FROM THE PRESIDENT
Cheryl L. Maxson

Flushed with the thrill of our successful 1997 meeting in Hawaii, the executive board enthusiastically began to plan the 1998 conference. We were so taken with the comments made by Judge Michael Town in his keynote address on Therapeutic Justice for Hawaii’s Children and Families: The Hawaii Family Court Experience, we adopted the theme of Visions of Justice: From Retribution to Restoration for next year’s conference. The charismatic Judge Town addressed how essential it is to a community to address its legal and social problems, to provide a justice system driven by the needs of families and children, and to provide ‘justice without an attitude.’ As we contemplate the leap to the twenty-first century, it seems the appropriate time to consider new approaches to juvenile justice. “Three-strikes” legislation and the “get-tough” federal and local policies it represents have been the focus of conference presentations, keynotes and discussions for the past several years. The restorative justice model proponents claim to strike a better balance between rehabilitation and deterrence. With next year’s conference, we hope to extend the prior policy discussions to assess the value of this recent approach to responding to crime. We look forward to seeing you at the 1998 meeting at the Balboa Bay Club in Newport Beach on February 26–March 1. If you would like to participate in the planning of the conference or organize a session, please contact Miki Vohryzek-Bolden at the address noted elsewhere in this newsletter.

Thanks to the hard work of program chair Candace Cross-Drew, the 1997 conference had several excellent sessions that were very well attended, considering the locale. Featured panels on both days helped us stay alert after lunch. The first teamed Bert Matsuoka, Hawaii Youth Services Director, with Frank Alarcon, Director of the California Youth Authority to address the future of juvenile corrections. For the second day, a stroke of last minute brilliance combined Meda Chesney-Lind’s author-meets-critic session (The Female Offender: Girls, Women and Crime) with Joe McNamara’s drug policy analysis in what turned out to be a lively and surprisingly coherent discussion. Multiple panels on domestic violence, gangs and on substance abuse were interspersed with panel topics that ran the full gamut of crime, offenders, and social control. I was shocked to hear Meda claim that this was the occasion for the first-ever session on girls in the criminal justice system. I don’t quite believe it, but if anyone would know, Meda should, so I guess we must view this as evidence of WSC’s position on the cutting edge! As further evidence of that stance, Patrick Jackson chaired a roundtable discussion on the prospects of an electronic journal for WSC. There seems to be a lot of enthusiasm for the idea and Pat is teaming with Paul Brantingham to examine the issues for the executive committee.

A confluence of good luck placed Barbara Bloom on a visiting appointment to the University of Hawaii for her stint as facilities chair and good luck really teamed with Barbara’s hard work at this meeting. She had a lot of help from co-chair Jerry Reardon and the staff and resources provided by the John Howard Association of Hawaii and the University of Hawaii, Manoa. For those of you who were not able to attend the conference, the hotel was terrific, the weather idyllic, and the only thing missing was ...YOU! Don’t make the same mistake in 2001, when we plan to return to paradise (we are checking out neighboring islands to make the choice really difficult). In the interim years, we are looking at the opportunities presented by the Pacific Northwest (Vancouver, British Columbia or Seattle) and the Southwest (Arizona, New Mexico or Texas) for suitable and attractive meeting sites.

The Hawaii location of this year’s meeting brought many new faces to WSC. We hope to capitalize on their experience with the small and friendly atmosphere of our conferences and entice them to continue their participation in the society. To this end, many of you will be hearing from committee chairs and session organizers. I am encouraging committee chairs to invite more participation from new members and students on the various committees. The enthusiasm and new ideas contributed by our student members provide a special accent to our conferences and make the WSC more accessible than the larger professional organizations in our field. The student member of the Executive Committee, Monica Whitlock, has begun the process of organizing new student chapters and ferreting out departments where interested students lurk.

And speaking of the Executive Committee, I would like to thank departing members Matt Leone, Marilyn Brown and Roison Deegan and offer a hearty welcome to Libby Deschene and Monica Whitlock and the returning Darlanne Hoctor Mulmat. As president, I was given the opportunity to
appoint four counselors-at-large. I was able to use these appointments to lure experienced individuals onto key committees. Jean Scott is teaming with Miki Vohryzek-Bolden on the program committee, Susan Meier is helping with facilities planning and Pat Kinkade agreed to continue his fine work organizing the book exhibit for next year's conference. Monica Whitlock, a premier example of the excellent caliber of graduate student attracted to USC (plug, plug) will be representing our student contingent. Finally, on a personal note, I would like to thank Inger Sagatun-Edwards for her leadership as the immediate past president of the society. Although the year was marred with personal tragedy, Inger filled her role with grace and charm and contributed some of the conference’s most touching moments in the exchange of comments with her mentor Ørjan Øyen while presenting the President's Award. An extremely hard act to follow. But onward to Balboa Bay Club and we will all look forward to Hawaii in 2001!

THE PURPOSE(S) OF SANCTIONING PARENTAL CHILD STEALING: DETERRENCE, JUST DESERTS, OR THE CONTROL OF GENDER AND RACIAL “DEVIANCEN”

by

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INTRODUCTION

This report highlights some of the findings of recently completed research on the application and impact of California’s criminal statutes to penalize violations of custody rights and court orders. California has been in the forefront of states with pro-active policies and procedures to locate parentally abducted children and to enforce custody orders. Indeed, California’s approach to giving prosecutors broad powers to accomplish these goals has served as the basis of model legislation introduced in other states (Grasso 1996). The current research was undertaken to determine the impact that criminal justice interventions and dispositions have in punishing and/or controlling parents and preventing re-abductions. The findings reported herein indicate that the individuals most likely to receive a conviction as the disposition of an arrest for child stealing were female and/or white. However, these offenders were not most likely to have serious prior criminal records or subsequent offenses, other acts against the person as part of the abduction incident. To the extent re-abductions occurred in the population of arrestees studied, they were committed by males and members of ethnic minorities who had criminal histories including conviction and incarceration prior to the first abduction arrest and/or who received a conviction and sentence involving incarceration for their first arrest for an abduction. These research findings point to the use of criminal interventions in child stealing cases to control and punish deviance from expected gender and ethnic stereotypes rather than to punish or deter parents who pose threats to public safety or the safety of their children.

METHODOLOGY

The research consisted of a study of the criminal histories of the population of individuals who were arrested for violating one of the California’s three Penal Code provisions on child abduction (P.C. 277, 278, 278.5) as reported to the California Department of Justice (DOJ) between 1984 and 1989, and whose identities and records were accessible through the computerized criminal history data system maintained by the DOJ. The definition of the crime under each of the three different sections of the Penal Code were as follows: Section 277 (hereafter referred to as the pre-custody order offense) defined as criminal takings or detentions by one parent when both parents have equal rights to custody because of their biological ties to the child, and no judicial custody order exists; Section 278 (hereafter referred to as no custody rights offense) defined as criminal takings or detentions by an individual (relative, significant other) who had no lawfully established rights to custody and who intended to deprive the parent with custody from exercising custody; and lastly Section 278.5 (hereafter referred to as the custody order offense) defined as criminal takings or detentions by a parent who under the terms of a custody order had rights to custody or visitation but whose actions in taking or keeping a child violated the other parent’s rights to the child as specified in a custody order. Under all three versions of the offense of child abduction, the code defined the left-behind parent as the legal victim of the crime with the essence of the wrongdoing being the violation of a parent or legal guardian’s right to the possession and control of the child.

The research design and data set entailed aggregating individual-level and system-level variables to analyze a) how offender and abduction offense characteristics and legal classifications of the abduction incident affected the type and frequency of criminal justice system dispositions, and b) the impact of different dispositions on the subsequent behavior of abduction arrestees. The criminal history records of 950 different individuals arrested for violations of P.C. 277, 278 or 278.5 between 1984 and 1989 constituted the subjects of study. Individuals with only one abduction arrest (N=852) as well as repeat abductors (N=98) were included.

Demographic and legal data from the criminal histories of these individuals were extracted onto coding sheets and computerized. These data consisted of offender’s personal characteristics (race, gender, age) as well as details on arrest, disposition, and sentence information prior to, surrounding, and subsequent to the first abduction incident. Three types of statistical analyses were used. Univariate analyses consisted of frequency distribution of variables to be used in the
bivariate and multivariate statistical computations for relationships among and between offender and offense variables and dispositions. Bivariate analyses (two way cross-tabulations) were conducted to identify variables that showed variance and would be suitable for inclusion in multivariate regression analyses. Bivariate analyses were also used to identify variables that could be combined into composite variables suitable for ordinal logistic regression analyses with dichotomous outcomes.

In addition, multivariate analyses were computed using two statistical techniques: two way cross-tabulations where a third variable was controlled, and regressions. Regression analyses were computed using both ordinal logistic regressions and dichotomous cumulative logit regressions with four separate models applied for each type of regression. Ordinal logistic regression was chosen to examine the relationship between offender characteristics and legal factors, and criminal justice response following the initial arrest on the abduction. As an outcome variable, “criminal justice response” was constructed as a composite variable having three “degrees” or “levels” of intervention and control: minimal intervention and control operationalized as “arrest only” (referring to an abduction charge that received a dismissal); intermediate intervention and control operationalized as “arrest and conviction” (referring to an abduction charge that received a conviction but the sentence imposed did not involve any period of confinement; the short hand notation used for this type of disposition is “convicted”); and severe intervention and control operationalized as “arrest, conviction, and incarceration” (referring to an abduction charge that resulted in conviction and a sentence of some period of confinement; the short hand notation used for this response category is “incarceration”). For these ordinal logistic regressions, the reference, or comparison category for the outcome variable, was those offenders who were “arrested only” for the first abduction.

In addition, for the dichotomous logistic regression models with cumulative logits, two separate dichotomous outcome variables were used: 1) not convicted (arrested only) versus convicted (including those who were incarcerated); and 2) not incarcerated (which included those arrested only, as well as those arrested and convicted but not sentenced to jail or prison) versus incarcerated (those who were arrested, convicted and whose sentence entailed some period of confinement in jail or prison). These outcome variables are analogous to the tri-level criminal justice system response variable described above for use in the ordinal logistics regression. And as in the ordinal logistic regression models, the implicit reference or comparison category for the dichotomous cumulative logit models was “arrested only.”

Logistics regressions with dichotomous outcomes were also computed for subsequent arrests and abductions to assess the effects of offender characteristics, abduction circumstances, and system responses to the first abduction on subsequent behavior. First, the dichotomous variable for arrests after the abduction (dichotomized as “none” or “any”) was regressed on gender, race, prior criminal history (prior to the first abduction), first abduction disposition charge, violent offense(s) at the first abduction, and the criminal justice response to the first abduction. Then the dichotomous variable for subsequent abduction (“none” or “any”) was regressed on the same set of variables.

**Findings**

**Dispositions**

Nearly one half of arrestees (44 percent) had the abduction charge dismissed by law enforcement, prosecutor, or court. The remaining offenders were almost evenly split between receiving a conviction and sentence that did not entail incarceration, and those that did (27 percent and 29 percent, respectively). The abduction charge appeared as exerting a strong influence on disposition. P.C. 277 (pre-custody offense) was mostly likely to be dismissed after arrest followed by P.C. 278 (no-custody rights offense). Violations of P.C. 278.5 (custody rights offense) were most likely to result in conviction and in sentences of incarceration.

In addition, the disposition data revealed that women were more likely than men to be subjected to continuing criminal justice system control once they were arrested for child abduction. Roughly two-thirds of women arrestees were convicted for their abduction charge whereas only a little over one-half of men received convictions. When abduction arrest charge is controlled for in the analyses between the respective offender characteristic, gender or ethnicity and response, the effects of the offender’s social characteristics on dispositions clearly appeared.

Gender had the most consistent effect on severity of disposition, across abduction offense. Men and women were similar in receiving the most lenient disposition, “arrest only,” when they were both charged with P.C. 277 (pre-custody order offense), but with a slightly higher percentage of women receiving this disposition (50.9 percent women versus 48.9 percent men). When both were charged with P.C. 278 (no custody rights offense), men were much more likely to receive the most lenient disposition (53.5 percent of men received “arrested only” as compared to 36.9 percent of women). Women on the other hand, were more likely to receive the intermediate response of “convicted” (32.4 percent of women versus 22.4 percent of men) as well as the harshest disposition of “incarcerated” (30.6 percent women versus 24.1 percent of men). Finally, when women and men were both charged under P.C. 278.5 (custody order offense), men were more likely to receive the most lenient disposition “arrested only” (33.3 percent of men as contrasted with 29.3 percent women) as well as the harshest response, “incarcerated.” (38.2 percent of men versus 36.1 percent of women). Women, on the other hand, and by a wider difference, were more likely to receive the intermediate response, “convicted” (34.6 percent of women versus 28.5 percent men).

Uneven relationships appeared among the variables of abduction offense charge, ethnicity, and criminal justice system response. Depending on the charge and the severity level of disposition, whites were sometimes treated quite differently from nonwhites (blacks and other minorities). At other times, whites were treated more like one category of
minority offenders and this treatment was different from that given another category of minority arrestees. A higher percentage of whites were convicted of child abduction as compared to nonwhites (58.8 percent of whites as compared to 53.1 percent of black and 51.7 percent of nonblack minority offenders). Here again, the type of abduction charge distinguished responses. Whites were more often charged under P.C. 278.5 (custody order offense); nonwhites were most likely to be charged under P.C. 277 (pre-custody order offense) or P.C. 278 (no-custody rights offense).

The odds ratios analyses revealed that with respect to the conviction versus no conviction distinction (i.e. giving the offending parent the official label of "criminal" or not), females were one and one-third times as likely as males to be convicted. Also, minorities (black and nonblack) were slightly less likely than whites to be convicted. Moreover, abductors with prior arrests were almost one-half as likely as those with no prior arrests to be convicted. Those with prior conviction were slightly less likely, and those with prior incarceration were slightly more likely to be convicted. Odds ratio values also showed that violence at the abduction has a very large effect, with those charged with a violent offense being two and three-fourths times as likely to be convicted as those with no other charges or no violent charges at the abduction. Finally, those who committed a subsequent abduction are almost one and one-half times as likely to receive a disposition of conviction for the second abduction as compared to the first abduction.

While, as indicated above, extra-legal and legal variables appeared to play a role to distinguish conviction/no conviction, the odds ratio values for incarceration/no incarceration suggest these factors become unimportant when it comes to selection of sentence. Comparing abductors who received incarceration to those who did not, gender appears to have almost no effect on incarceration. Ethnicity does seem to have an effect but in the direction of advantage to minorities. Black and nonblack minority abductors were almost half as likely as whites to be incarcerated. As with conviction versus no conviction, those with previous arrests were slightly less likely to be incarcerated than those with no previous arrests. However, those with previous convictions are slightly more likely, and those with previous incarcerations were more than one and one-half times more likely, to be incarcerated upon conviction as compared to abductors with no prior criminal history.

The odds ratio analyses also revealed that offense charge is important to the incarceration/no incarceration decision. Abductors convicted of 278 (no-custody rights offense) were just as likely as those convicted of 277 (pre-custody order offense) to be incarcerated. Those convicted of P.C. 278.5 received the harshest response; they were one and one-half times more likely to be incarcerated than were those convicted of 277 or 278. Surprisingly, the effect of violence at abduction appears to be less for incarceration/no-incarceration as distinguished from the conviction/no conviction outcome. And finally, those with a violent offense are only one and one-third times more likely to be incarcerated when compared with abductors with no other offenses or non-violent offenses at the abduction.

In sum, when comparing the two sets of regressions (no conviction/conviction and no incarceration/incarceration), the effects of almost all of the variables vary with the type of criminal justice system response. Females were more likely than males to be convicted, but this was not true for incarceration. In addition, minorities were only slightly less likely than whites to be convicted, but they were much less likely than whites to be incarcerated. The odds of being incarcerated increased, for those receiving only a conviction with any previous criminal history. The effect of violence at the abduction is smaller in decisionmaking on sentence severity than in decisionmaking on giving the individual a criminal label for the abduction. This is true for the effect of the number of abduction incidents at these two decision points as well.

CHARACTERISTICS OF REPEAT CHILD ABDUCTION OFFENDERS

About 11 percent of the individuals in the data set were arrested for a subsequent abduction. This suggests that the crime of child abduction has a very low recidivism rate compared to other crimes such as domestic violence (Sherman et al. 1991), burglary, and robbery (Petersilia & Greenwood 1978). It is unclear whether low recidivism rates are due to child abductions generally not being repeated, or to the way law enforcement defines, records, and responds to abductions which creates an appearance of low recidivism.

Given the fact that official arrest records and dispositions were the sources of data for this study, it is impossible to know to what extent informal measures were initially used to respond to prior complaints or incidents involving the individuals who ultimately were subjected to an arrest. In addition, it is also impossible to know how often the victim/leftbehind parent sought the assistance of criminal authorities for enforcement of custody rights prior to the incident for which an arrest was made. Moreover, the inclusiveness of the data set is limited by underreporting problems endemic to official sources of crime and arrest statistics and by the fact that while the five year time span gives the data a longitudinal dimension, the data set is not a cohort study. As a result, while individuals who entered the data set at the beginning of the time period through an arrest in 1984 or 1985 could have a subsequent arrest tracked and included in the analyses, those who entered the data set late in the period of study through an arrest in 1988 or 1989 would not have had a subsequent arrest for abduction recorded.

The logistics regressions with dichotomous outcomes for subsequent arrests and abductions indicate that females were slightly less likely than males to be arrested subsequent to the first abduction. Nonblack minorities were slightly more likely than whites to be subsequently arrested, while blacks were more than twice as likely as whites to have a subsequent arrest. Criminal histories prior to the first abduction appeared to have the greatest effect on offending after the first abduction; individuals with prior arrests and convictions were more than twice as likely as those with no prior arrests to be arrested after the first abduction; and those incarcerated prior to the first abduction were four and one-half
times as likely as those with no prior criminal history to be arrested for offenses subsequent to the first abduction.

The abduction disposition charge had almost no effect on subsequent criminal behavior in general. Abductors charged under P.C. 278 (no custody rights offense) were only slightly more likely, and those charged under P.C. 278.5 (custody order offense) were slightly less likely than those charged under P.C. 277 (pre-custody order offense) to experience an arrest subsequent to the abduction. However, violence surrounding the first abduction incident did appear to be a distinguishing factor for general recidivism; offenders charged with violent offenses at the time of the abduction were 1.4 times as likely as those with no violent offenses to be subsequently arrested.

Bivariate analyses revealed that men and women were similarly likely to be multiple abductors (10.1 percent of men and 10.4 percent of women); black arrestees were more likely to have a subsequent arrest for abduction than whites (13.0 compared to 10.4, respectively); and nonblack minority arrestees were least likely to have a subsequent arrest (7.6 percent). With respect to prior criminal history, those who were subjected to a prior conviction (but no prior incarceration) as the most serious criminal justice intervention in the past were most likely to have more than one abduction incident, followed by those who were subjected to a sentence of incarceration as part of their prior criminal history (23.5 percent and 12.5 percent). Interestingly, those who had a prior arrest only (and no conviction) were least likely to have arrests for multiple abductions, followed by those with no prior arrests at all (5.8 percent and 7.0 percent, respectively). Those charged with violations of P.C. 277 (pre-custody order offense) were least likely to be multiple abduction offenders (6.0 percent) while those charged with violations of P.C. 278 (no-custody rights offense) and 278.5 (custody order offense) were equally likely to be multiple abduction offenders (9.4 and 9.3, respectively).

The logistics regressions computed for the number of abductions incidents on gender, ethnicity, prior criminal history, first abduction disposition charge, violence at first abduction, criminal justice response to the first abduction, and arrests after the first abduction supported the bivariate analyses. Gender had little effect on subsequent abductions. Blacks were only slightly more likely and other minorities slightly less likely than whites to commit a subsequent abduction. Offenders with arrests only prior to the first abduction were slightly less likely to commit a subsequent abduction; those convicted of offenses prior to the first abduction were substantially more likely and those who experienced incarceration prior to the first abduction were slightly more likely to commit a subsequent abduction. The first abduction charge had little effect on subsequent abductions for offenders charged under P.C. 278 (no-custody rights offense); however, abductors charged with P.C. 278.5 (custody order offense) for the first abduction were somewhat more likely to commit a subsequent abduction. Also, offenders charged with violent offenses at the time of the abduction were more than twice as likely as those with no violent offenses to commit a subsequent abduction. Interestingly, as compared with of-

fenders who did not receive conviction and incarceration, a conviction on the first abduction slightly increased the likelihood of committing a second abduction, and incarceration for the first abduction increased the likelihood by approximately three-quarters.

**DISCUSSION**

These research findings suggest that criminal interventions in incidents of child stealing are prompted by a few important factors. Severity of response to the initial abduction arrest is only partially explained by extrinsically harmful or risky circumstances surrounding the abduction incident, or prior experiences with criminal justice sanctions and controls. Rather, the nature of the custody right violation appears to be an important mediating factor that triggers the response (arrest, conviction, sentence) and gives meaning (and relative weight) to other variables such as prior criminal history and violence at the abduction.

Criminal justice system interventions are initially invoked to respond to different types of custody rights violations. The severity of disposition depends on the type of custody right violation for which an arrest is made. Violations of Penal Code Section 278.5 (custody order offense) are responded to with the greatest severity and are most likely to result in conviction; in addition, if incarceration is imposed as a sentence, those found guilty of P.C. 278.5, rather than Section 277 (pre-custody order) or P.C. 278 (no custody rights offense) are likely to be so sanctioned. However, those most likely to receive harsh responses to their custody rights violations are not the same individuals who pose dangers to the well-being of persons as indicated by a record of criminal conduct or by imperviousness to prior criminal sanctions and controls. Specifically, individuals who receive the greatest degree of control in response to their child abducting behavior, women and whites, are not the same individuals who are likely to be recidivists or who have shown a pattern of recidivism even prior to the abduction incident.

Differences in the criminal justice system's response to the child abducting behavior appear to be triggered by both gender and ethnicity. These offender variables are also associated with the type of custody right violated. Women tend to violate custody rights more often after a court has issued a custody order. Men, on the other hand, tend to violate custody rights prior to the issuance of a custody order, when they either share equal rights to custody with mothers (e.g., P.C. 277, pre-custody order right) or, as in the case of unwed fathers who have not established paternity, their right to legal custody has not been established or they have no custody right (as in the case of a boyfriend) (e.g., P.C. 278, no rights to custody offense). Whites violate custody rights when they are party to a custody order, whereas nonwhites violate custody rights when such rights have not been clearly determined but may exist in association with biological, nonparent family, or significant other ties.

Repeat abductors constitute a small percentage of the entire population of abductors in the data set; women are no more likely than men to be repeat abductors. This being the case,
on grounds of specific deterrence, men and women should be subject to the same degree of sanctioning to discourage future abductions. Yet the analyses indicate that women are likely to be subjected to a greater degree of state control than men after arrest for the first abduction. Nonwhites, on the other hand, are subject to leniency from the state for their child abducting behavior, a response that appears counter to other research on determinants of criminal dispositions (Blomquist 1996). What theory of criminal sanctioning for parental child stealing offenders do these data support?

Rather than promoting just deserts or deterrence, the criminal law in child abduction appears to be used to distinguish persons and behavior that fall within or violate "socially" (as determined by gender or race) expected conduct, rather than illicit behavior per se. Gender and racial characteristics appear to predispose individuals to engage in different forms and legal classifications of child abduction. Women, whites and nonblack minorities commit child abductions after a custody order has been issued, whereas men and black minorities tend to commit child abductions when they have no legal rights to the child or share equal rights prior to the issuance of a custody order. These legal classifications in turn confirm or challenge social and cultural norms also driven by gender and race. And when the legal classification of the law violating behavior conflicts with gender and cultural norms, the criminal justice system response carries the message of condemnation and control. Specifically, women who violate judicial orders on custody or visitation are sanctioned heavily not because their offense is extrinsically harmful to the child or the left-behind parent (as indicated by violent circumstances surrounding the abduction), or that they conduct their lives outside of the law in general (as indicated by prior records of convictions and incarceration), but because they have violated gender norms.

In the data set analyzed, women are more often charged with a violation of P.C. 278.5 than men. The charge (custody order offense where the defendant has rights to possess the child but has interfered with the rights of the other parent) suggests that women abductors have lawful rights to their children, and while once may have been married, are now currently free from the control of the children's father. This in itself constitutes a type of social deviance and threat of great concern to the legal/patriarchal order (Fineman 1995). Second, the charge of 278.5 places women in the category of criminal law violators—a second level of deviance—that carries the association of disrespect because it constitutes a violation of gender role expectations; women are expected to be the kinder, more obedient and docile sex (Inciardi, Lockwood & Pottieger 1993). Third, in being charged with 278.5, women have violated a judicial order about their property relationship and role vis-a-vis their children and their children's father. This connotes an additional dimension of deviance—a violation of a man's custody or visitation rights and a direct affront and challenge to the patriarchal power of the state to oversee and delimit women's rights as mothers. Further, it is suggested that women are less likely to be arrested for P.C. 277 (pre-custody order offense) and P.C. 278 (no custody rights offense) because these charges would mean they have taken a child from a man who is the biological father and has been caring for the child with the arrested mother, or singly. Both circumstances would require that the man, rather than the woman, has been a primary caretaker for the child. While this circumstance occurs, it is still socially rare (Fineman 1995), as women continue to be the primary caretaker in both the traditional legal and sexualized family, and the nonlegalized (living together) "family."

The data on child abduction behavior and response also call for considering the influence of gender in connection with race and class. The variables of class and income were not measureable from information contained in the criminal history records and their inclusion in future research would help shed light on nuances in the differential application of the criminal law depending on an arrestee's "positionality" (Maher & Tetreault 1994) as defined by race, gender, and class. Criminal authorities consciously or subconsciously (Lawrence 1987) may hold beliefs that lead them to expect persons who are female, white and middle class to use the law to organize their personal lives in the form of legal marriage, divorce, and child custody. Consistent with these expectations, the system holds these individuals to higher standards of legal obedience (and more punitive consequences for violation) than the standard applied to those whose family and personal lives are marked by "illicitness." Put differently, when it comes to marriage and family matters, the "legal" deviance of men, nonwhites and the poor may be tolerated by criminal authorities; males and nonwhites receive leniency, at least with respect to custody rights violations (as pre-custody order offense or no custody rights offenses) because these behaviors do not violate gender or race-class norms. Though technically defined as illegal, their child abducting behaviors fall within socially accepted norms of masculinity, and freedom/irresponsibility; men, the poor, and nonwhites are permitted sexual license and other forms of unconventional family relations with impunity. However, women, whites, and persons associated with middle-class resources who have multiple sexual partners or have children with different fathers are stigmatized as promiscuous, incorrigible or immoral.

Furthermore, criminal authorities may perceive persons who represent a particular position in the nexus of class, race, and gender as presenting different problems (i.e., type and degree) in the control warranted. Women are generally adequately regulated and controlled by social norms (as opposed to formal legal mechanisms), and do not pose serious threats to life and limb; to the extent women do commit crimes, they engage in petty property, drug, and morality offenses. As a result, criminal authorities are not forced into trade-offs in the allocation of formal controls for serious/violent and nonserious/nonviolent illegal behavior. However, this is not the case with men or nonwhites whose criminal behaviors include both petty and serious offenses that challenge the political order and public safety. While males or nonwhites who are arrested for child abduction receive leniency from the criminal justice system, this is not true of the system's responses to all of their criminal behavior. Rather, the criminal records of males and nonwhite offenders prior and subsequent to the abduction arrest indicate that
men and persons of color are more likely to have been subjected to severe sanctions and controls (conviction and incarceration) for criminal conduct outside of child abduction. Thus, it is suggested that leniency in response to the child abduction incident for these individuals reflects the criminal justice system’s interest in the relative allocation of punishment and control. Authorities respond to offenses committed by males and nonwhites when they pose serious threats to property, life or public order, and they respond to offenses committed by women and whites when they involve violations of gender and class norms (i.e., challenges to patriarchal or judicial authority).

1 The complete version of this report was submitted under contract to the American Bar Association Center on Children and the Law in conjunction with The Center for the Family in Transition in accordance with grant requirements to the Office of Juvenile Justice and Delinquency Prevention. The research study was prepared under Grant No. 92-MC-CX-007 (S-1), from the Office of the Juvenile Justice and Delinquency Prevention, within the Office of Justice Programs, U.S. Department of Justice. Points of view or opinions in this document are those of the author and do not necessarily represent the official position or policies of the U.S. Department of Justice, or the American Bar Association. Readers interested in the full text of the report (including tables and references) are invited to contact the lead author, Martha Elin Blomquist, for this additional material.

2 The author is grateful for the access to records and funding the Office of the Attorney General of California provided for initial data collection activities. Staff of the Bureau of Criminal Statistics also provided valuable assistance.

RESEARCH NOTES ON CRACK-COCAIN IN HONOLULU, HAWAII’S CHINATOWN, 1995: RUNNERS, DEALERS, PUSHERS, AND USERS.

Gordon James Knowles, PhD Candidate, Department of Sociology, University of Hawaii

Mr. Knowles paper was given the first place Student Award at the 1997 Western Society of Criminology Conference in Waikiki, Hawaii and was presented on the panel Crime and the Courts.

ABSTRACT

The purpose of this research is to use qualitative research methods to uncover the street dynamics and social structure of street drug trafficking in a major capital city in the United States. The study used twenty-two open-ended questions interviewing five "drug runners" concerning how they sold narcotics, specifically the sale of crack-cocaine in Honolulu, Hawaii’s Chinatown district. Although some subjects reported trafficking additional commodities, such as heroin, marijuana, women, and sex, all subjects reported they spent the majority of their time dealing "crack cocaine." The subjects reported that they were "crack" cocaine users and claimed that being a "runner" was the only way to support their habit since it was so expensive.

The subjects described techniques for making "crack" over "free basing" cocaine from the user’s and dealer’s perspective. A strong preference for "crack" cocaine was noted because it provided a more rapid and intense high. Legitimate businesses are shown to have capitalized on "crack" addiction by marketing and distributing paraphernalia related to "crack" cocaine consumption. Pornographic video theaters in the research setting are noted as contributing to the "crack" epidemic by providing privacy and convenience for the users and dealers to consume and traffic narcotics like "crack" cocaine. Analysis of pornographic theaters in the research setting are compared with other studies and considered the Hawaii "version" of mainland "crack houses" based on quantitative and qualitative data reported by the subjects. All the subjects in the sample reported themselves, as well as their clients as "addicts." Strong recommendations for the establishment of inpatient substance abuse treatment facilities for "crack" cocaine addictions in prison are discussed. Issues of forced treatment or forced detoxification while in prison are offered in support for substance abuse treatment. Legalization of this type of drug was not supported from the sample’s perspective since all the subjects considered "crack" cocaine a dangerous and addictive drug.

Editor’s Note: Due to space limitations, Knowles’ full paper is not reprinted here. Please contact the author at the Department of Sociology, University of Hawaii, Honolulu, Hawaii 96822 for more information.

PERSONAL REFLECTIONS ON THE 1997 WSC CONFERENCE

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The 1997 WSC conference for me was quite rich and enriching in more ways than one. I would like to reflect on at least three of these ways. First, in my ‘conference experience’ as a criminologist, arguably an extensive experience, this particular conference was the first where I found the theme and issues that were addressed providing a tapestry in which the dominant monocultural approach to criminology and justice education came under some significant questioning. At least ten percent of the papers submitted to the conference carried titles that directly problematize multicultural issues. In addition, many papers were presented in a manner strongly suggesting that the time for culturally sensitive criminology had come.

Secondly, parallel to the emerging recognition for cultural sensitivity at the conference, there appeared to be a
groundswell of disquiet about the philosophical direction of criminology as a discipline. As I moved around and talked with participants in and out of several sessions, one constant theme of discussion seemed to be the need to revisit the mission of criminology. There were questions such as: To what extent can we continue to justify doing criminology mainly for the sake of criminology? Is criminology losing its relevance to the contemporary society? Can the mainstream criminology adequately respond to the complex issues of today such as (1) the entrenched racism in criminal policies, legislation and praxis, or in criminal justice education, (2) the personal trauma of victimization by violent crimes, and (3) the crisis of identify among the youth, compounded by the change-generated strain on social institutions? What constraint does the positivistic paradigm impose on a social action oriented criminology in this context? In general, the conference seemed to have been permeated by a healthy dose of calls for a paradigm shift from 'disciplinary' criminology to 'therapeutic' criminology.

The third highlight for me consists of the institutional support that the organizers of the conference received from their faculty administrators and the recognition that the conference bestowed on staff and students alike who have made significant contributions to the field of criminology. The presence of Michael Ego, the Dean of the College of Applied Sciences and Arts, San Jose State University, both at the conference and at the president’s reception which he sponsored, was particularly noteworthy. The award-giving ceremony was inspirational. Of particular interest was the story of the intellectual bonding between Ørjar Øyen and Inger Sagatun-Edwards. It was a captivating story.

I left the 1997 WSC conference strongly convinced that the time spent was worth the while. I couldn’t help thinking: whither criminology? Does the therapeutic justice that the Hawaiian Family Court practices resonate with the rest of America? How can we make criminal justice education respond effectively to cultural diversity? And, what would the 1998 WSC conference look like? I desire to see a combination of criminology and justice with a human face.

The Administration of Justice Department
San Jose State University
Chair: Inger Sagatun-Edwards

The first criminal justice degree granting program in the nation was established at San Jose State University in 1930. Initially a two-year program, a four-year law enforcement degree was added in 1936 and a corrections major was created in 1946. In 1970, the curriculum completely changed to an interdisciplinary study of crime; the criminal justice system and the roles and responsibilities of criminal justice personnel were emphasized. This change required new faculty who had not only worked in justice agencies (the major employment criterion between 1946–69), but who had also conducted research and earned advanced degrees in such disciplines as law, management, sociology, political science and criminal justice. Today, we have over 650 undergraduate majors, and over 50 graduate students in our Master’s degree program. We have ten full-time faculty and about ten part-time faculty.

In the undergraduate program, required courses include administration of justice, concepts of criminal law, police and society, courts and society, corrections and society, justice systems research, statistics, writing skills, nature of crime, juvenile justice, and a senior seminar and internship. Students may choose from such electives as criminal evidence, principles of investigation (introductory and advanced courses), justice management, intervention and mediation methods, advanced criminal and correctional law, forensic science, violence and the justice system, ethics, questioned document examination, narcotics and drug abuse, women, minorities and the law, terrorism and the criminal justice system, organized crime, white collar crime, family violence and intelligence, for a total of 45 units in the major.

The graduate program is structured to provide an emphasis on criminal justice theory, research and evaluation, policy analysis, and management and innovation. In addition, the program offers special problem seminars designed to enhance the students’ expertise in areas pertaining to the court, juvenile justice, corrections and law enforcement. We have recently expanded our course offerings to include ten graduate courses per year. Students may choose between a comprehensive exam option or a Master’s Thesis option for their final degree. We offer the only MS degree in criminal justice in the Bay Area, and students come from all over the state to attend our program.

Our department is widely recognized as a leading justice program in California and a leader in the nation, as measured by ‘creative prestige’ on which we are ranked 11th in the nation (Richard Ward and Vincent Webb, Quest for Quality (1984: 36)). We rank 19th on ‘scholarly productivity’ (ranked on the number of journal articles published over five years) and 6th based on faculty citations in introductory criminal justice, police and corrections textbooks, and in police management textbooks (based on an analysis by J. Sorensen et al., “Publication Productivity of Faculty Members in Criminology and Criminal

Scholarly productivity activities for full-time faculty members are varied and extensive, and include 30 book titles; one is the leading textbook in corrections, *Corrections in America* (7th ed. Prentice-Hall 1996), and another among the leading texts in policing, *Police and Society* (Wadsworth, 1993). In addition, other current texts within the department include *Police Organization and Management* (Brooks-Cole, 1990) and *Child Abuse and the Law* (Nelson-Hall, 1995). Over $1 million in externally funded research grants was awarded to faculty members for research on drug babies in the juvenile justice system, parental abductions of children and family violence.

Activities of current faculty members in professional organizations are also varied and extensive and include holding elective office, serving as program chairs at annual meetings, serving on committees, and organizing and chairing scientific panels, and serving as presidents of the American Society of Criminology, the Academy of Criminal Justice Sciences, the Western and Pacific Criminal Justice Educators Association, and the Western Society of Criminology.

For further information about the Department of Administration of Justice at San Jose State University, please call (408) 924-2945, or look up our web site at http://www.sjsu.edu/depts/casa or write the Administration of Justice Department, MH 508, San Jose State University, One Washington Square, San Jose, California 95192.

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**WSC AWARDS 1996**

**RECIPIENT OF THE WESTERN SOCIETY OF CRIMINOLOGY FELLOW AWARDS 1996–97**

- Gene Kassebaum

*The Paul Tappan Award — For Outstanding Contributions to the Field of Criminology*
  - Joan Petersilia

*The Joseph D. Lohman Award — For Outstanding Service to the Western Society of Criminology*
  - Candace Cross-Drew

*The June Morrison-Tom Gitchoff Founders Award — For Significant Improvement of the Quality of Justice*
  - Meda Chesney-Lind

*President’s Award — For Contributions to the Field of Criminology and Positive Influence on the Current President’s Career*
  - Ørjan Øyen

**ACKNOWLEDGMENT OF SPONSORS**

The Executive Board of the Western Society of Criminology, on behalf of itself and all of the members of the association, wishes to express thanks and appreciation to all of the individuals and groups who supported the 1997 annual conference in Hawaii with their sponsorship of different events. We realize that without your ongoing support of our organization, we would not be able to maintain a reasonable dues structure while still providing the membership with a newsletter and an exciting and intellectually engaging annual program.

Our heartfelt thanks are extended to all of our sponsors: Anderson Press; Dean Michael Ego of the College of Applied Sciences and Arts, San Jose State University; Dean Michael Harter, School of Health and Human Services, California State University, Sacramento; and Sage Publications.
Western Society of Criminology

• 1998 •

The 1998 Western Society of Criminology (WSC) Annual Meeting is scheduled for February 26 — March 1, 1998 at The Balboa Bay Club in Newport Beach, California. The theme of the conference is Visions of Justice: From Retribution to Restoration. Please contact Miki Vohryzek-Bolden, Criminal Justice Division, California State University, Sacramento. 6000 J Street, Sacramento, CA 95819-6085; (916) 278-5931 or vohryzek@csus.edu to submit panel or paper ideas.

You may also want to visit the official WSC home page at http://www.sonoma.edu/cja/wsc/wscmain.html. Please note that all program participants must pre-register for the conference. We encourage all panelists and speakers to provide abstracts and/or papers for other participants to read. Abstracts should be sent to the panel chair at least 45 days before the conference.