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JUSTICE
ASSOCIATION

L.A.E.

J

JOURNAL

2006



1937-2006

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AMERICAN CRIMINAL JUSTICE ASSOCIATION

This Association was formed at San Jose, California in 1937. It was incorporated under the laws of the State of California as a non-profit society on August 31, 1954.

American Criminal Justice Association/Lambda Alpha Epsilon is dedicated to the advancement of professionalism in the administration of criminal justice. Membership is open to collegiate and professional personnel, as well as those who have retired from the criminal justice field.

Inquiries regarding membership should be directed to the nearest local chapter or to the Grand Chapter.

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The L.A.E. Journal of the American Criminal Justice Association publishes general interest articles on all facets of the criminal justice system. The Journal provides a forum for academicians, practitioners and students in criminal justice in order to improve communications and to increase understanding and knowledge of the system. Articles are desired which deal with issues, problems and research in law enforcement, criminology, juvenile justice, courts, corrections, prevention, and planning and evaluation. Related articles on education, career development and student attitudes will also be considered.

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Manuscripts should be submitted to: Fred R. Campbell, Journal Editor, P.O. Box 601047, Sacramento, CA 95860. One printed copy should be submitted along with a 3½" disk or CD stating which word processing program was used. (IBM is preferable, but we will accept Macintosh on a 3½" disk.) The author should always retain a copy of the manuscript to safeguard against possible loss of the original.

Specifications for Manuscripts

1. Manuscripts should be typewritten and double-spaced throughout on 8½"x11" quality bond paper.
2. Manuscripts should be no more than twenty (20) pages in length, and should be prepared in accordance with the Publication Manual of the American Psychological Association (2nd edition), with the exception of the metric requirements.
3. To permit anonymous review, all identifying materials should be kept out of the article. The cover page should give the

author's name and institutional affiliation; the first page should contain only the title and abstract of the article.

4. Also included should be an abstract of no more than 100 words, together with a brief biographical sketch of each author covering recent publications, professional experience, and research interest. Please be sure the abstract and biographical sketch are included on the disk or CD that is submitted with the article.

5. It is the policy of the Journal Editor not to publish articles which have appeared or are to appear in other publications. Therefore, simultaneous submission to another journal is unacceptable. Every effort will be made to notify authors of editorial decisions within ninety days of manuscript receipt.

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Message from the President:

Happy Fall! The days are shorter and crisper and that means it's time for Regional Conferences. Joe Davenport plans to attend the Conferences for Regions 4, 5, and 6. I plan to attend the Conferences for Regions 1, 2, and 3. Both Joe and I look forward to these visits and to the opportunity to have more time to get to know all of you and to discuss any of your concerns about LAE.

I just wanted to remind students who plan to attend the National Conference, about the McGrath Award. The applications for the McGrath Award will be sent to the Chapter Presidents, Secretaries and Advisors in November. Those applications are due to your Regional President by December 1st. The person chosen by each Regional President will have their registration paid to the 2007 National Conference

Students should also start completing the applications for the Student Paper Competition and for

Scholarships. Those qualifications can be found in the Standing Rules--and the applications can be found on the national website (www.acjalae.org).

After what happened at the Business Meeting in St. Charles, I am asking that each of the Chapter Presidents be responsible for ensuring that their Regional President has your chapter's proxy. If members of your Chapter are at the Conference, and attend the Business Meeting, then that proxy is void. However, as we saw, without sufficient proxies we could not conduct any business. Thank you for seeing to it that this does not happen again.

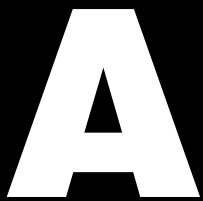
I hope everyone is looking forward to Nationals in Wilmington, Delaware, March 18th—23rd, 2007. The workshop—the real CSI-- will be presented by the noted Dr. Henry Lee. Region 4 members are working hard to make this the best conference ever.

Members of Rho Beta Psi told me that they plan to

take advantage of the extra days that we negotiate with the hotel before and after every conference, to visit some of the historical sites in the Wilmington area.

Much of our nation's history was made within 30 minutes—3 hours of Wilmington. Rather than reiterating all the places to see, I suggest that everyone check the "Things to do In and Around Wilmington" page for suggestions. I want to thank Steve Atchley for locating the websites to so many places; and I want to thank Karen for taking the time to put all those links on our website. I'm sure I'll run into some of you before Conference at Winterthur, or the Constitution Center, or

Abby Schofield
National President



Announcement of the 2007 & 2008 ACJA/LAE National Scholarship & Student Paper Competition

There is still time to enter the 2007 Scholarship and Student Paper Competition. Please download the applications and instructions from our website. Winners will be announced at the 2007 National Conference.

Applications will be available after April 15, 2007 for the 2008 National Scholarship and Student Paper Competitions. Entries for the National Student Paper Competition must be original papers dealing with issues and problems in areas of criminology, law enforcement, juvenile justice, courts, corrections, prevention, planning and evaluation, career development or education in the field of criminal justice.

Applications for both Competitions may be obtained by calling or emailing the National Office or can be downloaded from our website. The deadline for submission of papers for the 2008 National Scholarship is December 31, 2007. The deadline for submission of papers for the 2008 National Student Paper Competition is January 31, 2008. Papers are reviewed by separate committees and winners will be announced at the 2008 National Conference.

All papers must be accompanied by an application. Incomplete applications will not be considered for the awards. **Also, you must be a member-in-good-standing at the time of submission for the respective awards and at the time the awards are made.** Members can compete for both awards. If you have any questions, please do not hesitate to contact the National Office at P.O. Box 601047, Sacramento, CA 95860; telephone (916) 484-6553; Fax (916) 488-2227; Email: acjalae@aol.com.

2006 NATIONAL SCHOLARSHIP WINNERS

Lower Division:

3rd Place -- \$100 Award

Josh Bevil, Beta
Greenville Technical College, Region 5

2nd Place -- \$200 Award

Lizabeth York-Wells, Delta Upsilon Kappa
Pioneer Pacific College, Region 1

1st Place -- \$400 Award

Rachel Westlund, Epsilon Tau Alpha
Clackamas Community College, Region 1

Upper Division:

3rd Place -- \$100 Award

Nathan Miller, Delta Phi Upsilon
Missouri Western State University, Region 3

2nd Place -- \$200 Award

Grace Worden, Gamma Epsilon Delta
University of Central Missouri, Region 3

1st Place -- \$400 Award

Nathan Blair, Alpha Omega Xi
American Intercontinental University, Region 5

Graduate Division:

3rd Place -- \$100 Award

Heather Barklage, Gamma Epsilon Delta
University of Central Missouri, Region 3

2nd Place -- \$200 Award

Kalli Jacobsen, Member-at-Large
University of Wisconsin – Platteville, Region 6

1st Place -- \$400 Award

Nicci Koban, Chi Omega Pi Sigma
(professional), Region 4

2006 STUDENT PAPER WINNERS

Lower Division:

3rd Place -- \$50 Award

No Entry

2nd Place -- \$100 Award

"Dungeons for Dollars"
By: Crystal Conard, Omega Alpha Omicron
Danville Community College, Region 4

1st Place -- \$150 Award

"The Problem of Sexual Violence in American Penitentiaries"
By: Jonathan Wolf, Chi
Truman State University, Region 3

Upper Division:

3rd Place -- \$50 Award

"Too Much Equality: Classifying Women in Today's Correctional System"
By: Sara Wisdom, Chi
Truman State University, Region 3

2nd Place -- \$100 Award

"Born to Raise Hell: The Theory Behind the 'Nurse Killer' "
By: Beatrice Kelrick, Chi
Truman State University, Region 3

1st Place -- \$150 Award

"Causes and Effects of Rape on Teenage Girls"
By: Melanie Taylor, Phi Omega Alpha
California State University—Fresno, Region 1

Graduate Division:

3rd Place -- \$50 Award

"Juvenile Justice in the Netherlands"
By: Carol Griffin, Gamma Epsilon Delta
University of Central Missouri, Region 3

2nd Place -- \$100 Award

"The Warrant Exception for Mobile Homes"
By: Jacquelin Georges, Lambda
Florida State University, Region 5

1st Place-- \$150 Award

"The Accuracy of Police Department Interrogation Practices: Can You Tell When Someone is Lying?"
By: Kalli Jacobsen, Member-at-Large
University of Wisconsin – Platteville, Region 6

C

CONFERENCE COMPETITION WINNERS — 2006

Top Academic: Jackie Mehrens **Top Gun:** Richard Gillespie **Spirit Award:** Sigma Delta
Sweepstakes Award: Gamma Epsilon Delta

LAE KNOWLEDGE

Lower Division:

3rd Place, Derrick Jones, Gamma Epsilon Delta
2nd Place, Sara Rios, Chi Chi Rho
1st Place, Claudia Alvarez, Chi Chi Rho

Upper Division:

3rd Place, Monica Rogers, Gamma Epsilon Lambda
2nd Place, Alyssa Reddick, Lambda Omega
1st Place, Morgan Bessette, Lambda

Professional Division:

3rd Place, David Stumpf, Sigma Delta
2nd Place, Sean McKeeham, Beta Upsilon Delta
1st Place, Roger Pennel, Gamma Epsilon Delta

JUVENILE JUSTICE

Lower Division:

3rd Place, Jackie Mehrens, Beta Upsilon Delta
2nd Place, Paul Accola, Mu Gamma Gamma
1st Place, Veronica Papazian, Tri Omega

Upper Division:

3rd Place, Ashley Fleenor, Alpha Psi Delta
2nd Place, Maria Kaylen, Chi
1st Place, Rakefet Gill, Gamma Epsilon Delta

Professional Division:

3rd Place, Craig Laker, Tau Alpha Omicron
2nd Place, Ida Flippo, Epsilon Tau Alpha
1st Place, Warren Mowry, Beta

POLICE MANAGEMENT & OPERATION

Lower Division:

3rd Place, Nichole Marques, Kappa Xi Sigma
2nd Place, Rachel Westlund, Eta Tau Alpha
1st Place, Nick Zotos, Chi

Upper Division:

3rd Place, Stephon Harris, Gamma Epsilon Lambda
2nd Place, Kristi Schneider, Chi
1st Place, Terri Miles, Alpha Epsilon

Professional Division:

3rd Place, James Rynard, Lambda Upsilon
2nd Place, Scott Chenault, Chi
1st Place, Robert Austin, Kappa Xi Sigma

CORRECTIONS

Lower Division:

3rd Place, Neal Oppenheimer, Chi Sigma Iota
2nd Place, Ken Rayburn, Beta Upsilon Delta
1st Place, Jackie Mehrens, Beta Upsilon Delta

Upper Division:

3rd Place, Dawn Solarz, Sigma Delta
2nd Place, Mary Andrew, Gamma Epsilon Delta
1st Place, Jessica Nelson, Gamma Epsilon Delta

Professional Division:

3rd Place, Ida Flippo, Eta Tau Alpha
2nd Place, Scott Chenault, Chi
1st Place, William "Dub" Osborne, Alpha Psi Delta

CRIMINAL LAW

Lower Division:

3rd Place, Neal Oppenheimer, Chi Sigma Iota
2nd Place, Jackie Mehrens, Beta Upsilon Delta
1st Place, Angela Dudley, Gamma Epsilon Delta

Upper Division:

3rd Place, Heather Barklage, Gamma Epsilon Delta
2nd Place, Mary Andrew, Gamma Epsilon Delta
1st Place, Charlie Pappert, Gamma Epsilon Delta

Professional Division:

3rd Place, John Milliken, Tau Alpha Omicron
2nd Place, David Stumpf, Sigma Delta
1st Place, Randal Wood, Alpha Sigma Omega

FIREARMS (Individual)

Lower Division:

3rd Place, Brandon Meyer, Gamma Epsilon Delta
2nd Place, Brody Samson, Gamma Epsilon Delta
1st Place, Matt Harris, Sigma Delta

Upper Division:

3rd Place, Jason Gray, Theta Alpha Delta
2nd Place, Larry Gallant, Beta Upsilon Delta
1st Place, Michael Chavarria, Alpha Epsilon Phi

Professional Division:

3rd Place, Charles Tomlin, Gamma Epsilon Delta
2nd Place, Chuck Kenyon, Beta Upsilon Delta
1st Place, Richard Gillespie, Gamma Epsilon Delta

FIREARMS (Team)

Lower Division:

3rd Place, Matt Harris, Caleb Silgjord, Brandon Silgjord, Sigma Delta
2nd Place, John Vance, Zac Olivarez, Thor Terland, Beta Upsilon Delta
1st Place, Michael Staat, Brody Samson, Brandon Meyer, Gamma Epsilon Delta

Upper Division:

3rd Place, Shawn Hershey, Tim Griffith, Michael Chavarria, Alpha Epsilon Phi
2nd Place, Matt Respet, Will Botten, David Dipuma, Alpha Delta Pi
1st Place, Jason Gray, John Scott, Greg Arriola, Theta Alpha Delta

Professional Division:

3rd Place, Nathan Callaway, Grace Warden, Robert Warner, Gamma Epsilon Delta
2nd Place, Greg Willis, Pat Potvin, Fred Mowrey, Eta

Tau Alpha, MAL, Sigma Chi

1st Place, Richard Gillespie, Charles Tomlin, Jeremy Hopke, Gamma Epsilon Delta

CRIME SCENE

Lower Division:

3rd Place, Veronica Papazian, Elena Romera, Armando Mata, Tri Omega
2nd Place, Robert Gutierrez, Andrew Alatore, Gabriel Roman, Tri Omega
1st Place, Brandon Silgjord, Caleb Silgjord, Matt Harris, Sigma Delta

Upper Division:

3rd Place, Kimberly Miller, Brandon Hoing, Dani Picken, Theta Alpha Delta
2nd Place, Acasha Perkins, Jessica Fitzhugh, Mika Benoit, Delta Chi
1st Place, Wes Gideon, Ariel Welshans, Alyssa Wilson, Theta Alpha Delta

Professional Division:

3rd Place, Josh Bevil, Warren Mowry, James McDonald, Beta
2nd Place, Larry Gallant, Matt Proffitt, Tim Van Litsenborgh, Beta Upsilon Delta
1st Place, Derek Dierhert, Angela Fiscal, Nicolas Slight, Kappa Theta Rho

PHYSICAL AGILITY

Female under 25:

3rd Place, Kimberly Miller, Theta Alpha Delta
2nd Place, Kasey Teter, Gamma Epsilon Delta
1st Place, Alyssa Wilson, Theta Alpha Delta

Male under 25:

3rd Place, Guy Stark, Delta Phi Upsilon
2nd Place, Derrek Matson, Sigma Delta
1st Place, Robert Warner, Gamma Epsilon Delta

Female 26 to 35:

3rd Place, Nicci Koban, Chi Omega Pi Sigma
2nd Place, Carrie Rielly, Kappa Theta Rho
1st Place, Laura Duffy, Alpha Psi Delta

Male 26 to 35:

3rd Place, Kent Lombard, Chi Omega Pi
2nd Place, Eric Asuncion, Chi Tau Epsilon
1st Place, Sebastian Ascencio, Tau Sigma Chi

Female 36 and over:

3rd Place, Tselane Gardner, Sigma Pi
2nd Place, Tammy Kenyon, Beta Upsilon Delta
1st Place, Dawn Solarz, Sigma Delta

Male 36 and over:

3rd Place, Warren Mowry, Beta
2nd Place, Glen Bihler, Sigma Delta
1st Place, Christopher Hailey, Delta Rho Delta

The Accuracy of Police Department Interrogation Practices: Can You Tell When Someone is Lying?

1st Place Winner, Graduate Division, 2006 National Student Paper Competition

By Kalli A. Jacobsen, University of Wisconsin – Platteville, Member-at-Large, Region 6

Introduction

Can you tell when someone is lying? If an individual under custody is falsifying information, do their facial movements and hand gestures change as the tone of an interview intensifies? Are those movements and gestures any different from someone who is being honest? During an interrogation, does an individual's vocal tone and non-verbal cues indicate their truthfulness? These questions demand an accurate answer when dealing with an interrogation that could lead to the wrongful conviction and unjust incarceration of an innocent person.

The interrogation process is one of the primary steps in determining a suspect, achieving a confession and gaining presentable and solid evidence to hand over to the prosecuting attorney. The interrogation process carries the most weight in deciding a course of action for the justice system. It represents one of the first points of contact between the police and the potential suspect and, thus, serves as a critical forum in which initial information and impressions are exchanged (Williams, 2000, p. 212). James Williams quotes that, "It has now become something of a truism to observe that, in most criminal cases, the crucial stage is the interview at the police station, for it is at that stage that a suspect's fate is as a rule sealed." (Williams, 2000, p. 212). If a wrongful conclusion has been determined from the course of these interviews, it has the power to change a person's life in a way that they are deprived from all that they know under presumed guilt.

It has been generalized that detectives have become increasingly successful at retaining incriminating information from suspects in custody during the past thirty years (Leo, 1996, p. 1). This statement, taken as "face value", sounds genuine and sincere on the grounds that blue collar citizens are performing an outstanding duty at their job by holding "criminals" accountable and responsible for their actions against society. We can assume by this statement that these investigating officials should be given a 'pat on the back' for being able to satisfy their dual mandate of investigating crime while protecting the interests, rights and freedoms of the suspect (Williams, 2000, p. 209). Surely since the application of the Miranda rights and the greater training available for interrogation practices over the past three decades, the probability of an individual being wrongfully convicted based on the premises of a faulty interrogation or incorrect information should be minimal at best.

On the contrary, there have been several scholarly references that will readily argue with this conclusion. It has been stated that suspects that are subjected to police interrogations are victims of preconceived notions and institutional misconduct (Campbell and Denov, 2004, p. 2). These preconceived notions (or tunnel vision) have

the potential to target innocent persons as the primary criminal activist and hinder the determination of fact or fiction. This tunnel vision is said to be the effect of training within criminal interrogations, which ultimately negates the truthful discovery of deception and reality based on over zealous law enforcement officials. In fact, those who underwent training conferences to monitor the alterations of verbal and non-verbal cues based on truthfulness were generally unable to distinguish a truthful suspect from a deceptive suspect (Kassin and Fong, 1999, p. 499). Furthermore, this tunnel vision sets the stage as a threat to fairness and the standard of due process (Williams, 2000, p. 209). In addition to this predetermined onset (paired with the institutional conditions of an interviewer's autonomy and low visibility) methods of coercion, suggestive interviews and unlawful confessions are attainable. It is believed that police interrogations are persuasive and at times too persuasive, in part because they are theory driven social interactions founded upon the presumption of guilt (Kassin, Goldstein and Savitsky, 2003, p. 188). Faulty interrogation practices or inaccurate information gained from a bias interview process is one of the greatest blunders of the criminal justice process which, in turn, could be the fatal step to an innocent person's wrongful conviction.

In light of these noteworthy findings, this article will outline the purpose and technique of modern day police interrogation processes; illuminating the margin of error that can and does exist, resulting in a wrongful conviction. Furthermore, this thesis will address the problems associated with the interrogation process, provide example of empirical evidence and the probability of wrongful information and present the effects of wrongful convictions and unjust incarceration. As a final summary, a brief overview of Miranda rights, the limitation of human error and statements of future research will be concluded.

Police Interrogation

The terms 'interview' and 'interrogation' hold a level of ambiguity when dealing with the questioning of a suspect or witness. When these terms are used interchangeably, the commonly understood definition expresses the idea that there is a set meeting place between two or more individuals where a series of questioning takes place in order to gain information of a prior or future event. The ambiguity of these terms exists when they are enacted from theory into practice. When an individual is trained in methods of interrogation, there is an absence of a universal manual, a method of guidelines or set standard of regulations that applies beyond Miranda, the Amendments or the individual police department codes

of morality in favor of human rights. Police departments and detectives are autonomous in their ambitions of interrogation trainings.

On the contrary, the most popular trainings of interrogation focuses around the writings of Inbau, Reid, Buckley and Jayne's book *Criminal Interrogations and Confessions*. This interrogation practice, otherwise referred to as the Reid technique, was designed for the basis of training law enforcement professionals to gain the truth of the matter at hand (Kassin, Goldstein and Savitsky, 2003, p. 188). This training text is separated into two parts. The first section of the book (and otherwise the main focus of interrogation training sessions) is an instruction manual, teaching law enforcement officials how to gain a confession from a guilty suspect who is not inclined to confess (Grano, 1999, p. 1465). This section presents 'nine steps of effectiveness' that centers around successful techniques that alter the mindset of a suspect, in addition to ultimately gaining the truth of the matter. These steps begin with the immediate effort to disarm the suspect from the moment the interrogator is introduced, moving deliberately to the critical stage when the increasingly apprehensive suspect has become indecisive about whether he should continue to lie, proceeding quickly thereafter to the suspect's first admission of guilt and concluding to a detailed oral and written confession, while offering a systematic strategy for selling the suspect the ideals of telling the truth (Grano, 1999, p. 1466). This mentality focuses around the fact that the initial purpose of this systematic interviewing strategy during an interrogation is to gather enough incriminating evidence to convince the prosecutor to file criminal charges against the suspect (Leo, 1996, p. 275).

Additionally, it is argued that only those who appear guilty will be submissive to these techniques of Inbau et al's 'nine steps of effectiveness' (Kassin and Fong, 1999, p. 500). The purpose of these interviews is to gain honest remarks of the events that occur. If the person interviewed is being honest, the reactions of the suspect based on their personal character and responses to being questioned should be enough to indicate the validity of the information. Furthermore, these steps of the interrogation process may seem as if they are a technical 'mind game' played simply to gain a confession. Inbau argues that although both 'fair' and 'unfair' interrogation practices are permissible under the format of this questioning technique, nothing shall be done or said to the subject that will be apt to make an innocent person confess (Inbau, 1999, 1407). It is assumed that under any circumstances an innocent person will maintain their status of not guilty, regardless of the intensity or the lower, moral ethical plane in which the

interview is conducted. It is a common understanding that our police are selected and promoted on a merit basis, whom of which are properly trained. In the hands of these men and their competence, there is a moral protection of the innocent from the hazards of tactics and techniques that are apt to produce confessions of guilt or other false information (Inbau, 1999, p. 1407). It is understood that under these conditions, an innocent person will never confess.

The Reid technique has other underlining qualities that present many different ways in conducting a 'truth seeking' and 'morally refined' interviewing process. One of the main focal points of an interview is the demeanor of the interviewer. As suggested, interviewers should refrain from taking notes and wear civilian clothes when conducting an interview. Note taking may remind the suspect of the legal significance of an incriminating remark. Furthermore, a uniformed officer conducting the interview may remind the suspect that they are within police custody, thus portraying a consequence for criminal disclosure (Grano, 1999, p. 1472). Additionally, the interviewer should warn against bad breath, distracting facial appearances, clothes disarray, refrain against the usage of derogatory names and refer to the suspect by his or her last name, preceded by a Mr., Ms. or Mrs. (Grano, 1999, p. 1472). Furthermore, the interrogator should avoid anger and personal involvement, as an interrogation should be conducted strictly on the grounds of professionalism. These guidelines have the potential to gain a rapport with the suspect, negate distracting mannerisms that would otherwise become offensive and displays a level of courtesy to ultimately set the stage for the greatest level of effectiveness when conducting the interview.

The appearance of the interrogator is not the only precautionary measure that is taken before the initial interview. The attitude or theme of how the interrogation will be conducted is very crucial to the findings of the interview. Depending on the type of crime that has been committed and the prior attitude of the suspect, the interviewer would otherwise be advised to seat the suspect in a small, sound proof, skeletal furnished room, thus creating a physical environment that is designed to promote feelings of isolation, sensory deprivation and helplessness (Kassin and Fong, 1999, p. 500). This strategy grants the interviewer a sense of autonomy and independence, leaving the suspect recognized as a dependent of their surroundings (Grano, 1999, p. 1473). This is done to decrease the suspect's perception of the consequence of confessing. Furthermore, the interrogator should position themselves in the room no more than five feet away from the suspect, with no furniture between them (Grano, 1999, 1478). Sitting or standing a long distance away from the suspect affords a guilty suspect a certain degree of relief and confidence not otherwise attainable at a shorter distance. The illusion of vulnerability, in turn, increases the probability of an admission.

Once this atmosphere has been established, there are several other techniques of confrontation that can be utilized for gaining a confession. Some of these techniques used by the interviewer are bold and threatening, while other measures focus around gaining a rapport with the suspect based on insincere empathy. One of the most common approaches is that an interrogator will

confronts the suspect with his or her guilt and refuses to accept statements of innocence and denial (Kassin and Fong, 1999 p. 500). Among these techniques include making repeated accusations, exposing inconsistencies in the suspect's story, threatening to involve others, presenting false evidences and overplaying the seriousness of the offense (Kassin, Goldstein and Savitsky, 2003, p 191).

Alternatively, there are less aggressive measures that are said to be just as profitable in gaining a confession. The interrogator can offer empathy and face-saving alternative explanations for the crime (Kassin and Fong, 1999, p. 500). These techniques include appealing to the suspect's self interest, promising an end to the questioning, appealing to the suspect's religious or moral character and offering sympathy and understanding (Kassin, Goldstein and Savitsky, 2003, p 191). Having directly confronted the suspect with their guilt, plausible results also occur when the interviewer can convince that the suspect reacted to the circumstance like any other reasonable person and that the victim deserved to their condemnation (Grano, 1999, p. 1473). Another method that interrogators can use in gaining a confession helps the suspect deny moral obligation by creating excuses such as accident, intoxication or self-defense (Grano, 1999, p. 1474). This passive aggressive tactic will lead a guilty suspect to incriminate themselves by reducing the perceived negative consequence of confessing, while increasing the anxiety associated with deception (Kassin and Fong, 1999, p. 500)

In addition to learning these mechanics of conducting an interview, there are also cues that are provided by the suspect in question that would gain the attention of the interviewing detective to indicate they are receiving false information. Nervousness, fear, confusion, hostility, a story that changes or contradicts itself are all signs that a man in an interrogation room is lying (Kassin and Fong, 1999, 501). A change in eye movement, facial gestures, hand signals and body language such as crossed legs or back posture are also indicators of false information. Interrogators are trained to watch for these alterations in a person's character, to again, achieve the greatest level of effectiveness within an interrogation.

Underlying Problems of Interrogation

As presented above, conducting an interrogation is a very ambiguous process, in addition to being an intricate task to perform. The goals of an interview by nature are paradoxical, stating that a detective's main purpose is to find the 'truth at hand'. In gaining that truth, confession from a guilty suspect is viewed as an increasingly plausible solution to the interview, in addition to discovering solid supporting evidence against the suspect to present to the prosecuting attorney. The paradox is that the 'truth' may not lead to a confession. This paradox appears extremely problematic in the realm of the interviewing process and further breeds disparities that are noteworthy within the practice of interrogations.

In conducting an interview, one of the signals that an interviewer is trained to analyze is the actions and reactions of a suspect while in questioning. It has been stated that mannerisms and reactions portrayed from a suspect as "nervousness, fear, confusion, hostility and stories that change or contradict themselves are indications of a person who is falsifying information." On the contrary, these characteristics are also signs of a human

being in a state of high stress (Kassin and Fong, 1999, p. 501). The accuracy of an interrogation has a very high potential of being skewed due to the fact that people who stand falsely accused of lying often times exhibit patterns of anxiety and behavior that are indistinguishable from those who are really lying. This, in turn, signifies that there is a severely handicapped limitation in the evaluation of an individual's personal characteristics and verbal and non-verbal reactions.

To support this theory, scholars have presented recent studies which conclude that those who were trained in an individual's 'truthfulness' and analysis of verbal and non-verbal cues of suspects were less accurate in distinguishing truth from deception, though they were more confident and cited more reasons for their findings (Kassin and Fong, 1999, p. 499). In another study presented by Hartwig, Granhag and Stromwall indicate that interrogators would rely on verbal content as opposed to non-verbal behavior. Regardless of these findings, Hartwig et al's conclusion states that trained interrogators whom participated in this study showed an accuracy level in the analysis of truth or deception that did not exceed a level greater than chance (Hartwig, Granhag and Stromwall, 2004, p. 443).

One can determine from these findings alone that the training provided for the purpose of interrogation is brutally flawed. This training carries little technical basis that is valid when approaching individual human beings. Each person is different in their own mannerisms and it is concluded that a greater amount of time needs to be spent addressing these individual characteristics on an intimate level. Receiving training in the methods of interrogation actually creates a detective that is overconfident in their skills of reading the indicators of a person's truthfulness, thus creating preconceived notions of a person's guilt.

This theory is otherwise known as tunnel vision. Under this pretense, interviewees feel that they are personally targeted by police. Law enforcement conducting the interview focus on one individual, for whatever reason and seem convinced of a person's guilt in spite of the lack of evidence (Campbell and Denov, 2004, p. 144). Having, therefore, failed to undertake the proper investigating procedures, in addition to being overzealous in their skills as an investigator, the police may fail to see exculpatory signs and focus their efforts solely on confirming the guilt of a targeted individual. Police interrogations are actually very susceptible to the theory of tunnel vision based on the presumed logic in which the majority of the interviews is nurtured from and the basis in which they are conducted on (Williams, 2000, p. 218). As example, an interview is specifically designed in format to de-humanize personal characteristics of independence. This pre-determined level of vulnerability has the potential to gain the same reaction from both innocent and guilty victims, but is conducted on the pretense that the interviewee is originally at fault. Another example, additional methods that are preformed at an interview involve the action of an interrogator directly accusing a person of a crime and furthermore, refusing to accept other statements that would indicate their innocence.

To further support these findings, Kassin, Goldstein and Savitsky conducted an experiment that monitored the expectations of presumed guilt during the inter-

Interrogation Practices Continued

rogation. This experiment was performed under the analysis of 52 innocent and guilty suspects. The findings determined by the interrogators participating in the study were based on behavioral confirmations of the suspects being interviewed and the preconceived notions of the primary detectives conducting the interview. It was concluded that interrogators armed with guilty as opposed to innocent expectations selected more guilt-presumed questions, used more interrogation techniques, judged the suspect to be guilty and exerted more pressure to get a confession – particularly when paired with innocent suspects (Kassin, Goldstein and Savitsky, 2003, p. 187).

Holding noteworthy value, the findings of fact or fiction during an interrogation process (in addition to gaining a rightful confession) may be significantly displaced due to the bias techniques of the interview process. The issues of preconceived notions and the theory of tunnel vision have the potential to severely impact the outcome of the interrogation process which, in turn, carries a high percentage of chance in gaining wrongful information and an involuntary admission.

Due to the paradoxical mechanics of the interview process, tunnel vision can have an additional effect on a presumed guilty person. Police interrogators may become so involved in the case that they may walk a fine line between the questioning of a suspect and the use of coercive interrogation methods. In the search for justice during an interrogation, interrogators could engage in a number of coercive practices that impede on the standards of human rights. Some examples maybe (but are not limited too) that the interrogators fail to read the Miranda warnings to the suspect, to not permit the suspect to invoke their Miranda rights, touching the suspect in an unfriendly manner, subject the interviewee with obvious physical or psychological pain, threaten the suspect with harm, promising the suspect leniency in exchange for an admission, deprive the suspect of essential necessities (food, water, access to the bathroom), conduct the interview in a badgering or hostile manner and allowing the interview to be conducted over an unreasonable amount of time (Leo, 1996, p. 278). Due to the autonomy that is granted to the interrogator during the questioning process, particularly an isolated environment and the freedom to conduct the interview as they see fit; preconceived notions, labels and stigmas determined prior to an interrogation can increase the intensity of the interview to the grounds where there is a severe violation of a code of ethics, the Amendments and independent human rights.

These problems of interrogation, in light of wrongful convictions and interrogation practices, generalizing that an 'end justifies the means' is greatly impacting on the lives of innocent people. Even though there is no systematic data available in the United States that monitors the rates of wrongful convictions, other justifiable sources are used to calculate this probability. Due to the increasing awareness of wrongful convictions, Ronald Huff presents devastating statistics on the frequency of unjust dispositions. Huff theories that based on the Uniform Crime Report data for 2000 (U.S. Department of Justice 2001), that if we can assume that the efforts of the criminal justice system are 99.5% accurate, it

can be estimated that about 7,500 persons arrested for high index crimes are wrongfully convicted (Huff, 2004, p. 110). Furthermore, recently reported data with the use of DNA testing conducted in 18,000 criminal cases found that 25% of the prime suspects were excluded prior to trial (Huff, 2004, p. 111). The most disturbing statistic argues that at least 23 innocent persons have already been executed in the United States (Huff, 2004, p. 110). Because of the presumed weight that the interrogation process has in determining the fate of an accused person, it is undeniable under these pretense that faulty, unjust or 'tunnel vision' based interrogation practices were directly related to the wrongful conviction of these persons. Although the great majority of persons, those who are wrongfully convicted in the United States do not face capital punishment, such errors in the techniques of interrogation may result in unwarranted reprimands and a serious damage to the lives of the wrongfully convicted.

Conclusions and Limitations

It can be concluded from the findings of this article that the ambitions and sheer reality of police interrogation practices are grounded within a greater motivation than what is afforded to them. The ambiguity of the practices of an interview and free will that is permitted during an interrogation process is geared towards predetermined assumptions of guilt which, in turn, severely limits the equal balance in the scales of justice. The fact that interrogators are only monitored by the discretionary implications of the Miranda rights, the Amendments and police departmental codes of ethics do not seem as an adequate solutions that address the entirety of the problems associated with interrogation practices.

As a recommended solution, it would be beneficial for the mechanics of interrogation practices to shift from the overall goal of obtaining a confession to achieving information in the search for truth (Hartwig, Granhag and Stromwall, 2004, p. 434). The aim of this interrogation style is to collect as much information as possible, to strive towards establishing a positive atmosphere and to keep an open mind throughout interrogation. Questioning performed under these sincere and genuine premises has the potential to reduce the probability of misinformation gained during an interview, resulting in a decrease in likelihood of wrongful convicted persons.

Regardless of the efforts and positive ambitions that are being perused under the criminal justice system, the issues of wrongful convictions due to the disparities of interrogations practices is still a largely heated subject of dispute. Due to the margin of error that exists within the rate of unjust conviction and wrongful disposition, this topic is one that will remain noteworthy to not only scholarly sources, but additionally to criminal justice professionals. As long as there is a percentage of the population that is mistakenly incarcerated; interviewing techniques, interrogation practices and the wrongful effects of police department 'tunnel visions' will continue to be debated from the dockets of Court Commissioners in felony preliminary court hearings to the marble stairs of the United States Supreme Court.

As long as the interrogation practices remain grounded on the basis of the presented paradox of the search for 'truth' and gaining a confession, there is one question that will demand accuracy: Can you tell it

someone is lying?

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Causes and Effects of Rape on Teenage Girls

1st Place Winner, Upper Division, 2006 National Student Paper Competition

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Statement of the Problem

There is no way to predict who could be the next victim of a rape, when it is going to happen or where it is going to occur, but the one thing that is for sure, is that it is damaging to the lives of females everywhere. The definition of rape is an “unlawful act of sexual intercourse with another person against that person’s will by force, fear or trick” (Roberson and Wallace 2001, pg 148). Although many have never directly experienced rape, they are forced to live in fear because they are well aware that there is always the risk of becoming the next victim. This threat is even greater for teenage girls because predators often see them as being easy targets. Their age and size make them more vulnerable than other females who are older because they are essentially defenseless against most males (Finkelhor 1979). One survey showed that thirteen percent of women had experienced an incident of forcible rape in their lifetimes (Koch, Fairbrother and Sochting 2004). Statistics also show that rape is highest in girls aged sixteen through nineteen (Chappell, Geis and Geis 1977).

Although there is never any excuse for a man raping a teenage girl, there are many factors in his life that may lead him to committing such a horrible crime. The way in which children are raised and their interactions with society can cause various outcomes for their behavior in the future. Those young boys who feel that they were harmed and abused may later use rape as an outlet for their pain. One criminologist states that “statistics do not describe what kinds of men rape” (Dean 1982, pg. 40), which implies that it would be incredibly difficult to determine who will become a rapist later in life. Despite this, there are many general characteristics that are exhibited by most rapists.

Not only does rape leave many women living with a constant fear that they could be the next victims, the survivors of attacks must also endure many difficulties long after the physical pain is gone. It has been shown that nearly ninety percent of victims of sexual assault experience some form of posttraumatic stress (Koch, Fairbrother and Sochting 2004). There are many different forms of trauma that are exhibited by all types of women. Many have physical, emotional or mental problems that they must struggle with for the rest of their lives.

Review of the Literature

Theories as to why teenage girls become the victims of sexual assault

History of rape

Throughout all of history, rape against females has been a very prevalent problem, no matter what location,

age or race. In 1900 B.C., the woman was considered to be a criminal if she had been found to be the victim of rape. During this time, Babylonians believed that the woman had committed adultery against her husband, so both her and the rapist would be killed. This idea later changed during the Middle Ages and women were then allowed to press charges against their rapists, but the men seldom had to face punishment (Dean 1982). In society today, much of these practices have been modified in favor of protecting women. They are now viewed as victims of a horrendous crime, so much effort is taken to prosecute their rapists.

Who can become a victim of rape?

There is a typical belief in society that rape usually only happens to girls who are very attractive, dress provocatively and bring it on themselves. This is not the case because any female is always vulnerable to rape, simply because of her gender. Sexual assaults happen every day to different types of people, ranging from very young girls to elderly women. There is no specific type of person who definitely is going to be a victim of rape, but there are some general characteristics that lead predators to believe that certain females are more vulnerable than others. Teenage girls are often seen as easy targets because they are usually much weaker than males and they are naive. One study found that approximately one third of victims of rape were below the age of twenty-one (Holmes and Williams 1981).

Why are teenagers at a greater risk?

There are many instances where teenage girls put themselves in the face of danger for no reason. This may be because they are very inexperienced when it comes to dealing with serious situations. Unsuspecting girls may walk home alone or in areas they do not know, which makes them prime targets. This type of behavior is very encouraging to men, especially when they are seeking a victim to sexually assault. They may also be unsuspecting of a rapist because the two may share some sort of a relationship. Most teenagers, approximately 85%, are raped by a family member, friend or acquaintance. Only about 15% are attacked by a stranger that they have never met (Harlow and Langan 1994).

Unavoidable factors

There are many girls who do certain activities that make them targets for predators, but there are also factors that are unavoidable, such as ethnicity and whether they were previously the victims of sexual assault. One study found a link between a girl’s ethnicity and the chances that she would be raped (Holmes and Williams 1981). It was found that African American and Native American groups had a much greater probability of

girls becoming the victims of sexual assault. This was especially true for Native Americans, who were at double the risk of those in the Caucasian population (Koch, Fairbrother and Sochting 2004). Age of victimization was studied and it was found that girls who were raped before the age of fourteen were at twice the risk of finding themselves being victimized again later in their lifetimes. Some explanations for this were that they were still associating with their rapist or that they became submissive to men as a result of their previous attacks.

Sororities and College

One study was performed to show that there was a possible connection between teenage rapes and being involved in a sorority. A possible explanation for this theory may be that the increase in attendance at parties and alcohol consumption around strangers makes them easier targets of rape. The young males that they are associating with are also most likely consuming alcohol, which lowers their inhibitions, making them more prone to acts they normally would not commit. Also, it has been found that those females attending public universities are at a much higher risk than those who went to private colleges where religion is practiced. Young girls who live on their own are victimized at a higher rate than those living around others because they are extremely vulnerable. One study done in 1999 found that out of 1,000 students, approximately 35 of them would be raped in a school year (Sampson 2002).

Theories as to why men become rapists

Childhood

The way that a child is raised is one of the major determining factors as to how they will behave when they enter adulthood. Two traits that exist amongst certain sex offenders are that they had sexual experiences when they were children and they had mothers who behaved in a very sexual manner. Young boys who have their first sexual experiences at a young age are often deeply affected by them. If the encounter that they had was negative, they will try to reverse the memories by engaging in even more sexual activities (Finkelhor 1979). Predators hope that when they commit a rape, it will be better than their first experience. On the other hand, if it is positive, they will then be seeking to recreate something that they enjoyed so much. This often leads to sexual encounters with unwilling participants. Young males who see their mothers acting very sexually during their childhoods may become hesitant to engage in activities with women once they become adults (Finkelhor 1979). They will reject the idea of being with a woman because they are scared or intimidated and will instead revert to children. A rapist may see a child as being less threaten-

Effects of Rape Continued

ing than a woman who is their age because the child is very vulnerable.

Dominance

Many studies have been done to show that one of the main reasons that men choose to target young girls is because they feel that they are the weaker of the sex. In most cases, this theory is obviously true (Finkelhor 1979). As teenagers, boys are shown that they should become athletic and strong. Also, they learn that they should not release their aggressions in forms of crying, rather through violence and fighting. Girls are taught the opposite of this viewpoint. Most girls are shown as being frail and fragile and that they are allowed to show their emotions. Men are often looked to as the protectors of women, but when one views sexual assault, this is not the case. They are no longer the protectors, rather the perpetrators (Chappell, Geis and Geis 1977). Another way that males express their dominance over females is by the use of pornography. Depictions of young girls in compromising situations can lead to a manifestation of sexual desire in a perpetrator's mind. Many of these scenes that are expressed show males who are in power over females who lack control. Most types of pornography show girls more as objects, as opposed to real human beings (Chappell, Geis and Geis 1977).

Categories of rapists

Each rapist has their own reasons and motivations for committing such a horrendous crime, but they can be grouped into general categories. These include: criminal rapists, those who are mentally ill, conformers, "incompetent Romeos," bargain hunters, debt collectors and misunderstanders. Those who are categorized as criminal rapists commit many other crimes besides rape. They typically use force against their victims and may kill them in order to keep the victim from divulging information about the rape. Those who are mentally ill may do so because they have very delusional fantasies. Although they believe that the crime they are committing is out of their love for the girl, it is actually harming her. Group conformers are members of a gang and rape because they feel pressured to do so by those around them. The leader of the gang is usually willing to rape a young girl, while those who are followers are more reluctant, but will do so anyway. The influence of the group is so great that they will go against their intuition in order to become accepted. An "incompetent Romeo" is a term given to young boys who feel that everyone around them is having sex, so they should also. They will find a girl to show love and affection to, but if that is not returned, they will express their power and dominance by raping her. In some instances, the violence can then lead to murder. A bargain hunter will look for sex in many different places, but they prefer those girls who are easiest to target. Young girls who are under the influence of alcohol or are prostitutes are easy to take advantage of so they will become the first choice of these predators. Debt collectors are those who had a previous relationship with their victims so they feel that even after it is over, they should still receive the sexual benefits they once had. Lastly, a misunderstander is the type of male who incorrectly interprets a young girl's actions. In his mind, what a girl says or her behavior means that

she wants to have sex, which ultimately leads to rape (Dean 1982).

The effects that rape has on teenage girls before and after a rape

Living with fear

When considering the effects of rape, the trauma that occurs after the attack is usually the only part taken into account but this should not be the case. Most young girls are always living with a constant fear that there is the possibility of them being raped. It may not be a motivating factor for what they do in their lives but it is usually in the back of one's mind, which leads to an awareness that they could be raped at any moment of any day. One study shows that younger women and older women experience the greatest amounts of fear, while middle-aged women endure less (Scott 2003). Younger girls are more likely to be fearful because they have a lower income than older women. The reasoning for this is that they cannot afford many of the luxuries in safety that older women with careers and money can.

Physical problems

One of the many side effects that arises from a sexual assault are the physical problems that the girl endures after the attack. Physical injuries that result from a rape are the most obvious because they are seen on the girl's body. These are first visible right after the attack, but in some cases, sexually transmitted diseases and pregnancy are seen weeks or even months later. Types of trauma that occur are injuries like bruises, broken bones and cuts (Chappell, Geis and Geis 1977). Visible wounds that occur during the attack are usually from the girl trying to resist her attacker.

Sexually transmitted diseases and pregnancy

Although rape is often discussed as a problem in society, few take into consideration the harm that STD's and pregnancy can cause in the future (Chappell, Geis and Geis 1977). It is always the girl's choice as to whether or not she wishes to have STD testing done. One disease in particular that is of a great deal of concern is that of HIV. It is possible to have these tests done in anonymity because many hospitals and doctors are offering them privately (Burgess 1991). There is always the possibility of becoming pregnant if the girl is old enough, so doctors will allow the option to take the "morning after pill" as a preventative measure for pregnancy. One study shows that only 3% to 5% of girls will become pregnant after they have been raped. Although this may seem like a small number, considering the harm that it will do to the girl's life, it is very detrimental.

Emotional reactions

Girls who have been victims of rape will often have different emotional reactions that help them cope with the incident. Some will choose to express their emotions on the outside with actions like crying or being tense, while others will develop the pretense that everything in their life is fine, in order to mask the pain that they are feeling on the inside. Also, teenage girls may find that they blame themselves for the event that occurred (Chappell, Geis and Geis 1977). This may lead to feelings of low self worth and encourage a negative self-image. Some girls will try to alleviate the pain that they are feeling by turning to alcohol abuse (Holmes and Wil-

liams, 1981). They feel that alcohol dulls the memory of the event or the pain that they experienced. Many who were raped after they were leaving bars will turn their once seldom habit into an addiction.

Traumatophobia

Young girls will often develop traumatophobia, which is "the phobic reaction to a traumatic situation" (Chappell, Geis and Geis 1977). Some of these include fears of being alone, crowds and sexual intercourse. Those who have reported that they are fearful of being by themselves were most likely attacked when they were alone. They may feel that when on their own, there is no one to come to their defense or protect them, so they are more vulnerable to attacks. Fears of being in crowded areas are also common because there is a greater chance of coming into contact with a predator. Girls who are around many people may be scared when those around them are strangers and they are by themselves. Lastly, sexual fears are one of the most common for those who have been victims of sexual assault. Teenagers who had never been exposed to sex before they were sexually assaulted may develop negative connotations about the act and remember them when they have consensual sexual relationships later in life. Those who were previously sexually active may be negatively effected in their sex life. Having sexual intercourse with a partner may bring back horrible flashbacks and memories for a girl, which leads to a decrease in sexual activity.

Conclusions

Recently those in society have taken a closer look at protecting females across the country against rape. Harsher laws are being enforced, but oftentimes, young children are being ignored when it comes to the education of these crimes. There are many solutions that could aid in the reduction of rapes around the world. These include rape prevention courses for young children, self-defense classes and harsher punishments for offenders.

Rape prevention

Rape prevention needs to be implemented in the areas of society where girls are more susceptible to sexual assaults. Also, they need to be educated on this subject at the time in their lives when they are most willing to conform to society's norms and values. This would include education during elementary, middle and high schools. The information and examples provided in the earlier years of education should not be as graphic as what is shown to students in high schools. Children will become exposed to rape and sexual assault prevention early, so they understand that it is a serious issue. Lectures on these topics could be added to sexual education classes that are already being taught in classrooms across the country. Girls should be taught from a young age that they should report all incidences of attempted or completed rape. This would greatly lower the number of people who do not report such incidents. If more rapists are turned into the police after their first attack, it would make it possible to incarcerate them before they harm the lives of other girls. These lectures should not just focus on what a girl should do in an attack, but should also focus on teaching young males. It is very important to teach adolescent boys about the harm that rape causes in the life of a young girl and what the consequences will be if they are reported to the police.

Adolescent boys are often overlooked when addressing the topic of rape prevention, but if they are taught what proper behavior is, they may be more reluctant to participate in a sexual assault. In addition to educational classes, self-defense classes should be taught as part of physical education classes. Approximately one semester could be taught to high school students on how to defend themselves in the event of a possible attack. Another beneficial way to provide information, would be to appeal to those girls who are at the greatest risk for becoming victims of sexual assault. If there is a concentration of assaults occurring in one area in a society, then the focus needs to be shifted to those in need.

Harsher punishments

Another solution to this increasing problem in our society would be to enforce harsher punishments on sex offenders. Longer prison terms or at least full prison terms should be served, as opposed to those who have their time in prison shortened by things like good behavior. It is very critical that these criminals are made examples of to others, so that those in the community will be deterred from committing future crimes. These criminals should be required to participate in classes that deal with issues specific to that individual. These need to be maintained for a minimum of five years in order to avoid recidivism. Also, upon release, the community needs to be made well aware that there will

be a person accused of committing a sex crime living near them. Information in the form of fliers should be sent out or a sign in front of the sex offender's house would be helpful tactics that would aid the residents in protecting themselves. Parents may be more cautious when letting their children play outside or walk home alone from school. They will be informed so they can take the proper precautions that they feel are necessary. These practices should be done for a minimum of a year but could be continued longer if the courts deem it necessary. Although these may seem like very strict punishments, they are vital in order to protect society and the innocence of girls living in nearby areas.

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The Problem of Sexual Violence in American Penitentiaries

1st Place Winner, Lower Division, 2006 National Student Paper Competition

By Jonathan Wolf, Truman State University, Kirksville, Missouri, Chi, Region 3

It comes as no surprise to most of us that violence in prison is fairly widespread. What should we expect when we confine a group of individuals who could not act appropriately in general society to a facility whose population is comprised entirely of criminals? Perhaps slightly more surprising is the prevalence of sexual violence in correctional facilities, especially considering that these institutions are segregated by sex (and yes, sexual violence does occur in women's facilities too). Though clearly the public is aware or at least has an idea of what is going on in prisons, sexual violence and prison rape among inmates often goes ignored or is even the subject of jokes. Though to those of us on the outside, sexual violence in prison may seem like a humorous matter, it is a very serious issue facing correctional facilities nationwide. There has been research on coerced sexual behavior in prison but the scope of inmate sexual assault is not precisely known. Even outside of prisons, rape often goes unreported. Inside correctional facilities, reporting sexual violence may be a matter of life and death and could even fall on deaf ears

of corrections officers. In addition, the public certainly do not consider prison rape even close to as serious as rape of free citizens; many voters simply do not care about sexual violence in prisons (prisoners are there to be punished, after all). This attitude does provide some lag in attempts to curbe this problem, especially with so many other issues facing America's prisons. Nonetheless, recent legislation has been written in order to stamp out the problem of sexual violence in prison. Who is involved in this violence, why it is a problem and what is being done about it are important questions in today's prisons.

The concept of "rape" can be interpreted to encompass different acts but a useful working definition of rape is provided by Halley (2005): carnal knowledge (basically, penile contact of any kind) oral sodomy, sexual assault with an object or sexual fondling of a person performed forcibly without consent (or if the victim is for some reason incapable or incompetent to give consent) or achieved by exploiting fear/threats of violence/injury. Though we are all aware it does take

place, the exact scope of this problem is not known. According to anonymous surveys, 14 to 22 percent of inmates experienced sexual coercion and about 12 percent had been raped (English, 2005). Similar studies using face to face interviews reported sexual coercion rates ranging from 0.6 percent to 28 percent and actual rape rates ranging from 0.3 to 1.3 percent. Clearly, these results point to the fact that inmates feel shame and embarrassment about being victimized and many incidents probably go unreported. This contributes to the difficulties involved in studying inmate sexual violence. Staff attitudes lead to the underreporting of prison rape too. Many times, correctional employees handle rape informally, thus leaving no paper report. Staff will occasionally ignore reports of sexual misconduct by inmates as well, as some believe that a report will put the victim in even more danger or worse, simply do not care (English, 2005). Another problem correctional officers face is determining whether inmate sexual conduct is coerced or consensual (English, 2005). There are many bumps in the road of reporting prison rape but even so,

Sexual Violence Continued

our most conservative estimates put the level of occurrence at a disturbingly high level.

Certain characteristics make inmates more susceptible to rape in prisons (though any prisoner can be a victim). More at risk groups include the young, those inexperienced in prison culture or easily intimidated, first-time and nonviolent offenders, those convicted of an offense against a minor, middle class inmates, whites, those who are physically weak, those with effeminate traits, prisoners who suffer from mental illness, inmates with no gang affiliation, those known to be homosexual, those who have been previously sexually assaulted, inmates who are disliked by staff or their peers and of course, snitches (English, 2005). Likewise, researchers have identified several features aggressors of prison rape often share: they will likely be under the age of 30 (but older than the victim), stronger than the victim, more experienced in incarceration, have spent time in juvenile facilities, have come from an urban area, have committed a violent crime, be gang affiliated and break prison rules.

Offenders do not act out of physical attraction or to obtain gratification; prison rape is about violence, power, politics and business (English, 2005). When behind prison walls, male inmates lose most of their traditional means of showing their masculinity (Man, 2001). Thus, they often turn to intimidation and aggression. Outside of prison, the same reasons are often responsible for men raping women. Some rapists even consider it more masculine to victimize a man than a woman because it means conquering a more powerful opponent. In an all male facility, rape is a way some inmates try to reestablish their sense of dominance by forcing other men to take on a submissive role viewed as feminine in prison society (Man, 2001). In fact, the male prison culture does not necessarily consider a rapist homosexual, since he is demonstrating his power and masculinity, but the victim is viewed as a homosexual since he is assuming the role of a woman (Man, 2001). Man (2001) has also found that the level of sexual satisfaction obtained by a perpetrator is directly related to the amount of humiliation and degradation he causes his victim. It is essentially the school yard bully factor; "I'm going to make myself feel tougher by making you look weaker." Some Prisoners "protect" their victims from other aggressors but not out of some kind of affection; it would be an affront to a rapist's manhood to have someone else mess with his stuff (Man, 2001). Thus, these victims (or "punks" as they are often referred to) become "property" of other inmates and are forced not only to satisfy their "owner's" sexual desires, but sometimes even to perform traditionally feminine chores and can even be rented or sold to other inmates (Man 2001). Many racial minorities feel that oppression by white society is responsible for their imprisonment and therefore a threat to their manhood. Since the racial makeup in prison is flip flopped, white inmates are more often brutally victimized as a way for rapists to obtain retribution and assert their dominance (Man, 2001). According to Man (2001), when rape does occur between members of the same race, it is more likely that the attacker will share some level of camaraderie with their victims (an example he provides is "...with

the exception of demands for sex, [they] otherwise treat their victims as friends" (p. 163). Sexual pleasure at the most is a secondary motive for prison rape; it is a matter of power.

The guidelines mentioned above are effective in determining the likelihood of which prisoners may be involved in sexual violence, but they neglect to include one important group: corrections officers. According to anonymous (2005) Bureau of Justice Statistics, officers are allegedly perpetrators in approximately 40 percent of reports of sexual violence in jails and prisons. Included in these statistics was a survey of 404 local jails that found staff sexual misconduct accounted for 46 percent of investigations of sexual issues in those jails and 18 percent were referred for prosecution. Undoubtedly inmates are more likely to report staff sexual assault or make up frivolous claims due to the "us versus them" philosophy of prison subculture, but even so these statistics by no means appear to be insignificant. According to Moss (2005), since staff sexual misconduct emerged as an issue in the early 1990s, "the field has [developed] a strong set of tools to deal with the problem" (p. 74), though it still remains a major concern. Most states and the federal government criminalize any and all sexual contact between correctional staff and prisoners, believing among other things that the balance of power between a guard and the guarded cannot allow consent (though apparently Alabama Oregon and Vermont do not consider consensual inmate and staff sexual relationships a crime... I have no idea why) (Golden, 2004).

We have some good research supporting our estimates of who is likely to be involved in sexual violence, but why is it such a problem in prisons? Convicts are there to be punished after all; prison is not supposed to be pleasant. But, even though the public may turn a blind eye to prison rape and focus on what they view as more important issues, it has many negative effects on several aspects of corrections. For one thing, rape in prisons can not simply be viewed as part of the punishment. Courts in almost every circuit, the international human rights community and even the U.S. Supreme court have all agreed that rape is not and can not be part of the penalty of prisoners (Golden, 2004). The human rights aspect of this issue is fairly easy to understand, but there are other negative impacts as well. According to English (2005), sexual assault is a brutality that creates an atmosphere of terror, increasing general violence directed towards both inmates and staff and increasing racial tension. Furthermore, prison rape contributes to the spread of diseases, increases a victim's likelihood of becoming a recidivist and lowers the chances victims will find suitable employment and return to the community in a positive fashion upon release (English, 2005). Perpetrators of sexual violence in prison are more likely to become recidivists as well. In a study of 2,029 convicted sex offenders (64 of whom were definitively found to have committed sexual offenses in prison), English (2005) found that 53 percent of the institutional offenders were arrested for a violent crime during a 12 year period after release, compared with 22 percent of the other offenders. The average length of time individuals who were rearrested were out of prison was 390 days for institutional perpetrators and 663 days for non-institutional offenders.

According to Congressional findings (2003), HIV

and AIDS are "...major public health problems within America's correctional facilities" (p. 3). These same findings indicate that more than 6 percent of deaths in Federal and State prisons in 2000 were due to AIDS. According to Chen (2003), approximately 3.5 percent of female inmates and 2.3 percent of male inmates in state prisons are HIV positive. As mentioned, sexual violence contributes to the spread of other diseases as well, but AIDS and other serious sexually transmitted diseases require special attention as they can be potential death sentences for victims. Young first time offenders are far more likely to be victimized; juveniles in adult facilities are five times more likely to be sexually assaulted and many times the attack comes within the first 48 hours of incarceration (Congress, 2003). It is bad enough that these less experienced offenders often get assaulted immediately upon entrance to a facility but to essentially die for a first time offense as a juvenile is definitely wrong.

Victims react differently to sexual assault, from being highly emotional to bluntly calm. Unfortunately, when victims do not fit assumed ideas about how they should act, their credibility is often questioned (English 2005). Both male and female offenders appear to be equally traumatized by sex offenses. Historically, rape has been considered an offense more serious than other kinds of assault and reasonably so; beyond physical harm, there can be psychological damages to the victim that could last the rest of his or her life. As Golden (2004) puts it, "The long range effect upon the victim's life and health is likely to be irreparable; it is impossible to measure the harm which results" (p. 52).

The research shows that prison rape has an adverse effect on pretty much everyone involved. Among other things, it creates an atmosphere of increased danger for inmates and guards alike and increases recidivism in both victims and offenders. This issue has definitely been identified as a major concern in corrections and significant effort has been put forth by the government to help reduce the problem. Whether or not the efforts have had a noteworthy impact is still somewhat open for debate.

A recent piece of legislation that has taken aim at the problem of prison sexual violence is the Prison Rape Elimination Act of 2003. On September 4, 2003 President Bush signed the PREA into law, officially making it the most recent and comprehensive law of its kind (Halley, 2005). The Prison Rape Elimination Act not only harshly condemns rape and sexual assault in prisons, jails and other facilities, but provides for extensive research on prison rape as well (in the Prison Rape Elimination Act (2003) Congress noted that "Insufficient research" had been conducted and "insufficient data" reported (p.2). In addition, the PREA (2003) recognizes that most prison staff members are not trained to prevent, report or treat inmate sexual assaults and if an inmate even reports a rape, they get insufficient treatment for both the mental and physical effects (if they receive treatment at all). Congress has the power to apply the PREA to the states because the high level of prison rape has an effect on interstate commerce, causing extensive costs to all prison systems, increasing medical expenditures throughout the nation (through the spread of disease and the creation of mental health issues) and increasing recidivism.

We know that the PREA (2003) was intended to detect, prevent, reduce and punish prison rape, but what mechanisms does it provide to accomplish these goals? The research is probably more easily addressed than the problem itself. Under the PREA, the Bureau of Justice Statistics of the Department of Justice conducts a statistical review and analysis of prison rape yearly, especially focusing on identifying characteristics of both victims and assailants and identifying prisons and prison systems with higher rates of rape (Congress, 2003). These statistics (primarily surveys of current and former inmates) are obtained through a scientific sampling of no less than 10 percent of prisons and other correctional facilities, including at least one in every state. Congress, as they often do, ensure participation in these studies by denying funds to any facility that declines to participate. Though by no means an easy task, once these procedures are implemented, better information on the extent of the problem will allow policy makers to have a great tool to eliminate sexual victimization (Beck, 2004).

When it comes to the prevention of prison rape, funds are also key. In the PREA, Congress (2003) appropriated millions of dollars in grants. Some of the money is being used to provide training and education to authorities responsible for preventing, investigating and punishing prison rape. Likewise, grants are awarded to individual institutions based on applications detailing steps taken to prevent, investigate and punish rape (Congress, 2003). Any prison that receives a grant must follow up with a report on how they are decreasing sexual violence. Finally, Congress (2003) provided for the creation of a commission to study the statistics of prison rape and eventually come up with recommendations for its reduction. The commission is meant to help work on setting national standards in the reduction of prison rape.

The above simplified summary of the PREA provides a good picture of how the government is trying to reduce prison sexual violence. Some researchers have suggested that not enough is being done however or that Congressional Acts have even enhanced the problem. Golden (2004) claims that the Prison Litigation Reform Act of 1996 makes it difficult for victims of rape by prison guards to sue (though she asserts that it was unlikely the intent of the Act's sponsors). Golden (2004) suggests that changes to the PLRA would have both a symbolic and deterrent effect on custodial rape. There have been other suggestions of ways to reduce inmate sexual violence, though there are bars to their implementation.

As reported by inmates, most victimization happens in places where correctional staff is lacking, therefore increasing the number of correction officers present in a facility could substantially reduce the problem (McGuire, 2005). Obviously though, this would be extremely burdensome financially and prison budgets are stretched thin as it is. Plus, privacy concerns of direct visual monitoring may be an issue, as much of this violence occurs in places such as bathrooms (McGuire, 2005). McGuire (2005) also believes that encouraging victims to report their situation would help reduce the problem, though just knowing about it is not a complete remedy. Special attention given to inmate housing arrangements, especially taking age into consideration,

can also be a useful means to reduce violence (McGuire, 2005). Information on characteristics of potential victims and perpetrators identified by researchers could be useful to screen for both groups and house the offenders where the risk can be managed (English, 2005). Moss (2005) argues that both staff training and orientation of new inmates could both be very effective in the reduction of inmate rape. In orientation, inmates would be informed about reporting mechanisms, investigation procedures and assured that credible allegations would be believed (Moss 2005). Staff training and specialization is quite obviously a way for corrections personnel to become better equipped to deal with sexual violence. Another recommendation from English (2005) is the creation of a strongly enforced and widely known zero tolerance policy of sexual misconduct of any kind from staff or inmates. He claims that a "staff culture of pride in zero tolerance as a component of professionalism" (p. 42) would have a positive impact. English (2005) makes several other suggestions, including treating a prison rape scene the same as any other crime scene, removing the perpetrators rather than the victims from general population whenever possible, providing treatment for both victims and offenders and attempting to match cellmates on physical size, strength, demeanor, violence potential and commitment to the convict code. Cost and administrative burdens are two of the largest barriers to many of these suggestions made by experts.

One additional step that I think could significantly reduce sexual violence in prisons is changing media coverage of the topic. If the general public does not consider prison rape a problem or sees it as a joke, there is little incentive for legislatures to pour more time and funds into its prevention. Public attitude is a big deal in almost every governmental issue. Even as I wrote this paper, I heard David Spade making a joke about prison rape on national television. If the media will not treat sexual violence in prison as a serious problem and present it as thus to the public, the movement to stop it will not gain much support from taxpayers.

Sexual violence eats away at the structure of American correctional institutions. It is not just part of the punishment of prison or by any means a necessary evil of prison life. We do not even know exactly how widespread the problem is, but we do know some of the substantial harms it causes. Though there has been some attempt recently at stopping prison rape, it may not be enough. All would agree that sexual violence is still prevalent in many institutions and is ignored (or even prompted) by some corrections officers. Until we can learn more about the problem and generate support for the substantial cost and time required to begin healing the wounds rape has left on the landscape of the American penal system, many more inmates will fall victim. The harsh world some prisoners face every day is one of terror, violence and disproportionate punishment. Until further measures are taken, a popular phrase among inmates will unfortunately spell out the bleak decision that hundreds of inmates must face every day: "Fight or Fuck."

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A Salute to our Late and Current Professional Members

By Dell Caldwell, Life Member

The passing of Jim Hooker last year (June 2005) reaffirmed my need to address how much senior members of our Association are so often forgotten. I became a member of ACJA-LAE in 1973. The professional members were, in fact, the largest part of the Association. Over the last 30 years, many of the professionals have passed away or become passive in the organization. The contributions and sacrifices of those members were incredible and should never be forgotten.

During my collegiate/student membership, I had the pleasure and gift of knowing Bill Melnicoe and other professors in our Association at California State University at Sacramento. Professor Melnicoe was both an inspiration to his own students and to students all over the United States. Bill would fly his own aircraft all over the United States to establish ACJA-LAE chapters. His caring and devotion led to the Bill Melnicoe Distinguished Service Award that has been bestowed on only a few deserving members of our Association. Bill also served as a Sacramento Police Officer and fought as a fighter pilot during World War II.

As a student, I also became acquainted with Hugh Owsley, who was the National President of ACJA-LAE during the early 1970's. In 1985, I became more involved with Hugh who was my first Supervisor at the Oakland,

California Parole Office. Sadly, Hugh Owsley passed away a few months later. There was a fond regard for all members in ACJA-LAE by Hugh, who sacrificed extensive effort toward the professional level of our Association. He also served the Oakland Police Department many years and was an Investigator for the California Board Of Prison Terms.

In the more recent history of ACJA-LAE, our organization lost Professor Richard "Mac" McGrath, who loved and was loved by us all. "Mac" was the Advisor to the Pi Kappa Chapter at Cerritos College. I don't think there is any argument among professionals that "Mac" was the epitome of being an Advisor. His students and many of the rest of us loved him like a member of our families. His love of others brought him out of retirement in order to provide for his children's education. "Mac" would always look out for any student at Conferences and was a past National President of ACJA-LAE. He was also a retired Deputy Sheriff.

At the onset of this article, I mentioned Jim Hooker, who will be sorely missed by us all. Jim was totally committed to the goals of ACJA-LAE and professionalism of criminal justice practitioners. Jim was the Advisor to the Phi Lambda Chapter at Virginia Commonwealth University. Jim has many former students in our organization

that have held regional and Grand Chapter offices in the Association. Every time Jim entered a room and saw one of us, he would glow and instill a sense of brotherhood and unity. I believe he was among a very few who had membership for over 40 years in our Association. He will be missed as a friend, a fellow member, and patriot in the field of criminal justice.

There are many other living Star members and late members of our Association that should be applauded. I would need to write a book instead of an article to include all of them. Their contributions and sacrifices is the reason for the longevity and continued success of our organization. Personally, I do not take for granted the sacrifices of our past and current professional members.

In closing, I would ask that the student members take note of what has been provided to ACJA-LAE by the past and present professional members. There is a lot of work never seen or acknowledged that is provided by professionals for our Association. Student members are encouraged to acknowledge their Advisors, National Executive Board, the Executive Secretary, and Journal Editor. Your words and continued membership can "give them the flowers while they are still here to enjoy them".

Police Chaplains Graduate from Police Academies

By Father Frank Nouza, Star Member

Our late Star Member, Hugh Owsley, founded the non-profit organization, Problems in Ethics and Policing. Its primary objective is to assist clergypersons who are police chaplains to graduate from approved police academies.

Hugh was inspired by the graduation of Star Member, Father Frank Nouza, from the Oakland Police Academy, the first clergyperson in the nation to graduate from a police academy. Hugh knew that many officers and their families in the San Francisco Bay Area had benefited so much from Father Nouza's counseling after graduating.

Last year, PEP was able to assist two California chaplains to graduate. Now PEP is able to assist chaplains throughout the nation.

Chaplain Jerry Godsey, of the Imperial County, California Sheriff's Office, Assembly of God denomination, says that "You can never fully understand what a peace office is going through or how to help him or her without some understanding of their world. Just going on ride-alongs does not get you into their heads and ways of doing things. I have gained more respect from the deputies I work with. There is a real difference between

civilian personnel and sworn personnel. I believe that attending the academy has helped me with that divide."

He also says, "In my position as Crime Prevention Supervisor, graduating was invaluable. It opened doors as far as details I am able to work. Most important, it opened doors of ministry to the department I serve. As deputies opened up to me on a professional level, the personal side followed. Now they have figured out that I am there to serve them, not the Sheriff. Communication has opened up allowing me to meet their needs."

Chaplain Carl Faria of the Monterey County, California Sheriff's Office says, "I was the oldest cadet at age fifty-one but I was also a Catholic Priest and there had never been a cadet with that second label. The cadets were immensely supportive and encouraging. The instructors were all police officers and they couldn't have been more pleased that I wanted to do so much more to help them."

He continues, "When you think you are doing enough with your life, God finds a way to say, 'Here is a challenge I think you can handle'. I grew and became a better person than I could ever have imagined. After all, our life is His and our work is to be His hands, His feet,

His arms and His love to those who pay such a price to serve us."

Since their graduation, PEP has received inquiries from clergy chaplains in Massachusetts, New York, Michigan, Indiana, Minnesota, North Carolina, New Mexico and Nevada.

PEP also has funds to assist clergy chaplains to take college courses that have ethical content. Such courses have a variety of titles. Some examples: courses in the Criminal Justice Department called Police Discretion or Administration of Justice; a course in the Psychology Department called Psychology of Values; a course in the Sociology Department called Sociology of Morals.

ACJA/LAE encourages members to acquaint clergy chaplains anywhere in the nation with these very worthwhile offers of assistance from PEP. Any interested chaplains should contact:

Mr. Francis O. Morris, Chairperson
Problems in Ethics and Policing
PO Box 444
Escondido, CA 92033

A

Routine Activities Approach to Cruise Security

By Dr. William C. Boll, Professor, Warren County Community College,
Washington, New Jersey

Abstract:

The article examines the fragmentation and failure of governmental agencies regarding terrorist activities while describing how private industry, i.e., cruise lines have learned the lessons of the past and are implementing non-obtrusive methods of providing security by incorporating a Routine Activities Approach to Crime.

The events of September 11, 2001 in New York City and July 7, 2005 in London, England have changed the attitudes and perceptions of travelers and security personnel by making them more aware of the need for heightened security. The heightened emphasis on security has resulted in advancements in security techniques and technology.

In this era of heightened awareness to terroristic acts, one segment of our society seems to get negligible attention – cruise ship security. A cruise ship provides all the necessary elements to make it a noteworthy target for terrorists.

“It is commonly held that the distinctive nature of terrorism lies in its deliberate and specific selection of civilians as targets. Furthermore, an act is more likely to be considered terrorism if it targets a general populace than if it purposefully targets a specific individual or group, most often (but not exclusively) noncombatants to inspire terror or to cause collateral damage.” . . . “Terrorism is understood as an attempt to provoke fear and intimidation. Hence, terrorist acts are designed and intended to attract wide publicity and cause public shock, outrage and/or fear. The intent may be to provoke disproportionate reactions from states.” http://en.wikipedia.org/wiki/Terrorism#Official_definitions

I decided to do some research on ship security during a cruise on board Celebrity Cruise liner - Infinity. I was surprised to find there is a limited amount of information available on cruise ship security. Most of the data was gleaned from internet articles by 1) International Ship and Port Facility Security (ISPS), 2) Cruise Line International Association (CLIA), 3) International Council of Cruise Lines (ICCL), 4) International Maritime Organization (IMO) and from conversations and observations during the cruise.

I contacted the Fleet Security Manager for the Celebrity Cruise lines, Mike Azoulay and made arrangements to do some research while cruising the Panama Canal. The following is a culmination of the data obtained during this research.

On February 26, 1993, the New York City World Trade Center was attacked with a car bomb that was planted by Islamist terrorists in the underground garage below Tower one. The blast killed six people and injured over

one thousand other people.

On October 12, 2000, Islamist terrorists attacked the USS Cole with a power boat loaded with explosives and suicide extremists. The blast killed 17 US sailors and wounded 37 others.

On September 11, 2001, the New York City World Trade Center was again attacked by Islamist terrorists this time they employed hijacked airplanes flown by suicide extremists. The blast killed thousands of innocent civilians and brought down both of the Twin Towers.

Regoli & Hewitt (1996) reported that the 1993 bombing of the World Trade Center resulted in criminal investigations by federal, state and local law enforcement and highlighted the existence of “conflict and lack of cooperation among various parts of the system”. Apparently, the system relapsed just eight years later.

On September 11, 2001, when the twin towers of the World Trade Center (WTC) in New York City were destroyed by terrorists, the aftermath revealed fragmentation among federal, state and municipal security agencies. Although all the agencies had the best interest of the country and its communities, the same agencies failed to share information and tended to develop their own little fiefdoms. These failures in communications and coordination indicate the resistance to change within the United States criminal justice system. (Boll, 2002)

Although the various criminal justice agencies were not set up as a system, “they must attempt to act together if justice is to be achieved.” (Albanese, 1999) Since there is so much interactivity among the agencies, failure to act in a systematic manner has resulted in a wide variety of problems facing criminal justice, homeland security and private security agencies. On a national and international level we are continuously reminded that the search for justice and freedom is a fragmented process.

“As an educator, I believe that those who refuse to study history are doomed to repeat it.” John Keller

On September 5, 1972, eight Arab terrorists surreptitiously entered the Olympic Village in Munich, Germany. They kidnapped the Israeli Olympic team. German sharpshooters attempted to kill the terrorists and a bloody firefight ensued. Eleven Israeli athletes were killed along with five of the eight terrorists. (Bard, 2005; Morrison, 2004)

On June 24, 1985, TWA flight 847 was hijacked by two Muslim terrorists. The terrorists managed to get on board the plane with hand grenades and a pistol. The plane hopped around the Mediterranean for several days, the terrorists eventually killing one American to prove their sincerity regarding their demands to release 50 Shi'ite Muslims held captive in Israeli prisons.

On October 7, 1985, four members of the Palestine Liberation Front hijacked the Italian cruise ship, Achille Lauro. After two days, the Egyptian government, unaware that Leon Klinghoffer (a 69 year old passenger) had been murdered, provided the hijackers with safe passage in exchange for freeing the ship and its passengers. (Bard, 2003; www.palestinefacts.org)

These incidents occurred long before the attacks on the World Trade Center and on the USS Cole and should have served as a historical reminder of what can happen when our guard is let down. Nine-eleven (WTC) apparently was the straw that broke the camel's back or has it? Three factors appear as results of these attacks: International publicity, the ability to forget and fragmented international responses. Frum & Pearle (2003) comment on Washington's (DC) “bad old habits of complacency and denial”. Although September 11th emphasized the United States vulnerability “The forces and the people who lulled the United States in complacency in the 1990s remain potent today”.

Islamic terrorists crave attention and recognition for their causes - the bigger the target the more publicity. Their actions are deliberate and have purpose. “They commit terror to persuade their potential followers that their cause is not hopeless, that jihad can destroy American power”. (Frum & Pearle, 2003) Their latest example occurred on July 7, 2005, when a series of four bomb attacks struck London's transportation system killing 56 people.

Developing means and strategies to prevent terroristic acts of aggression and destruction while minimizing the inconvenience and intrusiveness on its citizens is a top priority for public and private security agencies.

On July 1, 2004, the International Ship and Port Facility Security (ISPS) Code sets new standards for security for ships at sea as well as port facilities around the world. The Code aims, among other things, to establish an international framework for co-operation between Contracting Governments, government agencies, local administrations and the shipping and port industries to detect security threats and take preventive measures against security incidents affecting ships or port facilities used in international trade and to establish relevant roles and responsibilities at the national and international level.

The ISPS Code requires:

- 1) Conducting a Ship Security Assessment.
- 2) The implementation of a Ship Security Plan (SSP),
- 3) The implementation of a Port Facility Security Plan (PFSP),
- 4) The appointment of a Ship Security Officer (SSO),
- 5) The appointment of a Company Security Officer

Cruise Security Continued

(CSO),

6) The appointment of a Port Facility Security Officer (PFSO),

7) The installation of ship alarms and

8) The installation of shipboard Automatic Identification Systems (AIS). (http://www.worldtraderref.com/WTR_site/ISPS.asp, http://www.tc.gc.ca/vigilance/sep/marine_security/isps/ships.htm)

The Ship Security Assessment is an essential and integral part of the process of developing and updating the Ship Security Plan. The assessment includes an on-scene security survey and, at least, the following elements:

- identification of existing security measures, procedures and operations
- identification and evaluation of key ship board operations that it is important to protect
 - identification of possible threats to the key ship board operations and the likelihood of their occurrence, in order to establish and prioritize security measures
 - identification of weaknesses, including human factors in the infrastructure, policies and procedures. (http://www.tc.gc.ca/vigilance/sep/marine_security/isps/ships.htm)

The Ship Security Plan is developed to ensure the application of measures on board the ship designed to protect persons on board, cargo, cargo transport units, ship's stores or the ship from the risks of a security incident. The plan must address, at least, the following:

- measures designed to prevent unauthorized weapons, dangerous substances and devices intended for use against persons, ships or ports from being taken on board
- identification of the restricted areas and measures for the prevention of unauthorized access to them
 - procedures for responding to security threats or breaches of security, including provisions for maintaining critical operations of the ship or ship/port interface, evacuating persons on board and reporting on incidents
 - duties of shipboard personnel assigned security responsibilities and of other shipboard personnel on security aspects
 - procedures for auditing the security activities and for ensuring the inspection, testing, calibration and maintenance of any security equipment provided on board
 - procedures for training, drills and exercises associated with the plan
 - procedures for interfacing with port facility security activities
 - procedures for the periodic review of the plan and for updating
 - procedures, instructions and guidance on the use of the ship security alert system, including the testing, activation, deactivation and resetting and to limit false alerts
 - instructions indicating that the master has overriding authority and responsibility to make decisions with respect to the safety and security of the ship and to request assistance as may be necessary. (http://www.worldtraderref.com/WTR_site/ISPS.asp; http://www.tc.gc.ca/vigilance/sep/marine_security/isps/ships.htm)

The CLIA is the Official trade organization of the

cruise industry. They state their function is "to promote the cruise product generically to both the selling agent and buying public through the broad activities of travel agent training, public relations and advertising." The mission of the International Council of Cruise Lines (ICCL) is to participate in the regulatory and policy development process and promote all measures that foster a safe, secure and healthy cruise ship environment. ICCL serves as a non-governmental consultative organization to the International Maritime Organization (IMO) a United Nations agency that reviews current maritime issues and sets international law by adopting conventions and treaties that when adopted become international law. (<http://www.iccl.org/whoware/index.cfm>) "IMO adopts international shipping regulations but it is the responsibility of Governments to implement those regulations". (<http://www.imo.org>)

Pleasure cruising is a growing industry with bigger and more luxurious ships being built every year. International cruising and shipping, by nature of their accessibility, can easily be seen as lucrative targets for terrorists. "Accessibility is probably the single factor that most determines who gets attacked and who doesn't". (Pillar, 2001) "The heightened focus upon maritime homeland defense has led to increased scrutiny of the security measures that are in place to protect our nation's key infrastructure elements. The cruise ship infrastructure that has been created over the last 150 years is vital to our country's economy and welfare; consequently they represent a high value target for terrorists". (<http://www.whisprwave.com/cruise-ship-security.htm>)

CLIA cruise news letter states: "First and foremost the cruise industry's highest priority is to ensure the safety and security of its passengers and crew. Cruise ships are inherently secure because they are a controlled environment with limited access. Under normal circumstances security programs are stringent but in light of recent events, we have strengthened those programs even further. In order to maintain an effective and meaningful security environment our member lines have established strict and highly confidential security procedures that cannot, for obvious reasons, be discussed in detail". (<http://www.cruising.org/cruisenews/update.cfm>)

ICCL reports since 9-11, cruise passengers can expect:

- Embarkation and debarkation may take longer to accommodate additional security procedures — plan your flights accordingly.
- Cruise ships may alter itineraries (i.e. not sailing near unstable areas, itineraries closer to ports of call).
- Strict enforcement of required identification and nationality/travel papers. Boarding will be denied without presenting proper documents.

"Passengers will notice many of the enhanced security measures in the port terminals and onboard the cruise ship, but these measures should not unduly interfere with your vacation". (<http://www.iccl.org/pressroom/security.cfm>)

Paul R. Pillar states: "U.S. government statistics show, for example, that more than two-thirds of the U.S. targets of international terrorism in 1999 (meaning persons who got killed, wounded or kidnapped, as well as property that got bombed or set on fire) involved businesses. The proportion has been similar for each of the last several years". His research indicates that

private business enterprises are more likely targets of terrorists than are public facilities. (<http://www.securitymanagement.com/library/001116.html>)

"In God we Trust, All other we monitor..."

Celebrity Cruise Lines Security Forces motto

M. Azoulay requested that I not contact the Chief of Security until the ship was underway from Ensenada, Mexico. While at sea, I met with Mario Magen, Chief Ship Security Officer who readily conversed on the wide variety of functions he has to perform. It became apparent almost immediately that a cruise ship is a floating city with all the legal issues that are encountered by a municipal police agency but a cruise ship is not afforded the stability of a static community as the population (passengers) are constantly in flux when arriving at a new port, plus there is the added factor of becoming a target of terrorist act.

Mario related that security occurs in many layers. Typically they are:

Underground — secret resistance movement — "Royal Caribbean, for example, hires contractors to keep an eye on activities in various ports. The contractors provide intelligence and help devise risk managements strategies". (Anderson, 2000)

Undercover — securing information about a criminal operation from the inside. (Weston & Wells, 1997)

Visual — Uniformed security personnel — create the appearance of security by being visually available for travelers.

He mentioned that the first line of security can always break, the true art of security is minimizing the damage that occurs. After our first conversation I decided to focus my research on ship security and protection from terrorists.

On board all Celebrity Cruise Ships all members of the crew are required to attend a variety of training seminars. I was invited to a shipboard training seminar regarding the Achille Lauro and its implications for today's cruise ships. Mario began by informing the crew of the missed cues that were given by the hijackers.

His lecture documented how these cues were missed.

1. When boarding the Achille Lauro the terrorists utilized Scandinavian passports but they were dark skinned and appeared to be of Middle Eastern descent.
2. When asked about their evening dinner preference (early or late seating), they did not understand the question. They had a crew member who spoke Scandinavian speak to them but they did not understand her either.
3. When eating dinner at night one of the four was always missing.
4. The room steward reported smelling a strange odor in the room. This was later identified as gunpowder.
5. The four hijackers did not mingle with the other passengers on the cruise.

Although these factors alone do not rise to the level of suspiciousness, combined they rose to the level of reasonable suspicion. Similar overt act were traced to the terrorists of 9-11 but no one connected the dots.

Chief Magen continued to explain the role and duty of every crew member to participate in the ship's security. Crew members were urged to become the eyes and ears of the security force, similar to a community Block Watch Program. Crew members were requested

to report anything that appeared out of order no matter how minor to a central location designed specifically for gathering information.

The lecturer continued by listing the attributes of a terrorist. They want to succeed therefore:

1.They will take their time planning how to acquire or destroy a target

2.They are willing to die in order to be successful.

3.They will wait for the opportune moment to strike.

As Mario continued on with the lecture, I visualized Lawrence Cohen and Marcus Felson's Routine-Activity Approach to Crime. Cohen and Felson argue that a crime can occur when three factors overlap. The three factors consist of:

1)a motivated offender – a terrorist

2) suitable target – a cruise ship

3)the absence of a capable guardian - minimal security

The Routine Activities Approach to criminology breaks away from the Positivists theories which ask the question "Why do people commit crimes?" and returns to the Classical school of thought and asks the question "Why don't more people commit crimes?". The difference, though subtle, shifts the focus of crime prevention on the crime and the victim, not the offender. This movement has led to theories focusing on "target hardening" and "situational crime prevention".

Target hardening implies that a criminal or terrorist will evaluate his/her chance of successfully accomplishing a crime or act of terror. They reason the more effort that is expended in committing a crime the more likely the chances of being unsuccessful or apprehended by the authorities. Situational crime prevention implies "crime prevention can be achieved by reducing the opportunities an offender has to commit a particular crime". (Siegel, 2005)

For the next eleven days I passively observed the crew in their various functions along with critiquing the earlier portion of the voyage. When checking in at Ensenada, Mexico all passengers were required to provide boarding papers as well as Passports or other acceptable forms of identification. Once processing was completed you were given a plastic identification card that was to be utilized throughout the cruise. Upon entering the pier area there were several check points that had to be negotiated before gaining access to the ship. All packages that were carried on board were physically observed or scanned in an X-ray machine. The process seemed cumbersome but was conducted in a highly professional manner and was completed in a relatively short amount of time.

Upon boarding the ship all passengers placed their plastic identification card in a sensor and were required to have their photo taken. I later learned you cannot embark or disembark the ship without your plastic identification card and determined that the identification cards can be utilized to shadow the activities of passengers by logging the time and location when they are used.

I also ascertained that there are no last minute bookings for passengers, all passengers are pre-booked, i.e., situational crime prevention. "Cruise lines will no longer accept cruise bookings at the dock. Nor are they booking reservations for cruises with less than a 7-day lead time". (http://www.cruisediva.com/port_security.htm)

Upon arriving at our first port-of-call, I noticed an

unnumbered dark patrol boat circling the ship, I later discovered that members of CLIA work closely "with local, state, federal and international authorities such as port authorities where their ships call, the U.S. Coast Guard, the U.S. Immigration and Naturalization Service, the U.S. Customs Service, the Federal Bureau of Investigation and Interpol". (<http://Crusing.org/cruiseneews/update.cfm>) I was informed that the patrol boat was with the local port authority and was responsible for the exterior security of the ship while in port.

Upon debarkation from the ship, I noticed that a fenced in perimeter had been established by the Infinity's security force and that there were separate lanes for entering and leaving the ship. I took this practice for granted until we docked in a port with another cruise ship across the pier, it was then I noticed that that ship did not have a fenced in perimeter. The logic behind Infinity's perimeter was so subtle but logical. If an attempt was made to gain illegal access to the ship, time and the element of surprise would be lost to a terrorist since the barriers aided in identifying any suspicious activity as well as delaying any attempted attack on the ship, i.e., target hardening. "The Key point is that vulnerability matters. Terrorists make decisions to attack or not to attack based in large part on how vulnerable they perceive a target to be and thus how easy or difficult it would be to attack it. (Pillar, 2001)

Cruise lines are taking a harder look at everything that comes onboard their ships. Since the late 1980s, routine security measures have included, among other things, screening boarding passengers through metal detectors and handheld luggage through X-ray machines... Divers now conduct underwater surveillance at high-risk ports; the U.S. Coast Guard enforces a security perimeter around ships; trained police dogs sniff luggage for explosives. The cruise industry believes it's far ahead of the airline industry in security, especially since stepping up security to Level III, the highest level possible, immediately after the attacks. http://www.findarticles.com/p/articles/mi_mOFPC/is_5_23/ai_83582808/print

Gone are the days of simple paper boarding passes. Modern boarding identification cards and scanning equipment record passenger comings and goings on the majority of ships. With a swipe through a credit card-like machine, security is aware of who is on board the vessel at all times. http://www.cruisediva.com/port_security.htm

Throughout the remainder of the cruise, regardless of what port we entered, either Mario or Sean (his second in command) was the first person off the ship. No one was allowed on board unless they had been cleared by security. If a customs agent came on board, they were escorted to their destination by one of the security personnel, no undocumented person was allowed on board.

Shortly after arrival, out would come the fencing and within fifteen minutes a security perimeter was established on the pier. When we were about to get underway, the last person and last item to come aboard were the security personnel carrying their fencing. You could readily see that the security personnel lived up to their motto "In God we trust, all others we monitor".

Upon reflecting and writing about the actions of the security force on board the Infinity, two factors appear most significant to the author. One there is a definite

difference between policing which is typically a reactive approach to crime and security which is basically a proactive approach to criminal activity. Both methods have their place in society but their implementation is definitely different. Ship security appears to be caught between the proverbial "rock and a hard place" since the passengers demand security but are unwilling to give up certain privacy privileges which requires security personnel to use less intrusive means of protecting passengers.

Second and probably the most significant aspect of this research is that many private security firms seem to be paying more attention to security than our governmental agencies. Some cruise and shipboard security personnel learned their lesson in 1985 with the Achille Lauro incident, some may not have. Those agencies that incorporated the lessons of the Achille Lauro haven't looked back but appear to be ever vigilante and searching for new and unique ways to prevent shipboard terrorism. The United States and other worldwide justice agencies seem to place more emphasis on being politically correct and less emphasis on the security of the people they serve.

"Terrorism, especially anti-American terrorism, is here to stay. Countering it requires the concerted attention of all those who are affected by it and who stand to lose if it goes unchecked". (Pillar, 2001)

"Cruise lines have taken many steps over the years to help ensure the safety of their passengers ... adding safety officers and security guards to ships in uniform and in plain clothes. It is a sad and unfortunate fact that crime cannot be completely prevented, but the cruise lines do deserve credit for their recognition and concern for the problem and for cooperating with shore-side authorities." (Bragg, 2005)

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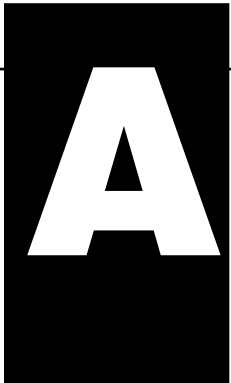
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Biography

Associate Professor William Boll retired from the Elizabeth (NJ) Police Department after 26 years. Upon retirement he was hired as the first full time Criminal Justice Professor at Warren County Community College and has been with the program since its infancy. He is also a faculty consultant for Thomas Edison State College.

In 1998 and 2002, Professor Boll was elected to "Who's Who Among America's Teachers". He has had two articles published in the LAE Journal "The Lollipop Squad" in 1997 and "Overcrowding: Solutions in Conflict" in 1998.

In 2002, Professor Boll received his "Doctorate in Literature and Philosophy" from the University of South Africa.



Aileen Wuornos: A Lifetime of Abandonment and Detachment

By Maria Kaylen, Truman State University, Kirksville, Missouri

Abstract

This paper describes and analyzes the life of serial killer Aileen Wuornos from a criminological perspective. The paper looks at Aileen's life from infancy to adulthood and applies Travis Hirschi's Control Theory to explain her criminality. The paper focuses on how a weak societal bond—consisting of attachment, commitment, involvement and belief—leads one to delinquency.

On December 1, 1989, a deputy in Volusia County, Florida, discovered an abandoned vehicle belonging to Richard Mallory. His body was found December 13, several miles away in a wooded area. Mallory had been shot several times, but two bullets to the left lung were found to have caused hemorrhaging and ultimately death. Aileen Wuornos was eventually charged with and found guilty of this murder, as well as the murders of Charles Richard Humphreys, Peter Siems, Jeno Antonio, Troy Burress, David Spears and Charles Carskaddon (Aileen Carol Wuornos v. State of Florida, 1994). Aileen Wuornos' family and social interactions provide important insights to why she committed these murders. Aileen suffered many disruptions in her childhood and experienced abandonment multiple times throughout her life, she was unable to make commitments, was

uninvolved in her community and did not share the same beliefs as the rest of society. According to Travis Hirschi's Control Theory, Aileen's unstable childhood and adulthood led her to a life of prostitution, crime and, eventually, murder.

Aileen was born on February 29, 1956, to Diane and Leo Pitman. Diane was only 17 years-old at the time of Aileen's birth and she already had a son, Keith. Aileen's father left Diane during the pregnancy and Aileen never met him. He was diagnosed as a paranoid schizophrenic and convicted as a pedophile. Ultimately he committed suicide by hanging himself in his prison cell (Davis, 2001). Diane could not handle being a young, single mother of two so she left her infant children with her parents, Lauri and Britta Wuornos. Rather than telling Aileen and Keith the truth about their parents, Lauri and Britta described Diane as their sister and themselves as the children's parents (Arrigo & Shipley, 2004).

The lifestyles of Lauri and Britta added to the negative environment to which Aileen was exposed as a child. Lauri was an alcoholic and also physically abusive; he hit both his wife and the children (Davis, 2001). Neighbors said they could hear him yelling at the children from half a block away. One neighbor even said, "He didn't treat them like human beings. He treated them worse than anybody treat[s] an animal" (quoted in Arrigo & Shipley, 2004, p. 96). Britta did nothing to stop

the abuse as she herself was also a victim. Her alcoholism eventually claimed her life when Aileen was only 15 (Arrigo & Shipley, 2004).

Not only did Lauri physically abuse the children, he also emotionally abused them. Aileen said he would tell her she was "evil, wicked, worthless [and that she] should have never been born. She wasn't worthy of the air she breathed" (quoted in Arrigo & Shipley, 2004, p. 97). Lauri was retired from the military and thus had an obsession with discipline. He forced the children to follow his strict rules and if they did not, they would be severely punished (Davis, 2001). Lauri and Britta's biological daughter, Lori, was only 2 ½ years older than Aileen. Lori was neither beaten nor verbally abused by Lauri, which further alienated Aileen (Arrigo & Shipley, 2004).

Aileen had very few friends growing up, not only because she was not allowed to bring friends to the house, but also because she did not do well in school and did not know how to properly socialize. Often Aileen went to school inadequately fed so she had difficulty concentrating. Furthermore, she had bad eyesight and hearing, both of which went untreated.

In order to get food for lunch, Aileen offered sexual favors to boys. By the time she was 12 she was offering these favors in return for cigarettes, beer and mood-altering pills (Davis, 2001). She was involved with

mescaline, acid and pot, among other drugs (Arrigo & Shipley, 2004). Aileen did whatever she had to do in order to escape from the reality of her life.

Aileen's sexual escapades resulted in her pregnancy at age 14. Aileen first claimed she had been raped by a friend of her grandparents, then she said the father was Lauri and finally she declared the father was Keith (Davis, 2001). Lauri and Britta sent Aileen to the Florence Crittenton Unwed Mothers' Home in Detroit to give birth to her baby, who was immediately put up for adoption. Despite Aileen's wishes to see her baby, Lauri would not let her (Arrigo & Shipley, 2004).

Aileen's struggles at school led to her dropping out at age 15. She then went through a period of running away from home and then returning. Lauri eventually kicked her permanently out of the house, forcing Aileen to live in the woods and in abandoned cars. In order to earn money, Aileen continued performing sexual acts (Arrigo & Shipley, 2004).

Due to her known prostitution, Aileen had difficulty forming meaningful relationships with men. However, at the age of 20, this began to change. Aileen met an elderly man, 69 year-old Lewis Fell. He fell in love with her after picking her up hitchhiking on the highway and married her quickly. The relationship was unsuccessful due in large part to Aileen's lack of experience in successful relationships. Within weeks after getting married, Fell had a restraining order issued against Aileen (Davis, 2001).

Aileen had a few more unsuccessful relationships before she met Tyria (Ty) Moore in 1986. Aileen was with Ty for 4½ years, spanning the time she committed her murders until just before her arrest (Arrigo & Shipley, 2004). Ty had no previous criminal record and regularly attended church. However, when she was with Aileen, Ty became secluded from her old life and her old friends. Aileen encouraged her to quit her job and stay at home. Aileen was constantly jealous of Ty because Ty had two things in her life which Aileen lacked: somewhat steady employment and a supportive family (Davis, 2001).

Not only was Aileen's personal life unstable, but so were her financial affairs. Aileen continued to solicit herself for money, as well as working briefly at various jobs. When she was desperate for money, she turned to crime. Aileen forged checks and even held up a convenience store. She stole cars, guns and money (Davis, 2001). Furthermore, Aileen was proud of committing these crimes. She bragged about the men who wanted to have sex with her and about the people she had manipulated (Arrigo & Shipley, 2004).

Prior to 1989, Aileen had never seriously injured another person. In November of that year Aileen committed her first murder. She went for a drive with Richard Mallory, a 51 year-old electrician. Mallory was known to frequently have sex with prostitutes and visit pornography theatres (Davis, 2001). Aileen gave two different confessions for the murder. In the first confession—to a Volusia sheriff's investigator—Aileen claims Mallory never physically hurt her (Aileen Carol Wuornos v. State of Florida, 1994). She said that after deciding upon a price for the sexual favors, Aileen had Mallory begin to undress himself while she stood outside the vehicle. He was still sitting in an unthreatening position behind the steering wheel when Aileen leaned into the car and shot Mallory three times in the chest and once in the

side with her .22 caliber pistol (Arrigo & Shipley, 2004). She then pulled Mallory's body out of the car and went through his pockets and emptied his wallet. She covered his body with a piece of carpet she found laying on the ground. She took his car, which she abandoned after wiping away finger prints (Aileen Carol Wuornos v. State of Florida, 1994). Aileen claimed that she believed Mallory was not going to pay her and instead was going to rape her.

In a later confession Aileen claims a more violent scene took place. In this version, Aileen says that after taking off her clothes, Mallory told her he did not have enough money to pay her. When Aileen started to put her clothes back on, Mallory put a cord around her neck and threatened to kill her. He then proceeded to tie her hands to the steering wheel and rape her vaginally and anally. After cleaning up the blood, Mallory untied her hands and told her to lie down. Aileen believed he was going to kill her, so she began to struggle. He told her, "You're dead, bitch. You're dead" (quoted in Aileen Carol Wuornos v. State of Florida, 1994). Aileen managed to get her gun out of her purse and after a struggle with Mallory, shot him once. He continued to attack her, so she shot him two more times. Aileen finally went home and told Ty what she had done. Ty reported that Aileen did not seem upset about the murder and even hinted at killing another man in the future (Aileen Carol Wuornos v. State of Florida, 1994).

Aileen did not murder just one more man, she murdered six men besides Mallory. She committed her second murder in May of 1990. Again she was hitchhiking when 43 year-old Spears stopped to pick her up. Aileen shot him six times with her .22 caliber pistol and left the body in the woods. Again, she stole his money and personal possessions (Davis, 2001).

Just after Spears' body was found Aileen was picked up by 40 year-old Carskaddon. Aileen and Carskaddon arranged payment for sexual favors and Carskaddon took off all of his clothing. Aileen shot him nine times and stole his .45 automatic, his money, his jewelry and his car. The following day Aileen was picked up by 65 year-old Siems. Siems was returning home after a religious meeting and had a stack of Bibles in the back of his car. Aileen had a conversation about religion with Siems before pulling out her gun, forcing him to stop the car. She forced him out of his car and shot him. His body was never found but was believed to have been dumped in a nearby swamp. Again, Aileen took his personal possessions, money and car. Aileen killed 50 year-old Burress, 56 year-old retired police chief Humphreys and 60 year-old Antonio in similar fashion (Davis, 2001). Aileen was charged with the murders of all seven of these men (Aileen Carol Wuornos v. State of Florida, 1994).

Aileen claimed self-defense in the murder of Mallory, claiming that he was going to rape her. She made the same claims about the other men she was accused of murdering, though she pleaded no contest at those trials. Evidence shows that though most of these men had prepared for sexual acts, none took place. In addition, most of these men were shot in the back and Aileen seemed to be in control of the situation the entire time (Aileen Carol Wuornos v. State of Florida, 1994).

The first trial was for the murder of Mallory and was a jury trial. At this trial, the State was allowed to present

evidence from the other murders committed by Aileen. On January 1, 1992, Aileen was sentenced to death for the murder of Mallory (Kassab, 2002). She claimed no contest at the remaining five trials and was sentenced to death for those as well (Aileen Carol Wuornos v. State of Florida, 1994). Aileen was executed October 9, 2002, by lethal injection at the Broward Correctional Institution outside of Fort Lauderdale, Florida (Arrigo & Shipley, 2004). She was the tenth female murderer executed in the United States since 1976 and the second female murderer executed in Florida (Kassab, 2002).

Aileen Wuornos' eventual execution came as a result of her negative upbringing and resulting life of crime, as explained by Travis Hirschi's Control Theory. This theory assumes that individuals commit criminal acts as a result of the individual's bond to society being weak or broken. Hirschi divides these bonds into four elements: attachment, commitment, involvement and belief. The theory states that if only one of these elements is strong, an individual will not commit a delinquent act (Kierkus, 2002). Aileen's entire life—from infancy to childhood to adulthood—was full of negative situations, all of which contributed to her weak bond with society, thus leading to her criminal behavior.

Hirschi describes attachment as sensitivity to others and goes on to say that attachment to others results in the internalization of society's norms (Hirschi, 1969). Attachment to a parent is important since it affects how the child views and interacts with the world later in life (Schurman-Kauflin, 2000). Aileen experienced detachment, abandonment, abuse and neglect from others her entire life. Until she met Ty, she had never had a serious attachment to an individual.

Aileen never formed an attachment with her mother or father. Her mother was neglectful, often allowing infant Aileen to cry for hours without caring for her. In addition to the inconsistent care-giving, her mother abandoned Aileen when she was only 9 months old. This neglect continued as Aileen grew up, being told that her real mother was in fact her sister (Arrigo & Shipley, 2004). Furthermore, Aileen never met her father, eliminating yet another potential parental attachment (Davis, 2001).

While she was unable to form relationships with her biological parents, she formed negative relationships with her adoptive parents—her grandparents. The relationship she had with her grandparents was abusive and neglectful, causing Aileen to further distance herself from authority figures. The most damaging relationship Aileen had was with her grandfather, Lauri. From a young age, she experienced physical and emotional abuse from the man she believed to be her father. She was constantly told that she was worthless and she was severely punished for things she did not do (Davis, 2001). Furthermore, there are unconfirmed accounts that she was sexually abused by Lauri. Sheldon and Elenor Glueck found that delinquents are not only the victims of hostility from parental figures, but they are also the victims of indifference (Glueck & Glueck, 1968). Aileen's relationship with her grandmother was not as abusive, but it was very neglectful. Britta was an alcoholic who watched as Aileen was abused by Lauri and did nothing to stop the abuse (Arrigo & Shipley, 2004). This evasive attitude by the person Aileen believed to be her mother further added to her lack of

Aileen Wuornos Continued

attachments.

Not only did Aileen lack attachment to her parents and grandparents, but she also lacked attachment to her teachers and peers as well. Hirschi says that “the capacity to form attachments to others may be generally impaired so that the child who feels nothing for his parents is less likely to feel anything for anyone else” (Hirschi, 1969, p. 84). Aileen was academically unsuccessful due in large part to her bad hearing and eyesight. However, another cause of her failure at school was her inability to form relationships with her teachers and peers. This lack of teacher and peer attachments made her unmotivated to try hard at school. She was called a “slut,” “whore,” and “Cigarette Pig” by her peers because of her known sexual exploits (Davis, 2001, p. 181). Furthermore, Aileen was never allowed to bring other children home with her, so she could never form friendships with her peers (Arrigo & Shipley, 2004).

With no childhood attachments, Aileen could not internalize society’s norms. According to Hirschi’s control theory, “if the child is alienated from the parent, he will not learn or will have no feeling for moral rules, he will not develop an adequate conscience” (Hirschi, 1969, p. 86). Aileen was clearly alienated by her parents and grandparents, as seen by her lack of understanding of society’s expectations. As a young girl, Aileen solicited herself sexually for money, food and drugs. She did not think she was doing anything wrong, she believed she was doing what she had to do in order to get the things she wanted (Davis, 2001). Furthermore, Aileen ran away from home and dropped out of school as a teenager, again going against the norms of society. As an adult she turned to prostitution and theft as a means of attaining money. She also became an alcoholic and was institutionalized for her violent behavior (Arrigo & Shipley, 2004).

Aileen also lacked Hirschi’s second element of societal bonds, commitment. Hirschi describes commitment as the idea that a person “invests time, energy, himself, in a certain line of activity.” These commitments include education, church and employment (Hirschi, 1969, p. 20). Aileen did not invest much, if any, time into any activity other than her alcoholism and her prostitution. At the age of 15, Aileen dropped out of school, severing her commitment to her education (Arrigo & Shipley, 2004).

As a result of having no commitments, according to Control Theory, one is more inclined to perform acts of delinquency. When one has invested time and energy into conventional behavior, one is less likely to commit these acts. Before committing an act of delinquency, one will realize the cost of this act is the risk of losing the investment (Dunham et al., 1997). Since Aileen had no commitments, she did not have any investments to lose and therefore could commit crimes without feeling any loss.

Another reason for Aileen’s weak bond to society is her lack of the third element, involvement. When one is involved in conventional activities, one does not have time to commit crimes (Hirschi, 1969). Since Aileen was not involved in any social activities and rarely had legitimate employment, she had plenty of time to commit crimes.

Finally, Aileen lacked the proper beliefs about society’s norms. According to Hirschi, belief is the fourth and final element of an individual’s bond to society. Belief is the understanding and acceptance of society’s norms (Hirschi, 1969). Aileen disagreed with society’s norms as evidenced by her decision to commit crimes as a means of gaining what she wanted. Instead of finishing her education, Aileen dropped out of school. Furthermore, instead of finding steady employment, Aileen worked as a prostitute, committed thievery, stole cars and forged checks (Davis, 2001). Aileen never internalized society’s norms because she was detached from family, teachers and peers. Without a connection to accepted norms, Aileen’s bond to society was weak.

Aileen’s weak attachments, commitments, involvement and beliefs combined to ultimately break her bond with society and lead her into a life of crime. From a young age, she was unable to form attachments to any caring, empathetic individuals and was thus unable to internalize society’s norms. She made no commitments to social institutions and therefore had no investments about which to worry. Her lack of involvement in conventional behaviors meant she had adequate time to commit crimes. Finally, she did not adopt the beliefs or norms of conventional society because no one had ever taught them to her. These elements of societal bond were weak for Aileen as a result of her difficult childhood and adulthood. According to Hirschi’s Control Theory, Aileen committed those seven murders as a result of her lack of connection to the control mechanisms of society.

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Biography

Maria Kaylen is pursuing her Bachelors of Science degree in Criminal Justice Systems, with minors in German, Psychology and Sociology at Truman State University. She currently volunteers at the Bruce Normile Juvenile Detention Center in Kirksville, Missouri. In 2004, Ms. Kaylen was a research assistant to Dr. Anne Dannerbeck of the University of Missouri – Columbia. Ms. Kaylen assisted Dr. Dannerbeck on a study of female delinquents in the Missouri Division of Youth Services program. Ms. Kaylen then accompanied Dr. Dannerbeck to the annual Society of Social Work and Research Conference in January 2005 at which Dr. Dannerbeck presented their findings.

B

Boys II Men: Juveniles Misplaced in Adult Prisons

By Ashley Fleenor, Virginia Intermont College, Bristol, Virginia

The first proceeding of a juvenile court convened in Chicago in 1899 (Snyder & Sickmund, 1999). Since that time, other states have followed Illinois' lead in separating juveniles and adults in the prison and correction systems. A new trend has recently emerged to "get tough on crime" and has increased the number of juveniles in the adult system. This new process is putting our already "at risk youth" at even greater dangers of abuse, homosexuality and suicide.

The beginning of the juvenile court in Chicago began the foundations of a new way for our nation to deal with juvenile offenders. A century ago, the focus of the juvenile justice system was on the juvenile offender, rather than the offense and that remains largely true today. The British doctrine of *parens patriae* (the State as parent) was the rationale for the right of the State to intervene in the lives of children in a manner different from the way it intervenes in the lives of adults. The doctrine was interpreted to mean that, because children were not of full legal capacity, the State had the inherent power and responsibility to provide protection for children whose natural parents were not providing appropriate care or supervision. A key element was the focus on the welfare of the child. Thus, the delinquent child was also seen as in need of the court's benevolent intervention. The juvenile court system is based on the principle that youth are developmentally different from adults and more amenable to intervention. At its best, the juvenile court balances rehabilitation and treatment with appropriate sanctions, including incarceration, when necessary (Snyder & Sickmund, 1999).

When juveniles are charged with a crime, there is a considerable amount of discretion for prosecuting attorneys and judges as to whether or not a juvenile remains in the juvenile system or is moved up to the adult system. In 49 States, juvenile judges have the authority to hear and decide transfer petitions for at least some crimes. In 26 states, certain crimes (usually serious offenses against persons) charged against juveniles of a specified age are excluded by law from the jurisdiction of the juvenile courts and 13 states grant prosecutors the authority to decide to try specified juvenile crimes in juvenile or criminal courts. Although a smaller number of states use the latter approach, it is the most common way juveniles are tried in criminal courts, due to high levels of prosecutorial activity in a few large states (Parent, 1997). Within the United States, 16 states give juvenile judges sole discretion to make decisions about transfers of juvenile cases to criminal court. In 20 states, judges make some decisions, however state law also excludes certain offenders from juvenile court jurisdiction altogether. Finally, four states have multiple mechanisms—judges' designated authority, state law

provisions and prosecutors' designated authority—for transferring various categories of offenders (Parent, 1997). There has been an increased trend for juveniles to be tried in adult courts. Recent changes in some state laws have enabled more juveniles charged with serious, violent offenses to be transferred to adult courts. Numerous states have lowered the age at which a juvenile could be tried as an adult, with Georgia setting the age at 13 and Tennessee removing the age barrier altogether (Lemov, 1994). The number of juveniles transferred to adult courts increased 68 percent (from about 7,000 to about 11,000) between 1988 and 1992 (Lemov, 1994). In 1988, 1.2 percent of all delinquency cases were transferred; by 1992, the percentage had increased to 1.6 (Lemov, 1994).

It would seem logical that the juveniles being transferred to adult courts are being upgraded because of the increasing severity of the crimes. However in some cases, recent studies are beginning to show otherwise. States that give prosecutors the discretion of deciding which court juveniles are tried in, juveniles usually do not have to commit serious crimes in order to be tried in the higher court. Florida, which first began to lower the age at which juveniles could be transferred to adult courts in 1982, hasn't made much of a distinction. Unfortunately, Florida's biggest increase in juvenile transfers to adult status has been for nonviolent drug offenses. Children are being waived into adult court for crimes as trivial as possession of alcohol (Lemov, 1994). The original intentions of transfer laws were not to have nonviolent teens intertwined in the adult court systems. But slowly and over time, perhaps the original intent has been clouded. The first round of legislation carefully targeted youths who committed violent crimes. In the next round, as public pressure builds, lesser categories of crime were added. "There's no limit to it," says Barry Krisberg, president of the National Council on Crime and Delinquency. "Whatever law they pass today, they'll apply carjacker to tomorrow or selling drugs to kids within a few miles of a school" (Lemov, 1994).

If juveniles are not necessarily being moved into a higher court because of the intensity of their crimes, then another aspect could be the difference in punishments issued by adult courts versus juvenile courts. However, there has not been enough research in the last decade to show the differences in sentencing from the two. Studies conducted in the late 1970s and early 1980s found that offenders were often handled more leniently by the criminal courts to which they had been transferred than by juvenile courts, probably because they were appearing in criminal court for the first time. For example, a 1978 study found that a majority of transferred juveniles sentenced in criminal courts

received probation, fines or other nonconfinement sentences (Garry & Grossman, 1997). A similar study in 1982 found that almost two-thirds of transferred juveniles were sentenced to probation. (Parent, 1997) With regard to length of sentences, earlier studies found that when transferred juveniles were incarcerated, they generally were not confined for longer terms than were similar offenders confined in juvenile training schools (Parent, 1997).

Although statistics show that juveniles are being moved into adult courts for reasons other than the intensity of their crimes, there still has been a change in types of crimes committed by juveniles. Juvenile court systems were designed to function as support systems-- backing up family discipline, meting out doses of control and basing punishment not so much on the crime as on a child's personal history (Lemov, 1994). The juvenile court system was never meant to deal with the kind of violent behavior that began to increase precipitously in the 1970s and is now creating a crisis of lethal violence among young people. During the past 20 years, in small and sometimes barely noticed steps, states began to adjust to this new reality and turn back to the original idea of juvenile justice as grown-up justice. Gradually, states started tilting the system away from rehabilitation toward punishment (Lemov, 1994). The purpose of transfer laws has not been to rehabilitate youthful violent offenders but rather to protect the public from them. However, some people believe that transferring youthful offenders may deter other youths from violent crime (Lemov, 1994). The changes mandated by these laws have included 1) lowering the age at which juveniles can be transferred to adult court, 2) expanding the list of crimes for which juveniles can be transferred and 3) changing the process for conducting transfer hearings (Lemov, 1994). There is also a widespread public perception that violent youths are being treated leniently by juvenile justice systems and that many of the youth who commit the worst crimes have long records of delinquency and have never been punished. Moreover, there is the feeling that the more moderate attempts to rehabilitate or redirect violent youngsters have not worked. "It's just like a recycling bin," says Colorado Representative Jeanne Adkins, who chairs her state's House judiciary committee. "The kids who end up in the detention center are the kids who came through diversion programs are the kids who were in intensive supervision (Lemov, 1994)."

There are still those who disagree with juveniles being placed in the adult system and consider alternative ways of punishment and deterrence. Not everyone agrees that tougher laws and heavier sentences is what is best for our youth. In January of 2000, the case of

Boys II Men Continued

Nathaniel Abraham came to a close in Oakland County in the courtroom of Judge Eugene Moore. He sentenced Abraham, who was 11 when he was charged as an adult of the murder, to confinement and counseling at a youth correctional center until his 21st birthday. The judge also has the option of releasing him at any time before then. Moore could have sentenced Abraham to prison or to a "blended" sentence, where he would spend his teen years in a juvenile facility, then be re-evaluated to determine if he should continue to an adult prison. "Perhaps for a few juveniles, 'get tough' is the only answer," Moore said. "But for the majority, it is not. For most youngsters the juvenile justice system is a far better alternative than the adult correctional system (Brasier & McDiarmid Jr, 2000)." Agreeing with Judge Moore's decision, Melissa Sickmund, a senior research associate for the National Center for Juvenile Justice in Pittsburgh stated "For people who are true advocates of juvenile justice, this was seen as a courageous decision for the judge to make."

There are numerous suggestions from others as how to deal with juveniles and forms of deterrence. Maryland juvenile Judge David Mitchell said tough laws have done little to deter criminals. What's needed, he said, are more resources to help police and the courts. In addition, he said, more money should go toward changing the environment that produces criminals. However, more money is spent on building and operating prisons that little is left for other programs (Nielsen, 1994). There has been much said about idle hands and teens getting into trouble because they have too much time and not enough positive activities to keep them engaged. This is especially a problem in Chicago's public housing developments. Increased violence caused the different housing developments to blame each other for the bloodshed. In 1989, the Local Advisory Council, which works with public housing tenants and management, helped get Project Peace started. The nonprofit organization goes into two high schools and three elementary schools near public housing to teach violence prevention, conflict resolution and mediation (Nielsen, 1994). To teach children to reach for a solution instead of a gun, local and state officials in Nevada started a program three years ago called Jet Stream. It offers 72 hours of lessons that teach school kids responsibility for their conduct. The program is taught to kids just getting into trouble for the first time, for those on parole and those in institutions. Schools also have peer mediation programs so students can resolve disputes. Even the Head Start program teaches preschoolers alternatives to fighting (Nielsen, 1994). The Juvenile Mentoring Program (JUMP) is a federal program administered by the Office of Juvenile Justice and Delinquency Prevention (OJJDP). As supported by JUMP, mentoring is a one-on-one relationship between a pair of unrelated individuals, one adult and one juvenile, which takes place on a regular basis over an extended period of time. It is almost always characterized by a "special bond of mutual commitment" and "an emotional character of respect, loyalty and identification" (Hamilton, 1990). Although mentoring also is a popular concept for success in the corporate world, there has been success in the mentoring of children by adults. JUMP is designed to reduce

juvenile delinquency and gang participation, improve academic performance and reduce school dropout rates. To achieve these goals, JUMP brings together caring, responsible adults and at-risk young people in need of positive role models (Garry and Grossman, 1997). Many programs are designed to use preventative or rehabilitative measures in dealing with delinquency, with encouraging results. These results seem encouraging. Mentored youth were 46 percent less likely than controls to initiate drug use during the study period. An even stronger effect was found for minority Little Brothers and Little Sisters, who were 70 percent less likely to initiate drug use than similar minority youth. Mentored youth were 27 percent less likely than were controls to initiate alcohol use during the study period and minority Little Sisters were only about one-half as likely to initiate alcohol use (Garry & Grossman, 1997). John J. DiIulio, Jr., a leading criminologist, asked a group of maximum security prisoners what was triggering the explosion of violence among today's young street criminals. A group of long- and life-term New Jersey prisoners did not voice the conventional explanations such as economic poverty or joblessness. Instead, these hardened men cited the absence of people—family, adults, teachers, preachers, coaches—who would care enough about young males to nurture and discipline them. In the vacuum, drug dealers and "gangsta rappers" serve as role models (Briscoe, 1997). Perhaps that is why the statistics support that children involved in programs such as Little Brothers, Little Sisters, JUMP and others have less likelihood of engaging in illegal activities such as drug and alcohol use.

Part of the fear of combining juveniles and adults in the same prison systems is the impact of what will happen to the younger and more vulnerable offenders. Problems with juveniles and adults within the adult prison system have arisen in a number of ways. A total of 36 States disperse young inmates in housing with adult inmates, 9 house them only with inmates 18 to 21 years old and 6 either transfer the juveniles to their State juvenile training schools until they reach the age of majority or house them in segregated units within adult prisons (Parent, 1997). Some concerns on the behalf of juveniles include their risk of being raped or assaulted by the older inmates. AIDS continues to be a major policy and management issue for correctional administrators and youthful offenders are particularly at risk. Correctional institutions are a focus of public concern because of the perception 1) that prisons and jails hold high concentrations of individuals at risk of developing AIDS as a result of prior intravenous (IV) drug abuse and 2) that correctional inmates frequently engage in behaviors associated with transmission of human immunodeficiency virus (HIV), particularly homosexual activity and needle sharing (Hammett, Ph.D. & Moyni, 1990). Due to the problems of homosexuality in the prisons, sexually transmitted diseases are now an issue that has to be faced. In order to protect juveniles from abuse, they are kept in isolation for protection and they are then at increased risk for suicide. Juveniles also have different needs with respect to diet and physical exercise as well as requirements for a different form of discipline (Parent, 1997).

Considering the statistics available and growing trends, the number of young inmates sentenced to adult

prisons will most likely continue to rise. In order to deal with this situation, those in administrative positions will need to be prepared in how they plan to deal with these changes. The first issue and in some ways the most fundamental, is housing. There should be some federal standards that would apply to all states. Perhaps an institution designed specially for youthful offenders should be the standard. As mentioned before, young inmates with these older populations stand a greater risk of being victimized, assaulted and abused, both physically and sexually. Young inmates who cannot survive in such a situation have little choice but to enter protective custody, which is usually a separate, secure housing unit in which they spend a great deal of time in isolation—a setting that is especially conducive to suicidal behavior (Parent, 1997). There is also concern about programs being available for juveniles incarcerated in the adult prisons. Young inmates may be subject to State mandatory education laws as well as Federal mandates for special education. Any type of rehabilitation programs will also be difficult to incorporate into a prison with such varying ages. It is impractical (and probably impossible) to develop specialized programming that addresses their particular needs and problems (Parent, 1997).

Looking at all the statistics from the past, one might question what the future holds. Shay Bilchik, Administrator to the Juvenile Justice and Delinquency Prevention Office, states that "Contrary to what some people believe, today's U.S. juvenile justice system is not an "easy out" that gives a meaningless slap on the wrist to violent youth. Nor is it a breeding ground for gangs, drugs and adult crime. Instead, the juvenile justice system provides youthful offenders and their victims with a comprehensive, yet balanced approach to justice. Probation, treatment and restitution are widely used. For most juveniles who enter the system, this approach works: 54 percent of males and 73 percent of females never return to juvenile court on a new referral (Snyder & Sickmund, 1999)." Still, the roots of the juvenile justice system remain strong and need to be supported by all those committed to improving the lives of our children. Hopefully, efforts will remain to continue to strengthen the juvenile justice system and achieve the goals for which the juvenile court was first established.

In summary, the juvenile court was established because youth are different from adults. The trend to increase incarceration of juvenile offenders which began in the early 1990's is contrary to most philosophy. It is believed that the juvenile justice system can adequately handle most cases that come before it and transferring cases to adult courts should be the exception rather than the norm.

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Biography

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S

exual Harassment: Crossing the Lines within the Ranks

By Ferris R. Byxbe, Ph.D.; Patricia Nicosia, Ph.D.; and Wesley Wynne, Ph.D.,
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Abstract

Conservative estimates suggest that 40% of working women and 15% of their male counterparts have experienced some form of sexual harassment; and law enforcement personnel are no exception. Police officers are expected to adhere to the highest ethical standards and are subjected to greater public scrutiny than civilians. With criminal and civil remedies readily available to deter police misconduct, police agencies should be establishing policies that take a strong, pro-active stance against sexual harassment in the workplace. Surprisingly, though, 34% of police agencies in this country are still without formal policies regulating such behavior. This article is a guide to the legislation and case law that regulates those behaviors. Recommendations for policy formulation and implementation also are included.

... sexual harassment in the workplace presents a clear and present danger to law enforcement agencies. A recent survey found that thirty-four percent of law enforcement agencies in the United States have yet to formulate a written sexual harassment policy.

Not since the turbulence of racial desegregation have police administrators faced perilous consequences equal to that presented by sexual harassment in the workplace. Yet despite widespread publicity that sexual harassment has permeated even the highest levels of management, administrators have been reluctant to acknowledge its potentially damaging presence (Collier & Associates, 1995). The failure to adopt a pro-active and aggressive policy to eliminate sexual harassment has resulted in many costly lawsuits nationwide and this certainly presents a clear and present danger to the administration of police agencies.

Legally, sexual harassment is an overt form of discrimination (generally against women) premised on gender (42 U.S.C. 2000e-17). This form of bias has now more than ever reached the collective conscious of contemporary society; and resulting from

longstanding tolerance of female abuse, juries have been increasingly more sympathetic toward female victims of sexual harassment. Accordingly, these juries have awarded large compensatory and punitive damages in an effort to encourage administrators to formulate more comprehensive and effective policies aimed at significantly reducing sexual harassment occurrences. In policing, though, the problems of sexual harassment may well be more damaging than superficial analysis projects. Within the ranks, for example, incidents of sexual harassment promote a working environment filled with tension and stress. In turn, police productivity and efficiency are systematically compromised; and when such practices are made public by the media, an even more damaging consequence occurs in the form of community mistrust. This mistrust challenges many ethical considerations of responsibility and accountability within the agency and can ultimately have a detrimental effect on officer morale. Employees who are sexually harassed may respond by withdrawing themselves from work-related duties and situations where the harassment has occurred or they may quit

Sexual Harrassment Continued

the job or take early retirement (Glomb, Munson, Hulin, Bergman, & Drasgow, 1999; Dansky & Kilpatrick, 1997). These consequences can mean lowered organizational efficiency overall and higher costs for human resources training and replacement.

From a psychological perspective, sexual harassment can be devastating to the victim. The targets of harassment can suffer a range of distressing problems, including depression, fear, anxiety, anger, guilt, problems concentrating, a low tolerance of frustration, a sense of humiliation, a sense of helplessness and many other psychological symptoms (Glomb et al., 1999; Dansky & Kilpatrick, 1997). Harrassment may also place victims at an increased risk of physical health maladies (Fitzgerald, Drasgow, Hulin, Gelfand, & Magley, 1997) and some individuals targeted by sexual harassers may turn to the use of alcohol (Richman, Rospenda, Flaherty, & Freels, 2001), a response with negative consequences both mentally and physically. There is also reason to believe that the experience of sexual harassment may lead some individuals to suffer post-traumatic stress disorder (Dansky & Kilpatrick, 1997), a mental illness that have long-term effects on the psychological health and well-being of the victim.

Many law enforcement agencies are still without formal policies regulating sexual harassment practices and this gamble clearly reflects a lack of understanding regarding the actual liability risks involved. Congressional amendments and U.S. Supreme Court rulings in recent years have rendered that risk even more dangerous. There is no question that sexual harassment is a wrongful act in violation of criminal and civil law, but of equal importance is the fact that it creates an erosion of the agency's public image--*an agency charged with the duty to "serve" as our public guardians through enforcing our laws and "protecting" our constitutional rights.*

Sexual harassment's continued prosperity within contemporary police agencies has ignited renewed interest among law enforcement administrators concerning liability avoidance. These administrators have yet to fully understand the ramifications of sexual harassment and are in need of information that will statistically illustrate the extent of the problem. Questions most often asked by agency administrators include: (1) What constitutes sexual harassment in a society where attitudes and values are constantly changing, (2) How serious is the problem of sexual harassment, (3) How can sexual harassment be prevented in the workplace, (4) What can be done to effectively deal with the problem of sexual harassment when it does occur and (5) What steps can be taken to protect the agency from civil litigation? All of these questions are legitimate administrative concerns that deserve answers. Administrators need to be informed of the disturbing statistics that tend to illuminate the problem, the legal ramifications stemming from an agency's failure to address the issues, current trends in the law and ways that agencies can protect themselves from liability claims.

It is the purpose of this article to provide those necessary answers by delineating the scope and severity of sexual harassment problems through examination of sexual harassment definitions and the corresponding law that regulates its presence in the workplace. Sug-

gested policies and procedures for establishing a sexual harassment policy also will be included.

Legislation and Case Law

Sexual harassment is a form of sex discrimination that violates Title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e-2(a)(1)). On-the-job sexual harassment is not a recent problem, although legal liability for it is. In 1976, the American court system decided the first sexual harassment case under Title VII in *Barnes v. Costle* (1977). However, the wider public did not appear to fully appreciate the scope of the problem until the Senate Judiciary Committee hearings on Anita Hill's charges against Supreme Court nominee Clarence Thomas in 1991. In the same year that the District Court of the District of Columbia resolved the first Title VII sexual harassment suit, a *Redbook* magazine poll found that nine out of ten women said that they had been subjected to unwanted sexual advances at work (Safran, 1976); and in 1981, the federal government surveyed its employees and found that 42% of women stated they had experienced some form of work-related sexual harassment as well (Merit System Protection Board, 1981). Moreover, when the government looked at the same issue in 1994, the number had grown to 44% and has since remained constant. Notwithstanding these statistics, most cases of sexual harassment--as many as 95 % of all such incidents--still go unreported. And while the cost to victims' are high, the comparable cost to law enforcement agencies cannot be over-estimated.

In 1997, federal and state monetary losses amounted to \$267 million and \$189 million respectively. The majority of these losses resulted from absenteeism, lower productivity, increased health-care costs, poor morale and employee turn-over and do not even include the large costs related to litigation and court awarded damages. In recent years, the number of sexual harassment cases filed with the Equal Employment Opportunity Commission (EEOC), as well as in federal and state courts, has climbed dramatically. In fact, the number of sexual harassment cases filed nationally with EEOC offices increased 50% in the year (1992) following the Anita Hill-Clarence Thomas hearings on Capitol Hill; and although women file the vast majority of these claims, men are also a small number of these victims (15%). Harm caused by sexual harassment is often extreme, including humiliation, loss of dignity, psychological--and sometimes physical--injury and damage to professional reputation and career. Inevitably, victims of sexual harassment face choices between their work and their self-esteem and as unfortunate as reality may sometimes be, between their jobs and personal safety too.

Until 1991, Title VII limited sexual harassment victims to collect only back pay and injunctive relief for reinstatement of their jobs. Nothing was provided for pain and suffering and often those who did file EEOC complaints were continually harassed and pressured to resign their positions. Under these remedies, the successful litigants would receive a small sum of money and reinstatement of a job that was then intolerable. Recognizing the need to strengthen the remedies for sexual harassment under Title VII, Congress amended the Civil Rights Act in 1991 (42 U.S.C. 2000e-5 to 2000e-6). The new act provided for compensatory damages beyond back pay and made jury trials an option.

Moreover, it provided for damages in the form of future pecuniary loss, emotional pain and suffering, inconvenience, mental anguish, loss of life enjoyment and other non-pecuniary losses. Plaintiffs also were entitled to collect punitive damages if the employer was shown to have acted with malice or reckless indifference. The legislation, however, limited the sum of compensatory and punitive damages to the number of employees involved in the litigation.

Under federal law (*Katz v. Dole*, 1983) there are two legal avenues for claiming sexual harassment. The first is *quid pro quo*. Under the *quid pro quo* form of harassment, a person in authority--usually a supervisor--demands sexual favors from a subordinate as a condition of getting or keeping employment benefits. The guidelines set forth by the EEOC define sexual harassment as "unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature." Therefore, sexual conduct is only unlawful when it is unwelcome. The challenged conduct must be unwelcome in the sense that the employee did not solicit or incite it and in the sense that the employee regarded the conduct as undesirable or offensive (*Meritor Savings Bank v. Vinson*, 1986). In *quid pro quo* cases, the offense is directly linked to an individual's terms of employment or forms the basis for employment decisions affecting the individual (such cases are generally easy to recognize). The first sexual harassment case decided under Title VII was based on this *quid pro quo* concept.

When such harassment occurs, the subordinate has the legal right to take the employer (agency) to court. The courts generally follow the doctrine of *respondeat superior*, where the agency is liable even if no knowledge of the misconduct existed. The U.S. Court of Appeals for the Eleventh Circuit (Alabama, Georgia and Florida) set forth the rationale for a company's or agency's liability in *Henson v. City of Dundee* (1982). The court reasoned: "... that a supervisor uses the means furnished him by the employer to accomplish the prohibited purpose. He acts within the scope of his actual or apparent authority to hire, fire, discipline or promote ... because the supervisor is acting within at least the apparent scope of his authority entrusted to him by the employer when he makes employment decisions, his conduct can fairly be imputed to the source of his authority." This makes an agency responsible for a supervisory employee's action if that employee wields authority delegated by the agency (*Faragher v. City of Boca Raton*, 1998). Interestingly, the perpetrator does not even have to be an employee, but only an agent attached to the department. However, *Burlington Industries, Inc. v. Ellerth* (1998) has more recently provided employers with some degree of protection based on the circumstances of the violation. In this ruling, the U.S. Supreme Court-- in which concrete examples of the prohibited conduct are described (Amideo, 1998)--state that employers should have access to an affirmative defense when it can be shown that it had taken reasonable care to prevent sexual harassment through the establishment of sound policies. Therefore, the effect of the ruling was to mitigate or even exonerate, the agency where the supervisor deviates from established policy. In this way, sexual harassment is now regulated in much the same way as agency liability under *Section 1983*

torts. A major result of this ruling was to minimize the importance attributed to the differences in employer liability for *quid pro quo* and *hostile working environment* violations.

Many sexual harassment victims are never threatened with termination or lack of advancement, though and hence *quid pro quo* would not be a viable option for those who suffer repeated abuse as a result of a hostile work environment. A hostile working environment arises when a co-worker or supervisor, engaging in unwelcome and inappropriate sexually based behavior, renders the workplace atmosphere intimidating, hostile or offensive--as found in male dominated professions such as law enforcement. The U.S. Supreme Court has endorsed claims of sexual harassment based on a hostile working environment (*Meritor Savings Bank v. Vinson*, 1986). Placing strong emphasis on EEOC guidelines, the Court held that such sexual misconduct constitutes prohibited sexual harassment even if it is not linked directly to the granting or denial of an economic benefit where "... such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment." As part of its decision in *Meritor*, the U.S. Supreme Court stated that a hostile work environment constitutes grounds for an action only when the sexual conduct is unwelcome and severe or pervasive enough "... to alter the conditions of the victim's employment and create an abusive working environment." The EEOC itself has stated, "Title VII does not proscribe all conduct of sexual nature in the workplace. The line is drawn between acceptable sexual conduct and sexual harassment where the conduct becomes unwelcome." The determination of whether specific conduct constitutes sexual harassment is a fact-bound inquiry (*Staton v. Maries County*, 1989). Today, the courts will likely find a hostile environment present when the workplace includes sexual propositions, pornography, extremely vulgar language, sexual touching, degrading comments or embarrassing questions or jokes (*Harris v. Forklift Systems, Inc.*, 1993).

Another critical issue concerning *hostile working environment* cases regards whom the direct victim must be. Must the sexual harassment be aimed at the victim or will cited examples of sex-based conduct directed at other employees be sufficient to establish a *prima facie* case? A number of courts have held that incidents involving employees other than the victim are relevant in establishing a generally hostile work environment. In 1993, in the case of *Harris v. Forklift Systems, Inc.*, the U.S. Supreme Court extended its ruling in *Meritor* to include conduct that does not actually cause psychological injury. In this case, the Court reaffirmed its holding that Title VII is violated when a workplace is permeated with unwelcome discriminatory intimidation, ridicule and insult that is sufficiently severe or pervasive to alter the conditions of the victim's employment and create an abusive working environment. The Court added that "Title VII comes into play before the harassing conduct leads to a nervous breakdown ... there is no need for it to be psychologically injurious." The Court emphasized that whether a work environment is hostile or abusive can be determined only by looking at all the circumstances of the case. The Court provided some guidance by providing several factors that could be part

of the "circumstances" of the case: (1) frequency of the discriminatory conduct, (2) severity of that conduct, (3) whether it is physically threatening or humiliating or a mere offensive utterance and (4) whether it unreasonably interferes with an employee's work performance. The Court's decisions have made it easier for sexual harassment victims to win lawsuits using a hostile work environment as grounds for their action.

Scope of Problem and Liability Prevention

Employers are well advised to observe the EEOC's guidelines on this issue. Under these guidelines, employers are liable when their supervisors or agents create a hostile environment or if the employer knew or should have known of the sexual harassment and failed to take immediate and appropriate corrective action. In this connection, Fitzgerald et al. (1997) is particularly relevant to the law enforcement community. Their research indicates that sexual harassment can be predicted by two variables: organizational climate and gender context. Organizational climate refers to characteristics of the agency that communicate its view regarding sexual harassment, essentially, whether or not it is tolerated by the organization. Gender context refers collectively to such factors as the gender ratio in the organization, the gender ratio in a particular employee's work unit and whether the job is or is not a traditionally male occupation.

Law enforcement, of course, is a traditionally and historically male-dominated occupation and fewer women than men today choose law enforcement as a career. As this is the case, the research conducted by Fitzgerald et al. (1997) predicts that problems with sexual harassment in law enforcement are likely to be greater than in many other occupations. This is even more likely to be true in agencies and departments where there are comparatively few women. It is incumbent upon administrators in such organizations to be especially pro-active in dealing with sexual harassment and in communicating the message that sexual harassment will not be tolerated.

According to the EEOC, employers are usually deemed to know of sexual harassment if it is (1) openly practiced in the workplace, (2) well-known among employees or (3) brought to the employer's notice by a victim's filing a charge. Agencies may protect themselves from liability by initiating a number of prevention mechanisms through instituting comprehensive, detailed and responsible sexual harassment policies. In addition, the courts have advised that police agencies look very carefully at their current grievance procedures. The EEOC has concisely explained that it will generally find an agency liable for hostile environment sexual harassment when the agency failed to establish an explicit policy against sexual harassment and did not have an available avenue by which victims of sexual harassment could file a grievance and see appropriate investigative actions taken by someone in a position of authority (*Meritor Savings Bank v. Vinson*, 1986).

Given the high stakes involved in sexual harassment, many law enforcement agencies are deplorably unprepared to protect their own interests and those of their employees. Despite widespread recognition of sexual harassment, though, law enforcement agencies are still exhibiting a surprisingly cavalier attitude toward the problem. A recent survey indicated that 34% of law

enforcement agencies in the United States have not even thought about formulating a written sexual harassment policy (Lindemann & Kadue, 1997). Moreover, fewer than a quarter said they would promptly investigate a complaint. The courts and the EEOC have repeatedly indicated that agencies must take affirmative and effective steps both to prevent sexual harassment and, when it occurs, to intervene quickly. Individuals who must work in an atmosphere made hostile or abusive by the unequal treatment of the sexes are denied the equal protections guaranteed them by law and the Constitution (14th Amendment, U.S. Constitution). Agencies wishing to better manage their liability risk must act before a problem occurs. The EEOC encourages police administrators to "... take steps necessary to prevent sexual harassment from occurring, such as affirmatively raising the subject, expressing strong disapproval, developing appropriate sanctions, informing employees of their right to raise and how to raise the issue of harassment under Title VII and developing methods to sensitize all concerned." Law enforcement agencies need a comprehensive, detailed written policy on sexual harassment that is made a high priority of the agency. Prudence would dictate that the policy be distributed to all line personnel, staff members, supervisors and even non-employees. A basic sexual harassment policy should set forth the following: (1) an express commitment to eradicate and prevent sexual harassment, (2) a definition of sexual harassment including both *quid pro quo* and *hostile work environment*, (3) an explanation of penalties the agency will impose for substantiated sexual harassment conduct, (4) a detailed outline of the grievance procedure employees should use, (5) additional resource or contact persons available for consultation and (6) an express commitment to keep all sexual harassment complaints and personnel actions confidential.

Conclusion

Sexual harassment in the workplace presents an ongoing and growing risk to law enforcement agencies in the United States. Today, the time is right for administrators to more wisely manage that risk. Preventing sexual harassment in the workplace requires a considerable investment of time and personnel. In the end, however, these costs will be offset by significant savings in legal fees, compensatory judgments and punitive awards. Law enforcement agencies also will benefit from increased worker productivity. An agency only stands to gain if it takes a no-nonsense, hard-line position on sexual harassment. Not only is it ethically the right thing to do, it is the smart thing to do as well.

It is imperative that law enforcement agencies establish and implement sexual harassment policies to protect agencies from liability risk. In order to facilitate that prevention policy, the following guidelines are provided as a checklist to ensure that nothing is overlooked. These guidelines can be best understood as a four-pronged test consisting of understanding, communicating, establishing and enforcing.

Understanding sexual harassment is of utmost importance. An agency must appreciate that it can be held liable for the wrongful sexual actions of their employees. It must understand that any unwelcome sexual activity tied to employment decisions or benefits is sexual harassment and must learn to recognize that sexual

Sexual Harassment Continued

harassment may include jokes, vulgar language, sexual innuendoes, pornographic pictures, sexual gestures, physical grabbing or pinching and other unwelcome or offensive physical touching or contact. It must always remember that every sexual harassment charge, no matter what the perception, is extremely serious and that employee compliance with those advances or demands in no way necessarily negates the supervisory or agency liability. Sexual harassment charges filed by men must also be taken seriously. Finally, employees sometimes wait a while before lodging sexual harassment charges and this should never be considered evidence that the claim is void of merit. However, under the guidelines established in the U.S. Supreme Court's ruling in *Burlington Industries, Inc. v. Ellerth* (1998), a victim's claim of harassment that fails to utilize an established policy within a reasonable time period will be suspect and subsequently more difficult to prove.

The need to communicate established policies cannot be overstated. The administration must not only issue a strong policy against sexual harassment, it must also provide a clear definition of sexual harassment using examples of the inappropriate behavior. In order to ensure that all employees thoroughly understand those policies, discuss the policy with all new employees and review the policy with all employees on a regular basis. Finally, to ensure that liability is not assumed for outsiders unfamiliar with your formal policies, include all third-party officers and consultants in your policy training sessions.

Establishing procedures for combating sexual harassment is a delicate process. Despite the most prudent measures, law enforcement agencies will always face the possibility, if not the probability, that sexual harassment will occur. However, as the U.S. Supreme Court indicated in *Meritor* (1986), an employer greatly improves its position by having grievance procedures that encourage employees to come forward with sexual harassment complaints. Lower courts have supported this view even more strongly. In constructing this procedural process, it is important that nothing be excluded or the consequences can be fatal. For this reason, it is important that a senior corporate official be appointed to oversee the implementation of the policy and that policy must include opportunities for training supervisors and managers to recognize and prevent sexual harassment. Reporting procedures are also of critical importance. These procedures should designate a personnel officer--preferably a female officer--rather than a direct supervisor to receive sexual harassment complaints. It also is important to maintain the confidentiality of the nature of the charges.

Enforcement of the policy is probably the most important of the four prongs because without enforcement the policy is no more than a directive without penalty (similar to 4th amendment protections before the exclusionary rule). Basic guidelines that will ensure proper enforcement of the policy should include efforts to ensure that complainants do not face retaliation in the workplace. It is equally important that measures taken not penalize the individual who has filed a sexual harassment complaint. For example, the transferring of the complainant to a less desirable position or location as a way to avoid interaction between the victim and the

accused. The Seventh Court of Appeals has warned, "... a remedial measure that makes the victim of sexual harassment worse off is ineffective per se" (*Boben v. City of East Chicago*, 1986). Conversely, though sometimes forgotten, it is equally important to safeguard the rights of the accused since they are not always guilty of the accusation. The need to investigate sexual harassment charges quickly and thoroughly cannot be overstated and records of the investigation and its findings should be accurately and meticulously maintained. When sexual harassment is discovered or suspected, the agency should take immediate action and discipline appropriately any employee found to have engaged in the sexual harassment.

Undoubtedly, prevention is the best tool to eliminate sexual harassment in the workplace. Administrators are encouraged to have a written policy that sets forth the steps necessary to prevent sexual harassment from occurring. This policy should clearly communicate to all employees that sexual harassment will not be tolerated.

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Biography

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FOOTWEAR IMPRESSION EVIDENCE: THEN AND NOW

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Abstract

This paper presents an overview of the ancient and modern history of footwear impression evidence and its role in crime scene investigation. The basics of collection techniques of footwear evidence are covered as well as the capacity for finding evidence at crime scenes. Footwear impression evidence is often overlooked and the reasons for this are addressed, as well as the potential in footwear impression evidence in identifying individual suspects.

Footwear Impression Evidence: A Brief History

The word “investigate” comes from the Latin vestigium, for footprint. Over the years it has come to mean, “Follow the trail.”

Perhaps the oldest forms of impressions are plant and animal fossils whose details were impressed into layers of the surrounding rock and soil. Thus captured, they offered absolute proof of their existence (Bodziak, W., 2000). Common sense and logic will tell you that even cavemen followed some sort of tracks and they were most likely shadowing animals and other people as well (Najabi and Richard 2002).

Forensic footwear impression evidence is the oldest forensic science used in the world (Hamm 1994). The oldest recorded footwear identification was in Scotland in 1786, in the murder of a young girl by a man named Richardson. In this case, the investigating officer located footwear impressions in a marsh near the victim’s home where a trail of footwear impressions was found, along with a few drops of blood and a bloody handprint on a step. The footwear impressions were described as boot-prints and due to their deep impressions in the mud, they were observed as an indication of a man with a running gate.

Upon examining the impressions, the investigating officer noted that the boot-prints appeared to have new patches and a great many nails in the outsole. The officer made a crude, but effective, plaster cast of the impressions and then checked the cast against the boots worn by the men attending the girl’s funeral. Richardson’s boots were a match, the identity of the killer revealed. This evidence along with the drops of blood and handprint were the only clues. For over two hundred years, examiners have been comparing unknown footwear impressions to the known shoes of individuals (Hildebrand 1999).

Importance As Evidentiary Value

Crimes involve people and places. A person committing a crime leaves footwear impressions going to, at and exiting the crime scene. As a form of physical evidence, footwear impressions provide an important link between the criminal and the place where the crime occurred. In spite of this fact, the number of footwear impressions that are found are far less than those actually present; they are located in only a small percentage of cases compared to that in which they likely exist. The location of footwear impression evidence, primarily on ground surfaces, makes it sometimes difficult or inconvenient to find, particularly if the impressions are latent or nearly invisible.

Frequently investigators, attorneys and the courts undervalue footwear impression evidence, due to their limited knowledge of it. The long-term effect of this limited knowledge and utilization of footwear evidence is often a further discouragement and deterrent for the crime scene officer to seek out footwear impressions. Additionally, due to the fact that footwear impressions are not always visible to the naked eye, the crime scene technician may even rationalize its non-existence.

Each time a person takes a step, their footwear is impressed against the ground and can cause a deformation of that substrate or result in the transfer of trace materials and residue from the shoe to the substrate (Locard Exchange Principle). Because of the direct physical contact under the wearer’s weight, there is no doubt that some type of interaction between the shoe and the substrate occurs with each and every step. Although not all impressions will be visible or detectable, the chances are excellent that a great many of them will be (Bodziak 1999).

Footwear Impression Evidence Location At Crime Scene

It is crucial that crime scene technicians and investigators be aware of the full importance of footwear impressions as physical evidence. When securing the crime scene area, they must preserve all forms of evidence, including footwear impressions. Before beginning the crime scene search, careful thought should be given to understanding what occurred at the scene, how footwear impression evidence would be relevant and could contribute to the proof of facts, as well as considering what areas might be the most logical to check for footwear impressions.

Louise Robbins, an anthropologist and footprint expert at the University of North Carolina-Greensboro states, “With fingerprints all you have to do is put on a pair of gloves. You can put shoes on, you can take them off, but you still have to get in and out of a crime scene.”

(Kavesh 1985:2).

From Class Characterization To Individualization

There are three critical parts of a comparison examination – the class characteristics of the shoe’s outsole and the manufacturing techniques of the known shoe, the wear pattern and the accidental characteristics.

Class characteristics are the most obvious features distinguishable in an object; they are intentional and unavoidable, they will be repeated during the manufacturing process and are shared by one than more shoe. Class characteristics can be divided into two areas for comparison purposes: general and limited characteristics. General characteristics are the basic design features in the outsole pattern. They are the weakest feature in the comparison and identification process, but can serve to narrow the suspect field. Elimination according to class characteristics is conclusive. Limited characteristics are those manufacturing or design features that can separate one object from another in its class since the variations in outsole mold design are distinguishable (Hilderbrand 1999).

Accidental characteristics can be divided into two distinct categories: damage and temporary. Damage accidental marks are those characteristics that are commonly associated with the random cuts, gouges, abrasions and air bubbles/flaws in the sole during the manufacturing process and areas of the sole’s design being torn away during wearing (Bodziak 1999 and Hamm 1995). These telltale cuts and scratches leave their own peculiar marks in a shoe print, just as a scar will add a telling detail to a fingerprint.

Temporary accidental characteristics are the marks that result from foreign debris or substances becoming attached to the outsole. This foreign debris or substance can result in depressed areas that are revealed as shadow “points” in the photographed track (Hamm 1995). Because of the transient nature of temporary characteristics, they sometimes have greater significance in determining a positive identification than most other types of marks due to the fact that they can, on occasion, contribute towards establishing a critical time factor related to the crime. Temporary characteristics make an impression unique from all other shoes and become an important factor in the comparison process.

Wear characteristics are usually associated with the accidental type characteristics, but they really are not accidental. Wear is a change that results with time, the actions of the wearer and the nature of the surface acting on the outsole. Best described as a continual changing of class characteristics, wear results in individualistic features. The question is: At what point does the wear

Footwear Impression Evidence Continued

pattern become individual? The more extensive the wear is, the more original the appearance when compared to another outsole of the same design (Hilderbrand 1999).

Anthropologist Robbins believes a shoe print can be linked absolutely not just to a shoe, but also to a person. Each person's tread, she says, is absolutely different from every other person's and is reflected in his shoe soles and shoe prints. "We started making our own individual footprint from the time we learned to walk" states Robbins. "By the time we reach adulthood, it is very much a part of us. Even if you had a twin, you would not walk the same way" (Kavesh 1985:5). Stubbed toes, twisted ankles and shards of glass in the heel: all these small experiences have molded how we put our feet on the ground, Robbins postulates. She believes that shoe prints are useful even if investigators don't have a suspect's shoes to compare them to. "However you wear down one pair of shoes, you're going to wear down your others in the same way. You can look at the other shoes of the suspect and if he is not involved, you are going to find a different kind of wear pattern," she says. "If he is involved, you'll find the exact same wear pattern in all his shoes" (Kavesh 1985:6).

It has always been asked, as in fingerprint comparison: What are the minimum numbers of characteristics necessary to establish a positive identification? If more than one random characteristic is present on the bottom of the sole, then the odds of another shoe having the combined characteristics in the same positions are as follows:

Number of Characteristics	Chance of Combined Occurrence
2	1 out of 127,992,000
3	1 out of 683 billion
4	1 out of 2.7 quadrillion
5	1 out of 8.7 quintillion
6	1 out of 23 sextillion
7	1 out of 53 septillion
8	1 out of 106 octillion
9	1 out of 189 nontrillion
10	1 out of 300 decillion

The innumerable possibilities of accidental cuts, gouges, tears or other identifying random features of varied size and shape is so staggering that the presence of those characteristics, by virtue of their features alone, make a shoe sole unique. These odds do not take into account the many different shoe designs, shoes sizes, wear characteristics or manufacturing variables which have already reduced the population of shoes that possibly made the impression. More important, they do not account for the particular descriptive features of shape and orientation that may be associated with each accidental characteristic and which, together fully constitute the uniqueness of the characteristic itself.

Positive identification may be made with one random identifying characteristic but only if that characteristic is confirmable; has sufficient definition, clarity and features; is in the same location and orientation on the

outsole; and in the opinion of the examiner, would not occur again on another shoe (Bodziak 1999).

Collection: exemplars

When making a comparison between a known footwear pattern and an unknown pattern from a crime scene, one of the first things an examiner will do is make a visual comparison to determine if class characteristics match. If they do, additional analysis is necessary; that is, making a test pattern with the suspect's known shoe.

There are many ways to produce an exemplar. An easy way is to use fingerprint powder and brush, 4" and 2" lifting tape and a self-adhesive, 2mm thick, white lined paper mounting board with coated backer. The Lo-Tack version is best for this application. The front of the board has peel off protective paper that exposes a smooth, white, adhesive surface. First, cut the mounting board to accommodate the shoe. While wearing the shoe, dust the sole with fingerprint powder, then tap or blow on the sole to remove any loose powder. Remove the protective covering from the board to expose the adhesive side. Place the board adhesive side up on a flat surface. With a second person holding it firmly in place, walk across the board stepping heel to toe. To protect and preserve the print, the adhesive surface is covered with fingerprint lifting tape. Using the 4" tape, apply it lengthwise along the center of the impression. Usually, this width is enough to cover the entire print and avoid seams. There will still be exposed adhesive parts of the board, which can be covered with the 2" tape. This process is easy to perform, uses a minimal amount of material and produces finely detailed exemplars of soles.

This method may also be used for crime scene elimination footwear exemplars. Oftentimes, first responders to a crime scene will leave their shoe prints at the scene. It is far easier to obtain elimination exemplars while the first responders are still available than to try and locate them later. The ease of this method allows a two-person team to quickly obtain these exemplars (Hill 2002).

A new product available for obtaining three-dimensional exemplars is BIO-FOAM® Impression Foam, a solid block of foam very similar to the kind used by florists and hobbyists. Known/suspect shoes are pressed into the foam and then sealed with hairspray. Each kit comes in a cardboard box container suitable for storage and protection. This method is easy, takes only seconds and does not dirty the shoes. Casts can then be made using the shoebox shaped foam bricks (<http://www.redwop.com/technotes.asp>).

Collection: questioned footwear imprints and impressions

Footwear imprints are two-dimensional whereas impressions are three-dimensional. Once found, there are many ways to recover the evidence. If someone steps on a piece of paper, you can pick it up and take it to the lab but most of the time there's a bloody impression on a tile floor that you can't carry back to the office. First, the evidence must be sketched and then photographed properly: done with the use of oblique lighting and a scale positioned in the prescribed way.

There is casting, which is filling impressions that are in soil, sand or snow with a dental stone material, a product that is similar to plaster of Paris (Najafi and

Richard 2002). Only casting captures the three-dimensional surfaces with the detail needed for comparison in the laboratory. As an additional benefit, trace evidence may adhere to the surface of the casting material. In this respect, casting often collects evidence that would otherwise go unpreserved (Ogle 2004).

There are several ways of lifting impressions, which means transferring a two-dimensional imprint to an object like a black lifting film or gelatin film or adhesives that can actually be picked up and transported back to the lab. Usually the examiner does not get a complete lift but there are a number of different methods, both electrostatic and conventional, that can be utilized. A decision must be made depending on where the impressions are and that includes consideration of chemical enhancement of bloody and non-bloody prints.

In bloody crime scenes where the person picks up blood on their shoes in great amounts, these heavy prints obscure the finer details needed for identification. As the person walks, the prints get lighter and it is these nearly invisible lighter prints enhanced with chemicals that yield greater results. There are about twenty different chemicals to enhance blood prints. Some of them, like Luminol, make the impression glow in the dark (Najafi, S. and Richard, F., 2002).

One approach to lifting and preserving footwear imprints in dust involves the use of a portable electrostatic lifting device known as Pathfinder™. The principle employed is similar to creating an electrostatic charge on a comb and using the comb to lift small pieces of tissue paper. A Mylar sheet of film is placed on top of the dust mark and the film is pressed against the impression with the aid of a roller to eliminate any air bubbles. The high voltage electrode of the Pathfinder™ is then placed in contact with the film, while the instrument's electrodes are pressed against a metal plate. A charge difference develops between the Mylar film and the surface below the dust mark so that dust attaches to the lifting film. The electrostatic lifting technique is particularly helpful in recovering barely visible dust prints off colored surfaces. Dust impressions may also be enhanced through chemical development, such as Bromophenol Blue and exposure to water vapor (Saferstein 2001).

Casting a footwear impression is important for several reasons. The cast is actual size. It also reproduces minute details in the outsole including the side of the outsole on deeper impressions. The casts will also supplement photographs as well as eliminate scale and focus problems associated with photography. Over the years, plaster of Paris was used to cast footwear impressions; today, dental stone is the preferred method. Dental stone is a form of gypsum, as is plaster of Paris, but it is stronger and does not require reinforcement. The durability of dental stone also lends itself to cleaning without the loss of detail from the surface.

In using the dental stone, place the correct amount of warm water into a one-gallon re-sealable plastic bag; next, add stone material. By placing the water into the plastic bag first, the material will mix quicker and contain fewer lumps. The mix consistency should be similar to pancake batter. The bag is closed and mixed by massaging the bag until the material has been thoroughly mixed, usually after three minutes. The warm water causes the casting material to set faster. Beware: Do not

use warm water when casting snow impressions!

If the impression is in fine or very loose sand, a thin layer of hairspray can be very carefully sprayed over the entire impression before pouring the mixture into the impression. Use a pump spray; aerosol spray allows for too much forced air and will destroy details in the impression. Once this has dried, casting material can be poured.

A general rule to follow is never pour mixture directly into the impression so as to avoid damaging the impression. Hold a plastic cutting board or similar shaped paddle at a slight angle over the impression, pour the mixture directly onto the paddle or board so as to diffuse the flow of mix. Start pouring to one side of the impression allowing it to pour into what has already been poured. By pouring the mixture in this manner, the flow of the mixture can be directed and determined by allowing it to flow back into the impression.

The cast should be allowed to set undisturbed for at least thirty minutes, after which, the cast can be carefully lifted from the surface. Set up time varies depending on environmental conditions. In some incidents, a small amount of potassium sulfate can be added to the mixture to increase set up time. Before the cast hardens, scratch the necessary identity information on the backside.

Once the impression has set up, a knife or stick can be placed directly into the ground and under the cast about one inch, then pry upward. It is recommended that the cast should not be completely cleaned for up to forty-eight hours. Do not package in plastic; always use porous paper materials and carefully pack to guard against breakage.

Casting can also be done in water and snow. In water, place a form around the impression; making sure the frame is large enough to come above the water line. Be careful not to place the form so close to the impression that it risks distorting it. Carefully remove any debris from the surface. Drawing off water with the use of an eyedropper is not recommended or necessary. Lightly sprinkle the stone material over the area of the impression, about one inch worth, allowing it to settle. Prepare a mixture of water and stone, which is slightly thicker than pancake batter. Use a plastic scoop to place mixture gently into the frame. Allow a set up time of sixty to ninety minutes and then remove and air-dry for forty-eight hours.

In collecting snow casts, place a form around the impression and spray "Snow Print Wax" over the impression. This product originally used in Sweden, is an aerosol spray wax, bright red in color. When applied to the impression, it forms a wax shell and preserves the detail in the snow impression. The waxed shell is then filled with dental stone. If "Snow Print Wax" is not available, talcum powder or gray primer spray can be used but the pouring must be done carefully. Prepare a mixture of stone using very cold water and adding the surrounding snow to the mixture. This will allow the temperature of water to become as close to the snow's temperature as possible. After pouring, cover the impression with a box and allow the cast to dry at least between one to two hours. Remove and air-dry for forty-eight hours.

The above mentioned information on casting is combined from Bodziak, W., 1999,

<http://www.forensictc.50megs.com/CastingFW.htm> and <http://scpds.org/cja/csr-mix.htm>.

Conclusions: the future

Footwear impressions are being located and identified today, which just a few years ago would not have ever been discovered at the scene of the crime or if found, would not have been utilized to their fullest extent. Newer techniques, methods and materials to recover, enhance and increase the utilization of this valuable form of physical evidence will undoubtedly continue to be developed in the future. Although the interest and awareness of this evidence has improved dramatically over recent years, there are still some departments and crime scene units whom, regrettably, have not developed aggressive and structured practices to find and utilize this evidence to its fullest extent. But this is changing. Many laboratories now have examiners whose time is dedicated strictly to impression evidence. The increased emphasis in this field, accompanied by additional research and training, will assure that the future utilization of this evidence will continue to rise to its potential.

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The Violence Inside

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Abstract

This paper will address the violence that is documented throughout the prison system. It deals with super maximum institutions on the state and federal levels. It exposes the nature of the criminal, violent activity behind the walls by citing different studies and statistical data which deals with homicide and sexual deviance committed by prisoners.

It exposes the danger and risks that the correctional officers and staff experience on a daily basis.

Lastly, it defines the disciplinary process and how this part of the system deals with the disciplining of these recalcitrant and violent predators within the confines of the correctional environment.

Introduction

The profession of corrections can be a very exciting and rewarding experience. Correctional professionals realize just how dangerous this profession can be. You are locked behind those doors with some of the most dangerous, violent and recalcitrant prisoners everyday over a career that could span over a period of 20-30 years or more. Society is under a misnomer that the prisoners' contact with the correctional personnel is on a limited basis. They are not aware that correctional officers and staff are in constant contact with these individuals. When you walk into a correctional facility, you are at risk from the time your shift begins until it ends.

The old linear style design living units are among the oldest designs currently in use. The linear-design prison is the construction of linear-design living units where hallways lead to individual cells (two persons or more cells) or dormitories.

These linear-design prisons are based on the Auburn model where the inmates' cells are back to back. The inmates are able to look out of their cells onto the other buildings or prison walls (Mays, & Winfree Jr. p-130).

Some of the larger federal and state prisons have populations that might range from 1,000 to 6,000 or even more. These areas which house the inmates are where the officer performs his or her duties. They are armed with a pair of handcuffs, a canister of pepper spray and a two-way radio to communicate with Control. The officer has to deal with prisoners who are convicted of murder, bank robbery, kidnapping, rape and assault, just to mention a few. Some of these convicts could be facing determinate sentences of life without parole. These individuals with these lengthy sentences have nothing to lose. Their only resolve is how their peers perceive them. In prison proper or jargon, being a

"stand-up convict" means not to inform (or rat on) other inmates, sticking it to the police and getting over on the system. This is what is important to these hard core individuals.

Super Max

Supermax prisons go beyond maximum security. The term supermax is defined by Chase Riveland (1999) as:

A highly restrictive, high-custody housing unit within a secure facility or an entirely secure facility, that isolates inmates from the general population and from each other due to grievous crimes, repetitive assaultive or violent institutional behavior, the threat of escape or actual escape from high-custody facility(ies) or inciting or threatening to incite disturbance in a correctional institution (Mays and Winfree Jr. p-133).

Many of the nation's maximum prisons operate and maintain these areas, which they refer to as supermax or administrative segregation (Mays and Winfree Jr. p-133).

One of the most prominent Federal Super Max Prisons is the United States Federal Penitentiary (USFP) of Marion, Illinois. This Federal Penitentiary is located in rural southern Illinois and was the first dedicated Super Max Correctional Facility of its kind.

The prison opened in 1963 after Alcatraz was closed. The most violent and recalcitrant-type prisoners who were prone to escape and had committed murders in other prisons were transferred there.

In October of 1983, two correctional officers were murdered by prisoners in this institution. The authorities then ordered a complete lockdown of the entire institution, which was still in effect until early 1999. The inmates remained in solitary confinement 23.5 hours a day. In 1985, a citizens' group formed an organization to end restrictive prison conditions in Marion. This group protested against conditions and lobbied to end the Marion lockdown (Prison 2005).

San Quentin Prison, which is located on the San Francisco Bay, just 20 miles north of the city of San Francisco, has one of these supermax administrative segregation units. This unit basically holds individuals that prison administrators can't place anywhere else. These prisoners could be doing a stint in administrative segregation (AdSeg) for punitive reasons. Also, some prisoners are placed in AdSeg for protective measures or gang affiliated members are also isolated in this unit. This term lost its meaning along the way when the description described the unit where you simply locked these individuals in a hole within a hole (Kupers, 2005, p-3).

In the "Adjustment Center" at San Quentin back in the 1970's, a bloody event occurred on August 21, 1971 precipitating the San Quentin Massacre. An inmate

smuggled a 9-mm automatic handgun into the unit and forced the officers to open the rest of the tier or unit (Liberatore, 1996, p-148-149).

What occurred next was the murdering of three correctional officers and the wounding of three other officers, as well as two inmates (innocent bystanders) who were also murdered in this massacre (Liberatore, 1996, p-161).

The prisoner who was responsible for this insurrection was shot and killed by an officer on the north block gun rail with his 30-30 Winchester Carbine, while the prisoner was attempting to make his escape over the north wall of the prison (Liberatore, 1996, p-155).

In Somers, Connecticut on Bilton Road, sits the Northern Correctional Institute, a super-maximum security prison. This supermax is one of more than three dozen similar prisons that were constructed around the United States. These prisons incarcerate the toughest and most dangerous dregs the prison system spawns (Cienski 2001).

The Northern Correctional Institute houses 423 prisoners who spend 23 hours out of their days locked in their cells. Their exercise is initiated when they place their hands through the food port or slot in their heavy steel cell door. Correctional officers place handcuffs on their wrists; then the inmates shuffle forward and leg iron restraints are secured to their ankles. The inmates are escorted by two officers to a pie-shaped concrete yard with a small peek at the sky. This routine is one part of segregating problem prisoners. Most inmates who are incarcerated there are prohibited to watch television. The food slots are opened in their cell doors so the inmates can receive their meal trays. These inmates sit on bolted down furniture and yell to other inmates who they never see. The Northern Correctional Institution's lights are on 24 hours a day and 161 video cameras spy into every cell, shower and exercise yard (Cienski 2001).

There are more than 20,000 inmates in other supermax facilities similar to (NCI) run by the federal government and in dozens of states. These supermax prisons are denounced by human rights groups. These groups claim that this type of prison dehumanizes and leaves prisoners warped and unfit to return to society. The only human touch comes from the correctional officers who supervise their medical examinations, which are performed through cell doors. Even psychoanalysis is performed while the inmate is secured by a restraining device connected to a pole. Family visits are also viewed by video hook-up (Cienski 2001).

The American Civil Liberties Union (ACLU) filed a lawsuit against Ohio's supermax prison in Youngstown, Ohio.

Mr. Ray Vasvari, legal director of the Ohio ACLU,

stated (2001):

The inhumane conditions at the supermax are not something that just happened because of bad management or neglect: They were part of the state's plan from the start. A prison like that belongs in the history of the Soviet Gulag, not in present-day America (Cienski 2001).

Prison officials are confident that by isolating these problem inmates such as rapists, abusers, drug smugglers and inmates who assault correctional officers, the balance of the correctional system is indeed safer and more secure and manageable.

According to Mr. Larry Myers, (NCI) Warden (2001): *"This facility is reserved for the worst of the worst. I'm sure this facility is a deterrent. Nobody wants to come to Northern"* (Cienski 2001).

Overcrowding at Northern became a problem. The original concept was to secure inmates in their cells by themselves until the inmates had, in Mr. Myers' words, (2001) "settled down". Group activities would be incorporated back for the inmates. The influx of so many inmates into the institution created double bunking. Even Mr. Myers (2001) acknowledges "inmate-on-inmate violence has ratcheted up since double bunking was brought in. Despite the elaborate security provisions, the threat of violence never lifts" (Cienski 2001).

When inmates refuse an order to vacate their cells, force must be used to remove that prisoner. Prisoners are known to shower the officer with noxious cocktails consisting of urine and feces which they throw out of their open cell door slots (Cienski 2001).

In these supermax facilities, it has been reported that when the inmates can't get to the officers, the inmates turn on themselves by smearing their cells with feces. Some prisoners even resort to self-mutilation and even some individuals commit suicide. In the state of Arizona it was documented that one prisoner used an eating utensil called a spork, to castrate himself (Cienski 2001).

Lastly, these supermax institutions serve a vital function for the safety and security of the correctional personnel and inmates alike.

Homicide

In 1973, a study was conducted on homicides which occurred in prisons throughout the United States. The prisons that were sampled housed adult male felons with populations of a minimum of 200 or more inmates. The extent of this study dealt with homicides in correctional institutions for felons that were adult males. Some of the settings were homogenous, such as the standardization of the reception and diagnostic centers, pre-release centers, halfway houses and the local lockups were excluded. Additionally, these institutions were larger, permanent and long standing. The only institutions which were considered in the final analysis were under state and federal control (Nelson, & Reed, & Sylvester, p-XVIII).

The findings of this study needed to stress that it was based on data which was taken from records that the criminal justice system routinely maintains. The criterion that was selected was procured from a directory, which was published from such facilities. A preliminary list of 198 institutions yielded this population information and their homicidal behavior. The National Prisoner Statistics Program compiled prisoner

statistics from individuals who were responsible in the department of corrections for naming these individuals. In 1973, there were three mailed questionnaires sent to the Department of Corrections, which provided an initial view of prison homicides. One questionnaire determined a significant number of homicides with demographic data. Questionnaires provided checks on other data by sending them to the district attorneys' and coroners' offices. This established a major general data base which was maintained for the correctional system. This survey involved the inspection of those records of the homicides and the participants of those homicides (Nelson, Reed, & Sylvester, 1977, p-XVIII).

Homicides committed by inmate-on-inmate single assailants, more than one assailant and those homicides that were committed by unidentified assailants were determined that three related motives varied considerably. In the single assailant category, homosexuality, arguments and debts accounted for 65% of those homicides committed. In regard to multiple assailants, the act of retaliation caused by snitching was the highest target objective. Gang circumstance, drug altercations and homosexuality consisted of 67% of all 4 causes of these homicides.

Lastly, in the unidentified assailant category, the causes of the homicides committed were altercations over intoxicants. This was determined to be the most common. Secondly, snitch management and lastly, property dispute, accounted for 68% homicides committed by unidentified assailants (Nelson, Reed, & Sylvester, 1977, p-34).

According to: Nelson, Reed and Sylvester (1977) conclusions:

Our studies have shown that mortality from all causes is lower among prison inmates than the mortality of a male population of similar age composition on the outside. The probability of a prisoner dying from natural causes is about three-fifths of what it would be on the outside and about one twentieth of what it would be from accidental causes. On the other hand, there are twice as many deaths by suicide as would be expected in terms of the general population. The actual number of homicides is about what would be expected in terms of the general population but twice what would be expected in terms of the proportion of prison deaths expected from homicide. In general, it seems reasonable to conclude that prisoners are safer from the natural causes of death and accidents than men outside the walls (p-73).

Nelson, Reed and Sylvester (1977) Some Policy Recommendations:

Size, security status and - to a much lesser extent - density are important correlates of prison homicide. Size undoubtedly obscures a number of social processes. In the light of budgetary constraints, it is probably naive to think in terms of significantly decreasing the size of prisons, although this appears to be desirable. Rather, attention and resources might more profitably be focused on control. Maximum security prisoners should be isolated and treated differently from prisoners of other security statuses. Different operating procedures and schedules should correspond to different levels of security (p-79).

In Wolfson's (1978) study, it was determined that prison homicides were corroborated by the most common root of murder in prison - economic retaliation. Wolfson also found, through the literature, that prison homicides were often premeditated and the claims of racial warfare were seldom the result (Wright, 1994, p-107).

According to the Bureau of Justice Statistics, the homicide rates dipped significantly in state prisons from 1980 (54 per 100,000) to 1990 (8 per 100,000). By the year 2002, prison homicide rates were declining even further. They were down to 4 per 100,000. Of the homicide victims in state prisons, 67% had served at least 2 years; 37% had served 5 years. 61% of the homicides which took place in these State prisons were against violent offenders.

In local jails, the homicide rates were even more stable. Local jails had a slight decline from 5 per 100,000 in 1983 to 3 per 100,000 in 2002 (Mumola, 2005, p-1).

Local jails averaged each year fewer than 20 inmate homicides. There were 59 jail inmate homicides that spanned over a 3-year period from (2000-2002). This was reported nationwide. This resulted in a rate of 3 jail inmate homicide deaths per 100,000 inmates. It was also reported that the violent offenders were the most likely ones to be killed in local jails (5 homicides per 100,000 inmates). Also reported, property and public-order offenders followed (3 for both). The drug offenders were (1 per 100,000), which rated the lowest victimization rate of all the offenders (Mumola, 2005, p-7).

The offenders with the highest rate of jail inmate homicide (15 per 100,000 inmates) fit in the kidnapper offender category; which was 5 times the rate for all inmates, followed by inmates held for rape (9) and violation of parole and probation (7). These offenders were among the highest homicide rates which combined for a total of eight homicides over a three year period which took place nationally (Mumola, 2005, p-7).

Sexual Violence

President George W. Bush signed into law the Prison Rape Elimination Act of 2003 (P.L. 108-79) on September 4, 2003.

According to Beck and Hughes (2005) of the Bureau of Justice Statistics (BJS):

This legislation requires the Bureau of Justice Statistics (BJS) to develop new national data collections on the incidence and prevalence of sexual violence within correctional facilities. This report fulfills the requirement under Sec. 4 (c) (1) of the act for submission of an annual report on the activities of the Bureau with respect to prison rape (p-1).

The correctional systems and facilities are able to report that two-thirds of sexual violence is the most serious form. Corrections administrators and prison rape researchers classified the following and these definitions were uniformly developed by BJS on sexual violence. Incidents of sexual violence by contact of inmate-on-inmate were classified by nonconsensual sexual acts and abusive sexual contacts. Staff-on-inmate sexual violence was split off into staff sexual misconduct and staff sexual harassment, to the most severe, rape. This report's aim considered all such incidents of sexual violence (Beck, & Hughes, 2004, p-4).

The Violence Inside Continued

Also, according to Beck and Hughes (2004):

Males comprised 90% of victims and perpetrators of inmate-on-inmate nonconsensual sexual acts in prison and jail. In State prisons 69% of victims of staff sexual misconduct were male, while 67% of perpetrators were female. In local jails 70% of victims of staff sexual misconduct were female; 65% of perpetrators, male (p-1).

Correctional authorities sampled two-thirds of the prison system. The sample indicated that more than three quarters reported that incidents of nonconsensual acts were defined in this survey. The data was inconclusive by the reporting of fewer abusive sexual contacts with the prison systems reporting 25%. The jails reported 14%, which included lesser forms of sexual violence amidst counts of nonconsensual sexual acts (Beck, & Hughes, 2004, p-4).

Recent research by Daniel Lockwood indicates that exaggerated claims of sexual harassment for some prisoners seems to be a punishment with major proportions which has really added confusion to this issue. Homosexual rape that focuses on much discussion on prison sexual violence is rare; the topic that is neglected and affects more men is that of sexual harassment. The oneness is placed squarely on the shoulders of prison administrators to deal with this problem. Prisoners who are targeted by sexual aggressors should have the consideration of the administrators to remedy the problem; but it is very unlikely that this problem will be solved (Lockwood, 1994, p-97).

The consensus of some writers regarding the high incidence of prison rape, which occurs throughout the nation, lacks such evidence to support their claims. These surveys reflect that a low rate of sexual assaults exists. Also indicated in these same surveys, large groups of men during their confinement were propositioned sexually. These sexual propositions were problematic and should be determined as the root of sexual violence that exists in prisons today (Lockwood, 1994, p-97).

According to Lockwood (1994):

One myth is that sexual aggressors tend to be successful, that targets of sex pressure, after enough threats or physical force, becoming willing "kids" of prison "daddies". Even among prisoners, there is the belief that many partners in consensual relationships were at one time "turned out" by "booty bandits". My research contradicts that notion (p-99).

According to Lockwood's (1994) findings:

Show targets coping with the experience by making demonstrations of violence that cause others to leave them alone or by developing protective lifestyles. In most cases, in my study, targets were only targets once. Then they managed to deal with the problem. Others, although pressured over time, did not give in to the urging of the aggressors. In no case was I able to document a change of sexual behavior caused by aggression and encountered no consensual arrangements begun by aggressive overtures against heterosexual men (p-99).

Conclusion

As the literature has defined, prisons are very dangerous places. These hardcore individuals have no regard

for authority, rules and regulations and attempt to carry on their criminal activities on the inside as they did on the outside. The only individuals that stand in their way are the thin blue line. The officers and staff are sometimes assaulted and even killed by these recalcitrant and violent prisoners.

The administrative segregation units or restrictive housing units house these core groups of individuals who are repeated disciplinary offenders. Usually, when the majority of these individuals are released from this custody, they re-offend and are placed right back into these units.

There is a process that is used by the correctional officers and staff in dealing with inmates who have no regard for rules and regulations. This is the only weapon that correctional officers can use. This process is a tool that can be used against inmates. The rules and regulations must be enforced. When there is an infraction committed by the prisoner, a misconduct report is then lodged against the inmate. The inmate is then placed in the restricted housing unit until a disciplinary board convenes and adjudges the inmate guilty or not guilty of the charges filed against them. If adjudged guilty by the board, the inmate is then sentenced and housed there until their sentence is completed. For example, in the state system, the inmate is afforded an appeal system. The first appeal can be filed 15 calendar days from the date of the disciplinary misconduct sentence. This appeal is sent to the Program Review Committee or (PRC) which consists of department managers. If the PRC turns down this appeal, the inmate has 7 calendar days to file the second appeal. This appeal is then sent to the superintendent of the prison. If, at this level, it is denied, the final appeal process ends at the office of the chief counsel. The inmate then has 7 days from the date of the rejection of the second level. If the appeal at this 3rd and final level is denied, the appeal process is exhausted.

Lastly, after spending thirty years in the corrections field, I am aware of certain decadent inmates who are incarcerated in the state system that will remain in administrative segregation for the duration of their sentences. These individuals are responsible for some of the most heinous crimes committed behind bars. Some of these convicts are homicidal killers who are responsible for taking the lives of correctional officers and staff. Also, there are repeated sexual predators that prey on weaker inmates who are newly arrived into the prison system. These inmates cannot function in the general population and the only housing units for these individuals are behind the doors of these segregation units in these supermax facilities.

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Biography

Mr. De Amicis is a graduate of Community College of Allegheny where he holds an A.A.S. Degree in General Studies. He is a graduate of Geneva College where he holds a B.S. Degree in Human Resource Management. He also has a Master's Degree in Public Policy and Management with a Specialization in International Security Studies from the Graduate School of Public and International Affairs at the University of Pittsburgh.

Mr. De Amicis is retired from the Allegheny County Bureau of Corrections, a Maximim Security Correctional Facility. He was employed with the Allegheny County Bureau of Corrections for 30 years and when he retired, held the rank of Captain.

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Psychological Criminogenic Factors: Antisocial Personality Disorder

By Stephen W. Verrill, Assistant Professor and Coordinator of the Criminal Justice Program and Kevin Krug, Assistant Professor of Psychology, Southeastern Oklahoma State University, Durant, Oklahoma

Abstract

Criminologists tend to favor sociological explanations for crime and criminal behavior, but criminology is an interdisciplinary science and there is a large body of psychological literature dedicated to understanding crime issues, especially criminogenic factors. This paper focuses on one aspect of the psychological body of science that relates to criminal behavior: antisocial personality disorder. This paper examines the antisocial personality disorder literature, noting deficiencies in the body of science and offering suggestions for future research.

Criminologists tend to favor sociological explanations for crime and criminal behavior (Ellis & Hoffman, 1990; Ellis & Walsh, 1999); however, criminology is an interdisciplinary science (e.g., Schmalleger, 1999) and there is a large body of psychological literature dedicated to understanding crime issues, especially criminogenic factors. Moreover, some classical criminological explanations for criminal behavior cloud the distinction between sociology and psychology (e.g., self-control theory, Gottfredson & Hirschi, 1990) or explicitly blend key concepts (e.g., social learning theory, Akers, 1998). As such, along with the popularity of developmental and life-course theories (e.g., Farrington, 2005), criminologists find the extant literature full of psychological terms and issues. In this paper, we focus on one aspect of the psychological body of science that relates to criminal behavior: antisocial personality disorder.

The DSM-IV (American Psychiatric Association, 1994) describes ten diagnosable personality disorders. A personality disorder is a pervasive and inflexible pattern of behavior in respect to the expectations of one's culture. Personality disorders have an onset both in childhood and adulthood and although stable over time, may lead to distress or impairment (American Psychiatric Association, 1994). Livesley and Jang (2000) define a personality disorder as "the failure to solve life tasks involving the development of integrated representations of self and others and the capacity for adaptive kinship and societal relationships" (p. 137).

Although a personality disorder is an inflexible pattern of behavior that is sociologically constructed (defined by culture), it is an inner experience (American Psychiatric Association, 1994). Personality disorders require that the inflicted act in a manner that deviates from societal expectations as a result of their own interpretations of events. Such individuals are aware of reality, unlike those with some mental diseases, but like mental diseases, the outcome is a mentally based devia-

tion from societal norms.

Some mental disorders are first diagnosed in childhood. Although not defined as one of the ten personality disorders, conduct disorder bears mention. A conduct disorder is a persistent pattern of violative behavior to the rights of others, conducted by persons younger than 18 years of age. There are two types of conduct disorders: childhood-onset, requiring manifestation prior to the age of 10 and adolescent-onset, occurring after 10 years of age (American Psychiatric Association, 1994). Individuals with conduct disorders have little concern for the rights of others. Conduct disorder is generally manifested in such behavior as

- aggression to people and animals
- destruction of property
- deceitfulness or theft
- serious violations of status offenses (American Psychiatric Association, 1994)

Antisocial personality disorder is an adult diagnosis. Persons diagnosed with this disorder are sometimes referred to as sociopaths or psychopaths. In order to be diagnosed as antisocial personality disorder, individuals must have a pervasive pattern of disregard for the rights of others that started in childhood or adolescence and continued into adulthood. Such individuals must be older than 18 years of age. Although conduct disorder does not have to have been officially diagnosed previously, a diagnosis of antisocial personality disorder requires that the individual have a history of symptoms of conduct disorder that were prevalent before 15 years of age. Crime is often associated with antisocial personality disorder but is not a prerequisite to a diagnosis (Martens, 2000). Antisocial personality disorder is often manifested in such behavior as

- failure to conform to societal norms and the law
- deceitfulness
- impulsivity
- irritability and aggressiveness
- reckless disregard for the safety of others
- consistent irresponsibility
- lack of remorse (American Psychiatric Association, 1994)

Literature

Antisocial personality disorder is well researched. Loosely categorized, antisocial personality disorder literature centers on five concepts: assessment, explanations, course, manifestations and treatment.

Assessment

How are people with antisocial personality disorder assessed? How accurate are related diagnoses? The DSM-IV (American Psychiatric Association, 1994) is the tool used for diagnosing personality disorders. There

are two recent assessment articles in the literature, both drawing different conclusions.

Livesley and Jang (2000) argued that current classifications of personality disorders, antisocial personality disorder included, are not explicitly supported in empirical research. At issue, is the current delineation by trait. Livesley and Jang consider the method of classifying the disorders arbitrary collections of diagnoses. They suggested abandoning the present scheme and instead proposed a new classification system that focuses on empirical fact, allows for a descriptive base for theory and affords clinical utility.

Smith, Hilsenroth, Castlebury and Durham (1999), although not addressing the issue of the DSM-IV's limitations, distinguished between psychopathy and antisocial personality, suggesting that assessment techniques that accurately measure behavioral indicators are essential to accurate screening. They focused on a method of accurately verifying antisocial personality disorder assessment. Smith and colleagues found support for the Minnesota Multiphasic Personality Inventory Second Edition antisocial practices scale as an indicator of antisocial personality disorder. Smith and colleagues concluded that the antisocial practices scale is helpful in the accurate diagnosis of suspected antisocial personality disordered individuals.

Explanations

The antisocial personality disorder body of science tends to focus on biological correlation, but not all scholars take such a stand. Frith and Blair (1998) noted that some researchers attack the assumption that antisocial personality disorder is biologically based. Critics purport that antisocial personality disorder, like all psychiatric disorders, is behavior based and rather than representing abnormal behavior, antisocial personality disorder may merely be an extreme form of normal behavior. Frith and Blair also tackled assertions that antisocial personality disorder may only be adaptive behavior necessary in certain environments. They acknowledged that the diagnosis of antisocial personality disorder may be overextended, but they concluded from the literature that antisocial personality disorder is abnormal behavior with a brain basis of psychopathy.

Raine, Lencz, Bihle, LaCasse and Colletti (2000) used structural magnetic resonance imaging to test the hypothesis that people with antisocial personality disorder have subtle deficits of gray and white matter in the brain's prefrontal cortex. It was already commonly accepted in the literature that people who suffer major damage to gray and white matter in the prefrontal cortex may experience pseudopsychopathic personality changes, but the concept had not been previously

Psychological Factors Continued

investigated in reverse. Raine and colleagues concluded that structural brain deficit (reduction in the brain's gray matter only) is a correlate of antisocial personality disorder.

Seifritz, Dursteler and Raine (2001), however, questioned Raine and colleague's sample, suggesting that the inclusion of those with substance use disorders may have skewed the results because of an unusually high sample of those who abuse cocaine. Seifritz and colleagues pointed out that the differences in gray matter volume might be due to the high rates of cocaine abuse.

Bigler, Raine and LaCasse (2001) conducted a case study with an individual that was diagnosed with conduct disorder and later suffered an injury resulting in substantial damage to the medial frontal cortex. Antisocial behavior, prevalent for many years, was not altered after the injury. Bigler and colleagues concluded that the prefrontal cortex, as postulated by Raine and colleagues, must indeed be critical to the development of appropriate social behavior; otherwise the previously noted antisocial behavior might have been altered. Bigler and colleagues asserted that since no noticeable difference in antisocial behavior occurred, the medial frontal cortex is not involved in antisocial behavior; therefore, the prefrontal cortex must indeed be the relevant factor.

Blair (2001) extended the notion of cortex damage being important to antisocial personality disorder by researching aggression in those with acquired sociopathy, people who have acquired lesions to the orbitofrontal cortex. He concluded that instrumental antisocial behaviors are the result of impairment in the capacity to form normal associations. Blair used this neurocognitive model to postulate that people raised in particular social environments (he used the example of poverty) may adopt antisocial behavior if it appears beneficial to do so.

Sneider, Habel, Kessler and Posse (2000) studied test and control samples regarding cerebral regional activation and its processing of negative affect. They concluded that people with antisocial personality disorder have divergent neuronal network activity in relation to people that do not have antisocial personality disorder.

In a review article, Martens (2000) linked antisocial personality disorder to biochemical abnormalities involving serotonin, monoamine, oxidase and certain hormone dysfunctions. Blair and Frith (2000) conducted a literature review of developmental cognitive neuroscience for the conceptualization and cause of antisocial personality disorder. They concluded that the development of antisocial personality disorder is not a result of impaired executive functioning and that impaired emotional processing may be correlated with antisocial personality disorder as a result of dysfunction within a circuit involving the brain's amygdala.

Course

Although some researchers are concerned with the etiology of antisocial personality disorder, others are more concerned with its course. Researchers also show interest in antisocial personality disorder prevalence among certain groups to the exclusion of others. Who is at risk for antisocial personality disorder and how does it progress throughout time?

Holmes, Slaughter and Kashani (2001) contend there are various risk factors for conduct disorder and antisocial personality disorder. They posited that conduct disorder does not suddenly appear, but rather is a progression of maladaptive behavior with certain identifiable factors and indicators. Holmes and colleagues suggest there is a clear progressive path from oppositional defiant disorder (a childhood disorder that involves behavior similar to conduct disorder, but less severe) to conduct disorder to antisocial personality disorder. Martens (2000) agreed that children with conduct disorder have an elevated risk for antisocial personality disorder. In a somewhat older study (just prior to the release of the DSM-IV), Eppright, Kashani, Robinson and Reid (1993) explored the relationship of conduct disorder to antisocial personality disorder and suggested that antisocial personality disorder may actually be diagnosable under the age of eighteen and is in fact comorbid with some conduct disordered juveniles.

Dohrenwend (2000) examined the antisocial personality disorder correlates, concluding that socioeconomic status is important in the occurrence of several disorders, including antisocial personality disorder. Miech, Caspi, Moffitt, Wright and Silva (1999) explored socioeconomic status as both a cause and consequence of mental illness. They concluded that more research is needed in the sociology of mental disorders. North, Smith and Spitznagel (1993) investigated antisocial personality disorder and the homeless, concluding that a diagnosis of antisocial personality disorder among the homeless is appropriate when valid and that homelessness does not necessarily lead to antisocial behavior.

Jang, Vernon and Livesley (2000) explored the relationship between antisocial personality disorder, family environment and alcohol misuse. They concluded that heritability of personality factors plays a small role in alcohol misuse, but conversely, genetic factors common to narcissistic and stimulus-seeking antisocial personality disorder behaviors may influence the susceptibility to alcohol misuse. Myers, Stewart and Brown (1998) suggested there is a high rate of progression to antisocial personality disorder from adolescents who abuse drugs and alcohol. Gerstley, Alterman, McLellan and Woody (1990) on the other hand, explored antisocial personality disorder in individuals with substance abuse disorders and concluded that the relationship is complex and not yet understood.

Zlotnick (1999), among other things, researched the relationship between affect dysregulation and childhood abuse in antisocial personality disorder, using a sample of incarcerated women. He found that affect dysregulation is related to antisocial personality disorder, particularly with respect to anger modulation. In his review article, Martens (2000) suggested that men are twice as likely to be diagnosed with antisocial personality disorder than women and he reported that antisocial personality disorder tends to remit in most people around 40 years of age. Golomb, Fava, Abraham and Rosenbaum (1995), speaking to the issue of gender, suggested that its relationship to personality disorders is complex and unresolved.

Manifestations

Research regarding behavioral manifestations of antisocial personality disorder, particularly criminal manifestations, is common in the literature. Psycho-

paths comprise about 1% of the population, yet about 15%-20% of offenders in federal correctional settings (Porter, Fairweather, Drugge, Hughes and Herve, 2000). What types of behavior are antisocial personality disordered individuals likely to engage in?

Steel and Blaszczynski (1998) examined pathological gamblers in respect to impulsivity and personality dysfunction, concluding that impulsivity is part of the structure of personality disorders. Gunderson and Ronningstam (2001) explored the relationship between narcissistic personality disorder and antisocial personality disorder, starting with a known 25% comorbidity rate. They focused on individual characteristics of the two groups, concluding that although both have similar levels of grandiose fantasies and belief in their invulnerability, narcissistic personality disordered individuals tend to be more convicted in their beliefs of being unique and superior, whereas antisocial personality disordered individuals are more exploitive.

Porter and colleagues (2000) investigated psychopathy and sexual violence, concluding that psychopathic patterns vary across sex offender groups. Porter and colleagues found no relationship between molesting and psychopathy, but they did find a correlation between rapists and psychopathy.

Berger, Berner, Bolterauer, Guitierrez and Berger (1999) examined sexual sadism and sadistic personality disorder and its relationship to antisocial personality disorder. They confirmed what was already believed in the literature, that sadistic personality disorder is a frequent forensic diagnosis. Employing factor analysis, they concluded that there is no clear separation of sadistic personality disorder and antisocial personality disorder. Gerberth and Turco (1997) conducted a literature review of serial murder and its relationship to sexual sadism and antisocial personality disorder. They concluded there is a correlation between aggressive and antisocial behaviors in childhood and sexual sadism in adulthood.

Treatment

Although the literature is most plentiful in explanations for antisocial behavior, its course and to a degree its manifestations, there is also some literature regarding treatment. How might people diagnosed with antisocial personality disorder be cured?

Kaylor (1999) explored the issue of treatment, proclaiming "antisocial personality disorder is a complex disorder that creates a diagnostic, ethical and treatment dilemma for mental health professionals" (p. 247). Frith and Blair (1998) reported that psychopathy is treatable. Although Frith and Blair acknowledge that the exact treatment is as of yet unknown, they posit that psychopathy is a neurologically based disorder and therefore must be treatable, drawing parallels to other neurologically based disorders such as Parkinson's disease, long thought untreatable until proven wrong.

Frith and Blair (1998) recommended more research in the area of identifying the exact brain basis of psychopathy so that appropriate treatment can be developed. Taking a slightly different approach, Martens (2001) presented a model of agitation therapy for those with antisocial personality disorder. He explained that agitation therapy is generally reserved for aggressive individuals that do not respond to more benign forms of treatment. Martens adapted an agitation therapy model

for antisocial personality disorders that allows learning moments to occur in controlled-conflict situations.

Summary and Conclusion

There seem to be few gaps in the literature. Much of the body of science portrays antisocial personality disorder as biologically based. There is much research indicating that the brain's frontal cortex is a correlate of antisocial personality disorder. A close runner-up to the biological position is a sociological explanation and some researchers embrace a combination of both ideas. None of the literature is diametrically opposed, however.

The literature is generally in agreement on some sort of progression from conduct disorder to antisocial personality disorder. Nothing refutes suggestions that antisocial personality disorder is somehow correlated to socioeconomic status or substance abuse. Researchers are likewise open-minded when exploring antisocial personality disorder and homelessness. The literature seems unanimous in a correlation between antisocial personality disorder and sadistic personality disorder. Methods of antisocial personality disorder treatment may be the least researched and least understood categorization in the literature. Scientists are willing to consider that treatment is possible, but there is no clear identification of what works.

Future criminogenic research might best be geared toward substantive correlation of the individual factors surrounding antisocial personality disorder. Although causation is an important area of exploration, the course of personality disorders, specifically the relationship between conduct disorder and antisocial personality disorder warrants further examination. There are two obvious, unanswered questions: Precisely how important is conduct disorder in the etiology of antisocial personality disorder? Can the prevalence of antisocial personality disorder be reduced through the effective treatment of conduct disorder?

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Biography

Stephen W. Verrill is an assistant professor and coordinator of the criminal justice program at Southeastern Oklahoma State University. Dr. Verrill earned his Ph.D. in criminology from the University of South Florida. He also holds a master's degree in criminology from the University of South Florida, a bachelor's degree in criminal justice from Florida Gulf Coast University and associate and bachelor degrees in business administration from the University of Southern Maine. His scholarly interests are criminological and criminal justice theory, quantitative methodology and police behavior. Dr. Verrill's work has appeared in the *Journal of Ethnicity in Criminal Justice*, *LAE Journal of the American Criminal Justice Association*, *FBI Law Enforcement Bulletin*, *ACJS Today* and *The Encyclopedia of Controversies in Criminal Justice* (forthcoming).

Kevin Krug is an assistant professor of psychology at Southeastern Oklahoma State University. Dr. Krug received his BA in psychology from the University of North Carolina at Wilmington, MA in experimental psychology from Towson University and Ph.D. in neuroscience from Baylor University. His research interests include metamemory, eyewitness memory, memory for product brand names and Internet chat room behavior.



**AMERICAN CRIMINAL JUSTICE ASSOCIATION
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2007 CONFERENCE COORDINATOR

CONFERENCE THEME:

The Real CSI

(Workshop Speaker: **Dr. Henry C. Lee**)

Sunday, March 18:

8:00am – 9:30am Committee Meetings (if needed)
 10:00am – 5:00pm Executive Board Meeting
 9:00am – 5:00pm Registration (sign-up for crime scene & firearms)
 6:00pm – 7:00pm Advisor’s “Get-Together”
 8:00pm – 1:00am Ice Breaker

Monday, March 19:

9:00am – 3:00pm Registration (sign-up for crime scene & firearms)
 8:00am – 5:00pm Academic/Written Competitions
 8:00am – 5:00pm Crime Scene Competition
 9:00am – 3:00 pm Job Fair
 6:00pm – 7:00pm Social Hour
 7:00pm – 1:00am Opening Banquet and Dance

Tuesday, March 20:

7:00am – 8:00am Firearms/Physical Agility Safety Meeting
(mandatory)
 8:00am – 5:00pm Firearms Competition
 8:00am – 5:00pm Physical Agility Competition
 7:00pm – 9:00pm Regional Caucuses

Wednesday, March 21:

7:30am – 9:00am Chapter Officers’ Breakfast & Meeting
 7:30am – 9:00am Chapter Advisors’ Breakfast & Meeting
 8:30am – 4:30pm Workshop “The Real CSI” featuring Dr. Henry C. Lee
 6:00pm – 8:00pm Star Member Recognition Reception
 8:30pm - 1:00pm 16th Annual Lip Sync/Talent Contest

Thursday, March 22:

FREE DAY

Friday, March 23:

8:00am – 9:00am Voter & Proxy Registration
 9:00am – 5:00pm National Business Meeting
 6:00pm – 7:00pm Social Hour
 7:00pm – 1:00am Awards Banquet & Dance

Standard National Competitions information, including course of fire for the pistol match and the textbooks to be used for the written competitions, is available from the National Office or on our website at www.acjalae.org. All written tests will be 75 multiple-choice questions.

TRANSPORTATION FROM THE AIRPORT:

The Doubletree Hotel is approximately 10 miles from Philadelphia International Airport.. Transportation to the Hotel can be arranged with Delaware Express (302-454-7800) or Prime Time Limos (302-425-5599). Reservations are suggested, especially for large groups. Rates on posted on our website. Since gasoline prices are fluctuating, please recheck the rates closer to the Conference.

CONFERENCE ROOM RATE & HOTEL RESERVATIONS:

Single through Quad will be \$132.84 per night **(rate includes 8% tax)**. **NOTE:** Reservations must be made by February 14, 2007 to avoid higher rates.

Members can make their room reservation(s) via a “link” to Hotel reservations directly from our website or by calling 302-351-5529. If you make your reservations by phone, please be sure to inform the Hotel that you are reserving your room(s) for the ACJA/LAE National Conference. The Hotel will honor the Conference rate three days before and three days after the Conference based on the availability of rooms. **The Doubletree Hotel will hang chapter banners FREE of charge.**

CONFERENCE REGISTRATION FEE:

1. Pre-registration fee for members will be \$140 until February 2, 2007.
2. Pre-registration fee for guests will be \$100 until February 2, 2007.
3. Member registration fee will be \$175 after February 2nd and on-site.
4. Guest registration fee will be \$135 after February 2nd and on-site.

Pre-Conference registration packets will be sent to all members in November.

FIREARMS/PHYSICAL AGILITY COMPETITIONS:

The firearms competition will be held at the National Guard range in New Castle, DE approximately 14 miles from the Hotel. The physical agility competition will be held at the Stanton Campus of Delaware Technical & Community College. A bus and vans will be shuttling members between the hotel, range and obstacle course or you can use your own transportation. **All participants *MUST* attend the Safety Meeting on Tuesday morning to sign waivers. You will not be allowed to compete if you do not attend the meeting. (Please check the website for National Firearms Policy)**

CONTACT:

If you have any questions concerning the upcoming 2007 National Conference, please contact Steve Atchley, Conference Coordinator, at (302) 453-3767 (email: satchley@dtcc.edu) **For more information on things to see and do in and around Wilmington, please check the National Web page at www.acjalae.org.**



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