CHAPTER TWO:

Criminological Theory and Community Corrections Practice

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Chapter Two

Key Terms

Classical Criminology Biological Criminology, Psychoanalytic Theory, Social Learning Theory Cognitive Development Theory ,Criminal Personality Theory ,Strain Theories, Subcultural Theories, Differential Association, Social Ecology ,Chicago Area Project ,Control Theories, Conflict Theories, Labelling Theories, Life-course Criminology,

Key People

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Chapter Two:
Criminological Theory and Community Corrections Practice

Chapter summary:

- **Classically-based criminologists** explain criminal behavior as a conscious choice by individuals based on an assessment of the costs and benefits of various forms of criminal activity.

- **Biologically-based criminologists** explain criminal behavior as determined—in part—by the presence of certain inherited traits that may increase the likelihood of criminal behavior.

- **Psychologically-based criminologists** explain criminal behavior as the consequence of individual factors, such as negative early childhood experiences, and inadequate socialization, which results in criminal thinking patterns and/or incomplete cognitive development**.**

- **Sociologically-based criminologists** explain criminal behavior as primarily influenced by a variety of community-level factors that appear to be related—both directly and indirectly—to the high level of crime in some of our(often poorest) communities, including blocked legitimate opportunity, the existence of subcultural values that support criminal behavior, a breakdown of community-level informal social controls, and an unjust system of criminal laws and criminal justice **.**

- **Criminological theories** about why people commit crime are used every day by community corrections managers when they develop new initiatives, sanctions, and programs; and these theories are also being applied by line community corrections officers as they classify, supervise, counsel, and control offenders placed on their caseloads.

Introduction: Criminological Theory and Community Corrections Practice

The purpose of this chapter is to provide students with a brief overview of the major theories of crime causation, focusing on the implications of current criminological theories (of crime causation) for community corrections practice. We anticipate that as new theories of crime causation emerge and influence community corrections practice, the basic functions of probation and parole officers will change in ways that are critical to understand, necessitating the recruitment of new PO's with very different qualifications, backgrounds, and attitudes toward the prospects for successful offender control and change.

Any student who has picked up a *Criminology* text (see, for example, Siegel's latest Criminology text) and flipped through the table of contents will recognize immediately that criminologists do not agree on the cause(s) of crime. In Tables 1-4 we present our own typology of the four most important groups of criminological theories (classical, biological, psychological, and sociological) and then provide a brief description of the implications of each theory- for community corrections practice, focusing on specific examples of community corrections strategies and programs consistent with each group og theories. When considering the link between theory and practice, students need to remember the following basic truth: criminologists disagree about both the causes and solutions to our crime problem. This does *not* mean that criminologists have little to offer to probation and parole officers in terms of practical advice; to the contrary, we think a discussion of "cause" is critical to the development of effective community corrections policies, practices, and programs. However, the degree of uncertainty on the cause—or causes—of our crime problem in the academic community suggests that a certain degree of skepticism is certainly in order when "new" crime control strategies are introduced.

It is our view that since each group of theories we describe is applicable to at least *some* of the offenders under correctional control in this country, intervention strategies will need to be *both* crime and offender-specific, if probation, parole, and other community corrections programs are to be successful as "people changing" agencies. But can we reasonably expect such diversity and flexibility from community corrections agencies, or is it more likely that one theory—or group of theories—will be the dominant influence on community corrections practice? This is an important question to consider as you review our summary of criminological theory.

1. Classical Criminology

Why do people decide to break the law? To a classical criminologist, the answer is simple: the *benefits* of law breaking (i.e. money, property, revenge, status, etc.) simply outweigh the potential *costs/consequences* of getting caught and convicted. When viewed from a classical perspective, we are all capable of committing crime in a given situation; but we make a rational decision (to act or desist) based on our analysis of the costs and benefits of the action. If this is true, then it is certainly possible to *deter* a potential offender by (1) developing a system of "sentencing" in which the punishment outweighed the (benefit of the) crime, and (2) insuring both punishment certainty and celerity via efficient police and court administration. "Classical" theories of criminal behavior are appealing to criminal justice policy makers, because they are based on the premise that the key to solving the crime problem is to have a strong system of *formal* social control. In other words, the classical theorist believes that the system can make a difference, regardless of the myriad of individual and social ills that exist. During the past three decades, a number of federal, state and local programs have been initiated to improve the deterrent capacity of the criminal justice system, including proactive police strategies to insure greater *certainty* of apprehension, priority prosecution/speedy trial strategies to insure greater *celerity* (speed) in the court process, and determinate/mandatory sentencing strategies to insure greater punishment *severity.* To further our deterrent aims, we have significantly increased our

institutional capacity during this same period, while simultaneously developing a series of surveillance-oriented intermediate sanctions (e.g. intensive probation supervision, electronic monitoring, house arrest) for a subgroup of the offenders under community supervision.

It is apparent from these initiatives that *classical* assumptions about crime causation are now being used as the basis for current crime control strategies, particularly the newest wave of intermediate sanctions. Unfortunately, our preoccupation with "deterrence-based" crime control policies has *not* resulted in safer communities. Moreover, a careful review of the evaluation research on the latest wave of deterrence-oriented *community-based* sanctions does *not* support the notion that increased surveillance and control reduces recidivism (e.g. an offender's likelihood of re-arrest). There are two possible explanations for these findings: (1) the underlying assumptions of classical criminologists (i.e. most people are rational, and weigh the costs and benefits of various acts in the same manner) are *wrong(*e.g. people commit crimes for emotional reasons, because of mental illness, and/or because they believe the criminal act is justified, given circumstances and prevailing community values); or (2) the current programs need to be even tougher and deterrence-oriented (in other words, the theory is correct; it just has not been implemented correctly).

In the short run, it appears that program developers favor the latter explanation; prison populations are predicted to grow over the next few years, while a wide range of new, technology-driven community corrections programs (e.g. drug testing, electronic monitoring) are being initiated throughout the country. For example, in the name of deterrence, legislation has been passed in several states allowing the lifetime supervision of paroled sex offenders, based on the belief that if these offenders know they are being monitored, they will be less likely to re-offend .The expanded use of electronic monitoring for sex offenders, domestic violence offenders, and others on probation and parole has been justified using similar logic, although there is currently a debate concerning how much monitoring is needed to achieve a deterrent effect.

A good example of how classical criminology can be applied in the community

corrections field is found in David Farabee's recent monograph, *Reexamining Rehabilitation.* In this review, Farabee offers several recommendations for corrections reform that focus on deterrence-based intervention strategies .He argues that since his review of the available research reveals that a prison sentence does not either deter or rehabilitate offenders, we need to reconsider our current reliance on this sentencing strategy. While the use of incarceration can be justified for those violent offenders who require control through incapacitation, it can not be justified using the logic of offender change (through deterrence or rehabilitation). Because prison does not appear to deter non-violent offenders, he believes that we need to experiment with the use of deterrence-based community-supervision strategies, not only as a sentencing option but also as a response to offenders who refuse to comply with the conditions of community supervision. The key features of Farabee's model are highlighted below.

Close -Up: David Farabee's "New" Model of Corrections

Recommendation 1: "De-emphasize prison as a sanction for nonviolent offenses and increase the use of intermediate sanctions...Furthermore, minor parole violations....should be punished by using a graduated set of intermediate sanctions, rather that returning the offender to prison" (p63).

Recommendation 2*:* "Use prison programs to serve as institutional management tools, not as instruments of rehabilitation" (64).

Recommendation 3: "Mandate experimental designs for all program evaluations" (66).

Recommendation 4: "Establish evaluation contracts with independent agencies" (67).

Recommendation 5*:* "Increase the use of indeterminate community supervision, requiring three consecutive years without a new offense or violation" (68).

Recommendation 6: "Reduce parole caseloads to fifteen to one, and increase the use of new tracking technologies" (71).

Source: Farabee (2005)

Perhaps the most intriguing component of the above strategy is the recommendation that offenders under community supervision should be closely supervised in order to detect violations of the conditions of community supervision, such as curfews, and prohibitions on drug and alcohol use. If a violation is detected, the three year supervision "clock" is pushed back to zero, which means that for some non-compliant offenders community supervision will result in several additional years under the watchful eyes of community corrections officers. David Farabee has suggested that the deterrence "tipping point" is likely found when the odds of detection (of criminal acts or rule violation) are about one in three (Farabee, 2005). To achieve this level of monitoring, he argues for the hiring of additional community corrections personnel to allow smaller caseloads (15 to 1) and multiple condition compliance monitoring.

Table1: Classical Theory and Community Corrections Practice

Theoretical Assumptions	**Intervention Strategy**	**Examples of Programs/Strategies**
Individuals are rational and weigh the costs and benefits of their actions similarly	General and Specific Deterrence	Mandatory Sentencing and Sentencing Guideline Schemes
Individuals will be deterred from committing criminal acts if the costs of the illegal activity outweighs the benefit of the activity in the mind of the potential offenders	Establish clear links between illegal behavior and consequences, utilizing sanctions that include loss of freedom, loss of rights and privileges, drug testing, and/or mandatory work, community service, fines, and treatment	The use of either judicially imposed or administratively imposed special conditions of Probation and Parole Supervision
There are three components of the deterrence calculus(1) certainty of detection and apprehension, (2) speed/celerity of the criminal justice system's sanction, and (3) severity of the sanction imposed for each prohibited act	Community corrections personnel will monitor compliance with conditions of supervision, and respond quickly, consistently to any detected violations, utilizing a structured hierarchy of sanctions linked to the seriousness of the violation(s).	*Day Reporting Centers *Intensive Supervision Programs *Electronic Monitoring/ Home Confinement Programs

2. Biological Criminology

Obviously, criminologists who focus on biological explanations for criminal behavior do not share the same perspective on behavior (and motivation) as classical criminologists. The basic assumption of early biological criminologists, such as the Italian criminologist Cesare Lombroso (1835- 1909) was that crime was *determined* by an individual's biological make-up, i.e. that some persons were *born criminals* who could not control their actions. It is important to keep in mind that Lombroso did *not* argue that all crime could be explained by biological factors. He estimated that offenders with atavistic tendencies (i.e. throwbacks to earlier more primitive man) were responsible' for about a third of all crime. Although Lombroso's research on the physical characteristics of offenders was dismissed due to its poor quality, we simply have not yet studied the biology-crime connection in sufficient detail to make any definitive statements about the theory itself. Interestingly, there has been a recent resurgence of interest in a range of *biological* factors, including genetics (e.g. XYY syndrome, IQ), biochemical and neurophysiological factors (e.g. diet, food allergies, EEG abnormalities). Perhaps the most compelling argument in support of biocriminology was offered by James Q. Wilson and Richard Herrnstein. After reviewing all the available research on biology and crime, these two authors argued that at least *one* type of crime --predatory street crime--can be explained by "showing how human nature develops from the interplay of psychological, biological, and social factors" (1986: 1).

Close-Up: Anthony Walsh and Lee Ellis(2007:218) Policy and Prevention- What are the implications of biological and biosocial theories? [Insert here]

What are the implications of bio-criminological theory for probation and parole practice?

Rutgers University Professor James Finckenauer has suggested that individual treatment plans would vary by the type of problem, but that correctional interventions could include chemotherapy (for genetic and hormonal problems), special education for learning disabilities, and megavitamin therapy for offenders with diet-related problems. No estimates are available on the size of the current offender population that is affected, either directly or indirectly, by these biological factors, but it seems safe to-predict that before probation and parole agencies could address the needs of these offenders, money for *treatment* would have to be found. It also seems likely that a policy of selective incapacitation would need to be implemented to "control" the treatment failures that inevitably would emerge from these community-based programs.

Table 2: Biological Criminology and Community Corrections Practice

Theoretical Assumptions	**Intervention Strategy**	**Examples of Programs/Strategies**
Some individuals have genetically-linked characteristics (such as low IQ, learning disabilities, high serotonin levels, underdeveloped autonomic nervous systems) that predispose them to criminal behavior.	Strategies designed to (1) identify offenders with biological characteristics that increase their risk of criminal behavior and (2) provide individual treatment to address the problem identified, through drug treatment, and other behavioral interventions.	The use of specialized community supervision caseloads utilizing treatment and control strategies for sex offenders, and for violent/ assaultive offenders.

3. Psychological Criminology

The field of psychology has influenced community corrections in a number of important areas: (1) the classification of offenders risk and needs, (2) the development of case management plans and offender supervision strategies, (3) the techniques used to interview, assess, and counsel offenders, and (4) the strategies used to foster compliance with the basic rules of community supervision. Rutgers University Professor, Freda Adler (and her colleagues Gerhard Mueller and William Laufer) have offered the following synopsis of psychological theories of criminal behavior:

> When psychologists have attempted to explain criminality, they have taken four general approaches. First, they have focused on *failures in psvchological development* --an overbearing or weak conscience, inner conflict, insufficient moral development, and maternal deprivation with its concommitant failure of attachment. Second, they have investigated *the ways in which aggression and violence are learned* through modeling and direct experience. Third, they have investigated the *personality characteristics* of criminals and found that criminals do tend to be more impulsive, intolerant, and irresponsible than noncriminals. Fourth, psychologists have investigated the *relation of criminality to such mental disorders as psychosis and psychopathy(1991:102)* [2] (emphasis added)

Because of their focus on *individual* problems, it is the psychological theories of criminal behavior that have had the most direct influence on probation and parole practice in this country. Much of what currently passes as "rehabilitation" in the field of community-based corrections is taken from one or more of these four groups of psychological theories.

3 A. Psychoanalytic Theory

Psychoanalytic theorists, such as Sigmund Freud (1856- 1939), explain criminal behavior as follows:

> "(1) The actions and behavior of an adult are understood in terms of childhood development.
> (2) Behavior and unconscious motives are intertwined, and their interaction must be unraveled if we are to understand criminality.
> (3) Criminality is essentially a representation of psychological conflict."[3]

Advocates of *psychoanalytic* explanations would emphasize the need for both short and long-term individual and family counseling by trained therapists. Probation and parole officers could either be hired with the necessary qualifications (e.g. a Masters Degree in Psychology or Social Work) or the agency could refer offenders to existing community treatment resources. To the extent that early identification of "pre-delinquents" is also recommended by advocates of the psychoanalytic perspective, (juvenile) probation and

[2] See also Frank Hagan (2002:138-145) for an excellent discussion of what he refers to as Psychological positivism.
[3] Adler, Mueller and Laufer (2004:86). For a more detailed review see Siegel (2007).

parole officers would need to develop collaborative agreements with local school boards regarding a comprehensive screening protocol and the development of appropriate early childhood intervention strategies(Farrington and Welsh, 2007). Because of limited community corrections resources, we do not anticipate community corrections agencies to focus much attention on *pre-delinquents* in the coming decade. Nonetheless, the influence of psychoanalytic theory is substantial, since a wide range of treatment models are based (in whole or part) on these theoretical assumptions (e.g. individual therapy, group therapy, reality therapy, guided group interaction).

3 B. Social Learning Theories

Adherents of *social learning theory* make a common-sense claim: behavior is learned when it is reinforced, and not learned when it is not reinforced.[4] Building on this basic premise, many residential juvenile treatment programs include "token economies," which reward juveniles for adherence to program rules, utilizing positive reinforcement techniques to help juveniles *learn* appropriate behavior. Similarly, probation and parole officers establish conditions of supervision that represent as "behavioral contract" between the probation officer and the offender. If an offender adheres to the contract for a set period of time, he/she is rewarded by a relaxation of supervision standards (e.g. downgrading an offender's risk classification level, fewer required meetings with the P.O., no curfew, no drug testing, etc.).

The problem with such behavioral contracting in probation and parole is that judges, parole boards, and probation and parole officers simply set *too many* conditions and then do not uniformly enforce them (Tonry, 2004; Byrne, 1990); inevitably, this leads to high levels of non-compliance by probationers and parolees. For example, one survey of *absconding* levels (i.e. offenders who fail to report and/or leave the area without permission) by Byrne

[4] .See Ron Akers, "A Social Learning Theory of Crime", pp. 134-146 in Cullen and Agnew (2006) *Criminological Theory-Past to Present* (Los Angeles, Ca: Roxbury Press).

and Taxman revealed that, at any one time, up to ten percent of the probation population has absconded, while another fifteen percent had their probation revoked for failure to comply with the conditions of probation release. Comparable patterns of failure are found among parolees, which suggests that we need to rethink our current approach to offender control in community settings (Petersilia, 2006; Burke and Tonry, 2007).

One strategy advocated by a number of corrections experts is simply to set *fewer* conditions, but to enforce those conditions we do set (Jacobson, 2005). Others have argued that it is not the number, but the *type*, of conditions that should be carefully examined (Byrne, 1990). For example, should we mandate weekly drug testing for probationers and parolees with admitted substance abuse problems, even when the agency lacks the necessary resources to place these same offenders in an appropriate treatment program? Answers to questions such as this are critical to the success of probation and parole strategies based on the two basic assumptions of social learning theory:

> "1. People will repeat behavior when it is gratifying, that is, when it is rewarded.
> 2. Punishment is immediately effective only for as long as it lasts and cannot be avoided. It will not extinguish unacceptable behavior- unless some optional behavior is found that is as rewarding to the person as was the original behavior."

It appears to us that probation and parole officers spend too much time telling offenders what to do and too little time explaining why they should behave in a certain way. Borrowing for a moment from the title of Criminologist Jack Katz's recent book, we need to offer offenders a reasonable alternative to the "seductions of crime," because --if social learning theorists are correct --punishment alone will simply not work. Similarly, a strategy of drug control based on the slogan "Just say no -or else!" fails to recognize that people get high on drugs because they like the experience. A social learning theorist would argue that we need to replace the positive feelings an offender gets from doing drugs (and crime) with some other positive experience.

Unfortunately, due to the limited resources of community corrections agencies in most jurisdictions, we do not have an alternative readily available; but it certainly could be done.

3C. Cognitive Development Theories

A third group of psychological theories --cognitive development theories--has also been used to explain criminal behavior, and a wide range of offender treatment programs have been implemented in recent years based on this group of theories (MacKenzie, 2006). Cognitive development theories, initially developed by the Swiss Psychologist Jean Piaget and then refined by Lawrence Kohlberg and his colleagues, essentially argue that offenders have failed to develop their moral judgement capacity beyond the *preconventional* level. Kohlberg found that moral reasoning (i.e. our capacity "to do the right thing") develops in three stages:

> **…**in stage one, the *preconventional* stage, children (age 9-11) think, "If I steal, what are my chances of getting caught and punished?" Stage two is the *conventional* level, when adolescents think "It is illegal to steal and therefore I should not steal, under any circumstances." Stage three is the *postconventional* level (adults over 20 years old), when individuals critically examine customs and social rules according to their own sense of universal human rights, moral principals, and duties(Adler, Mueller, and Laufer, 2004: 87).

Is it possible to improve the moral judgements of offenders by utilizing probation, and parole officers as role models? Kohlberg observed that we learn morality from those people we interact with on a regular basis—our family, friends, and others in the community. It certainly makes sense that moral development could be improved by increased contacts between PO'S and offenders, especially if the focus of these sessions was on morality (e.g. justice, fairness), rather than the typical ritualism of most office visits. In Massachusetts, the probation department sponsored a series of violence prevention workshops designed utilizing the basic principles described by Kohlberg and his associates. Initial research reveals "significant increases in moral development" when these types of programs are initiated (Guarino-Ghezzi and Trevino, 2005).

In addition, a variety of treatment programs for drug-involved offenders have been developed, implemented and evaluated. In terms of “what works” with drug-involved offenders, treatment programs based on this theory are among the most effective in the field , according to the most recent evidence-based review (Mackenzie, 2006).

One danger related to attempts to improve "moral development" is that morality and religion are not easily distinguishable. Professor Rolando del Carmen of Sam Houston State University is widely considered the most knowledgeable person in this country on the subject of the "law" of probation and parole. He points out that offenders placed on probation and parole can not be required "to attend Sunday School or church services” because this type of condition violates the freedom of religion clause of the constitution's first amendment. However, the court has upheld the practice of using church facilities to house treatment programs, arguing that it is the *content* of the program, rather than its location, which must be assessed when an offender claims his/her first amendment rights have been violated. We suspect that if "moral development" becomes the new catch phrase for the next wave of community treatment programs, the court will be asked to examine the *content* of a variety of probation and parole-sponsored programs.

3D. Criminality Personality

The final group of psychological theories focuses on the potential link between personality and criminality. Although there is currently much debate on whether personality characteristics play a significant role in determining subsequent criminal behavior, a number of prominent criminologists have argued that “ the root causes of crime are not…social issues[high unemployment, bad schools] but deeply ingrained features of the human personality and its early experiences. Low intelligence, an impulsive personality, and a lack of empathy for other people are among the leading individual characteristics of people at risk for becoming offenders” (Wilson, 2007: v). Hans Eysenck has completed numerous studies on the impact of personality characteristics on criminality. He theorizes that criminal behavior may be a function of both

personality differences (i.e. offenders are more likely to be neurotic and extroverted) *and* conditioning, in that some individuals are simply more difficult to "condition" than others. Since we "develop a conscience through conditioning," it is not surprising that antisocial behavior is more likely when this process breaks down for some reason.[5]

If a criminal personality (or identifiable criminal thinking pattern) does exist, what --if anything --can probation and parole officers do about the problem? The answer may be that it depends on exactly *how* the problem is defined. For example, it has been estimated that between 20 and 60 percent of the current state correctional population in this country could be classified as *psychopaths,* depending on exactly how this term is defined. According to a recent review by Caspi, Moffit, Silva, Stouthamer-Loeber, Krueger and Schmutte (2006:82) "Across different samples and different methods, our studies of personality and crime suggest that crime-proneness is defined both by high negative emotionality and by low constraint".This certainly sounds like the criminal personality described earlier. No reliable estimates are available on the extent of this problem among the *seven million* offenders under some form of correctional control today, but it is a safe bet that community corrections personnel simply would not have the experience, training and/or resources necessary to address a problem of this magnitude.

Since "criminal personality" theory is based on the assumption that offenders have erroneous thinking patterns, it seems certain that intensive, individual therapy would be required to address this problem. Based on this theory, a range of correctional interventions involving direct confrontation of thinking errors and behavior modification techniques can be envisioned (Simpson, 2006). Ironically, the recent wave of intermediate sanctions--house

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[5] Eysenck argues that there are two sources of poor conditioning: (1) personality types -extroverts are more difficult to condition; and (2) physiological factors -in particular low cortical arousal. See Eysenck (1977,1989), or the summary of his research included in Siegel(2007)and Hagan (2002) .

arrest/ electronic monitoring, boot camps, residential community corrections, intensive supervision—offered—in theory-- exactly the intense, close contact that would be a prerequisite for effective treatment of this type of offender. However, program developers have generally downplayed the role of *treatment* in these programs, focusing instead on the programs' punishment and control components. This "non-treatment" strategy is not consistent with the recommendations of psychologists and psychiatrists who study the personality characteristics of offenders. Since we know from several well designed research studies that the surveillance-driven "get-tough" community corrections programs (IPS, house arrest, electronic monitoring, boot camps) has been found to be ineffective, perhaps we need to design community corrections strategies and programs that provide *both* control and treatment, targeting offenders with criminal thinking patterns(Taxman, et al., 2005).

Close-Up: **An Excerpt from Taxman, et.al.(2005) *Tools of the Trade,* highlighting strategies for supervising offenders with criminal thinking patterns [insert here]**

Table3: Psychological Criminology and Community Corrections Practice

Theoretical Assumptions	Intervention Strategy	Examples of Programs/Strategies
(1) **Psychoanalytic theories** assume that negative early childhood experiences may increase the probability of criminal behavior.	(1) The use of either mandatory or voluntary individual treatment as a condition of supervision.	(1) Individual counseling strategies using both community corrections personnel and local referrals to local counselors, psychologists, and psychiatrists
(2**) Social Learning theories** focus on the ways in which behavior is learned and reinforced.	(2)The use of conditions that restrict who an offender can interact with and where he/she can live, work, or visit; the application of behavior modification techniques.	(2) Residential community corrections programs often use token economies to reinforce positive behavior, while behavioral contracting has become standard practice in many state community corrections systems, including California and Arizona.
3) **Cognitive Development theories** link criminal behavior to a failure to move from the pre-conventional to the conventional and post-conventional stages of cognitive development	(3) Regular meetings between offenders and community corrections officers, focusing on morality, fairness, and related issues; the referral of offenders—including drug, violent, and sex offenders--to group treatment strategies based on this theory.	(3) Many drug treatment programs utilize the basic tenets of cognitive development theory, making it the most popular group treatment strategy currently being employed in this country.
(4) **Criminal personality theories** assume that offenders have developed criminal thinking patterns that are distinct from non-offenders.	(4) Classification of offenders with criminal personality traits, followed by placement in specialized supervision caseloads	(4) Taxman's Proactive Community Supervision Strategy targets offenders' criminal thinking; it has been used in Maryland, Minnesota, and several other state community corrections systems.

4. Sociological Criminology

In general, sociologists explain criminal behavior not by focusing on *individual* (biological, psychological) differences between offenders and non- offenders, but rather by viewing criminal behavior in its broader social context. By emphasizing the importance of social environmental factors --such as poverty, social disorganization, cultural deviance, and a breakdown of informal social controls --these criminological theorists directly challenge the basic underlying assumption of traditional correctional interventions: that we can change the offender without changing the social context of crime. If this group of criminologists is correct, we will never reduce crime in our country until we first address these *social* problems. In the following section, we highlight the emerging role of probation and parole officers as advocates for community change (and control) based on five different types of sociological theories of criminal behavior: strain theories, subcultural theories, social ecological theories, control theories, and societal reaction theories.

4a) Strain Theories

The first group of sociological theories we will discuss are called *strain* theories. These theories may focus on different aspects of criminal behavior (e.g. juvenile crime, gang formation, specific offender types) but they share one common assumption: some (otherwise moral) people are driven to crime out of the frustration(and illegitimate opportunity structure) associated with living in lower class communities. From a strain perspective an individual initially attempts to achieve "success" by acceptable means (e.g. education. employment) but he/she quickly realizes that these legitimate avenues are blocked in lower class communities. Blocked access to legitimate avenues of success may come in a variety of general forms, including under-funded school systems, and high unemployment rates, as well as in such *specific* policies as (1) tracking in high schools, (2) the misdiagnosis of juveniles with learning disabilities as "behavior" problems, and/or (3) the labeling of students based on decidedly middle class definitions (i.e. utilizing middle class measuring rods) of appropriate group behavior. Cohen believed that because

of the prior socialization of urban youth, they enter our educational system at a distinct disadvantage.

According to Albert Cohen, juveniles from lower class areas respond to the strain in one of three ways: (1) by adopting a "*college boy*" role, which entails continued attempts to achieve success via legitimate avenues, such as school; (2)by adopting a "*corner boy*" role, which results in lowered expectations (and aspirations) for success; or (3) by adopting the "*delinquent boy*" role, which enables youths to redefine "success" in a way that will relieve their status frustration. Cohen observed that individuals who adopt a "corner boy" role would become involved in marginal forms of crime and deviance (e.g. drunkenness, drug use), but they would not pose a major threat to community residents. However, "delinquent boys" responded to blocked educational opportunity by forming a subculture (or gang), which defined "success" and "status" in .a very different manner. These individuals gained status and self-esteem by engaging in crime and emphasizing (antisocial, hedonistic) behavior that directly challenged existing norms. Since it is the subgroup of "delinquent boys" that is *most* likely to become adult criminals, it certainly makes sense to develop intervention strategies aimed at changing the social conditions which spawn delinquent subcultures.

Building on Cohen's theory, criminologists Richard Cloward and Lloyd Ohlin have theorized that different *type* of subcultures emerge because there is differential access to both legitimate and illegitimate opportunities in these lower class communities. Stable lower class neighborhoods are characterized by a clearly defined criminal subculture, where criminal values are easily learned, criminal role models are visible, and a structure exists to support various criminal activities. In transitional neighborhoods, people are constantly moving-in and/or moving out; as a result, individuals face blocked access to both legitimate *and* illegitimate opportunities. In these neighborhoods, status is gained through the use of violence in "conflict”-oriented subcultures. Cloward and Ohlin also identify a third type of subculture, the retreatist subculture, which includes the "double failures" who were denied access to both the criminal and conflict subcultures. "Retreatists” often abuse drugs and/or

alcohol in order to relieve the frustration they feel because of blocked legitimate and illegitimate opportunities.

What are the social and correctional policy implications of strain theories? If Cohen is correct, we had a gang problem in the mid-1950's for the same basic reason we have a gang problem today in our urban centers: *our inner-city educational system is too "middle class "to handle the unique problems of urban yourh.* Evidence supporting Cohen's critique of urban education is not difficult to find. When over forty percent of the high school age students in Boston, Massachusetts' public school system drop-out of school without graduating, something is fundamentally wrong. Sadly, this is not an isolated example; Boston's drop-out rate is on par with other urban areas across the country. Proposals consistent with Cohen's view include (1) the education, training. and hiring of a significant number of minority teachers, (2) the discontinuation of ability-based tracking programs, (3)increased funding for the early assessment and treatment of learning disabilities, (4)expansion of preschool (Headstart) programs, and (5) the development of a full range of alternative education programs to meet the diverse needs of inner city students.

In addition to education reform, Cloward and Ohlin have advocated a number of policies focusing on improving job opportunities for at-risk youth (and young adults) from lower class areas. In fact, a number of the federal anti-poverty programs originally proposed by President Kennedy and then funded through President Johnson's "War on Poverty" initiatives (e.g. the Job Corp and other employment/training programs) have been linked directly to the positive reaction by Congress to Cloward and Ohlin's proposals.

Although strain theorists focus on the need for changes in opportunity structure(jobs, education) of the lower class community, it can certainly be argued that probation and parole officers still need to work with individual offenders in the areas of education and employment. But we need to emphasize that from a strain perspective, it is not enough that PO'S set and monitor conditions of supervision requiring offenders to "stay in school," or "get a job." Probation and parole officers would need to act as advocates for change in both

the educational and employment opportunity structure in their communities.

4b) Subcultural and Differential Association Theories

Subcultural (or cultural conflict) theorists argue that crime is not a function of opportunity; it is a function of values. Although they agree with strain theorists on the relation between class and crime, they take the view that individuals who live in lower class communities have been exposed to a different set of values than individuals from more affluent areas (see e.g. Elijah Anderson's *Code of the Street*). These values include the notion that criminal behavior is, indeed, acceptable behavior in certain circumstances. If subcultural criminologists such as Walter Miller and Marvin Wolfgang are correct, then neither educational reform nor increased job opportunity will substantially reduce the problem of crime and violence in urban areas. What is needed is a fundamental change in the basic values of the entire lower class community.

But how can we change the values of an entire community? According to Edwin Sutherland, the key to understanding criminality is to recognize how values supporting criminal behavior are defined and transmitted from "one generation to the next" :

> The theory of differential association states that crime is learned through social interaction. People come into constant contact with "definitions favorable to violations of law" and "definitions unfavorable to violations of law." The ratio of these definitions - criminal to noncriminal-determines whether a person will engage in criminal behavior.[6]

If Sutherland is correct, then the use of short and long periods of incarceration may actually *promote* subsequent criminal behavior, since incarcerated offenders are rarely placed in treatment programs designed to offset the negative effects of a group of criminals living together and thus acting as "schools for crime." Similarly, community supervision strategies that ignore the prevailing attitudes of family members, peer group members and community residents toward crime and violence will also be ineffective. Whether the offender is locked up or placed under community supervision, what is needed is the presentation of an "alternative world view,"

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[6] Edwin H. Sutherland, *Principles of Criminology*, 3rd edition (Philadelphia, PA: Lippincott, 1939).. as summarized in Sutherland and Cressey, pp.:122-126 in Cullen and Agnew(2006).

which underscores the advantages of conformity. Institutional treatment programs have been developed for juvenile and adult offenders along these lines, utilizing guided group interaction (GGI) techniques. The problem with this strategy is that the "group support" disappears when the offender graduates from the program. While examples of community support groups can be provided (e.g. Alcoholics Anonymous, Narcotics Anonymous), it is obvious that we have done a poor job providing (both individual and group-level) positive role models in lower class communities. Probation and parole officers may be able to address problem by becoming more visible in the community they work, perhaps utilizing the basic strategy of the community police officer.

4c) Social Ecological Theories

A third group of sociological theories of crime causation emphasize the negative consequences of community characteristics on the behavior of community residents. Clifford Shaw and Henry McKay, for example, examined the effect of community social disorganization on juvenile misbehavior. According to Shaw and McKay, social disorganization occurred in periods of change, due to such factors as increased immigration, urbanization and/or industrialization. Communities characterized by social disorganization typically had high rates of crime and delinquency, owing in large part to a breakdown in the community's *informal* social control system (i.e. family, peers, and neighbors).

The solution to the problem of a disorganized community is reorganization, but how and where do we begin? In a seminal article, "The Community Context of Violent Victimization and Offending," Harvard University criminologist Robert Sampson argues that.

> "there are **…** policy manipulable options that may help reverse the tide of community social disintegration. Among others, these might include (1) *residential management of public housing* (to increase stability, (2) *tenant buy-outs* (to increase home ownership and commitment to locale), (3) *rehabilitation of existing low income housing* (to preserve area stability, especially single-family homes), (4) *disbursement of public housing* (versus concentration), and (5) *strict code enforcement* (to fight deterioration)"

As we discussed earlier in our analysis of strain theory and probation and parole practice, there is a dual role for P.O.'s working in disorganized, lower class communities. On the one hand, these agencies would need to take an *advocacy* role regarding community reorganization efforts; but at the same time, line probation and parole officers would also need to develop specific, short-term strategies for supervising the probationers and parolees who live in these communities. One strategy would be to place a priority on field visits by PO'S, and to coordinate various offender control strategies (e.g. curfews) with local neighborhood (block watch) groups.

It would also be necessary to consider the use of special conditions to keep probationers and parolees out of certain neighborhood areas (or establishments) known to police as the "hot spots" of crime (and victimization). In a series of federal and state court decisions, the court has upheld the constitutionality of such conditions as long as they can be reasonably linked to the goal of rehabilitation.

When viewed from a social ecological perspective, the need for planned community reorganization is obvious. In fact, Shaw and McKay responded to this need by developing the Chicago Area Project in 1934 and similar community change efforts have emerged in other poor, urban areas since that tirne. While it is difficult to assess the impact of these attempts at community reorganization, our view is that it doesn't make much sense to attempt to change *offenders* without also addressing the "community context" of their behavior. Probation and parole officers can help organize local residents in this type of effort, while also developing offender (and area) -specific supervision strategies. The negative consequences of continued residence in socially disorganized communities would not be eliminated by such activities, but the overall risk of recidivism might be reduced to some extent.

4d) Control Theories

A somewhat different view of crime causation is offered by social control Theorists (Gottfredson and Hirshi, 1990; Hirschi, 1969). Control theorists do not attempt to explain why "otherwise moral" individuals are *driven* to break the law; they focus instead on why we conform to the rules of law in the first place. Criminologist Travis Hirschi has theorized that when an individual's *bond to society* is either weak or broken, he or she is "free to engage in delinquent acts."[57] Hirschi has identified four elements of this bond to society: attachment, commitment, involvement, and belief. He argues that,

> " **...** *Attachment* to conventional others, *commitment* to conventional pursuits, *involvement* in conventional activities, and *belief* in conventional values reduces the likelihood that a youth will become delinquent."

Although Hirschi's theory was originally applied only to juvenile delinquency, it has also been used in recent years to explain various forms of adult criminality, including while collar crime.

Control theory has implications for change in a number of family, school, and neighborhood-level policies that are directly (and/or indirectly) related to current probation and parole practice. For example, since *attachment to parents* is one element of an individual's bond to society, it certainly makes sense to develop intervention strategies designed to improve parent-child relationships (e.g. parent training programs).Similarly, since *attachment to family* may be improved by utilizing a combination of treatment (e.g. family therapy) and control (e.g. curfews, house arrest, electronic monitoring) strategies, it makes sense to use probation and parole *conditions* to focus on this problem. Unfortunately, keeping an adult offender at home at night may simply move the *location* of certain forms of criminal behavior, such as assault and substance abuse, from the community to the home.

Hirschi has also emphasized the importance of the school, focusing on attachment to

teachers, commitment to education, and involvement in school-related activities:

> "attachment to school depends on one's appreciation for the institution, one's perception of how he or she is received by teachers and peers, and how well one does in class."[7]

In this context, it would appear to be futile to simply require that a young offender "go to school" as a condition of probation/parole, particularly if the offender has a history of failure in school. The development of specialized programs for youth "at risk" --perhaps aimed at improving student-teacher relationships, or increasing the number and type of after-school activities --would be more consistent with social control theory. Unfortunately, these types of programs are difficult to get started and the first to get cut when there is an economic "downturn."

Social Control Theory can also be used to justify *neighborhood*-level changes in both resource availability (for youth and adults at risk) and community values (i.e. legitimacy of the criminal justice process, belief in the law). As we noted in our earlier discussion of cognitive development theory, it does appear that probation and parole officers can play a critical role in this latter area. On the one hand, they can help communities secure local, state, and federal funding for a variety of programs designed to (1) improve family relationships and parenting skills, (2) expand school resources for students with academic problems, and (3) increase resident involvement in community activities. But perhaps more importantly, they can provide a function typically reserved for organized religion: to reinforce *belief* in the moral validity of existing laws. This can be accomplished by asking PO's to emphasize "morality" in their interactions with offenders (Taxman, et al., 2005), and by developing positive relationships between offenders and PO's that result in offender attachment to PO's. When this occurs, the PO is acting as an agent of formal and informal social control. After evaluating the impact of the

[7] See Travis Hirschi's(1969) seminal research study, *Causes of Delinquency.*

Massachusetts Intensive Probation Supervision (IPS) Program, Byrne and Kelly concluded :

> "…the relationship that develops between PO'S and offenders during the intensive supervision process may…act as a powerful, informal deterrent to future criminal activity."[8]

The results of the Massachusetts IPS evaluation underscore the need for a strong probation and parole presence in the lives of offenders. When probation and parole officers are *involved* in the lives of offenders --by monitoring individual and family treatment, by assisting in employment searches, by discussing key "life course" events (e.g. marriage, family, friends, jobs) --they generally respond by committing fewer crimes. If social control theorists are correct, criminal justice policy makers have focused far too much attention on *formal* deterrence mechanisms (e.g. mandatory sentencing laws) and far too little attention on *informal* deterrence techniques (e.g. increased contacts/development of personal).

4e. Life-course and Developmental Theories

In recent years, criminologists have explored the possibility that we may have overemphasized the impact of childhood experiences (victimization, parenting, peer influences, school experiences) on *adult* patterns of both continued criminality (the persistent offenders) and desistance from crime (i.e. the age-crime connection).According to Sampson and Laub (2005), there are four key *turning points* in the adult life-course that appear to be linked to desistance from crime: (1) marriage, (2) employment, (3) the military, and (4) physical relocation. They conclude that " Involvement in institutions such as marriage, work, and the military reorders short-term situational inducements to crime and, over time, redirects long-term commitments to conformity"(2005:18). If Sampson and Laub are correct, then it would certainly make sense for community corrections officers to recognize the importance of these turning points as they consider the prospects—and develop strategies-- for changing the behavior of the offenders placed under their direct supervision. A variety of Community corrections initiatives consistent with life-course theory come immediately to mind, including (1) a renewed emphasis on the provision of both job training and employment assistance by PO's, and (2) the development of

[8] James M. Byrne and Linda Kelly (1989: 34), *Restructuring Probation as an Intermediate Sanction: An Evaluation of the Massachusetts Intensive Probation Supervision Program (executive summary* of the final report to the National Institute of Justice, Washington, DC (85-IJ-CX-0036)).

strategies to assess community “risk”, and then relocate offenders who currently reside in “high risk” neighborhoods to lower risk areas, utilizing the lure of new job opportunities or housing incentives. In addition, the prospects for offenders joining the military could also be explored, while the prospects for marriage and/or stability in long term relationships should improve with changes in employment status and physical location. Sampson and Laub (2005:17) emphasize why these turning points are directly linked to desistance:

> “The mechanisms underlying the desistance process are consistent with the general idea of social control. Namely, what appears to be important about institutional or structural turning points is that they all involve, to varying degrees,(1) new situations that “knife off” the past from the present, (2) new situations that provide both supervision and monitoring as well as opportunities for social support and growth, (3) new situations that change and structure routine activities, and(4) new situations that provide the opportunity for identity transformation”.

When viewed in terms of life-course theory, the role of community corrections generally—and community corrections officers in particular—in the offender change/desistance process can be easily identified.

4f. Conflict and Societal Reaction Theories

A final group of sociological theories of crime causation can be identified, based on the premise that people become criminals not because of some inherent characteristic, personality defect, or other sociologically-based” pressure” or influence, but because of decisions made by those in positions of power in government, especially those in the criminal justice system. Although a number of different theoretical perspectives on the crime problem can be distinguished under this general heading, we will focus on only two-labeling theory and conflict theory. Labeling theorists, most notably Edwin Lemert and Howard Becker, argue that while most of us have engaged in activities (at one time or another) that were illegal, only a few of us have actually been labeled as "criminals" for this behavior. Once labeled in this manner, people tend to react by *internalizing* the negative label and living up to societal expectations by engaging in further criminal activities. Given the potential negative consequences of labeling, we need to ask ourselves: (1) which laws do we really need to enforce? And (2) which offenders can (and

should) we divert from the formal court process?

In the last decade, we have seen the relaxation of laws (i.e. decriminalization) in some states related to prostitution and marijuana use, although the AIDS epidemic has fueled fears about intravenous drug use, and sexually transmitted disease, resulting in calls for tougher legislation to “deter” both behaviors.. In addition, "diversion" is now an accepted practice for offenders with drug and alcohol problems (via drug court) in most states, while dispute resolution through mediation(and restorative justice panels) is also becoming popular, particularly in the areas of misdemeanor crime, divorce and child custody. Probation officers in many states are responsible for determining the *eligibility* of offenders for various diversion programs, as well as for their *operation.* However, a number of observers have suggested that by developing such pre-trial/pre-conviction diversion programs, we are actually "widening the net of social control", thereby exacerbating the negative effects of being brought into the criminal (or juvenile) justice system.

Close Up: Applying Restorative Justice Principles to Community Corrections Practice—An Interview with Gordan Bazemore [insert here]

Conflict theorists, such as Richard Quinney, have argued that we need to focus our attention on why laws are made. According to conflict theorists, "Laws do not exist for the collective good; they represent the interests of specific groups that have the power to get them enacted."[9] Given the size of the black underclass and the overrepresentation of blacks and other minority groups at each step in the criminal justice process (e.g. arrest, conviction, incarceration), it has been argued that the criminal law has been used as a minority control mechanism in this country. The current preoccupation of federal and state legislators with the "drug problem" is a good example. We are willing to expand our prison capacity in order to

[9] Richard Quinney (1969), *Crime and Justice in Society* (Boston, MA: Little Brown).

incarcerate urban street level dealers and users, but we are unwilling to adequately fund substance abuse treatment programs for these same offenders. Conflict theorists would argue that drug laws need to be enforced equally in urban, suburban and rural areas. They would also demand other changes in the criminal justice process, focusing on the need "equal justice," regardless of race or social class. Although community corrections officers now represent "agents" of social control, conflict theorists would likely suggest that they would be more effective if they became advocates for social justice in the areas of jobs, health care, housing, education and treatment. At the individual level, recent attempts to apply restorative justice concepts to community corrections practice (Bazemore and Stinchcomb, 2004) are certainly consistent with conflict criminology.

Close-up: "**Practicing Community Justice". Excerpt from Todd Clear, *Imprisoning Communities,* Oxford University Press (2007: 215-219) . [Insert here]**

Table 4: Sociological Criminology and Community Corrections Practice

Theoretical Assumptions	Intervention Strategy	Examples of Programs/Strategies
(1) Strain	(1) Strategies emphasize education, skill development, and employment opportunity.	(1) Day Reporting centers in Massachusetts provide a variety of on-site, "one-stop shopping" assessment, education, training, and job development programs
(2) Subcultural theories	(2) Strategies emphasize community-level value change, alternatives to gang involvement, and offender relocation.	(2) A number of states have experimented with gang intervention/ gang suppression strategies; the moving to opportunity program sponsored by HUD and other federal initiatives was a large-scale offender relocation initiative
(3) Social Ecological theories	(3) Strategies target improving community structural conditions, resource availability, and collective efficacy; strengthening informal community social control mechanisms ; and eliminating poverty pockets	(3) The Broken Windows Probation strategy advocated by DiIulio and others emphasized the importance of changing both offenders and communities in which offenders reside.
(4) Control theories	(4) Strategies focus on the breakdown of informal social control mechanisms—attachment, commitment, involvement, and belief—and emphasize the importance of the relationship between the offender and his/her probation/parole officer.	(4) Proactive community supervision models currently used in Maryland and Virginia utilize the basic tenets of control theory.
(5) Life-course/ developmental theories	(5) Strategies designed to target the turning points in the life-course that have been directly related to desistance among adult offenders—marriage, employment, military service, and offender relocation.	(5)Many community corrections systems now incorporate key elements of the life-course perspective—in particular, the belief that offender change is possible through improved relationships, stable employment, and removing the barriers to offender transformation .However, the prospects for a new start through relocation are limited for certain offender groups(e.g. sex offenders).
(6) Conflict and Societal Reaction theories	(6)Strategies focus on the use of alternative dispute/conflict resolution strategies that result in lower levels of formal criminal justice system involvement in the lives of community residents; and on the application of community/restorative justice principles in traditional criminal justice settings, including community corrections.	(6) A number of recent initiatives consistent with conflict and societal reaction theories are being introduced across the country, including restorative justice programs in Florida, the diversion to drug court strategy being used in most state court systems, and the reentry strategies developed in Burlington Vermont.

Conclusion: The Link between Criminological Theory and Community Corrections Policy

A number of observers have suggested that probation and parole officers do not have an adequate "professional base" to do the job we ask them to do. However, it is our view that it is impossible to assess the qualifications of community corrections personnel unless we first clearly define the primary job orientation of the community corrections officer: do we want our line staff to emphasize treatment or control? As we have indicated throughout this chapter, how we answer the "why"(or causation) question (*why did the offender commit this crime*?) will determine not only our general orientation toward certain categories of crime(e.g. drug offenses, violent crime) and groups of offenders (e.g. sex offenders, gang members, drunk drivers), but also the types of functions we will expect community corrections to perform.

Some PO's have Masters Degrees in Social Work, and Psychology, while others have advanced degrees in public administration and criminal justice. A number of line probation and parole officers only have an undergraduate degree, while some have even less formal education. This diversity in educational background would be a cause for concern *if* we could clearly establish a relationship between education and the job itself. Unfortunately, we do not have a firm grasp on the types of skills necessary to be an effective probation or parole officer in the next decade. While a number of "get tough" intermediate sanctions programs have been developed in recent years based on *classical* assumptions about crime control (e.g. intensive supervision, house arrest, boot camps), these programs still include only a small percentage (approximately 10%) of all offenders under community supervision. If these programs continue to expand, it appears that we will need to draw our PO'S from the pool of undergraduate criminal

justice majors, perhaps requiring some prior experience as a police officer or corrections guard. Such "deskilling" is an inevitable consequence of the movement away from treatment and toward the technology of control. However, there has been considerable discussion recently on the need to redesign existing community corrections programs—both probation and parole/reentry—with a renewed emphasis on individual offender assessment and treatment (Cullen, 2006; Lowenkamp and Latessa, 2005;Taxman, et al., 2005).To the extent that service provision/ treatment becomes a primary community corrections line staff function, upgrading the qualifications of line staff will be critical to the success of community corrections as a people-changing organization. Regardless of which direction is chosen for community corrections, one thing is certain: as long as “new" programs are only implemented for a very small proportion of all offenders under community supervision, a large-scale re-tooling and re- training of community corrections personnel will not be necessary. This would be unfortunate, given the need for a discipline not only with a rich *theoretical* "core,” but also with a clearly defined *professional* base.

Questions for Discussion:

1. Why do YOU think people commit crime? What would YOU do to solve the crime problem, based on your theory of crime causation?

2. How would a classical criminologist solve the crime problem?

3. Do you think we need to hire community corrections officers with the necessary education and training to provide individual treatment to offenders, or is this a job not suited for community corrections personnel?

4. What can and should community corrections officers do to improve the quality of life in the communities where most offenders reside?

5. Is it possible for community corrections officers to “change” offenders, given current time, workload, and resource constraints?