

**AMERICAN
CRIMINAL
JUSTICE
ASSOCIATION**

L.A.E.

J

OURNAL

2008



1937-2008

71 YEARS OF SERVICE

**“Dedicated to professionalism
in the administration of
justice and public safety”**

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AMERICAN CRIMINAL JUSTICE ASSOCIATION

LAMBDA ALPHA EPSILON

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.

Publication

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Membership

Membership in the American Criminal Justice Association/Lambda Alpha Epsilon is available at \$36.00 for the first year and \$30.00 thereafter. Individuals interested in membership should write the Executive Secretary, Karen K. Campbell, P.O. Box 601047, Sacramento, California 95860. Membership in the Association includes a subscription to the L.A.E. Journal.

Editorial Policy

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.

Submission of Manuscripts

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:



I have just returned from the last of the 3 Regional Conferences that I attended this year, so they are on my mind. Let me start by thanking Laura Bedard for starting the practice---during her presidency---of the National President and Vice President each attending 3 of the Regional Conferences. I think this has given me a better understanding of each Region. Each is alike in some ways but different in other ways.

Lambda Chapter put on a great conference in Tallahassee for Region 5. The competitions were fun. I thought the idea of having the Icebreaker at the pool hall near by was a good one as it really helped people to mingle. Once again, thanks to Dave Talley who always sees to it that I get where I need to go; I'll return the favor when we go to Portland in 2010.

The Region 3 conference was in Kirksville, Missouri, hosted by Chi Chapter. The physical agility competition was a little different---they got permission to use an empty house that SWAT uses for some of their tactical entries! I don't recall a pistol competition before that was held at someone's home---Dr. Young was certainly gracious to let us use one of his ranges. I also enjoyed Peter Smerick's lectures on Criminal Profiling; let me add that I subsequently talked with a police officer friend whose department had paid a good chunk of money for him to attend several classes taught by Mr. Smerick. For those of you looking for ideas to save money for speakers, Chi teamed up with the Truman State's Pre-Law Club and jointly brought Mr. Smerick to the Truman State campus.

Delta Psi Chi (Boise State University's chapter) hosted the Region 1 conference. The theme was "Gangs, coming to a neighborhood near you." There were a variety of speakers who were very knowledgeable. The POST Academy generously donated their range and physical agility course; both were perfect for our competitions. I have to note that if some of the physical agility competitors handle a real baby the way they did during that course, there are going to be some CPS referrals. The Owyhee Hotel is a grand old hotel, with quite a history; I for one was just as happy that the resident ghost did not choose to appear.

I don't know how the Conference Directors managed, it but there was great weather for all of the conferences!

I look forward to seeing all of you in Jacksonville. I know that Region 5 members are hard at work ensuring that everything is taken care of and everyone has a great time. Keep checking the national website as Karen keeps updating it.

Congratulations to Preston Koelling on being re-elected as Region 2's President and to Steve Atchley, the new Region 4 President. Thank you also to Region 4's Past President, John Wilt for his service to Region 4, and to LAE.

Abby Schofield
National President

C

onference Highlights - 2008

470 members and guests attended the 2008 National Conference held in Kansas City, Missouri. Many thanks to Roger Pennel, Region 3 President and Conference Director, Jill Miller, Conference Coordinator, for putting on a great Conference.



1. Lori Carman handles Conference registration Sunday morning at Hyatt Crown Plaza Hotel

2. Investigation skills were clearly required during the Crime Scene Competition

3. National President, Abby Schofield, presides over the Closing Awards Banquet activities

4. Dick Warrington, Fingerprint Expert, held an excellent and informative workshop

5. Written Competitions were given in Criminal Law, Police Management and Operations, Juvenile Justice, Corrections, and LAE Knowledge.

6. Presentation of Colors at the Opening Banquet

7. Bob Cirtin, Region 3 Vice-President (L) and Roger Pennel, Region 3 President (R) during the Region 3 Caucus

8. A wide range of agencies attended the Job Fair

9. The Physical Agility Competition had a series of practical obstacles to overcome to complete the course

10. Jessica Nelson, the Association's 2008 Student Representative, receives a recognition plaque at the Closing Banquet

11. The Police Department's canine demonstration was a hit with everyone

12. Sam Dameron, Past-National President and Alpha Omega Advisor (L) and Steve Atchley, Lambda Omega Advisor (R) confer during the Conference

13 The Region 3 Gamma Epsilon Delta Chapter not only took home their share of trophies; they received the Outstanding Region and Sweepstakes Awards



14. The Firearms Competition was held at the new Kansas City Police Department's Academy indoor range

15. The weighted "dummy drag" proved to be a challenge for many competitors



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CONFERENCE COMPETITION WINNERS — 2008

Top Academic: Ernest Solomon, Lambda Omega **Top Gun:** Brody Sanson, Gamma Epsilon Delta

Spirit Award: Sigma Pi, Region 1 **Outstanding Region Award:** Region 3

Sweepstakes Award: Gamma Epsilon Delta, Region 3

LAE KNOWLEDGE

Lower Division:

- 3rd Place Tammy Reeves, Lambda Omega
- 2nd Place Natalie Salachino Region 4 Lambda Omega
- 1st Place Morgan Lee, Gamma Epsilon Delta

Upper Division:

- 3rd Place Melissa Scarbough, At-Large
- 2nd Place Charlie Pappert, Gamma Epsilon Delta
- 1st Place Angela Dudley, Gamma Epsilon Delta

Professional Division:

- 3rd Place Michael Snow, At-Large
- 2nd Place Brittany Allen, At-Large
- 1st Place Linda Morgan, Tau Epsilon Lambda

JUVENILE JUSTICE

Lower Division:

- 3rd Place Jeryn Batman, Gamma Epsilon Delta
- 2nd Place Ernest Solomon, Lambda Omega
- 1st Place Steven Crown, Gamma Epsilon Delta

Upper Division:

- 3rd Place Jacob Shroyer, Chi
- 2nd Place Brianna Wagner, Chi
- 1st Place Rachel Schmid, Delta Chi

Professional Division:

- 3rd Place Bethanie Keating, Sigma Chi Chi
- 2nd Place Ida Flippo, Epsilon Tau Alpha
- 1st Place Andrew Crowther, Gamma Epsilon Delta

POLICE MANAGEMENT & OPERATION

Lower Division:

- 3rd Place Matt Hemphill, Zeta Rho Omega
- 2nd Place Brad Isnard, Zeta Rho Omega
- 1st Place Ernest Solomon, Lambda Omega

Upper Division:

- 3rd Place Charlie Pappert, Gamma Epsilon Delta
- 2nd Place Jennifer Ianno, Gamma Epsilon Delta
- 1st Place David Taylor, Delta Zeta Omega

Professional Division:

- 3rd Place Joe Walsh, Chi Omega Pi Sigma
- 2nd Place Linda Morgan, Tau Epsilon Lambda
- 1st Place Robert Austin, Kappa Xi Sigma

CORRECTIONS

Lower Division:

- 3rd Place Morgan Lee, Gamma Epsilon Delta
- 2nd Place April Komasiński, Theta Alpha Delta
- 1st Place Paul Dorian, Lambda Omega

Upper Division:

- 3rd Place Kyrie McLemore, Alpha Epsilon
- 2nd Place Angela Dudley, Gamma Epsilon Delta
- 1st Place Charlie Pappert, Gamma Epsilon Delta

Professional Division:

- 3rd Place Ida Flippo, Eta Tau Alpha
- 2nd Place Joe Nedelec, Chi
- 1st Place Steve Atchley, Lambda Omega

CRIMINAL LAW

Lower Division:

- 3rd Place Paul Dorran, Lambda Omega
- 2nd Place Matt Hemphill, Zeta Rho Omega
- 1st Place Brent Jepson, Gamma Epsilon Delta

Upper Division:

- 3rd Place Lance Sagers, Lambda Omega
- 2nd Place Angela Dudley, Gamma Epsilon Delta
- 1st Place A. J. Gonzales, Nu Tau

Professional Division:

- 3rd Place Scott Pray, Alpha Nu Omega
- 2nd Place David Stumpf, Sigma Delta
- 1st Place Melody Rayl, Zeta Rho Omega

FIREARMS (Individual)

Lower Division:

- 3rd Place Kory Cordier, Rho Beta Psi
- 2nd Place Jeffrey Ahrens, Sigma Delta
- 1st Place Andy Cronquist, Sigma Delta

Upper Division:

- 3rd Place Michael Staat, Gamma Epsilon Delta
- 2nd Place Bryan Wilkins, Gamma Epsilon Delta
- 1st Place Brody Sanson, Gamma Epsilon Delta

Professional Division:

- 3rd Place Gary Sauson, Gamma Epsilon Delta
- 2nd Place Mike Lane, Nu Tau
- 1st Place Richard Gillespie, Gamma Epsilon Delta

FIREARMS (Team)

Lower Division:

- 3rd Place Kory Cordier, Travis Joyce, Travis Hillman, Rho Beta Psi
- 2nd Place Brent Jepson, Tom Nobel, Tom Hurley, Gamma Epsilon Delta
- 1st Place Andy Cronquist, Jeffrey Ahrens, Scott Stueber, Sigma Delta

Upper Division:

- 3rd Place Charlie Pappert, Jeremy Cook, Kate Weyerich, Gamma Epsilon Delta
- 2nd Place Bryan Wilkins, Ben McPherson, Travis Bailey, Gamma Epsilon Delta
- 1st Place Brody Sanson, Michael Staat, Brandon Meyer, Gamma Epsilon Delta

Professional Division:

- 3rd Place Mike Lane, Kenneth Naffziger, James Vieau, Nu Tau
- 2nd Place Neal Oppenheimer, Greg Willis, Brian Meloy, Eta Tau Alpha

- 1st Place Richard Gillespie, Charles Tomlin, Gary Sauson, Gamma Epsilon Delta

CRIME SCENE

Lower Division:

- 3rd Place Monica Arredondo, Rosa DeLeon, Jose Sanchez, Sigma Chi Chi
- 2nd Place Amanda Scully, Danny Jimenez, Cody Kennedy, Tau Epsilon Lambda
- 1st Place Leona Long, Clinton Payne, Whitney Wagner, Delta Phi Upsilon

Upper Division:

- 3rd Place Jennifer Ianno, Jessica Nelson, Angela Dudley, Gamma Epsilon Delta
- 2nd Place Frances Olson, Lolita Murphy, Vern Wheeler, Delta Phi Upsilon
- 1st Place Jennifer Hill, Stacy Pierson, Kaitlin Rundel, Pi Lambda Alpha

Professional Division:

- 3rd Place Suzann Lathrop, Marianne Hudson, Ryan Voorstad, Delta Psi Chi
- 2nd Place Brittany Allen, Jemel Townsend, Josh Bevil, At-Large
- 1st Place Gae Davis, David Davis, John Wilt, Sigma Delta

PHYSICAL AGILITY

Female 25 and Under:

- 3rd Place Danielle Eickhoff, Gamma Epsilon Delta
- 2nd Place Shawna McCumber, Theta Alpha Delta
- 1st Place Denise Childress, Chi

Male 25 and Under:

- 3rd Place Kenny Jones, Phi Delta Psi
- 2nd Place Ben McPherson, Gamma Epsilon Delta
- 1st Place Vincent Peak, Rho Beta Psi

Female 26 to 35:

- 3rd Place Leona Long, Delta Phi Upsilon
- 2nd Place Bree Frost, Rho Beta Psi
- 1st Place Ericka Tomsha, Rho Beta Psi

Male 26 to 35:

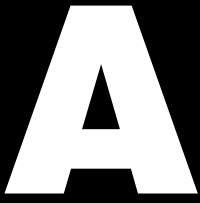
- 3rd Place Charles Tomlin, Gamma Epsilon Delta
- 2nd Place Sebastian Ascencio, Tau Sigma Chi
- 1st Place Levard Missick, Alpha Omega Xi

Female 36 and over:

- 3rd Place Lucy Barksdale, Omega Alpha Omicron
- 2nd Place Mary Martin, Sigma Delta
- 1st Place Linda Morgan, Tau Epsilon Lambda

Male 36 and over:

- 3rd Place Schan Weisman, Alpha Lambda Omega Pi
- 2nd Place Ben Castillo, Kappa Xi Sigma
- 1st Place Dave Davis, Sigma Delta



Announcement of the 2010 ACJA/LAE National Scholarship & Student Paper Competition

Applications will be available after April 30, 2009 for the 2010 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 web site. The deadline for submission of papers for the 2010 National Scholarship is December 31, 2009. The deadline for submission of papers for the 2010 National Student Paper Competition is January 31, 2010. Papers are reviewed by separate committees and winners will be announced at the 2010 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.

2008 NATIONAL SCHOLARSHIP AWARDS

Lower Division:

- 3rd Place: Aaron Leming, Tau Alpha Omicron
- 2nd Place: Abigail Christman, Tau Alpha Omicron
- 1st Place: Karen Logan, Omega Alpha Omicron

Upper Division:

- 3rd Place: No Entry
- 2nd Place: Denise Darling, Lambda Omega
- 1st Place: Angela Blake Region 2 At-Large

Graduate Division:

- 3rd Place: No Entry
- 2nd Place: Brittany Allen Region 5 At-Large
- 1st Place: Clarinda Garrett, Gamma Epsilon Delta

2008 STUDENT PAPER AWARDS

Lower Division:

- 3rd Place: Megan Hagen, Sigma Delta
- 2nd Place: Abigail Christman, Tau Alpha Omega
- 1st Place: Reyna Rogers, Zeta Omicron Epsilon

Upper Division:

- 3rd Place: No Entry
- 2nd Place: Thomas Costigan, Phi Alpha Sigma
- 1st Place: Megan Shirik, Alpha Omega

Graduate Division:

- 3rd Place: Amber Rawls, Phi Delta
- 2nd Place: Suzann Lathrop, Delta Psi Chi
- 1st Place: Heather Cox, Gamma Epsilon Delta

Executive Secretary's Report

Between February 24, 2007 and March 14, 2008, the Association chartered 45 new or re-chartered chapters. The number of active chapters has grown from 75 in 1990 to 148 in 2008. A total of 470 members and guests attended the 2008 National Conference in Kansas City, Missouri. The theme of the Conference was "The Secrets of the Dead." Members enjoyed five days of competitive competitions, banquets, workshops, and entertainment. As of the 2008 National Conference, the number of active members and chapters nationwide included:

	Members	Chapters
Region 1	466	21
Region 2	502	17
Region 3	461	23
Region 4	636	31
Region 5	833	34
Region 6	678	22
Total	3,576	148

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tar Member

The Star Member Award is an earned recognition of members who have substantially contributed to the furtherance of ACJA-LAE. A nominee for this award must have displayed exemplary loyalty and dedication to the Association and shall have provided service which is substantially superior to that performed by other members. The right to issue Star Membership rests with the voting members of Grand Chapter. Three quarters (3/4) vote of the voting membership present at the Annual Conference is required and the voting is by secret ballot. Star Members are elected to Life Membership in recognition of their outstanding contribution to the Association and are presented with a Star Membership Certificate and Star pin.



Steve Atchley accepts the Star Member Award from President Abby Schofield

Star Member 2008 – Steve Atchley

At the 2008 National Conference held in Kansas City, Missouri, Steve Atchley was elected to Star Membership. Steve was nominated by Abby Schofield, National President; John Wilt, Immediate Past Region 4 President; Sam Dameron, and Mike Snow. These four members are also Star Members.

Steve Atchley has been a member of ACJA-LAE since 1994, first as a member-at-large, then as the Advisor for the Lambda Omega Chapter at Delaware Technical Community College. Steve helped establish the chapter and has been their Chapter Advisor since 1994. Steve has served on numerous committees including the Bylaws Committee, and the National Scholarship Committee. Steve also served as the National Conference Coordinator for the 2007 National Conference that was held in Wilmington, Delaware. At the Region 4 Conference, Steve was elected President of the Region. President Abby Schofield presented Steve with his Star Award during the Closing Banquet of the Conference.

2008 Orlando W. Wilson Award

The Orlando W. Wilson Award is presented to individuals who have made an Outstanding Contribution to the field of Law Enforcement. Individuals may be nominated for this Award and the Executive Board of Grand Chapter determines Award recipients. The criteria for selecting each awardee should include: (1) the nominee must be actively involved in the field of the Award for which they are nominated, and (2) the nominee must have made a contribution to the field of the nominated Award that is recognized as significant by peers within that field. Nominees may be selected from within or without ACJA-LAE membership. Awardees receive an ACJA-LAE plaque of distinctive design that includes the ACJA-LAE logo and a brief description of the significant contribution.

Chief John W. Richardson was nominated and awarded the 2008 Orlando W. Wilson Award. He was nominated by Vice-President, Joe Davenport. Chief Richardson is Chief of Police at the University of Illinois and retired Deputy Superintendent of the Chicago Police Department. Chief Richardson came up through the ranks of the Chicago Police Department during the time when the police departments throughout the country were in great upheaval. His service to both the community and his fellow officers helped to restore confidence in the very police department that O. W. Wilson was hired to reorganize. O. W. Wilson's goal was to put professionalism back into the Chicago Police Department and faith back into the citizens concerning the criminal justice system. Chief Richardson was a police officer that helped to show the way. He worked hard to become a Supervisor and then a Commander of a large number of officers in several high-crime areas. He went on to become the Deputy Superintendent of staff services for the entire Chicago Police Department which included the world renowned "*Neighborhood Relation and CAPS Program.*"

After leaving the Chicago Police Department, he was asked to become the Chief of Police for the University of Illinois at Chicago where he manages 75 sworn officers, 30 security officers, 55 civilian staff and assigned to protect over 37,000 university faculty, staff and students.

B

ill Melnicoe Distinguished Service Award

The Bill Melnicoe Distinguished Service Award is an earned Award granted to members of ACJA-LAE in recognition of outstanding service to the National organization or within a specific region. The right to issue the Bill Melnicoe Distinguished Service Award rests with the voting members of Grand Chapter and is granted upon the favorable vote of a majority of the voting membership present at the National Conference. The minimum criteria for being nominated for this Award includes at least five (5) years active membership in the Association and outstanding service to the Association at the National, Regional, or Chapter level. A distinctive plaque is presented to the awardee.



Terry Fairbanks received the Bill Melnicoe Award Distinguished Service Award

Bill Melnicoe Distinguished Service Award – 2008 Terry Fairbanks

At the 2008 National Conference held in Kansas City, Missouri, Terry Fairbanks was elected to receive the Bill Melnicoe Distinguished Service Award. Terry was nominated to receive this Award by Joe Davenport, National Vice-President and Robert Edwards, Region 6 President.

Terry Fairbanks is the Chapter Advisor to the Sigma Delta Chapter at Central Lakes College in Brainerd, Minnesota. Terry joined the Association in 1987. He established the Sigma Delta Chapter when he began teaching at Central Lakes College. Terry and his Chapter have hosted Regional Conferences and assisted in several National Conferences held in Region 6. He has served on the National Firearms Committee for four years and assisted in most of the National Firearms Competitions since 1996. President Abby Schofield presented Terry with the Bill Melnicoe Distinguished Service Award during the Closing Banquet of the Conference.

Jim Hooker Outstanding Advisor Award

At the 2007 National Conference held in Wilmington, Delaware, the membership voted to establish the Jim Hooker Outstanding Advisor Award. The Jim Hooker Outstanding Advisor Award is an earned Award granted to Advisors of ACJA-LAE in recognition of outstanding service to a chapter and/or region of ACJA-LAE. Nominations for this Award may be submitted by any member in good standing and the Award is granted upon the favorable vote of a majority of the voting membership present at the National Conference. The minimum criteria for the nomination of this Award shall be membership in the Association; at least five (5) years continuous service to at least one ACJA-LAE chapter; and attendance with said chapter(s) at the National Conference during that period. A distinctive plaque of recognition is presented to the awardee.

Jim Hooker Outstanding Advisor Award - 2008 Craig W. Laker

At the 2008 National Conference held in Kansas City, Missouri, Craig Lake was elected to receive the first Jim Hooker Outstanding Advisor Award. Craig was nominated to receive this Award by Joe Davenport, National Vice-President.

Craig Laker has been an active Advisor to the Tau Alpha Omicron Chapter at Tri-State University in Angola, Indiana since 1999. He has served on the Business Meeting Minutes Committee (2005 – 2006) and the National Scholarship Committee (2007 – 2008). Craig and his chapter hosted the 2006 Region 6 Conference held in South Bend, Indiana and he and his chapter members have participated in every Region 6 Conference since 2000. He has attended three National Conferences in the past six years. Since 2000, he has been the Instructor/Advisor for the Tri-State University Handgun Competition Team. Tau Alpha Omicron students attended the 2008 National Conference, but due to a conflicting schedule, Craig was unable to attend.

ACJA/LAE National Executive Board and Journal Editor Roster

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A

An Empirical Examination of Strain Theory as the Explanation for Juvenile Crime

1st Place Winner, Graduate Division, 2008 National Student Paper Competition

By Heather N. Cox, Gamma Epsilon Delta, University of Central Missouri, Warrensburg, MO

Abstract

Juvenile crime is an obstacle that many societies, neighborhoods and justice systems face. It is not a new event but an on-going phenomenon that has come to the forefront of the justice system, heavily within the last decades. Although juvenile crime is acknowledged, the causes of juvenile crime remain questionable. Recent research has been conducted to determine the cause of the recent influx of juvenile activity. This paper specifically examines General Strain Theory, as developed by Robert Agnew, as the explanation for juvenile crime. It proposes reasons why juveniles engage in criminal activity, supports the theory with empirical research and offers suggestions for further research to advance the theory itself, juvenile justice and the criminal justice system as a whole.

Introduction and Statement of the Problem

Juvenile crime is one of the many obstacles that the criminal justice system faces today. Researchers are beginning to look into the causes of juvenile crime and what can be done to prevent juveniles in engaging in a lifetime of criminal activity. Since there are many differences between juvenile delinquency and adult criminal behavior, researchers are finding it hard to focus on a single explanation, which attempts to explain the cause of both categories of criminal offenders. One of the many differences among juvenile justice systems and many societies is the definition of juvenile crime or delinquency. In order to examine the causes of juvenile crime, an agreed upon definition must be presented. For the purpose of this paper, one definition will be used when referring to juvenile crime, provided by Michael Phillipson (1974), author of *Understanding Crime and Delinquency*. Phillipson (1974) defines delinquency as:

Juvenile acts that would be crimes if committed by adults; it also includes a range of "status" offenses or acts that can only be committed by juveniles by definition. Various "welfare" cases in which technically no criminal law may have been broken but where the child may be considered beyond control of the parents or in need of care and protection are also included in the category of delinquency (p. 132).

This definition can be applied in the historical context of juvenile delinquency through its evolution today. Meanings, context and content can vary considerably among different societies and jurisdictions proposing a problem when searching for a universal cause of

juvenile crime (Phillipson, 1974, p. 133). The purpose of this paper is to examine how General Strain Theory (GST) serves as an explanation for juvenile crime. As a general theory of crime, this research can benefit criminologists and many societies in determining the causes of juvenile crime and help to combat the problem. This may also benefit children who are reaching adulthood, in an attempt to prevent criminal behavior in the future as adults. The importance of this paper is to generate a cause of juvenile crime and offer suggestions for controlling juvenile crime. This paper will include empirical research supporting the General Strain Theory as an explanation for juvenile crime, a specific case study completed by Robert Agnew on how GST has specifically related to school violence and suggestions for further research in relation to General Strain Theory.

Literature Review

General Strain Theory (GST) is a fairly new criminological theory but derives from earlier strain theories of Merton and Cohen. GST, initially introduced by Robert Agnew in 1992 (Agnew, Brezina, Wright, & Cullen, 2002, p. 43), is a micro-level theory of crime and pertains to the strain of one individual and how that strain affects the relationship to crime. GST is a "social psychological adaptation of strain theory-focuses on negative relationships with other people, the negative affect that results and the potentiality of crime as one potential response to cope with this negative affect" (Thornberry, 2004, p. 363). Agnew defined those negative relationships as "relationships in which others are not treating individuals as he or she would like to be treated" (Piquero & Sealock, 2000, p. 450). Thornberry (2004) also states that adolescents do not have the maturity, life experience or power to cope with negative affects adequately (p. 363), which will lead to delinquency. Revised GST is now mainly focused on how strain affects the emotionality and coping mechanisms of individuals. To be able to fully understand GST, strains and types of strains must be identified. Strains, as defined by Agnew (2006), are "events and conditions that are disliked by individuals" (p. 115). There are three major categories of strains which individuals (juveniles) may experience: "a) lose something they value, b) be treated in an aversive or negative manner by others; or c) be unable to achieve their goals" (Agnew, 2006, p. 115). Strain on the individual is the main independent variable in this examination and juvenile delinquency or juvenile crime is the dependent variable.

The impact of strain on delinquency may be heavily dependent on the traits of the person experiencing the strain. Recent research has suggested that personality traits are a fundamental factor when examining how one will react to strain (Agnew et al., 2002, p. 45). As stated

by Agnew, Brezina, Wright and Cullen (2002) the master traits most relevant to general strain theory are negative emotionality and constraint (p. 46). Agnew argues that strain will be more likely to lead to the delinquency of individuals with high negative emotionality and low in constraint (Agnew et al., 2002, p. 46). Individuals high in negative emotionality are much more likely than others to experience events as aversive, to experience intense emotional reactions to particular and situational events, predominantly resulting in anger, the key negative emotion in GST (Agnew, 2006, p. 116). Anger "fosters crime because it disrupts cognitive processes in ways that impede noncriminal coping, reduces the actual and perceived costs of crime and energizes the individual for action, creates a sense of power or control and creates a desire for revenge or retribution" (Agnew, 2001, p. 327). Strain theory:

Predicts that several factors condition the effect of strain on delinquency, with these factors influencing the experience of strain, the ability to engage in criminal versus noncriminal coping, the costs of criminal versus noncriminal coping and the disposition for criminal versus noncriminal coping. Such factors include the importance attached to the goals, values, or identities that are threatened; coping skills; coping resources like money, self-esteem and self-efficacy; conventional social supports; level of social control; and association with delinquent peers (Agnew et al., 2002, p. 44).

These strains increase the likelihood that individuals will perceive events as stressful or in an aversive manner. The authors of *Strain, Personality Traits and Delinquency: Extending General Strain Theory*, suggest, "anger is said to be especially conducive to delinquency" and "delinquency may be used to reduce or escape from strain" (Agnew et al., 2002, p. 44). "In particular, delinquency is higher among those who experience family, school and neighborhood strain" (Agnew et al., 2002, p. 63) and is also higher among certain categories and among certain ages of juveniles experiencing peer abuse or mistreatment from others because of a mixture of high negative emotionality and low constraint (Agnew et al., 2002).

More recently, GST has expanded to include vicarious strains and anticipated strains. Although personal experiences should have more of an effect on an individual and produce more strain, vicarious and anticipated events can lead to strain, which, in turn, will lead to crime. Vicarious strain refers to "the strains experienced by others around the individual, such as family members and friends, while anticipated strains refer to the individual's expectation that his or her current strains will continue into the future or that new strains

will be experienced" (Agnew, 2006, p. 102). In *Taking Stock* (2006), Agnew also argued that there are certain characteristics of strain that will result in crime. These include strains that "1) are seen as unjust; 2) are high in magnitude; 3) are associated with low social control; and 4) create some pressure or incentive to engage in criminal coping" (Agnew, 2001, p. 319; Agnew, 2006, p. 102).

An example of a strain that would lead to crime would be criminal victimization, or someone who has already been a victim of a crime. "Certain data suggests that criminal victimization may be one of the most important causes of crime" (Agnew, 2006, p. 103) meaning that the strain experienced by an individual, specifically a juvenile who is a victim of a crime, will result in engaging in further delinquency to escape or reduce the strain. Agnew (2006) also argues that crime is more likely when strains "cluster together in time" (p. 104). When there is more than one strain at a time, or added strains combine over a period of time, delinquency is more prevalent because of the amount of strain experienced by that juvenile. Juveniles who are poorly supervised by parents or guardians also experience more strain. Juveniles who are "weakly attached" (Agnew, 2006, p. 113) to others are more at risk for negative emotionality and low constraint, along with those who associate with other delinquent peer groups.

GST builds on previous strain theories by focusing on "loss of positive stimuli (e.g., loss of a romantic partner, death of a friend), the presentation of negative stimuli (e.g., physical assaults and verbal insults) and new categories of goal blockage (e.g., the failure to achieve justice goals)" (Agnew, 2001, p. 319). The methodology associated with GST is mainly observational and objective. Researchers look at two main types of events that fall under the categories of objective strains and subjective strains. Agnew (2001) refers to objective strains as "events or conditions that are disliked by most members of a given group" (p. 320) and subjective strains as "events or conditions that are disliked by the people who are experiencing (or have experienced) them" (p. 321). Research has presented the fact the people subjectively respond to objective strains in different ways, specifically in juvenile delinquents, where juveniles all respond very differently to given situations, conditions or events. Most research falls under the objective view. When applying GST to juvenile delinquency, children are asked questions such as "Did you fail any classes? or Do your parents yell at you?" (Agnew, 2001, p. 321) but does not necessarily go into detail regarding the subjective nature, or how the child reacts to the objective situation. In this manner, GST can account for the objective strains placed on juveniles but not necessarily the subjective strains, which can lead to delinquency, depending on how the situation is handled.

When examining GST and delinquency, it is important to employ both subjective and objective strains since they have direct responses to one another. Negative emotionality, presented earlier, is a direct response of a subjective strain, which in turn, will be more likely to present delinquency. The same objective strain may result in very different subjective reactions by different people. "They may differ in the degree to which they experience certain emotions, so one [juvenile] may become quite angry, whereas the other may experience only mild

anger" (Agnew, 2001, p. 322). The juvenile that becomes quite angry may engage in criminal activity to reduce strain and the other may listen to music to reduce strain. Agnew (2001) also focuses on the characteristics of people and states that strain is "most likely to lead to crime when individuals lack the skills and resources to cope with their strain in a legitimate manner, are low in conventional social support, are low in social control, blame their strain on others and are disposed to crime" (p. 323). Research by Agnew and White (1992) and Paternoster and Mazerolle (1994) examined strain on delinquency and found that the main strains of negative life events, life hassles, negative relations with adults and peers, parental fighting and neighborhood problems are significantly associated with delinquency (as cited in Agnew, 2001, p. 324). When using GST to explain juvenile crime, only some juveniles engage in delinquency; it is hard to say why some types of strain lead to delinquency in some juveniles and others do not. This, in result, "represents ad hoc attempts to explain empirical findings or to incorporate other theoretical and empirical work in GST" (Agnew 2001, p. 325).

In the subsequent literature, this paper will review research and examinations of how GST has been applied to delinquency in various studies.

In 1998, Paul Mazerolle examined how strain can affect males and females differently. This was the first examination of how strain affects genders differently. He conducted "univariate and multivariate comparisons between males and females to assess whether significant differences exist across groups" (Mazerolle, 1998, p. 65). He provided "cross-sectional and longitudinal gender specific models of delinquent activity to assess whether measures derived from GST and other theoretical perspectives differ from males and females" (Mazerolle, 1998, p. 84). This study found some different predictors of delinquency between males and females, but was not able to compare findings of different theoretical approaches. The findings include:

- Noxious relations with adults predicts delinquency in females but not males
- Negative life events predicts delinquency in males but not females
- No difference between genders when referring to property related offenses (Mazerolle, 1998, p. 84-85).

These findings implicate that males and females respond to strain differently and both genders have different coping mechanisms for different situations. In relation to the findings, this study concludes that males handle their anger in an outward manner when faced with negative life events but not found with females; and females handle their anger in an outward manner when faced with noxious relations but not found with males (Mazerolle, 1998, p. 85). This study is important to GST because it was the first study conducted to show how strain affects different genders and supports GST in the belief that different strains and the amount of strain affects juveniles differently. It also leads to the conclusion that more quantitative and qualitative research should be conducted in order to evaluate "common and uncommon pathways toward offending for both males and females" (Mazerolle, 1998, p. 86).

The second study presented is one also conducted in 1998 by John P. Hoffmann and Alan S. Miller. By using

structural equation models and three years of panel data, Hoffmann and Miller were able to test the four main hypotheses presented by GST. The variables used were family attachment, school attachment and grades and also included whether a crime was a property offense or a violent offense. Controlled variables were age and family income, which can alter the original hypotheses before being tested. The hypotheses tested were: H¹) Greater strain will lead to an increase in delinquent behavior, even after controlling for its affects on conventional attachment, H²) the longitudinal impact of strain on delinquency will be greater among those low in self-efficacy, H³) the longitudinal impact of strain on delinquency will be greater among those low in self-esteem and H⁴) the longitudinal impact of strain on delinquency will be greater among those who report delinquent peers (Hoffmann & Miller, 1998, p. 88).

Their research findings conclude that negative life events have an effect on attachment and delinquency, which only supports the first hypothesis. The other hypotheses, which are based on mediating factors and coping strategies, could not be proven with "convincing evidence" (Hoffmann & Miller, 1998, 104).

In 2000, Piquero and Sealock conducted a study that focused on how negative affects correlate with delinquency, specifically in relation to types of crime. They conducted a youth self-report survey, in the style of confidential interviews, which surveyed a youth's criminal behavior in the past two months and the coping skills in which the youths used to deal with strain. The independent variables that were measured, in an attempt to gain support for GST, were strain, negative affect, strain-exacerbating and strain-alleviating variables, peer delinquency, family communication and coping skills (Piquero & Sealock, 2000). The two outcome variables were interpersonal aggression and property crimes, (Piquero & Sealock, 2000). The findings supported GST "in that the overall effects of the principal variables are largely in the direction predicted by the theory" (Piquero & Sealock, 2000, p. 471). Their study found that anger did lead to delinquency, namely property offenses and violent crime and other responses, such as depression could lead to different forms of self-destructive deviant behavior such as "drug use, suicide or self-derogation" (Piquero & Sealock, 2000, p. 471). They also found that different coping skills led to different crimes. For example, "youths who reported higher levels of social coping skills also reported engaging in property crimes and interpersonal aggression" (Piquero & Sealock, 2000, p. 474) but those who reported spiritual coping mechanisms were less likely to engage in delinquent behavior. Overall, their findings support GST when asserting that higher strain leads to delinquency, but also realizes the fact that coping skills and individual reactions can affect the decision to engage in the actual behavior.

In 2000, Robert Agnew conducted research that showed why students engage in delinquent behavior at school. Four different types of school strain that led to delinquent behavior were negative peer relations, negative teacher relations, poor grades and school dissatisfaction (Agnew, 2000). Agnew stated that students are more likely to engage in delinquent behavior when "they have low problem-solving [coping] skills and low social support, encounter situations in which the costs

of crime are low and the rewards are high and have no dispositions for crime” (Agnew, 2000, p. 114). Although many different factors may influence one’s choice to engage in criminal activity, these are the primary reasons for school delinquency, in accordance with GST. A juvenile who engages in crime, specifically at school, also has higher strain levels outside of school than those who do not engage in delinquency. Some factors that facilitate higher strain levels, along with primary school strains, are family communication and relations, criminal victimization, abuse or neglect and neighborhood problems (Agnew, 2000, p. 110). Agnew notes that juveniles also experience blocked opportunities and goals such as status and respect, autonomy and economic conditions. When people stop juveniles from achieving goals such as these, it creates noxious stimuli and relations, which results in strain, leading to delinquency; a primary hypothesis of GST (Agnew, 2000, p. 108-109). This study by Agnew provided evidence that his theory was not null and showed how a variety of strains can lead to delinquent behavior, specifically in schools.

In 2003, Mazerolle, Piquero and Capowich conducted more research to examine the relationships between different measurements of strain and the affect on deviant behavior. Their study was “motivated by the need to further clarify relationships between exposure to strain, developing angry emotional states in response to strain and embracing deviant or criminal adaptations” (Mazerolle, Piquero & Capowich, 2003, p. 151). The dependent variable in this examination was intentions to commit crime. The independent variables, or what would cause a person to commit crime, were strain, situational anger and trait anger (meaning anger was a personality trait of the individual). To be able to gather data, they randomly sampled 382 students using a questionnaire. There were two different situations (shoplifting and assault) and students were questioned how they would handle the situation if they were in it (Mazerolle et al., 2003). Using bivariate and multivariate analyses with structural equation and logistic regression models, the findings of the research indicated that people, or juveniles, who experienced situational anger and strain were more likely to engage in deviant behavior, such as shoplifting. It is important to note that a key finding in their research, which supports GST, is anger “remained a strong and consistent predictor” (Mazerolle et al., 2003, p. 151) of deviant behavior. They also found that situational anger and strain were indicators of intention to assault. In summary, the results “highlight the importance of situational anger as a critical influence in predicting varied forms of deviant behavior as suggested by GST” (Mazerolle et al., 2003, p. 153). This study provides support for the GST hypothesis that juveniles, with higher levels of anger and strain will be more likely to engage in criminal behavior or delinquency.

Discussion

Based on the literature reviewed, General Strain Theory proposed by Robert Agnew, adequately affirms the question of whether the theory itself can provide an explanation of juvenile crime. Based on the hypotheses and assumptions of GST, strain, negative relations, life events and anger are the main tenets of the theory, which in turn, will lead to delinquent behavior, specifically in juveniles. Although GST has no direct impact on controlling crime, it explains why crime happens and

can propose policy implications where GST is used as a basis. As cited in all of the research and studies, GST predicts that deviant behavior is a result of strain, with anger being a prominent factor in one’s choice to engage in criminal activity. As stated by Mazerolle, Piquero and Capowich (2003), anger “remained a strong and consistent predictor” (p. 151). The research and findings also show how different levels of strain can affect a juvenile, specifically through Agnew’s study on why crime is committed at school. Agnew states that juveniles are more likely to engage in criminal activity when they “have low problem-solving [coping] skills and low social support, encounter situations in which the costs of crime are low and the rewards are high and have no dispositions for crime” (Agnew, 2000, p. 114). He not only focuses on his basic tenets of GST but also recognizes coping skills, social associations and personal outlooks as mediating factors that also can lead to delinquency, which was supported by the research of Piquero and Sealock in 2000. As explained by preceding research and studies, GST can explain juvenile crime and how juveniles can experience different strains and amounts of strains than adults. When this happens, juveniles are more likely to engage in criminal activity because they do not have the coping skills, resources or maturity needed to handle the situation differently. Thornberry (2004) supported this argument when referring to adolescents and holding they do not have the maturity, life experience or power to cope with negative affects adequately (p. 363). This will lead to negative relations, negative emotionality and low constraint, factors that GST holds in high regard when discussing what strains lead to crime. It is also thought that GST can help identify those who have a higher risk of delinquency. It can allow for intervention to help alter goals and perceptions of juveniles, which would reduce strain (Agnew, 2006, p. 115). GST can explain why juvenile crime happens, but more importantly serves as a theory that incorporates both generality and individual-level differences (Piquero & Sealock, 2000). This theory is a general theory of crime and can aid the criminal justice system with not only juvenile crime, but also with adult crime.

Summary/Conclusion

This paper has examined the social psychological General Strain Theory, presented by Robert Agnew in 1992 and examined how GST is able to explain why juveniles engage in crime. Through existing literature and studies, GST has proven to be a theory that can explain why juveniles engage in criminal behavior. The results of the studies presented support the basic tenets, hypotheses and underlying assumptions that function as the basis for GST. Some major issues when discussing GST revolve around negative emotionality, low constraint, coping skills, blocked goals and anger. Through the research and studies presented in this paper, it is conclusive that all of these lead to juvenile delinquency in some manner. GST coincides with developmental criminology and has formed a foundation for further research and policy implications. As stated by Agnew (2006) in *Taking Stock*, “GST has not had much direct impact on efforts to control crime; although the theory is quite compatible with many crime control programs” (p. 114). For example, programs that use GST as a basis and are compatible with crime control are restorative justice programs, which can help alter strain and deter

delinquency (Agnew, 2006, p. 115). Further research that focuses on linkages between strain and personality traits, emotions, justice and other forms of stress will allow GST to fully develop and extend. It is essential to include physical, biological and psychological (e.g. brain trauma) variables when conducting further research. Although GST focuses mainly on strain from outside sources, strain from internal sources may contribute to delinquency as well. Research should also focus on ways to treat strain, such as negotiations and skills training (Mazerolle, Piquero & Capowich, 2003, p. 154) which can benefit the criminal justice system in preventing crime and also help individuals when coping with different categories of strain and different amounts of strain. GST can also benefit with research on more specific types of strain and measuring the amount of strain one has to endure before engaging in criminal activity. All of the studies presented provide support for GST but future research is essential in the further development of GST and how it can benefit as an explanation of crime.

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B

eing “BTK”: The Secret Life of Dennis Rader

1st Place Winner, Upper Division, 2008 National Student Paper Competition

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Abstract

The life of Dennis Rader was a complex one; while it seemed fairly normal, there was another side to him that no one knew about. His personality development had been skewed somewhere in his life, leading him to a life of secret crime. The serial murders of 10 people by Dennis Rader, also known as the “BTK Killer,” can be explained by Antisocial Personality Disorder (ASPD). This paper attempts to prove that Rader engaged in deviance, because he possessed certain personality traits, as defined by the DSM-IV-TR (2000) and Hare (1999), which were common to those diagnosed with ASPD. Hare (1999) developed the Psychopathy Checklist in order to conceptualize ASPD. This checklist is comprised of 12 personality characteristics, which often result in deviant behavior. Nine out of the 12 items were successfully applied to Rader, providing strong support that ASPD contributed to the BTK murders. By taking a deeper look into the secret life of Dennis Rader, including the 10 murders he committed and pairing that with knowledge of the traits of ASPD, a better understanding of why these crimes took place can be attained.

The killing of one person by another is a phenomenon that has always caught the attention of society. Most people cannot even imagine taking the life of another human being, especially intentionally. While most are familiar with homicide being the intentional taking of another person's life, others may have trouble distinguishing serial murder. Serial murder can be broadly defined as “including all offenders who through premeditation killed three or more victims over a period of days, weeks, months or years” (“Serial Killers,” 2007, para. 8).

Although homicide takes place daily in American society, serial homicide, which is much less frequent, captures everyone's attention because it is often extremely horrific. In reality, serial murders “account for only four-tenths of one percent of the annual homicide rate” (Brown, Esbensen, & Geis, 2007, p. 455). While it is scary and problematic, it is much less common than homicide in general. The media often helps intensify fear and panic in society when it comes to this small percentage of murders. It is often thought that there are serial killers everywhere, probably because of the portrayal by the media that it is a serious problem. Nonetheless, the actual number of serial killings is difficult to estimate for many reasons. Some reasons may be that often times bodies are not found or are too decomposed to determine the cause of death, the police

may not link it to other murders in the past or the cause of death may not even be classified as homicide (Hinch & Hepburn, 1998).

The definition must be broad to include all the offenders who are termed as serial killers, often because the motive and means are different from case to case. Because of the broadness of the types of people who become serial killers, 10 different typologies of serial murderers have been classified: “depressive, psychotic, afflicted with organic brain disorder, psychopathic, passive aggressive, alcoholic, hysterical, juvenile (the child was the killer), mentally retarded and sex killers” (“Serial Killers,” 2007, para. 11). Another reason attributed to the broad definition of serial killers was the motive. Eleven different motives are described as they relate to serial killings: “profit, passion, hatred, power or domination, revenge, opportunism, fear, contract killing, desperation, compassion and ritual” (“Serial Killers,” 2007, para. 12). The fascination society has with serial killers may also be due to the fact that they are so difficult to understand and comprehend, often due to all the different typologies and methodologies of the murderers.

Although many serial killers have different reasons for killing, they do seem to have characteristics common to each other. Hinch and Hepburn (1998) claim that most offenders are males who kill strangers for some reason other than financial gain and that they also seek complete power over their victims. On the other hand, it is rare to find female serial killers, but when they are found, their motives and means often differ from male serial killers. Females kill most often for financial gain and usually kill family members, whereas males mostly kill for power or sexual deviance and their victims are most often strangers (Hinch & Hepburn, 1998).

Serial killings are unique in comparison to any other crime and can be classified in several ways. They have a dramatic ways of capturing the attention of the public with the help of the media, often satisfying the killers need for acknowledgement. The natures of these crimes are shocking and often difficult to comprehend fully. Therefore, the definition is broad to encompass the characteristics, means and motives of the murderer as well as to conceptualize the stereotypical serial killer. Many theories have been created to help understand these crimes and to hypothesize the reasons people commit such heinous crimes. Thus, the purpose of this paper is to take a deeper look into the secret life of the “BTK” (bind, torture and kill) serial killer, Dennis Rader and how Antisocial Personality Disorder, according to Hare (1999), can attempt to explain the brutal murders of 10 people.

Criminal Profile: The Life of Dennis Rader

America was introduced to one of its most notorious

serial killers on March 9, 1945, the day Dennis Rader was born. He was the child of William E. and Dorothea M. Rader (Stritof & Stritof, 2007). Along with brothers Jeff, Paul and Bill he was a typical child- that is if typical includes killing and torturing animals. Visits to his grandparents farm is where he first received pleasure from seeing chickens being strangled and killed; not long after Dennis began killing animals (“BTK Archive,” 2005, para. 26). Very little is known about Dennis's childhood except for the fact that his mother was a disciplinarian and his father, formerly a marine, was very emotionally distant from him (Stritof & Stritof, 2007).

Although his childhood was plagued by sadistic tendencies and odd parenting, Dennis Rader managed to grow up and have a family of his own. He married Paula Dietz, also a resident of Park City, Kansas, on May 22, 1971 (Singular, 2007). They had a very happy marriage complete with two children. They welcomed their first child Brian Howard Rader on July 27, 1975 and their second and final child, Kerri Lynn Rader on June 13, 1978 (Stritof & Stritof, 2007). In 1971, Dennis and Paula bought a house in their hometown of Park City. It was a ranch-style, three bedroom home where they raised their children and lived for the duration of their marriage (Stritof & Stritof, 2007).

Before marriage and children, Dennis pursued a career. After graduating from Wichita Heights High School in 1963, he decided to follow in his father's footsteps and join the military (Singular, 2007). His career in the Air Force lasted from 1965 to 1969 and after that he worked as an assembler at a camping gear plant until 1973 (Stritof & Stritof, 2007). For the next 14 years, Dennis was employed by ADT security. While employed at ADT he also earned a degree in Administration of Justice from Wichita State University in 1979. For a short time in 1989, he worked collecting data for the U.S. Census bureau (“Dennis Rader,” n.d., chap. 17). Dennis ended his employment list with the title of compliance supervisor for Park City. He took this position in May of 1991 making \$16.62 an hour (Stritof & Stritof, 2007). It seemed as if Dennis Rader had made a great life for himself; he was educated, a family man and successfully employed.

Dennis Rader was also active in his community. He spent his free time as a Cub Scout leader and was also very active in his church. He was appointed as president of his congregation at Christ Lutheran Church (Stritof & Stritof, 2007). “Dennis Rader has been described as having a tight Christian control over his family and as a by-the-numbers type of person, arrogant, rude, confrontational, meticulous, neat, efficient, friendly, a regular guy and petty” (Stritof & Stritof, 2007, para. 26). Dennis was one of those people that was either loved or hated; some people saw him in a negative light saying that he

was rude, confrontational, annoying and arrogant, while others saw him positively saying he was nice and friendly (“Dennis Rader,” chap. 18). Depending upon who was asked, Dennis could have been described very differently.

Until the mid 1970’s, Wichita, Kansas was a seemingly normal mid-sized, American city, but the winter of 1974 changed all that. A trail of murders began in which the victims were bound, tortured and then killed. Because of the style of killing he referred to himself as the “BTK” killer (Beattie, 2005). The first of the BTK serial murders was a day of fear, suspicion and paranoia that took hold of all citizens in the Wichita area for the next 30 years. Husbands and fathers, including Dennis Rader, were reassuring their fearful families that they were safe, but for him it was all an act. Yes, he knew his family would be safe, but little did they know it was their beloved family member terrorizing the rest of the community.

January 15, 1974 was the day the BTK serial murders began (Bardsley, Bell, & Lohr, 2007, chap. 2). This was possibly the most shocking of all the murders because it involved an entire family- a mother, father and two children. The murders occurred early in the morning, not long after the other children left for school. After cutting the phone lines, BTK waited until he assumed only the mother and two of the youngest children were in the house, but to his surprise the father was there too. When he got there, he confronted the family with a pistol and tied them up. The father, Joseph Otero, was the first one killed; a bag was placed over his head and he was suffocated, but he did not die immediately, he eventually woke back up and had to be “put down” again. The mother, Julie Otero, was bound and strangled while pleading for the lives of her children. The son, Joseph Otero II, put up a fight when BTK tried to suffocate him, tearing a hole in the bag. At that point, more bags and clothes were placed over his head until he was dead. The daughter, Josephine Otero, was strangled until she passed out. When she woke up, he took her to the basement and hung her. Upon Josephine’s death, BTK masturbated on her body. The bodies were found later that day when the other children came home from school (Bardsley et al., 2007, chap. 33).

The second of the BTK killings took place only a few months after the Otero murders on April 4, 1974. BTK broke into the home of Kathryn Bright and waited for her to come home. He expected her to be alone, but she was accompanied by her brother, Kevin. He held them at gunpoint and made Kevin tie up Kathryn; BTK then tied up Kevin. He took Kathryn to the bedroom and went back to kill Kevin, but he had freed himself. BTK shot him and assuming he was dead, went back to kill Kathryn, but she had gotten free as well. Kathryn fought with BTK and for a second time he heard Kevin moving about, so he shot him again. He then went back to the bedroom and stabbed Kathryn to death. Before he knew it, Kevin had made it out the door and was gone. This murder entailed a series of mistakes that could have led to the capture of BTK, but instead, it led to his successful murder of Kathryn Bright (Bardsley et al., 2007, chap. 34).

The third murder, the murder of Shirley Vian Relford, occurred March 17, 1977. Shirley and her children were home when BTK forced his way into the home. He first locked the children in the bathroom with some toys, then tied up Shirley, put a bag over her head and

strangled her. Immediately after the murder, BTK was nervous because of all the noise the kids were making so he cleaned up his “hit kit” and left (Bardsley et al., 2007, chap. 35).

The murder of Nancy Fox was on December 8, 1977. Nancy had been one of BTK’s projects, meaning he stalked her and learned her routines before killing her. He first confronted Nancy telling her that he was just going to rape her and then leave. Convincing her to undress, he handcuffed her and then climbed on her and strangled her with a belt. After she was dead, he took off the handcuffs and tied her up again using panty hose. BTK then masturbated and left the scene (Bardsley et al., 2007, chap. 36).

On April 27, 1985, Marine Hedge, a neighbor of Dennis Rader, was murdered. Her body had been dumped a few miles away from her home and found eight days after the murder (Beattie, 2005). BTK waited quietly for Marine to come home and then for her unexpected company to leave. After she got in bed, he surprised her by turning on the light, jumping on top of her and strangling her. He then took her clothes off, wrapped her in a blanket and put her in the trunk of her car. He took pictures of her in bondage and then took her body and dumped it in a ditch, covering it with brush (Bardsley et al., 2007, chap. 37).

His next victim, Vicki Wegerle, was found dead in her home on September 16, 1986 (Beattie, 2005). BTK posed as a telephone repair man to get into her house. Once he was inside, he changed his clothes and made her go to the bedroom where he tied her up. She tried to fight, so he strangled her with a pair of her stockings. Vicki was not actually dead when BTK left the house, but she died as a result of her injuries (Bardsley et al., 2007, chap. 38).

The last of the BTK murders was the murder of Dolores Davis on January 19, 1991 (Beattie, 2005). Dolores’ phone lines had been cut and a brick thrown through the window to catch her attention. BTK handcuffed her and eventually strangled her. He wrapped her body in a blanket and put her body in the car. Dolores’ body was taken and dumped under a bridge (Bardsley et al., 2007, chap. 39).

The BTK killer had managed to avoid capture for nearly 30 years, despite his many writings and clues sent to the media and police. It had been several years since any correspondence had been made regarding BTK, until 2004. For one reason or another, BTK began to correspond with the police. These correspondences eventually led to Dennis Rader’s capture on February 15, 2005 (Beattie, 2005). A disk sent by BTK was traced back to Rader’s church then to Dennis himself. This was enough evidence to subpoena medical records of Rader and his family to try and connect him to DNA found on the murder victims. His daughter’s DNA was a positive match to that found at the crime scenes, linking Rader to the murders. After many hours of interrogation, Dennis L. Rader confessed to the murders of the Otero family, Kathryn Bright, Shirley Vian Relford, Nancy Fox, Marine Hedge, Vicki Wegerle and Dolores Davis. On August 18, 2005, “Judge Waller sentenced him to a total of 175 years, to be served consecutively. Specifically, he sentenced him to nine life terms and gave him the Hard 40 sentence—40 years in prison with no chance of parole—for the Dee Davis murder” (Bardsley et al., 2007,

chap. 51, para. 5). Rader received the harshest penalty possible considering he was not eligible to receive the death penalty, because the murders ended before the death penalty was reinstated in Kansas.

The ability to terrorize a community for over 30 years by killing innocent people is something that makes one wonder why. How could someone do that? Why would they take the life of another human being? Criminologists have studied the reasons people commit crimes, but not a single one has been agreed upon as a theory for the crimes committed by Dennis Rader. However, using a psychological approach, specifically the principles of Antisocial Personality Disorder, may best explain why Rader committed these heinous acts.

Theory Application: Antisocial Personality Disorder

Personality is a phenomenon that helps to explain why people behave certain ways and react to situations the way they do. One develops personality throughout their life beginning in infancy. Biological, social and environmental factors, to name a few, contribute to the development of personality. Sometimes personality traits develop that are unfavorable to the norms of society, often being labeled as a disorder. According to the DSM-IV-TR (2000), “only when personality traits are inflexible and maladaptive and cause significant functional impairment or subjective distress do they constitute Personality Disorders” (DSM-IV-TR, 2000, p. 686). For each personality disorder there are criteria required for a diagnosis; for each there are also different theories to why these disorders have developed.

Using the Diagnostic Statistical Manual, Robert D. Hare, PhD., attempts to explain how ASPD, more specifically psychopathy, is prevalent among criminals. The “Psychopathy Checklist,” as termed by Hare (1999), is a list of symptoms or traits that have been used to diagnose and recognize ASPD. This checklist is broken into two categories, those related to emotional or interpersonal aspects of the person and those related to social deviance. The emotional or interpersonal checklist includes: “glib and superficial, egocentric and grandiose, lack of remorse or guilt, lack of empathy, deceitful and manipulative, shallow emotions” (Hare, 1999, p. 34). The aspects of social deviance include: “impulsive, poor behavior controls, need for excitement, lack of responsibility, early behavior problems, adult antisocial behavior” (Hare, 1999, p. 34). Hare (1999) noted that just because a person has some of these traits, does not necessarily indicate that they are automatically classified as a psychopath. He goes on to say that “psychopathy is a syndrome- a cluster of related symptoms” (Hare, 1999, p. 34). Antisocial Personality Disorder is only diagnosed when these traits or symptoms are present and there is no alternative explanation for the behavior.

An excellent case study modeling ASPD was the life of Dennis Rader, the BTK serial killer. Rader possessed many of the traits explained by Hare (1999). Traits that described his criminal behavior and secret life include both the emotional aspects and those related to social deviance. Examples from Rader’s life and crimes can show how he possessed a superficial portrayal of his personality, no remorse for what he had done, a lack of empathy toward his victims, deceitfulness, impulsivity, poor behavior controls and early behavior problems.

The life of Dennis Rader can be seen in two different

lights. For those who knew him in the community, he was just a regular guy. However, for his victims and their families, he was anything but ordinary. This ability to live two completely separate lives is an example of the antisocial personality traits of “deceitfulness” and “superficial charm”. These traits were displayed in his ability to be an active community member, while at the same time murdering innocent people within that same community. The fact that he was a Cub Scout leader and president of his church congregation shows us that he was skilled in deceitfulness and superficialness (Stritof & Stritof, 2007).

It is a fact that serial killers have no remorse for their crimes, because if they did they would not continue to live a life of crime and deceit. Dennis Rader showed his lack of remorse and his inability to feel guilt when he confessed to the murders of his 10 victims. During Rader’s last statements before sentencing, he attempted to show remorse, but it was overcome by his need to be heard and receive credit for the crimes he had committed. Some saw it as more of an acceptance speech than an apology, which was more than likely just a tactic to receive a lesser sentence (Bardsley et al., 2007, chap. 51). Grandiosity in the courtroom was something Hare (1999) viewed as another symptom of ASPD in criminals (Hare, 1999).

During the actual acts of murder, Rader displayed his “inability to feel empathy.” When the victims would plead for their lives, he would lie to them and kill them without a second thought. A particularly good example of this was in the Otero murders. When the family had been tied up, Mrs. Otero begged Rader to spare the lives of her children, but rather than feel empathy for her, he continued to torture and kill them one by one (Bardsley et al., 2007, chap. 2). Rader’s inability to understand her fears and pleas for the safety of her children was an excellent example of his complete inability to feel empathy.

The fact that Rader resorted to serial murder as a means to release tension from inside him or satisfy his needs showed his degree of “impulsivity” and “poor behavior controls.” During the commission of the crimes Rader committed, he was often required to break into the homes of his victims, once again showing this extreme degree of impulsivity and lack of behavior controls. He allowed the symptoms of his personality disorder to cause him to stray from his law abiding occupation and “controlled” life to a life of deviance and “impulsivity.” As Hare (1999) stated, many people may possess certain traits common to those with ASPD, but it only results in criminality some of the time (Hare, 1999). In the case of Dennis Rader, as well as many other criminals, this degree of impulsivity is in extreme form and cannot be controlled like it is in a person without ASPD.

Rader’s life did include one crucial element to the diagnosis of ASPD- the detection of psychopathic behavior early in life. As a child, Dennis witnessed chickens being strangled at his grandparent’s farm and as a result, he began to torture animals. Cruelty to animals is a warning sign of early ASPD because it usually hints to some degree of “emotional or behavioral disturbance” within a person (Hare, 1999). The role played by Rader’s parents was also a contributing factor to these acts of deviance as a child. As in the life of Dennis Rader, mothers of serial killers are often “domineering and controlling” while the fathers were “absent or distant” (Knight,

2006, p. 1197). The actions of his parents increased his likelihood of becoming deviant and paired with the fact that he was already experiencing childhood signs of ASPD, there is strong evidence for the development of a personality disorder.

In addition, Rader’s murders were viewed as “sexually motivated” because of his need to masturbate on the dead bodies. Doctors and criminologists have viewed sexual deviance as disregarding the rights of others (DeClue, 2006). As in the case of Josephine Otero, Rader killed her for the pleasure he received from watching her die; he intensified his pleasure by masturbating on her corpse (Bardsley et al., 2007, chap. 33). Clearly, he was not showing any regard for her right to live or her right to choose who she brought sexual pleasure. Besides being sexually motivated, Rader was seen as a “thrill killer” meaning his reason for committing the crime was in an effort to find pleasure in the control and domination he had over his victims (Knight, 2006). The name he gave himself, BTK (Bind, Torture and Kill), is proof in itself that he sought the pleasure he received from binding his victims, making them plead for their lives, knowing he was in complete control and then killing them.

Another aspect of Rader’s background that supports his case for having ASPD, was his choice in careers. Rader was drawn to career paths that are often seen as risky or dangerous, such as the military. When looking at the United States’ current military, it is not uncommon to see soldiers discharged for diagnoses of psychiatric disorders, including ASPD. The mask of an effective soldier is one a psychopath wears with pride. This person is often able to hide their deviant behavior with superficial charm and deceitfulness, while in the meantime being placed in a position of authority, control and power. These individuals possessing traits of ASPD are able to function well under tense situations because they do not feel the moral obligation most do to do the right thing (Carey, 2006). The fact that Dennis Rader was in the Air Force for four years is yet another example of how he fits the profile for ASPD.

Conclusion: The End to the ‘Reign of Terror’

While other theories could also play a role in explaining the deviant behaviors of Dennis Rader, ASPD fits his personality, lifestyle and crimes better than any other theory. However, the reasons a person commits heinous acts against others will probably never be completely known, considering the complexity revolving around the crimes of serial murder. Where deviance actually begins is also difficult to pinpoint. Many factors, including biological factors and environmental factors, contribute to the development of personality in an individual as well.

One criticism of this theory would be that ASPD tells of the characteristics of the criminal, but lacks in detail when it comes to the prevention of crimes committed by those with the disorder. Personality disorders have proven almost impossible to cure and effective treatments are also rare. For these reasons, the criminal justice system finds it very difficult to employ prevention programs for criminals with this disorder. Without ways to prevent crimes, the reason the crime is committed in the first place is irrelevant.

Countless excerpts from the life of Dennis Rader have shown how Antisocial Personality Disorder, as described by the DSM-IV-TR (2000) and Hare (1999),

can attempt to explain the rationale behind the serial murders in Wichita. Throughout his lifetime, beginning in adolescence, Rader possessed nine of the 12 items on Hare’s (1999) Psychopathic Checklist, providing strong support for the diagnosis of ASPD. The possession of these traits or symptoms was a crucial element in the murders that took place. Without such characteristics, these murders may not have been committed or he may have been caught sooner. Because of Antisocial Personality Disorder, Rader was able to successfully take the lives of 10 people and avoid capture for nearly 30 years. Although personality disorders are not seen as an excuse to commit crimes, they do help to explain the causes and motivations behind the deviance, as in the case of Dennis L. Rader.

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rowing Concern of Juvenile Boot Camps

1st Place Winner, Lower Division, 2008 National Student Paper Competition

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Abstract

There is a growing concern regarding the use of juvenile boot camps in America today. From origination, juvenile boot camps were to be utilized as a strategy to prevent juvenile delinquency, reduce recidivism, juvenile hall population and costs. Alternatively the use of juvenile boot camps has grown from prevention strategy to a growing concern in America. Many of the concerns include; the costs of operating a boot camp, the treatment of the juveniles in the facility and which types of offenders and styles of boot camps truly are working today. There is much controversy on the subject matter and one thing is for certain, more studies and research must be completed before the problems with juvenile boot camps can be resolved. This paper will briefly discuss the problems with juvenile boot camps, the history and some studies that have been conducted.

HISTORY OF JUVENILE BOOT CAMPS

One major key factor in the creation of juvenile boot camps was and is the increasing incidents of youth crime. Juvenile boot camps were derived from adult boot camps, with the first juvenile boot camp being established in 1985. The goals behind developing boot camps were and still are; to reduce recidivism rate in juvenile offenders, reduce the juvenile hall population and reduce costs. (Office of Juvenile, 1997)

The juveniles that these boot camps were designed to house were those juvenile offenders classified as, "mid-range" offenders. These were/are juvenile offenders previously involved with the juvenile justice system, whom did not use dangerous weapons against another person, caused death or bodily harm to someone or committed sex offenses and lesser sanctions (traditional juvenile detention facilities) have not worked. There have been some cases where a non-violent, first time offender were assigned a commitment to a boot camp. (Office of Juvenile, 1997)

Participation by the juveniles was to afford them education opportunities, job training and substance abuse counseling or treatment, health and mental care and continuous, individualized case management. (US Dept. of Justice)

The goals of juvenile boot camps were originally designed (and still are) as five commonly expressed goals as those of adult boot camps; deterrence, incapacitation, rehabilitation, punishment and cost control. (US Dept. of Justice)

PROBLEMS WITH JUVENILE BOOT CAMPS

There are a growing number of problems with juvenile boot camps today. One major concern is that to date none of the boot camps have appeared to reduce recidivism and since this is one of the main goals in establishing boot camps, it is one of the most leading concerns in the juvenile justice system.

Dr. Altschuler's research demonstrated that low or moderate risk juveniles who are subject to high levels of supervision, as in boot camps, actually do worse than those left on traditional probation. (Office of Juvenile, 1997)

Another issue is the high percentage of minority youth (as many as 80 percent) that are in boot camps. ("Boot Camps for") This method has often failed to connect with these youth. This can be contributed to the fact that many boot camps are in urban areas where typically a high percentage of minority youth reside. (Doris MacKensie 2001)

There is also a growing debate over which types of boot camps, either environmental or military style, are more appropriate for youth offenders. (Doris MacKensie 2001) In military style boot camps, the youth are referred to as cadets and the staff responsible for daily living services are referred to as Cadet Leaders. Military-style battle dress uniforms and boots are the standard uniforms for cadets and staff. The cadets learn basic military courtesy and drill and ceremony. The program is based on elements of correctional therapy, education, work and discipline training. Cadets begin their 16-hour daily schedule at 5:00 a.m. Cadets move in a military manner, marching in formation to all scheduled activities, including drill and ceremony exercises, road marches and they do receive academic training as well. ("Sheffield Boot Camp")

Environmental or "Wilderness Camps" are more of an outdoor therapy program, as many prefer to be deemed, they emphasize therapy and positive behavioral change over discipline. In these camps, the teens are known as students rather than cadets and must follow strict guidelines to ensure the safety of all the students. In these camps, nature is the ultimate teacher. Troubled teens are particularly impacted by the realization that the wilderness cannot be manipulated by them. Troubled teens develop a healthy self-esteem and learn to respond to peers and authority in a more positive way. Troubled teens who do not want to go to a more clinical environment such as a treatment center, report that the wilderness programs help them develop a sense of the larger world that improves their self-confidence and spiritual development. (New York Wilderness, 2007)

Another issue of concern in regards to juvenile boot camps is the way they are perceived by the general public. One of the main sources of information for the

general public is the media. (Margaret Beyer, 1996) There have been a few daytime talk shows such as Jenny Jones and Montel Williams, that have portrayed boot camps to be a wonderful and beneficial tool when dealing with an out of control teen. To support this, there are also several websites, teenrisk.com, teenlifelines.com and many more that also promote different boot camps around the country. All of these indicate that boot camp is the way to go to help troubled teens, giving the public the perception that this is the best strategy for their children in lieu of them becoming more deviant and being sentenced to a juvenile detention facility.

JUVENILE BOOT CAMP STUDIES

In 2001, a ten year study conducted by Angela Grover and Doris MacKensie concluded that although environmental and military style boot camps are radically different, neither has shown effectiveness in reducing the recidivism rate of juvenile offenders. (US Dept. of Justice, 2001) In comparing recidivism rates with that of a juvenile detention facility, Doris MacKensie concluded that the recidivism rate for those juveniles in boot camps was as high as 72% whereas juveniles housed in a juvenile detention facility (juvenile hall), the recidivism rate was 50%. Although this is still a high rate of recidivism, it is significantly lower than that of the juvenile boot camps. (US Dept. of Justice, 2001)

Another study by Dale G. Parent concluded that short term changes in attitudes and behaviors, better problem solving and coping skills were developed, but still did not reduce recidivism. This study did show that some boot camps can achieve a small relative reduction in juvenile hall population. Additionally the boot camps show an insufficient focus on the juvenile offenders' reentry into the community. (National Institute, July 2003)

Juvenile boot camps have grown in popularity among society and politicians, yet after over ten years of existence they have yet to show recidivism in juvenile crime, which was one of the key factors in the creation of juvenile boot camps. Additionally, there is a problem in the post boot camp period. Few studies have been done as to the follow up of these juveniles to truly determine the effectiveness of boot camps.

It is difficult to truly evaluate boot camps in an overall manner; they need to be evaluated on a more individual basis. This is in part since there are boot camps in many areas, in which one must take into consideration, offender population, program experiences that differ from camp to camp and judicial environments at each site. (National Institute, July 2003)

CONCLUSIONS

In regards to juvenile boot camps, their history, costs and increased popularity it is too difficult at this point in

history to draw a simple conclusion. From my review of the multiple and lengthy studies that have been conducted, it is still clear that more research needs to be done.

Boot camps have aided in reducing the population in juvenile halls or other juvenile correctional facilities, but are these boot camps truly helping the youth involved? Are they reducing costs? It would appear from the research that they can be cost effective for the short term; however with long term effects showing that these camps do not reduce recidivism, it is easy to conclude that juvenile boot camps are not cost effective. This makes it hard to believe that the juvenile boot camps are truly effective. It is understood that in many cases the juveniles have never returned to their criminal activities, but there are still enough of the juveniles that do.

Designers of the boot camps should take into consideration many factors prior to opening a boot camp, such as size, types of offender and the style of the boot camp. One other important factor is the type of outcome they are seeking to fulfill in the creation of the boot camp and their intentions on preparing juveniles for release back into the community. There are many more considerations that should be carefully and detailed out when designing a boot camp, but one main factor that should always be taken into consideration, is the individuality of each and every juvenile delinquent currently in a boot camp and those who may be entering one. Each juvenile is unique in their own personal way and rather than basing each juvenile off of statistics, they should be judged on the uniqueness of their personality, crime, race, religion, culture and social class.

Dr. Finckenauer said that "these programs may do more harm than good." (Dr. Finckenauer.) This alone indicates that each juvenile entering the correctional system for boot camps or other correctional facilities, the juvenile should be viewed and evaluated individually rather than statistics alone.

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eadly Lessons: Drugs, Gangs and Guns in Public Schools

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Abstract

Imagine this! There are more than 51 million students and approximately 3 million teachers in public and private schools in the United States. From 2002 through 2007, in these public and private schools, 218 young people ages 5 to 19 were victims of homicides. An average of 44 per year! Six percent of students in grades nine through twelve reported carrying firearms on campus. Students have reported they are more afraid of being attacked at school than off-campus. Twenty-five percent of students report that street gangs are an ever present danger on campus. Forty-seven percent of students in the ninth grade through the twelfth grade have had at least one drink of alcohol and five percent drank on campus. Another five percent reported using marijuana on school property. Equally disturbing is that twenty-four percent of students in grade nine through twelve reported that someone had offered, sold, or given them an illegal drug while on school property.

There is little doubt that a multitude of federal appellate court decisions provide school officials with the authority necessary to provide a safe learning environment for students in public schools. Today, however, the prevalence of drugs, gangs and guns has broadened the importance of school search and seizure to include offenses which may subject the student to criminal prosecution. Such conditions have brought on a series of federal court rulings, which attempt to define the role of school authorities and the constitutional rights of students. School authorities have both the moral and legal responsibility to maintain order and dignity in public schools and to protect students from harming themselves and others. This article has been designed to provide its readers with a conceptual framework for understanding the legal applications and ramifications, of the Fourth Amendment as applied to public school search and seizure in efforts to

provide safe learning environments free from school violence.

The citizenry of the United States want to know what is going on in the schools of this nation. Many experts are ready to render their opinions on school violence, which range from merely an aberration, to lack of impulse control in children today, to the breakdown of the family, to the abundance of guns in the hands of young people and an overwhelming amount of violence on television. The October 1997 shooting in Pearl, Mississippi, was another in a long line of shootings that have taken place on school campuses in the United States. Previous shootings in the mid 1990s were in Grayson, Kentucky (two dead); Amityville, New York (one dead, one wounded); Redland, California (one dead, one wounded); Blackville, South Carolina, (two dead, one wounded); Lynnville, Tennessee (two dead, one wounded); Mises, Washington (three dead, one wounded); Bethel, Alaska (two dead, two wounded); West Paducah, Kentucky (three dead, five wounded); Jonesboro, Arkansas (five dead, ten wounded); Springfield, Oregon (two dead, twenty-four wounded); and the massacre that took place in Columbine

High School in Littleton, Colorado in 1999 took the lives of twelve students, a teacher, two gunmen (students) and another twenty-three students were wounded. Since 1996, 29 states have experienced campus shootings in K-12 schools. On April 16, 2007 this nightmare transcended the high school campus to Virginia Tech, an institution of higher education, resulting in 32 deaths. More recently, February 14, 2008, a sociology student at Northern Illinois University fatally shot five students and wounded 22 others before taking his own life. What these killings have done is to focus attention on delinquency, the criminal psyche, campus violence and more importantly, what preventative actions are being implemented by teachers and administrators to make our public schools a safer learning environment.

On May 6, 2008, a news broadcast broke on CNN, "...95 students arrested at San Diego State University for selling cocaine, ecstasy, marijuana, methamphetamine and other assorted pills." The most disconcerting information gleaned from this broadcast was that several of these students were pursuing a master's degree in criminal justice. There is no doubt that such criminal activity is a growing phenomenon on the campuses of high schools, colleges and universities throughout this nation.

In the United States, teachers and administrators have always found it necessary to search students and remove from their possession items that may prove harmful to them or to others. Thirty years ago most

searches were found to be necessary to remove such items as cigarettes and pocket knives from students, or to detect and retrieve items of minor theft. Such searches remained almost entirely an affair internal to the school and seldom, if ever, involved outside authorities. Today, however, the prevalence of drugs, gangs and guns, has broadened the importance of school search and seizure to include offenses which may subject the student to criminal prosecution. Such conditions have brought on a series of court decisions, which attempt to define the role of school authorities and the constitutional rights of students.

School authorities have both the moral and legal responsibility to maintain order and dignity in the schools and to protect students from harming themselves and others. At the same time, students have constitutional protections that cannot be unreasonably denied. However, when a child enters the school he or she is required to attend, they do not enjoy the same reasonable expectation of privacy that he or she would possess in the home. Even though it is important to note that school officials are state agents, their position *in loco parentis*, in the eyes of the minor student, places them in a position of authority similar to a parent. In school, the security of students depends upon a certain level of restraint placed on student activities. Whether for security or disciplinary purposes, such restraint is assumed and expected of all students. Faced with such authority in a setting requiring control of his or her behavior, the child cannot reasonably expect to have the level of privacy as he or she would outside the school (Interest of L.L. 90 Wis. 2d 585, 280 N.W. 2d. 343, App. 1979).

The balance between school prerogatives and student rights with regard to search and seizure is to be found in the interpretation of the Fourth Amendment to the Constitution of the United States, which states: "*The right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures shall not be violated and no warrants shall be issued, but upon probable cause.*" The Fourth Amendment imposes the judgement of a magistrate or a judge between the citizen and the police. Police may not search unless they present evidence to a judge that something illegal is secreted in a specific place. The judge will determine if the evidence presented constitutes *probable cause* for a search and if so, a warrant will be issued. Thus, police must have *probable cause* to justify a search. School authorities are, however, not required to have *probable cause* before they can search, but instead are held to a less restrictive standard of *reasonable suspicion*. School teachers and administrators when engaged in school disciplinary matters, such as searching students, do so to maintain order and dignity of the school and to protect the health and safety

of the students. Their duties are not to enforce criminal statutes as is required of police officers (*D.R.C. v. State of Alaska*, 646 P2d 525, Alaska 1982).

Thirty-nine years ago in *Tinker v. Des Moines Independent Community School District* (1969), the Court held that the constitution does not stop at the schoolhouse gate. Students are considered persons under the Constitution, whether in the public arena or in schools. However, having protected Constitutional rights does not mean that student rights are absolute. School teachers and administrators have a responsibility to educate students. Such responsibility demands wide latitude to accomplish this mission.

The courts, being fully aware that the educational processes would be greatly impaired if school teachers and administrators were held to the same strict standards as the police, have held that student rights are not wide ranging in scope or application as with individuals in society. Courts do not require warrants for student searches by school authorities. It is assumed that searches in school are calculated to maintain school discipline and are not initiated to provide evidence for criminal prosecution. Thus, school authorities are held to a lesser standard when justifying a student search – that of *reasonable suspicion*. This standard is justified by the courts on the principle of *in loco parentis*, the school standing in place of the parent. The *in loco parentis* authority is not unlimited and must be weighted against the student's right to privacy. School authorities must have *reasonable suspicion* to invoke their privilege to search and cannot do so on a whim or fancy or in an arbitrary manner. A New York court explained, "The *in loco parentis* doctrine is so compelling in light of public necessity and as a social concept that preceded the Fourth Amendment, that any action, including a search, taken by school officials upon reasonable suspicion should be accepted as necessary and reasonable" (*State v. Baccino*, 282 A. 2d 869, Delaware 1971).

Two conditions are required for search by school authorities: (1) the search must be conducted within the scope of the school's educational function and (2) the search must be reasonable under the particular facts of the case. A Florida court held that a teacher did not have reasonable suspicion merely because a group of boys looked suspicious and they appeared to look away from her when she passed by them in the school hall. The court in this case, however, observed that school officials are not required to have reasonable suspicion to merely detain students. Therefore, a subsequent search after a student has been detained can be undertaken premised on reasonable suspicion which may be established by the students' actions after detention. The court held the "...the validity of any subsequent search must be determined on the basis of conditions then existing" (*W.J.S. v. State of Florida*, 409 So. 2d 1209, Fla. App. 1982).

Reasonable suspicion must be reasonably specific. A sweeping and indiscriminate search of all students cannot be defended on the grounds of reasonable suspicion. The blanket search or dragnet is, except in the most unusual and compelling circumstances, a denunciation to the protections afforded citizens under the Fourth Amendment. The state may not constitutionally use its authority to fish for evidence or wrongdoing (*Jones v. Laxtexo Independent School District*, 499 F.

Supp. 223, E.D. Texas 1990).

Where school officials ignore the need to determine individualized suspicion prior to a search, the intrusion cannot be justified on grounds of reasonable suspicion. To require all students to empty their pockets, to remove clothing, or to search all vehicles in the school parking lot would likely fall under the classification of an invalid dragnet. School officials may, however, patrol the school parking lot and if anything suspicious is in *plain view* when they look in the vehicle, a legal search may then be launched. In a case where a teacher's aide in supervising the school parking lot observed paraphernalia (water pipe) in a student's vehicle and a search revealed marijuana, the court held the search to be legal. In this circumstance, when a suspicious object (drug paraphernalia) was in plain or open view, school officials were justified in opening the vehicle to retrieve the contraband (*State of Florida v. D.T.W.*, 425 So. 2d 1383, Fla. App. 1983).

The courts have ruled that students have a right to privacy which is protected by the Fourth Amendment and this right cannot be invaded unless the intrusion can be justified in terms of the school's legitimate interests (*New Jersey v. T.L.O.*, 1985). The right of privacy, however, is not absolute but is subject to reasonable school regulation within the bounds of reasonable suspicion. The right of privacy, itself, is predicated on two factors being present: (1) whether the person in question exhibited an *actual expectation of privacy* and (2) whether the expectation of privacy is one that society is prepared to recognize as reasonable. The Supreme Court has stated that the Fourth Amendment protects people, not places. What a person knowingly exposes to the public, even in his home or office, is not a subject of Fourth Amendment protection, but what he or she seeks to preserve as private, even in an area accessible to the public, may be constitutionally protected (*Katz v. United States*, 389 US 347, 1967). Furthermore, a one-way mirror in a boy's restroom in a high school used to observe students engaged in the purchase of marijuana did not violate students' right of privacy (*Stern v. New Haven Community Schools*, 529 F. Supp. 31, E.D. Mich. 1981). The courts reasoned that the community had a significant interest in school discipline and the protection of students from drugs. Accordingly, the court found that the school's *in loco parentis* responsibility obligated school officials to maintain the health and safety of all students. The test according to the court is one of balancing the school interests in the surveillance against the plaintiff's interest in privacy. In this case the balance was in favor of the school.

Whether a search is reasonable, or not, must be decided on the conditions of each case. School authorities must have some verifiable evidence that would imply that something harmful is hidden by a student. To determine reasonableness, the court will weigh the danger of items for which the search is conducted against the students' rights of privacy. The courts recognize that school officials have a duty and responsibility to provide a safe environment in which students can learn and develop. Reasonableness of a search will ultimately be determined by factors such as the student's age, record of past conduct and the seriousness of the problem that the school officials are trying to solve. If school officials have obtained valid information that drugs are hidden

in the school or evidence indicates that previous incidents suggest that drugs may be hidden at the school, then a search may be adjudged to have been undertaken on reasonable grounds. Court decisions in several states have established criteria for determining reasonable grounds for a search by school officials: (1) the child's age, history and school record, (2) the prevalence and seriousness of the problem in the school to which the search was directed, (3) the exigency requiring the search without delay, (4) the probative value and reliability of the information used as a justification for the search and (5) the teacher's prior experience with student. The teacher's training and prior knowledge of the student's behavior may further provide a reasonable basis for an immediate search.

The courts disagree over whether dogs may be used to establish reasonable suspicion for school officials to conduct searches. The primary issue is whether dogs can be used to establish reasonable suspicion by *blank sniffing* of every child in a classroom. A Texas court has held that to do so violates the student's privacy because such indiscriminate searching ignores the need to individualize suspicion prior to the intrusion,

"...to use dogs in this manner is tantamount to fishing for cause to establish reasonable suspicion; using a search to establish rationale for a search is to violate the Fourth Amendment (*Jones v. Latexo Independent School District*, 1980). This court held that drug dogs perceive odors undetectable to human beings much the same way that electronic listening devices pick up sounds not audible to the human ear. According to this court, such devices cannot be used by the police or school officials to fish for evidence to establish probable cause or reasonable suspicion. On the other hand, the U.S. Court of Appeals for the Seventh Circuit has affirmed a lower court's ruling that upheld the use of drug dogs to establish reasonable suspicion. This court held that the dogs could be used to detect drugs even though school officials had no information indicating that drugs were in the possession of any specific students. The court was of the opinion that the responsibility of school officials for the health and welfare of the students was of such significance that the use of canines was justified (*Doe v. Renfrow*, 475 F. Supp. 1012, N.D. Ind. 1979. Modified 635 F. 2d 582, 7th Cir. 1980). Likewise, in *Zamora v. Pomeroy* (1981), the Tenth Circuit Court of Appeals upheld the use of drug-sniffing dogs for exploratory locker sniffs and determined such practice was needed for school officials to maintain a drug-free school environment (*del Carmen & Trulson*, 2006).

The U.S. Court of Appeals for the Fifth Circuit has maintained that dogs may be used to establish reasonable suspicion. A high level of accuracy by a dog in detecting drugs may be used to develop a record of reliability which can be used as evidence to justify reasonable suspicion. Accordingly, each court must examine the record of reliability of the particular dog (*Horton v. Goose Creek Independent school District*, 693 F. 2d 524, 5th Cir. 1982). However, the Fifth Circuit Court of Appeals held that the use of drug dogs constitute a search protected by the Fourth Amendment when getting sniffed as an individual and thus, was of such an intrusive nature that it required more than a generalized suspicion to be reasonable. In spite of this case, the courts are split on the issue of search dogs, however, the

use of dogs appear to be a legally questionable activity.

Even though a school does not undertake a search to discover unlawful items, the evidence obtained may be used against a student in a criminal prosecution. But if school officials act beyond their authority or participate in an illegal search with police, then the exclusionary rule will apply if the state attempts to use the fruits of the search to prosecute. The exclusionary rule was first enunciated by the United States Supreme Court in *Weeks v. United States* (232 US 383, 1914) and was applied to the states in *Mapp v. Ohio* (367 US 643, 1961). Being cognizant of this rule and, similarly, being aware that school officials do not need to obtain search warrants, in order to conduct a search, the police will many times prevail upon school officials to conduct a search for them. It is sometimes difficult to determine whether the police were assisting school officials in conducting a search or whether the police were the primary agents instigating the search to obtain evidence for a criminal prosecution. If this is done, the court must decide whether school authorities was, in fact, conducting the search based on their own initiatives, or whether the search was really conducted for the police. Since such a fine line exist as to which party is the primary searcher, the courts have resolved the question by holding that police officers must have a warrant to conduct a valid search of students in active conjunction with school officials. A Florida court explained: "... where a law enforcement officer directs, participates or assists in a search conducted by school officials, the officer must have *probable cause* for that search, even though school officials acting alone are treated as state officials subject to a lesser constitutional standard for conducting searches in light the *in loco parentis* doctrine (*M.J. v. State of Florida*, 1st Dist. Case No. 55-120, May 18, 1981). Where a search is conducted with the cooperation and participation of the police, school officials may be seeking items that violate school rules but police are normally in quest of illegal contraband which can be used as evidence in a criminal prosecution. In such instances a police search cannot dwell under the banner of *in loco parentis* (*Picha v. Wieglos*, 410 F. Supp. 1214, N.D. Ill. 1976).

It should be noted that the *probable cause* mandate of the Fourth Amendment for a search and seizure, applies to both *Independent School District Police (ISDP)* and to *School Resource Officers (SRO)*. ISDP Officers work for and are paid by the school district and are vested with the authority of the law. SRO's are career law enforcement officers deployed in community-oriented policing who work in collaboration with school districts having sworn authority of law. Such campus police are not new concepts. They originated in Flint, Michigan in the 1950s, but waned in the 1970s and 80s, only to be revived in the late 1990s as a result of outbreaks of school violence (*del Carmen & Trulson*, 2006). Fourth Amendment *probable cause* requisites applied to ISDP and SRO officers due to procedural and punishment aspects – school administrators and teachers may only suspend or expel students for a breach of school policy or delinquent behavior, whereas, law enforcement intervention may lead to prosecution for criminal acts.

One may wonder, what are the consequences of an illegal search of students by teachers or school administrators? What redress is available for the student? If the

search is illegal, will its fruits be excluded from prosecution? Should a criminal trial ensue, what constitutional protections will be afforded? Beyond this, the student may bring an action under the Civil Rights Section Title 42 USC 1983. A student may seek damages if school officials maliciously deny his or her constitutional rights. It is important to note that if school officials deny constitutional rights, but do so in good faith fulfillment of their responsibilities and not in ignorance and disregard for established indisputable principles of law, then liability will not occur. This immunity is accorded only within bounds of reason. The United States Court of Appeals for the Seventh Circuit has held that simple common sense would indicate that a thirteen-year-old child's constitutional rights are invaded by a nude search required by school officials in seeking to discover hidden drugs. The court held: "We suggest as strongly as possible that the conduct herein described exceeded the bounds of reason by two and a half country miles." It not enough for us to declare that the little girl involved was indeed deprived of her constitutional and basic human rights, we must also permit her to seek damages from those who caused this humiliation.

School authorities do not need the consent of the student in order to conduct a search. By virtue of their *in loco parentis* relationship with students and with reasonable suspicion, teachers and administrators may conduct campus searches. On the other hand, if the police participate in the search, they must have a warrant or obtain the student's consent – a waiver of one's Fourth Amendment rights. The consent, however, must be given freely and willingly with undue coercion. Accordingly, the police cannot ask a school official to influence the student's decision to permit a search. Students are under the control of the school and will in most instances respond positively to school authority, such authority cannot be used by police to acquire a student's consent.

School officials acting with reasonable suspicion can demand that a student empty his or her pockets, to include one's billfold or purse, for inspection (*Tarter v. Raybuck*, 556 F. Supp. 625, N.D. Ohio 1983). If the student refuses to comply the school official can compel compliance. Where a Vice-principle and a student had a tug-of-war over the student's coat and the student lost, the court held that such force on the part of school officials was within their *in loco parentis* authority (*State v. Baccino*, 282 A. 2d 869, Del. 1971). Although the courts have authorized school officials to search students, the general rule is that school officials need reasonable grounds to justify a strip search. In *Cornfield v. Consolidated High School District N. 230* (1993), the Seventh Circuit Court of Appeals held that a strip search (removal of pants) was valid after school officials had a reason to believe the student was hiding drugs in the crotch of his pants. In a Sixth Circuit Court of Appeals case, *William v. Ellington*, (1991), a strip search (removing shirt, shoes, socks and pants) was deemed valid after school officials has reason to believe the student was using drugs. However, in *Jenkins v. Talladega City Board of education* (1997), the Eleventh Circuit Court of Appeals found that strip searches are of such an intrusive nature that a higher standard, such as probable cause, instead of reasonable suspicion, must be established by school officials. Unanimously, the

appellate courts have determined strip searches to be an invasion of privacy. In addition, cavity searches and nude searches have been ruled unconstitutional (*Doe v. Renfrow*, 1980).

The use of force in searching students has been upheld even where the search was conducted off school grounds. In one instance, the discipline coordinator in a school noticed a bulge in a student's pocket and observed the student nervously putting his hand in and out of his pocket. When confronted, the student ran out the door and off the school grounds; whereupon, the coordinator gave chase and caught the student, finding narcotics, drug paraphernalia and a weapon. When the student sought to exclude this evidence in a criminal prosecution, the court held the evidence was admissible at trial. The court reasoned that the *in loco parentis* authority allowed the school official to search the student on school grounds and such powers did not end abruptly at the school door (*People v. Jackson*, 65 Misc. 2d 909, 319 N.Y. S. 2d 731, 1971).

School lockers do not have the attributes of privacy that a person's vehicle or home may have. School lockers and desks are not the property of students, nor are they intended to serve as personal hideaways that would exclude searches by school officials. School lockers are not in the nature of a dwelling, vehicle or private lock boxes rented on private premises. Most courts, in fact, view school lockers and desks as having co-owners, the student and the school. Although the student may have control of his or her locker, in against fellow students, the possession cannot be viewed as absolute against the school. Indeed, courts appear to feel that inspection of lockers is a responsibility of school authorities, which is inherent in the proper exercise of control and management of the school. Since lockers and desks are under the control of the school and are assigned to students with predetermined conditions that they will not secret illegal items within them, it is well established that school authorities can give consent to police to search them. This is, of course, quite different from searches of the person requiring that the student him or herself consent if police are to validly search without a warrant. One constitutional theory is that when two people are in possession and control of property, either can give consent to search and if anything illegal is found by police, it can be used to prosecute either or both parties. Thus, a school official who has control of school property can give police permission to search and any illegal substances found therein may be admissible evidence in a criminal prosecution. The school's control over such spaces as lockers and desks is clearly justified as indicated by a New York court, "Indeed, it is doubtful if a school would be properly discharging its duty of supervision over students, if it failed to retain control over the lockers. Not only have the school authorities a right to inspect but this right becomes a duty when suspicion arises that something of an illegal nature may be secreted there" (*People v. Overton*, 20 N.Y. 2d 360, 1967, reaffirmed on reargument, 24 N.Y. 2d 522, 301 N.Y. S. 2d 479, 249 N.E. 2d 366, 1969).

In *People v. Dukes* (1992), a New York court held that the use of metal detectors was based on a legitimate governmental interest in that such searches prevented dangerous weapons from being brought to the school. This was the first case in the United States that

examined the metal detector issue. In the case of *In re F.B. (1995)*, a Pennsylvania superior court reached a similar conclusion, noting that no individual suspicion is needed to conduct a metal detector search. An Illinois appellate court held in *People v. Pruitt (1996)*, that metal detector screening was a reasonable practice related to school searches for the presence of firearms and other weapons. In general, most courts have held that the use of metal detectors does not constitute a “search” in terms of the Fourth Amendment (del Carmen and Trulson, 2006).

Presently, there are few cases to define the law governing searches of student vehicles on campus. However, as in lockers or desks searches, the school owns the parking lot of a school campus and has the authority to conduct routine patrols of parking lots and inspect the exteriors of vehicles. Cases indicate that only when reasonable suspicion exists are school officials authorized to inspect the interior of a student’s car. Therefore, the precedents which do lend light to the subject suggest that there is no difference in the school official’s prerogative in searching vehicles or in conducting body searches. Reasonable suspicion is required before such a search can be undertaken. One case that provides some limited guidance stems from a search of a student’s vehicle by private school officials. In this instance the vehicle was found to contain marijuana and beer. The court observed that the *in loco parentis* authority of the school made such searches permissible (Keene v. Rodgers, 316 F. Supp. 217, D.C. Me. 1970). Aside from the *in loco parentis* thrust; this case has limited value because a private school is not restrained by the Fourth Amendment. Constitutional guarantees of privacy do not extend to protection of a private person from search of another person or a private institution. Presumably, the privacy protection of a vehicle is no greater than that of the person. Body and vehicles have been viewed the same. In *Jones v. Latexo*, the Texas case, a dragnet searching of students and vehicles by a drug dog was held unconstitutional— Not because of the place that was searched, but because the school officials did not have verifiable grounds to support reasonable suspicion that something illegal was secreted in either place. Thus, the law relating to body searches appears to apply equally to vehicles; school officials may search if they have reasonable cause to believe that something is hidden in a vehicle, which will harm the health and welfare of students or will constitute a detriment to the safety of the school. In conclusion, there is no doubt that the *in loco parentis* doctrine and the multitude of appellate court decisions provide school officials with the authority necessary to provide a first line of defense in making public schools a safe learning environment.

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Biography

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Instruction and Assessment Strategies in the Undergraduate Criminalistics Course

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Abstract

Instruction of an undergraduate course in criminalistics at a small, rural Midwestern college provided an opportunity to utilize active learning techniques and engagement to reinforce student understanding of Locard's theory of transfer evidence and other theoretical premises associated with criminalistics. Lectures accompanied by active learning and engagement exercises during a sixteen week criminalistics course stimulated student learning through active learning exercises associated with specific lecture topics.

Introduction

The instruction of a criminalistics course using active learning techniques (Petress, 2008) in conjunction with a traditional lecture format may improve student understanding of criminalistics, especially with theoretical premises of criminalistics, such as Locard's theory of evidence transfer (James and Nordby, 2005). Robinson (2000) illustrates why active learning strategies should be used in the classroom. Active learning exposes criminal justice students to the dynamic link between learning and the acquisition and practice of fundamental skills associated with crime scene investigations. Completion of practical tasks through active learning heightens student understanding of the theoretical concepts associated with the exercise (Burbach, Matkin & Fritz, 2004).

The incorporation of active learning exercises into classroom learning as part of an exercise in problem identification, problem analysis and exploration of problem outcomes strengthens the critical thinking ability and leadership ability of students and allows collaboration with faculty mentors. Payne and Monk-Turner (2005) call for the use of active learning through collaborative faculty-student partnerships.

Course Setting and Limitations

This paper describes the instruction of a criminalistics course offered during the spring semester at a rural Midwestern college. Incorporation of active learning exercises into the course structure assisted students in developing practical skills in crime scene investigation while reinforcing theoretical premises and practical skills pertinent to criminalistics.

Course Application, Structure and Assumptions

The recent proliferation of television shows focusing on crime scene investigation (Robbers, 2007) has resulted in increased student demand for course work

in criminalistics at colleges. The field of criminalistics is an integral part of the criminal justice system, especially in matters of evidentiary and/or legal practice (James and Nordby, 2005). A thorough understanding of concepts and the learning of methods associated with crime scene analysis and evidence evaluation, collection and processing allows for enhanced student learning, problem solving and development of critical thinking skills. Inclusion of a course in criminalistics in the undergraduate criminal justice curriculum requires students to understand ethical, historical and legal issues associated with criminalistics within the larger criminal justice system.

The instructor is a retired police lieutenant from a suburban police agency who incorporated past law enforcement instruction experiences into the course structure. The author's background in policing and with crime scene investigation supported course instruction via active learning and engagement techniques designed to increase student understanding and reflection on course content.

Each week of instruction allowed for two 75 minute class periods. The first class period focused solely on theoretical aspects of some function or topic associated with criminalistics. The core text, *Forensic Science: An Introduction to Scientific and Investigative Techniques*, (James and Nordby, 2005) focused on a wide variety of forensic topics associated with criminalistics. The second 75 minute class period consisted of active learning exercises such as laboratory projects, group problem solving projects, exposure to and practical application of a technique associated with criminalistics and discussion and evaluation of active exercises via individual student journals to reinforce theoretical learning. Additional time outside the scheduled class periods was needed for crime scene investigation and evidence processing.

Students enrolled in the course were required to complete prerequisite courses in policing, criminal law and procedure and survey of the criminal justice system. The assumption of the instructor was students understood 4th amendment issues associated with search and seizure.

Course Goals

The goals for student learning in this course include:

1. Understanding of key theoretical concepts associated with criminalistics
2. Exploration and exposure to policies and procedures associated with crime scene investigation specific to the field of criminalistics
3. Understanding the ethical, historical, legal and theoretical premises of criminalistics
4. Understanding DNA and current methods utilized

for DNA collection and analysis

5. Acquiring the ability to evaluate and process a crime scene while avoiding evidence contamination and completing evidence collection in a legally defensible manner

6. Understanding the necessity of collaborative partnerships between law enforcement, crime scene investigation personnel and members of the judicial system

7. Improving critical thinking, discussion, reading and writing skills through the study of criminalistics

8. Acquiring improved communication skills through demonstrated ability and explanation of crime scene investigation techniques.

Coursework Requirements

Coursework requirements included student attendance in all classes and participation in all active learning exercises, quizzes, a midterm and final examination employing multiple choice questions, short answer questions and essay questions, a student research paper on a specific area of criminalistics and subsequent presentation of the results to peers, a student journal reporting reflection over the course, independent film review and assessment and student demonstration of acquired skills in mock crime scene investigation. Substantial supplemental reading assignments beyond the course text allowed increased student knowledge of criminalistics. No late work was accepted in the course.

Pedagogical Techniques

The six instructional pedagogies used by the instructor during the course included:

1. Instructor lectures with student note taking
2. Instructor lectures accompanied by PowerPoint
3. Student media review of instructor provided topics pertinent to criminalistics
4. Instructor guided independent student learning projects
5. Instructor guided group activities focusing on critical thinking and brainstorming
6. Active learning exercises preceded by instructor demonstration of correct processes associated with crime scene investigation.

Assessment Techniques

The assessment techniques utilized to assess student learning included:

1. Quizzes consisting of short answers and interpretation of crime scenes
2. Written examinations consisting of multiple choice questions, short answer questions, completion questions, essay questions and assessment of photographs associated with crime scene investigation and techniques.

3. Instructor evaluation of applied student skills in crime scene investigation
4. A research paper over a topic related to criminalistics accompanied by a presentation
5. A student journal requiring reflection on all elements of the course, with very specific focuses on active learning activities, media review, independent projects, group activities and challenges the students faced throughout the course.

All evaluation categories were equally weighted towards the final course grade.

Lecture Topics

Primary topics discussed during the course included the ethical, historical, legal and theoretical aspects of criminalistics, understanding DNA evidence, fingerprinting, blunt and sharp force trauma, alternative light sources, forensic toxicology, forensic odontology, tire impression and footwear impression evidence, crime scene evaluation, crime scene investigation, crime scene reconstruction, trace evidence and glass breakage, firearms and tool mark examination, tool and pry mark investigation, blood spatter recognition and analysis and questioned document investigation.

Active Learning Exercises

Exercises requiring active student involvement included understanding and demonstration of Locard's theory, DNA collection, fundamentals of fingerprinting identification, rolled and plain fingerprinting, latent fingerprint lifting, alternative methods of fingerprint lifting, alternative light sources, presumptive drug testing, casting of tire impressions, casting of footwear, blood spatter analysis, mikrosil casting for tool mark impressions, fuming of questioned documents, glass breakage and analysis, initial crime scene evaluation, crime scene measurement and reconstruction of crime scenes.

Media Review

Reflections regarding the review of media presentations were required in student journals. Required media reviewed during the course included *FBI Crime Lab* (Steen, 2000) *DNA's Debut* (Levit, 2000), *Bloodstain Pattern Analysis* (Quiett & Miller, 1998) and *The Autopsy* (Wagner, 2004). Students were also required to review supplemental media describing a technique or historical evolution of a specific aspect of criminalistics. Forensic entomology, forensic anthropology, forensic taphonomy, electron microscopy, trace evidence, autopsy, crime scene investigations, forensic archaeology, bullet trajectory, blood spatter, chemical testing methods, evidence and manners and mechanisms of death were the additional media choices made available for students.

Supplemental Materials

Resources available for student review included *Forensic taphonomy: The postmortem fate of human remains* (Haglund & Sorg, 2002), *Criminal Evidence: An Introduction* (Worrall & Hemmens, 2005), *Fingerprint Science: How to Roll, Classify, File and Use Fingerprints* (Collins, 2001), *Practical Crime Scene Processing and Investigation* (Gardner, 2005), *Techniques of crime scene investigation* (Fisher, 2000), *Principles and practices of criminalistics: The profession of Forensic Science* (Inman & Rudin, 2001), *Footwear Impression Evidence: Detection, Recovery and Examination*, (Bodziak, 1999). The use of peer reviewed journal articles and periodical information

supplements specific topics associated with lectures and practical exercises. Personal reflections of the supplemental materials were required in students' journals.

Instructor Perception of Student Learning

Discussion involving students and the instructor reflected a high level of student enjoyment regarding the link between a theoretical premise, such as Locard's transfer of evidence principle (James and Nordby, 2005) and how evidence was collected in a mock crime scene. For example, during the investigation of a crime scene, students located blood, fingerprints and a piece of cigarette butt left at the crime scene by a suspect. Analyzing blood spatter and collecting blood for evidence allowed students to better understand the sequence of events at a crime. Students appeared to be most interested in hands on or active learning exercises which allowed participation beyond the traditional lecture format class.

Discussion of Findings

Students appear to be highly intrigued by topics which are related to the use of violence, such as crime scene investigation, blunt force trauma and traumatic death investigation. Essentially, the greater the shock value and graphic detail of the crime scene investigation or lecture topic, the more many students enjoyed the lecture or exercise. Ironically, when the autopsy media (Wagner, 2004) was reviewed, students had a wide array of verbal, physical and emotional responses to the media. Student responses to the videos including expressions of queasiness, leaving the room and placing their heads on desks all reflected some discomfort at reviewing the actual process. Students, while fascinated with discussion and PowerPoint slides of graphic details, were mentally and emotionally unprepared for viewing an actual autopsy.

Conclusion

Instructing a course using active learning techniques exposes an instructor and students to some risks. Instructors must prepare significantly in creating substantial lecture notes, assemble laboratories and mock crime scenes for active learning exercises, provide in depth instructions to students for successful completion of the active learning exercises and insure timely follow up and discussion occurs on each topic to ensure the requisite level of student learning has occurred. Students are required to complete substantial reading before each class and must be adequately prepared to undertake activities not typically associated with a traditional lecture format class encountered during their academic career.

The course design allowed students to accumulate theoretical knowledge before practical application of crime scene investigation skills. The use of discussion, brainstorming, active learning through practical exercises and group work on problems stimulates students to become aware of the personal and professional dynamics atypical of crime scene investigation. A greater appreciation and understanding of the Daubert case (1993) in regards to the role of evidence and expert witness testimony is easily incorporated into the course. Group work allows for students to use brainstorming activities and critically analyze crime scenes through shared thought processes before, during and after crime scene investigation. Student journals are used to reflect the importance of understanding how and why

policies and procedures are intertwined with theoretical premises to support the various functions associated with evidence collection and provide student perspective on such items.

Students who undertake the rigor of this course gain knowledge of criminalistics, evidence collection as it pertains to criminalistics and the importance of forensic science within the criminal justice system. Students who desire a career in criminalistics, especially with the recent advent of shows focusing on these topics (Diehl-Lacks, 2007) realize the necessity to understand theories and processes as the initial building blocks for future learning. Utilizing an active learning approach combined with lecture, group work and practical exercises allows students to more fully explore the field of criminalistics.

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Biography

Dr. Greg Galardi is a retired Police Lieutenant from the City of Papillion, Nebraska and an Assistant Professor at Peru State College, Peru, Nebraska. His research interests include student learning, online instruction and learning, law enforcement management issues, uses of police survey results and violence affecting law enforcement officers.

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P

itfalls and Shortcomings:

Difficulties of First Generation College Students Majoring in Criminal Justice

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Abstract

This paper examines how first-generation and non-first generation college students are socialized to the norms of higher education. This is accomplished by examining transcripts of communicative lived experiences of sixty-five college students. In short, the analysis speaks to the difficulties first-generation students encounter when attempting to understand and adjust to the norms of higher education and how these difficulties are different from non-first generation students.

The first-generation college (FGC) student is unique (Hertel, 2002). According to the U.S. Department of Education (2005), this group of students is at a distinct disadvantage compared to their counterparts. FGC students are more likely to work full-time jobs, have family responsibilities and take remedial courses for which they often do not receive college credit. All of these factors contribute to their high retention rate (U.S. Department of Education, 2005). Additionally, they often lack the professional socialization that non-first generation college (NFGC) students (students who have at least one parent with a four-year college degree) receive. Due to these added responsibilities, FGC students are often unaware of the changes in expectations that exist in the transition from high school to college (Orbe, 2004). They rarely have the opportunity to interact with the university community to receive the socialization skills needed to be successful.

This lack of socialization can be more detrimental for students majoring in criminal justice because they are often unaware of the purpose of a criminal justice degree, as well as the level of knowledge required to obtain the degree. This is due, in part, to the reality that few students would have been exposed to criminal justice in high school when compared to other related disciplines, such as sociology, psychology, economics, geography, government and history. As a result of these factors, some first generation students assume that to earn a degree in criminal justice they only need to learn the technical aspect of criminal justice and experience difficulty when they enroll in the required theory and applied courses. Undoubtedly, the mass media is also to blame for this perception. As a discipline, it is vital to explore the lived experience of FGC students who major in criminal justice and how these particular students approach the discipline, as well as how they view the opportunities that a criminal justice degree will offer them. Understanding the differences in socialization between FGC students and NFGC students who major in

criminal justice will allow for instructors, administrators and academic support staff to develop discipline specific support programs to assist in the successful matriculation of FGC students.

Lack of socialization of expectations in higher education and in particular, the expectations of earning a degree in criminal justice, typically results in chronic absenteeism, lack of preparation, eating in the classroom, chronic tardiness and an overall lack of respect for the education process (Orbe, 2004). For course instructors, spending time discussing classroom decorum and class expectations is a straining and time-consuming process, which often leads to difficulties in meeting daily course instructional goals, falling behind in delivering course content and adaptations to the syllabus because of unanticipated needs to be met by underprepared students.

Along with differences in socialization there are also differences in academic achievement of FGC students and NFGC students. FGC students are more likely to drop out or fail. In a study conducted by Nunez and Cuccaro-Alamin (1998), the researchers found that almost half (45%) of FGC students who began higher education in 1989-1990 had not obtained a degree or certificate and were no longer enrolled by 1994, compared with 29% of NFGC students. These numbers are similar to those in the criminal justice department that is the focus of this study. In a two-year review of records of criminal justice majors from one small mid-western university, 47% of those who were on academic probation reported being FGC students, 18% were NFGC (Warren-Gordon, 2006).

Along with the need to examine how these two groups view the educational process in a four-year institution, there is also a need to explore the differences in how these two groups perceive the educational opportunities that a four-year degree in criminal justice/criminology will afford them. The purpose of this research, then, is to explore the learning expectations and socialization of FGC students majoring in criminal justice compared to NFGC students.

Specifically, the focus of this paper will be on how FGC and NFGC students majoring in criminal justice view their experiences in higher education. Understanding the differences in their experiences will allow mentors, instructors and administrators to address issues that may be unique to FGC students, to aid in their successful matriculation through the university and to begin to make career choices. This study used focus group interviews to gain insight into the expectations and goals of FGC and NFGC college students majoring in criminal justice. Qualitative methodology is the preferred approach for this study in that it offers rich,

in-depth information that cannot be obtained by using quantitative methods. The use of qualitative methods, in particular focus groups, provides the opportunity to examine the dynamics and intricacies of these two groups. It was also an appropriate method given the exploratory nature of this particular study.

Methods

In this exploratory study, focus group interviews were used and several open-ended questions were asked to allow participants ample opportunity to describe their experiences. These open-ended questions addressed issues that gauge how they view their higher education experience and how these experiences may differ between FGC students and NFGC students majoring in criminal justice.

The focus groups were audio-taped, transcribed and analyzed using McCracken's (1988) and Owen's (1984) thematic analysis to develop unique and important emerging themes to capture the learning expectations of first generation criminal justice students. All focus groups were conducted and facilitated by the principal investigator.

As a qualitative method, focus groups are commonly used in educational research (de la Ossa, 2005; Withney, 2005; Yan, 2006). Given the nature and depth of the present research topic, focus groups were selected as the preferred method for addressing the research questions. Previous studies conducted by Warren, Orbe and Greer-Williams, (2004), McCracken (1988) and Owens (1984) provided direction for the way the focus groups were organized, the recruitment of participants and the implementation of focus group discussions and subsequent analysis of transcripts (Warren et al., 2004).

Participants

Participants in this study were recruited from the Criminal Justice Department in a small state university in the Midwest. Volunteers from undergraduate classes received extra credit for their participation. Participants were recruited through class announcements during the spring term of 2006. All participants identified themselves as having completed a minimum of four courses in the criminal justice/criminology department. A total of 65 criminal justice majors participated: 40 students reported being FGC students, 25 reported being NFGC students.

Procedures

Participants were organized according to FGC and NFGC students. This strategy was utilized to create cohesiveness and to achieve an environment that would foster open discussions. Focus groups ranged in size from 5 to 10 participants and met from 50 to 75 minutes. Following an explanation and distribution of consent

forms, a series of specific questions were used to guide each focus group discussion. The following questions were included: "What are your career plans?," "What role does a degree in criminal justice play in your career plans?," "Define what success means to you.," "What do you identify as most important to your academic success?," "What is the role of the professor in guiding your class success?," "How would you define a successful relationship between student and professor?," and "Describe the characteristics of your favorite class." These questions were used to prompt a discussion of how students perceived the educational process and what they believed a four year degree would afford them.

Thematic Analysis

The word for word transcription of the focus groups resulted in 75 pages of text. The text was analyzed using McCracken's (1988) guidelines and Owen's (1984) three criteria as a thematic analysis. This method allowed participants to share their lived experiences in higher education as well as their goals for utilizing their degree upon completion. Owen's thematic analysis process consists of three criteria: *repetition, recurrence and forcefulness*. During the analysis process, each transcript was read through one at a time without taking notes. After reading through each transcript a second time, the investigator sorted the data looking for general themes that focus on the student's individual lived experiences in relation to being college students using Owen's recurrence criterion. Comments or notes that compare any relationships and contradictions in the data were written in the margins. Likewise, Owen's repetition criterion was used to search for key words or phrases repeated by participants. Transcripts were reread again to confirm or disconfirm emerging relationships or contradictions. The central themes were organized so that minor themes did not contradict one another. During this stage, the investigator used Owen's forcefulness criterion, which identified key words or phrases that referred to volume and dramatic pauses expressed by participants. The key words or phrases were highlighted and underlined.

Previous research suggests that different focus group composition could foster different perspectives in discussing issues affecting FGC students versus NFGC students (Warren & Orbe, 2004). It is essential to note that the interpretations from this study represent a fusion of the researcher expectations and the participation's actual meanings (Warren & Orbe, 1993). Therefore, these interpretations of themes should not necessarily be interpreted as exhaustive (Polkinghorne, 1983).

Results: Thematic Analysis

Various themes emerged regarding FGC and NFGC students. A clear pattern emerged concerning FGC students' expectations of their university experience as well as their expectations of the opportunities available to them upon completion of their education. Some members of this group of students expressed a clear notion of the student/instructor relationship. They perceived the relationship as being pivotal to their success or failure in college and at the same time, they expressed an apprehension to interact with the professor when situations required a student to reach out to instructor for academic assistance. One female student in her third year discussed her rationale for wanting one-on-one interaction with her instructor:

If I don't know something, I will first ask a friend. If that does not help, I will ask my professor. I have to get help. I don't like to ask for help because I don't want my professor to think I'm dumb, but I have to know. Sometimes I will email; that is easier than going to their office. I try to keep a low profile with my professor. Just give me my grade.

This notion was conveyed by other FGC students who expressed apprehensiveness about seeking additional academic support from their instructors while still recognizing a need for their instructors' approval of them based on their academic abilities. They discussed the need for approval in regards to assistance with possible future employment. For instance, one second year focus group member stated, "Yeah, I want my professors to know I can get it, that way when it's internship time they will help me." This notion suggests that FGC students recognize the importance of the student/instructor relationship, but at the same time, they are reluctant to develop these relationships when the relationship deals with academic support. This perception leads to a dramatic difference between the two groups.

NFGC students had various views of the professor/student relationship. The group recognized the role of the instructor as being important but none discussed it as being significant in terms of their overall success in college or in career opportunities. This is demonstrated by one third-year student who stated:

Yeah, the relationship between me and my professors is important, but if I don't get along or agree with a professor and do okay in the class, they will still have to pass me.

At the same time, a third year student in the same focus group stated:

I hate going to see professors. I will go only if I can't get help from the [academic support] center or one of my friends. I don't think they [professors] like for me to come to their office. They always say stop by.

Other members of this group expressed an eagerness to visit instructors during office hours for academic support. As stated by one second year student, "I hate sending emails and waiting for a reply. I just prefer stopping by when I have a question. They are there to help." These varying notions suggest that among NFGC students it is recognized that the role of the instructor is to provide academic support outside of the classroom even though they may not always take advantage of the opportunity.

A second theme that arose within the FGC students' focus groups dealt with issues of awareness of academic/financial support from the university. The majority of FGC students reported very little support from the academic community in obtaining financial assistance. The notion was conveyed through a series of comments made in one focus group:

When I was in high school, no one told me about financial aid, so my parents paid for my first year out of their pocket. Then I found out about loans. But, if you don't know who your resources are, how can they help you? It is basically you make a mistake, then they tell you (second year student). Yeah, I've been in school four years and I've paid out of my pocket all and just found out about loans this year. Because I was paying out of my

pocket, there were semesters when I was late with my payment. The cashier's office really doesn't say anything. When I had a flag [financial hold], my advisor never said anything about financial aid -- he just said get your flag lifted (fourth year student).

When asking NFGC students about this group's awareness of financial aid and academic assistance within the university, again there was no clear pattern. Only a few of the members suggested that they were aware of financial and academic assistance. Of those NFGC students aware of financial aid, only one student suggested needing financial assistance. Of those students aware of academic support, many commented that they had taken advantage of the service for classes outside of the criminal justice major. One second year student stated, "Yeah, math was a killer, I was in academic support office everyday it seemed like."

The final point of discussion among the FGC students centered on the opportunities that a four-year degree would afford them. Most students discussed this notion in terms of how the degree will allow them to help their families, both financially and emotionally. One student discussed that having a degree will allow her to financially assist her younger siblings as they go through college. Another second year student stated:

My dad has worked four jobs before. My degree will allow me to help so he can rest. It is hard for him because we were not born here. There are so many of us and with my degree I will be able to help more than the rest of them and my dad will only have to work one job and be home more.

Unlike NFGC students, there was no clear pattern as to what types of jobs or careers these students aspire to have after achieving their degree. When the question arose regarding career choices, most of the FGC students spoke in very general terms. One third year student stated:

I think I want to be a probation officer. I'm doing my internship in the summer, but I think a job of a probation officer would be okay. If I don't become a PO [probation officer] I think I will try the [police] academy.

This very general thinking regarding career choices was also conveyed by other students. For example, one second year student stated, "I want to be a counselor." When asked what type of counselor, she replied, "I'm not sure but I know I want to help people." Unlike FGC students NFGC students did have a clear pattern regarding the use of a degree in criminal justice.

When NFGC students discussed the opportunities that having a four-year degree will offer, there was a clear pattern and variations in themes were based on gender. Females discussed that a degree would assist in the attainment of their personal goals for the future. They defined their goals very broadly; some discussed that having a degree would allow them to provide for their future families while others discussed that having a degree would help them to give back to their communities. A second year female student highlighted this theme with the following statement:

A criminal justice degree will allow for me to give back [to the community] because so many have given to me. I want to share my knowledge with others so they can have the same opportunities as

I have had. I want to be a mentor and show girls that if they go to college they can have independent lives.

A third year female student stated:

I want to be a counselor working with children. I'm going to be a mom one day. I want to focus on working with kids, as I plan out my future I will already have a head start. I have always been good with children and I want to be a mom so I better start working with kids now.

In contrast, some of the males mentioned that having a degree would give them a head start in attaining their career goals. Their overall focus seemed to center around a particular job or career choice. For example, one third year male student stated:

I have always wanted to be a cop; my dad is a cop. With a degree, I have an advantage over others. Once I become a cop, I will be able to move up faster because I already have a degree. I don't want to be just a patrol officer; I want more than that.

Although there were very few pronounced themes in this group, they did have one trait in common. This was the recognition that attending college was socialized into them at a very early age. This was stated very clearly by one third year student:

[When I was] growing up, college was never a possibility - it was a must. If I did not go to college I will not be able to do the things in life that I want to do. I would not be able to make it in the world, it would be a struggle.

Conclusion

Recognizing the differences in the socialization experiences of first and non-first generation students is important for universities as a whole and departments in particular, in order to manage retention rates and better meet the needs of students with varied backgrounds. Identifying first generation students and recognizing their need for mentoring and guidance can be one way of alleviating some of the difficulties that first generation students may suffer. Within criminal justice departments, clear identification of these students upon entering the program and closely monitoring and advising them can also add support for the first generation student in their academic career.

Only non-first generation male criminal justice majors expressed clear career choices while the other groups spoke in very general terms. This lack of certainty regarding career choices among the other groups represents a need to ensure that all groups are aware of the career opportunities that exist within the field of criminal justice. Along with internships, career days and guest lectures, opportunities for students to visit and observe criminal justice professionals is vital to a student's understanding of the career options available with a degree in criminal justice.

Identifying the interconnections between the university community and various departments is also vital in ensuring the success of FGC students. Faculty members should be aware of any academic support students can receive outside of the department. Recognizing the value of these services and guiding students to use them when necessary can be critical for students' success. For example, students expressed a need for academic support in courses that did not offer tutorial support in the

academic support office. When these situations occur, departments and faculty members should put people in place to alleviate the problem. One possible suggestion could be to have a tutorial program set up through the department. Faculty could also establish peer tutoring, allowing criminal justice majors who have proven themselves to be academically excellent to work with students who may not want to seek academic support from faculty members.

Future research should examine differences between departments within the same university. These differences should explore retention rates of FGC and NFGC students and how these differences are addressed within the varying departments and the university as a whole. Future research should also examine differences among criminal justice/criminology departments across the country. Identifying these differences can help departments improve their retention of FGC students across the discipline as well as began to create common standards. Additionally, future researchers might consider a longitudinal examination of FGC students and NFGC students as they progress through their careers.

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Biography

Dr. Kiesha Warren-Gordon is an Assistant Professor of Criminal Justice/Criminology at Ball State University. Her substantive areas include criminology, race and ethnicity. Her research explores: the intersection of race and class in the miscarriage of justice, violence and intercultural conflict. Her teaching interests are victimology, multiculturalism, the death penalty and criminal justice process.

M

EGAN'S LAW: SEX OFFENDERS REGISTRATION ACT

By Samuel Fair, Corrections Professional, Gwinnett Judicial Circuit, Gwinnett County, GA

ABSTRACT

Considering the prevalence of sexual abuse, its detrimental impact on victims and the supervision of offenders, the development of effective policies and programs is of utmost importance. This article provides an overview of evidence regarding several key issues pertaining to the registration of sexual offenders and the utility of registration laws. A critical analysis of the Amityville school district's policy regarding sex offender notification is explored. The relevancy of the nexus between parental training, certain criminological theories, sex offender registration and community cohesiveness is presented. Finally, the potential research implications and future policy possibilities are discussed.

INTRODUCTION

Sex offenders are the pariahs of society. Even amongst prison populations filled with murderers and thieves, the sex offender is an outcast. The heinous crimes of sex offenders are viewed by society as inexcusable and often opportunities to exact violent and/or physical vengeance against these offenders are seen as a good gesture. Over the past fifteen to twenty years, sex offending has been perceived to be a serious and widespread problem in American society.

The protection of ones children from harm is an issue that can conjure up many feelings and emotions. With the role of the media in today's society, the issue of sexual crimes against children has touched American households in ways like never before. The vast majority of residents in communities across the nation are continuously concerned about crime affecting family members. One of the more serious criminal offenses impacting community safety is the murder, rape and sexual molestation of women and children.

Designed to protect children from sexual predators, Megan's Law gives communities notification of released sexual offenders in their neighborhoods. Sparked by the perceived social problem of child molestation, murders and abductions, Megan's Law is largely supported throughout communities across the country. Megan Kanka was a seven-year-old girl who lived in a residential suburb of New Jersey. After being enticed to enter a neighbor's home with the lure of a new puppy, she was raped and murdered. The man convicted of this heinous crime was Megan's neighbor, a twice-convicted sex offender who lived with two other convicted sex

offenders. The community in which Megan lived was outraged. How could three convicted sex offenders be living in their neighborhood without their knowledge? Hence, Megan's Law was signed into law in May of 1996 by then President Clinton. Megan's Law enables law enforcement officials to notify communities of convicted sex offenders' presence, in effect, adding to the Jacob Wetterling Act (1994) that established state registries of sex offenders. The goals of community notification laws are to prevent sexual abuse by (1) serving as a deterrent for sex offenders and (2) arming parents and others in the community with knowledge of the presence of convicted sex offenders in their community (Redlich 2001). The story of Megan Kanka and Megan's Law, was not the beginning of the registration and notification of sexual offenders within communities. But it was Megan's plight that grasped the nation and gave much more attention to sex offender registration laws.

The impetus of community notification is deterrence. Policymaking built on the idea of deterrence has its roots in the classical school of criminology. Within Megan's Law there are several interesting criminological ideologies coexisting. Cost/benefit analysis and free will are cornerstones from the classical school. Classical school – rational choice theory, recognizes that individuals have free will and engage in rational decision making. Individuals calculate which decision will bring maximum gain (pleasure) and minimum loss (pain). Related to the classical school rational choice deterrence ideology, is *situational crime prevention*, which consists of four major categories:

- 1) Increasing perceived effort
- 2) Increasing perceived risk
- 3) Reducing anticipated rewards
- 4) Inducing guilt or shame

In order to achieve these four categories of situational prevention (1) potential targets must be heavily guarded, (2) means of committing the crime must be controlled and (3) potential offenders must be monitored. These policy implications also involve social learning theories and environmental design. The more difficult it is to exhibit a behavior, the less likely an individual will be to engage in that particular behavior. From the perspective of learning theories, since the behavior most likely won't be rewarded, more than likely it will never take place.

Community notification serves as a shaming mechanism, which involves the stigmatization of the offender. The stigmatization is meant to be degrading and label the person as evil, to help society make the offender an outcast. As a specific deterrent, shaming/stigma aren't solutions. Those who suffer humiliation at the hands of the system more than likely will "reject their rejecters," and join a deviant subculture of like-minded people who

collectively resist social control. Community notification makes sex offenders shame both public and permanent, which in turn can set a dangerous trend of more sex offenses.

To achieve deterrence the community in some ways serves as Jeremy Bentham's panopticon, also referred to as the "inspection house." The panopticon's design was intended to create a consciousness of constant surveillance, as a tool for controlling inmate's deviant behavior. After examining the effects of the panopticon on social control, Michel Foucault contended that the key to inmate control is constant inspection, representing power in the following ways:

Visible: inmates will constantly have before them the panopticon tower from which they are spied on.

Unverifiable: inmates never know if they are being watched at any particular moment, but the possibility is always there.

Foucault concluded that the primary aim of social control is the inmate's mind, followed secondly by his body. Constant surveillance creates a permanent presence in the mind. "Hence, the major effect of the panopticon is to induce in the inmate a state of conscious and permanent visibility that assures the automatic functioning of power (Foucault 1979)."

Community notification in many ways is analogous with the panopticon. The sex offenders consciousness of the community's surveillance of their every move, is supposed to be the means of controlling the offender's deviant behavior. Every time an offender goes outside there is the possibility they are being watched by someone from a window in their home, from their yard or even a passing vehicle. The community or neighborhood itself acts as the tower of the panopticon, which satisfies *visibility* and not knowing which neighbor is watching, satisfies the surveillance being *unverifiable*. Notification assumes a strictly utilitarian rationale for citizen participation. The community represents, "more eyes monitoring released offenders" (Beatty 1997). The courts have generally concluded that notification laws, while they may impinge on a person's privacy under certain circumstances, are necessary to protect the rights of society's children. Again, a display of utilitarianism- the greatest good for the greatest number.

ANALYSIS of the PROBLEM

The aim of this analysis is to constructively critique the Amityville School District's approach regarding sex offender notification. Presently there are two methods employed by the school district to disseminate information regarding released sex offenders living within the community; (1) notices are mailed to the residents of the district; (2) notices are given to the children to take home to their parents. Upon receiving the offenders

information (name, address, date of birth, offender level), are these parents and guardians vigilant in regards to their responsibility as far as the information is concerned? The school district presumes that if parents are given information regarding convicted sex offenders, they will be better prepared to protect their children. On the contrary, because of a lack of knowledge themselves, parents are generally ineffective in promoting skills in their children necessary to prevent abuse. For parents to effectively help their children protect themselves from predators, there is a need for an open line of communication between parents and children. Essential to that communication is the ability of the parent to talk about sex (an uncomfortable and sensitive subject) with their child(ren). Commonly, parents want to be the primary educators of their children when it involves safety and sex issues, but they usually lack the skills and knowledge themselves. As these communication barriers hamper their efforts, parents are more likely to only discuss the least threatening topics with their children (i.e., "don't talk to strangers").

The provision of sex offender notification in this fashion only perpetuates the dangerous and false sense of security that Megan's Law legislation instills in society. Sex offender notification simply makes us feel better, creating an illusion of safety. There is a need to educate parents in the school district about the realities of what community notification laws can and cannot be expected to accomplish. The school district has made small attempts at providing information to assist parents' efforts of safeguarding their children, but nothing of any real significance. Over the past six to eight months there have been three sources of literature sent to parents in reference to child safety measures:

1) *Yello Dyno Guide: Prepare/ Empower/ Protect-parent and guardian guidelines to help prevent your child from becoming lost, missing, abducted or abused.*

2) *Knowing My Eight Rules Of Safety*

3) *Personal Safety For Children: A Guide For Parents-* prepared by the U.S. Department of Justice; U.S. Department of Education; and the National Center for Missing and Exploited Children.

All three of these sources provide good information and tips on child safety measures, but what are they really worth? What, if anything, do they do to reduce anxiety and feelings of helplessness experienced by both children and parents?

HISTORY Sex Offenders

With all the fear and anxiety sexual offenses conjure up, how much is really known about the offenders themselves. Many experts that have researched sexual offenders, point to some common characteristics that many offenders exhibit, which are both sociological and psychological in nature. According to Talan (2002), a psychologist, Mary Koss of the University of Arizona, conducted a study in the 1970's developing the first academic descriptions of men at risk for rape behavior. The questionnaire Koss developed surveyed nearly 3,000 college men on whether they had ever forced themselves on a female partner sexually. Ranging from stealing a kiss to intercourse about 25 percent of the men said they had forced themselves on women. About eight percent had intercourse without consent (Talan 2002).

One explanation for rape focuses on the evolution-

ary, biological aspects of the male sexual drive (Symons 1979). Symons (1979) adds, this perspective suggests that rape may be instinctual, developed over the ages as a means of perpetuating the species. According to Ellis (1991), the evolutionary view is that the sexual urge corresponds to the unconscious need to preserve the species by spreading one's gene's as widely as possible. Some believe that these prehistoric drives remain. Males still have a natural sexual drive that encourages them to have intimate relations with as many women as possible (Symons 1979).

Another researcher, Dr. Martin Kafka, a psychiatrist at McLean Hospital in Belmont, Mass., has found that many of the sexual offenders he treats have ADHD (Attention Deficit Hyperactivity Disorder). Some other factors Dr. Kafka points to are depression, bipolar illness and obsessive-compulsive disorder (Talan 2002). Talan (2002) adds, those offenders' who exhibit these characteristics also have other sexual preoccupations such as compulsive addictions to pornography, promiscuity and masturbation. According to Malamuth and Briere (1986), watching violent pornographic films featuring women who are beaten, raped or tortured has been linked to sexually aggressive behavior in men. The high sex drive coupled with ADHD creates difficulty for some of these men to weigh the consequences of their behavior (Talan 2002).

Sexual offenders usually exhibit actions before they ever offend, that are clear warning signs of potential danger. Individuals who have displayed questionable behavior usually go unchecked and untreated until an actual sexual offense is committed.

According to Baker (2002), defining common characteristics of individuals who sexually abused children is complicated. There exist a significant percentage of people who share similar traits to the sexual predator with one exception. They do not sexually abuse children. So just how can parents predict whether a sexual predator is interacting with their children (Baker 2002)?

According to Dr. Leigh Baker, a clinical psychologist and author of *Protecting Your Children from Sexual Predators*, these are the ten most common characteristics of a predator:

- 1) Refusal to take responsibility for his or her actions and blames others or circumstances for failures
- 2) A sense of entitlement
- 3) Low self-esteem
- 4) A need for power and control
- 5) A lack of empathy
- 6) An inability to form intimate relationships with adults
- 7) A history of abuse
- 8) A troubled childhood
- 9) Deviant sexual behaviors and attitudes
- 10) Drug and/or alcohol abuse

Baker (2002) adds that each one of these characteristics alone does not necessarily define a predator. There are many individuals who manifest these traits and will never sexually abuse a child. However the combination of these attributes and the degree to which they control a person's behavior, distinguish a sexual predator from other individuals (Baker 2002).

Although sex offenders may have many flawed mental and environmental characteristics, according to many

experts in the field, they still contain and display in their actions the ability to make a rational decision. Psychologist Mary Koss said eighty percent of offenders know their victims. "Many sex offenders do a cost/benefit analysis," she explains. "Will I get caught? Probably not. Will I be arrested? Probably not. Why not just do it (Talan 2002)?" Certainly a person who was raised in an impoverished environment with abusive parents has significantly different choices than the privileged child who was lavished with love, attention and material possessions. However, it is ultimately our free will that selects those possibilities we are faced with and makes us responsible for our own lives (Baker 2002).

Another view is just as men learn any other behavior, they also learn to commit rapes and other sexual abuses. Segal (2002) adds that in contrast to the evolutionary biological view, some researchers argue that rape is a function of modern male socialization. According to this view, from an early age, boys are taught to be aggressive, forceful, tough and dominating and are led to believe that women want to be dominated (Siegal 2002).

Not minimizing the effect of sexual offenders with traumatic upbringings, their early socialization is of primary concern if experts wish to develop treatment plans that work (Baker 2002). Certain environments are toxic to children's development. Children whose parents engage in a bitter divorce, live in homes where abuse and neglect are the norm and are exposed to substance abuse, poverty and crime are at high risk for developing deviant behavior. According to Baker (2002), toxic childhood environments also include various forms of emotional abuse. Even though emotional abuse does not create physical scarring, it insidiously destroys a child's integrity. Name-calling and other forms of verbal abuse denigrate the child and erode self-esteem. A child being raised in an environment where his or her psychological needs are rarely met will learn to substitute anger, resentment and fear for true intimacy (Baker 2002).

Two major characteristics that often result from the toxic environments in which many predators were raised are the inability to deal with anger and difficulty communicating with others. Many predators were raised in an environment where there were inappropriate displays of anger. As children, predators may never have learned to effectively express their anger. Instead, they were taught that adults had the right to deal with anger by physical means, while children's anger was seen as unacceptable. Ironically, the display of anger in a child often resulted in corporal punishment, thus giving the child a confusing message about physical means as a way to handle one's anger (Baker 2000). Wisdom (1992) adds, childhood victimization represents a widespread, serious social problem that increases the likelihood of delinquency, adult criminality and violent criminal behavior.

Baker (2000) adds that predators also have a difficult time communicating with others. They learned early on in their childhood that expressing their needs, desires and feelings was dangerous and often resulted in retaliatory behaviors from their parents. They were often shamed into hiding their feelings of fear and vulnerability and were harshly punished when they demonstrated anger and frustration. In dysfunctional home environments, communication between family

members is often distorted, cryptic and ineffective. Children from these environments learn that important issues are never discussed openly and that resolution to problems is often resolved by a sudden slap across the face, a harsh command or utter silence. It is no wonder that predators talk about their inability to communicate their feelings. According to Wisdom (1992), research shows that today's victim of neglect may well be a defendant in tomorrow's violent criminal case. They have a lifetime of stored up emotions that they were never able to sort out and share with others, therefore, they choose to act them out in destructive ways (Baker 2000). Early socialization factors are significant in the developing of a sexual offender. Negative socialization in early childhood is a breeding ground for characteristics conducive to sexual offending.

According to Siegal (2002), criminologists are still at odds over the precise cause of rape, but there is evidence that it is the product of a number of social, cultural and psychological forces. Although some experts view it as a normal response to an abnormal environment, others view it as the product of a disturbed mind and deviant life experiences.

Recidivism

Contrary to the perceptions of sex offenders being compulsive recidivists, law enforcement data show that the sexual victimization of children remained stable throughout the 1990's and offending against adults declined. Based on a study of prisoners released in 1994 and tracked for the next three years, Langan and Levin (2002) reported that released prisoners with the highest rearrest rates were robbers (70.2%), burglars (74.0%), larcenists (74.6%), motor vehicle thieves (78.8%), those in prison for possessing or selling stolen property (77.4%) and those in prison for possessing, using or selling illegal weapons (70.2%). According to Langan and Levin (2002), released prisoners with the lowest rearrest rates were those in prison for homicide (40.7%), rape (46.0%), other sexual assault (41.4%) and driving under the influence (51.5%). Within three years, 2.5% of released rapists were rearrested for another rape and 1.2% of those who had served time for homicide were rearrested for another homicide (Langan and Levin 2002). Evident from the law enforcement data is the fact that rearrested sex offenders had lower recidivism rates for sex crimes and other offenses than most other categories of offenders and their behavior rarely escalates to more violent crime.

Bynum (2001:4) suggests that reliance on measures of recidivism as reflected through the criminal justice system data obviously omit offenses that are not cleared through an arrest or those that are never reported to the police. This distinction is critical in the measurement of actual recidivism of sex offenders (Bynum 2001). According to Bynum (2001), the National Crime Victimization Survey's conducted in 1994, 1995 and 1998, show only 32% of sexual assaults against persons 12 or older were reported to the authorities. It is generally assumed that child sexual assaults are equally under reported, although no current studies indicate the rates. Bynum (2001) adds that many victims don't report sexual assaults to the police because of fear that reporting the crime may lead to the following:

- further victimization by the offender;
- other forms of retribution by the offender or their

friends or family; -arrest, prosecution and incarceration of the offender who may be a family member or friend and on whom the victim or others may depend;

- others finding out about the sexual assaults;
- traumatic experience with criminal justice system

Comparing official records of a sample of sex offenders with unofficial data sources, Marshall and Barbaree (1990) found the number of subsequent sex offenses revealed through unofficial sources was 2.4 times higher than the number that was recorded in official reports. According to Bynum (2001) there has been support for the hypothesis that sexual offender recidivism rates are under reported through polygraph examinations on a sample of imprisoned sex offenders with fewer than two known victims. The actual results found these offenders actually had an average of 110 victims and 318 offenses (Ahlmeier, Heil, Mckee and English 2000).

Social Construction

During the late 1980's and thru the 1990's, the issue of child molestation was established as a major social problem and the stereotypical rapist/molester/pedophile, became one of the best known and most widely feared social enemies. The media's depiction of sex offending as a serious and widespread problem, especially against children, created the perception that sex offenders are compulsive recidivist, whose behavior often involves serious lethal violence.

To be unaware of the issue of missing/exploited children in America is to be totally isolated from newspapers, television, mail or other forms of communication (Kappeler and Vaughn 1988). According to Kappeler and Vaughn, during the 1980's, barely a week went by when the public was not exposed to photographs, stories and debates on the issue of missing, exploited, abused and abducted children.

Jenkins (1994) suggests that like a great drama, a newsworthy story should evoke an emotional response such as fear, outrage or pity, which is why victims like children or animals feature so regularly. Virtually every form of media was used to circulate the faces and stories of missing and exploited children. From milk cartons to flyers in utility bills, to television documentaries, Americans were made aware of the child abduction "epidemic" (Kappeler and Vaughn 1988). Jenkins (1994) adds, that the story should also suggest a phenomenon that appears to be a real threat that affects or could affect a large number of readers or viewers of a particular item.

In relation to sexual offenses against children, Jenkins (1998) suggests that the Justice Department formulates the image, which is transformed and publicized in fiction, which in turn shapes public attitudes and expectations; while the news media present stories that respond to these images and stereotypes. The media account might offer excitement or shock value in the form of unusual sexual activity or violence and often concerns well-known people in whom there is a good deal of established public interest (Jenkins 1994). Jenkins (1994) adds, that ideally, the story should also offer a platform for social action ("something must be done"), perhaps indicated by the demands of politicians, police or bureaucrats. In turn, the investigative priorities of bureaucratic agencies are formed by public and legislative expectations, which are derived from popular culture and the news media (Jenkins 1998).

According to Sample (2001), it appears then that sex offender legislation did not arise simply because of the growing objective harm of sex offending. Rather, it was the product of a socially constructed panic stimulated by media depictions and used by policy makers to successfully promote sex offending as a menacing social problem worthy of costly and sweeping legislation (Sample 2001).

Community Notification

The state of Washington was the first to pass a notification statute in 1989 (Gunnison 1999). According to Goodman and Rubin (1996), the notification movement gained momentum with the 1994 enactment of New Jersey's Megan's Law, which was a legislative response to the rape and murder of seven-year-old Megan Kanka by a paroled sex offender.

The main crux of Megan's Law is community notification (Redlich 2001:93). Its goal is to ensure that information about released sex offenders is made available to protect society and prevent further victimization. According to Baker (2000), certain research studies indicate that sex offenders have a high rate of recidivism, while others suggest that, with proper treatment, their recidivism rate is actually lower than that of other criminals. The sex offender registry and community notification plan are designed to increase public safety by warning citizens of a sexual offender in their community and the increased surveillance of the sexual offender will presumably deter his or her future violence (Baker 2002). To date, little is known about whether community notification is a successful deterrent of child sexual abuse (Redlich 2001).

Registration alone, however, is unlikely to deter most sex offenders who have reached a point at which they are at high risk to re-offend. Once they have entered their offense cycle, they have started down a very slippery slope, toward re-offense and the mere awareness that they are registered is unlikely to interrupt the cycle (Prentky 1996).

It is important to understand how individuals will potentially react when notified of convicted sex offenders' presence in their neighborhoods. The dilemma associated with community notification is balancing the public's right to know with the need to successfully re-integrate offenders into the community. As described by (Lieb 1996), community notification is best understood as a form of community policing whereby police form an active partnership with the community to reduce crime. This partnership requires effort and intelligence to be successful. Community policing exists on a continuum with a police state on one hand and citizen vigilantism on the other (Lieb 1996). Beatty (1997), adds that sex offender notification is commonly aligned with the contemporary trend toward community justice. Supporters of notification claim that the laws empower private citizens to protect themselves. They refer to notification as "community management of offenders." On the surface, sex offender notification legislation seems like a community justice initiative. The laws allegedly involve citizens in crime prevention by supplying them with information about known sex offenders (Beatty 1997; Goodman 1996). However the alliance between sex offender notification and community justice is an odd one. The supporter of notification seems more like a retributivist than a problem solver (Presser & Gun-

nison 1999).

In Prentky's (1996) view, the singular consideration should be whether community notification will, in fact, reduce victimization rates or whether it will merely provide a dangerous false sense of security. Because there is no compelling or empirical evidence to suggest that community notification is a constructive response to the problem, the only conclusion I am left with is that the latter must be true (i.e., that being notified simply makes us feel better). Also Jacobs (2003), says one of the problems with sex offender notification is that it only creates an illusion of safety. There is no evidence to suggest that notification is effective in reducing sex offender recidivism. According to Prentky (1996), it (community notification) will not decrease the overall victimization rate and it is a tragically short-sided response to the problem. For one thing, the authorities are only aware of a small percentage of sex offenders. The majority of sex offenses are committed by trusted adults, clergymen, family members or friends and go unreported. Sex offenders live in every American neighborhood/community and children need close supervision no matter what.

Constitutionality

Along with the many concerns that exists in regard to sex offender registry, community notification programs are also under attack. Monica Ratchford in her publication *Community Notification of Sex Offenders*, talks about the constitutional, ethical and practical issues that categorize the controversy over community notification laws. She states that constitutional challenges to community notification statutes have included a number of arguments claiming that it is a form of *ex post facto* punishment, denies equal protection, violates due process rights, impinges on the right to privacy and constitutes cruel and unusual punishment (Baker 2002). Redlich (2001) offers, those who argue against notification laws contend that the laws violate privacy rights, will have no impact on the actual prevention of child sexual abuse and may even increase rather than prevent such occurrences. To date, very little empirical information exists about Megan's Law, including how individuals regard the law. The courts have generally concluded that the notification laws, while they may impinge on a person's privacy under certain circumstances, are necessary to protect the rights of society's children (Redlich 2001).

The potential violation of sex offenders' constitutional rights, such as the right to privacy, not being punished for the same crime twice and not being subjected to cruel and unusual punishment, are some of the main arguments against notification laws. The punitive nature has been of the utmost concern and central to the constitutionality debate. The differential treatment of sex offenders as compared to other types of offenders', is seen as evidence to the punitive nature of notification laws. For example, bank robbers, carjackers, drug dealers or even murderers aren't subject to notification laws, but one might find it beneficial to be aware of their presence in the community in which they reside.

Sex offenders are often singled out and subjected to laws that the majority of other criminals are not. For example, in *Kansas v. Hendricks* (1996), the U.S. Supreme Court upheld the 1994 *Kansas Sexually Violent Predator Act*, which allows for the civil commitment of

violent sexual predators, including offenders who have already completed their prison sentence. [Simon, J. (1998). *Managing the Monstrous: Sex Offenders and the New Penology*. Psychology, Public Policy and Law, 4, pgs. 452-467]

Ex post facto laws prohibit punishing people for acts they committed before the acts became criminal. The rule of *nullum crimen sine lege*, "no crime without a law," is essential to the criminal justice process. Article 1, Section 9 of the U.S. Constitution prohibits the passage of any *ex post facto* laws (Abadinsky 1991). Supporters of having offenders, who were convicted before the notification laws were enacted, base their argument on the inability of sexual offenders to be treated for their depravity. Klass (2003) injects that, because pedophiles and other preferential sex offenders cannot be cured, many community notification provisions apply to offenders who committed their crimes prior to enactment of the law. Although courts have not yet definitively ruled on this issue, disallowing retroactive application would render community notification ineffective. According to Klass (2003), instead of 90,000 offenders being subject to notification in California, the law would only apply to about 9,000. Is the child molester who rapes a child the day before enactment of the statute any less dangerous than the one who raped the day after (Klass 2003)?

Legal issues regarding the rights of sex offenders in regards to community notification may turn on whether the utility of the law, to manage risks of recidivism, is necessary to ensure the public safety. Many of the constitutional challenges revolve around the question of the states concerns about risks, in the application of notification laws. According to Levi (2000), work in this area focuses on legalistic questions regarding offenders' rights, premised upon an initial determination of whether public notification constitutes punishment for the purposes of constitutional analysis, rather than a non-punitive or regulatory, measure to manage the risk of re-offense. Steiker (1998) adds, an important distinction in legal doctrine: while the U.S. Constitution places a number of limits on state punishment, far fewer limits exist when the state is not acting punitively, but is rather seeking to regulate or manage, a social problem. A regulatory emphasis on risk management shifts the legal debate away from a question of individual rights, engaging instead an emphasis on how the community ought to govern and be governed, thereby challenging classically liberal models of criminal law (Steiker 1998). In a nutshell, public safety is seen as a legitimate, non-punitive purpose for notification laws, therefore not subject to the legal limits on state punishment. In this context, many pundits don't believe that the laws stray from the belief that offender's who have paid their debt to society through incarceration, not be subject to further punishment once released. The threat of vigilantism and ostracism, by no means rise to the importance of public safety. But isn't vigilantism a threat to public safety? Or is the released offender not a part of the public. The pressure associated with the negative label stamped on the sex offender by community notification, may prove to be too much to endure. In turn, these pressures may prove to be a bigger threat to public safety, by causing the offender to break under the pressure of the community and enter a cycle to re-offend.

GOALS AND OBJECTIVES

The brochures provided by the school district cover useful information about protecting children against sexual victimization, but parents need a better understanding of the protective measures used by law enforcement along with the necessary public precautions. This analysis proposes that institutions within the community (i.e., schools, churches, civic associations), provide training and educational programs to assist parents in communicating safety issues to children. Instead of relying on a false security blanket (sex offender notification), we should work to establish meaningful programs and policy to safeguard our children. The programs provided will fill the need to educate the parents in Amityville about the realities of what community notification laws can and cannot be expected to accomplish. Along with the development and provision of safety and security techniques, the program will provide parents with a forum to express their personal concerns and communicate with others who are experiencing similar issues. This feedback from the training sessions should enormously outweigh the informational value a brochure can generate.

The training programs offered will involve introducing parents to several criminological theories and approaches. For example, Ronald Clarke's *routine activities* approach, which can be assimilated to the prevention of sexual victimization. Using the routine activities approach, the proposed program could reinforce parents' mindsets, that instead of focusing on known sexual offenders and trying to understand their motivation, we could accomplish a lot more if we concentrated our efforts into blocking opportunities. Parents would be taught to understand that everyone should be treated as a potential offender, opportunity makes the thief. Crime opportunity arises from the convergence of motivated offenders, suitable targets and the absence of capable guardians (not necessarily human—cctv; dogs). The fact that parents don't have any control over a sexual predator (motivated offender) once they have entered into their offense cycle, the focus must be on not supplying suitable targets and providing the visible presence of capable guardians. Picking children up from the bus stop, being active in children's activities (sports, religious), being vigilant and keeping children close at the mall, are all ways of blocking a pedophiles opportunities. According to the approach, crime trends are determined by routine activities:

- amount of time spent away from the home
- changes in transportation, communication and technology

Do we have more pedophiles in society today than fifty or sixty years ago? Probably not, but we can make the argument that because peoples lives have become a lot more complex in 2007 than in 1950, the opportunities for stranger involved sexual crimes has increased. The fact that both parents work in many more families then they did fifty years ago, makes for a lot more latch-key kids coming home from school or other activities unsupervised and unguarded. In American society today, many more people are career-oriented (male & female), leading to a decrease in time spent with our children. These parental situations and circumstances create opportunities for kids to hang-out with friends more or if not hanging out, many may surf the internet for hours

at a time with no supervision.

The program will promote theoretical and other concepts to instill greater cognizance and cohesiveness in the effort to reduce sexual abuses. Evidence of the current sex offender legislations ineptitude, a change in the focus from the offenders to potential victims and guardians may do more to serve society.

Schools are not the only institutions capable of providing services and programs for parents seeking training in child safety issues. The Amityville Taxpayers Association is an organization that provides services for the community. For example, during the summer months the association provides teenage computer training programs and they are also the organizers of several neighborhood watch groups for crime. In regards to protecting children, training and educational courses for parents would be a great opportunity for the taxpayers association to grow and involve more residents in community goals. Greater resident participation in turn should lead to increased cohesion and social attachment within the community. Implications about community cohesiveness, ostracism, harassment, anxiety, fear, criminality and institution impact can prove to be significant to sociology/criminology and criminal justice as sex offender legislation continues to evolve.

The long range objectives of this training program aim to encourage the establishment of similar programs in other communities, towns, cities and states. Eventually, with enough empirical proof of the current legislations ineptitude, we will be able to abolish Megan's Law as we know it and utilize parental training programs to combat sex offenders.

PROGRAM DESIGN Research

In order to implement a training program for parents, research must be conducted in order to pinpoint areas of concern in which the training should focus. A research survey will be conducted to compare, contrast and examine the parents in Amityville about their perceptions, knowledge and feelings about community notification. The participants in this study will serve as the pulse of parents throughout the community in regards to how they communicate with their children. Respondents for the survey will be recruited from four different sources, (1) immediate neighbors' with children, (2) several school bus stops in different neighborhoods, (3) PTA meetings and (4) First Baptist Church congregation. One to two-hundred respondents will be the target number of participants we would like to interview, regarding their attitudes toward sex offenders and notification. The criterion for parents being sampled is having a child between the ages of five and ten, who attends Park Avenue Elementary School.

Human Subjects Issues

The purpose of the study and instructions for completion of the survey will be explained to all participants. The voluntary nature of participation and the anonymity of respondent's will be emphasized. Subjects will be advised regarding the sensitive nature of the questions in which they will be answering within the survey. The highest regard for participant confidentiality will be maintained throughout the research project and beyond.

Once the research process is complete, the direction and focus of the program will take shape. Based on the

data analysis, training concepts and techniques will be implemented in response to areas of child safety in which parents appear deficient.

MONITORING PROGRAM

At the end of the training program (4-6 weeks), questionnaires for program evaluation will be given to parents asking them to rate the different modules of training and their assessment of the program overall. Participating parents will also be asked to evaluate themselves. Questions will pertain to how comfortable and confident the parents feel about the prospect of communicating critical issues of a sexual nature with their children. Three months after a participant has completed the program, they will be mailed a brief questionnaire asking them about their subsequent communications with their child(ren). The programs goal is for the majority of parents surveyed, most felt that their communication with their child(ren) came easier after their program participation, as opposed to pre-program.

OUTCOME EVALUATION Safety Knowledge Test

A short test of approximately ten questions will be given to all fourth and fifth graders in September (pre-test) and then repeated in May (post-test). Two separate evaluations will be performed from these tests:

1) A comparison of the scores of children whose parents participated in the program (treatment group), as to the children whose parents did not receive the training (control group). The questions will be on specific aspects of certain training modules given to participating parents. The treatment group scores should reflect how well the parents passed the information on to the children. We will expect the treatment group post-test scores to be the highest of all four tests. This would be an indication that the training program had a positive impact on parent's ability to communicate and practice safety issues with their children.

2) A second comparison can be made of only the treatment group's pre and post-tests. Higher scores on the post-test would indicate a correlation between the training program and parental communication of safety issues and practices with their children.

Community Cohesiveness

With the participation of several key community institutions (i.e.; schools, churches, taxpayers association), a rise in social attachment and community cohesiveness is anticipated. Institutions involved in community affairs serve to strengthen the ties that bond a community together. Stronger institutions tend to foster greater social control, in turn promoting a better quality of life and decrease in deviant behavior. The comparison of certain social issues (i.e.; property crime rates, suicide rates), pre-program and post-program over the course of several years may indicate an increase in social attachment within the community. If the post-program rates are lower than the pre-program rates, it is possible that there is at least a correlation (if not causation), between the training programs relationship with community institutions and community cohesiveness. Greater social cohesion can lead to a lower fear of crime within a community which is always healthy for all residents.

PROGRAM INITIATION

The program will be initiated beginning with the research process to guide the rest of the programs focus.

The data analysis which is taken from the research will lead to the development of the training to be provided to participants.

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Biography

Samuel Fair is a corrections professional with over 12 years of institutional and community corrections experience in the monitoring and rehabilitation of offenders. Whether as a corrections officer at Sing Sing and Lincoln Correctional Facilities in New York State or as a felony probation officer in Gwinnett County, Georgia, Mr. Fair's practical experience in the criminal justice field has inspired his thirst for knowledge in the discipline. Officer Fair earned his bachelor's degree in criminology at S.U.N.Y. College at Old Westbury and his master's degree in criminal justice at John Jay College of Criminal Justice. Currently Officer Fair manages a standard and medium caseload in the Gwinnett Judicial Circuit.

U

se of Graduated and Intermediate Sanctions in the Treatment of Chronic Truants:

A Model Program for Rural Areas

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Abstract:

The use of graduated and intermediate sanctions in the treatment of truancy and juvenile delinquency has garnered increasing support since its inception by the Office on Juvenile Justice and Delinquency Prevention in the early 1990's. This article describes a model program using these strategies in a rural, economically depressed area of Central Appalachia. The program was administered over a five-year period beginning in 1998, with 65 nonviolent youth who had previously been in secure detention or had been identified as "undisciplined juveniles" with a record of truancy and status offenses.

Introduction

For many youth, truancy or unexcused absence from school, is the first step to a lifetime of problems (Garry 1996). Truancy is directly related to educational failure, social isolation, poverty and delinquency (Baker, Sigmon and Nugent 2001). According to a report by the Los Angeles County Office of Education chronic absenteeism is the most powerful predictor of delinquent behavior (Garry 1996). Failure to address truancy in a meaningful way results in tremendous societal costs that are associated with reduced earning capacity as an adult, loss of state and federal funds for local school systems, communities not being able to attract industry because of an uneducated work force and higher costs associated with administering both the social welfare and criminal justice systems (Garry 1996). The Office on Youth graduated sanctions program was an effort to address the problem of truancy in a rural economically depressed region of Central Appalachia through the introduction of innovative programs that were both control and treatment oriented.

Literature Review

Intermediate sanctions is a correctional alternative between straight probation and incarceration that was implemented in the early 1980's and has found considerable support nationally since that time (Osborne 1994). The purpose of intermediate sanctions was to divert high-risk probationers from more expensive incarceration to higher levels of community supervision (Austin, Johnson, & Weitzer 2005). The goal was two fold: 1) to save money through an alternative to expensive prison programs and 2) to treat probationers in the community in a more cost effective manner. Traditionally, intermediate sanctions were promoted as a "tougher" stance toward probation with the emphasis on probationer punishment and accountability

(Osborne 1994). Graduated sanctions evolved from the concept of intermediate sanctions as a more systematic approach through the application of sanctions based on risk assessment, need for client control and the implementation of treatment services to probationers (Jenson and Howard 1998). Graduated sanctions as used in this study is defined as *a combination of community services that rely on both control and treatment of the juvenile offender in a manner that is consistent with the juvenile's risk assessment score*. The program was designed to maximize both treatment and control with the premise that more serious offenders should receive more stringent sanctions and appropriate treatment services, whereas, the less serious offender should receive lighter controls and treatment that were more closely coordinated with their needs and perceived risk (Appendix I).

The sanctions and treatment model utilized in the Court Service Unit study was based on the principles outlined the "Guide for Implementing the Comprehensive Strategy for Serious, Violent and Chronic Juvenile Offenders". The comprehensive strategy emphasized that effective programs should have as their primary focus: 1) strengthening the family unit and supporting core social institutions, such as schools and religious organizations. 2) Utilizing community resources that were available locally to ensure that communities provided a nurturing environment for their youth. 3) Promotion of prevention strategies as the most cost-effective method of intervention and 4) Immediate intervention when delinquent behavior was identified. Finally, the strategy emphasized the importance of identifying and controlling youth who were considered chronic juvenile offenders before their behaviors escalated into more serious offending (OJJDP, 1995).

The targeted area for the Graduated Sanctions Program included three counties and one city in the southwestern region of Virginia. This region of Virginia has historically been an economically depressed area and frequent layoffs in the coal mining industry have drastically increased economic deprivation for the region. At the beginning of this study (1998), the local unemployment rate stood at 11.45% compared to a state-wide average of 4.4%. The average per capita income was \$15,522, the lowest in the state and the rate of children who received social service benefits was double that of the rest of the state. (Kuczko 1998). Forty-seven percent of the region's children qualified for the Federal Free Lunch Program.

In addition to living in an economically depressed region, the students from this region were twice as likely to possess alcohol in school than students in other regions of the state. They were one and one half

times more likely to be victims of child abuse and neglect and they were twice as likely to have parents who were divorced. Regionally, dropout rates and school attendance were also problematic as evidenced by a 1998 local school system report that found more than 1,000 students in one county missed 20 or more days of school per year. (Kuczko 1998).

According to the Department of Criminal Justice Services (DCJS), the Juvenile Court that serves the area, reported the fifth highest proportion of status offender complaints in the state and their rate for petitioned status intake cases was four times higher than the state average. Data from the Department of Criminal Justice Services also reported that juvenile arrests had increased 45% from 1991 to 1995 and that delinquent complaints had increased by 40% from 1993 to 1997 (Kuczko 1998).

Traditionally, the local juvenile court relied on detention and confinement to control high-risk juveniles because treatment alternatives and other controls were not available in the community. This practice was extremely expensive to continue based on the estimate of \$34,000 to \$64,000 annually to incarcerate a juvenile in secure detention (Camp and Camp 1990). Office on Youth Graduated Sanctions Program, funded by a grant from the Office of Juvenile Justice Delinquency Prevention, was designed to address these critical needs of the local juvenile court system. The program was funded for five years from 1998 until 2003. The targeted population for the grant was juveniles who were in detention and high-risk juveniles who were chronic truants.

Methods and Procedure Population

The study population consisted of 65 students with 63.1 percent of the group male (n=41) and 36.9 percent of the group female (n=24). The students averaged 15 years of age and their average grade placement was 9th grade. Sixty-three of the students listed white as their race (96.9%) and 3.1% listed their race as black (n=2). These numbers were consistent with the racial make-up of the community and it did not have an over representation of minority students as has been reported in other literature (Welsh, Jenkins, & Harris 1999; and Robinson 2005).

Thirty-five percent of the population resided with a single parent and 40% lived with both parents in a traditional two-parent household. Slightly more than 10% of the students lived with a relative who was not a parent, with 9.2% in blended families, 3.1% were in foster care and 1.5% lived independently.

Most of the students referred to the program were status offenders, who made up 70.8% of the popula-

tion. Seventeen percent of the students had committed delinquent acts which would have been criminal acts had they been adults. Slightly more than 10% had committed crimes against the person and a little more than 6% had committed property offenses. Six percent of the children were classified as CHINS (children in need of services) and slightly over 3% had drug possession charges. As a group, they averaged 1.20 prior petitions by the court with over 61% having no prior petitions. Truancy seemed to be the most common problem in that the population averaged over 33 school absences the previous year with over 70% having 10 or more absences. Twenty-six percent (26%) of the population had over 50 absences the previous school year.

Procedure

After students were assigned to the program, a risk assessment was completed which resulted in the students being assigned to one of three sanction levels (low, medium or high), with a corresponding needs assessment. Graduated sanctions and treatment options were implemented by the program coordinator after initial assessment. Each participant had a case manager assigned with a written individual service plan based on a thorough evaluation and case assessment (Kuzcko 1998). Demographic data were collected at referral and data were entered into a statistical program for use in program evaluation and analysis.

Dependent Variable

The dichotomous dependent variable was established as program success. Program success was defined as *not having a petition filed against the student by the juvenile court for non-compliance with program rules and objectives*. Students who had petitions issued were coded as failures and all other students were coded as successes.

Independent Variables

Additionally, data were collected on treatment options, high school attendance and whether the student was on track for high school graduation. Another area of concern was the impact of escalating sanctions on program success.

Services and sanctions were monitored by the program social workers, not the juvenile court. Failure to comply with the program resulted in a referral back to the juvenile court for review. After court referral, participants were administered a risk assessment and then assigned to low risk, medium risk or high risk groups depending on the severity of their risk assessment scores. The risk assessment instrument was developed using criteria that was established by the Office of Juvenile Justice and Delinquency Prevention as containing objective factors that were related to successful probation and aftercare (parole) supervision (OJJDP). These factors were prior record, substance usage, familial relationships, peer relationships and school performance. These factors have been referred to in the literature as social bond theory, which emphasized the importance of insulating youth from delinquency through positive attachments to family, friends and social institutions. Youth learn to control their unacceptable behaviors through interaction with these pro-social environmental influences (Hirschi 1969). The instrument had a 20 point scale using traditional risk assessment criteria, such as prior record,

age of first court referral, familial relationships, peer relationships, substance abuse and school performance as predictors. Therefore, low risk cases would have had stable families, positive peer influences, no substance abuse and no prior court appearances. High-risk cases, on the other hand would have had unstable families, negative peer influences, a history of substance abuse and previous court appearances. Low risk offenders were classified as participants who had scores of 0 to 7, Medium Risk offenders had scores of 8 to 14 and High Risk offenders had scores of 15 to 20. It should be noted that the instrument had not been validated on this group or any other group of delinquents prior to its usage in this study (Clear, 1988; Brennan, 1987). Low risk participants made up almost one half (49%) of the population, with 23% classified as medium risk and 27% classified as high risk (Appendix II).

Another important objective of this study was to validate the utility of the risk assessment instrument, since it had not been used before on any other population. Offenders were assigned to both sanctions and services based on their assessment scores. Sanctions remained at the same level and were not escalated to a higher level of control unless the participants did not comply with program objectives at their assigned level.

One of the unique features of this program was the matching of sanctions with services. Initially, the concept of intermediate sanctions had been introduced used as a method of correctional control without recognizing the importance of delivering services to the clients. This was a response to the youth violent crime problem of the late 1980's and early 1990's with state and federal legislators passing stricter laws for juveniles and making them more accountable for their actions. However, more recent literature has recommended the combining of sanctions with services as a more effective way of reducing truancy in schools (Baker, Sigmon, & Nugent, 2001). Offenders who were assigned to low risk sanctions such as community service, curfews, suspended driver's licenses, restitution and unsupervised probation were offered services that were consistent with low risk offenders. These students received family counseling, mentoring or individual counseling depending on their needs assessment. Offenders assigned to medium risk sanctions received all lower risk treatment options and were offered higher levels of treatment such as anger management, ALATEEN, CASA or Camp Bethel (wilderness type experience). Offenders assigned to high risk sanctions were offered all lower levels of treatment plus the possibility of treatment in group homes, mental health commitments, parent aid services and therapeutic foster homes. Services were determined by the social worker, based on the students' individual needs assessment and availability of services.

Results

Success Rates

The students had a 92.3% success rate with only five of the students having petitions issued for non-compliance with the program.

Graduation Rate:

The study had 92.3% of the students graduating or on track to graduate from high school. Only 6.2% of the study dropped out of high school.

Gender

The males were significantly more likely to violate their probation than the females. None of the females were violators (Johnson 1998). Generally, one would expect this because females tend to be less delinquent than males but the females were equally represented in the low risk (43.5%), medium risk (34.8%) and high risk (21.7%) groups. Males represented 52.2% of the low risk, 17.5% of the medium risk and 30% of the high risk groups, respectively. Statistically, both groups were comparable in terms of risk assignment.

Risk Level

None of the low risk students violated their probation. Of the five students who did violate, two were from the medium risk group and three were from the high risk group.

Prior Petitions

The best predictor of program failure was the number of prior petitions. Males who did not violate their probation had a mean of 1.22 prior petitions. Females had a mean of .50 petitions. The males who violated the conditions of their probation had a mean of 4.40 petitions with a standard deviation of 3.51. This was statistically significant at the .001 level.

Sanctions Escalated

Another predictor of failure for the group was having the students' sanctions escalated. Eight males and one female in the study had their sanctions escalated. None of the low risk students had sanctions escalated. Of the nine students who had sanctions escalated four were medium risk and five were high risk. Ninety-eight percent of the students who did not have sanctions escalated were successful. This was significant at the .001 level.

Substance Abuse:

Slightly more than 75% of the students used tobacco. Fifty-eight percent used alcohol and 47.7% used marijuana. Eighteen percent of the students used inhalants and 12.3% used Ritalin and 12.3% used amphetamines. Nine percent used barbiturates and none of the students used cocaine, hallucinogens or steroids (See Table 1). Of the five students who failed the program, all five used alcohol and tobacco. Three out of the five failures used marijuana and one failure used inhalants.

Table 1

Summary of Substance Usage By Students in the Graduated Sanctions Program

Substance	Percent Used
Tobacco	75.4
Alcohol	58.5
Marijuana	47.7
Inhalants	18.5
Amphetamines	12.3
Ritalin	12.3
Barbiturates	9.2
Cocaine	0.0
Hallucinogens	0.0
Steroids	0.0

Services

The most frequently used services were mentoring, wraparound and parent aid. These services resulted in success rates between 90 and 91 percent. Family counseling services were delivered in 35% of the cases and this service resulted in a success rate of 85%. Camp Bethel was used in 20 percent of the cases and it had a success rate of 81.3%. Monitoring services were used in 18.5 percent of the cases and these students were successful 75 percent of the time. The remainder of the services, such as anger management, alcohol anonymous, harvest home, skills, in-patient therapy, CASA and foster care, were used less frequently, but were successful in 100 percent of the cases.

(See Table 2 for complete results)

Table 2

Summary of Services Provided Graduated Sanctions Program

Service	N	Percent Served	Percent Successful	Chi Square
Mentoring	54	83.1	91.5	.458
Wraparound	54	83.1	91.5	.458
Parent Aid	49	75.4	90.7	.294
Fam/Counseling	23	35.4	85.2	.069
Camp Bethel	13	20.0	81.3	.056
Monitoring	12	18.5	75.0	.003*
Anger Mgt.	7	10.8	100.0	.419
AA/NA	6	9.2	100.0	.458
Harvest Home	6	9.2	100.0	.458
Skills	3	4.6	100.0	.609
In-Patient	2	3.1	100.0	.678
CASA	1	1.5	100.0	.771
Foster Care	1	1.5	100.0	.771

*Denotes Statistical Significance for Failure

Graduated Sanctions

Eighty percent of the students had no sanctions imposed and they had the highest success rate (96.2%) of any group associated with sanctions. Community service sanctions were used in about one half of the cases with a success rate of 86.2 percent. Thirty-two percent of the students were placed in detention and they were successful 81 percent of the time. Electronic monitoring was used with 20 percent of the cases and they were successful 69.2 percent of the time. Students who were administered drug testing were successful 91.7 percent of the time and students who were placed in group homes were 80 percent successful. The least successful sanction was having the students' driver's licenses restricted as they failed in 50 percent of the cases although only 6 percent of the students received this sanction. A summary of the success rate of the various sanctions can be seen in Table 3.

Table 3

Summary of Sanctions Imposed on Chronic Truants

Sanction	N	Percent	Percent Successful	Chi Square
No Sanctions	52	80.0	96.2	.051
Community Ser.	29	44.6	86.2	.098
Detention	21	32.3	81.0	.018*
Curfew	15	23.1	73.3	.002*
Electronic				
Monitoring	13	20.0	69.2	.000*
Drug Testing	12	18.5	91.7	.926
Group Home	10	15.4	80.0	.112
Escalated				
Sanctions	9	13.8	55.6	.000*
Intensive Probation	8	12.3	87.5	.586
House Arrest	5	7.7	80.0	.282
License Restricted	4	6.2	50.0	.001*
Committal	1	1.5	0.0	.000*
Restitution	0	0.0	-----	-----

*Denotes Statistical Significance for Predicting Failure

Discussion

Sixty-five chronic truants located in a rural, economically depressed region were 92.3% successful in the Lonesome Pine Office on Youth Graduated Sanctions Program. The success rate was the same for both staying in school and not having a petition filed with the court for non-compliance. This is somewhat remarkable considering the region historically has high rates of truancy, high school dropouts and teenage pregnancies. The success rate cannot be attributed to easy cases, as over 50% of the population was classified as medium or high risk. Additionally, the group averaged thirty-three absences from the previous school year with over one quarter of the population absent over fifty days the previous year. Twenty-six percent of the population were in or had been in secure detention, which again, puts them at a much higher risk for failure. In short, they were "at risk" for both delinquency and truancy problems.

A surprising outcome of the study was the apparent utility of the risk assessment scale that was used in assigning risk levels and sanctions. Even though it would be expected that some of the low risk group (false negatives) would have failed the program, none did. This suggests appropriate risk assignment and placement.

Another interesting outcome of the study was the variety and quality of services delivered to the students while in the program. Generally, these types of services are not readily available in the region, particularly the court system and it should be stressed that without the Lonesome Pine Office on Youth grant, very few of these services would have been provided to the students. The majority of the students received mentoring, wrap around and parent aid services and they were successful at least ninety percent of the time. Several other services that were used more sparingly experienced 100% success rates. These were anger management, alcoholics anonymous, harvest home group home, skills training, in-patient mental health therapy, court appointed special advocacy and foster care. Since the students received essentially the same services, no one service emerged as a predictor for success or failure.

In terms of sanctions, low success rates were associated with higher degrees of control and this was to be expected since the higher levels of control were reserved for the more difficult cases and those who were not complying with program goals. The best predictor of failure of the program was if the students' sanctions were escalated, as they were only successful 55.6% of the time compared to the overall success rate of 92.3%. This again supports the theory that sanctions offer control for higher risk students as they did suffer consequences for their behavior. However, the most successful use of sanctions was through using no sanctions at all with a 96.2% success rate. So it would appear that control did not translate into program success as the opposite was true.

In determining the actual risk imposed on the community, the program was again successful and fulfilled the program goal of offering services to at risk students in the community. None of the students who violated the program committed new crimes. In fact, none were even charged with status offenses. All of the students who failed the program had technical rule violations that were associated with non-compliance with

program rules and staff recommendations. This would suggest that there was an appropriate use of control when it was warranted by the students' behavior.

The issue of the relationship between gender and success merits more research. All of the female participants were successful, even though they were equally at risk in comparison to their male counterparts. This suggests perhaps that they were more amenable to counseling than the male students as has been reported in other studies related to success rates for delinquent girls (Johnson 1998). It is suggested that the case workers were viewed as positive role models and this contributed to the girls' better adjustment to the program (Green and Peters 1998).

In summary, this was a very sophisticated program that was very successful in evaluating risk, assigning appropriate sanctions and matching appropriate services with the students and their families. It is apparent from the analysis and review that the program did have therapeutic integrity as the treatment took place in the truants' natural environment; it was multi-modal; it emphasized positive reinforcement for pro-social behaviors; it targeted behaviors that were predictive of future delinquent behavior; and it targeted behaviors that were dynamic in nature (Gendreau and Goggin, 2000).

These findings suggest that *how* sanctions and treatment were delivered was more important than *what* sanctions or services were delivered. These results reflect on the quality of the program directors and staff as much as the program itself. These results suggest the juvenile court can successfully implement both sanctions and treatment in a quality innovative program in an economically depressed rural community. It is recommended that continued funding for intervention strategies of this nature be supported.

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Biography

William N. Osborne has a Ph.D. in Public Policy and Administration from Virginia Commonwealth University and has been teaching criminal justice for the past 25 years. Mr. Osborne is currently an Associate Professor and Program Coordinator for Criminal Justice at Ferrum College in Ferrum, Virginia. His previous teaching assignments have included Virginia Intermont College in Bristol, Virginia and Mountain Empire Community College in Big Stone Gap, Virginia. Mr. Osborne had approximately ten years experience in probation and parole and community corrections prior to becoming an educator. His research interests are community corrections, work release and recidivism. His articles have been published in *American Jails* (Boot Camp Prisons) and the *Journal for Criminal Justice Education* (The Impact of Technology on Learning).