather it is a means to develop the variables and constructs important to this current examination of general strain theory. The articles selected are key representations of the important variables and constructs to consider when modeling general strain theory, with special focus upon the conditioning variables.¹

Agnew and White (1992) completed the original empirical test of general strain theory through cross-sectional and longitudinal analyses of adolescent delinquency, but it was not a test of the complete model. Strain was measured only by the presence of negative stimuli and removal of positive stimuli. Control variables of social control, differential association, self-efficacy, and demographics were included in the modeling strategy, but the model did not contain negative affective states or forms of coping with strain other than the dependent variables of delinquency and drug use. Agnew and White established that when controlling for differential association and social control measures, strain was related significantly to general delinquency and drug use. More variation in delinquency was explained in the model when self-efficacy and delinquent peers were included, but there was no significant effect upon drug use. Agnew and White (1992) reasoned that lower levels of self-efficacy might increase anger responses to strainful events; thus, anger should be related stronger to general delinquency, especially with the inclusion of violence, than to drug use. One problem with this early test was the large temporal gap between the measures of strain and delinquency; it is likely that the

relationship between strain and delinquency is more immediate.

Hoffman and colleagues (Hoffman and Cerbone 1999; Hoffman and Miller 1998) have examined partial models of general strain theory with data from the Family Health Study to determine the specification of how conditioning variables such as self-esteem, self-efficacy, social control, and delinquent peers condition the impact of strain (i.e., negative life events) upon delinquency. Hoffman and Miller (1998) tested general strain theory through a latent variable structural equation model and found that self-efficacy and delinquent peers conditioned the impact of strain to delinquency. Negative life events were related significantly to delinquency only when delinquent peers were included in the model. In addition, higher levels of self-efficacy lowered future delinquency, but self-esteem was not a significant predictor. Hoffman and Cerbone (1999) supported general strain theory by finding that negative life events were related significantly and directly to a composite scale of delinquency, but conditioning variables including self-esteem and self-efficacy were not related and did not influence the relationship between strain and delinquency. These examinations by Hoffman and colleagues demonstrate the importance of including conditioning variables to create more complete models of general strain theory that have the ability to clarify the complex nature of strain and deviance.

The identification of how negative affective states specifically connect to the process of strain leading to delinquency and crime also has been examined. Aseltine, Gore, and Gordon (2000) studied negative affective states (i.e., anger and anxiety) as a contributing factor between strain and delinquency while controlling for self-efficacy, social control, and delinquent peers with a three wave panel study of high school youth. Negative affect was found to complete the connection between strain and aggressive delinquency (e.g., damage to property, physical fights), but not to non-aggressive delinquency (e.g., running away, shoplifting) or frequency of marijuana use. Using the Youth in Transition data, Brezina (2010) studied the role anger and chronic anger has in developing aggressive responses. Although not directly connected to criminal behavior, Brezina suggested individuals who are angered easily and often tend to devalue non-aggressive responses to strainful situations, which could lead to higher rates of delinquency and criminal behaviors. Brezina also stated similarly to Agnew (1992) that individuals who have strainful situations but do not have the opportunity or want to engage in deviant/criminal behaviors will choose to other actions. Hence, not only is affective states and coping important to the creation of behavior but also the desire to engage in specific behavior.

Mazerolle and his colleagues (Mazerolle and Maahs 2000; Mazerolle et al. 2000) researched the connection between sources of strain, conditioning variables, and delinquency using National Youth Survey data. Mazerolle

and Maahs (2000) found that increased levels of adolescent risk, as measured by delinquent peers, moral beliefs, and low self-control, strengthened the path of strain to a composite measure of delinquency. Mazerolle et al. (2000) investigated the mediating and conditioning effects of anger and other variables. When anger was added to models, sources of strain remained significant to violence and illicit drug use but not with measures of school deviance. When anger was examined as a conditioning effect to strain, it was not significantly related to any dependent variable. Delinquent peers were a significant conditioning effect for violence and drug use, but social control was only significant as a conditioning effect for drug use. These studies supported the importance of including anger as well as other conditioning variables in strain models, as these more inclusive models more accurately depict the causal processes that lead to distinct forms of delinquency and criminality.

In a rare test of the full model of general strain theory, Broidy (2001) utilized cross-sectional, survey data of undergraduate university students, which supported the basic tenets of general strain theory. She included various measures of negative affective states (e.g., depression, anger, withdrawal), the three sources of strain, and various legitimate coping mechanisms (i.e., cognitive, behavioral, and emotional). Conditioning variables were added to the model to control for respondent demographics, self-esteem, family dynamics, membership and participation in school activities, deviant peers, and deviant opportunities. Multiple sources of strain was associated with anger and other negative emotions, and these strains and negative emotions were associated with the use of legitimate coping mechanisms and the commission of deviant and delinquent acts. Overall, support for the theory was established and promoted the need to specify complete theoretical models. Recent research has made advances, but most general strain research lacks the assessment of complete models.

Tittle, Broidy, and Gertz (2008) conducted an examination of an adult population with projected criminal actions that supported various factors of the theory, but this was not a test of the full model. Respondents provided their predicted reactions to situations that were created to evoke strainful experiences with possible criminal reactions. Results demonstrated that enduring unpleasant experiences and not achieving goals significantly predicted projected offending, but loss of valuable stimuli was not significantly associated. Results also suggested that strain significantly increases negative emotions. In further questioning of how emotions relate to behaviors, Ganem (2010) explored undergraduate students responses to vignettes designed to create strain and negative emotions. Ganem's research concluded that different types of strain lead to different emotions, which could result in different types of criminal behavior. These studies promote that complete assessments of general strain must include a growing range of emotional constructs.

These prior studies suggest that the connection between strain and crime is conditional and not simply dependent upon strain and its interaction with other emotions. To specify this connection, Moon and colleagues (2009) examined longitudinal work with Korean youth to understand how differing strains connect to different types of affective states. Following the work of Piquero and Sealock (2000), which examined situationally-based emotions, Moon and colleagues (2009) demonstrated the need to understand strain and the emotional responses and coping strategies within the situational context. Emotional traits were significantly related to crime and deviance, however, situational cues helped to develop the mediating effects of what causes crime. For instance, it is not simply strain plus anger that causes crime but the conditioning variables of family and the individual that demonstrate the propensity to engage in particular behaviors. This suggests that individuals, and perhaps unique populations, experience strain and arrive at crime and delinquency differently.

General strain research, to be as accurate as possible, must ensure that the variables and measurements of strain, coping, and affective states match the population and sample being examined (Agnew 2001). Considering that “[t]he college transition is often a stressful and demanding period, during which many students confront new personal challenges and learn to cope with multiple demands” (Srivastava, 2009, p. 884; *see also* Cantor, et al. 1987), strain research that makes use of young adult samples drawn from university student populations must develop strategies to identify the subjective experiences of the research participants. Some research has done this. For instance, crime among university students has been related to anger (Capowich, Mazerolle, and Piquero 2001), purging, as an act of deviance, has been connected to anger and depression among young women (Sharp, et al. 2001), and offending has been explained by depression in university women and men (Hoffman and Su 1998; Ostrowsky and Messner 2005). Research by Moon, Hwang, and McCluskey (2011) depicted stress measured by negative teacher perceptions and by not achieving academic goals as a determining factor of bullying among college students. Among adolescents and young adults up to age 21, traditional bullying (Hay and Meldrum 2010; Hay, Meldrum, and Mann 2010) and cyberbullying (Hay, Meldrum and Mann 2010; Hinduja and Patchin 2007) induced strain that led to outward aggression, delinquency, and crime.

In addition, substance abuse and poor peer relationships has been a means to cope with strain and has acted as a corollary to deviance/crime; research has supported that this perhaps is most common to young adults as well as adolescents who have not developed other means to manage life. To illustrate, Ford and Schroeder (2008) determined a pathway from strain to depression and depression to the non-medical use of prescription

stimulants by college students. Slocum (2010) saw a pattern where adolescents and young adults engaged in substance abuse to deal with short-term and long-term stress. Further, Jang and Rhodes (2012) suggested that strain was interrelated to crime and drug use while Bichler and Tibbetts (2003) found that binge drinking was associated with cheating. With respect to negative peer relationships, Larson and Sweeten (2012) concluded that ending relationships was correlated to a multitude of antisocial behaviors as well as substance use, whereas Higgins and colleagues (2011) perceived that high levels of peer rejection leads to crime and deviance.

Hence, connections between strain and emotions are complex in nature and vary across samples so that specific types of strain must be analyzed as suggested by Agnew (2001); however, some of these past tests included school-aged adolescents and not young adult university students. Thus, the conclusions drawn about general strain theory might not befit university-aged young adults. Young adults still might be developing their emotional and coping skills in response to the various types of stress and strain that is encountered while becoming a responsible adult. This area of interest is important to understand within the context of general strain theory.

In their review of general strain research, Kubrin, Stuckey, and Krohn (2009) have suggested that much of the general strain research has been isolated to specific parts of the theory and that additional general strain research must clarify the unique relationships that might exist between various sources of strain, diverse negative emotions, and other situational or personal conditions. Tests of a complete general strain model are necessary to advance this identification process. These tests of the full model must include personal and subjective assessments of strain and emotionality, must pay particular attention to the mediating effects that factors like anger and frustration have upon deviance and crime, and demonstrate connection to various types of deviance specific to the population and sample examined.

PRESENT INVESTIGATION

This investigation about general strain specifies the critically important constructs of how strain connects to deviance and crime in young adults by specifying the unique connections of various types of strain to coping strategies, and affective states; this provides three hypotheses to be tested. General strain theory recognizes three main types of strain that may lead to negative emotions (e.g., anger); related to this, the first hypothesis is that negative emotions result from the failure to reach a positively valued goal, the removal of positive stimuli, and the presentation of negative stimuli. The second hypothesis is that emotions, whether negative or positive, are connected to the use of coping mechanisms, and these coping mechanisms could be positive (e.g., attending

religious services) or negative (e.g., drinking in excess). According to general strain theory, individuals who develop negative emotions and fail to employ positive coping strategies are more likely to engage in deviant and criminal behaviors, or in reverse, those who develop positive emotions and lack negative emotions are more likely to engage in positive coping strategies and less likely to engage in deviance/criminality. Subsequently, the final hypothesis is that individuals who report negative emotions and engage in negative coping strategies will report engaging in deviant and criminal behaviors, but the use of positive coping strategies is related negatively to crime and deviant behaviors. In relation to this, those who report positive emotions and positive coping should be the least likely to report deviant/criminal reactions. The specification of negative coping mechanisms as distinct from positive coping mechanisms is unique, but it allows for the testing of coping strategies that might be common within young adult populations. Tests of these hypotheses are reported below.

Methodology

This study offers an examination of the full tenants of general strain theory. The model and methodology were developed using the literature discussed above by selecting and altering variable measurements as needed. It was necessary to include all sources of strain, negative and positive affective states, negative and positive coping strategies, a wide scale of criminality (i.e., actions included behaviors such as skipping class, underage drinking, illegally downloading materials from computers, drug use, sexual and physical assaults, and theft) and contextual variables (e.g., self-esteem, peer deviance, and family structure) that are important to young adults in a university. Positive affective states were added to this research to determine if connections to crime and deviance exist beyond negative emotions as past research has not addressed positive emotions. Another extension offered by this research is the measurement of each respondent's opportunity and desire to participate in deviant and criminal behaviors (Agnew 1992; Brezina 2010). These modifications were completed to identify more precisely the relationship between strain, negative emotions, and deviant and criminal behaviors as necessitated by Agnew's (1992) original framing of the theory.

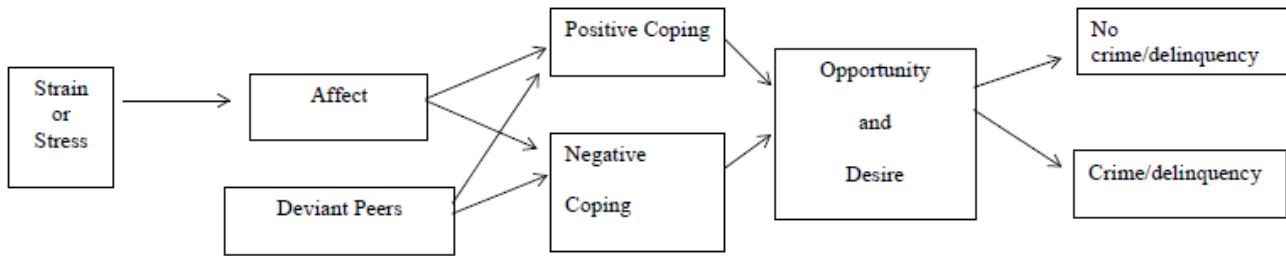
The survey was administered to a non-random, convenience sample of undergraduate university students attending classes offered by the Department of Criminology at a medium-sized university (with approximately 14,000 students) located in the northeast region of the United States. The Department of Criminology is one of the largest departments on its campus with more than 900 undergraduate majors and minors. The survey was completed during the early weeks of the spring 2009 semester in any class where the

professor or instructor of record granted permission. Some students were in more than one of the sampled classes, but students in participating classes were instructed to complete the survey only once. Across all sampled classes, there were 1,253 enrolled students, but due to absences and controlling for students enrolled in multiple courses, only 703 surveys were administered from which 679 surveys were completed providing a response rate of 95.6 percent. The sample demographics were comparable to the university population ensuring generalizability of the findings to the entire student body; generalizations to other populations should be done with some caution.

Measurement of Variables

The study included variables to identify and test the full model of the theory as proposed by Agnew (1992) and to reflect the complex nature of general strain theory. A broad range of sources of strain were measured, and the survey included items that measured other subjective experiences related to the theory (e.g., negative and positive affective states, legitimate and illegitimate coping, peer deviance, deviant opportunity and desire, respondent deviance, and appropriate respondent demographics and conditioning variables). Each of these constructs is explained in detail, including operational definitions and measurement strategies. Appendix A presents the actual text of survey items that are not explained easily in this section. The model of general strain theory used for this article is displayed in Figure 1.

Strain. According to general strain theory, strain measurements must include the failure to achieve a positively valued goal, the removal of positive stimuli, and the addition of negative stimuli. Agnew (1992) also argued that the perceived fairness about unattained goals aids in the determination of whether strain leads to delinquency. With respect to failure to achieve positively valued goals, respondents reported their perception of success and perception of fairness (i.e., not fair, somewhat fair, fair, and very fair) in connection to five goals (i.e., academic, career, family/social, physical health/athletic, and financial) over the previous 12 months. Other research that has tested general strain (e.g., Agnew and White 1992; Broidy 2001) measured goal achievements over extended periods of time, but it is likely that among young adults, the failure to achieve goals is related more immediately to strain and that over long periods of time (i.e., several years) the experienced strain is diminished and/or disregarded. For instance, Moon, Blurton, and McCluskey (2008) examined the complex conceptualization of strain by determining if the behavioral response (e.g., crime, emotions, or coping) to strain depended upon the source of strain such as academic or family, whether the strain experienced was chronic or acute, and if the individual believed the stress was fair and just. For this reason, strain was measured in various means as if the strain was fair.

Figure 1: Full General Strain Model as Tested in this Study.

Respondents indicated their perceptions of success and fairness on four-point scales with higher values indicating greater perceived success and fairness; both scales have a possible range of 0 to 15.

The removal of positive stimuli and addition of negative stimuli was modeled from Broidy's (2001:34) stressful events scale; in the present analyses, this measurement is associated with the construct labeled stress. To measure this type of strain, an 18-item scale was created that identified experience with a range of stressful events. Respondents were asked to write in whole numbers the amount of times these events occurred over the past 12 months. This strategy was believed to be an improvement over past research, because it measured the degree and extent of strain-inducing events as opposed to a simple identification of their presence or absence. Care was taken to develop strain measures that encompass the typical undergraduate university students' experiences as discussed in the literature review, as strain measures should be developed to match the sample and population of interest (Agnew 2001; Moon, Blurton, and McClusky 2008). Responses were coded to control for extremely large and outlying values entered by respondents and placed into categories (i.e., 0 = never, 1 = once, 2 = two or three times, 3 = four or more times). When respondents used text responses (i.e., a lot, a few times) these were considered as missing. The possible range for this scale is 0 to 54.

Negative and Positive Affective States. Respondents' affective states were measured with the reported frequency of experiencing specific emotions when unable to reach specific goals and when bad things happened. Goals were defined as internal wants or desires specific to the individual respondent, such as obtaining a good grade in a class, losing weight when wanting to, or being hired at a desired job. Bad things happening were specified as external circumstances or experiences such as being the subject of rumors, experiencing a death in the family, or being fired from a job.

Respondents were directed to consider two distinct life moments of (1) when goals were not achieved and (2) when bad things happened in connection to feeling 16

associated negative emotions (i.e., alone, angry, cheated, cranky, depressed, disappointed, frustrated, guilty, insecure, overwhelmed, resentful, scared, stressed, upset, worried, and worthless). These 16 negative emotion items were coded as 0-4 (i.e., never, rarely, sometimes, often, and always). Considering blocked goals and the experience of bad things happening, the presence of negative emotions was measured with a summated scale of 15 emotions across the two experiences with the scale having a possible range of 0 to 124. Anger was separated to be consistent with prior research that concluded anger is the strongest negative emotion linked to criminality and deviance (Brezina 1996; Broidy 2001; Mazerolle and Piquero 1997; Moon et al. 2009).

In addition, the experience of three positive emotions (i.e., accepting, content, and hopeful) was measured to control for respondents who had a more positive disposition in connection to stressful events. Respondents selected whether they responded with positive emotions never, rarely, sometimes, often, or always when goals were blocked or bad things happened. Experiencing positive emotions was reverse-coded to create a summated scale reflecting the absence of positive emotions; positive affective states then reflects the absence of positive emotions as the coded values assume negative affect leading to increased criminality. This scale has a possible range of 0 to 24.

Three composite scores were created for each respondent: anger, other negative emotions, and positive emotions. These were developed from the single items of goals not achieved and bad things happening. Hence, anger is a combined score of participants' responses about whether anger was felt when goals were not achieved and when bad things happened. This is the same for negative emotions and positive emotions. Although this type of general measurement adds limitations to the research by not linking specific sources of strain to specific outcomes, when measuring and modeling the whole of general strain theory, adjustments must be made to ensure completion of the survey and ability to gather usable data. The items, however, included enough specificity for respondents to

determine the distinct qualities between things happening to them or things over which they have control.

Coping Strategies. General strain theory predicts that coping strategies vary and are important mediators between negative emotions and subsequent behaviors. These coping strategies can include cognitive, emotional, and behavioral mechanisms, and these acts and actions can be considered qualitatively as positive or negative. The use of these strategies is expected to vary across distinct populations. For instance, adults are anticipated to be better equipped at developing and using positive coping strategies, but younger individuals might be more restricted in their ability to identify and implement effective coping strategies. More specifically, adults might be better at removing themselves (i.e., physically, emotionally or cognitively) from sources of strain; yet, adolescents and young adults might lack the psychological or social development that could make this happen. Additionally, adults legally are capable of using soft drugs, such as alcohol, but adolescents and young adults who engage in the same coping strategy would be considered delinquent or criminal. To reflect this possibility, and in recognition of the nature and context of the sample being surveyed, three items were added to Broidy's (2001) measures to better link coping mechanisms to the lives of young adults attending a university (i.e., drinking alcohol to excess, improperly using prescription or over-the-counter medication, and using illegal drugs).

Respondents were asked to report how often they engaged in specific coping strategies when unable to reach a goal or when bad things happened. This was measured on a five-point ordinal scale (i.e., never, rarely, sometimes, often, always) with the measurement focused on negative coping; it is presumed that negative coping will have a positive relationship to criminality and deviance. A factor analysis suggested data did not fit the theoretical cognitive, behavioral, and emotional coping dimensions. Factor analysis first was completed with no rotation and setting groups based upon eigenvalues above 1. Factor analysis and estimated Cronbach's alpha coefficients demonstrated that there were two distinct groups for coping strategies but not three. The dimensions seemed to be separated across positive ($\alpha = .756$) and negative ($\alpha = .768$) coping strategies. Positive coping items were reverse coded to develop a scale that depicts the absence of positive coping strategies (with a possible range of 0 to 80) and negative coping items were combined into a scale (with a possible range of 0 to 48) that reflects the presence of negative coping strategies; as such, each construct is anticipated to have a positive relationship with crime and deviance.

Deviant/Criminal Opportunities and Desires. As mentioned above, past research did not directly measure opportunities and interest in engaging in criminal behaviors, and this can be considered a limitation. Prior strain literature has suggested that along with negative emotions, opportunity is likely to exacerbate the link

between strain and deviant/criminal outcomes (Agnew 1992). Desire has been added to opportunity as it is possible that students have unlimited opportunities to engage in some of the deviant or less serious behaviors (e.g., to skip class) but may not always have the desire to complete the task. Respondents were asked to provide information concerning how often they had the opportunity and desire to engage in 27 deviant and criminal behaviors over the past 12 months; this frequency was measured on a five-point ordinal scale coded as 0-4 (i.e., never, rarely, sometimes, often, always) for each of the 27 behaviors. This scale has a possible range of 0 to 108 with a Cronbach's alpha of .859.

Deviant/Criminal Participation by Friends. In addition, a self-reported participation of the respondent's friends involved with deviant or criminal activity was included. A scale was created using the same 28 items as the deviant/criminal outcomes. Respondents were asked to report their perception of the proportion (i.e., none, few, some, most, all) of their friends who engaged in the same range of deviant and criminal behaviors reported above. This scale has a possible range of 0 to 112 and a Cronbach's alpha of .920. To some degree, this measure considers the rival contribution derived from a social learning perspective, yet this measure also can act as a conditioning variable of criminal and deviant behavior or as a source of strain dependent upon a respondent's susceptibility to peer pressures (Aseltine, Gore, and Gordon 2000; Broidy 2001; Brezina 2010; Hoffman and Cerbone 1999; Hoffman and Miller 1998; Hoffman and Su 1997; Mazerolle and Maahs 2000; Paternoster and Mazerolle 1994).

Control and Conditioning Variables. Several survey items were included as measures of control variables. Data were collected about respondent demographics including sex (i.e., female = 0, male = 1), race/ethnicity (i.e., non-white = 0, white = 1), age (i.e., measured in whole years), employment status (i.e., full-time = 1, part-time = 0.5, unemployed = 0), GPA (i.e., categorical groupings based upon 4.0 scale), school activities (i.e., no participation = 0, participation = 1), religiosity (i.e., attend religious services never = 0, rarely = 1, sometimes = 2, or often = 3) and family's economic status (i.e., working/lower class = 1, middle class = 2, upper class = 3). The friends in life construct was measured by a single dichotomous item (i.e., yes/no) indicating that the respondent had friends who were currently and actively involved in their life. The friends in area construct was measured by a single item that asked respondents to identify the proportion (i.e., none, some, most, all) of friends who lived in the area of their current residence (i.e., college town). These two variables assessed the connection of the respondent to their friends, as past theoretical research has demonstrated it is not solely whether friends have been involved with crime and delinquency, but also the intensity of the relationship and the possibility that the connection will aggravate or

mitigate strainful experiences (Boman and Gibson 2011; Brauer 2009; Higgins, Piquero, and Piquero 2011; Laub and Sampson 2003).

In addition, three scales were created to measure family dynamics, low self-esteem, and low self-efficacy. Family dynamics was a scale composed of six items with dichotomous responses of yes/no that measured the respondent's connectedness to their mother and father currently and while growing up. The scale ranged from 0 to 6, with higher values representing more connectedness or attachment to the family; the Cronbach's alpha was .740. Low self-esteem (i.e., the respondents feeling of self-worth) was measured with the Rosenberg (1965) self-esteem scale that has a range of 10 to 40 with higher values representing decreased levels of self-esteem with the expectation that low self-esteem has a positive relationship with criminality/deviance. Cronbach's alpha for the self-esteem scale was .877. Self-efficacy was measured as prior research indicated a connection between self-efficacy (i.e., belief in one's ability to control or master their own life's direction) and the influence of strain on delinquency and crime (Agnew and White 1992; Aseltine, Gore, and Gordon 2000; Hoffman and Cerbone 1999; Hoffman and Miller 1998; Jang 2007; Jang and Johnson 2003). The self-efficacy scale ($\alpha = .766$) was obtained from Jang and Johnson (2003), and has a range of 8 to 32 with higher values indicating lower self-efficacy, due to the assumption that those with lower self-efficacy would engage in more deviant/criminal behavior creating a positive relationship between the two variables.

Deviant/Criminal Outcomes. Deviance and crime were measured by asking respondents to indicate the number of times they engaged in one of 28 behaviors over the past 12 months. The range of behaviors was developed by considering prior research as a foundation, but contemporary criminal behaviors (e.g., illegally downloading media and illegal access to electronic files) and other deviant behaviors expected to be found among undergraduate university students (e.g., engaging in unprotected sex) provide additional improvements and breadth to the range of behaviors. The items were transformed into a five-point scale, to control for outliers, that reflects the number of times the respondent engaged in each specific activity (i.e., 0 = never, 1 = once, 2 = twice, 3 = three, and 4 = four or more). When entering the data, text responses (e.g., a lot, always) were entered as missing data and multi-value ranges (e.g., 5 to 9) were entered as the average of the range's upper and lower limits.

All deviant and criminal survey items were placed into the factor analysis to see the dimensions through an unrotated equation with separation based upon eigenvalues greater than 1 through SPSS. The 13 items of the first dimension were used to create a composite criminality/deviance scale as these items were statistically connected and developed a stronger construct than using all items (see Broidy 2001). The items that composed the dependent

variable were sold marijuana or other illegal drugs, injured someone without a weapon, destroyed property, distorted the truth, had unprotected sex, used prescription medication, took over-the-counter medication, used marijuana, used crack/cocaine, used other illegal drugs, drank in excess to the point of blackout or pass out, bullied, and engaged in hazing activities ($\alpha = .785$). The possible range of this criminality/deviance scale is 0 to 112 with higher values indicating a greater frequency and diversity of criminal and deviant experience. A composite scale has the advantage of representing general deviance and criminality inclusive of various types of crime that can appropriately determine the connection of strain to various types of behaviors.

Concerns with Causality

One limitation of this and similar research is that the data collection occurred at one time and absolute causality cannot be determined. Attempts were made to minimize this limitation from the outset by designing the survey instrument to measure the sources of strain, the affective states of respondents, the use of coping strategies, and the participation in criminal or deviant behaviors within a contextual framework. That is, instead of asking respondents to report past or present states of mind or participation in behaviors, survey items were worded to place respondents in a temporal context consistent to theoretical propositions; this allowed the survey to address situational reactions to stress, which may be more important to general strain theory than simply knowing if the respondent is an angry individual (Agnew 1992; Mazerolle, et al. 2000). For example, respondents reported their emotional status when in the presence of strain, and respondents were asked to report what they do to relieve stress (i.e., negative or positive coping strategies). Although, this does not allow for a complete causal interpretation that might be available if stressors, strains, and behaviors were measured longitudinally, it does allow for some discussion of a likely causal process.

With respect to other concerns of causality, the survey instrument used broad-based items from strain literature and other theories to ensure the ability to capture the social framework of why university students engage in deviant and/or criminal behavior. As with all social science research, it is implausible to include all variables affecting individual decision-making, but all variables were created with directness and specificity to develop necessary constructs for a full test of general strain theory. In addition, variables were tested for collinearity and diagnostic statistics were within acceptable values. Subsequently, survey creation and analysis of the data was an engaging process developed within appropriate constraints and concerns for causality.

Results

To be in line with previous research in examining the full model of general strain theory, distinct aspects of general strain processes were examined through a series of separate ordinary least squares (OLS) regressions with a step-wise process. With this strategy, certain variables are presented as a dependent variable in one model and an independent variable in other models. Prior to estimating the OLS regression models, descriptive statistics were examined and the potential for collinearity was assessed across all variables. OLS does have some concerns with

prediction; however, strong explanations of the connection between variables can lead to assumptions about the predictive power of the independent variables to the dependent variable (Lewis-Beck 1980).

The sample of undergraduate university students was predominately male, white, and unemployed with an average age between 20 and 21 years; the sample matched the demographics of the classes, department, and university. For this reason, it can be generalized to the university and perhaps to other mid-sized universities that have students with similar demographics and backgrounds. Other descriptive statistics are reported in Table 1.

Table 1. Descriptive Statistics of the 679 Respondents.

Variable		Alpha	Mean	S.D.	Observed Minimum	Observed Maximum
Strain	Success	.704	8.07	2.80	0	15
	Fairness	.700	9.30	2.74	0	15
	Stress	.646	9.55	5.14	0	28
Affective States	Anger	.628	5.01	1.505	0	8
	Absence of Positive Emotions	.775	15.44	4.29	2	24
	Presence of Negative Emotions	.940	50.24	18.061	7	108
Coping Strategies	Absence of Positive Coping	.756	57.81	8.299	24	76
	Presence of Negative Coping	.768	12.51	6.154	0	33
Conditioning	Friend Criminality	.920	19.86	12.508	0	79
	Opportunity/Desire	.859	12.38	9.102	0	63
	Family Dynamics	.740	5.21	1.307	0	6
	Friends in Area	-	1.30	.703	0	3
	Friends in Life	-	.96	.189	0	1
	Low Self Esteem	.877	18.09	5.067	10	34
	Low Self Efficacy	.766	18.55	3.668	8	30
	Religiosity	-	1.13	.977	0	3
Demographics	Sex	-	.64	.480	0	1
	Age	-	20.62	2.624	18	54
	Race	-	.81	.390	0	1
	Employment Status	-	.28	.291	0	1
	Economic Status	-	1.88	.490	1	3
	GPA	-	6.43	1.229	1	8
	School Activities	-	.41	.492	0	1
Dependent Variable	Criminality/Deviance	.785	7.41	8.055	0	43

Data collected: 2009

Assessing Affective States and Emotions

The first hypothesis suggested that a negative affect result from the failure to reach a positive goal, the removal of positive stimuli, and the presentation of negative stimuli. To test this hypothesis, the three dependent variables of anger, negative emotions other than anger, and the absence of positive emotions were examined in separate multivariate regression models; Table 2 displays the results of this analysis.

Perceptions of success and fairness were not statistically significant in any of the models estimating relationships to affective states, although success did approach significance at the .1 level. Despite these results, some support for the first hypothesis is presented with the identification of the relationship between stress and each measure of respondents' emotional status. Stress had a significant relationship with each measure of negative affect. Stress was related positively to the constructs of

Table 2. Ordinary Least Squares Regression with Anger, Negative Emotions, and Positive Emotions as Dependent Variables.

		Absence of Positive Emotions (<i>n</i> = 594)		Presence of Anger (<i>n</i> = 598)		Presence of Other Negative Emotions (<i>n</i> = 573)	
Independent Variables		<i>b</i>	Beta (S.E.)	<i>b</i>	Beta (S.E.)	<i>b</i>	Beta (S.E.)
Strain	Success	-.027	-.018 (.079)	.048	.089 (.027)	.174	.027 (.291)
	Fairness	-.098	-.063 (.078)	-.031	-.055 (.027)	-.374	-.056 (.283)
	Stress	-.079	-.096 (.040)	.053**	.181 (.014)	.724**	.208 (.146)
Conditioning	Family Dynamics	.049	.015 (.153)	-.019	-.016 (.052)	-.522	-.037 (.554)
	Friends in Area	.151	.024 (.253)	-.033	-.015 (.086)	-.501	-.019 (.940)
	Friends in Life	-1.868*	-.082 (.942)	-.310	-.039 (.317)	-2.912	-.031 (3.307)
	Low Self Esteem	.076	.090 (.042)	.064**	.216 (.014)	1.525**	.424 (.153)
	Low Self Efficacy	.105	.091 (.054)	.019	.048 (.019)	.143	.029 (.200)
	Religiosity	-.309	-.070 (.185)	-.00001	.000 (.063)	.071	.004 (.671)
	Constant		19.198 (2.167)		3.267 (.891)		9.484 (9.520)
Demographics	Sex	-.826*	-.092 (.379)	.219	.069 (.130)	-5.184**	-.135 (1.383)
	Age	-.132	-.081 (.068)	-.032	-.056 (.023)	.202	.030 (.243)
	Race	-.264	-.024 (.524)	-.019	-.005 (.180)	-3.309	-.068 (1.945)
	Employment Status	1.100	.074 (.611)	.192	.037 (.210)	.217	.003 (2.238)
	Economic Status	-.287	-.033 (.371)	-.095	-.031 (.127)	1.308	.036 (1.358)
	GPA	.052	.015 (.160)	.105	.087 (.055)	1.696**	.117 (.582)
	School Activities	-.179	-.021 (.363)	.081	.026 (.124)	.661	.018 (1.323)
	Constant		19.198 (2.167)		3.267 (.891)		9.484 (9.520)
<i>R</i> ²			.068		.120		.341
<i>F</i>			2.652***		4.958***		17.988***

p* < .05. *p* < .01.

Data collected: 2009

anger and other negative emotions, but stress had a negative relationship with the absence of positive emotions. The relationship between stress and the absence of positive emotions suggests that those who experienced stressful events in their lives reported more experience with the positive emotions of being accepting, content, and hopeful. It is possible that the sources of stress experienced by university students are anticipated to some extent, and their presence is then more easily rationalized as typical of the pursuit of higher education.

With respect to the conditioning variables, the estimated effect for low self-esteem was positive and significant across all three dependent variables, but having friends present in life, religiosity, and low self-efficacy approached significance only in relation to the absence of positive emotions. Respondents who had lower self-esteem reported more anger, negative emotions, and an absence of positive emotions. Respondents who had lower levels of self-efficacy had a greater absence of positive emotions. Respondents with friends in their lives and a greater sense

of religiosity had less absence of positive emotions. Sex is related significantly to the combined emotional statuses but not to anger itself. These relationships vary as male respondents experience less absence of positive emotions, more anger, and less presence of other negative emotions. Respondents self-reported GPA is associated with a greater presence of negative emotions other than anger.

Overall, there is support for the first hypothesis, but the support varies. Anger was important to all measures of strain, whereas other negative emotions and positive emotions only had significant connections to stress. This is not outside of the theory's prediction, as Agnew (1992) suggested that stress measured through the removal of positive stimuli and the addition of negative stimuli will be more influential to emotionality and deviance and that anger will most likely result from blocked goals. However, Agnew (1992) also predicted that unjust situations will most likely result in negative emotionality and anger, but fairness was not a significant predictor in these models.

Table 3. Ordinary Least Squares Regression with Coping Strategies, Positive Coping, and Negative Coping as Dependent Variables.

		Absence of Positive Coping (<i>n</i> = 549)		Presence of Negative Coping (<i>n</i> = 555)	
Independent Variables		<i>b</i>	Beta (S.E.)	<i>b</i>	Beta (S.E.)
Strain	Success	-.493**	-.171 (.134)	-.139	-.064 (.090)
	Fairness	-.118	-.040 (.130)	.111	.050 (.089)
	Stress	-.038	-.024 (.069)	.095*	.081 (.047)
Affective States	Anger	-.075	-.014 (.240)	.164	.040 (.162)
	Presence of Negative Emotion	-.068**	-.152 (.023)	.148**	.438 (.016)
	Absence of Positive Emotion	.448**	.238 (.072)	-.093	-.065 (.049)
Conditioning	Family Dynamics	.616*	.097 (.253)	-.086	-.018 (.171)
	Friends in Area	.646	.054 (.432)	-.004	.000 (.292)
	Friends in Life	-1.032	-.024 (1.562)	1.600	.051 (1.039)
Demographics	Low Self Esteem	.194**	.120 (.077)	.326**	.269 (.052)
	Low Self Efficacy	.039	.018 (.091)	.001	.000 (.062)
	Religiosity	-3.077**	-.365 (.311)	-.473**	-.075 (.209)
	Sex	1.952**	.114 (.657)	1.327**	.103 (.443)
	Age	-.205	-.069 (.111)	.115	.051 (.075)
	Race	-.804	-.037 (.892)	-.213	-.013 (.608)
	Employment Status	.697	.025 (1.029)	-.187	-.009 (.695)
	Economic Status	-1.093	-.066 (.630)	1.111**	.090 (.423)
	GPA	-.211	-.032 (.269)	-.218	-.045 (.181)
	School Activities	-1.576**	-.095 (.607)	.293	.024 (.410)
	Constant		63.858 (4.588)		-5.224 (3.109)
	<i>R</i> ²		.334		.458
	<i>F</i>		13.988***		23.775***

p* < .05. *p* < .01.

Data collected: 2009

Assessing the Use of Coping Strategies

The second hypothesis stated that individuals whom report negative emotions as a result of stressful experiences will engage in various coping strategies and when positive affective states are not present negative coping is more likely to occur. To test this hypothesis three OLS regression models were estimated that included all of the independent variables included in the previous models, and the absence of positive emotions, presence of anger, and presence of other negative emotions were included as independent variables; coping strategies were included as the dependent variable in each model. Table 3 displays the results of this analysis.

The dependent variable was intended to be a composite measure of all coping strategies, but due to theoretical underpinnings and results from a factor analysis, the composite measure was disaggregated into separate measures of positive and negative coping responses. This separation allowed for the specification of how various strains and other social constructs distinctly affect divergent coping strategies. It also allowed for

determining how types of coping connected to stress, strain, and, ultimately, deviance and crime.

Anger was not related significantly to either positive or negative coping strategies. Negative emotions were linked negatively to the absence of positive coping and were connected positively to negative coping. Positive emotions had a positive relationship to positive coping and a negative relationship to negative coping. Thus, respondents were more likely to report strategies of positive coping when they responded with positive emotions to strainful events, and respondents were more likely to use negative coping strategies when they responded to strainful events with negative emotions. These findings suggest that strain induces the use of coping strategies, but these strategies are dependent upon specific emotional statuses and perhaps the type of individual who is responding.

The conditioning variables of sex, self-esteem, and religiosity were related significantly to both positive and negative coping, but not having friends in their life and low self-efficacy were not connected significantly. Males reported more experience with both types of coping, and

respondents with higher levels of economic status were connected significantly to less absence of positive coping and greater presence of negative coping strategies. Respondents with lower levels of self-esteem engaged in more negative coping than positive coping. Respondents actively involved in their religion were associated with less use of negative coping strategies and less absence of positive coping mechanisms. Additionally, respondents who reported responding to strainful events with positive coping strategies had higher levels of participation in school activities and stronger family dynamics.

Overall, these results support the second hypothesis. Those who experienced negative emotions were more likely to engage in negative coping, but anger was not a significant predictor of any type of coping. These results demonstrate the need to specify and examine more

carefully the effect that conditioning variables might have with the use of coping strategies in the presence of strain and the isolation of anger from other emotional states.

Assessing General Strain, Crime, and Deviance

The final hypothesis stated that individuals who report negative emotions and engage in negative coping strategies engage in deviant and criminal behaviors more frequently. For this hypothesis, regression models were estimated with the composite criminality/deviance scale as the dependent variable, and with coping strategies, emotions, and other social constructs as the independent variables. Table 4 displays the results of this analysis.

Table 4. Ordinary Least Squares Regression with Criminality/Deviance as the Dependent Variable.

Independent Variables		Criminality/Deviance (<i>n</i> = 481)	
		<i>b</i>	Beta (S.E.)
Strain	Success	-.097	-.033 (.106)
	Fairness	.119	.040 (.101)
	Stress	.117*	.075 (.056)
Affective States	Anger	.330	.060 (.189)
	Presence of Negative Emotion	-.038*	-.085 (.019)
	Absence of Positive Emotion	-.022	-.011 (.058)
Coping Strategies	Presence of Negative Coping	.312**	.229 (.055)
	Absence of Positive Coping	.055	.055 (.034)
Conditioning	Friend Criminality	.136**	.208 (.026)
	Opportunity/Desire	.494**	.514 (.039)
	Family Dynamics	.058	.009 (.205)
	Friends in Area	.045	.004 (.342)
	Friends in Life	.229	.005 (1.263)
	Low Self Esteem	-.229**	-.140 (.063)
	Low Self Efficacy	-.137	-.063 (.072)
	Religiosity	.094	.011 (.265)
Demographics	Sex	-.436	-.026 (.536)
	Age	.086	.028 (.091)
	Race	1.948**	.087 (.717)
	Employment Status	.273	.010 (.818)
	Economic Status	.201	.012 (.514)
	GPA	-.419*	-.066 (.206)
	School Activities	.234	.014 (.483)
	Constant		-4.145 (4.184)
<i>R</i> ²			.648
<i>F</i>			36.633***

p* < .05. *p* < .01.

Data collected: 2009

Controlling for all other variables, stress, and negative coping strategies are related positively to criminal/deviant activity, but perceptions of success and fairness were not significantly related nor was anger. Anger did approach statistical significance of .10, but this lower level threshold was not enough to support the contentions of anger being connected to criminality. Several conditioning variables were related in the anticipated directions (e.g., negative emotions, negative coping, low self-esteem, and low self-efficacy), and as other literature has suggested (e.g., Agnew 1992; Broidy 2001), those respondents who have the opportunity and desire to engage in crime report a greater frequency of doing so. Similarly, those with friends who are deviant reported engaging in more crime and deviant behaviors. Respondents who reported a higher GPA reported less crime and deviance.

When considering the hypothesized relationship that the general strain variables have with crime and deviance, the results are supportive. In general, these results confirm the expectations that general strain theory proposes and extends the breadth of general strain research by including a greater diversity of strain sources, coping strategies, and criminal and deviant behaviors. Collectively, these results demonstrate the need to specify fully the complex relationships between the strain variables and conditioning variables as predictors of criminal and deviant behaviors, as it is likely that the extensions offered here are not exhaustive of the possible measurements that can be identified as being a part of the general strain constructs.

CONCLUSION AND DISCUSSION

This research attempted to accomplish several purposes. One purpose was to design an assessment of the complete model of Agnew's (1992) general strain theory. The research presented here expanded the breadth of coverage applicable to general strain. These extensions included the identification of additional measures of strain, affect, and coping as well as conditioning variables. These are critical constructs of general strain theory, and adding a wider scope of coverage to these constructs, it improves the quality and generalizability of the theory. Another contribution from this research is its confirmation that the theory is applicable to populations of young adults who are pursuing higher education; that is, the theory is relevant to explaining criminal and deviant behaviors of university students, through stressors, strains, and reactions that might be unique to this population.

One implication from this research is that the conceptual contributions from Agnew's (1992) general strain theory might be more critically important and relevant than the constructs related to earlier strain theories derived from Merton's (1938) propositions. Specifically, this research found that various measures of general strain constructs (e.g., reactions to stressful events, dimensions of negative emotionality, and coping strategies) are related to

each other and connected to crime and deviance. The measures included in this analysis aligned most closely with Merton's theory (e.g., perceptions of success and fairness) were not found to be related statistically significant to the individually oriented emotional constructs or to crime and deviance. This might indicate that the importance of general strain theory in explaining antisocial behaviors is based upon the unique stressors that are subjective to diverse populations and that orientation towards goals, at least in some populations, is not important to the causation of crime or deviance.

A separate implication from this research is based upon the inclusion of a unique measure of respondents' opportunity and desire to engage in crime. Agnew (1992) suggested that, despite the presence of strain, individuals will not engage in crime or deviance if it is not an available behavioral option or if when available not desired (see also, Brezina 2010). In this research, general strain variables were related significantly to criminal and deviant behaviors, but the measure of opportunity and desire to engage in criminal and deviant behaviors had the greatest magnitude of all variables related to reports of actual participation. Thus, this research provides support for Agnew's statement that desire and opportunity aid in the determination of whether strain leads to criminal and deviant behavior. This is something to be highlighted in future research to understand the complex nature of general strain theory.

In addition, this research supports that negative affective states and the presence of negative coping conditions the relationship between stress and criminal and deviant behavior; although, anger was not an important predictor as past research has suggested. When participants experienced stress and responded to that stress with negative emotions and/or behavior they were more likely to engage in criminal and deviant behaviors. Likewise, when respondents stated they had more positive reactions to stress, criminal and deviant behaviors decreased. When explored with conditioning variables, this research suggests that individuals who have negative reactions to stress, have friends who engage in criminal/deviant behaviors, have lower GPAs, and have lower self-esteem and self-efficacy are most likely to engage in criminal and deviant behavior; however, the interactive effects of conditioning variables could be examined further through the use of multiplicative terms instead of addition to regression equations, as done here. This study strongly supports that the combination of strain, affective states, and coping strategies is not enough to understand the movement into criminal or deviant behavior; instead, variables that help us understand more about the person's life, connections, and responses provide stronger explanations and have higher predictive powers when coupled with general strain theory.

While generalizing about the cognitive processes outside of this sample is tenuous, the findings do suggest

that colleges and universities should pay more attention to their students who might utilize negative behaviors more frequently. This research has identified that engaging in negative behaviors (e.g., dwelling on problems, withdrawing, and abusing substances) in reaction to stressful experiences is associated with negative emotionality and lower self-esteem. Negative emotionality also was related to increases in crime and deviance. Colleges and universities likely are aware of the challenges and stressors that higher education and the transition from adolescence to adulthood bring to their students' lives. Yet, given the tendency for this sample to use positive coping mechanisms minimally, it might be prudent to increase the availability and recognition of programs that improve students' positive emotional status and commitment to education. Lee and Cohen (2008) found that high schools with a more positive school atmosphere and increased recognition of student achievements had fewer subsequent attendance problems and less subsequent substance abuse among their students, but how this might occur among older students is unclear and should be explored by future research.

Although this research has confirmed some of what is known about general strain theory and has offered some additional constructs and conceptualizations to the identification and specification of the theory, it is not without limitations. This research was framed around the specification of how general strain operates within a young adult population, but it is likely that the findings presented here cannot be generalized to other distinct and similarly unique populations. This is acknowledged as a limitation, but the findings suggest that additional studies of general strain theory should guide the specification and measurements of strain to be tailored as identifications of the stressors relative to the unique population being studied. It is likely that other populations, such as pre-adolescents, adolescents, or adults, will have different sources of stress and different cognitive and affective responses. In addition, as discussed above, interpreting causality is difficult to do without reservations with this type of research; however, strong correlations have been demonstrated that support general strain theory.

Future research should examine specific stressors and strains in connection to emotions and coping; by making these individual items it will aid understanding what specific strains, emotions, and coping strategies lead to criminality and deviance. It also should continue to examine coping strategies along the lines of positive and negative strategies and away from the emotional, cognitive, and behavioral typologies typically used in strain research. This study did not support the use of the more traditional delineations of coping processes; instead, clearer results were found with the simpler constructs of positive and negative coping. Future studies could address whether respondents view specific coping strategies as positive or negative to ensure appropriate interpretations

are being made. In addition, anger was not connected significantly to coping strategies but stress was connected to negative coping and deviance/criminality. This might suggest stress is a stronger link to poor coping strategies; people who experience stress with negative emotions may need to identify unique and specific coping strategies to contain negative behavior. If future research confirms this finding, results would be useful to offender rehabilitation programs. These programs could maximize their effect on recidivism by breaking the use of negative coping by developing strategies to work through the stresses of life that might lead to a desire to commit crime. To some extent, cognitive skills therapies work towards this end and have been successful in reducing recidivism (see Cullen and Gendreau 2000; Petersilia 2003).

Collectively, the results presented here contribute meaningfully to the body of literature that is focused upon confirming general strain theory. Similarly, these results suggest opportunities for further exploration of the theory, and in particular, the identification of the unique stressors and responses to strain across distinct populations. While general strain theory is now decades old, it is not an old theory, and there are many dynamic qualities associated with the theory that have yet to be identified.

Note

¹ Complete reviews of general strain theory literature can be found in theoretical compilations such as those by Akers and Sellers (2009), Kubrin, Stucky, and Krohn (2009), Lilly, Cullen, and Ball (2010), and Bernard, Snipes, and Gerould (2011).

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APPENDIX: SURVEY ITEMS

Sources of Stress (Positive and Negative Stimuli)

1. Getting a bad grade on an assignment, paper, or test
2. Failing an exam
3. Getting a bad final grade in a class
4. Ending a relationship with a close friend
5. Ending a relationship with an intimate partner
6. Having someone that you care about die
7. Losing weight without wanting to
8. Gaining weight without wanting to
9. Having or being responsible for an unplanned pregnancy
10. Suffering from a serious or prolonged illness or injury
11. Having money problems (e.g., not being able to pay rent or bills)
12. Being unable to get a job
13. Being fired from a job
14. Getting in a car accident
15. Being bullied or harassed verbally
16. Being harassed or abused physically
17. Being harassed or abused sexually
18. Having something (e.g., books, I-pod, money) stolen from you

Coping Strategies

Negative

1. Tend to dwell on it even more
2. Am likely to withdraw and spend most of my time alone until I feel better
3. Try to avoid dealing with the problem
4. Improperly use prescription or over-the-counter medication *
5. Drink alcohol *
6. Use illegal drugs *

Positive (Absence of)

1. *Ignore it*
2. *Know it is not my own fault*
3. *Try to figure out where I went wrong so that I can change the outcome*
4. *Exercise to try to make myself feel better*
5. *Talk to friends or family to try to make myself feel better*
6. *Write in a journal to try to make myself feel better*
7. *Pray or meditate*
8. *Attend religious services*
9. *Attend support groups or peer counseling*
10. *Seek counseling or therapy to make myself feel better*

* These items are additions to this study and not in Broidy's (2001) original test.

Italicized items are positive coping strategies that were reverse coded.

Deviant/Criminal Behaviors for Respondents, Friends, and Opportunity/Desire

1. Skipped class
2. Stolen something worth \$50 or less
3. Stolen something worth more than \$50
4. Sold marijuana or other illegal drugs
5. Intentionally injured someone without a weapon
6. Intentionally injured someone with a weapon (e.g., stick, club, knife, gun)
7. Purposely destroyed property that did not belong to you
8. Used force or a weapon to get money or things from another person
9. Distorted the truth to get something you could not otherwise obtain
10. Illegally downloaded media (e.g. music, movies)
11. Hacked into personal information (e.g., social network page, email)
12. Hacked into corporate or government information (e.g., banking, credit cards)
13. Had unprotected sex with someone you were not in a relationship with

14. Sexually harassed another person verbally
15. Inappropriately touched someone in a sexual manner
16. Had sexual intercourse with another person without their full permission
17. Used prescription medication without a prescription or in excess of what was prescribed
18. Taken over-the-counter medication without need or in excess of the proper dosage
19. Used inhalants (huffing) such as glue or spray paint
20. Used marijuana
21. Used heroin
22. Used crack or cocaine
23. Used methamphetamines (meth, ice, crank)
24. Used other types of illegal drugs that are not listed above
25. Drank to the extent that you have blacked out or passed out
26. Been picked up by the police *
27. Bullied, intimidated, or harassed another person
28. Engaged in hazing activities

*This item is not included in the desire and opportunity items

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Realignment in California: Policy and Research Implications

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Keywords: California criminal justice policy, mass incarceration, prison reform, realignment

INTRODUCTION

Corrections policy in California is undergoing an historic shift in response to a variety of pressures--budgetary, operational and judicial. In April, 2011, the California legislature passed the Public Safety Realignment Act (Assembly Bill 109). This law shifted responsibility for specific categories of low-level convicted felons from the behemoth California Department of Corrections and Rehabilitation (CDCR) to the 58 individual counties. Under this legislation, low-level drug and property offenders committing their crimes after October 1, 2011 will be sentenced to county facilities and programs. State prisoners in these same categories will be released to their county of commitment under a version of county probation called post-release community supervision (not state parole). This commentary will briefly outline the background of this historic legislation and detail selected consequences of the Act. A discussion of research and policy implications will follow, and an invitation to consider broader social justice concerns will conclude the essay.

This commentary will only summarize the complications of the Act and its implementation. Interested readers are referred to various publications and websites for more detail and discussion. The reports, *Public Safety Realignment: California at a Crossroads*, by the ACLU of California (aclunc.org), and *Rethinking the State-Local Relationship: Corrections* by Mischynski (2011) of the

Public Policy Institute of California (ppic.org) are must-reads. The CDCR website contains basic information on the Act and various statistical reports that convey some of its impact (cdcr.ca.gov). The Center for Juvenile and Criminal Justice (cjcj.org); the Stanford Criminal Justice Center (stanford.law.org) and the Warren Institute on Law and Social Policy (warreninstitute.org) have developed several policy papers on the issue. The Partnership for Community Excellence (cafwd.org/pce) and the website for the Chief Probation Officers Organization (cpoc.org) act as repositories of documents related to Realignment. For a detailed overview of the legislation, Byers' (2011) statute review is instructive. Additionally, most counties have developed a section within their probation website to post Realignment information, including copies of their Country Plans and notice of related meetings.

BACKGROUND

Since the 1970s, the California prison system has expanded exponentially across several dimensions: population size, budget, staffing, and number of facilities. With some of the highest incarceration rates in the United States (which itself has some of the highest rates in the world), California has the dubious distinction of producing some of the highest recidivism rates as well. Overall, two-thirds of all inmates released from the CDCR returned to prison within three years, many of them for technical parole violations rather than new convictions

(cdcr.ca.gov). Despite attempts at rehabilitation programs, and a name change in 2005 to highlight this new direction, recidivism rates remained high and few programs demonstrated any measurable result. At the same time, a shrinking California budget and decade-long lawsuits set the stage for significant policy change. While many observers see litigation as only one of many pressures, the lawsuit in question deserves some detail here. Following many challenges to state prison conditions of confinement in terms of medical, mental health and dental services, one lawsuit was ultimately decided by the US Supreme Court. *Brown v. Plata* found that overcrowding in California prisons did in fact constitute “cruel and unusual punishment.”

As a consequence, the State was directed to reduce the state prison population by about one-third by May, 2013. At the time of this writing (mid-2012), CDCR has made progress toward this mandate. According to the Center for Juvenile and Criminal Justice (CJJC), the first eight months of Realignment has seen a 41% reduction in new prison admissions and a drop of 28,300 inmates (Males, 2012, p. 1). The parole population has also been reduced by about half as well. More specifically, the CDCR Weekly Population Report from July 4, 2012 shows that the in-state¹ custody population was reduced by about 17% between July 2011 and July 2012. Like all criminal justice measures, there was a significant difference in the rates for women and men: the male population was reduced by just over 16% while the female population has been reduced at 33%, double the rate for men. Note also that the incoming prison population has been reduced because parole violators- -for the most part-- are now sanctioned in the county rather than by return to state custody.

Krisberg and Taylor-Nicolson (2011) argue that three factors underlie the change: cutting state spending, reducing prison over-crowding, and improving the system. Critical to all three is the idea that local counties can be better equipped to develop innovations in rehabilitation and reentry. The budget matrix for realignment dollars is also specific but one thing remains clear: although county custody costs (county jail) may be somewhat lower than state prison costs, shifting the custody and supervision costs of selected offender groups to the county will only cut spending in state prisons, and may not reduce correctional costs for California overall. While state prison populations have been reduced and appear to be on track to meet the Court’s mandated goal, this measure is short-sighted and somewhat deceiving. A corresponding rise in county jail populations will continue California’s overreliance on custody: it is possible that too many offenders will still be locked-up, regardless of the location. As will be discussed below, there are significant implications for conditions of confinement and rehabilitation in county jails ill-equipped to manage the influx of more prisoners, and for longer periods of time, as well as provide “evidence-based” rehabilitative programs.

Finally, the goal of improving the system again assumes counties are willing and able to provide a wider range of rehabilitation and reentry options at the community level than that provided by CDCR. Joan Petersilia has recently stated, “So far, only 10 percent of that money is going to treatment programs, with the bulk going to sheriff’s offices, local jails, probations staff, and court services. That bodes ill for keeping ex-inmates from returning to crime” (Cited in Gest 2012).

Public Safety Realignment², then, is based on the notion that overall, fewer offenders will be placed in lower-cost custody beds in the counties for shorter time periods. The assumption is that counties will develop a greater emphasis on “evidenced-based” programs in local corrections, and importantly, in community supervision practices. AB 109 is specific on the kinds of “evidenced-based correctional sanctions and programming other than jail incarceration alone or traditional routine supervision” that should be pursued at the local level. These include but are not limited to: day reporting centers, drug courts, residential multi-service centers, mental health treatment programs, electronic and GPS monitoring programs, victim restitution programs, counseling programs, community service programs, educational programs, and work training programs. “Risk assessment” is also implied in this process. The theory is that lower custody costs and better rehabilitation outcomes, including reducing recidivism, will both save money and improve public safety.

CONSEQUENCES OF AB 109

The legislation has multiple consequences for criminal justice operations at the local policy level. Sentencing, custody and supervision will be changed significantly. Most immediately, the Act increases the number and length of sanctions that result in county jail sentences and creates new categories of “post-release community supervision” (PRCS) for local probation departments. As of October 1, 2011, many felonies are “redefined” as punishable in jail for 16 months, 2 years, or 3 years instead of state prison as previously legislated. These felonies are informally known as “non-non-non”- felonies that are non-serious, non- violent, and non-sex offenses (defined as “not PC-290 Registerable”). Byers (2011) notes the presence of a fourth “non” – an offense that is not enhanced under Penal Code §186.11, but that this is rarely used. Enhancements are typically used to increase sentence length when the offense is seen as exceedingly violent, or when past offenses increase the penalty. Section 1170 (h) of the California Penal Code describes the sentencing options, with section (5) outlining the “county jail only” and the “split sentence” or “mandatory supervised release” options.

Judges have two general options for sentencing felons to county jail. A “county jail only” sentence means just

that: an individual is sentenced to county jail and, after discharge, is not under any form of supervision. Mandatory supervised release (MSR) is a form of “split sentence,” whereby an individual serves some portion of a sentence in county jail custody and is released to community supervision and/or programs. Byers’ statute review also examines many unanswered questions about the Act and lists the “hundreds” of offenses that conceivably fall under this new sentencing structure.

The law also specifies certain offenses as “County Jail Ineligible” or “State Prison Eligible” which excludes defendants who must serve an executed felony sentence for a County Jail Felony in the state prison because of having a current or prior serious or violent felony, or some sex offenses (Byers 2011, p. 9).

This realignment of specific categories of felons to local sentencing is increasing local jail populations--and, equally important, the time served in local custody--as it decreases state prison populations. Prior to the Act, many jails in California were grappling with crowding, court-ordered caps on their populations, antiquated facilities and few programs. Budget cuts at the county level have also limited the ability of counties to respond to these problems. In 2007, AB 900 funded new jail construction in many counties, but financial responsibility for operating these facilities remains with local government.

The Act also has major consequences for state parole and county probation supervision. The assumption here is that county probation is better equipped to provide rehabilitative and reentry services than state parole for these released low-level offenders. Those state prisoners who fit the “non-non-non” definitions would have been released to state parole supervision prior to October 1, 2011. By creating “Post Release Community Supervision”(PRCS), these individuals are now released to county probation supervision for a period not to exceed 3 years. Mirroring the metric of custody population, state parole populations are decreasing while county probation caseloads are increasing. CDCR provided estimates of the number of “non-non-nons” that the counties should expect, but in the first six months CDCR has under-estimated the number of individuals flowing into each county. County probation officers are now supervising former state prison inmates in ever larger numbers while the program and services designed to provide rehabilitation are being developed.

There are additional provisions under the Act that shift responsibilities from the state to the individual counties. Revocations for individuals on Post Release Community Supervision and state parole will change. The Courts will hear revocations of post release community supervision while the Board of Parole Hearings will conduct parole violation hearings. If revoked, both types of offenders will serve their time in county custody. There will also be changes to custody credits (“good time”). Jail inmates will be able to earn four days of credit for every two days

served. Time spent on home detention (i.e., electronic monitoring) is credited as time spent in jail custody.

Although there has been less attention to pretrial populations, there are also significant changes to how these populations will be managed. For example, Penal Code Section 1203.018 authorizes electronic monitoring for inmates being held in the county jail in lieu of bail. Eligible inmates must first be held in custody for 60 days post-arraignment, or 30 days for those charged with misdemeanor offenses.

WOMEN AND REALIGNMENT

There is a growing body of evidence that demonstrates that the majority of female offenders can be more effectively managed in community settings that provide gender-responsive services and programs to reduce recidivism. Addressing women’s pathways to offending and structuring a safe and productive rehabilitative environment are critical to reducing recidivism and improving post-release outcomes. This approach emphasizes community placement where relationships and social support are prioritized. Confinement or other custodial settings are not the first choice in this model. When custody is necessary, it is invoked in the short term and as a step toward more community-based supervision and programming. Given the nonviolent nature of most women’s crimes and their low level of risk to public safety, community-based and non-custodial placements should be the primary objective of realignment planning. Gender issues are seldom mentioned in the county Realignment plans, however, even though women will be over-represented in the “non, non, non” population.

RACE AND REALIGNMENT

Advocates for the rights of racial minorities have been especially alarmed by mass incarceration in California and elsewhere. Many argue that prison overcrowding and racial segregation have worsened living conditions, both in prisons and in minority neighborhoods. The life chances of African-American and Latino males are severely diminished by their frequent interaction with the criminal justice system. Some critics of the prison-industrial complex make the claim that mass incarceration is far from anomalous, but merely the latest punitive twist in America’s hot and cold running fascination with race-based social engineering. Will Realignment change this? Racial issues are seldom mentioned in Realignment plans, in spite of their obvious importance.

IMPLEMENTATION OF THE ACT

The responsibility of realizing Realignment at the county level falls on the Community Corrections Partnership (CCP). Managed through an Executive

Committee, the CCP typically includes the Chief Probation Officer as chair, the District Attorney, the Public Defender, a Judge, the Sheriff, the Police Chief, and the county directors of mental and behavioral health, and other social service programs. Most counties have established subcommittees that address the mechanics of realignment. The CCP is required to submit a Plan and a budget to the state each year that details their approach to Realignment. These county Realignment Plans have been analyzed by The Stanford Criminal Justice Center, the Partnership for Community Excellence, and the ACLU. Common to these analyses is the conclusion that most money is devoted to ramping up jail space, expanding probation to supervise the PRCS population, and further prosecution efforts, with lower funding for expanding programs and services. To be fair, such an enormous shift of responsibility demands improvements and enhancements to county criminal justice infrastructures. It is too soon in the process to conclude that treatment and services will continue to be lower priorities as reflected in the first year budgets and plans.

RESEARCH AND POLICY IMPLICATIONS OF PUBLIC SAFETY REALIGNMENT

The section above can only review the basic outline of Public Safety Realignment in California. While many critical questions remain about the Act and its implementation, this next section frames selected questions relating to consequences of this policy shift.

The State Prison System

As the California prison system shrinks, doing time in these facilities is undergoing a parallel change. As the previously sentenced lower-level offenders leave CDCR custody and new “non, non, nons” remain in the county criminal justice system, the composition of the state prison population will lean toward those serving longer prison terms and, in most cases, those convicted of more violent or serious offenses. The implications for managing these more distilled populations are varied. What kinds of programming and services can be designed for this population? Given that “evidence-based practice” recommends providing services nearer to release, what are the implications for longer-termed prisoners? CDCR has struggled with providing medical and mental health care in the past. Will the population reduction better equip the California prison system to provide services to these aging and long-term inmates? How does prison culture and “doing time” change under these conditions? What about staff: what will staffing patterns look like under this decreased population scenario? How will recidivism rates be changed by this modified prison system?

County Probation and Jails

As probation systems and county jails take on the responsibility for this influx of “non, non, nons,” there are operational as well as outcome questions surrounding Realignment. How will counties plan and implement Realignment? How does the intention of the law play out in its actual implementation? How does managing a new type of released offender change local probation? Can local criminal justice systems develop and administer rehabilitative services that the state stumbled in trying to provide?

In terms of recidivism, can counties provide the necessary services and programs to improve outcomes? Will counties embrace the intent of the law: to provide reentry and related rehabilitation services necessary to improving outcomes? Or will counties continue the reliance on incarceration that has shaped criminal justice policy in California? What will this cost?

As offenders travel through the local criminal justice system and receive a county jail sentence, how do these overcrowded systems cope? In facilities that typically have held pre-trial populations, how will programming, staffing and services evolve to serve more sentenced prisoners who are likely to stay much longer than prior to AB 109? How will court mandated services, such as mental and physical health care, be provided?

Funding and Budgets

County officials and professional organizations have questioned the funding of realignment responsibilities from its inception. In general, how will counties modify the local criminal justice system with less money than CDCR was provided? Is the current funding system fair? Can counties “do better with less?” Does realignment shift the burden to counties without fair compensation?

Equity: 58 Counties, 58 Criminal Justice Systems?

There is also concern about fairness. California is politically diverse, with wide differences that play out in criminal justice philosophies. With variations in punishment philosophies and punitive sanctioning, will California fracture into 58 different systems? Will some counties develop alternatives to custody while others rely on jail time? What are the legal questions that underpin this potential inequity? How will the courts and the legislature respond to such potential unfairness?

Litigation

California and many other states have been subject to litigation for multiple issues related to conditions of

confinement and provision of constitutionally-mandated services. How will this litigation translate into the 58 counties? Are the local jails equipped to follow these decisions and provide a constitutional environment? Will individual counties be sued and tie up even more funds in fighting lawsuits?

Research and Evaluation

So how will we know? Although the Public Safety Realignment Act stresses “evidence-based practice” with its core principle of measuring process and outcomes, there was no mention or fiscal support for the necessary evaluation. There are many questions related to this fundamental policy change. How will we know whether or not counties do a better job at incarceration or post-release supervision? If local strategies produce better outcomes than state prison? If recidivism rates change? Several counties are supporting data collection efforts from their local budgets, but, as of mid-July 2012, there is little evidence that the state is coordinating any common data collection. Most jail systems lack research staff. How will these outcomes be measured?

Various state agencies, professional organizations and other researchers are beginning to develop some common measures. While this is a step in the right direction, the question remains: how will we know if realignment is having the intended effect?

While most agree that community corrections should be grounded in non-custodial sanctions and alternatives to incarceration, how will we know if such programs as drug treatment, day reporting centers and the like do, in fact, produce better outcomes?

JUSTICE IN TRANSITION: TRANSITIONAL JUSTICE AND THE “BIG QUESTIONS”

The past 200 years and more have provided much evidence both for the harmful effects of prisons and for their utility to democratic societies. Few today, however, consider them to be much more than necessary evils. Is incarceration a *necessary* evil? We know that the penitentiary was birthed with great optimism. From Jeremy Bentham onward, adherents of a rehabilitative philosophy advocated for the prison and championed its redeeming potential. Indeed, the prison was designed to lead its inhabitants to salvation. Far from saving souls, however, the prison may have become a leading mechanism of social insecurity. As the era of mass incarceration begins its apparent decline, a key question might be to ask how we can make progress on achieving justice equitably.

In discussing the future, experience shows it is especially important to remember the past, and to

acknowledge the harms and pains of people hurt by justice operations. In recent years, it has become common to hear residents in poor, minority communities in California speak of criminal justice as genocide. Whether or not you agree with this characterization, it is impossible to deny the devastating effects of crime and society’s response to crime in these places. Many find it difficult to look forward with hope and empowerment without a deep recognition of the past, and its casualties and survivors.

Global examples of justice reformation have included, as integral elements, public hearings known as truth and reconciliation processes, where expressions of trauma and victimization have been offered as catharsis and as necessary to reconciliation. Criminologists have recently come to categorize the work of truth and reconciliation commissions as valuable tools of transitional justice, a framework most commonly applied to nation-states seeking to recover from political revolution and civil war.

Transitional justice asks many questions, one of which is why the need for the transition? In penal policy the apparent answers may be insufficient. If overcrowding and onerous resource expenditures are the “triggers” for transition in California, we might ask what has brought about these conditions? Addressing questions of such complexity might lead us in many directions, but transitional justice suggests we keep our attention on the actions of the state, arguably the key actor in transition, but doing so without losing sight of the human beings most directly involved in state actions.

Restructuring state justice bureaucracies may lead to altered perceptions of justice, self, and other. Important policy choices might revolve around honest conversations that ask questions such as to what extent are the convicted of public concern? Do the families and communities of felons, for example, deserve more than simply serving as dumping grounds for “social junk” and “social dynamite”? Are felons deserving of our investment even when non-felons face cutbacks in social services? Do local community members care more than state-level bureaucrats?

Finally, along with justice systems, felons in California find themselves in transition also, from close custody to perhaps more open arrangements, and from operating within an environment of an ever active state shaping and responding to their conduct to one in which an ever shrinking state reduces its footprint on the pathways of their lives. Is this for the best? We especially invite the perspectives of restorative justice, community justice, convict criminology, and other scholars and practitioners of alternative justice strategies.

CONCLUSION

Many important questions surround the policy change. What does realignment say about our contemporary approach to crime and punishment? Will California

continue to invest in a punitive criminal justice system, albeit at the local level, at the expense of needed social services? Will this touted reform change how offenders are treated and create rehabilitative and reentry services that do, in fact, reduce recidivism? Or, as many advocates fear, will this new system of punishment repeat the mistakes of the state prison system and continue the practice of “mass incarceration” that has affected mostly poor and minority communities? California, through its 58 local counties, has an opportunity to do something different: to examine the purposes and rationale for punishment and address criminal offending in alternative ways, breaking the dependence on incarceration. We await answers to these questions-- and many others—as Realignment and its consequences play out in the communities and people of California.

Notes

¹ As of July 2012, about 9000 men were housed in out-of-state facilities in three other states (Arizona, Mississippi and Oklahoma). Most observers agree that these out-of-state placements will end in the near future.

² Realignment has occurred in other public service sectors; health care is one example. The principle of realignment involves shifting responsibilities previously administered by the state to the counties.

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