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Broken Windows

The police and neighborhood safety

by James Q. Wilson and George L. Kelling

In the mid-1970s The State of New Jersey announced a "Safe and Clean Neighborhoods Program," designed to improve the quality of community life in twenty-eight cities. As part of that program, the state provided money to help cities take police officers out of their patrol cars and assign them to walking beats. The governor and other state officials were enthusiastic about using foot patrol as a way of cutting crime, but many police chiefs were skeptical. Foot patrol, in their eyes, had been pretty much discredited. It reduced the mobility of the police, who thus had difficulty responding to citizen calls for service, and it weakened headquarters control over patrol officers.

Many police officers also disliked foot patrol, but for different reasons: it was hard work, it kept them outside on cold, rainy nights, and it reduced their chances for making a "good pinch." In some departments, assigning officers to foot patrol had been used as a form of punishment. And academic experts on policing doubted that foot patrol would have any impact on crime rates; it was, in the opinion of most, little more than a sop to public opinion. But since the state was paying for it, the local authorities were willing to go along.

Five years after the program started, the Police Foundation, in Washington, D.C., published an evaluation of the foot-patrol project. Based on its analysis of a carefully controlled experiment carried out chiefly in Newark, the foundation concluded, to the surprise of hardly anyone, that foot patrol had not reduced crime rates. But residents of the foot patrolled neighborhoods seemed to feel more secure than persons in other areas, tended to believe that crime had been reduced, and seemed to take fewer steps to protect themselves from crime (staying at home with the doors locked, for example). Moreover, citizens in the foot-patrol areas had a more favorable opinion of the police than did those living elsewhere. And officers walking beats had higher morale, greater job satisfaction, and a more favorable attitude toward citizens in their neighborhoods than did officers assigned to patrol cars.

These findings may be taken as evidence that the skeptics were right- foot patrol has no effect on crime; it merely fools the citizens into thinking that they are safer. But in our view, and in the view of the authors of the Police Foundation study (of whom Kelling was one), the citizens of Newark were not fooled at all. They knew what the foot-patrol officers were doing, they knew it was different from what motorized officers do, and they knew that having officers walk beats did in fact make their neighborhoods safer.

But how can a neighborhood be "safer" when the crime rate has not gone down--in fact, may have gone up? Finding the answer requires first that we understand what most often frightens people in public places. Many citizens, of course, are primarily frightened by crime, especially crime involving a sudden, violent attack by a stranger. This risk is very real, in Newark as in many large cities. But we tend to overlook another source of fear--the fear of being bothered by disorderly people. Not violent people, nor, necessarily, criminals, but disreputable or obstreperous or unpredictable people: panhandlers, drunks, addicts, rowdy teenagers, prostitutes, loiterers, the mentally disturbed.

What foot-patrol officers did was to elevate, to the extent they could, the level of public order in these neighborhoods. Though the neighborhoods were predominantly black and the foot patrolmen were mostly white, this "order-maintenance" function of the police was performed to the general satisfaction of both parties.

One of us (Kelling) spent many hours walking with Newark foot-patrol officers to see how they defined "order" and what they did to maintain it. One beat was typical: a busy but dilapidated area in the heart of Newark, with many abandoned buildings, marginal shops (several of which prominently displayed knives and straight-edged razors in their windows), one large department store, and, most important, a train station and several major bus stops. Though the area was run-down, its streets were filled with people, because it was a major transportation center. The good order of this area was important not only to those who lived and worked there but also to many others, who had to move through it on their way home, to supermarkets, or to factories.

The people on the street were primarily black; the officer who walked the street was white. The people were made up of "regulars" and "strangers." Regulars included both "decent folk" and some drunks and derelicts who were always there but who "knew their place." Strangers were, well, strangers, and viewed suspiciously, sometimes apprehensively. The officer--call him Kelly--knew who the regulars were, and they knew him. As he saw his job, he was to keep an eye on strangers, and make certain that the disreputable regulars observed some informal but widely understood rules. Drunks and addicts could sit on the stoops, but could not lie down. People could drink on side streets, but not at the main intersection. Bottles had to be in paper bags. Talking to, bothering, or begging from people waiting at the bus stop was strictly forbidden. If a dispute erupted between a businessman and a customer, the businessman was assumed to be right, especially if the customer was a stranger. If a stranger loitered, Kelly would ask him if he had any means of support and what his business was; if he gave unsatisfactory answers, he was sent on his way. Persons who broke the informal rules, especially those who bothered people waiting at bus stops, were arrested for vagrancy. Noisy teenagers were told to keep quiet.

These rules were defined and enforced in collaboration with the "regulars" on the street. Another neighborhood might have different rules, but these, everybody understood, were the rules for *this* neighborhood. If someone violated them, the regulars not only turned to Kelly for help but also ridiculed the violator. Sometimes what Kelly did could be described as "enforcing the law," but just as often it involved taking informal or extralegal steps to help protect what the neighborhood had decided was the appropriate level of public order. Some of the things he did probably would not withstand a legal challenge.

A determined skeptic might acknowledge that a skilled foot-patrol officer can maintain order but still insist that this sort of "order" has little to do with the real sources of community fear--that is, with violent crime. To a degree, that is true. But two things must be borne in mind. First, outside observers should not assume that they know how much of the anxiety now endemic in many big-city neighborhoods stems from a fear of "real" crime and how much from a sense that the street is disorderly, a source of distasteful, worrisome encounters. The people of Newark, to judge from their behavior and their remarks to interviewers, apparently assign a high value to public order, and feel relieved and reassured when the police help them maintain that order.

Second, at the community level, disorder and crime are usually inextricably linked, in a kind of developmental sequence. Social psychologists and police officers tend to agree that if a window in a building is broken and is left unrepaired, all the rest of the windows will soon be broken. This is as true in nice neighborhoods as in rundown ones. Window-breaking does not necessarily occur on a large scale because some areas are inhabited by determined window-breakers whereas others are populated by window-lovers; rather, one unrepaired broken window is a signal that no one cares, and so breaking more windows costs nothing. (It has always been fun.)

Philip Zimbardo, a Stanford psychologist, reported in 1969 on some experiments testing the broken-window theory. He arranged to have an automobile without license plates parked with its hood up on a street in the Bronx and a comparable automobile on a street in Palo Alto, California. The car in the Bronx was attacked by "vandals" within ten minutes of its "abandonment." The first to arrive were a family--father, mother, and young son--who removed the radiator and battery. Within twenty-four hours, virtually everything of value had been removed. Then random destruction began--windows were smashed, parts torn off, upholstery ripped. Children began to use the car as a playground. Most of the adult "vandals" were well-dressed, apparently clean-cut whites. The car in Palo Alto sat untouched for more than a week. Then Zimbardo smashed part of it with a sledgehammer. Soon, passersby were joining in. Within a few hours, the car had been turned upside down and utterly destroyed. Again, the "vandals" appeared to be primarily respectable whites.

Untended property becomes fair game for people out for fun or plunder and even for people who ordinarily would not dream of doing such things and who probably consider themselves law-abiding. Because of the nature of community life in the Bronx--its anonymity, the frequency with which cars are abandoned and things are stolen or broken, the past experience of "no one caring"--vandalism begins much more quickly than it does in staid Palo Alto, where people have come to believe that private possessions are cared for, and that mischievous behavior is costly. But vandalism can occur anywhere once communal barriers--the sense of mutual regard and the obligations of civility--are lowered by actions that seem to signal that "no one cares."

We suggest that "untended" behavior also leads to the breakdown of community controls. A stable neighborhood of families who care for their homes, mind each other's children, and confidently frown on unwanted intruders can change, in a few years or even a few months, to an inhospitable and frightening jungle. A piece of property is abandoned, weeds grow up, a window is smashed. Adults stop scolding rowdy children; the children, emboldened, become more rowdy. Families move out, unattached adults move in. Teenagers gather in front of the corner store. The merchant asks them to move; they refuse. Fights occur. Litter accumulates. People start drinking in front of the grocery; in time, an inebriate slumps to the sidewalk and is allowed to sleep it off. Pedestrians are approached by panhandlers.

At this point it is not inevitable that serious crime will flourish or violent attacks on strangers will occur. But many residents will think that crime, especially violent crime, is on the rise, and they will modify their behavior accordingly. They will use the streets less often, and when on the streets will stay apart from their fellows, moving with averted eyes, silent lips, and hurried steps. "Don't get involved." For some residents, this growing atomization will matter little, because the neighborhood is not their "home" but "the place where they live." Their interests are elsewhere; they are cosmopolitans. But it will matter greatly to other people, whose lives derive meaning and satisfaction from local attachments rather than worldly involvement; for them, the neighborhood will cease to exist except for a few reliable friends whom they arrange to meet.

Such an area is vulnerable to criminal invasion. Though it is not inevitable, it is more likely that here, rather than in places where people are confident they can regulate public behavior by informal controls, drugs will change hands, prostitutes will solicit, and cars will be stripped. That the drunks will be robbed by boys who do it as a lark, and the prostitutes' customers will be robbed by men who do it purposefully and perhaps violently. That muggings will occur.

Among those who often find it difficult to move away from this are the elderly. Surveys of citizens suggest that the elderly are much less likely to be the victims of crime than younger persons, and some have inferred from this that the well-known fear of crime voiced by the elderly is an exaggeration: perhaps we ought not to design special programs to protect older persons; perhaps we should even try to talk them out of their mistaken fears. This argument misses the point. The prospect of a confrontation with an obstreperous teenager or a drunken panhandler can be as fear-inducing for defenseless persons as the prospect of meeting an actual robber; indeed, to a defenseless person, the two kinds of confrontation are often indistinguishable. Moreover, the lower rate at which the elderly are victimized is a measure of the steps they have already taken--chiefly, staying behind locked doors--to minimize the risks they face. Young men are more frequently attacked than older women, not because they are easier or more lucrative targets but because they are on the streets more.

Nor is the connection between disorderliness and fear made only by the elderly. Susan Estrich, of the Harvard Law School, has recently gathered together a number of surveys on the sources of public fear. One, done in Portland, Oregon, indicated that three fourths of the adults interviewed cross to the other side of a street when they see a gang of teenagers; another survey, in Baltimore, discovered that nearly half would cross the street to avoid even a single strange youth. When an interviewer asked people in a housing project where the most dangerous spot was, they mentioned a place where young persons gathered to drink and play music, despite the fact that not a single crime had occurred there. In Boston public housing projects, the greatest fear was expressed by persons living in the buildings where disorderliness and incivility, not crime, were the greatest. Knowing this helps one understand the significance of such otherwise harmless displays as subway graffiti. As Nathan Glazer has written, the proliferation of graffiti, even when not obscene, confronts the subway rider with the inescapable knowledge that the environment he must endure for an hour or more a day is uncontrolled and uncontrollable, and that anyone can invade it to do whatever damage and mischief the mind suggests."

In response to fear people avoid one another, weakening controls. Sometimes they call the police. Patrol cars arrive, an occasional arrest occurs but crime continues and disorder is not abated. Citizens complain to the police chief, but he explains that his department is low on personnel and that the courts do not punish petty or first-time offenders. To the residents, the police who arrive in squad cars are either ineffective or uncaring: to the police, the residents are animals who deserve each other. The citizens may soon stop calling the police, because "they can't do anything."

The process we call urban decay has occurred for centuries in every city. But what is happening today is different in at least two important respects. First, in the period before, say, World War II, city dwellers- because of money costs, transportation difficulties, familial and church connections--could rarely move away from neighborhood problems. When movement did occur, it tended to be along public-transit routes. Now mobility has become exceptionally easy for all but the poorest or those who are blocked by racial prejudice. Earlier crime waves had a kind of built-in self-correcting mechanism: the determination of a neighborhood or community to reassert control over its turf. Areas in Chicago, New York, and Boston would experience crime and gang wars, and then normalcy would return, as the families for whom no alternative residences were possible reclaimed their authority over the streets.

Second, the police in this earlier period assisted in that reassertion of authority by acting, sometimes violently, on behalf of the community. Young toughs were roughed up, people were arrested "on suspicion" or for vagrancy, and prostitutes and petty thieves were routed. "Rights" were something enjoyed by decent folk, and perhaps also by the serious professional criminal, who avoided violence and could afford a lawyer.

This pattern of policing was not an aberration or the result of occasional excess. From the earliest days of the nation, the police function was seen primarily as that of a night watchman: to maintain order against the chief threats to order--fire, wild animals, and disreputable behavior.

Solving crimes was viewed not as a police responsibility but as a private one. In the March, 1969, Atlantic, one of us (Wilson) wrote a brief account of how the police role had slowly changed from maintaining order to fighting crimes. The change began with the creation of private detectives (often ex-criminals), who worked on a contingency-fee basis for individuals who had suffered losses. In time, the detectives were absorbed in municipal agencies and paid a regular salary simultaneously, the responsibility for prosecuting thieves was shifted from the aggrieved private citizen to the professional prosecutor. This process was not complete in most places until the twentieth century.

In the 1960s, when urban riots were a major problem, social scientists began to explore carefully the order maintenance function of the police, and to suggest ways of improving it--not to make streets safer (its original function) but to reduce the incidence of mass violence. Order maintenance became, to a degree, coterminous with "community relations." But, as the crime wave that began in the early 1960s continued without abatement throughout the decade and into the 1970s, attention shifted to the role of the police as crime-fighters. Studies of police behavior ceased, by and large, to be accounts of the order-maintenance function and became, instead, efforts to propose and test ways whereby the police could solve more crimes, make more arrests, and gather better evidence. If these things could be done, social scientists assumed, citizens would be less fearful.

A great deal was accomplished during this transition, as both police chiefs and outside experts emphasized the crime-fighting function in their plans, in the allocation of resources, and in deployment of personnel. The police may well have become better crime-fighters as a result. And doubtless they remained aware of their responsibility for order. But the link between order-maintenance and crime-prevention, so obvious to earlier generations, was forgotten.

That link is similar to the process whereby one broken window becomes many. The citizen who fears the ill-smelling drunk, the rowdy teenager, or the importuning beggar is not merely expressing his distaste for unseemly behavior; he is also giving voice to a bit of folk wisdom that happens to be a correct generalization--namely, that serious street crime flourishes in areas in which disorderly behavior goes unchecked. The unchecked panhandler is, in effect, the first broken window. Muggers and robbers, whether opportunistic or professional, believe they reduce their chances of being caught or even identified if they operate on streets where potential victims are already intimidated by prevailing conditions. If the neighborhood cannot keep a bothersome panhandler from annoying passersby, the thief may reason, it is even less likely to call the police to identify a potential mugger or to interfere if the mugging actually takes place.

Some police administrators concede that this process occurs, but argue that motorized-patrol officers can deal with it as effectively as foot patrol officers. We are not so sure. In theory, an officer in a squad car can observe as much as an officer on foot; in theory, the former can talk to as many people as the latter. But the reality of police-citizen encounters is powerfully altered by the automobile. An officer on foot cannot separate himself from the street people; if he is approached, only his uniform and his personality can help him manage whatever is about to happen. And he can never be certain what that will be--a request for directions, a plea for help, an angry denunciation, a teasing remark, a confused babble, a threatening gesture.

In a car, an officer is more likely to deal with street people by rolling down the window and looking at them. The door and the window exclude the approaching citizen; they are a barrier. Some officers take advantage of this barrier, perhaps unconsciously, by acting differently if in the car than they would on foot. We have seen this countless times. The police car pulls up to a corner where teenagers are gathered. The window is rolled down. The officer stares at the youths. They stare back. The officer says to one, "C'mere." He saunters over, conveying to his friends by his elaborately casual style the idea that he is not intimidated by authority. What's your name?" "Chuck." "Chuck who?" "Chuck Jones." "What'ya doing, Chuck?" "Nothin'." "Got a P.O. [parole officer]?" "Nah." "Sure?" "Yeah." "Stay out of trouble, Chuckie." Meanwhile, the other boys laugh and exchange comments among themselves, probably at the officer's expense. The officer stares harder. He cannot be certain what is being said, nor can he join in and, by displaying his own skill at street banter, prove that he cannot be "put down." In the process, the officer has learned almost nothing, and the boys have decided the officer is an alien force who can safely be disregarded, even mocked.

Our experience is that most citizens like to talk to a police officer. Such exchanges give them a sense of importance, provide them with the basis for gossip, and allow them to explain to the authorities what is worrying them (whereby they gain a modest but significant sense of having "done something" about the problem). You approach a person on foot more easily, and talk to him more readily, than you do a person in a car. Moreover, you can more easily retain some anonymity if you draw an officer aside for a private chat. Suppose you want to pass on a tip about who is stealing handbags, or who offered to sell you a stolen TV. In the inner city, the culprit, in all likelihood, lives nearby. To walk up to a marked patrol car and lean in the window is to convey a visible signal that you are a "fink."

The essence of the police role in maintaining order is to reinforce the informal control mechanisms of the community itself. The police cannot, without committing extraordinary resources, provide a substitute for that informal control. On the other hand, to reinforce those natural forces the police must accommodate them. And therein lies the problem.

Should police activity on the street be shaped, in important ways, by the standards of the neighborhood rather than by the rules of the state? Over the past two decades, the shift of police from order-maintenance to law enforcement has brought them increasingly under the influence of legal restrictions, provoked by media complaints and enforced by court decisions and departmental orders. As a consequence, the order maintenance functions of the police are now governed by rules developed to control police relations with suspected criminals. This is, we think, an entirely new development. For centuries, the role of the police as watchmen was judged primarily not in terms of its compliance with appropriate procedures but rather in terms of its attaining a desired objective. The objective was order, an inherently ambiguous term but a condition that people in a given community recognized when they saw it. The means were the same as those the community itself would employ, if its members were sufficiently determined, courageous, and authoritative. Detecting and apprehending criminals, by contrast, was a means to an end, not an end in itself; a judicial determination of guilt or innocence was the hoped-for result of the law-enforcement mode. From the first, the police were expected to follow rules defining that process, though states differed in how stringent the rules should be. The criminal-apprehension process was always understood to involve individual rights, the violation of which was unacceptable because it meant that the violating officer would be acting as a judge and jury--and that was not his job. Guilt or innocence was to be determined by universal standards under special procedures.

Ordinarily, no judge or jury ever sees the persons caught up in a dispute over the appropriate level of neighborhood order. That is true not only because most cases are handled informally on the street but also because no universal standards are available to settle arguments over disorder, and thus a judge may not be any wiser or more effective than a police officer. Until quite recently in many states, and even today in some places, the police made arrests on such charges as "suspicious person" or "vagrancy" or "public drunkenness"--charges with scarcely any legal meaning. These charges exist not because society wants judges to punish vagrants or drunks but because it wants an officer to have the legal tools to remove undesirable persons from a neighborhood when informal efforts to preserve order in the streets have failed.

Once we begin to think of all aspects of police work as involving the application of universal rules under special procedures, we inevitably ask what constitutes an "undesirable person" and why we should "criminalize" vagrancy or drunkenness. A strong and commendable desire to see that people are treated fairly makes us worry about allowing the police to rout persons who are undesirable by some vague or parochial standard. A growing and not-so-commendable utilitarianism leads us to doubt that any behavior that does not "hurt" another person should be made illegal. And thus many of us who watch over the police are reluctant to allow them to perform, in the only way they can, a function that every neighborhood desperately wants them to perform.

This wish to "decriminalize" disreputable behavior that "harms no one"- and thus remove the ultimate sanction the police can employ to maintain neighborhood order--is, we think, a mistake. Arresting a single drunk or a single vagrant who has harmed no identifiable person seems unjust, and in a sense it is. But failing to do anything about a score of drunks or a hundred vagrants may destroy an entire community. A particular rule that seems to make sense in the individual case makes no sense when it is made a universal rule and applied to all cases. It makes no sense because it fails to take into account the connection between one broken window left untended and a thousand broken windows. Of course, agencies other than the police could attend to the problems posed by drunks or the mentally ill, but in most communities especially where the "deinstitutionalization" movement has been strong--they do not.

The concern about equity is more serious. We might agree that certain behavior makes one person more undesirable than another but how do we ensure that age or skin color or national origin or harmless mannerisms will not also become the basis for distinguishing the undesirable from the desirable? How do we ensure, in short, that the police do not become the agents of neighborhood bigotry?

We can offer no wholly satisfactory answer to this important question. We are not confident that there is a satisfactory answer except to hope that by their selection, training, and supervision, the police will be inculcated with a clear sense of the outer limit of their discretionary authority. That limit, roughly, is this--the police exist to help regulate behavior, not to maintain the racial or ethnic purity of a neighborhood.

Consider the case of the Robert Taylor Homes in Chicago, one of the largest public-housing projects in the country. It is home for nearly 20,000 people, all black, and extends over ninety-two acres along South State Street. It was named after a distinguished black who had been, during the 1940s, chairman of the Chicago Housing Authority.

Not long after it opened, in 1962, relations between project residents and the police deteriorated badly. The citizens felt that the police were insensitive or brutal; the police, in turn, complained of unprovoked attacks on them. Some Chicago officers tell of times when they were afraid to enter the Homes. Crime rates soared.

Today, the atmosphere has changed. Police-citizen relations have improved--apparently, both sides learned something from the earlier experience. Recently, a boy stole a purse and ran off. Several young persons who saw the theft voluntarily passed along to the police information on the identity and residence of the thief, and they did this publicly, with friends and neighbors looking on. But problems persist, chief among them the presence of youth gangs that terrorize residents and recruit members in the project. The people expect the police to "do something" about this, and the police are determined to do just that.

But do what? Though the police can obviously make arrests whenever a gang member breaks the law, a gang can form, recruit, and congregate without breaking the law. And only a tiny fraction of gang-related crimes can be solved by an arrest; thus, if an arrest is the only recourse for the police, the residents' fears will go unassuaged. The police will soon feel helpless, and the residents will again believe that the police "do nothing." What the police in fact do is to chase known gang members out of the project. In the words of one officer, "We kick ass." Project residents both know and approve of this. The tacit police-citizen alliance in the project is reinforced by the police view that the cops and the gangs are the two rival sources of power in the area, and that the gangs are not going to win.

None of this is easily reconciled with any conception of due process or fair treatment. Since both residents and gang members are black, race is not a factor. But it could be. Suppose a white project confronted a black gang, or vice versa. We would be apprehensive about the police taking sides. But the substantive problem remains the same: how can the police strengthen the informal social-control mechanisms of natural communities in order to minimize fear in public places? Law enforcement, per se, is no answer: a gang can weaken or destroy a community by standing about in a menacing fashion and speaking rudely to passersby without breaking the law.

We have difficulty thinking about such matters, not simply because the ethical and legal issues are so complex but because we have become accustomed to thinking of the law in essentially individualistic terms. The law defines *my* rights, punishes *his* behavior and is applied by *that* officer because of *this* harm. We assume, in thinking this way, that what is good for the individual will be good for the community and what doesn't matter when it happens to one person won't matter if it happens to many. Ordinarily, those are plausible assumptions. But in cases where behavior that is tolerable to one person is intolerable to many others, the reactions of the others--fear, withdrawal, flight--may ultimately make matters worse for everyone, including the individual who first professed his indifference.

It may be their greater sensitivity to communal as opposed to individual needs that helps explain why the residents of small communities are more satisfied with their police than are the residents of similar neighborhoods in big cities. Elinor Ostrom and her co-workers at Indiana University compared the perception of police services in two poor, all-black Illinois towns--Phoenix and East Chicago Heights with those of three comparable all-black neighborhoods in Chicago. The level of criminal victimization and the quality of police-community relations appeared to be about the same in the towns and the Chicago neighborhoods. But the citizens living in their own villages were much more likely than those living in the Chicago neighborhoods to say that they do not stay at home for fear of crime, to agree that the local police have "the right to take any action necessary" to deal with problems, and to agree that the police "look out for the needs of the average citizen." It is possible that the residents and the police of the small towns saw themselves as engaged in a collaborative effort to maintain a certain standard of communal life, whereas those of the big city felt themselves to be simply requesting and supplying particular services on an individual basis.

If this is true, how should a wise police chief deploy his meager forces? The first answer is that nobody knows for certain, and the most prudent course of action would be to try further variations on the Newark experiment, to see more precisely what works in what kinds of neighborhoods. The second answer is also a hedge--many aspects of order maintenance in neighborhoods can probably best be handled in ways that involve the police minimally if at all. A busy bustling shopping center and a quiet, well-tended suburb may need almost no visible police presence. In both cases, the ratio of respectable to disreputable people is ordinarily so high as to make informal social control effective.

Even in areas that are in jeopardy from disorderly elements, citizen action without substantial police involvement may be sufficient. Meetings between teenagers who like to hang out on a particular corner and adults who want to use that corner might well lead to an amicable agreement on a set of rules about how many people can be allowed to congregate, where, and when.

Where no understanding is possible--or if possible, not observed--citizen patrols may be a sufficient response. There are two traditions of communal involvement in maintaining order: One, that of the "community watchmen," is as old as the first settlement of the New World. Until well into the nineteenth century, volunteer watchmen, not policemen, patrolled their communities to keep order. They did so, by and large, without taking the law into their own hands--without, that is, punishing persons or using force. Their presence deterred disorder or alerted the community to disorder that could not be deterred. There are hundreds of such efforts today in communities all across the nation. Perhaps the best known is that of the Guardian Angels, a group of unarmed young persons in distinctive berets and T-shirts, who first came to public attention when they began patrolling the New York City subways but who claim now to have chapters in more than thirty American cities. Unfortunately, we have little information about the effect of these groups on crime. It is possible, however, that whatever their effect on crime, citizens find their presence reassuring, and that they thus contribute to maintaining a sense of order and civility.

The second tradition is that of the "vigilante." Rarely a feature of the settled communities of the East, it was primarily to be found in those frontier towns that grew up in advance of the reach of government. More than 350 vigilante groups are known to have existed; their distinctive feature was that their members did take the law into their own hands, by acting as judge, jury, and often executioner as well as policeman. Today, the vigilante movement is conspicuous by its rarity, despite the great fear expressed by citizens that the older cities are becoming "urban frontiers." But some community-watchmen groups have skirted the line, and others may cross it in the future. An ambiguous case, reported in The Wall Street Journal involved a citizens' patrol in the Silver Lake area of Belleville, New Jersey. A leader told the reporter, "We look for outsiders." If a few teenagers from outside the neighborhood enter it, "we ask them their business," he said. "If they say they're going down the street to see Mrs. Jones, fine, we let them pass. But then we follow them down the block to make sure they're really going to see Mrs. Jones."

Though citizens can do a great deal, the police are plainly the key to order maintenance. For one thing, many communities, such as the Robert Taylor Homes, cannot do the job by themselves. For another, no citizen in a neighborhood, even an organized one, is likely to feel the sense of responsibility that wearing a badge confers. Psychologists have done many studies on why people fail to go to the aid of persons being attacked or seeking help, and they have learned that the cause is not "apathy" or "selfishness" but the absence of some plausible grounds for feeling that one must personally accept responsibility. Ironically, avoiding responsibility is easier when a lot of people are standing about. On streets and in public places, where order is so important, many people are likely to be "around," a fact that reduces the chance of any one person acting as the agent of the community. The police officer's uniform singles him out as a person who must accept responsibility if asked. In addition, officers, more easily than their fellow citizens, can be expected to distinguish between what is necessary to protect the safety of the street and what merely protects its ethnic purity.

But the police forces of America are losing, not gaining, members. Some cities have suffered substantial cuts in the number of officers available for duty. These cuts are not likely to be reversed in the near future. Therefore, each department must assign its existing officers with great care. Some neighborhoods are so demoralized and crime-ridden as to make foot patrol useless; the best the police can do with limited resources is respond to the enormous number of calls for service. Other neighborhoods are so stable and serene as to make foot patrol unnecessary. The key is to identify neighborhoods at the tipping point--where the public order is deteriorating but not unreclaimable, where the streets are used frequently but by apprehensive people, where a window is likely to be broken at any time, and must quickly be fixed if all are not to be shattered.

Most police departments do not have ways of systematically identifying such areas and assigning officers to them. Officers are assigned on the basis of crime rates (meaning that marginally threatened areas are often stripped so that police can investigate crimes in areas where the situation is hopeless) or on the basis of calls for service (despite the fact that most citizens do not call the police when they are merely frightened or annoyed). To allocate patrol wisely, the department must look at the neighborhoods and decide, from first-hand evidence, where an additional officer will make the greatest difference in promoting a sense of safety.

One way to stretch limited police resources is being tried in some public housing projects. Tenant organizations hire off-duty police officers for patrol work in their buildings. The costs are not high (at least not per resident), the officer likes the additional income, and the residents feel safer. Such arrangements are probably more successful than hiring private watchmen, and the Newark experiment helps us understand why. A private security guard may deter crime or misconduct by his presence, and he may go to the aid of persons needing help, but he may well not intervene--that is, control or drive away--someone challenging community standards. Being a sworn officer--a "real cop"--seems to give one the confidence, the sense of duty, and the aura of authority necessary to perform this difficult task.

Patrol officers might be encouraged to go to and from duty stations on public transportation and, while on the bus or subway car, enforce rules about smoking, drinking, disorderly conduct, and the like. The enforcement need involve nothing more than ejecting the offender (the offense, after all, is not one with which a booking officer or a judge wishes to be bothered). Perhaps the random but relentless maintenance of standards on buses would lead to conditions on buses that approximate the level of civility we now take for granted on airplanes.

But the most important requirement is to think that to maintain order in precarious situations is a vital job. The police know this is one of their functions, and they also believe, correctly, that it cannot be done to the exclusion of criminal investigation and responding to calls. We may have encouraged them to suppose, however, on the basis of our oft-repeated concerns about serious, violent crime, that they will be judged exclusively on their capacity as crime-fighters. To the extent that this is the case, police administrators will continue to concentrate police personnel in the highest-crime areas (though not necessarily in the areas most vulnerable to criminal invasion), emphasize their training in the law and criminal apprehension (and not their training in managing street life), and join too quickly in campaigns to decriminalize "harmless" behavior (though public drunkenness, street prostitution, and pornographic displays can destroy a community more quickly than any team of professional burglars).

Above all, we must return to our long-abandoned view that the police ought to protect communities as well as individuals. Our crime statistics and victimization surveys measure individual losses, but they do not measure communal losses. Just as physicians now recognize the importance of fostering health rather than simply treating illness, so the police--and the rest of us--ought to recognize the importance of maintaining, intact, communities without broken windows.

The Atlantic Monthly; *March 1982; Broken Windows; Volume 249, No. 3; pages 29-38.*

fn

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OJJDP OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION

TRAINING AND TECHNICAL ASSISTANCE DIVISION

FAX

TO:

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Fax Number: 202-395-1020

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Emily - Thanks for your assistance.

Attached is the fact for which we are looking for a source. Please call me when you have found the citation. I appreciate your help.

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Fax 202-395-1020

Juvenile Offenders and Victims: A National Report

Citation

Howard N. Snyder

Melissa Sickmund

Pg. 91

National Center for Juvenile Justice

August 1995

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Shay Bilchik, Administrator
Office of Juvenile Justice and Delinquency Prevention

Disproportionate minority confinement often stems from disparity at early stages of case processing

Federal mandates have focused attention on disproportionate minority confinement

The "disproportionate minority confinement" mandate in the Juvenile Justice and Delinquency Prevention Act requires that States determine whether the proportion of minorities in confinement exceeds their proportion in the population. If such overrepresentation is found, States must demonstrate efforts to reduce it.

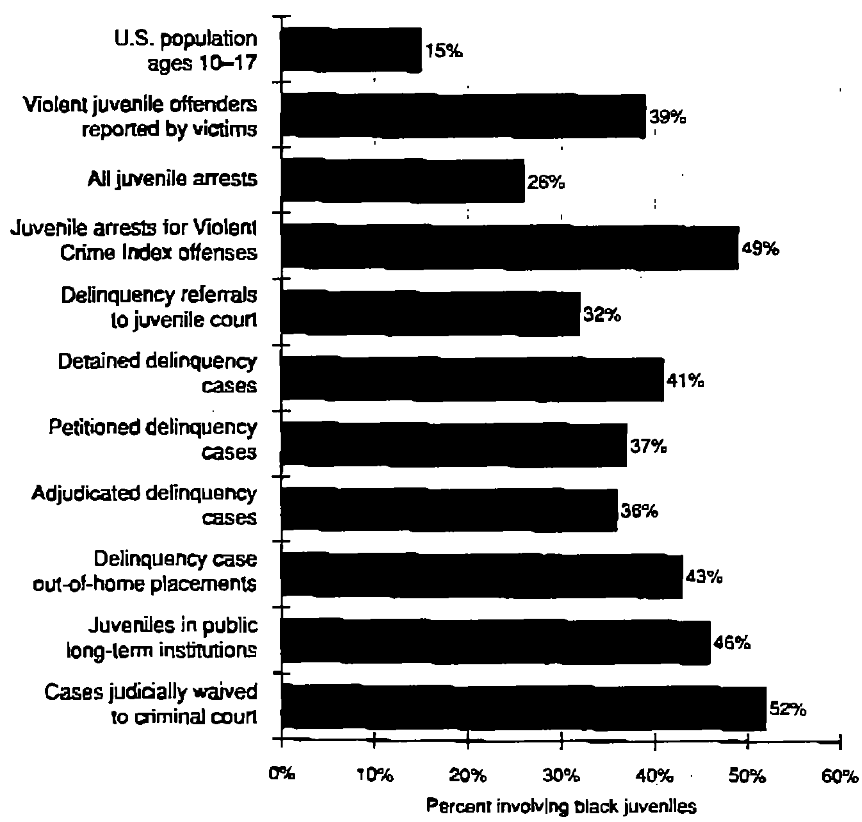
Overrepresentation, disparity, and discrimination differ

Overrepresentation refers to a situation in which a larger proportion of a particular group is present at various stages within the juvenile justice system — such as intake, detention, adjudication, and disposition — than would be expected based upon their proportion in the general population.

Disparity means that the probability of receiving a particular outcome (for example, being detained in a short-term facility versus not being detained) differs for different groups. Disparity may in turn lead to overrepresentation.

Discrimination occurs if and when juvenile justice system decisionmakers treat one group of juveniles differently than another group of juveniles based wholly, or in part, upon their gender, racial, and/or ethnic status.

Compared to their representation in the general population, black juveniles are overrepresented at all stages of the juvenile justice system



Sources: Bureau of the Census. (1992). *1990 Census of population and housing: Modified age/race, sex and Hispanic original (MARS) state and county file* [machine-readable data file]. BJS. (1993). *National crime victimization survey, 1991* [machine-readable data file]. FBI. (1992). *Crime in the United States 1991*. Butts, J., et al. (1994). *Juvenile court statistics 1991*. OJJDP. (1993). *Children in custody census 1990/1991* [machine-readable data file].

Neither overrepresentation nor disparity necessarily implies discrimination

One possible explanation for disparity and overrepresentation is, of course, discrimination. This line of reasoning suggests that because of discrimination on the part of justice system decisionmakers, minority youth face higher probabilities of being arrested by the police, referred to court intake, held in short-term detention, petitioned for formal processing, adjudicated delinquent, and confined in a secure juvenile facility. Thus, differential actions throughout the justice system may account for minority overrepresentation.

However, disparity and overrepresentation can result from factors other than discrimination. Factors relating to the nature and volume of crime committed by minority youth may also explain disproportionate minority confinement. This line of reasoning suggests that if minority youth commit proportionately more crime than white youth, are involved in more serious incidents, and have more extensive criminal histories, they will be overrepresented in secure facilities, even if no discrimination occurred by system decisionmakers. Thus, minority youth may be overrepresented within the juvenile

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12

Restorative Justice

JOHN BRAITHWAITE

Restorative justice is a major development in criminological thinking, notwithstanding its grounding in traditions of justice from the ancient Arab, Greek, and Roman civilizations that accepted a restorative approach even to homicide (Van Ness 1986, pp. 64–68); from ancient Indian Hindus, for whom "he who atones is forgiven" (Weitekamp 1989); from ancient Buddhist, Taoist, and Confucian traditions that one sees blended today in north Asia (Haley 1996). Taken seriously, restorative justice involves a very different way of thinking about traditional notions such as deterrence, rehabilitation, incapacitation, and crime prevention. It also means transformed foundations of criminal jurisprudence and of our notions of freedom, democracy, and community.

Restorative justice has been the dominant model of criminal justice throughout most of human history for all the world's peoples. A decisive move away from it came with the Norman conquest of much of Europe at the end of the Dark Ages (Van Ness 1986, p. 66; Weitekamp 1989). Transforming crime into a matter of fealty to and felony against the king, instead of a wrong done to another person, was a central part of the monarch's program of domination of his people. Interest in restorative justice was rekindled in the West from the establishment of an experimental victim-offender reconciliation program in 1974 in Kitchener, Ontario (Peachey 1989). Umbreit (1998) reports that there were at least 300 of these programs in North America in the mid-1990s and over 500 in Europe, plus many Southern Hemisphere programs. During the 1980s, there was also considerable restorative justice innovation in the regulation of corporate crime (Rees 1988; Braithwaite 1995).

The 1990s have seen the New Zealand idea of family group conferences spread to many countries, including Australia, Singapore, the United Kingdom, Ireland, South Africa, Palestine, the United States, and Canada, adding a new theoretical vitality to restorative justice thinking. Canadian native peoples' notions of healing circles and sentencing circles (James 1993) also acquired considerable influence, as did the Navajo justice and healing ceremony (Yazzie and Zion 1996). By the 1990s, these various programs came to be conceptualized as restorative justice. Bazemore and Washington (1995) and Van Ness (1993) credit Albert Eglash (1975) with first articulating restorative justice as a restitutive alternative to retributive and rehabilitative justice. As a result of the popularizing work of North American and British activists like Howard Zehr (1985, 1990, 1995), Mark Umbreit (1985, 1990, 1992, 1994a,b, 1998), Kay Pranis (1996), Daniel Van Ness (1986, 1993, 1998), Tony Marshall (1985, 1990, 1992a,b) and Martin Wright (1982, 1992) during the 1980s, and the huge new impetus after 1989 from New Zealanders (Brown 1994; Consedine 1997; Hakaiha 1994; Hassall 1996; Leibrich 1996; Maxwell 1993; Maxwell and Morris 1993, 1996; McElrea 1993; Robertson 1996; Stewart 1993) and Australians (Hyndman, Thorsborne, and Wood 1996; McDonald et al. 1995; Moore and Forsythe 1995; Moore and O'Connell 1994; Mugford and Mugford 1992; O'Connell 1992, 1995; Palk 1995), restorative justice was the emerging social movement for criminal justice reform of the 1990s. Since 1995, two organizations, Ted Watchel's Real Justice in the United States and John MacDonald's Transformative Justice in Australia have offered commercial training in conferencing to thousands of people worldwide. An evaluation research community also emerged in association with the social movement; this community has been much more dominated by Europeans (Blagg 1985; De Haan 1990; Dignan 1992; Marshall 1985, 1990; Marshall and Merry 1990; Messmer 1993; Messmer and Otto 1992a, 1992b; Sessar, Beuerskens, and Boers 1986; Smith, Blagg, and Derricourt 1985; Walgrave 1993, 1994, 1995; Weitekamp 1989) and Canadians (Burford and Pennell 1996; Clairmont 1994; Lajeunesse 1993; LaPrairie 1994, 1995; Ross 1996; Stuart 1996), though Burt Galaway and Joe Hudson (1975) in Minnesota were the early and persistent role models of this research community.

In a longer review essay (Braithwaite 1998), I seek to explain why restorative justice is beginning to take off as a model. Notwithstanding that these beginnings are still modest and marginal, an Immodest Theory is advanced there as to why restorative justice might work, as is a Pessimistic Theory of why it might fail in a number of important respects. The growing body of empirical evidence on the workings of restorative justice is organized around testing these propositions, which are listed in the following. Ironically, this still-limited evidence suggests that the propositions of both theories are plausible. Here I do no more than outline the key propositions that constitute the two theories.

Effects of Restorative Justice Practices

The Immodest Theory	The Pessimistic Theory
• restore and satisfy victims better than existing criminal justice practices	• provide no benefits whatsoever to over 90 percent of victims

- restore and satisfy offenders better than existing criminal justice practices
- restore and satisfy communities better than existing criminal justice practices
- reduce crime more than existing practices because of the claims of reintegrative shaming theory
- reduce crime more than existing criminal justice practices because of the claims of procedural justice theory
- reduce crime more than existing criminal justice practices because of the claims of the theory of bypassed shame
- reduce crime more than existing criminal justice practices because of the claims of defiance theory
- reduce crime more than existing criminal justice practices because of the claims of self-categorization theory
- reduce crime more than existing criminal justice practices because of the claims of crime prevention theory
- deter crime better than practices grounded in deterrence theories
- incapacitate crime better than criminal justice practices grounded in the theory of selective incapacitation
- rehabilitate crime better than criminal justice practices grounded in the welfare model
- are more cost-effective than criminal justice practices grounded in the economic analysis of crime
- secure justice better than criminal justice practices grounded in "justice" or just-deserts theories
- enrich freedom and democracy

- have no significant impact on the crime rate
- can increase victims' fears of revictimization
- can make victims little more than props for attempts to rehabilitate offenders
- can be a "shaming machine" that worsens the stigmatization of offenders
- rely on a kind of community that is culturally inappropriate to industrialized societies
- can oppress offenders with a tyranny of the majority, even a tyranny of the lynch mob
- can widen nets of social control
- fail to redress structural problems inherent in liberalism, such as unemployment and poverty
- can disadvantage women, children, and oppressed racial minorities
- are prone to capture by the dominant group in the restorative process
- can extend unaccountable police power, and can even compromise the separation of powers among legislative, executive, and judicial branches of government
- can trample rights because of impoverished articulation of procedural safeguards

This chapter is limited to more foundational questions about the meaning of restorative justice in order to set up the preceding more detailed review of theory and data. It considers what it is that we should want to be restored by restorative justice and argues for the universality of some of these concerns. Then it explores the need to learn from culturally plural paths to securing these universals by saving and reviving the restorative justice practices that remain in all societies. In this process, what elements of the statist revolution in criminal justice should we also want to save? The conclusion addresses how to put indigenous community justice and liberal state justice in creative tension, with each checking the abuses of the other. Before starting on this journey, when I first delivered this paper as a Dorothy Killam Memorial Lecture at Dalhousie University, I sought to give more concrete meaning to how restorative justice can work with a story of two robbers.

Imagine Two Robbers

A teenager is arrested for a robbery. The police send him to court, where he is sentenced to six months incarceration. As a victim of child abuse, he is both angry with the world and alienated from it. During his period of confinement, he acquires a heroin habit and suffers more violence. He comes out more desperate and alienated than when he went in, sustains his drug habit for the next twenty years by stealing cars, burglarizes dozens of houses, and pushes drugs until he dies in a gutter, a death no one mourns. Probably someone rather like this young man was arrested in your city today, perhaps more than one.

Tomorrow another teenager, Sam, is arrested for a robbery. He is a composite of several Sams I have seen. The police officer refers Sam to a facilitator who convenes a restorative justice conference. When the facilitator asks about his parents, Sam says he is homeless. His parents abused him, and he hates them. Sam refuses to cooperate with a conference if they attend. After talking with the parents, the facilitator agrees that perhaps it is best not to involve them. What about grandparents? No, they are dead. Brothers and sisters? No, he hates his brothers too. Sam's older sister, who was always kind to him, has long since left home, and he has no contact with her. Aunts and uncles? Not keen on them either, because they would always put him down as the black sheep of the family and stand by his parents. Uncle George was the only one he ever had any time for, but he has not seen him for years. Teachers from school? Hates them all. Sam has dropped out. They always treated him like dirt. The facilitator does not give up: "No one ever treated you okay at school?" Well, the hockey coach is the only one Sam can think of ever being fair to him. So the hockey coach, Uncle George, and Sam's older sister are tracked down by the facilitator and invited to the conference, along with the robbery victim and her daughter, who comes along to support the victim through the ordeal.

These six participants sit on chairs in a circle. The facilitator starts by introducing everyone and reminding Sam that although he has admitted to the robbery, he can change his plea at any time during the conference and have the matter heard by a court. Sam is asked to explain what happened in his own words. He mumbles that he needed money to survive, saw the lady, knocked her over, and ran off with her purse. Uncle George is asked what he thinks of this. He says that Sam used to be a good kid, but Sam had gone off the rails. He had let his parents down so badly that they would not even come today. "And now you have done this to this poor lady. I never thought you would stoop to violence," continues Uncle George, building into an angry tirade against the boy. The hockey coach also says he is surprised that Sam could do something as terrible as this. Sam was always a troublemaker at school, but the coach could see a kindly side in Sam that left him shocked about the violence. Sam's sister is invited to comment, but when she seems too emotional to speak, the facilitator moves on to the victim.

The victim explains how much trouble she had to go through to cancel the credit cards in the purse, how she had had no money for the shopping she needed to do the day of the robbery. Her daughter explains that the most important consequence of the crime was that her mother was now afraid to go out on her own. In particular, she is afraid that Sam is stalking her, waiting to rob her again. Sam sneers at this and seems callous throughout. His sister starts to sob. Concerned about how distressed she is, the facilitator calls a brief adjournment so she can comfort her, with help from Uncle George. During the break, the sister reveals that she understands what Sam has been through. She says she was abused by their parents as well. Uncle George has never heard of this, seems shocked, and is not sure that he believes it.

When the conference reconvenes, Sam's sister speaks to him with love and strength. Looking straight into his eyes, the first gaze he could not avoid in the conference, she says that she knows exactly what he has been through with their parents. No details are spoken. But the victim seems to understand what is spoken of by the knowing communication between sister and brother. Tears rush down the old woman's cheeks and over her trembling mouth.

It is his sister's love that penetrates Sam's callous exterior. From then on, he is emotionally engaged with the conference. He says he is sorry about what the victim has lost. He would like to pay it back but has no money or job. He assures the victim he is not stalking her. She readily accepts this now, and when questioned by the facilitator says she thinks she will now feel safe walking out alone. She wants her money back but says it will help her if they can talk about what to do to help Sam find a home and a job. Sam's sister says he can live in her house for a while. The hockey coach says he has some casual work that needs to be done, enough to pay Sam's debt to the victim and a bit more. If Sam does a good job, he will write him a reference for applications for permanent jobs. When the conference breaks up, the victim hugs Sam and tearfully wishes him good luck. He apologizes again. Uncle George quietly slips a hundred dollars to Sam's sister to defray the extra cost of having Sam in the house, and says he will be there for both of them if they need him.

After this incident, Sam has a rocky life punctuated by several periods of unemployment. A year later he has to go through another conference after he steals a bicycle. But he finds work when he can, mostly stays out of trouble, and lives to mourn at the funerals of Uncle George and his sister. The victim gets her money back and enjoys taking long walks alone. Both she and her daughter say that they feel enriched as a result of the conference, that they have a little more grace in their lives.

What Does Restorative Justice Restore?

Sam's conference is an example of restorative justice. Restorative justice means restoring victims, a more victim-centered criminal justice system, as well as restoring offenders and restoring community. First, what does restoring victims mean? It means restoring the property lost or the personal injury, repairing the broken window or the broken teeth (see Table 12.1). It means restoring a sense of security. Even victims of property crimes such as burglary often suffer a loss of security when the private space of their home is violated. When the criminal justice system fails to leave women secure about walking alone at night, half the population is left unfree in a fundamental sense.

Victims suffer when someone violates their bodies or shows them the disrespect of taking things that are precious to them. Sometimes this disrespectful treatment engenders victim shame: "He abused me rather than some other woman because I am trash" or "She stole my dad's car because I was irresponsible and parked it in a risky place." Victim shame often triggers a shame-rage spiral wherein victims reciprocate indignity with indignity through vengeance or by their own criminal acts.

Disempowerment is part of the indignity of being a victim of crime. According to Pettit and Braithwaite's (1990) republican theory of criminal justice, a wrong should not be defined as a crime unless it involves some

Table 12.1 What Does Restoring Victims Mean?

Restore property loss
Restore injury
Restore sense of security
Restore dignity
Restore sense of empowerment
Restore deliberative democracy
Restore harmony based on a feeling that justice has been done
Restore social support

domination of us that reduces our freedom to enjoy life as we choose. It follows that it is important to restore any lost sense of empowerment as a result of crime. This is particularly important where the victim suffers structurally systematic domination. For example, some of the most important restorative justice initiatives in Australia have involved some thousands of Aboriginal victims of consumer fraud by major insurance companies (Fisse and Braithwaite 1993, pp. 218–23). In these cases, victims from remote Aboriginal communities relished the power of being able to demand restoration and corporate reform from "white men in white shirts."

The way that Western legal systems handle crime compounds the disempowerment that victims feel, first at the hands of offenders and then at the hands of a professional, remote justice system that eschews their participation. The lawyers, in the words of Nils Christie (1978) "steal our conflict." The Western criminal justice system has, on balance, been corrosive of deliberative democracy, though the jury is one institution that has preserved a modicum of it. Restorative justice is deliberative justice: it is about people deliberating over the consequences of crimes, and how to deal with them and prevent their recurrence. This contrasts with the professional justice of lawyers deciding which rules apply to a case and then constraining their deliberation within a technical discourse about that rule application. Thus restorative justice restores the deliberative control of justice by citizens.

Restorative justice aims to restore harmony based on a feeling that justice has been done. Restoring harmony alone, while leaving an underlying injustice to fester unaddressed, is not enough. "Restoring balance" is acceptable as a restorative justice ideal only if the "balance" between offender and victim that prevailed before the crime was a morally decent balance. There is no virtue in restoring the balance by having a woman pay for a loaf of bread she has stolen from a rich man to feed her children. Restoring harmony between victim and offender is likely to be possible in such a context only on the basis of a discussion of why the children are hungry and what should be done about the underlying injustice of their hunger.

Restorative justice cannot resolve the deep structural injustices that cause problems like hunger. But we must demand two things of restorative justice. First, it must not make structural injustice worse (in the way, for example, that the Australian criminal justice system does by being an important cause of the unemployment and oppression of Aboriginal people). Indeed, we should hope that restorative justice will provide micro measures that ameliorate macro injustice where this is possible. Second, restorative justice should restore harmony with a remedy grounded in dialogue that takes account of underlying injustices. Restorative justice does not resolve the age-old questions of what should count as unjust outcomes. It is a more modest philosophy than that. It settles for the procedural requirement that the parties talk until they feel that harmony has been restored on the basis of a discussion of all the injustices they see as relevant to the case.

Finally, restorative justice aims to restore social support. Victims of crime need support from their loved ones during the process of requesting restoration. They sometimes need encouragement and support to engage with deliberation toward restoring harmony. Friends sometimes do blame the victim, or more commonly are frightened off by a victim going through an emotional trauma. Restorative justice aims to institutionalize the gathering around of friends during a time of crisis.

Restoring Offenders, Restoring Community

In most cases, a more limited range of types of restoration is relevant to offenders. Offenders have generally not suffered property loss or injury as a result of their own crime, though sometimes loss or injury is a cause of the crime. Dignity, however, is generally in need of repair after the shame associated with arrest. When there is a victim who has been hurt, there is no dignity in denying that there is something to be ashamed about. Dignity is generally best restored by confronting the shame, accepting responsibility for the bad consequences suffered by the victim, and apologizing with sincerity. A task of restorative justice is to institutionalize such restoration of dignity for offenders.

The sense of insecurity and disempowerment of offenders is often an issue in their offending and in discussions about how to prevent further offending. Violence by young men from racial minorities is sometimes connected to their feelings of being victims of racism. For offenders, restoring a sense of security and empowerment is often bound up with employment, the feeling of having a future, or achieving some educational success or sporting success—indeed, any kind of success.

Many patches are needed to sew the quilt of deliberative democracy. Criminal justice deliberation is not as important a patch as deliberation in the parliament, in trade unions, even in universities. But to the extent that restorative justice deliberation does lead ordinary citizens into serious democratic discussion about racism, unemployment, masculinist cultures in local schools, and police accountability, it is not an unimportant element of a deliberatively rich democracy.

The mediation literature shows that satisfaction of complainants with the justice of the mediation is less important than the satisfaction of those who are complained against in achieving mutually beneficial outcomes (Pruitt 1995). Criminal subcultures are memory files that collect injustices (Matza 1964, p. 102). Crime problems will continue to become deeply culturally embedded in Western societies until we reinvent criminal justice as a process that restores a sense of procedural justice to offenders (Tyler 1990).

Finally, Francis Cullen (1994) has suggested that there could be no better organizing concept for criminology than social support given the large volume of evidence about the importance of social support for preventing crime. The New Zealand Maori people see our justice system as barbaric because of the way it requires the defendant to stand alone in the dock without social support. In Maori thinking, civilized justice requires the offender's loved ones to stand beside him during justice rituals, sharing the shame for what has happened. Hence the shame the offender feels is more the shame of letting his loved ones down than a Western sense of individual guilt that can eat away at a person. The shame of letting loved ones down can be readily transcended by simple acts of forgiveness from those loved ones.

Restoring community is advanced by a proliferation of restorative justice rituals in which social support around specific victims and offenders is restored. At this micro level, restorative justice is an utterly bottom-up approach to restoring community. At a middle level, important elements of a restorative justice package are initiatives to foster community organization in schools, neighborhoods, ethnic communities, and churches, and through professions and other nongovernmental organizations that can deploy restorative justice in their self-regulatory practices. At a macro level, we must design institutions of deliberative democracy so that concern about issues like unemployment and the effectiveness of labor market programs have a channel through which they can flow from discussions about local injustices up into national economic policy-making debate.

The Universality of Restorative Traditions

I have yet to discover a culture that does not have some deep-seated restorative traditions. Nor is there a culture without retributive traditions. Retributive traditions once had survival value. Cultures that were timid in fighting back were often wiped out by more determinedly violent cultures. In the contemporary world, as opposed to the world of our biological creation, retributive emotions have less survival value. Because risk management is institutionalized in the modern world, retributive emotions are more likely to get us into trouble than out of it, as individuals, groups, and nations.

The message we might communicate to all cultures is that in the world of the twenty-first century, restorative traditions will be a more valuable resource than retributive traditions. Yet, sadly, the dominant cultural forces in the contemporary world communicate just the opposite message. Hollywood films hammer the message that the way to deal with bad guys is through violence. Political leaders frequently emphasize the same message. Yet many of our spiritual leaders are helping us to retrieve our restorative traditions—the Dalai Lama, for example. Archbishop Desmond Tutu, in a foreword to Jim Consedine's forthcoming new edition of *Restorative Justice*, correctly sees a "very ancient yet desperately needed truth" as underlying restorative justice processes, "rooted as they are in all indigenous cultures, including those of Africa." He sees his Truth and Reconciliation Commission as an example of restorative justice.

All of the restorative values in Table 12.1 are cultural universals. All cultures value in some way repair of damage to our persons and property, security, dignity, empowerment, deliberative democracy, and harmony based on a sense of justice and social support. These are universals because they are all vital to our emotional survival as human beings and vital to the possibility of surviving without constant fear of violence. The world's great religions recognize that the desire to pursue these restorative justice values is universal, which is why some of our spiritual leaders offer hope against those political leaders who wish to rule through fear and by crushing deliberative democracy. Ultimately, those political leaders will find that they will have to reach an accommodation with the growing social movement for restorative justice, just as they must with the great religious movements they confront. Why? Because the evidence is now strong that ordinary citizens like restorative justice (Morris and Maxwell 1993; Hyndman, Thorsborne, and Wood 1996; Goodes 1995; Moore and Forsythe 1995; Clairmont 1994; Sherman and Barnes 1997).

It is true that the virtues restorative justice restores are viewed differently in different cultures and that opinion about culturally appropriate ways of realizing them differ greatly as well. Hence, restorative justice must be a culturally diverse social movement that accommodates a rich plurality of strategies in pursuit of the truths it holds to be universal. It is about different cultures joining hands as they discover the profound commonalities of their experience of the human condition; it is about cultures learning from each other on the basis of that shared experience; it is about realizing the value of diversity, of preserving restorative traditions that work because they are embedded in a cultural past. Scientific criminology will never discover any universally best way of doing restorative justice. The best path is the path of cultural plurality in pursuit of the culturally shared restorative values in Table 12.1.

A Path to Culturally Plural Justice

A restorative justice research agenda to pursue this path has two elements:

1. Culturally specific investigation of how to save and revive the restorative justice practices that remain in all societies.
2. Culturally specific investigation of how to transform state criminal justice both by making it more restorative and by rendering its abuses of power more vulnerable to restorative justice.

On the first point, I doubt that urban neighborhoods are replete with restorative justice practices that can be retrieved, though there are some. Yet in the more micro context of the nuclear family, the evidence is overwhelming from the metropolitan United States that restorative justice is alive and well, and that families who are more restorative are likely to have less delinquent children than families who are punitive and stigmatizing.

Because families so often slip into stigmatization and brutalization of their difficult members, we need restorative justice institutionalized in a wider context that can engage and restore such families. In most societies, the wider contexts where the ethos and rituals of restorative justice are alive and ready to be piped into the wider streams of the society are schools, churches, and remote indigenous communities. If it is hard to find restorative justice in the disputing practices of our urban neighborhoods, the experience of recent years has been that they are relatively easy to locate in urban schools. This is because of the ethos of care and integration that is part of the Western educational ideal (which, at its best, involves a total rejection of stigmatization) and because the interaction among the members of a school community tends to be more intense than the interaction among urban neighbors. Schools, like families, have actually become more restorative and less retributive than the brutal institutions of the nineteenth century. This is why we have seen very successful restorative conferencing programs in contemporary schools (Hyndman, Thorsborne, and Wood 1996). We have also seen antibullying programs with what I would call a restorative ethos, which have managed in some cases to halve bullying in schools (Olweus 1994; Farrington 1993; Pitts and Smith 1995; Pepler et al. 1993).

More of the momentum for the restorative justice movement has come from the world's churches than from any other quarter. Even in a nation like Indonesia, where the state has such tyrannical power, the political imperative to allow some separation of church and state has left churches as enclaves where restorative traditions could survive. Religions like Islam and Christianity have strong retributive traditions as well, of course, though they have mostly been happy to leave it to the state to do the "dirty work" of temporal retribution.

The second point of the agenda is to explore how to transform state criminal justice. I have said that, in our multicultural cities, we cannot rely on spontaneous ordering of justice in our neighborhoods. There we must be more reliant on state reformers as catalysts of a new urban restorative justice. In our cities, where neighborhood social support is lowest, where the loss from the statist takeover of disputing is most damaging, the gains that can be secured from restorative justice reform are greatest. When a police officer from a tightly knit rural community and with a restorative justice ethos arrests a youth who lives in a loving family, who enjoys social support from a caring school and church, that officer is not likely to do much better or worse by the child than an officer who does not have a restorative justice ethos. Whatever the police do, the child's support network will probably sort the problem out so that serious reoffending does not occur. But when a metropolitan police officer with a restorative justice ethos arrests a homeless child like Sam, who trial vs. conference · inflicting damage vs. offering support

hates the parents who abused him, who has dropped out of school, and is seemingly alone in the world, the restorative police officer can make a difference that will render him more effective in preventing crime than the retributive police officer. At least that is my hypothesis, one we can test empirically.

In the alienated urban context where community is not spontaneously emergent in a satisfactory way, a criminal justice system aimed at restoration can construct a community of care around a specific offender or a specific victim who is in trouble. That is what the story of Sam is about. With the restorative justice conferences being convened in multicultural metropolises like Auckland, Adelaide, Sydney, and Singapore, the selection principle that determines who is invited to the conference is the opposite to that with a criminal trial. We invite to a criminal trial those who can inflict the most damage on the other side. With a conference we invite those who might offer most support to their own side—Sam's sister, uncle, and hockey coach, the victim's daughter.

In terms of the theory of reintegrative shaming, the rationale for who is invited to the conference is that the presence of those on the victim's side builds shame into the conference, while the presence of supporters on the offender's side builds reintegration into the ritual. Conferences can be run in many different ways. Maori people in New Zealand tend to want to open and close their conferences with a prayer. The institutions of restorative justice we build in the city must be culturally plural, quite different from one community to another depending on the culture of the people involved. It is the empowerment principle of restorative justice that makes this possible—empowerment with process control.

From a restorative perspective, the important point is that we have institutions in civil society that confront serious problems like violence rather than sweep them under the carpet, yet do so in a way that is neither retributive nor stigmatizing. Violence will not be effectively controlled by communities unless the shamefulness of violence is communicated. This does not mean that we need criminal justice institutions that set out to maximize shame. On the contrary, if we set out to do that, we risk creating stigmatizing institutions (Retzinger and Scheff 1996). All we need do is nurture micro institutions of deliberative democracy that allow citizens to discuss the consequences of criminal acts, and who is responsible, and who should put them right, and how. Such deliberative processes naturally enable those responsible to confront and deal with the shame arising from what has happened. And if we invite people who enjoy maximum respect and trust on both the offender's and victim's side, we maximize the chances that shame will be dealt with in a reintegrative way.

Decline and Revival in Restorative Traditions

The traditions of restorative justice that can be found in all the world's great cultures have been under attack during the past two centuries.

Everywhere in the world, restorative ideals have suffered serious setbacks because of the globalization of the idea of a centralized state that takes central control of justice and rationalizes it into a punitive regime. Control of punishment strengthened the power and legitimacy of rulers (Foucault 1977). So did control of mercy, the power of royal or presidential pardon. What rulers really wanted was the political power of controlling the police, the prisons, and the courts. Yet at times abuse of that power proved such a threat to their legitimacy that they were forced by political opponents to institutionalize certain principles of fairness and consistency into the state system.

Of course, the new democratic rulers were no more enthusiastic about returning justice to the people than were the tyrants they succeeded; the secret police continued to be important to combating organized threats to the state monopoly of violence, the regular police to disorganized threats. The pretense that the state punished crime in a consistent, politically evenhanded way was part of the legitimation for democratically centralized justice. Citizens continue to see this as a pretense. They realize that whatever the law says, the reality is one law for the rich, another for the poor; one set of rules for the politically connected, another for the powerless. Philip Pettit and I have sought to show that proportionality in practice is proportional punishment for the poor and impunity for the white-collar criminals (Pettit and Braithwaite 1990, chap. 9). Restorative justice, we contend, has a better chance than just deserts of being made equitably available to both rich and poor.

While it is a myth that centralized state law enabled greater consistency and lesser partiality than community-based restorative justice, it is true that abuse of power always was and still is common in community justice, as Carol LaPrairie's work shows for Canada (LaPrairie 1994, 1995). And it is true that state oversight of restorative justice in the community can be a check on abuse of rights in local programs, local political dominations, and those types of unequal treatment in local programs that are flagrantly unacceptable in the wider society. It is equally true that restorative justice can be a check on abuse of rights by the central state. If so, we should expect to find in Canberra that citizens who go through a conference are more likely than citizens who go to court to believe that their rights were respected by the police and the criminal justice system. This is what my colleagues' preliminary results suggest (Sherman and Barnes 1997; Strang and Sherman 1997). We see it in restorative justice conferences in Canberra when a mother asks during the conference that something be done about the police officers who continue to use excessive force in their dealings with her son and who continue to victimize her son for things done by others.

The restorative justice ideal could not and should not be the romantic notion of shifting back to a world where state justice is replaced by local justice. Rather, it might aim to use the existence of state traditions of rights, proportionality, and the rule of law as resources to check abuse of power in local justice and to use the revival of restorative traditions to check abuse of state power. In other words, restorative justice constitutionalized by the state can be the stuff of a republic with a richer separation of powers (Braithwaite 1997), with less abuse of power, than could be obtained under either dispute resolution totally controlled by local politics or disputing totally dominated by the state.

Several key elements of North Atlantic criminal justice have been almost totally globalized during the past two centuries: central state control of criminal justice, the idea of crime itself and that criminal law should be codified, the idea that crimes are committed against the state (rather than the older ideas that they were committed against victims or God), the idea of a professionalized police who are granted a monopoly over the use of force in domestic conflicts, the idea of moving away from compensation as the dominant way of dealing with crime by building a state prison system to segregate the good from the bad, and the idea that fundamental human rights should be protected during the criminal process.

Like penal abolitionists (Bianchi and van Swaaningen 1986; Christie 1982), restorative justice theorists see most of these elements of the central state takeover of criminal justice as retrograde. However, unlike the most radical versions of abolitionism, restorative justice sees promise in preserving a state role as a watchdog of rights and concedes that for a tiny fraction of the people in our prisons, it may actually be necessary to protect the community from them by incarceration. While restorative justice means treating many things we now treat as crime simply as problems of living, restorative justice does not mean abolishing the concept of crime. In restorative justice rituals, calling a wrongdoing a crime can be a powerful resource in persuading citizens to take responsibility, to pay compensation, or to apologize, especially with corporate criminals who are not used to thinking of their exploitative conduct in that way (Braithwaite 1995). Restorative justice does not mean abolishing the key elements of the state criminal justice systems that have been globalized this century; it means shifting power from them to civil society, keeping key elements of the statist revolution but shifting power away from central institutions and checking the power that remains by the deliberative democracy from below that restorative justice enables.

Thus I offer an analysis that is unfashionably universal. I believe that restorative justice will come to be a profoundly influential social movement throughout the world during the next century because it appeals to universally shared values and because it responds to the defects of a centralized state criminal justice model that has been totally globalized and has utterly failed in every country where it gained ascendancy. Wherever it has failed, there are criminologists or lawyers within the state itself who are convinced of that failure. And given the global imperatives for states to be competitive by being fiscally frugal, large state expenditures that do not deliver on their objectives are vulnerable to social movements that claim to have an approach that will be cheaper, work better, and be more popular with the people in the long run. Hence we should not be surprised at the irony that some of the most savvy conservative governments in the world, which are most imbued with the imperatives for fiscal frugality, like New Zealand (Maxwell and Morris 1992; Morris and Maxwell 1993) and Singapore (Hsien 1996; Chan 1996), are early movers in embracing the restorative justice movement against the grain of their traditional commitment to state punitiveness. Even here, a United States assistant attorney general has been heard espousing a need to reinvent justice as restorative justice (Robinson 1996).

While I am cautiously optimistic that the empirical evidence will continue to be encouraging about the efficacy and decency of restorative justice compared with retributive justice, there is also evidence that restorative justice often fails. Victims sometimes resent the time involved in deliberation; sometimes they experience heightened fear from meeting offenders; sometimes they are extremely vengeful, though more often I am moved by how forgiving they are when genuinely empowered with process control. In preliminary data from a Canberra study, Strang and Sherman (1997) show that conferences may systematically increase victims' forgiveness and reduce their fear. We need more high-quality research on when and why restorative justice fails, and how to cover the weaknesses of restorative justice with complementary strengths of deterrence and incapacitation (Braithwaite 1993).

Beyond Communitarianism Versus Individualism

Some criminologists in the West are critical of countries like Singapore, Indonesia, and Japan, where crime in the streets is not a major problem, because they think individualism in these societies is crushed by communitarianism or collective obligation. Their prescription is that Asian societies need to shift the balance away from communitarianism and allow greater individualism. I don't find this a very attractive analysis.

Some Asian criminologists are critical of countries like the United States and Australia because they think these societies are excessively individualistic, suffering much crime and incivility as a result. According to this analysis, the West needs to shift the balance away from individualism in favor of communitarianism—away from rights and toward collective responsibilities. I don't find this a very attractive analysis either.

Both sides of this debate can do a better job of learning from each other. We can aspire to a society that is strong on both rights and responsibilities, that nurtures strong communities and strong individuals. Indeed, in the good society, strong communities constitute strong individuals and vice versa. Our objective can be to keep the benefits of the statist revolution at the same time as we rediscover community-based justice. Community justice is often oppressive of rights, often subjects the vulnerable to the domination of local elites, subordinates women, can be procedurally unfair, and tends to neglect structural solutions. Mindful of this, we might rephrase the two challenges posed earlier in the chapter:

1. Helping indigenous community justice learn from the virtues of liberal statism—procedural fairness, rights, and protecting the vulnerable from domination.
2. Helping liberal state justice learn from indigenous community justice—learning restorative community alternatives to individualism.

Together these two challenges ask, How can we save and revive traditional restorative justice practices in a way that helps them become procedurally fairer, that respects fundamental human rights, and that secures protection against domination? The liberal state can be a check on oppressive collectivism, just as bottom-up communitarianism can be a check on oppressive individualism. A healing circle can be a corrective to a justice system that can leave offenders and victims suicidally alone: a Bill of Rights can be a check on a tribal elder who imposes a violent tyranny on young people. The bringing together of these ideals is an old prescription—not just liberty, not just community, but *liberté, égalité, fraternité*. Competitive individualism has badly fractured this republican amalgam. The social movement for restorative justice does practical work to weld an amalgam that is relevant to the creation of contemporary urban multicultural republics. Day to day, the movement is not sustained by romantic ideals in which I happen to believe, like deliberative democracy. Proponents want to do it for Sam and for the old woman Sam pushed over one day. That is what enlists them in the social movement for restorative justice; in the process they are, I submit, enlisted in something of wider political significance.

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From: Emily Martin
To: internet:"scott_r._palmer@pir.eop.gov"
Date: 12/17/98 1:43pm
Subject: President's Race Initiative

The attached has the responses to your questions - I hope ithey hit the mark -if you have questions or need additional information or clarification, give me a call (307-5940) . We will be forwarding by messenger the references. This is more than you asked for, but it's probablly easier to cut than to add.

CC: OJP2.PO4.BRENNAN, BILCHIK

WHAT PROGRAMS HAVE BEEN DETERMINED TO BE EFFECTIVE ALTERNATIVES TO CRIME AND DELINQUENCY?

The following program models have been identified as effective program strategies to prevent crime and delinquency:

***Mentoring*'s** effectiveness can be found in the provision of life enrichment, positive adult contact, one-to-one support, and advocacy for those who need it. The benefits for a sample of youth receiving Big Brother & Big Sisters mentoring versus similar youth in a non-program after 18 months are as follows: a 45.8% decline in initiation of drug use and 27.4% for alcohol use, a 31.7% reduction in hitting someone, a 3.0% increase in grades, a 4.3% increase in academic competence, a 36.7% reduction in skipping class, a 52.2% reduction in skipping school, a 36.6% reduction in lying to parents, and between a 2.1 and 2.7% increase in measuring the quality of relationships, trust, and emotional support.

Afterschool programs, such as the Boys and Girls Club and Girls Inc., address the risk factors of alienation and association with delinquent peers. Protective factors include opportunities for involvement with prosocial youth and adults, developing skills for leisure activities, and bonding to prosocial others. While current research data is limited, some program outcomes show a positive impact on the reduction of delinquent activity and drug usage.

Communities in Schools (formerly Cities in Schools) (CIS) is operated in 665 sites in 197 communities nationwide. It places community service providers in schools to help children and adolescents cope with problems caused by the breakdown of family, the physical decline of neighborhoods, and the decrease of job opportunities. Services provided include: tutoring, mentoring, conflict resolution, violent abatement, community service activities, transition to work, and pregnancy or teen parenting programs. The reported benefits include: 80% of CIS students still in school or having graduated three years after having participated during the 1989-90 or 1990-91 school years; 70% of students with high absenteeism prior to participation in CIS improved their attendance, and 60% with low initial grades improved

Quantum Opportunity Program provides sequenced education, service, and development activities over the four years of high school for small groups of disadvantaged teens mentored by caring adults. The program is delivered in community organizations and schools by community residents. In an independent third-party evaluation, 88% of participants had a high school diploma or GED compared to 54% of the control group. Two years after their participation in the program, the number of participants enrolled in college was more than double that of the control group and the number on welfare was less than half of the control group. In addition, the arrest rate for participants was half that of the control group.

Conflict Resolution programs teach youth problem-solving skills such as negotiation, mediation, and consensus decision-making. In a school setting, these strategies can reduce violence, vandalism, chronic school absence, and suspension. They provide youth with a deeper understanding of themselves and others. By providing training on how to see someone else's point of view and resolve conflicts peacefully, conflict resolution training assists youth in gaining skills to adapt to living in a multicultural world. An evaluation of the "Resolving Conflict Creatively Program" in four multi-racial, multi-ethnic school districts in New York City showed that 84% of teachers who responded to a survey reported positive changes in the classroom climate; 71% reported moderate or significant decreases in physical violence in the classroom; and 66% observed less name-calling and fewer verbal insults. Research supports the effectiveness of conflict resolution training to aid in the reduction of interpersonal conflicts, increasing the use of problem-solving skills and improving overall communication skills.

Midnight Basketball began in 1986 as a local community based violence prevention initiative designed to provide at-risk young adults with an alternative to crime and drugs during the high crime hours of 10:00 pm and 2:00 am. Initial findings at the pilot site in Glenarden, Maryland documented a 60.0% reduction in reported crimes. This program has now been expanded to over 50 cities in the US and in Puerto Rico.

Family risk factors have a major impact on crime and can be successfully addressed through family-focused delinquency and violence prevention programs. The following programs have demonstrated positive outcomes for both the child and the parent(s).

Prenatal and Infancy Home Visitation by Nurses, a model program developed by Dr. David Olds, has as its primary goal the improvement of parent and child outcomes. Home visiting promotes the physical, cognitive, and social-emotional development of children, providing both general support and instructive parenting skills to prospective and new high-risk parents. Positive outcomes were experienced in obstetrical health, psychosocial functioning, and other health-related behaviors (especially reduction in smoking). Follow-up at 15 years postpartum showed significant enduring effects on child abuse and neglect, completed family size, welfare dependence, behavior problems due to substance abuse, and criminal behavior.

Multisystemic Therapy (MST) targets the specific factors in youth and family ecology (family, peer, school, neighborhood, support network) that contribute to antisocial behavior. The overriding purpose of MST is to help parents deal effectively with the behavioral problems of youth, including helping to disengage youth from deviant peers and enhance school performance. It also focuses on family empowerment by addressing ineffective parenting techniques. MST has been demonstrated as an effective treatment for decreasing the antisocial behavior of violent and chronic juvenile offenders at a cost savings by reducing long-term rates of rearrest and out-of-home placement. One study demonstrated that the recidivism rate 4 years after participation for the treatment group was 22%, 72% for youths receiving individual counseling, and 87% for youths who refused either treatment.

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Functional Family Therapy (FFT) is a short term and well documented program which has been applied successfully to a wide range of problem youth and their families in various contexts (e.g., rural, urban, multi cultural, international) and treatment systems (e.g., clinics, home-based programs, juvenile courts, independent providers, and federally funded clinical trials). FFT involves specific phases and techniques designed to engage and motivate youth and families toward making change. Comparison studies with follow-up periods of one, three, and five years have demonstrated significant and long-term reductions in youth re-offending and sibling involvement in high-risk behaviors.

WHAT ALTERNATIVE SANCTIONS AND STRATEGIES HAVE BEEN DETERMINED TO BE EFFECTIVE IN HELPING JUVENILE OFFENDERS TO STAY OUT OF FURTHER TROUBLE?

Balanced and Restorative Justice (BARJ) is a juvenile justice system approach designed to: 1) ensure community safety; 2) hold offenders accountable to victims; and 3) provide competency development for offenders so they can pursue constructive rather than delinquent behaviors. In combination, these three goals can help both first time and repeat offenders refrain from further criminal involvement. These goals translate into activities which require young offenders to make amends to victims through such programs as restitution and community service, thereby strengthening their sense of responsibility. Participation in community improvement projects provides youth with useful skills for the world of work. The goals also foster constructive adult supervision and mentoring which both build competency and help youth adjust to positive community values and standards of behavior.

Youth courts, also known as teen or peer courts, involve young people in the sanctioning their peers, whether in a school, juvenile justice, or a community setting. They have been rapidly spreading around the country through out the 1990's and as of 1998, there are approximately 500 teen courts in 48 states and the District of Columbia. Many youth courts accept only first-time offenders who have committed relatively minor offenses. Youth courts employ concepts such as positive peer influence, accountability, competency development, and youth involvement which offer communities a prevention and early intervention program designed to address problem behaviors of youth. Demonstrated effects include reduced recidivism, increased victim satisfaction, and opportunities for positive collaboration between the youth community, law enforcement, and the juvenile justice system.

Drug courts are emerging as a promising option for providing appropriate and meaningful treatment responses to juveniles with substance abuse problems. In the past three years, more than 40 juvenile drug courts have been established across the country with considerably more in the planning stage. Sanctions may range from community service to short-term detention with rewards used to encourage the juvenile's progress in treatment and deter them from future use of illegal drugs.

Gun courts have been designed to: 1) provide early intervention and greater accountability for juveniles charged with low-level weapons offenses; 2) aid juveniles in the recognition of nonviolent alternatives that promote their safety and enhance their self-esteem; and 3) send the message that gun violence hurts its victims, their families, and the community. Included in this message is the awareness that there are adults who can assist them in finding nonviolent ways to solve their problems. While research on gun courts is limited, one exemplary gun court program is the Detroit Handgun Intervention Program. A primary focus of this model is "empowerment", which includes discussions about how participants can, by becoming part of the solution, benefit both themselves and their communities.

HOW CAN FAIRNESS AND TRUST BE BUILT INTO THE JUVENILE JUSTICE SYSTEM?

The following strategies are identified in the research/evaluation/assessment literature as contributing to increasing fairness and trust in the juvenile justice system:

- Develop hiring policies and practices to increase the number of ethnic minorities in key decision-making positions throughout the juvenile justice system in order to reflect the population of youth served in the locality. All appropriate state and local agencies should make significant efforts in the recruitment, training, retention and promotion of minority personnel.

- Establish a systemic response to juveniles' complaints of individual racial bias.

- Examine police policies on where to patrol and how to interact with members of communities where the ethnicity and cultural background of law enforcement officers and residents differ.

- Urge the formation of specialized juvenile divisions, if none exist, in law enforcement agencies.

- Develop specific, written, objective criteria for making arrest decisions. These guidelines should focus on offenses not individuals. Encourage judges, in conjunction with law enforcement officers, to actively participate in the formulation, implementation, periodic refinement, and continuous monitoring of these guidelines.

- Develop specific, written, objective criteria for notifying parents or guardians that their child has been arrested and is being detained. Such notice should include a "Notice of Rights" and referrals to appropriate agencies.

- Conduct diversity training courses for all key juvenile justice practitioners – judges, law enforcement personnel, prosecutors, defense attorneys, mental health professionals, social workers.

- Develop specific, written, objective criteria for secure detention. Judges should participate in the formulation of these criteria to ensure that ethnicity is not a factor.

- Establish a "civil citation program" for non-serious juvenile offenders. For example, under Florida's civil citation program, a juvenile being charged with a misdemeanor offense is either taken to his parent or guardian and given a citation to appear for diversion opportunities or taken into custody if the parent or guardian cannot be found.

- Develop specific, written, objective guidelines for prosecutors' charging practices. These guidelines should be formulated to ensure that ethnicity is not a factor and prosecutors should periodically provide summary statical information on charging decisions to the public and to local advisory committees on juvenile justice, including information on race and ethnicity of juvenile defendants.

- Develop uniform criteria for judicial decisions to waive juveniles to criminal court that are designed to reduce racial disparity in the decision-making process. These criteria should relate to age, severity of offense, and amenability to treatment. Judges should not be influenced by socio-economic factors, uneven distribution of intervention services, or formal social controls in minority communities.

- Encourage judges to serve as catalysts to devise community-based program alternatives to secure detention and correctional facilities so that juvenile court judges and probation officers have meaningful alternatives to incarceration and commitment. Such alternatives could include shelter-care, a third-party custody, in-home detention, community supervision, and day treatment programs.

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TECHNICAL ASSISTANCE Bulletin NO. 17

American Bar Association ABA Division for Public Education

Teen Court: A National Movement

By Paula A. Nessel

Teen courts* have been spreading rapidly around the country in the 1990s. They share important goals with law-related education (LRE), including a strong potential to improve the citizenship skills of young people. This paper will provide an overview of teen courts, explain their connection and positive contribution to LRE, profile the support of the legal profession, and provide resources for the creation and enhancement of teen courts.

What Are Teen Courts?

Teen court is a general term describing courts that involve young people in the sentencing of their peers, whether in a school, juvenile justice, or a community setting. These courts usually have young people serving as jurors and may also have them fulfilling the roles of prosecuting attorney, defense attorney, judge, bailiff, or other officers of the court. In most teen courts, young offenders are referred for sentencing, not for a decision of guilt or innocence. There are, however, many different models (see below), including some that determine guilt or innocence.

Young offenders voluntarily choose teen court, with parental approval, as an alternative to the criminal justice system or a disciplinary office. Offenders who prefer legal representation and/or the regular court or disciplinary system can decline referral to teen courts.

Teen court sentences commonly include community service (1–200 hours), jury duty (up to 12 times), restitution, and apologies. Additional sentencing options include counseling, educational workshops on substance abuse or safe driving, essay writing (100–1000 words), victim-awareness classes, curfew, drug testing, school attendance, and peer discussion groups.

Table 1: Types of Offenses Accepted by Teen Courts

Offense	% of Programs Accepting
Theft	97
Alcohol/Drug Offenses	95
Vandalism	92
Disorderly Conduct	90
Assault	83
Traffic	59
Truancy	48
Violent	20
Other	27

(Godwin 1996)

Most teen courts are based in the juvenile justice system or in a community setting. The most common agencies operating or administering teen court programs are juvenile courts and private nonprofit organizations (29 percent each). The next most common agencies are law enforcement agencies and juvenile probation departments (17 percent each). Schools are the operating agency for about 10 percent of teen courts while a variety of other agencies (e.g., city government, the administrative office of the court) are less commonly the operating agency. *(Godwin 1996)*

Many teen courts accept only first-time offenders who have committed relatively minor offenses. Table 1 identifies the offenses most commonly accepted by teen courts.

The Growth of Teen Courts

The date and location of the first teen court has not been conclusively established. According to the director of the Town of Horseheads Youth Court in New York, their court was established in July 1976 and was based on the model in use in

OJJDP
Office of Juvenile Justice and Delinquency Prevention

Paula A. Nessel is a program manager for School Programs of the American Bar Association Division for Public Education.

* Teen court is used as a generic term for youth court, peer jury, peer court, student court, and other courts using youth in determining the sentences of juvenile offenders.

The National Association of Midnight Basketball Leagues, Inc.® TM

1980 Mountain Blvd., Suite 214 Oakland, CA 94611-2834
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"The Alternative"

Founded in 1986, by the late G. Van Standifer in 1986, the Midnight Basketball League is a community based, intervention and outreach program that offers a safe, constructive alternative for at-risk young adults between the ages of 17 and 25 during the "high crime" hours of 10:00 pm and 2:00 am. The basketball component is a formal league. The typical season is 8 to 10 weeks. A single MBL site hosts 6 to 10 teams of approximately 12 participants.

Before the season begins, volunteers and staff are trained on the league operations. Staff and volunteer efforts are coordinated with local law enforcement (a minimum two uniformed officers are present at all MBL games), and with other local entities. All community members within the target age group are recruited via tryouts.

The recruitment process includes speaking at public forums, posters, distributing flyers, maintaining sign-ups at various community centers and youth locations, plus specific efforts to reach the at-risk population.

While no one is "cut" from the proceedings, many individuals drop out of the "training camp" leaving those most interested in making a difference through the program. These recruits are "drafted" by the coaches and staff to ensure parity within the league. Coaches are assigned to teams after the draft to provide fairness. The seasons begins with a ceremonial tip-off including invited guests (sponsors, supporters, community members, parents, friends, and others). While basketball is the hook that attracts participants to the program, the main ingredient of the MBL is the mandatory workshops that precede each game.

If you would like to help us make a difference in the lives of young adults,
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Program Description * **Events and Activities** * **Official Roster of MBL Cities**

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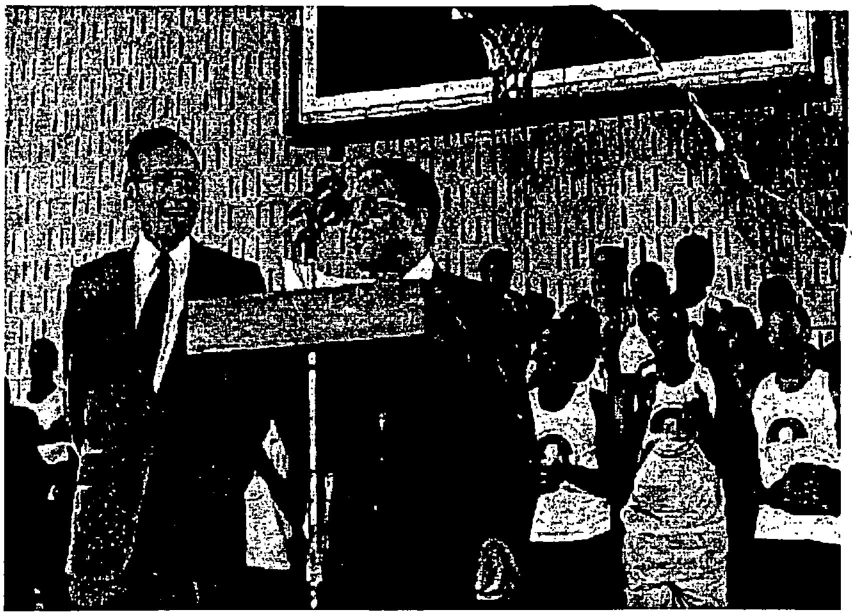

In 1986, Mr. G. Van Standifer was serving as town manager in Glenarden, Maryland. In an effort to address the rising crime and related problems in his community, he determined that the temptation for young adults for crime and drug activity was greatest between 10:00 pm and 2:00 am. His vision of an alternative to idle time crime and substance abuse was realized through the establishment of an innovative intervention effort he name The Midnight Basketball League (MBL). With the support of businesses, law enforcement, political and community leaders, the first Midnight Basketball League program took place during the summer of 1986. The program was successful in reducing the incidence of reported crimes by almost 60% in Glenarden. Midnight Basketball also fostered a new sense of hope for the community.

The first program of its kind in the country, Mr. Standifer later created the format for other communities to develop a Midnight Basketball League in their area. MBL chapters have been developed in 50 cities in the US and in Puerto Rico. Each chapter is a non-profit, community based organization that adheres to formal training, rules and regulations based on the original successful program.

The Midnight Basketball League owes its success to the commitment and support of community members, other non-profit agencies, local government and law enforcement along with the business sector. This collaboration allows for the efficient and effective use of community resources. Mayors and community leaders commend the Midnight Basketball League program for effectively reaching at-risk young adults and strengthening their communities.

The Midnight Basketball League program has been featured in local and national media including **60 Minutes, ESPN, ABC World News Tonight, MTV, SportsChannel, CNN,** plus other broadcast and print media. In 1991, President George Bush designated the Midnight Basketball League program as the 124th "Point of Light".

These workshops last one hour (the same length as a typical MBL game) and attendance mandatory. Workshops are conducted by community organizations (e.g. Healthy Start, Private Industry Council, Urban League), local agencies (e.g. County Health Agency, State Employment Agency, Community College) and others offering pertinent information and opportunities to MBL participants.

Topics include job interview skills, financial management, AIDS awareness and screening, drug and alcohol abuse prevention, interpersonal relationship skills, conflict resolution, pre-natal care, entreprencurial opportunities, cultural exposure and more.

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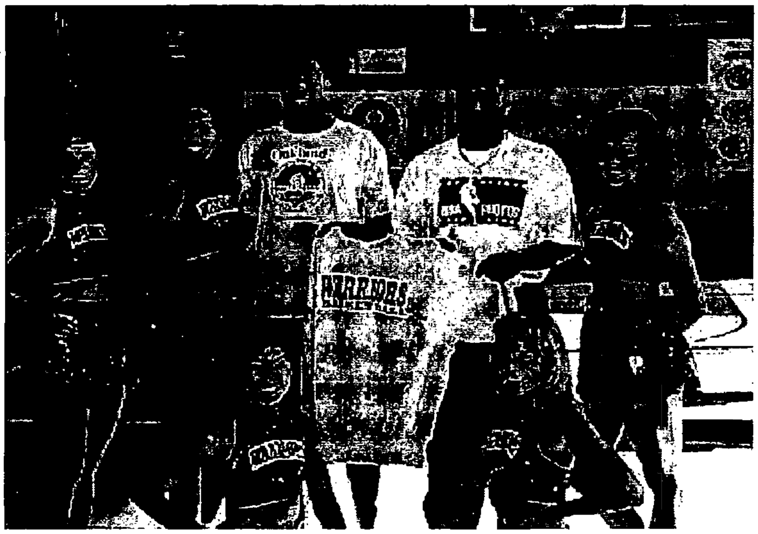

NBA teams throughout the country work with their local Midnight Basketball League program. Here NBA star Tim Hardaway serve as a judge for the Midnight Basketball League slam-dunk competition and awards the winner's prize.

NBA star Joc Smith of the Golden State Warriors joined the participants of the Midnight Basketball League All-Star game along with (L-R) his mother Letha, MBL National President Eric Standifer and MBL National Chairman Martha Standifer.

The Midnight Basketball League program maintains a ratio of at least one adult leader fo every 6 participants. Here Midnight Basketball League National President Eric Standifer address a workshop group. The pre-game workshops are mandatory for all MBL participants.

MBL History

Program Description * Official Roster of MBL Cities * National Board *

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Blueprints for Violence Prevention

THE MIDWESTERN PREVENTION PROJECT

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MODEL PROGRAM DESCRIPTIONS

Prenatal and Infancy Home Visitation by Nurses

Nurse home visitation is a program that sends nurses to the homes of pregnant women who are predisposed to infant health and developmental problems (i.e., at risk of preterm delivery and low-birth weight children). The goal of the program is to improve parent and child outcomes. Home visiting promotes the physical, cognitive, and social-emotional development of the children, and provides general support as well as instructive parenting skills to the parents. Treatment begins during pregnancy, with an average of eight visits for about 1 hour and 15 minutes, and continues to 24 months postpartum with visits diminishing in frequency to approximately every six weeks. Screenings and transportation to local clinics and offices are also offered as a part of treatment. Nurse home visiting has had some positive outcomes on obstetrical health, psychosocial functioning, and other health-related behaviors (especially reductions in smoking). Child abuse and neglect was lower and the developmental quotients of children at 12 and 24 months were higher in the treatment group than in the control group for poor, unmarried teens. Follow-up at 15-years postpartum showed significant enduring effects on child abuse and neglect, completed family size, welfare dependence, behavior problems due to substance abuse, and criminal behavior on the part of low income, unmarried mothers. Positive program effects through the child's second birthday have been replicated in a major urban area.

Bullying Prevention Program

The anti-bullying program has as its major goal the reduction of victim/bully problems among primary and secondary school children. It aims to increase awareness of the problem and knowledge about it, to achieve active involvement on the part of teachers and parents, to develop clear rules against bullying behavior, and to provide support and protection for the victims of bullying. Intervention occurs at the school level, class level, and individual level. In Bergen, Norway, the frequency of bully/victim problems decreased by 50 percent or more in the two years following the campaign. These results applied to both boys and girls and to students across all grades studied. In addition, school climate improved, and antisocial behavior in general such as theft, vandalism, and truancy showed a drop during these years.

Promoting Alternative Thinking Strategies

Promoting Alternative Thinking Strategies (PATHS) is a school-based intervention designed to promote emotional competence, including the expression, understanding, and regulation of emotions. The PATHS program is a universal intervention, implemented by teachers (after a three-day training workshop) with entire classrooms of children from kindergarten through fifth grades. The curriculum includes a feelings unit (with a self-control and initial problem-solving skills program within that unit) and an interpersonal cognitive problem solving unit. The generalization of those learned skills to children's everyday lives is a component of each major unit. An additional unit on self-control and readiness is provided for special needs classrooms. Studies have compared classrooms receiving the intervention to matched controls using populations of normally-adjusted students, behaviorally at-risk students, and deaf students. Program effects included teacher-, child sociometric-, and child self-report ratings of behavior change on such constructs as hyperactivity, peer aggression, and conduct problems.

Big Brothers Big Sisters of America

Big Brothers Big Sisters of America (BBBSA) is the oldest and best known mentoring program in the United States. Local programs are autonomously funded affiliates of BBBSA, with the national office in Philadelphia. The more than 500 affiliates maintain over 100,000 one-to-one relationships between a volunteer adult and a youth. Matches are carefully made using established procedures and criteria. The program serves children 6 to 18 years of age, with the largest portion being those 10 to 14 years of age. A significant number of the children are from disadvantaged single-parent households. A mentor meets with his/her youth partner at least three times a month for three to five hours. The visits encourage the development of a caring relationship between the matched pair. An 18 month study of eight BBBS affiliates found that the youth in the mentoring program, compared to a control group who were on a waiting list for a match, were less likely to start using drugs and alcohol, less likely to hit someone, had improved school attendance, attitudes and performance, and had improved peer and family relationships.

Quantum Opportunities

The Quantum Opportunities Program (QOP) provides education, development, and service activities, coupled with a sustained relationship with a peer group and a caring adult, over the four years of high school for small groups of disadvantaged teens. The goal of the program is to help high risk youth from poor families and neighborhoods to graduate from high school and attend college. The program includes (1) 250 hours per year of self-paced and competency-based basic skills, taught outside of regular school hours; (2) 250 hours per year of development opportunities, including cultural enrichment and personal development; and (3) 250 hours per year of service opportunities to their communities to help develop the prerequisite work skills. Financial incentives are offered to increase participation, completion, and long range planning. Results from the pilot test of this program indicated that QOP participants, compared to the control group, were less likely to be arrested during the juvenile years, were more likely to have graduated from high school, to be enrolled in higher education or training, planning to complete four years of college, and less likely to become a teen parent.

Multisystemic Therapy

Multisystemic Therapy (MST) views individuals as being nested within a complex of interconnected systems that encompass individual, family, and extrafamilial (peer, school, neighborhood) factors. Behavior problems can be maintained by problematic transactions within or between any one or a combination of these systems. MST targets the specific factors in each youth's and family's ecology (family, peer, school, neighborhood, support network) that are contributing to antisocial behavior. MST interventions are pragmatic, goal oriented, and emphasize the development of family strengths. The overriding purpose of MST is to help parents to deal effectively with their youth's behavior problems, including disengagement from deviant peers and poor school performance. To accomplish the goal of family empowerment, MST also addresses identified barriers to effective parenting (e.g., parental drug abuse, parental mental health problems) and helps family members to build an indigenous social support network (e.g., with friends, extended family, neighborhoods, church members). To increase family collaboration and treatment generalization, MST is typically provided in the home, school, and other community locations by master's level counselors with low caseloads and 24 hours/day, seven days/week availability. The average duration of treatment is about four months, which includes approximately 50 hours of face-to-face therapist-family contact. MST has been demonstrated as an effective treatment for decreasing the antisocial behavior of violent and chronic juvenile offenders at a cost savings—that is, reducing long-term rates of rearrest and out-of-home placement. Moreover, families receiving MST have shown extensive improvements in family functioning.

Functional Family Therapy

Functional Family Therapy (FFT) is a short term, easily trainable, well documented program which has been applied successfully to a wide range of problem youth and their families in various contexts (e.g., rural, urban, multicultural, international) and treatment systems (e.g., clinics, home-based programs, juvenile courts, independent providers, federally funded clinical trials). Success has been demonstrated and replicated for over 25 years with a wide range of interventionists, including paraprofessionals and trainees representing the various professional degrees (e.g., B.S.W., M.S.W., Ph.D., M.D., R.N., M.F.T.). The program involves specific phases and techniques designed to engage and motivate youth and families, and especially deal with the intense negative affect (hopelessness, anger) that prevents change. Additional phases and techniques then change youth and family communication, interaction, and problem solving, then help families better deal with and utilize outside system resources. Controlled comparison studies with follow-up periods of one, three, and even five years have demonstrated significant and long-term reductions in youth re-offending and sibling entry into high-risk behaviors. Comparative cost figures demonstrate very large reductions in daily program costs compared to other treatment programs.

Midwestern Prevention Project

The Midwestern Prevention Project is a comprehensive population-based drug abuse (cigarettes, alcohol, and marijuana) prevention program that has operated in two major Midwestern SMSAs, Kansas City and Indianapolis, where it has been known locally as Project STAR (Students Taught Awareness and Resistance) and I-STAR, respectively. The goal of the program is to decrease the rates of onset and prevalence of drug use in young adolescents (ages 10-15), and to decrease drug use among parents and other residents of the two communities. The program consists of five intervention strategies designed to combat the community influences on drug use: mass media, school, parent, community organization, and health policy change. The components focus on promoting drug use resistance and counteraction skills by adolescents (direct skills training), prevention practices and support of adolescent prevention practices by parents and other adults (indirect skills training), and dissemination and support of non-drug use social norms and expectations in the community (environmental support). This program has been effective at reducing alcohol, cigarette, and marijuana use among young adolescents, with some effects maintained up to age 23.

Life Skills Training

Life Skills Training is a drug use primary prevention program (cigarettes, alcohol, and marijuana), which provides general life skills training and social resistance skills training to junior high/middle (6th or 7th grade) school students. The curriculum includes 15 sessions taught in school by regular classroom teachers with booster sessions provided in year two (10 class sessions) and year three (five class sessions). The three basic components of the program include: (1) Personal Self-Management Skills (e.g., decision-making and problem-solving, self-control skills for coping with anxiety, and self-improvement skills); (2) Social Skills (e.g. communication and general social skills); and (3) Drug-Related Information and Skills designed to impact on knowledge and attitudes concerning drug use, normative expectations, and skills for resisting drug use influences from the media and peers. Life Skills Training has been effective at reducing alcohol, cigarette, and marijuana use among young adolescents. The effects for tobacco and heavy alcohol use have been sustained through the end of high school.

Multidimensional Treatment Foster Care

Social learning-based Multidimensional Treatment Foster Care (MTFC) is a cost effective alternative to residential treatment for adolescents who have problems with chronic delinquency and antisocial behavior. Community families are recruited, trained, and closely supervised to provide MTFC placements, treatment, and supervision to participating adolescents. MTFC parent training emphasizes behavior management methods to provide youth with a structured and therapeutic living environment. After completing a preservice training, MTFC parents attend a weekly group meeting run by a program case manager where ongoing supervision is provided. Supervision and support is also given to MTFC parents during daily telephone calls to check on youths' progress. Family therapy is provided for the youths' biological (or adoptive) families. The parents are taught to use the structured system that is being used in the MTFC home. The effectiveness of the MTFC model has been evaluated, and MTFC youth had significantly fewer arrests during a 12-month follow-up than a control group of youth who participated in residential group care programs. The MTFC model has also been shown to be effective for children and adolescents leaving state mental hospital settings.

CONFLICT RESOLUTION EDUCATION:

A Guide to Implementing Programs in Schools, Youth-Serving Organizations, and Community and Juvenile Justice Settings

PROGRAM REPORT

Office of Juvenile Justice and Delinquency Prevention
U.S. Department of Justice

Safe and Drug-Free Schools Program
U.S. Department of Education

Conflict Resolution Education

A Guide to Implementing Programs in Schools, Youth-Serving Organizations, and Community and Juvenile Justice Settings

Program Report

Donna Crawford and Richard Bodine

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Office of Juvenile Justice and Delinquency Prevention
U.S. Department of Justice

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U.S. Department of Education

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Introduction

This *Guide* was developed through a collaboration of the Departments of Justice and Education to advance the development of conflict resolution education programs in schools, youth-serving organizations, and community and juvenile justice settings. It is designed to be a reference tool that offers both basic information and the experience of experts in the field of conflict resolution to assist educators and other youth-serving professionals in building effective conflict resolution education programs. The *Guide* is based on a shared vision that youth of all ages can learn to deal constructively with conflict and live in civil association with one another. Its goal is to build the capacity of educators in a variety of youth-serving settings to understand and act on the knowledge that conflict resolution skills are essential to successful relationships in all facets of our lives.

Purposes of Conflict Resolution Education

To fulfill their mission of educating youth and preparing them to function effectively in adult society, American schools* must first be safe places. Our schools are challenged to provide an environment in which:

- Each learner can feel physically and psychologically free from threats and danger and can find opportunities to work and learn with others for the mutual achievement of all.
- The diversity of the school's population is respected and celebrated.

We have a juvenile justice system that in many states is bankrupt and is starting too late. You cannot start with a 16- or 17-year-old who has dropped out of school and who was the drug dealer's gofer when he was 13. You've got to start earlier. . . . We can do tremendous amounts of good through conflict resolution programs in our public schools.

Attorney General Janet Reno[1]

Conflict resolution programs can help schools promote both the individual behavioral change necessary for responsible citizenship and the systemic change necessary for a safe learning environment.

Responsible Citizenship

The ability to resolve disputes effectively and nonviolently is central to the peaceful expression of human rights. Conflict resolution can be viewed as a responsibility of law-abiding members of our society. Responsible citizens in a democracy express their concerns peacefully and seek resolutions to problems that take into account common interests and recognize the human dignity of all involved.

Schools can be places where children learn to live in civil association with one another and prepare to assume their future roles as parents, as community members and leaders, and as productive members of the workforce. Conflict resolution skills are essential to public life in schools, communities, and workplaces. These skills encompass more than a set of complex problem-solving processes. The ability to resolve larger issues depends, at least to some

*Throughout this *Guide*, the term "school" is intended to encompass youth-serving organizations and programs in community and juvenile justice settings in addition to traditional schools.

extent, on how people deal with each other daily. Building effective relationships among citizens is important not just for reaching agreements, but for shaping how people choose to disagree.[2]

Education can be turned into a force for reducing intergroup conflict. It can emphasize common characteristics and goals and can broaden our understanding of diverse cultures, even in circumstances of conflict. The question is whether human beings can develop a constructive orientation toward those outside their group while maintaining the values of group allegiance and identity. It seems reasonable to believe that, in spite of very bad habits from the past and very bad models in the present, we can indeed learn new habits of mind: "It is not too late for a paradigm shift in our outlook toward human conflict. Perhaps it is something like learning that the earth is not flat. Such a shift in child development and education . . . might at long last make it possible for human groups to learn to live together in peace and mutual benefit."[3]

Many conflicts in schools arise out of differences. Cultural conflicts are based on differences in national origin or ethnicity. Social conflicts are based on differences in gender, sexual orientation, class, and physical and mental abilities. Personal and institutional reactions to differences often take the form of prejudice, discrimination, harassment, and even hate crimes. These conflicts are complex because they are rooted not only in prejudice and discrimination related to cultural and social differences but also in the resulting structures and relationships of inequality and privilege. Conflict resolution education programs provide a framework for addressing these problems. The programs promote respect and acceptance through new ways of communicating and understanding.

Conflict resolution education offers schools strategies for responding affirmatively to the following questions:[4]

- Do members of school communities possess the skills and knowledge to create an environment in which diversity thrives and in which tolerance of differences is encouraged?
- Do members share a cultivated willingness to accept the inevitable conflict that arises from differing values and cultures within the school community?
- Are the participants in the school community convinced that conflict is an opportunity for growth, self-awareness, and development of understanding and respect for others?
- Do the participants in the school community articulate a shared vision that conflicts are inevitable and that they enrich and strengthen school communities?

Young people must be challenged to believe and to act on the understanding that a nonviolent, multicultural society is a desirable, realistic goal.[5]

The best school-based violence prevention programs seek to do more than reach the individual child. They instead try to change the total school environment, to create a safe community that lives by a credo of nonviolence.

William DeJong, Harvard School of Public Health[6]

Violence Prevention and Safe Schools

Strategies that empower students to deal constructively with interpersonal conflicts, cultural differences, and the violence embedded in American culture need to be grounded in day-to-day experience. The fundamental challenge is to engage young people in learning the skills and processes that will enable them to manage and resolve conflict constructively. When youth experience success with negotiation, mediation, or consensus decisionmaking in school or other youth-serving settings, they are more likely to use these conflict resolution processes elsewhere in their lives.

Schools alone cannot change a violent society; however, they can:

- Teach alternatives to violence.

- Teach students to act responsibly in social settings.
- Teach students to understand and accept the consequences of their behavior.

Conflict resolution education provides youth with the knowledge, abilities, and processes needed to choose alternatives to self-destructive, violent behavior when confronted with interpersonal and intergroup conflict. The expectation is that when youth learn constructive ways to address what leads to violence, the incidence and intensity of that conflict will diminish.

Systemic Change

A conflict resolution program provides an effective alternative to a traditional discipline program. Youth who grow up in circumstances in which they are socialized to violence, physical abuse, or even death will not be brought readily into submission by such punishments as lowered grades, time out, detention, suspension, or even expulsion. Alternatives that lead to long-term changes in attitudes and behavior are needed. Conflict resolution programs are an important part of those alternatives because they invite participation and expect those who choose to participate to plan more effective behavior and then to behave accordingly.[7]

To realize maximum results from conflict resolution education programs, schools need to examine their systems and, if necessary, reform them to create a context that facilitates the development and support of the program. Systemic change calls for cooperation to be the normative expectation, both behaviorally and academically, and for adults to interact noncoercively with youth. The goal of making school a safe haven in which youth can gain respite from violence in order to think and learn is a good one. However, it cannot be realized apart from creating an antiviolent vision shared by everyone in the building.[8]

Conflict resolution, when implemented not only as a curriculum to be taught but as a lifestyle to be lived by both adults and youth, fosters continuous academic and social growth. Implementation of a conflict resolution program can help schools create their governance structures, develop policies, identify goals, make curriculum decisions, and plan for assessment of learning. Faculty and students work and learn together while supporting one another. When conflict resolution is practiced by all, respect, caring, tolerance, and community building become "the way we do things around here."[9]

> **The significant problems we face cannot be solved at the same level of thinking we were at when we created them.**
>
> *Albert Einstein*

Rationale for Establishing Conflict Resolution Programs

There are compelling, valid reasons for every school to implement a program to teach youth conflict resolution:[10]

- The problem-solving processes of conflict resolution (negotiation, mediation, and consensus decisionmaking) can improve the school climate.
- Conflict resolution strategies can reduce violence, vandalism, chronic school absence, and suspension.
- Conflict resolution training helps students and teachers deepen their understanding of themselves and others and develops important life skills.
- Training in negotiation, mediation, and consensus decisionmaking encourages a high level of citizenship activity.
- Shifting the responsibility for solving nonviolent conflicts to students frees adults to concentrate more on teaching and less on discipline.
- Behavior management systems that are more effective than detention, suspension, or expulsion are needed to deal with conflict in the school setting.

- Conflict resolution training increases skills in listening, critical thinking, and problem solving—skills basic to all learning.
- Conflict resolution education emphasizes seeing other points of view and resolving differences peacefully—skills that assist one to live in a multicultural world.
- Negotiation and mediation are problem-solving tools that are well suited to the problems that young people face, and those trained in these approaches often use them to solve problems for which they would not seek adult help.

How the *Guide* Is Organized

This *Guide* is designed to provide sufficient information and tools to initiate the development of comprehensive youth-centered conflict resolution programs. It provides a framework for making informed decisions to implement conflict resolution education programs and select resources to support program development.

Chapter 1, "Understanding Conflict Resolution," defines conflict as a natural condition and examines the origins of conflict, responses to conflict, and the outcomes of those responses. It presents the essential principles, foundation abilities, and problem-solving processes of conflict resolution; discusses the elements of a successful conflict resolution program; and introduces four approaches to implementing conflict resolution education.

Each of the next four chapters discusses one of these four approaches and presents examples of programs that use the approach. Chapter 2, "Process Curriculum Approach," describes an approach to conflict resolution education characterized by devoting a specific time to teaching the foundation abilities, principles, and one or more of the problem-solving processes of conflict resolution in a separate course or distinct curriculum. Chapter 3, "Mediation Program Approach," describes an approach in which selected individuals who have been trained in the principles and foundation abilities of conflict resolution and in the mediation process provide neutral, third-party facilitation to help those in conflict to reach resolution. Chapter 4, "Peaceable Classroom Approach," presents an approach that incorporates conflict resolution education into the core subject areas of the curriculum and into classroom management strategies. Chapter 5, "Peaceable School Approach," presents a comprehensive whole-school methodology that builds on the peaceable classroom approach, using conflict resolution as a system of operation for managing the school as well as the classroom.

The next two chapters address conflict resolution education in settings other than traditional schools. Chapter 6, "Juvenile Justice and Alternative Education Initiatives," discusses conflict resolution education in juvenile justice facilities and alternative schools. Chapter 7, "Parent and Community Initiatives," examines linkages between conflict resolution education programs in schools and the greater community, including programs for parents and youth.

The final three chapters address more overarching topics. Chapter 8, "Conflict Resolution Research and Evaluation," reviews research findings on conflict resolution education programs in schools and considers the value of conflict resolution education in the light of developmental research on resilience and risk factors. Chapter 9, "Developmentally Appropriate Practice," presents a developmental sequence of behavioral expectations intended to provide guideposts for developing and assessing proficiency in conflict resolution from kindergarten through high school. Chapter 10, "Establishing Conflict Resolution Education Programs," discusses the process of developing, implementing, and sustaining a conflict resolution program.

The appendices to the *Guide* offer a variety of resources for those establishing conflict resolution education programs. Appendix A, "Contact Information," lists addresses and telephone numbers of organizations that provide national leadership in the field of conflict resolution education. Appendix B, "Conflict Resolution Curriculum Resources," is an annotated compilation of conflict resolution curriculums and texts. Appendix C, "Conflict Resolution Reading List," presents the titles of recommended articles and books on conflict resolution. Every program, resource, or text mentioned in the *Guide* is referenced either in one of these three appendices or in a chapter endnote. A glossary of conflict resolution terminology is given in appendix D. Appendices E through G contain sample forms, including forms for assessing staff and programs/curriculums. Appendix H presents the components essential to a strategic plan for implementing a conflict resolution program. The complete text of the Little Red Riding Hood story retold through negotiation, excerpted in the prologue, is found in appendix I.

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Chapter 8: Conflict Resolution Research and Evaluation

Research on conflict situations within schools and on the impact of conflict resolution education programs provides strong support for establishing these programs in schools. Many of the studies conducted to date have focused on mediation programs, which are distinctive and perhaps more prevalent in schools than programs employing one of the other three approaches to conflict resolution education. Because the peaceable classroom and process curriculum approaches integrate conflict resolution education into the normal curriculum, evidence of the success of these approaches has been somewhat difficult to document. However, the positive outcomes associated with mediation programs hold promise that broader based conflict resolution programs that use mediation will be successful as well. Comprehensive studies to evaluate the two peaceable school programs highlighted in chapter 5 are under way.

> Research in this field indicates that conflict resolution and mediation programs show positive effects in reducing violence.[1]

Early Research

In 1974, DeCecco and Richards published the results of one of the most comprehensive studies on conflict within schools.[2] They interviewed more than 8,000 students and 500 faculty members in more than 60 junior and senior high schools in New York City, Philadelphia, and San Francisco and found that more than 90 percent of the conflicts reported by students were perceived to be either unresolved or resolved in destructive ways. Moreover, negotiation of conflicts was practically nonexistent.

Studies on the Teaching Students To Be Peacemakers Program

More recently, David Johnson and Roger Johnson conducted 11 research studies to examine the effectiveness of the Teaching Students To Be Peacemakers program.[3] Results demonstrate the impact that conflict resolution training programs have on the ability of students to manage their conflicts constructively. Johnson and Johnson conducted carefully controlled studies in inner-city and suburban school districts throughout the United States and Canada. The grade level of the students involved in the research ranged from the 1st through the 10th grades. Two approaches to training in peer mediation were studied. In one, the total student body received the training; in the other, a small group of teachers and students received the training. Students were randomly assigned to one of these approaches, while teachers were rotated across approaches. The following is a summary of the questions asked by these studies and their findings:

- ***How often do conflicts among students occur, and what are the most commonly occurring conflicts?***

  The findings indicated that students engaged in conflicts daily. In the suburban schools studied, the majority of reported conflicts resulted from the possession of and access to resources, choice of available activities, playground issues, and turn-taking. Some conflicts involved physical and verbal aggression. In one urban elementary school studied, the vast majority of conflicts referred to mediation involved physical and verbal violence.

◆ ***What strategies did students use to manage conflicts prior to program training?***

Before training, students generally managed their conflicts in one of three ways: verbal or physical abuse, teacher intervention, or withdrawal from the conflict and the other person. A teacher stated in her log, "Before training, students viewed conflict as fights that always resulted in a winner and a loser. To avoid such an unpleasant situation, they usually placed the responsibility for resolving conflicts on me, the teacher." Students did not know how to engage in problem resolution or integrative negotiations.

◆ ***Did the program training successfully teach students negotiation and mediation procedures?***

After the training ended, students knew the negotiation and mediation procedures and retained this knowledge.

◆ ***Could students apply the negotiation and mediation procedures to conflicts?***

For the three measures used (written responses to conflict scenarios, oral responses to conflict scenarios given in an interview, and role-playing responses to conflict scenarios that were videotaped), students were able to apply the negotiation and mediation procedures to various conflicts.

◆ ***Did students transfer the negotiation and mediation procedures to nonclassroom and nonschool situations?***

The findings showed that students used the negotiation and mediation procedures in the hallways and lunchroom as well as on the playground. They also used the procedures in family settings.

◆ ***Did students rely on "win-lose" strategies or negotiation strategies when presented with an option?***

After completing the program training, students were placed in a negotiation situation that presented the opportunity either to win or to maximize joint outcomes. Although untrained students frequently tried to win, the majority of trained students focused on maximizing joint outcomes.

◆ ***Did the program training increase overall academic achievement?***

In three of the studies, the training was integrated into English literature units. While studying a novel, students learned the negotiation and mediation procedures, which were applied to the dynamics among the major characters. At the conclusion of the unit, students were given an achievement test, and several months later they were retested. The results indicated that the students who received the integrated training earned significantly higher achievement and retention test scores than the students who studied the novel but did not learn conflict resolution procedures.

◆ ***Did the program training result in fewer discipline problems that required teacher and administration management?***

During the studies, the number of discipline problems requiring teacher management decreased by approximately 80 percent, and referrals to the principal were reduced to zero.

◆ ***Did the program training create more positive attitudes toward conflict?***

Untrained students uniformly had negative attitudes toward conflict. After training, students developed more positive attitudes toward conflict. Teachers, administrators, and parents believed that the Teaching Students To Be Peacemakers program was constructive and helpful. Many parents whose children did not participate in the project requested that their children receive the training in the upcoming year. A number of parents also asked if they could receive the training to improve conflict management within the family.

Other Research

Additional assessment of the conflict resolution education field supports the need for conflict resolution programs and legitimizes the contention that effective programs must be based on proven negotiation theory, which can be translated into instructional procedures that educators can use in the classroom. The following items highlight some of the findings of this research:

- The Ohio School Conflict Management Demonstration Project, conducted in 17 schools between 1990 and 1993, improved student attitudes toward conflict, increased understanding of nonviolent problem-solving methods, and enhanced communication skills.[4]

- During the 1992–1993 school year, the Clark County Social Service School Mediation Program in Nevada reduced the amount of conflict among students in the two participating elementary schools and helped prevent fights among students. Peer mediators mediated 163 conflicts and resolved 138 (85 percent). Peer mediators demonstrated a significant increase in conflict management skills, self-esteem, and assertiveness. After the program, the number of teachers who spent less than 20 percent of their time on discipline increased by 18 percent. Similar results were reported for the 1993–1994 school year.[5]

- Evaluation of a mediation program in a suburban Chicago high school indicated positive results. Researchers testing the hypothesis that "mediation is an effective alternative to traditional discipline" found that mediation was more effective than traditional discipline in reducing the number of interpersonal conflicts. The researchers also reported that the majority of disputants and student mediators were very satisfied with all aspects of the mediation.[6]

- Evaluation of the impact of the Resolving Conflict Creatively Program (RCCP) in four multiracial, multi-ethnic school districts in New York City showed that 84 percent of teachers who responded to a survey reported positive changes in classroom climate; 71 percent reported moderate or significant decreases in physical violence in the classroom; and 66 percent observed less name-calling and fewer verbal insults. Similar percentages of teachers characterized students as demonstrating improved perspective-taking skills, a greater willingness to cooperate, and more "caring behavior." More than 98 percent of respondents said that the mediation component gave children an important tool for handling conflicts. Other changes reported included spontaneous usage of conflict resolution skills, improved self-esteem and sense of empowerment, increased awareness and articulation of feelings, and greater acceptance of differences.[7]

- Five of the six New York City high schools participating in Project S.M.A.R.T. (School Mediator Alternative Resolution Team) experienced a 45- to 70-percent reduction in suspensions for fighting during the program's first year of operation.[8]

- An evaluation report of the Mediation in Schools Program of the New Mexico Center for Dispute Resolution (NMCDR) reported that teachers in program schools noticed less violence and harmful behavior among students, whereas teachers in nonprogram schools noticed more violence. One Albuquerque elementary school principal reported that "We were having 100 to 150 fights every month on the playground before we started the program. By the end of the school year, we were having maybe 10 [fights]." Other elementary schools using the same NMCDR program reported that playground fighting had been reduced to such an extent that peer mediators found themselves out of a job.[9]

Program teachers frequently used positive, noncoercive conflict resolution strategies—especially mediation—when responding to "hurtful" behavior among students. On the other hand, nonprogram teachers often used coercive, win-lose, adult-authored strategies—especially detention and referrals to the principal's office—when responding to problem behavior.

Students successfully operated the peer mediation process initiated through the program. In a total of more than 2,300 mediations, only 250 required adult intervention. Students trained as mediators had clearer definitions of mediation and conflict resolution strategies and skills than their untrained peers. Untrained students did not fully understand the benefits of win-win situations or specific and creative conflict resolution strategies. In addition, untrained students neither showed the levels of self-esteem and confidence nor felt as positive about school as trained students. The amount of time staff members in program schools spent handling conflicts was reduced, as was the number of violent incidents among students.[10]

- The International Center for Cooperation and Conflict Resolution at Columbia Teachers College in New York initiated a conflict resolution research project at a New York City alternative high school. Results from the program indicated positive effects on the students trained in conflict resolution. These students improved their ability to manage conflicts while experiencing more social support and less victimization from others than before. Improving relations with others led to increased self-esteem, more positive feelings of well-being, and decreased feelings of anxiety and depression. Along with more self-esteem, students perceived themselves as having greater personal control over their fates. The increased sense of personal control and positive feelings of well-being led to improved academic performance. Indirect evidence suggested that exposure to the training also enhanced work readiness and performance.[11]

- The Harvard Graduate School of Education is systematically evaluating the impact of the Program for Young Negotiators (PYN). Preliminary findings from the evaluation team suggest that the majority of participating students are learning and using the basic techniques taught by the program. Most interviewed participants were able to discuss in depth the importance of "talking it out" to avoid fights and accomplish goals. They stated that the program taught them that they have options for dealing with conflicts with peers, parents, and teachers. Reports from parents and teachers confirmed that the youth did change their behavior and handled conflicts without resorting to violence. Participants also stated that the program taught them skills for how to get ahead in life, such as making plans and learning how to state what they want and what they really mean. The majority also described the experience as fun because it used games and role-plays. This point is important, because the fun experience keeps students engaged in the training process and facilitates their recall of the basic messages.

  Interviews revealed that most students could cite concrete examples of using their negotiation skills with peers and parents. Several students reported that the practice of negotiation at home surprised their parents, but generally the parents responded positively to the switch from arguing, complaining, and resisting to negotiating. Parents have reported that the use of negotiation has created opportunities for positive parent-child discussions.

  Teachers who taught the curriculum evaluated the training as useful to their work both in the PYN and in their other classes. They reported that the curriculum content and structure—particularly the role-plays and negotiation games—promoted important discussion of topics such as decisionmaking, planning for the future, and conflict resolution. The teachers also reported seeing changes in the communication and conflict resolution styles of many of the students participating in the program. The benefits cited by the six principals interviewed included an improvement in the students' ability to talk through disagreements and an opportunity for teachers to think through their own conflict management style.[12]

- In 1991, the Peace Education Foundation (PEF) Conflict Resolution and Peer Mediation programs were initiated throughout the region II public schools in Dade County, Florida. School staff were trained to establish classroom-based and schoolwide student mediation programs and to incorporate conflict resolution instruction into school curriculums.

  A review of mediator reports showed that 86 percent of mediated conflicts were resolved. Student Case Management Systems, a system used to report incidents, showed a significant reduction in the rate of referrals for general disruptive behavior in the elementary schools that had the highest levels of implementation. Furthermore, the PEF conflict resolution model affected student attitudes toward resolving conflicts positively. Student surveys indicated that those who received training were more willing to resolve conflict situations through actions other than threats and violence.[13]

In 1994, staff teams from seven alternative and two middle schools with a high percentage of at-risk students received training in the PEF Conflict Resolution model. Postintervention surveys showed that students significantly changed their attitudes toward conflict after learning the PEF model. Students were more inclined to explain, reason, compromise, or share in an effort to resolve their conflicts. Students were less likely to involve authority figures or to use aggression and threats when resolving conflicts. Additional surveys indicated that teachers felt more respected and less frustrated after the implementation of the PEF model.[14]

- Evaluations of a conflict resolution initiative in the Palm Beach County school district showed a considerable reduction in student referrals and suspensions. For example, after the Safe School Center initiated a conflict resolution program using the PEF curriculum at Spady Elementary School, the number of referrals at the school dropped from 124 between September and December 1992 to 5 during the same period in 1994.

  Between January and June 1995, the Safe School Center sponsored 49 Fighting Fair for Families workshops throughout the Palm Beach County school district. Parents who attended one of these workshops, which used PEF materials, noticed favorable results. In a 2-month followup survey of 163 participants, 79 percent reported improving how conflicts were handled at home, 76 percent reported improving how feelings were treated at home, and 70 percent reported improving how people listened to each other at home. In addition, 80 percent still displayed the Rules for Fighting Fair poster in their homes.[15]

- During the 1992–1993 school year, a middle school with an enrollment of more than 700 students in Orange County, North Carolina, initiated a conflict resolution program that included a combination of components from various conflict resolution projects. Nine teachers and 391 sixth-grade students were taught about conflict resolution through lectures, discussion groups, and role-playing. The students were taught about individuality, anger, and power. The project also taught the students the PEF Rules for Fighting Fair from the same Fighting Fair curriculum used in the Florida study described above. Twenty-six students were selected by their peers to be trained in peer mediation. After four 4-hour training sessions, the peer mediators provided mediation when needed. Mediation sessions lasted up to 1 hour and took place in a counselor's office or a conference room. Adults were nearby if requested.

  The outcomes of this conflict resolution project were significant. The sixth-grade students' behavior patterns exhibited a marked change from the 1991–1992 school year to the 1992–1993 school year. Disciplinary referrals to the principal's office dropped from 150 to 27 (82 percent), in-school suspensions decreased from 52 to 30 (42 percent), and out-of-school suspensions decreased from 40 to 1 (97 percent). The reduced number of disciplinary actions suggests that the conflict resolution project had a beneficial effect, but it is not clear whether the 1991–1992 school year was atypical with regard to behavior problems, and it is not known whether the decreases represented specific disciplinary actions or all kinds of actions. Nevertheless, the reductions are impressive.[16]

- The Mediation Project of the Public Justice Department of St. Mary's University in San Antonio, Texas, has provided middle and high school students with conflict resolution training through a school-university-community project. Preliminary studies of the first schools trained have shown significant reductions in disciplinary problems and in student violence on school campuses. Smithson Valley Middle School recorded a 57-percent decrease in disciplinary actions during the first year of its peer-based mediation program.[17]

- Through the Lawyers Adopt-a-School Program of the American Bar Association, Section of Dispute Resolution, lawyers have successfully adopted several schools in Montgomery County, Maryland: Bradley Hills Elementary School, Springbrook High School, Francis Scott Key Middle School, and White Oak Middle School.

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Robert J. Sampson and Janet L. Lauritsen

Racial and Ethnic Disparities in Crime and Criminal Justice in the United States

ABSTRACT

Although racial discrimination emerges some of the time at some stages of criminal justice processing—such as juvenile justice—there is little evidence that racial disparities result from systematic, overt bias. Discrimination appears to be indirect, stemming from the amplification of initial disadvantages over time, along with the social construction of "moral panics" and associated political responses. The "drug war" of the 1980s and 1990s exacerbated the disproportionate representation of blacks in state and federal prisons. Race and ethnic disparities in violent offending and victimization are pronounced and long-standing. Blacks, and to a lesser extent Hispanics, suffer much higher rates of robbery and homicide victimization than do whites. Homicide is the leading cause of death among young black males and females. These differences result in part from social forces that ecologically concentrate race with poverty and other social dislocations. Useful research would emphasize multilevel (contextual) designs, the idea of "cumulative disadvantage" over the life course, the need for multiracial conceptualizations, and comparative, cross-national designs.

Research on race and crime has become a growth industry in the United States. For much of this century, studies have poured forth on racial differences in delinquency, crime, victimization, and, most of all, criminal justice processing. To take but one example, racial differences in sentencing have captured the attention of numerous journal articles,

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books, meta-analyses, and a panel of the National Academy of Sciences (among others, see reviews in Kleck 1981; Hagan and Bumiller 1983; Petersilia 1985).

The volume of research has not gone hand in hand with dispassionate scholarly debate. The topic of race and crime still rankles, fueling ideologically charged discussions over competing schools of thought such as discrimination versus differential involvement, cultures of violence versus structural inequality, and empiricism versus critical theory. Some argue that bringing empirical data to bear on the race and crime question is itself evidence of racism (MacLean and Milovanovic 1990). It is thus not surprising that, despite the abundance of empirical data, many criminologists are loathe to speak openly on race and crime for fear of being misunderstood or labeled a racist. This situation is not unique, for until recently scholars of urban poverty also consciously avoided forthright discussion of race and social problems in the inner city lest they be accused of blaming the victim (see Wilson 1987, pp. 3–19; Sampson and Wilson 1995).

What, then, does one make of the charge to assess the current state of knowledge on racial-ethnic disparities and discrimination in the justice systems of the United States and of the sources of knowledge from which such conclusions can be drawn? The sheer volume of research makes a review of empirical studies impossible in one essay, and the political climate suggests a no-win substantive outcome as well. In addition, many important questions remain unanswered either because we lack the necessary data or because results are conflicting across alternative forms of measurement. Recognizing these perils, we nonetheless tackle the topic of race, ethnicity, and crime in the United States by focusing on four general questions: What are the key empirical findings on race, ethnicity, and crime? What are the most promising theoretical explanations? What are the major limitations of both research and theory? and Where do we go from here?

Rather than try to review all individual studies, we close in on the "big picture"—that is, the one painted by robust findings that hold up across disparate investigators, forms of data collection, and analytical methods. But empirical generalizations only take us so far (we have yet to hear data speak), so the second question becomes crucial—what theoretical and substantive interpretations can we place on the empirical data? Of course, both the answers to this question and the empirical backdrop of data are subject to numerous pitfalls, and hence question three prompts an inquiry into the limitations of extant knowledge.

Consideration of limitations leads naturally to the final question of future research designs. In probing this issue, we focus on how knowledge might be advanced by using a comparative, international perspective with collaborative research designs.

Our essay addresses these questions in the following way. We start with a discussion of general contextual issues relevant to the United States. For background purposes, Section I describes the racial and ethnic makeup of the U.S. population and the American criminal justice system. Sections II–VI subdivide the empirical morass of U.S. data into several interrelated domains. Section II discusses race, ethnicity, and criminal *victimization* (who becomes victimized by crime?), whereas Section III overviews the literature on race, ethnicity, and criminal *offending* (who commits criminal acts?). The findings presented in these two sections represent the dominant tradition in criminology, which seeks to distinguish individual offenders from nonoffenders and victims from nonvictims. Section IV discusses the community structure of race, ethnicity, and crime in the United States, namely, what are the characteristics of communities that contribute to rates of crime for different race and ethnic groups? The findings from the community literature are compared with evidence on individual differences in criminal involvement, and critical problems in interpretation are discussed.[1] Section V summarizes the findings on racial disparities in the U.S. criminal justice system (e.g., who gets convicted and imprisoned?), and Section VI reviews the various approaches for understanding differential treatment. Finally, Section VII presents our interpretations of the literature on race, crime, and criminal justice and discusses what we believe are the important implications for future research.

Before we begin, it is important to qualify our use of the terms "race" and "ethnicity." In the United States, the term "race" traditionally refers to skin pigmentation or color, whereas ethnicity refers to the countries from which a person's ancestors can be traced. For various historical and social reasons, definitions of race in the United States have referred mainly to categories that are allegedly mutually exclusive—(*a*) white, (*b*) black, (*c*) American Indian, Eskimo, or Aleut, and (*d*) Asian or Pacific Islander. The American conception of eth-

[1] Our review of the empirical evidence on racial differences in victimization and offending, and our theoretical arguments regarding communities, race, and crime, are drawn in large part from two previous papers—Sampson and Lauritsen (1994) and Sampson and Wilson (1995).

nicity differs from that of race in that it is usually reported by subjects themselves (as opposed to visual identification), and it may consist of as many categories as one believes necessary to indicate his or her heritage. Clearly, however, there are ongoing scholarly and political debates that challenge the definitions and usefulness of these terms in U.S. society. For example, it has been argued that the American conception of race is arbitrary insofar as there is no single set of traits that satisfactorily distinguish one group from another. Biological research reminds us that race definitions are socially constructed and reflect the concerns and preoccupations of a particular society (e.g., Hawkins 1995; Marks 1995). Simple classification attempts rooted in biological analogies are also invalidated because many individuals are of mixed races. Furthermore, we sympathize with those who argue that by highlighting race differences in crime and criminal justice sanctioning, such work has the potential to exacerbate problems of institutional racism and stereotyping in the United States.

Yet to acknowledge these points does not undermine the salience of race or ethnicity, however socially constructed, in a given society. There are profound race and ethnic differences in the representation of citizens in the U.S. criminal justice system. It seems to us that knowledge about the origins and consequences of these discrepancies is preferable to ignorance—even as we acknowledge that observed differences between groups are not due to inherent differences in physical traits. We would add that while definitions and records of race and ethnicity differ across countries, the social conception of race has validity and reliability *within* the United States. We are less certain of the validity of the term "ethnicity" since social agreement as to whether someone is, for example, Hispanic or of some other ethnic heritage is likely to be much lower. For our purposes, then, the definition of race imposed by administrative and political structures is an important subject of study in its own right, but it should not be a significant source of error when making cross-group comparisons. The interpretation of ethnic differences (much less available in the data) requires more caution. Other data limitations, not relevant to definitional issues, are discussed when appropriate.

I. The U.S. Context

The Census Bureau currently defines race in five broad categories—"white," "black," "American Indian, Eskimo, or Aleut," "Asian or

Pacific Islander" (further subdivided into ten groups), and "other."[1] Recent data on ethnicity usually focus on whether persons are of "Hispanic" origin. The term Hispanic is meant to define persons of Spanish-speaking origin who may identify themselves as any one of the racial groups. There is great diversity in how Hispanics define themselves racially, and there are perhaps even greater cultural differences between, say, Puerto Ricans and Cubans, as there are between racial groups. Not sharing a common culture, the myriad groups classified as Hispanic thus fail to meet the criteria we typically think of as constituting an ethnic group. For these and other reasons, the construct of Hispanic has been criticized as a political definition that has little meaning (e.g., Mann 1993, pp. 8–12), with many preferring the label "Latino" instead. Similar arguments have been made about the meaning of race categories, namely, that there is more within-group variation (in terms of traditional cultural experiences) than there are differences between race groups.

Though few still hold to the notion of the United States as a "melting pot" of racial and ethnic cultures, there is little doubt that the pot is becoming increasingly diverse. Table 1 presents census data on the resident population of the United States and changes from 1980 to 1990 by race and Hispanic origin. Whites made up 80 percent of the approximately 250,000,000 residents of the U.S. population in 1990. This represents a decline from 83 percent in 1980. Blacks represent 12 percent of the 1990 population, up modestly from 1980. Native American Indians comprise a very small portion of the population—less than 1 percent. However, each of the Chinese, Asian Indian, Korean, and Vietnamese populations increased more than 100 percent over the decade.

The other striking feature of table 1 is the sharp growth in the number of Hispanic Americans—53 percent—to the point where they now make up almost 10 percent of the U.S. population. If the growth rate of more than 50 percent continues into the next century as demographic predictions suggest, Hispanic Americans will represent the

[1] The U.S. Bureau of the Census is likely to change how it measures "race" and "ethnicity" before implementation of the next decennial census. Race and ethnicity are self-identified in the census questionnaires, and many have argued that existing categories do not capture many persons' sense of identity. The most pressing issues involve the classification of multiracial persons and individuals who consider themselves neither "white" nor "black." Whatever the decision of the Bureau of the Census, it will affect the kinds of questions researchers ask and the politics of race in America (e.g., eligibility for federal aid to minorities, minority redistricting for elections).

TABLE 1

Resident Population, by Race and Hispanic Origin: 1980 and 1990 (as of April 1)

Race and Hispanic Origin	N (in Thousands) 1980	N (in Thousands) 1990	Change, 1980–90 N (in Thousands)	Change, 1980–90 Percent
All persons	226,546	248,710	22,164	9.8
Race:				
White	188,372	199,686	11,314	6.0
Black	26,495	29,986	3,491	13.2
American Indian, Eskimo, or Aleut:	1,420	1,959	539	37.9
American Indian	1,364	1,878	514	37.7
Eskimo	42	57	15	35.6
Aleut	14	24	10	67.5
Asian or Pacific Islander:	3,500	7,274	3,773	107.8
Chinese	806	1,645	839	104.1
Filipino	775	1,407	632	81.6
Japanese	701	848	147	20.9
Asian Indian	362	815	454	125.6
Korean	355	799	444	125.3
Vietnamese	262	615	353	134.8
Hawaiian	167	211	44	26.5
Samoan	42	63	21	50.1
Guamanian	32	49	17	53.4
Other Asian or Pacific Islander	N.A.	822	N.A.	N.A.
Other race	6,758	9,805	3,047	45.1
Hispanic origin:				
Of Hispanic origin:	14,609	22,354	7,745	53.0
Mexican	8,740	13,496	4,755	54.4
Puerto Rican	2,014	2,728	714	35.4
Cuban	803	1,044	241	30.0
Other Hispanic	3,051	5,086	2,035	68.7
Not of Hispanic origin	211,937	228,356	14,419	6.8

SOURCE.—U.S. Bureau of the Census (1993), p. 18.
NOTE.—N.A. = not available. Z < 0.05%.

largest "minority" group. Overall, if the data are reclassified to take account of both race and ethnic identification, the United States is dominated by three race and ethnic groups—non-Hispanic whites (75 percent), non-Hispanic blacks (12 percent), and Hispanics (9 percent). In urban areas where crime rates tend to be highest, non-Hispanic whites no longer represent the majority population in many of the nation's largest cities (e.g., Los Angeles, Chicago, Detroit).

Despite the changing racial and ethnic diversity of U.S. society, in this essay we focus mainly on "black" and "white" comparisons. The reason stems primarily from a lack of data on crime that consistently classifies information for Hispanic and non-Hispanics, and for groups such as Asians and Native Americans. Where available and appropriate, data reflecting these latter classifications is presented (e.g., arrest statistics). Moreover, most analytical work on disparity and discrimination in crime and sanctioning has focused on comparisons between whites and blacks.

Unfortunately, the types of crime covered in this essay's explication of race and ethnic disparities are not fully representative of the landscape of criminal behavior in the United States. For many "white-collar" and "organized" crimes, sound data are hard to come by.[1] Perhaps more crucially, the data that do exist are rarely presented to permit systematic study of race and ethnic variations. Although there is excellent reason to believe that whites are overrepresented in "crimes of the suite," an analysis of this phenomenon is beyond the scope of current efforts. However, a large body of research in the United States on racial and ethnic disparities focuses on "street" or "index" crimes—especially *violence* (e.g., murder, rape, robbery, assault) and *property crime* (e.g., larceny, motor vehicle theft, burglary). Race and ethnic comparisons are usually possible for these offenses, and hence we focus disproportionately on crimes against persons and property.

Of these two general crime types, we give more coverage to violence. As seen below, race and ethnic disparities in both criminal offending and criminal victimization tend to be greatest among violent crimes. With homicide mortality rates now at least eight times higher among young black males than young white males (National Center for Health Statistics 1995, table 6), a sense of public urgency has also emerged regarding a crisis of violence in the black community (DiIulio 1994; Sampson and Wilson 1995). Understanding racial disparities in urban violence is thus a major priority for criminal justice in the United States, and our review reflects this concern. We recognize that by focusing our attention on violence, we are in danger of overemphasizing the importance of race or ethnicity in offending and victimization and underemphasizing its influence on criminal justice decision making. We attempt to compensate for this possible bias by includ-

[1] Corporate crimes are excluded because the "offender" is an institution rather than an individual. In theory, however, one could characterize the race and ethnic composition of corporate decision makers.

ing relevant information on other crime types—particularly drug offending and drug sanctioning, which have attracted much recent concern in the United States (see Blumstein 1993*a;* Tonry 1995).

A further complication is that the justice system in the United States is decidedly complex, making the task of tracking racial disparities even more difficult. It is probably a misnomer to speak of a "system" of criminal justice because some 90 percent of all crimes are prosecuted at state and local levels. With fifty states and separate procedures for juveniles and adults, the United States is characterized by wide variation in local practices, laws, and criminal justice operations. Still, there is a common thread that ties together the way that most criminal cases are processed (see U.S. Department of Justice 1988, p. 56). The bulk of previous research has centered on key decision points in the processing of adults, especially arrest, bail (pretrial release), charging, plea bargaining, conviction, sentencing (e.g., to probation, imprisonment), and postcorrectional release (e.g., parole). Like the social organization of the criminal justice system, data reflecting this process are similarly complex. They run the gamut from local records (e.g., arrest statistics for a city precinct) to national figures published by the U.S. government. Because of this variation, data sources are described below in tandem with the phenomenon under consideration.

II. Race-Ethnicity and Criminal Victimization

What are the risks of victimization to individuals of different racial and ethnic groups? Are these differences stable over recent time periods? Answers to these types of questions have been obtained largely through analyses of National Crime Victimization Survey (NCVS) data. The NCVS (previously known as the National Crime Survey [NCS]) is an ongoing survey conducted by the Bureau of Justice Statistics, designed to measure the extent of personal and household victimization in the United States. Interviews are conducted at six-month intervals with all persons twelve years of age or older living in a sampled household. As many as 150,000 persons in 80,000 households are interviewed on a biannual basis. The major advantage of the NCVS is the ability to estimate victimizations that may be incorrectly reflected in official police data (e.g., because of nonreporting of incidents or arrest bias). The NCVS therefore constitutes the best available data source on the risk of victimization for various population subgroups living in the United States. The exception, naturally, is for homicide, where most estimates

are based on vital statistics (e.g., Fingerhut and Kleinman 1990) and the FBI's supplemental homicide reports which provide a racial classification of homicide victims.

Victimization research over the past twenty years has consistently shown that the overall risk of experiencing personal violence (i.e., homicide, rape, robbery, or assault) is much lower than the risk of household victimization (U.S. Department of Justice 1994*a*). For example, the combined risk of suffering a violent victimization by either rape, robbery, *or* assault in 1992 was estimated at approximately 1 in 31, while the risk of household burglary was nearly 1 in 6. However, the major finding for our purposes is that the distribution of victimization varies systematically across different subgroups. In terms of race, both the NCVS and official statistics confirm that blacks are disproportionately the victims of violent crimes (U.S. Department of Justice 1993*a*, 1994*b*). Differences in homicide risk are the most pronounced. According to the U.S. Department of Justice, in 1992 blacks were nearly seven times more likely than whites to become victims of homicide (1993*a*). Similarly, data derived from death certificates (rather than crime reports) and that adjust for differences in the age composition of the two populations show that the 1992 rate of homicide for the black population was 6.5 times that for the white population (National Center for Health Statistics 1995).

Estimates of homicide risk over the life span further underscore racial disparities. By 1990, black women and black men were, respectively, four and six times more likely than white women and white men to be murdered in their lifetime (Reiss and Roth 1993, p. 63). The leading cause of death among black males and black females ages fifteen to twenty-four is homicide (National Center for Health Statistics 1995). These differentials help explain estimates that a resident of rural Bangladesh has a greater chance of surviving to age forty than does a black male in Harlem (McCord and Freeman 1990).

Estimates of lifetime homicide risk for American Indians, blacks, and whites are presented in Reiss and Roth (1993, pp. 62–63). The lifetime risk for black males is 4.16 per 100, followed by Native Indian males (1.75), black females (1.02), white males (.62), Native Indian females (.46), and white females (.26). Thus Native Indian males' risk falls approximately halfway between that of black and white males. Reiss and Roth also note that less than one-fourth of Americans' lifetime risk for homicide is incurred before the twenty-fifth birthday. Consequently,

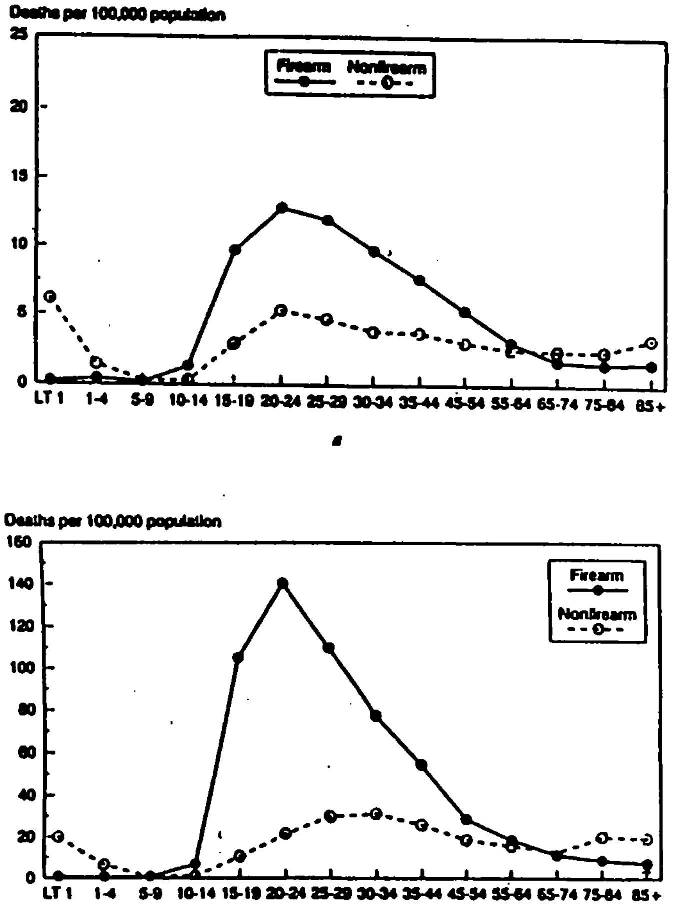

FIG. 1.—Homicide among males by firearm status in the United States. *a*, Among white males. *b*, Among black males. Source: Fingerhut (1993), pp. 16–17.

the very high homicide rates among young black males in particular must be considered in conjunction with the higher homicide rates of black males at all ages.

Racial disparities for gun-related homicide victimization are particularly striking. Figure 1 displays the age-specific 1990 U.S. death rate by firearms for white males and black males according to mortality reports from vital statistics (Fingerhut 1993). Note that the peak death

rate for young black males (140 per 100,000) is more than ten times greater than the peak death rate for young white males (twelve per 100,000). Given the nature of death reports, these differentials in victimization cannot reasonably be attributed to bias in official reaction by the criminal justice system.

As with homicide, blacks report greater levels of robbery victimization than do whites (U.S. Department of Justice 1994*a*). Over the past twenty years, blacks' risk of robbery has been between two and three times greater than that of whites. While the risk of robbery among whites has slightly declined over the last two decades, the risk among blacks fluctuates more from year to year and shows no clear evidence of decline.

Unlike homicide and robbery, rates of assault victimization for blacks and whites have not differed consistently over the last twenty years, although the majority of assault victimizations reported by blacks tend to be incidents of aggravated assault, whereas simple assaults predominate among whites (U.S. Department of Justice 1994*a*). The lack of race differences in assaults overall may be the result of differences in reporting. Specifically, it has been hypothesized that blacks may underreport less serious forms of assault and that whites may overreport minor assaults (Skogan 1981; Gottfredson 1986).

Race differentials in victimization risk decline significantly for personal theft (larceny with or without contact) and crimes against property. The personal theft victimization rate is very similar, at fifty-nine per 1,000 for blacks and sixty per 1,000 for whites (U.S. Department of Justice 1994*b*). However, rates of household victimization (burglary, larceny, and motor vehicle theft) are consistently higher for blacks than for whites. For example, the burglary victimization rate per 1,000 households is sixty-eight for blacks and forty-six for whites (U.S. Department of Justice 1994*b*). Compared over time, *trends* in property victimization reveal similar patterns by race. Since about 1980, both whites and blacks have experienced general declines in personal theft and household victimization.

For violence, however, both rate and trend differences by race are substantial. Beginning about 1990, reported rates of violence among blacks increased to their highest level ever recorded in the NCVS. This trend parallels the trajectory of homicides measured by death records—increases in homicide rates since the mid- to late 1980s in the United States have been racially selective. For example, while white rates remained relatively stable, the firearms death rate ...

black males more than doubled from 1984 to 1988 alone (see Fingerhut et al. 1991).[4]

In short, the available race-specific data on victimization suggest a fairly straightforward pattern. Blacks suffer much higher rates of personal violence and homicide victimization than do whites. Racial differences are reduced considerably in magnitude when it comes to household crimes and especially personal theft victimizations. And while overall victimization trends are similar for blacks and whites, robbery and homicide are the two notable exceptions. Recent trends for these two violent crimes show greater increases for blacks than whites.

The NCVS provides only limited information on ethnic differences in victimization risk, restricted mainly to Hispanic versus non-Hispanic comparisons. According to the NCVS, Hispanics experience higher rates of violent and household victimization than non-Hispanics (39.6 vs. 35.3, and 265.6 vs. 204.5, respectively). Conversely, non-Hispanics report higher rates of personal theft (80.3) than Hispanics (74.9) (U.S. Department of Justice 1990). Government vital statistics on mortality provide another source of comparison, as they report the cause of death for Hispanics and non-Hispanic whites. As is true for blacks, the leading cause of death among Hispanics aged 15–24 is homicide (National Center for Health Statistics 1995).

Recall that in the United States race and ethnicity are not mutually exclusive categories. Because Hispanics may be designated as either black or white (or "other"), compositional effects may account for the higher NCVS victimization rates of Hispanics than of non-Hispanics. Since NCVS summary reports do not present differences between non-Hispanic whites, non-Hispanic blacks, and Hispanics, it is difficult to know precisely to what degree these subgroups differ in their risks of victimization. Similarly, vital statistics do not provide homicide rates for Hispanics because population estimates by race-ethnicity remain uncertain.

The primary explanation of the race-victimization connection in violence stems from "lifestyle" (Hindelang, Gottfredson, and Garofalo 1978; Garofalo 1987) and "routine activity" (Cohen and Felson 1979) theories of victimization. The essential proposition of lifestyle-routine activity theories is that the convergence in time and space of suitable targets and the absence of capable guardians leads to increases in crime independent of the structural and cultural conditions that may motivate individuals to engage in crime (e.g., poverty, unemployment, subcultural values). Derived from this general proposition, the "principle of homogamy" in lifestyle theory states that persons are more likely to be victimized when they disproportionately associate with, or come into contact with, members of demographic groups that contain a disproportionate share of offenders (Hindelang, Gottfredson, and Garofalo 1978, pp. 256–57).

[4] The most recent data indicate that the overall age-adjusted firearm death rates declined slightly between 1991 and 1992 (National Center for Health Statistics 1995, table 19).

According to this explanation, blacks suffer a higher risk of violent victimization than do whites because they are more likely to associate with other blacks who are themselves disproportionately involved in violence. In other words, race-shaped lifestyle factors such as friendship patterns and leisure activities account for higher levels of risk. Similarly, the "proximity" hypothesis posits that ecological propinquity to the residences of high-rate offender groups will increase one's risk of victimization. The theoretical implication here is that blacks are segregated from whites and live in closer proximity to other blacks who commit crimes at higher rates than whites. As discussed below, the veracity of the differential offending claim has been challenged; however, the key point is that homogamy of personal associations and proximity to offender groups are the leading hypotheses for the race differentials in victimization risk.

The limitations of lifestyle-routine activities theory and research have been discussed at length elsewhere (for overviews, see Gottfredson 1986; Garofalo 1987; Meier and Miethe 1993; Sampson and Lauritsen 1994). The most common criticism of empirical research has been the inadequate measurement of explanatory variables—direct measures of lifestyle activities and proximity to offender populations are not usually included in models containing social and demographic characteristics. In particular, most research on race differences in risk has not been able to distinguish between individual-level interpretations (such as lifestyle and friendship choices) and contextual explanations (such as proximity to offender groups resulting from housing segregation patterns). Clearly, this is an important issue to resolve.

Subcultural explanations have also been used to explain higher rates of victimization, especially violence, among various subgroups (e.g., Wolfgang 1958; Wolfgang and Ferracuti 1967; Singer 1981). The subculture of violence thesis argues that certain subgroups share norms conducive to the use of violence for resolving disputes, thereby generating subgroup differences in victimization. However, this hypothesis has not been empirically validated with respect to race. As discussed it can be determined whether differences in normative contexts account for racial differences in violent victimization (see e.g., Kornhauser 1978; Hawley and Messner 1989).

III. Race-Ethnicity and Criminal Offending

Prior research on the correlates of criminal offending has extensively reviewed the methodological issues that limit the validity of findings (see e.g., Hindelang 1978; Hindelang, Hirschi, and Weis 1979; Elliott and Ageton 1980), and therefore we mention only a few of these qualifications here. A primary concern is the source of data on offending—whether the findings are based on official, self-report, or victimization data. Findings based on official data such as arrest statistics published by the FBI's Uniform Crime Reports (UCR) are limited to the extent that apprehended offenders differ in some way from nonapprehended offenders (e.g., because of racial bias). They are also limited in that persons who are arrested more than once in any year are overrepresented in arrest statistics. Findings based on self-report surveys may be limited by either the respondents' intentional or unintentional errors in reporting or by sampling restrictions (e.g., an almost exclusive focus on juveniles or males, or on minor offenses).

Although NCVS victimization data provide information on the *perceived* race of offenders, estimates are available only for those incidents involving a single or lone offender, and where there is face-to-face contact between the offender and victim.[5] Thus this restriction excludes race-specific data on crimes committed by two or more offenders, or by groups (such as gangs). It is also the case that victims of personal crimes have been found to underreport certain types of incidents, especially those involving victimizations by family members and acquaintances (Hindelang 1978). These sources of error are all relevant to inferences about race and crime. Consequently, we emphasize convergent findings across various data sources.

A. Arrest Data

Because nationwide arrest reports are available by race but not by ethnicity, we focus on the most recent race-specific arrest data by of-

[5] The NCVS distinguishes between "lone"-offender and "multiple"-offender incidents. Multiple-offender incidents are crimes involving more than one offender per incident. Approximately three-fourths of violent crimes in the United States are committed by lone offenders (see Reiss and Roth 1993, p. 75).

fense type. Presented in table 2, these 1993 data suggest that race is related to criminal offending (see also Maguire and Pastore 1995, table 4.11). Although whites are arrested for the majority of all crimes (approximately 67 percent), blacks and American Indians are most likely to be overrepresented in arrests reported in the UCR. For example, in 1993 blacks comprised 31 percent of total arrests yet constituted 12 percent of the population, and American Indians comprised 1.1 percent of total arrests while constituting .8 percent of the population. Asians, however, appear to be underrepresented in arrest statistics. Note that Asians account for 1.0 percent of all arrests, yet make up 2.9 percent of the population.

The relationship between race and offending is not the same for all crime types; there are certain offenses for which each is overrepresented. For instance, whites are disproportionately arrested for driving while intoxicated, and Asians are over-represented in arrests for illegal gambling. Blacks are consistently more likely to be arrested for crimes of violence (Hindelang 1978; Elliott and Ageton 1980; Bridges and Weis 1989; U.S. Department of Justice 1993*b*). In 1993, blacks accounted for 45 percent and 50 percent of adult and youth arrestees, respectively, for murder, rape, robbery, and aggravated assault (Maguire and Pastore 1995, pp. 389–90). The crime in which blacks are most overrepresented is robbery (for a fascinating albeit controversial discussion, see Katz 1988), comprising 62 percent of arrestees in 1993. In general, blacks are approximately six times more likely to be arrested for violent crimes than are whites (U.S. Department of Justice 1993*b*).

Overall trends in index-crime arrest rates for the last twenty-five years show a fluctuating pattern, peaking in the early 1990s for adults and in the mid-1970s and early 1990s for juveniles (U.S. Department of Justice 1993*b*).[6] When race-specific trends in these crimes are compared, black and white differences in rates of offending have decreased somewhat over time. For example, in 1965, black juveniles' and adults' arrest rates were 3.1 and 5.7 times that of white juveniles and adults. By 1992, black-white differences in index crime arrest rates had dropped to 2.3 and 4.9 (U.S. Department of Justice 1993*b*). With respect to violence, murder arrest rates for juveniles also increased in a

[6] Index offenses include murder, rape, robbery, aggravated assault, burglary, larceny theft, motor vehicle theft, and arson. However, arson has only recently been added to the classification.

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TABLE 2

Breakdown by Offense Charged, Age Group, and Race, United States, 1993 (10,509 Agencies; 1993 Estimated Population = 213,093,000)

	Percent			
Offense Charged	White	Black	American Indian or Alaskan Native	Asian or Pacific Islander
Total	66.9	31.1	1.1	1.0
Murder and nonnegligent manslaughter	40.7	57.6	.6	1.1
Forcible rape	56.9	41.3	1.0	.8
Robbery	36.5	62.1	.4	1.0
Aggravated assault	58.4	39.8	.9	1.0
Burglary	67.2	30.9	.9	1.0
Larceny theft	64.6	33.0	1.0	1.4
Motor vehicle theft	57.1	40.3	.9	1.7
Arson	74.6	23.5	.9	.9
Violent crime	52.6	45.7	.8	1.0
Property crime	64.4	33.2	1.0	1.4
Total crime index	61.3	36.5	.9	1.3
Other assaults	62.9	34.9	1.2	1.0
Forgery and counterfeiting	63.0	35.4	.6	1.0
Fraud	62.3	36.6	.5	.7
Embezzlement	67.4	31.0	.4	1.2
Stolen property; buying, receiving, possessing	56.1	42.3	.6	1.1
Vandalism	74.8	22.9	1.1	1.2
Weapons; carrying, possessing, etc.	55.4	43.0	.5	1.1
Prostitution and commercialized vice	62.0	35.9	.6	1.5
Sex offenses (except forcible rape and prostitution)	77.0	20.9	1.0	1.1
Drug abuse violations	59.8	39.3	.4	.5
Gambling	48.2	46.9	.4	4.6
Offenses against family and children	65.6	31.2	1.3	2.0
Driving under the influence	87.2	10.6	1.3	.9
Liquor laws	84.5	12.6	2.3	.6
Drunkenness	79.7	17.8	2.1	.3
Disorderly conduct	64.6	33.6	1.3	.5
Vagrancy	56.6	41.2	1.9	.4
All other offenses (except traffic)	62.6	35.5	1.0	.9
Suspicion	46.9	52.0	.6	.5
Curfew and loitering law violations	78.8	18.1	1.1	2.0
Runaways	78.1	17.2	1.3	3.4

SOURCE.—Maguire and Pastore (1995), p. 388.
NOTE.—Percents sum to 100.0 for each row.

similar pattern for both blacks and whites in the period 1985–90 (Blumstein 1995, p. 8).

An important exception to these time trends is drug-related arrests. From 1965 through the early 1980s, blacks were approximately twice as likely as whites to be arrested for drug-related offenses (Blumstein 1993*a;* Tonry 1995). Following the federal government's initiation of the "war on drugs," black arrest rates skyrocketed, while white arrest rates increased only slightly. By the end of the 1980s, blacks were more than five times more likely than whites to be arrested for drug-related offenses. It is highly unlikely that these race differences represent general substance use patterns since drug arrests grew at a time when national self-report data showed that drug use was declining among both blacks and whites. Rather, these differences reflect the government's targeting and enforcement of specific types of drug use and trafficking (Blumstein 1993*a;* Tonry 1995).

B. *Victimization-Based Estimates*

The data presented thus far focus on "offending" as measured by official statistics on arrests. The obvious critique, long voiced in U.S. criminology, is that police decisions to arrest are biased. According to conflict theory, the police believe that blacks—especially low-income blacks—commit more crimes and therefore more often take action to arrest them. The general stereotype of blacks as "disreputable" and "dangerous" (Irwin 1985) thus leads the police to watch and arrest minorities more frequently than warranted based on actual criminal behavior (for further elaboration, see Sampson 1986).

In an important investigation, Hindelang (1978) disentangled the extent to which black overrepresentation in official violent crime data was explained by differential involvement or by differential selection into the criminal justice system via arrests by police. In comparing the distribution of arrestees by race from the 1974 UCR to the distribution of perceived race of offenders derived from the 1974 NCS,[7] he found some evidence for the differential selection hypothesis with respect to assault and rape. Overall, however, reports by victims suggest that most of the race difference found in arrest rates for violence is explained by greater black involvement in personal crimes, especially robbery. In 1974, both the NCS and UCR estimated that 62 percent of offenders committing robbery were black.

[7] Recall that the NCS data are restricted to those victim-reported incidents consisting of a lone-offender and face-to-face contact between the victim and the offender.

Data for violent crimes as reported in the 1992 NCVS and 1992 UCR arrest data show much the same pattern as reported earlier by Hindelang (1978). However, there is a slightly larger discrepancy between the two estimates of racial involvement (see table 2 and U.S. Department of Justice 1994*b*, table 45). For instance, the NCVS estimate of black involvement in robbery in 1992 is 56 percent, whereas the UCR data report that 61 percent of robbery arrestees were black. These differences between UCR and NCVS data do not necessarily indicate increasing selection bias in robbery arrests over time. If black robbery offending is more likely to involve two or more offenders now compared to twenty years ago, such changes would differentially influence the estimates of the percentage black involvement in UCR and NCVS data.

The limitations of using NCVS victim reports to validate UCR arrest data have been discussed elsewhere (e.g., Hindelang 1981; Reiss and Roth 1993; Sampson and Lauritsen 1994), including the concern that race estimates are based solely on NCVS victim reports of lone-offender crimes and that the NCVS data produce incidence rates instead of prevalence rates. The problem of relying on NCVS incidence rates is important to the extent that each racial subgroup contains different proportions of repeat offenders. The UCR data share a similar limitation in that they use arrest incidents as the unit of analysis (and not offenders). The potential inaccuracy of victims' reports of an offender's race in the NCVS data is also a concern, but it is not considered to be a serious limitation. Hindelang (1981), for example, compared NCS rape victims' reports of their offender's age and race to police reports of the offender's demographic characteristics and found substantial agreement. Victims' reports of race agreed with police reports in over 96 percent of the cases. These findings are not definitive, however, because arrests are usually made on the basis of victims' descriptions of offenders.

Since blacks are at greater risk for violent victimization and are disproportionately involved in violent offending, it may not be surprising that the majority of violent crimes are disproportionately *intraracial* (see Sampson and Lauritsen 1994 for reviews). For example, whites tend to assault other whites and blacks tend to assault other blacks more so than expected, based on chance encounters (Sampson 1984; O'Brien 1987). Racial cross-over is especially rare in nonfelony homicides—that is, killings that occur without an accompanying felony such as a robbery or rape (Cook 1987). Because nonfelony homicides tend to be nonstranger homicides, and the routine activities and residences of blacks and whites are in large part segregated, these findings are to be expected. However, felony homicides (e.g., robbery-murders) are more likely to be interracial than are nonfelony homicides because they typically involve strangers (Block 1985; Cook 1987). In felony homicides, as in robberies, black offenders are more likely to victimize whites than white offenders are to victimize blacks (Wilbanks 1985). Yet this is still what we should expect because blacks are the smaller group and have more chances to interact with whites. Variations in the relative sizes of the black and white populations thus explain the patterning of interracial violence (see Sampson 1984; O'Brien 1987; Reiss and Roth 1993).

As noted earlier, it is impossible to validate race differences in certain kinds of crimes reported in UCR arrest data with NCVS victim reports. Common crimes such as burglaries and larcenies do not often result in victim-offender interaction, and therefore validation with NCVS data is not feasible. For these types of crimes, then, we must be less certain of race and ethnic differentials.

C. *Self-Reported Offending*

In an attempt to overcome the limitations of both official statistics and victimization surveys, self-reported delinquency data have been brought to bear on the race question. Many studies, especially those in the 1960s and 1970s, found little or no differences in self-reported offending among juveniles of different racial and ethnic groups (see Hindelang, Hirschi, and Weis 1979, 1981). One reaction to these findings was to attribute racial bias to official statistics. Others posited methodological explanations. In particular, Hindelang, Hirschi, and Weis (1979) argued that self-report studies typically measure less serious forms of common delinquency, whereas official arrest statistics showing race differentials refer primarily to serious index crimes. Nationally representative self-report data on serious offense involvement for adults are rare, and cross-method validation has not been completed (Elliott 1994). Consequently, the evidence to date suggests that the domains of behavior are not isomorphic across data sources.

Another critique, in many ways more powerful, is that the self-report method itself is differentially valid by race, with blacks underreporting certain offenses at higher rates than whites. In a reverse record check analysis, Hindelang, Hirschi, and Weis found that black males were least likely to self-report offenses recorded by the police (e.g., 33 percent of total offenses known and 57 percent of serious offenses known to police were not self-reported by black males; Hindelang, Hirschi, and Weis 1981, p. 172). Hence the issue of differential validity according to race is of concern even when the behavior elicited by the self-report method is a serious offense such as burglary, robbery, or weapons violation.[8]

Advances in self-report methodology have resolved some of these issues. For example, Elliott and Ageton (1980) have shown that police and self-report differences in the relationships between race and offense involvement are to a large extent a function of delinquency instrument construction, especially item content and response set range. Using nationally representative data, they found self-reported race (and class) differences in delinquency at the high end of the frequency continuum and for serious offenses like robbery where police contacts are more likely (see also Elliott 1994). Consequently, the magnitude of the race-crime correlation is higher in official statistics than in self-reported data. While limitations exist for both official and self-report data, it thus appears that race differences in offending as recorded in arrest reports and victimization surveys "reflect real differences in the frequency and seriousness of delinquent acts" (Elliott and Ageton 1980, p. 107).

D. *Explaining Racial Disparities in Offending*

Few criminological theories have been designed "a priori" to explain racial differences in official, victimization, or self-report data. Rather, most theories have been applied "post hoc" to race-related differences, not just for offending but victimization as well. In this regard, it is of theoretical relevance that offenders and victims share a similar demographic profile—especially for violence. Both violent offenders and victims of violent crime tend to be young, male, black, and live in urban areas (see Hindelang, Gottfredson, and Garofalo 1978; Gottfredson 1986). Subcultural perspectives even suggest that victims and offenders are often the same people (Wolfgang 1958; Singer 1981). Lifestyle-routine activity theory also tries to explain the overlap among victims and offenders. For example, in analyses of panel data, Lauritsen, Sampson, and Laub (1991) found that delinquency involvement made independent contributions to victimization risk among adolescents and that increases in victimization, in turn, increased subsequent offending. This pattern, often neglected by criminological theory, suggests that an explanation of offending may go a long way toward explaining racial differences in victimization as well. Nevertheless, most thinking on race and crime focuses on the causes of offending differentials.

[8] Interestingly, differential validity of self-reported delinquency has also been found in other countries, with some national minorities underreporting known offenses (Junger 1989).

There are numerous ways to categorize the many theories devoted to explaining variations in crime. Some of the most common hypotheses used in attempts to explain individual-level race differences in offending are based on constitutional, family socialization, the subculture of violence, and economic inequality/deprivation theories (Wilson and Herrnstein 1985). As most criminologists are aware, constitutional theories are least popular. The idea that IQ, temperament, and other individual characteristics explain the race-crime connection is anathema to many on political and policy grounds. But there are better reasons to reject the constitutional argument—empirical invalidity. Even Wilson and Herrnstein, sympathetic in general to constitutional explanations, largely dismiss them as providing little insight on racial disparities. The reason is simple; there are more variations *within* any race or ethnic group than *between* them. As noted earlier, "race" is socially constructed, and the explanation of apparent differences is linked to the fact that race is serving as a proxy for some other set of variables.

A second explanation of race differences in crime is that the family socialization of black children is somehow inadequate. Culture of poverty and lower-class culture theories assert that inadequate socialization can be traced to the female-headed family structure more commonly found among blacks than whites (e.g., Miller 1958), while structurally oriented theories assert that differences in child socialization practices are the consequence of economic deprivation (Kornhauser 1978). Although there is good evidence that family socialization influences children's delinquency and aggressive behavior patterns (e.g., Loeber and Stouthamer-Loeber 1986), there is no consistent evidence that factors such as lack of supervision and erratic or harsh discipline account for race differences in crime net of socioeconomic conditions.

Deviant subcultures have also been proposed to account for group differences in crime. These perspectives vary in details but in general claim that blacks are more likely to commit offenses because they are socialized into a culture in which crime, aggressive behaviors, and illegitimate activities are not strongly condemned. The most influential of these perspectives is the subculture of violence thesis (Wolfgang and Ferracuti 1967) which argues that in certain areas and for certain subgroups (i.e., blacks), there is a subcultural value system that supports the use of violence and other behaviors (e.g., sexual machismo) not emphasized in the dominant culture (Curtis 1975). In addition to the methodological difficulties noted earlier, one of the primary weaknesses in the subculture of violence literature has been the problem of tautology—that is, violent behaviors are used to infer the existence of a subcultural system, which in turn is used to explain behavior. There is little evidence from social surveys that black and white Americans differ significantly in their attitudes and values toward crime (Kornhauser 1978; DiIulio 1995).[9] In addition, empirical support for subcultural explanations requires finding that the normative context of different groups has an influence on behavior independent of structural differences (Kornhauser 1978). Consequently, the role of subcultural value systems in producing race differences in crime remains to be demonstrated.

Finally, racial differences in offending have been attributed to group differences in economic opportunities and success. For example, strain theories argue that individuals who aspire to cultural goals such as wealth, but lack access to the legitimate means for achieving those goals, are most strongly motivated to use illegitimate means for success (see Merton 1938; Blau and Blau 1982). In such theories, race is expected to be related to offending differences insofar as it serves as a proxy variable for access to legitimate means of success. Yet at the individual level, economic strain theories have not fared well empirically—race differences persist even after controlling for socioeconomic status (Kornhauser 1978). Relatedly, other race, ethnic, and immigrant groups, such as Chinese, Japanese, and Hispanic, have also experienced economic exclusion but exhibit offending rates much lower than those of African Americans. It is unknown to what extent structural or cultural differences account for lower offending rates among other ethnic

[9] Attitudes toward criminal justice issues, however, do differ between blacks and whites. For example, data from the National Opinion Research Center's General Social Surveys show that blacks have been less likely than whites to support the use of capital punishment and are more likely to favor handgun restrictions. Racial divisions in attitudes about criminal justice have become even sharper in the wake of the Rodney King beating and the O. J. Simpson trial.

groups, but clearly socioeconomic status and deprivation alone are inadequate explanations (Wilson and Herrnstein 1985).

Unfortunately then, traditional theories do not seem to have gotten us very far in unraveling race differences. For this reason, recent scholars have begun to look at the macro- and community-level underpinnings of the race-crime connection. Because of its potential importance and the surge in recent research, we discuss the community context of crime in some detail.

IV. The Community Structure of Race and Crime

Unlike the dominant tradition in criminology that seeks to distinguish offenders from nonoffenders, the macrosocial or community level of explanation asks what it is about community structures and cultures that produce differential *rates* of crime. As such, the goal of macrolevel research is not to explain individual involvement in criminal behavior but to isolate characteristics of communities, cities, or even societies that lead to high rates of criminality. From this viewpoint the "ecological fallacy"—inferring individual-level relations based on aggregate data—is not at issue because the unit of explanation and analysis is the community.

The Chicago-school research of Shaw and McKay spearheaded the community-level approach of American studies of ecology and crime. In their classic work, *Juvenile Delinquency and Urban Areas*, Shaw and McKay (1969 [1942]) argued that three structural factors—low economic status, racial or ethnic heterogeneity, and residential mobility—led to the disruption of local community social organization, which in turn accounted for variations in crime and delinquency rates. Subsequent research has generally supported these findings, although most research on violence has examined racial composition—usually percent black—rather than racial heterogeneity per se. Also, while descriptive data show that percentage black is positively and strongly correlated with rates of violence, multivariate research has yielded conflicting findings. Namely, some studies report a sharply attenuated effect of race once other factors are controlled, whereas others report that the percent black effect remains strong (Sampson and Lauritsen 1994, pp. 53–54).

Whether or not race has a direct effect on crime rates, Sampson and Wilson (1995) argue that a major key to solving the race-crime conundrum is traceable to Shaw and McKay (1969 [1942]). Arguably, the most significant aspect of Shaw and McKay's research was their demonstration that high rates of delinquency persisted in certain areas over many years, regardless of population turnover (but see Bursik and Webb 1982). This finding, more than any other, led them to reject individual-level explanations of delinquency and focus instead on the processes by which delinquent patterns of behavior were transmitted across generations in areas of social disorganization and weak social controls (Shaw and McKay 1969 [1942], p. 174). This community-level orientation led Shaw and McKay to an explicit contextual interpretation of correlations between race or ethnicity and rates of delinquency. Their logic was set forth in a rejoinder to a critique in 1949 by Jonassen, who had argued that ethnicity had direct effects on delinquency. Shaw and McKay countered (1949, p. 614): "The important fact about rates of delinquents for Negro boys is that they too vary by type of area. They are higher than the rates for white boys, but it cannot be said that they are higher than rates for white boys in comparable areas, since it is impossible to reproduce in white communities the circumstances under which Negro children live. Even if it were possible to parallel the low economic status and the inadequacy of institutions in the white community, it would not be possible to reproduce the effects of segregation and the barriers to upward mobility."

Sampson and Wilson (1995) argue that Shaw and McKay's insight almost a half century ago raises interesting questions still relevant today. First, to what extent do rates of black crime vary by type of ecological area? Second, is it possible to reproduce in white communities the structural circumstances under which many blacks live? The first question is crucial, for it signals that blacks are not a homogeneous group any more than are whites. It is racial stereotyping that assigns to blacks a distinct or homogeneous character, allowing simplistic comparisons of black-white group differences in crime. As Shaw and McKay thus recognized, the key point is that there is *heterogeneity* among black neighborhoods that corresponds to variations in crime rates. To the extent that the structural sources of variation in black crime are not unique, rates of crime by blacks should also vary with social-ecological conditions in a manner similar to whites.

A. Structural Variations in Black Violence

To disentangle the contextual basis for race and crime requires racial disaggregation of both the crime rate and the explanatory variables of theoretical interest. This approach was used in research that examined racially disaggregated rates of homicide and robbery by juveniles and adults in over 150 U.S. cities in 1980 (Sampson 1987). Substantively,

this study focused on the role of joblessness among black males in predicting violent crime rates through the mediating influence of black family disruption. The results showed that the scarcity of employed black males relative to black women was directly related to the prevalence of families headed by females in black communities (see also Wilson 1987). Black family disruption was in turn significantly related to rates of black murder and robbery—especially by juveniles—independently of income, region, density, city size, and welfare benefits. The finding that family disruption had a stronger relationship with juvenile violence than adult violence, in conjunction with the inconsistent findings of previous research on individual-level delinquency and broken homes, supports the idea that family structure is related to macrolevel patterns of social control and guardianship, especially regarding youth and their peers (Sampson and Groves 1989). Moreover, the results offer a clue as to why unemployment and economic deprivation have had weak or inconsistent direct effects on violence rates in past research—joblessness and poverty appear to exert much of their influence indirectly through family disruption.

Despite a large difference in mean levels of family disruption between black and white communities, the percentage of *white* families headed by a female also had a significant effect on white juvenile and white adult violence. The relationships for white robbery were in large part identical in sign and magnitude to those for blacks. As a result, the influence of black family disruption on black crime was independent of alternative explanations (e.g., region, income, density, age composition) and could not be attributed to unique factors within the black community because of the similar effect of white family disruption on white crime.[10]

Black communities are thus not homogeneous in either their crime rates or levels of social organization. Moreover, that the considerable variations in black violence are explained by generic features of urban social structure goes some way toward dispelling the idea of a unique "black" subculture. As Sampson and Wilson (1995) argue, how else can we make sense of the systematic variations *within* race—for exam-

[10] There is some recent evidence that black crime rates are related to some structural features differently than white crime rates (see especially LaFree et al. 1992; Harer and Steffensmeier 1992). However, these studies have been based either on national trends over time or large macrolevel units (standard metropolitan statistical areas). More important, the point is not so much whether all the predictors of white and black crime rates match exactly, but the systematic variation in rates of black violence according to basic features of structural context

ple, if a uniform subculture of violence explains black crime, are we to assume that this subculture is three times as potent in, say, New York as Chicago (where black homicide differed by a factor of three in 1980)? These distinct variations exist at the state level as well. For example, rates of black homicide in California were triple those in Maryland in 1980 (see Hawkins 1986; Wilbanks 1986). As Sampson and Wilson (1995) ask, must whites then be part of the black subculture of violence in California, given that white homicide rates were also more than triple the homicide rates for whites in Maryland? It does not seem likely. The sources of violent crime appear to be remarkably similar across race and rooted instead in the structural differences among communities, cities, and regions in economic and family organization. It is important to note, however, that a structural perspective need not dismiss wholesale the relevance of culture. Rather, cultural influences may be triggered by structural features of the urban environment (for further elaboration, see Sampson and Wilson 1995).

B. The Ecological Concentration of Race and Social Dislocations

Bearing in mind the general similarity of black-white variations by social-ecological context, consider the next logical question. To what extent are blacks as a group differentially exposed to criminogenic structural conditions (Sampson and Wilson 1995)? More than forty years after Shaw and McKay's assessment of race and urban ecology, we still cannot say that blacks and whites share a similar environment—especially with regard to concentrated urban poverty. Although approximately 70 percent of all poor non-Hispanic whites lived in nonpoverty areas in the ten largest U.S. central cities in 1980, only 16 percent of poor blacks did. Moreover, whereas less than 7 percent of poor whites lived in extreme poverty or ghetto areas, 38 percent of poor blacks lived in such areas (Wilson et al. 1988, p. 130). Quite simply, race and poverty are confounded in the United States (Land, McCall, and Cohen 1990).

The combination of urban poverty and family disruption concentrated by race is particularly severe. Whereas the majority of poor blacks live in communities characterized by high rates of family disruption, most poor whites, even those from "broken homes," live in areas of relative family stability (Sampson 1987; Sullivan 1989). As an example, consider Sampson and Wilson's (1995) examination of race-specific census data on the 171 largest cities in the United States as of 1980. To get some idea of concentrated social dislocations by race, they searched for cities where the proportion of blacks living in poverty was equal to or less than whites *and* where the proportion of black families with children headed by a single parent was equal to or less than white families. Although the national rate of family disruption and poverty among blacks is two to four times higher than among whites, the number of distinct ecological contexts in which blacks achieve equality to whites is striking. In not one city over 100,000 in the United States do blacks live in ecological equality to whites when it comes to these basic features of economic and family organization. Accordingly, racial differences in poverty and family disruption are so strong that the "worst" urban contexts in which whites reside are considerably better off than the average context of black communities (see also Sampson 1987, p. 354).

Taken as a whole, these patterns underscore what Wilson (1987) has labeled "concentration effects"—the effects of living in a neighborhood that is overwhelmingly impoverished. These concentration effects, reflected in a range of outcomes from degree of labor force attachment to social dispositions, are created by the constraints and opportunities that the residents of inner-city neighborhoods face in terms of access to jobs and job networks, involvement in quality schools, availability of marriageable partners, and exposure to conventional role models. Moreover, the social transformation of inner cities in recent decades has resulted in an increased concentration of the most disadvantaged segments of the urban black population—especially poor, female-headed families with children. Whereas one of every five poor blacks resided in ghetto or extreme poverty areas in 1970, by 1980 nearly two out of every five did so (Wilson et al. 1988, p. 131).

This process of social transformation has been fueled by macrostructural economic changes related to the deindustrialization of central cities where disadvantaged minorities are concentrated (e.g., shifts from goods-producing to service-producing industries; increasing polarization of the labor market into low-wage and high-wage sectors; and relocation of manufacturing out of the inner city). The exodus of middle- and upper-income black families from the inner city has also removed an important social buffer that could potentially deflect the full impact of prolonged joblessness and industrial transformation (Wilson 1987). At the same time, inner-city neighborhoods have suffered disproportionately from severe population and housing loss of the sort identified by Shaw and McKay (1969 [1942]) as disruptive of the social and institutional order. For example, Skogan (1986, p. 206) has noted how urban renewal and forced migration contributed to the wholesale uprooting of many urban black communities, especially the extent to which freeway networks driven through the hearts of many cities in the 1950s destroyed viable, low-income communities. Nationwide, fully 20 percent of all central city housing units occupied by blacks were lost in the period 1960–70 alone. As Logan and Molotch (1987, p. 114) observe, this displacement does not even include that brought about by routine market forces (e.g., evictions, rent increases).

An understanding of concentration effects is not complete without recognizing the negative consequences of deliberate policy decisions to concentrate minorities and the poor in public housing. Opposition from organized community groups to the building of public housing in "their" neighborhoods, de facto federal policy to tolerate extensive segregation against blacks in urban housing markets, and the decision by local governments to neglect the rehabilitation of existing residential units (many of them single family homes) have led to massive, segregated housing projects which have become ghettos for minorities and the disadvantaged. The cumulative result is that even given the same objective socioeconomic status, blacks and whites face vastly different environments in which to live, work, and raise their children. As Bickford and Massey (1991, p. 1035) have argued, public housing represents a federally funded, physically permanent institution for the isolation of black families by class and must therefore be considered an important structural constraint on ecological area of residence (see also Massey and Denton 1993). When segregation and concentrated poverty represent structural constraints embodied in public policy and historical patterns of racial subjugation, concerns that individual differences (or self-selection) explain community-level effects on violence are considerably diminished (see also Tienda 1991; Sampson and Lauritsen 1994).

C. *Implications for Explaining Race and Crime*

These differential ecological distributions by race lead to the systematic confounding of correlations between community contexts and crime with correlations between race and crime. Analogous to research on urban poverty, simple comparisons between poor whites and poor blacks are confounded with the finding that poor whites reside in areas which are ecologically and economically very different from those of poor blacks. For example, regardless of whether a black juvenile is raised in an intact or single-parent family, or a rich or poor home, he

or she is not likely to grow up in a community context similar to whites with regard to family structure and the concentration of poverty (Sampson 1987). Hence, observed relationships involving race and crime are likely to reflect unmeasured advantages in the ecological niches that poor whites occupy (Wilson 1987, pp. 58–60).

Partial evidence supporting this interpretation is found in Peeples and Loeber's (1994) contextual analysis of ethnic difference in delinquency using data from a longitudinal study of male juveniles in Pittsburgh. Consistent with past research, African-American youth exhibited much higher rates of delinquency, especially serious crime, than did whites. However, when the "underclass" status of the subject's residential neighborhood was controlled, race/ethnic differences in delinquency disappeared. Similar to Wilson's (1987) concentration thesis, the "underclass" index was composed of variables that clustered significantly on one factor—joblessness, female-headed families, nonmarital births, poverty, welfare, and percent black. Perhaps most striking, the delinquency rates of African-American youth living in *non*underclass neighborhoods were largely equivalent to those of whites living in nonunderclass areas. Although unable to study whites in disadvantaged areas, Peeples and Loeber's findings support the idea that community context helps us interpret the race-crime association.

With respect to theories on race and crime, community-level inquiry also exposes what Sampson and Wilson (1995) call the "individualistic fallacy"—the often-invoked assumption that individual-level causal relations necessarily generate individual-level correlations. In particular, research conducted using individuals as units of analysis—especially in national probability samples—rarely questions whether obtained results might be spurious and confounded with community-level context. As noted earlier, the most common strategies in criminology search for individual-level (e.g., constitutional), social-psychological (e.g., relative deprivation), or group-level (e.g., social class) explanations for race and crime. That these efforts have largely failed to explain the race-violence linkage is, we believe, a direct result of the decontextualization that attends reductionist explanations.

Boiled down to its essentials, then, linking theories of community social organization with research on political economy and urban poverty suggests that both historical and contemporary macrosocial forces (e.g., segregation, migration, housing discrimination, structural transformation of the economy) interact with local community-level factors (e.g., residential turnover, concentrated poverty, family disruption) to impede the social organization of inner cities. This viewpoint focuses attention on the proximate structural characteristics and mediating processes of community social organization that help explain crime and its connection to race in contemporary American cities, while at the same time recognizing the larger historical, social, and political forces shaping local communities (Sampson and Wilson 1995).

Perhaps most important, the logic of this theoretical strategy suggests that the profound changes in the structure of urban minority communities in the 1970s may hold a key to understanding recent increases in violence. Research has consistently demonstrated the early onset of delinquency and its relative long-term stability (Sampson and Laub 1992). These differences among individuals that are highly stable over time imply that to understand the present high crime rates among youth we must come to grips with their experiences in early adolescence. Much longitudinal research shows that delinquent tendencies are fairly well established at early ages—at eight or so, and certainly by the early teens. Socialization and learning begin even earlier, prompting us to consider the social context of childhood as well.

Considered from this perspective, the roots of urban violence among today's fifteen- to twenty-one-year-old cohorts may in part be attributable to childhood socialization that took place in the late 1970s. Indeed, recent large increases in crime among youth—but not adults—may be a harbinger of things to come as the massive secular changes that transformed the context of childhood socialization in the 1970s and 1980s are now beginning to exert their influence on those entering the peak years of offending. Cohorts born in 1970–76 spent their childhood in the context of a rapidly changing urban environment unlike that of previous points in recent U.S. history. As documented in more detail by Wilson (1987), the concentration of urban poverty and other social dislocations began increasing sharply at about 1970 and continued throughout the decade and into the early 1980s. For example, the proportion of black families headed by women increased over 50 percent from 1970 to 1984 alone (Wilson 1987, p. 26). Large increases were also seen for the ecological concentration of poverty, racial segregation, and joblessness. By comparison, these social dislocations were relatively stable in earlier decades.

In short, massive social change in the inner cities of the United States during the 1970s and continuing into the 1980s may be the clue to unraveling recent race-related increases in urban violence. This thesis has import for the comparative study of social change in international context, especially considering the economic and racial/ethnic upheavals now emerging globally. Before explicating this idea further, we complete the picture of race and crime by turning to the U.S. system of criminal justice.

V. Criminal Justice Processing

Criminologists have produced a voluminous body of research on racial differences in criminal justice processing. This research, conducted over the course of several decades, has covered the major decision points in the justice systems of the United States. Rather than trying to make sense of each and every study, we consult state-of-the-art reviews of research to provide an overview of major findings. In some cases we consider seminal or recent studies in detail, but for the most part we highlight general patterns and trends established in multiple works. We focus on critical decision points in the criminal justice "system" (see U.S. Department of Justice 1988, p. 56)—especially racial disparities in arrest, sentencing, and imprisonment. Although a focus on the criminal justice system leads primarily to research on adult processing, it is important first to consider the literature on race differences in juvenile justice.

A. *Juvenile Justice*

As Pope and Feyerherm (1990) have argued, minority discrimination in the juvenile and adult systems should be considered separately for two reasons. First, the greater level of discretion allowed in the juvenile justice system may mean that race discrimination is more evident compared to the adult system. Second, because most adult offenders begin their criminal contact with the state through the juvenile justice system, disadvantages incurred as juveniles may influence criminal justice outcomes as adults through characteristics such as prior record, which is typically considered in key decision points throughout life (Pope and Feyerherm 1990, p. 328).[11]

[11] It should be noted that in the United States, the age at which the state treats an adolescent as a "juvenile" or an "adult" varies across both jurisdictions and crime types. The age at which an adolescent is considered an adult varies from sixteen to eighteen years of age, although many jurisdictions allow juveniles to be waived to the adult system as young as age thirteen or fourteen if the charge is a serious violent crime. In general, the juvenile justice system is characterized by greater discretion and less formality than the adult system. However, in some larger urban jurisdictions, juvenile justice systems operate with a considerable degree of procedural formality. The juvenile justice system is constituted by many organizational units which vary in caseloads, resources, procedures and practices, structures, and institutional

A recent overview of the literature on minority status and juvenile justice processing summarizes the findings on the relationships between race and postarrest decision making (see Pope and Feyerherm [1990] for more details and an extended bibliography). Pope and Feyerherm (1990) draw three major conclusions about minority status and juvenile-justice decision making. First, two-thirds of the studies reviewed showed evidence of either direct or indirect discrimination against minorities, or a mixed pattern of bias. *Direct* evidence of disproportionate treatment was inferred when significant race differences in processing (e.g., detention) persisted after controlling for relevant case characteristics (for a recent example, see Wordes, Bynum, and Corley 1994). *Indirect* evidence of race discrimination was said to exist when a significant race effect operated through some other case characteristic closely associated with race. A mixed pattern of effects was established when an investigator analyzed several decision points and race was found to be significant at some stages but not others, or when race differences existed for specific subgroups of offenders or offenses.

Second, Pope and Feyerherm (1990) argue that studies reporting evidence of differential minority treatment were no less sophisticated in their methodology or statistical techniques than studies reporting otherwise. Inadequacies of research design and execution thus do not appear responsible for evident patterns of discrimination. Third, they report evidence that race differences in outcome may appear minor for any particular decision-making stage, but become more pronounced as earlier decisions accumulate toward a final disposition.

These findings underscore important methodological issues relevant to the study of minority differences in criminal justice processing. As Pope and Feyerherm (1990) note, most research asserts no evidence of discrimination for a processing decision if the statistical significance of the race coefficient is eliminated by controlling for some other individual-level variable (e.g., family structure, prior record). However, as they correctly argue, "logically, what has occurred in these studies is the identification of the mechanism by which differences between white and minority youths are created. Whether these types of variables ought to be used in justice system decision making, and whether they ought to produce the degree of differences between white and minority youths that they appear to produce, are issues that must be addressed" (Pope and Feyerherm 1990, pp. 334–35; see also Kempf-Leonard, Pope, and Feyerherm 1995).

The importance of understanding the consequences of data aggregation is noted as well. Where racially discriminatory practices operate in relatively few jurisdictions in a region, the process of aggregating data across jurisdictions is likely to mask evidence of differential treatment (see also Crutchfield, Bridges, and Pritchford 1994). For example, Pope and Feyerherm found no overall minority discrimination in juvenile justice processing in California and Florida, despite the fact that racially discriminatory practices were evident in several of the counties in each state. Alternatively, they also describe data from a different state in which there appeared to be no racial discrimination *within* each court or jurisdiction, yet the race composition of the jurisdiction (i.e., county) was associated with *between*-court differences in the use of incarceration. Specifically, counties with greater proportions of blacks and Hispanics were found to rely more heavily on out-of-home placement (Pope and Feyerherm 1990, p. 335). An independent analysis of juvenile processing across a representative sample of jurisdictions supports this "macrolevel" pattern. Sampson and Laub (1993*a*) report that counties with greater poverty and race inequality are more apt to use predispositional detention and adjudicated out-of-home placement.

In short, the relationship between race and juvenile justice decision making is complex and requires careful methodological consideration. The use of data from multiple levels of analyses is undoubtedly important as both macro- and individual-level factors (including community race composition and inequality, and suspect's race) have been shown to predict the severity of dispositions among juveniles. Furthermore, several multilevel analyses suggest that macro- and individual-level factors *interact* to produce racial differences in juvenile justice outcomes. In a later section we elaborate on the implications of a contextual perspective for understanding racial differences in justice processing.

B. Police-Citizen Encounters and Arrest

We now turn to a consideration of research on the sequential nature of processing in the criminal justice system. We begin with the institution that suspects (whether juvenile or adult) are likely to first encounter—the police. In evaluating rival hypotheses on racial differences in criminal offending, research on arrest disparities was covered in Section III (e.g., NCVS victimization reports vs. the UCR). There we saw that, for the most part, racial differences in arrests for "street" crimes are attributable to the differential involvement of blacks in criminal offending irrespective of age (Hindelang 1978, 1981). However, there are two other dimensions to policing that bear on race disparities: police-citizen encounters that may or may not result in arrest, and police shootings of civilians.

The literature in the area of police discretion to arrest originated with research on juvenile encounters. In general, the data have shown that when offenses are minor in nature, officers typically rely on the juvenile's demeanor or attitude to determine how they will handle the case (Piliavin and Briar 1964; Black and Reiss 1970). The suspect's race is relevant insofar as it serves as a proxy for police perceptions of disrespectful attitudes, which increase the likelihood of an official write-up or arrest.

Extending the scope of analysis to adults, Smith (1986) found that neighborhood context influenced the willingness of police to arrest and use coercive authority. Smith reports that the police are more likely to arrest, or use or threaten to use force, against suspects in racially mixed or minority neighborhoods. Within these areas, however, suspect's race did not serve as an additional predictor of police behavior. Smith (1986) also reports that black suspects in white neighborhoods are treated less coercively than black suspects in minority neighborhoods and that white suspects are treated similarly regardless of neighborhood. In other words, neighborhood characteristics such as racial composition and socioeconomic status interact with suspect characteristics to predict arrest and use of coercive authority.

Another line of inquiry into police-citizen encounters involves the overrepresentation of blacks in police shootings of criminal suspects. In analyses of data from New York City, Fyfe (1982) reports that blacks were more likely than whites to be shot by police because they were disproportionately involved in armed incidents at the time of the encounter. By contrast, a similar analysis based on data from the city of Memphis showed that blacks were no more likely than whites to be involved in armed incidents, and yet disproportionately more blacks were shot by police while retreating. Fyfe (1982) concludes that in Memphis, police use of deadly force varies significantly according to suspect's race. Similar to the interaction effects noted above, the importance of a suspect's race for predicting police use of deadly force appears to vary across context (e.g., neighborhoods, cities).

C. *Bail*

Following an arrest, the next major point of contact within the criminal justice system centers on whether an accused will be held in detention pending case disposition or released on bond (i.e., bail). Research on pretrial release practices by the criminal justice system shows that defendants who are detained prior to prosecution tend to receive more serious penalties on conviction (Goldkamp 1979). For this reason, and because pretrial detention constitutes "punishment" before conviction, discriminatory processes in pretrial release are an important concern. For the overwhelming majority of offenses charged, prosecutors and judges have considerable discretion whether defendants are "released on their own recognizance" or as to the dollar amount of bail requested to secure a pretrial release. United States courts are legally allowed to use dangerousness to the community and flight risk in pretrial decision making. Typically, the court relies on the defendant's employment status, marital status, and length of residence to indicate "community ties" which, in turn, are used to predict whether a defendant is likely to flee the area or fail to appear at trial (Albonetti et al. 1989).

Although few in number, prior studies tend to show that the direct influence of race on pretrial release is insignificant once a defendant's dangerousness to the community (e.g., offense charged, prior record, weapons use) and prior history of failing to appear at trial are controlled. Nonetheless, as Albonetti et al. (1989) show, race is related to bail decision making in complex, interactive ways. In a study of more than 5,000 male defendants across ten federal court districts, Albonetti et al. report that defendants with lower levels of education and income receive significantly more serious pretrial release decisions, controlling for community ties and dangerousness. Moreover, they report that white defendants benefited more from the (nonlegal) effects of education and income than did black defendants with equal resources. Prior record also had a stronger negative effect on pretrial release decisions among blacks than it did for whites. However, dangerousness and offense severity had stronger influences on bail decisions for whites. While these results reveal that under certain conditions whites are treated more severely at pretrial release, in the main they suggest that white defendants "receive better returns on their resources" (Albonetti et al. 1989, p. 80).

D. *Conviction*

The consensus of prior research goes against a simplistic discrimination thesis—in the aggregate, blacks tend to be convicted less than whites (Burke and Turk 1975; Petersilia 1983; Wilbanks 1987, appendix). Several researchers, however, have argued that this finding stems from a confounding of case mix (i.e., type of crime charged) with race. Once type of charge against the defendant is controlled in multivariate analysis, the direct influence of race tends to disappear in studies of conviction. As Burke and Turk (1975, pp. 328–29) conclude, "race has no independent effect upon case dispositions" (see also Petersilia 1983, p. 19). With or without control of type of crime, then, there is no consistent evidence that minorities are disadvantaged at the stage of criminal conviction. The caveat here, as elsewhere, concerns race or ethnic comparisons other than black versus white. We have no empirical basis from which to draw conclusions about convictions among Hispanic, Asian, and Native Americans.

It is thus clear that more research is needed on this subject that includes the full array of ethnic groups that make up an increasingly diverse society.

E. Sentencing

Research on the sentencing of criminal defendants has generated the greatest interest among those studying racial disparities. As Zatz (1987, p. 69) argues, research on whether the legal system discriminates on the basis of racial or ethnic group membership was *the* question for studies of sentencing in the 1970s and early 1980s. The topic has an even earlier history, however, as Zatz (1987) demonstrates in her review of four "waves" of research on racial disparities. The first wave of research conducted through the mid-1960s tended to suggest that bias against minority defendants was significant. These studies included the research of Thorsten Sellin, in particular his well-known assertion that equality before the law is a social fiction (Sellin 1935).

Wave 2 followed in the wake of civil unrest in the United States and began to address the assertion that race was a determinative factor in sentencing in a more sophisticated way. Wave 1 studies were crude methodologically, and almost none controlled for legally relevant variables in assessing race effects. In an effort to ameliorate these limitations, wave 2 inspired a large number of studies that have been the subject of widely cited and influential reviews by Hagan (1974), Kleck (1981), and Hagan and Bumiller (1983). Kleck (1981) assessed fifty-seven studies, while Hagan and Bumiller (1983) reviewed more than sixty for the National Academy of Sciences. These assessments converged in their conclusion that the effect of race in prior studies was in large part a proxy for the legally relevant factor of *prior criminal record*—once the latter was controlled the direct effect of race on sentencing was for the most part eliminated. That is, the racial disparities in sentencing (e.g., to prison) arose from the greater proportional involvement of minorities in criminal behavior, which was in turn reflected in longer or more serious prior records.

Hagan's and Kleck's exhaustive reviews, covering dozens of empirical studies, were largely responsible for creating what has been labeled by Wilbanks (1987) as the "no discrimination thesis" (NDT). However, as Zatz (1987, p. 73) argues, many criminologists quoting the NDT glossed over two of the caveats that these reviews emphasized. Similar to the concerns raised in research on juvenile justice processing, one caveat was that race might have a cumulative effect on sentencing outcomes by operating *indirectly* through other variables that disadvantage minority group members. The second is that race may *interact* with other factors to influence decision making. We return to these arguments below, but for now, it is important to clarify that the NDT refers specifically to the insignificant *direct* effects of race on sentencing.

Conducted mainly in the late 1970s and 1980s, wave 3 of research witnessed yet another round of methodological refinements, including corrections for "selection bias" (the nonrandom selection of defendants into the system) and "specification error" (the omission of explanatory variables; see Zatz 1987, p. 75). Researchers also investigated historical changes in sentencing practices and expanded the focus to types of crime not previously emphasized (e.g., drug processing). For example, Peterson and Hagan (1984) found that the sentencing of black drug offenders in New York depended on shifting symbolic contexts—minor black dealers were treated more leniently than their white counterparts, but major black dealers ("kingpins") were treated more harshly than white dealers because they were perceived as inflicting further harm on an already victimized nonwhite population (Peterson and Hagan 1984, p. 67). Other research began to examine racial bias in terms of the *victim's* status rather than that of the offender. This line of inquiry suggests that defendants are more harshly sentenced by the criminal justice system when the victim is white rather than black (Myers 1979).

Research from wave 3 is thus not easily summarized, for many studies began to uncover contradictory findings or began to explore hypotheses tangential to the NDT. For example, some researchers found expected patterns of discrimination while others did not, and a fair number of studies showed that whites received harsher sentences than blacks in certain cases (Zatz 1987, pp. 74–78). Overall, though, the thrust of research during this era seemed to shift away from the NDT to the idea that there is *some* discrimination, *some* of the time, in *some* places. These contingencies undermine the broad reach of the NDT, but the damage is not fatal to the basic argument that race discrimination is not pervasive (or systemic) in criminal justice processing.

What Zatz (1987) calls wave 4 of research is still in progress. Based on data from the late 1970s and 1980s and conducted from the 1980s to the present, this era of research continues to use advanced statistical techniques. But perhaps the main distinguishing feature is the research exploitation of policy changes that introduced determinate sentencing. First enacted in the United States in the mid-1970s, the fixed sentencing mandate has grown even stronger, with the latest manifestation found in the politically popular "three strikes and you're out" laws.[12] In one of the larger studies, Klein, Petersilia, and Turner (1990) analyzed over 11,000 cases in California and found slight racial disparities in sentencing one year after that state had implemented a determinate sentencing act. However, once prior record and other legally relevant variables were controlled, Klein, Petersilia, and Turner (1990, p. 815) found that "racial disparity in sentencing does not reflect racial discrimination." Also analyzing data from California after determinate sentencing, Zatz (1984) found no overt or direct bias against Hispanic-Americans compared to Anglos (i.e., non-Hispanic whites).

The research in wave 4 on determinate sentencing is interesting because it shifts attention to prior stages of the system where discretion by prosecutors may potentially disadvantage minorities. In other words, if sentences are (relatively) fixed, then charging and plea bargaining become more crucial in the criminal justice process. Accordingly, some studies have turned to the study of the relatively hidden dimension of prosecutorial discretion. Although little research has accumulated, especially on racial differences in charging (see Wilbanks 1987), Spohn, Gruhl, and Welch (1987) found a pattern of discrimination in favor of female defendants and against blacks and Hispanics. More specifically, their analysis of more than 30,000 cases from Los Angeles County showed that, after adjusting for age, prior record, seriousness of charge, and weapon use, cases against blacks and Hispanics

[12] "Three strikes and you're out" laws refer to legislation first enacted in Washington State in 1993 and subsequently replicated elsewhere making the consequence of a third conviction for a violent crime an automatic life sentence without the possibility of parole. The phrase itself is popularly known from its use in the American sport of baseball.

were significantly more likely to be prosecuted than cases against whites. Spohn, Gruhl, and Welch (1987) did not control for bail status, a factor predictive of prosecution, but the findings are nonetheless provocative in suggesting that blacks and Hispanics in Los Angeles are more likely to be formally prosecuted than whites.

The research on race and plea bargaining is also sparse, but the studies of Miethe and Moore (1986) and Albonetti (1990) both find an insignificant main effect of race on plea negotiations net of control variables. Albonetti (1990) pursues interaction effects and finds that legal factors (e.g., weapon use, prior record, type of counsel) work differently for whites than blacks in a complex fashion. But the reason why blacks are less likely to plead guilty in her data remain unclear, and the fact remains that the main effect of race is insignificant. Hence the NDT fails to be rejected in this case.

The other distinguishing feature of recent research on sentencing is a deeper appreciation for the salience of macrosocial contexts. Primed by the research in wave 3 suggesting interaction and contextual effects, scholars began to design research that could disentangle the role of macrolevel contexts (e.g., county poverty, urbanism) on sentencing. One of the best studies to date of race and sentencing emerges from this concern—Myers and Talarico's *The Social Contexts of Criminal Sentencing* (1987). Analyzing more than 26,000 felons convicted between 1976 and 1985 in the forty-five judicial courts of Georgia, Myers and Talarico employ state-of-the-art statistical methods to counter the limitations of previous research outlined by Zatz (1987). With the southern state of Georgia as its focus, it is hard to imagine a better test case for discrimination in the modern era. The findings are complex, and as the title would indicate, Myers and Talarico report that sentencing outcomes vary significantly as a function of social context (e.g., urbanization of the county). This pattern supports the contingency model of criminal sentencing and rejects the idea that invariant laws or modes of behavior characterize the "system" as a whole.

In terms of race, however, the data analyzed by Myers and Talarico (1987) clearly failed to support the thesis of systemic race discrimination—even in a contingent manner. As they summarize the book's key findings:

> The analyses reported in previous chapters indicate that there is little system-wide discrimination against blacks in criminal sentencing. This is an important finding, because general charges

> of discrimination are common not only in some interpretations of conflict theory, but also in some sectors of the popular and academic press. To be sure, the absence of evidence of system-wide discrimination does not mean that all courts and judges are [color] blind in the administration of criminal law. Interactive analysis revealed context-specific patterns of discrimination. Importantly, however, there were many instances in which blacks received disproportionately lenient punishment. Although this pattern may reflect a paternalism that is just as discriminatory as disproportionate punitiveness, it nonetheless indicates that the courts in Georgia do not have a heavy hand with black defendants in the general systemic sense or in every context where differential treatment is observed. (Myers and Talarico 1987, pp. 170–71)

This conclusion matches that of the U.S. Justice Department's recent survey of felony cases in the seventy-five most populous urban areas in the United States (Smith 1993; Langan 1994). These areas represent the jurisdictions in which most black defendants come into contact with the criminal justice system, and thus the data are useful for describing overall differences in prosecution, conviction, and sentencing of felony cases. The survey findings showed that following a felony charge, blacks were prosecuted at a slightly lower rate than whites (e.g., 66 percent of black defendants were prosecuted compared to 69 percent of whites). Once prosecuted, black defendants were also slightly less likely to be found guilty than were whites (75 percent vs. 78 percent). However, of those convicted, blacks were more likely to be sentenced to prison (51 percent vs. 38 percent). Among those sentenced to prison, there were no significant race differences in length of sentence.

Langan (1994) reports that the observed race differences in imprisonment were the result of type of crime, prior record, and aggregation effects. Black defendants were more likely to be charged with robbery or another violent offense than were whites. Also, a greater percentage of the black defendants had prior felony convictions. Examination of aggregation effects revealed that black defendants were more likely to be adjudicated in jurisdictions that were more likely to hand out prison sentences. Yet, within these harsher jurisdictions, blacks were treated no differently than whites. Based on these findings, Langan (1994, p. 51) concludes that the "Justice Department survey provides no evidence that, in the places where blacks in the United States have most of their contacts with the justice system, the system treats them more harshly than whites." It could have been argued, however, that what

the survey revealed was a potential contextual relationship between race and the decision to imprison.

A recent review of thirty-eight studies on race and sentencing by Chiricos and Crawford (1995) suggests that this latter interpretation is plausible. By separating the evidence on the decision to imprison and the length of sentence once imprisoned, these authors confirm the Justice Department's report; most studies showed that blacks were more likely to be sentenced to prison than were whites, but there was no pattern of race differences in sentence length. However, Chiricos and Crawford also investigated the contextual conditions of the samples used in each of the studies and found that, controlling for crime type and prior record, black defendants were more likely to receive imprisonment in high unemployment areas, in places where blacks constitute a larger percentage of the population, and in the South. This meta-analysis strongly suggests the plausibility of contextual influences on the decision to imprison. As they argue, "these specific structural contexts lend support to the premise that criminal punishment not only responds to crime, but responds as well to specific community conditions" (Chiricos and Crawford 1995, p. 301). Thus unlike Langan's dismissal of the race differences in the decision to imprison, Chiricos and Crawford focus explicitly on the context in which these decisions are most likely to occur.[11]

Langan's interpretation, however, matches those of other scholars such as Petersilia (1985) and Wilbanks (1987) in suggesting that systemic discrimination does not exist. Zatz (1987) is more sympathetic to the thesis of discrimination in the form of indirect effects and subtle racism. But the proponents of this line of reasoning face a considerable burden. If the effects of race are so contingent, interactive, and indirect in a way that has to date not proved replicable, how can one allege that the "system" is discriminatory? At least some part of the differences in the interpretation of existing findings is semantic. For some, *any* evidence of differential treatment, whether anecdotal or empirical, direct or indirect, or at the individual or jurisdictional level, is indicative of a discriminatory system. For those at the other end of the continuum (e.g., Wilbanks 1987), the term is reserved for widespread and consistent differentials in processing unaccounted for by relevant legal factors. Recognizing these differences in the use of terms implies that the

[11] The findings of the Justice Department may be a function of the urban sampling frame. Chiricos and Crawford (1995) note that black defendants were least disadvantaged in non-Southern urban areas where minority concentration was highest.

assessment of racial discrimination is not simply a matter of empirical debate.

Perhaps more importantly, "the inconsistency in findings offers clues to the contextual character of possible race effects" (Chiricos and Crawford 1995, p. 284). This assessment suggests that multilevel research designs are necessary to assess the impact of race on within- and between-jurisdiction differences in the decision to imprison. We return to this issue below.

F. *Imprisonment Disparities*

The sentencing studies considered to this point are for the most part drawn from one jurisdiction or state. Attempting to make broader contributions to the race-sentencing debate, a series of recent efforts has engaged national-level data to account for the racial disproportionality of U.S. prison populations. Generating considerable attention, the seminal article in this area was published by Blumstein in 1982. To study the racial distribution of state prison populations in 1974 and 1979, Blumstein used UCR arrest statistics from the same years to estimate the racial composition of offenders committing offenses punishable by imprisonment. Although blacks represented 11 percent of the U.S. population, they comprised approximately 49 percent of the prison population in both 1974 and 1979. However, blacks also represented 43 percent of the arrestees in these years, leading Blumstein to conclude that racial disproportionality in offending explained 80 percent of the racial disproportionality in prison populations.

Using arrest data as a simple indicator of offending is controversial for reasons discussed earlier. Langan (1985) counteracted this problem by replicating Blumstein's analysis with estimates for black offending derived from victims' reports in the NCVS. Essentially, Langan's strategy followed that of Hindelang's (1978) in estimating offenders rather than arrestees. By estimating the expected number of black offenders admitted to prison for the years 1973, 1979, and 1982 using the probability of *whites* going to prison, Langan was able directly to assess the racial disparity argument by comparing these estimates to the observed number of black offenders admitted to prison. For 1973, there is almost exact agreement between the two estimates—19,344 expected to 19,953 admitted black prisoners. The differences are greater in 1979 and 1982, leading to speculation whether a trend of increasing discrimination was set in motion around 1980 (see below). However, Langan (1985) emphasized the overall agreement of the figures and concluded

that approximately 85 percent of the disproportionality in prison admissions by race is explained by differential offending.

Crutchfield, Bridges, and Pritchford (1994) extend the Blumstein-Langan strategy by disaggregating racial disproportionality estimates across the fifty states. As did Pope and Feyerherm (1990), they argue that if there is variation across states in the degree to which levels of criminal involvement among blacks explain observed imprisonment rates, studies that aggregate to the national level are likely to mask this variation (Crutchfield, Bridges, and Pritchford 1994, p. 179). Similar to Blumstein and Langan, Crutchfield and colleagues find that for the United States as a whole, the lion's share of variation in the observed racial disproportionality of prisons—90 percent—is explained by arrest differentials (NCVS estimates of offending are unavailable by state). However, they uncover striking variations in this ratio across the fifty states. In some states such as New York, Pennsylvania, Delaware, and Kentucky, the percentage of imprisonment disparity explained by arrest is virtually 100—suggesting little to no discrimination. By contrast, in many other states the percent dips well below 100, and in some cases below fifty. States with extreme racial differentials in arrests compared to imprisonment include Massachusetts (40 percent), Idaho (53 percent), Colorado (62 percent), Alabama (54 percent), and Maine (58 percent).

The common denominator in these patterns is hard to discern, although most of the states indicating large racial imbalances in imprisonment decisions are smaller in population, with a relatively low percentage of blacks. It may simply be that the estimates are unreliable due to the small number of cases on which the state-specific disparity ratios are calculated. Crutchfield, Bridges, and Pritchford (1994) interpret them substantively, however, arguing that contextual differences have heretofore been hidden by the tendency of researchers to aggregate data across jurisdictions. Similar to the context-specific arguments of Myers and Talarico (1987) and Zatz (1987), the implication is that multiple-jurisdiction or comparative studies are essential to disentangling racial disproportionality. Put differently, understanding racial disparity requires disaggregation of variations by social structural context. We address this concern further when discussing contextual theories and future research from a comparative perspective.

An update of the 1982 Blumstein study suggests several reasons why disaggregation by crime type might be necessary as well (Blumstein 1993*b*). First, Blumstein notes the enormous growth in imprisonment over the 1979–91 time period. Following decades of relative stability, the 1990 U.S. incarceration rate was nearly triple that of 1975. Moreover, the total number of drug offenders in prison increased nearly tenfold. Second, the 1991 level of racial disproportionality in incarceration rates remained similar to what it had been in 1979 (seven to one), and overall differences in offending (i.e., arrests) explained slightly less of disproportionality in the 1991 prison rates (76 percent). Third, the importance of the war on drugs becomes particularly pronounced for race differences in incarceration by 1991. For drug offending, differences in drug arrests accounted for only 50 percent of the race disproportionality in drug incarceration. The government's "war on drugs" was concentrated on an offense that involved high levels of discretion and hence was vulnerable to charges of racist practices. The proportion of drug offenders in U.S. prisons went from 5.7 percent in 1979 to 21.5 percent in 1991. As the distribution of offense types changes in prison populations, it thus becomes crucial to examine the issue of disparity by crime type.

G. Death Penalty

The ultimate criminal sanction—death—has been the subject of much empirical research and philosophical debate. The United States is the only Western industrialized democracy that permits states to impose capital punishment. In 1972 (*Furman v. Georgia*), the Supreme Court ordered a halt to executions because it found the application of the death penalty to be arbitrary and racially discriminatory. By 1976 (*Gregg v. Georgia*) the Supreme Court had reinstated the death penalty as long as states could show that the risk of arbitrariness had been removed through the development of explicit sentencing criteria, separate sentencing hearings, consideration of mitigating circumstances, and automatic appellate review. Nonetheless, research covering the period since the 1976 *Gregg* decision shows that, controlling for type of homicide, race is related to the prosecutor's decision to seek the death penalty and to imposition of the death penalty (Bowers and Pierce 1980; Radelet 1981; Paternoster 1984; Keil and Vito 1989; Aguirre and Baker 1990; Baldus, Woodward, and Pulaski 1990).

These studies converge in showing that it is the race of the victim interacting with the race of the offender that significantly influences prosecutors' willingness to seek the death penalty, and judges' and juries' willingness to impose a sentence of death. Paralleling the data on convictions, black offenders found guilty of murdering white victims

are at the highest risk for the death penalty. Offenders (of either race) found guilty of murdering black victims are least likely to receive the death penalty. These differential patterns of risk for the death penalty were found to persist despite stringent controls for the seriousness of the incident (e.g., defendant's deliberation, heinousness of the murder) and other legally relevant factors (see Keil and Vito 1989).[14]

H. Summary

Recognizing that research on criminal justice processing in the United States is complex and fraught with methodological problems, the weight of the evidence reviewed suggests the following. When restricted to index crimes, dozens of individual-level studies have shown that a simple *direct* influence of race on pretrial release, plea bargaining, conviction, sentence length, and the death penalty among adults is small to nonexistent once legally relevant variables (e.g., prior record) are controlled. For these crimes, racial differentials in sanctioning appear to match the large racial differences in criminal offending. Findings on the processing of adult index crimes therefore generally support the NDT.

However, research on the decision to imprison suggests that race matters in certain contexts. Controlling for crime type and prior record, black defendants in some jurisdictions are more likely to receive a prison sentence than are white defendants. Research on the juvenile justice system also offers evidence of racial influences on detention and placement, although this disparity is more widespread than context-specific. Perhaps because the juvenile justice system is more informal, discrimination operates more freely. Moreover, in both the adult and juvenile systems, *indirect* racial discrimination is plausible. For example, prior record is the major control variable in processing studies and is usually interpreted as a "legally relevant" variable. But to the extent that prior record is contaminated by racial discrimination, indirect race effects may be at work. Although this argument is difficult to assess definitively, it remains a productive hypothesis to be explored. Also tentative but plausible is the idea that race *interacts* with other individ-

[14] While it has been argued that this is evidence of discrimination warranting a moratorium on capital punishment, there are those who argue that such differential treatment warrants increased use of the death penalty. For example, DiIulio (1994) calls attention to the evidence of discrimination against black victims and suggests that justice requires increased use of the death penalty for murderers of all victims. Ironically, calls for increased equity in the application of the death penalty may lead to increased executions of blacks.

ual-level variables (e.g., income, family status) to predict processing. What this means for the NDT hypothesis has yet to be fully determined.

As suggested earlier, one of the most promising lines of inquiry for uncovering discrimination patterns involves the *contextual* analyses of criminal justice outcomes. As many have argued (Hagan 1987; Myers and Talarico 1987; Sampson and Laub 1993*a;* Chiricos and Crawford 1995), the key to resolving racial differences in processing may turn in large part on contextual or macrolevel differences. This parallels the arguments made in favor of a community-level interpretation of racial differences in criminal offending. As the next section explores, recent moves in theories of official social control and processing have also adapted this contextual theme.

VI. Explaining Race-Ethnic Disparities in Criminal Justice

Most criminal justice research has drawn on consensus and conflict perspectives of society (Hagan 1989). According to the consensus view, there is an assumption of shared values, where the state is organized to protect the common interests of society at large. Criminal law is seen as an instrument to protect the interests of all, and punishment is based on legally relevant variables (e.g., seriousness of the offense, prior record).

In contrast, conflict theorists view society as consisting of groups with conflicting and differing values and posit that the state is organized to represent the interests of the powerful, ruling class. Criminal law is thus viewed as an instrument to protect the interests of the powerful and the elite, and punishment is based to a large extent on extralegal variables (e.g., race, social class). A major proposition drawn from conflict theory is that groups which threaten the hegemony of middle- and upper-class rule are more likely to be subjected to intensified social control—more criminalization, more formal processing by the criminal justice system, and increased incarceration compared with groups that are perceived as less threatening to the status quo (see also Brown and Warner 1992). Furthermore, conflict theorists have argued that minorities (especially blacks), the unemployed, and the poor represent such threatening groups (see also Turk 1969; Chambliss and Seidman 1971; Jackson and Carroll 1981; Liska and Chamlin 1984; Brown and Warner 1995).[15]

The criticisms of conflict theory are well known. Elites do not form a unitary whole, monopolize decision making, or appear particularly vulnerable to the objective threats of subordinates (Liska 1987; Tittle 1994). Perhaps more damaging, the evidence on personal and property crimes points to legal variables as the prime determinants of criminal justice processing.

Attempting to transcend the limitations of traditional conflict theory, a recent school of thought has forged a more contextually nuanced appreciation of minority group threat. While there may indeed be a general consensus in society on core values, it is not the objective level of threat but rather the *symbolic* aspect of social conflict that may be the salient feature driving crime control (Myers 1989). For instance, Tittle and Curran (1988) emphasize perceptions of threat that "provoke jealousy, envy, or personal fear among elites" rather than the actual threat these groups represent to reigning political positions. Supporting this notion, they found differential sanctioning of juveniles in Florida counties depending on the size of the nonwhite population. Moreover, Tittle and Curran found the largest discriminatory effects in juvenile justice dispositions for drug and sexual offenses which they argue "represent overt behavioral manifestations of the very qualities [that] frighten white adults or generate resentment and envy" (Tittle and Curran 1988, p. 52). Tittle (1994, pp. 39–46) elaborates this finding with reference to the "emotional significance" of crime, especially stereotypical attributions of threat associated with the conflation of race, aggression, and sexual promiscuity.

These ideas are consistent with a study in Washington State, where nonwhites were sentenced to imprisonment at higher rates in counties with large minority populations (Bridges, Crutchfield, and Simpson 1987). Follow-up interviews with justice officials and community leaders revealed a consistent public concern with minority threat and "dangerousness." With crime conceptualized as a minority problem, leaders openly admitted using race as a code for certain patterns of dress and styles of life (e.g., being "in the hustle") thought to signify criminality. It was decision makers' perceptions of minority problems as concentrated ecologically that seemed to reinforce the use of race as a screen for criminal attribution (Bridges, Crutchfield, and Simpson 1987, p. 356). Similarly, Irwin (1985) notes the importance of subjective perceptions of "offensiveness," which are determined by social sta-

[15] There is some evidence to suggest that the relationship between percent black and increased social control is curvilinear (see e.g., Jackson and Carroll 1981). Liska and Chamlin (1984) suggest that when minorities become so large as to represent a majority, the criminal justice system takes on the stance of "benign neglect."

tus and ethnic group context. Groups deemed as threatening (often when reaching a threshold size) and offensive to the dominant majority are seen as the "rabble class—detached and disreputable persons." Irwin (1985, p. xiii) argues that the primary purpose of jails in the United States is to manage society's rabble class.

Attributions of criminality to subordinate ethnic populations have been found in other stratified societies as well. In Israel, for example, Fishman, Rattner, and Weiman (1987) found that public assignment of criminal intent was directly related to ethnic divisions. Arab Israelis, followed by Sephardic Jews, were most likely to be perceived by respondents as criminal. With recent unrest in the occupied territories, charges have also flared anew that Israeli Arabs are being targeted for increased social control by Israeli police, especially in impoverished towns where Arab concentrations are high (Hedges 1994).

In short, recent theory has turned to a macrosociological orientation by focusing on the symbolic and contextual aspects of minority group threat. In this viewpoint, "the poor," "the underclass," and "the rabble" (i.e., poor minorities) are perceived as threatening not only to political elites, but to "mainstream America"—middle-class and working-class citizens who represent the dominant majority in American society. This perspective suggests that we need to take into account the joint effects of race and poverty. Interestingly, it is here that the pejorative connotations of the term "underclass" become quite relevant. Although criticized by some social scientists (e.g., Gans 1991), the term has nonetheless been appropriated by the media and public at large as a code for dangerous, offensive, and undesirable populations that threaten social stability and a sense of order. As the social historian Michael Katz (1993, p. 4) has noted, "underclass" has become a public metaphor for social transformation in the United States, conjuring up images of group alienation and danger—a collectivity "outside of politics and social structure," a "terrain of violence and despair." Embodying its controversial nature, then, the term "underclass" captures the stereotype of pathological danger relevant to a theoretical concern with how race-class divisions bear on official social control and the "crisis in penality" (see Feeley and Simon 1992, p. 467; McGarrell 1993*a*, p. 11; Simon 1993, p. 5).

A. *Structural Changes in Underclass Inequality*

Debates on the underclass are linked, of course, to demographic evidence on the increasing size and concentration of the urban poverty population. A great deal of sociological attention has centered on the

growing entanglement in urban areas of neighborhood poverty with other social dislocations such as joblessness, family disruption, high rates of infant mortality, and a host of factors that are detrimental to social development (e.g., school dropout). As noted earlier, the changing neighborhood context of poverty was highlighted by William Julius Wilson in *The Truly Disadvantaged* (1987), where he argued that the social transformation of the inner city has resulted in an increased geographical concentration of race, poverty, and urban social dislocations.

Recent evidence suggests that the clustering of economic and social indicators appears not only in 1990 and in neighborhoods of large cities, but also for the two previous decennial periods and at the level of macrosocial units as a whole. For example, Land, McCall, and Cohen (1990) present evidence that concentration effects grew more severe from 1970 to 1980 in U.S. cities and metropolitan areas, while Coulton et al. (1995) document an increasing clustering of indicators of social disadvantage (e.g., poverty, family disruption, welfare) in neighborhoods of Cleveland during the 1980s.

Recent data point to the existence of a large "underclass" population in *rural* areas, especially in the South. Using 1990 data, O'Hare and Curry-White (1992, p. 8) conclude that there is a large rural underclass of both whites and blacks that has not been recognized by researchers in the past and that blacks in the rural South actually have a higher prevalence of underclass characteristics than do blacks in the large cities of the urban North. Adding to this picture, the term "underclass" has recently been applied to poor whites (Murray 1993) in a call for immediate public action to stem a host of social ills usually associated in the American mind with blacks (e.g., out-of-wedlock births, welfare, crime). In a fascinating revision of the once-common stereotype of "white trash," the idea of an emerging "white underclass" that threatens to drag down a society already weakened by the black underclass is now being fostered in contemporary debate. Thus while race and poverty are strongly connected in ecological space, the wide reporting of Murray's (1993) alarm on the white underclass suggests that inequality and class tensions have extended beyond the confines of the African-American community (one might note also the general increases in hate speech and ethnic intolerance).

B. *Drugs and Minorities*

The symbolic nature of the "underclass" threat seems to have been and Hagan's (1984) analysis of drug enforcement activity during the 1960s and 1970s documents the beginning of a shifting concern with drugs and crime in society and illustrates the need to consider historical context in understanding criminal justice operations related to race. More recently, Myers (1989) found increased punitiveness for non-white drug dealers, underscoring the need to examine race in conjunction with drug use and drug trafficking in a particular historical context.

Two trends emerged during the 1980s that reinforce these claims. The first was the increasing number of black males under correctional supervision (Mauer 1990), and the second saw increasing punitiveness toward drug offenders, especially blacks and users of cocaine (Belenko, Fagan, and Chin 1991; Blumstein 1993*a*; McGarrell 1993*b*). By the 1990s, race, class, and drugs became intertwined; it is difficult if not impossible to disentangle the various elements of the problem. Moreover, the war on drugs in the 1980s embodied a different personae than earlier wars, leading many to charge racially discriminatory practices by the criminal justice system in the processing of drug offenders (Feeley and Simon 1992, pp. 461–70; Jackson 1992; Tonry 1995). Particularly relevant to this thesis, recall Tittle and Curran's (1988) finding that the largest discriminatory effects on juvenile dispositions concerned drug offenses.

Data from the 1980s support concerns about the changing dynamics of race and drugs. For instance, while the number of arrests for drug abuse violations by white juveniles declined 28 percent in 1985 compared with 1980, the number of arrests for drug abuse violations by black juveniles increased 25 percent over the same time period (Uniform Crime Reports 1980, 1985). Furthermore, data on arrest rate trends by race show that in 1980 the rate of drug law violations was nearly equal for whites and blacks; however, during the decade of the 1980s, white rates declined while black rates increased markedly (Snyder 1992). Juvenile court data show that the number of white youth referred to court for drug law violations declined by 6 percent between 1985 and 1986; the number of referrals for black youth increased by 42 percent (Snyder 1990). The disproportionate increase in the number of black youth detained also seemed linked to the increased number of black drug law violators referred to court. More generally, Blumstein (1993*a*) has shown that the dramatic growth in state prison populations during the 1980s was driven in large part by increasing admissions of blacks on drug convictions.

These trends suggest a recent and increasing punitiveness toward drug offenders—especially those perceived to be gang members from a growing underclass population (Feeley and Simon 1992, pp. 467–69; Jackson 1992, pp. 98–100). Drawing on a revised conflict theory, Sampson and Laub (1993*a*) argue that the rising concentration of socioeconomic disadvantage corresponds precisely with that population perceived as threatening, and the population at which the war on drugs has been aimed. The dual image of "underclass" offenders and the evils of "crack cocaine" thus appears to have triggered a "moral panic" (Goode and Ben-Yehuda 1994; Chiricos and Crawford 1995) in the middle class as well, further reinforcing a drug war by law enforcement.

At the macro level, Sampson and Laub (1993*a*) specifically hypothesized that counties characterized by racial inequality and a large concentration of the "underclass" (i.e., minorities, poverty, female-headed families, welfare) were more likely than other counties to be perceived as containing offensive and threatening populations and as a result experience increased punitiveness and hence social control by the juvenile justice system (see also Feeley and Simon 1992, pp. 467–69; Jackson 1992, pp. 98–100). A static version of this hypothesis found preliminary support in Sampson and Laub's (1993*a*) cross-sectional analysis of approximately 200 counties in 1985. Aggregating court records to the county level, they found that underclass poverty and racial income inequality were associated with higher levels of juvenile confinement (secure detention and out-of-home placement), especially for drug offenses. The effects of underclass poverty also tended to be larger for black juveniles than for white juveniles. In sum, while overt racial discrimination at the individual level appears to be weak, a body of recent contextual evidence suggests that a different scenario may be at work for macrolevel variations in juvenile and adult court processing.

VII. Implications for the Future

In his review essay on studies of criminal sentencing, John Hagan (1987, p. 426) asks: "Why has race so preoccupied us in the study of the criminal justice system?" Indeed, research in the U.S. has embarked on a seemingly unending search for racial influences on criminal justice processing. Hagan's answer is that race and sentencing are symbolically linked considerations in the criminal justice system, "giving the most visible expression to the value we place on equity in this system" (Hagan 1987, p. 426). In other words, the United States prides itself on the symbolism of equality before the law, and any threat of racial bias serves to undermine a major linchpin of the system. It is thus understandable that racial biases, even if seemingly infrequent, have been the subject of much recent concern in the United States.

Strong predictions from conflict theory and ideological beliefs notwithstanding (e.g., MacLean and Milovanovic 1990; Mann 1993), the results of this search have not been kind to a simplistic "discrimination thesis." As shown in this essay, racial discrimination emerges some of the time at some stages of the system in some locations, but there is little evidence that racial disparities reflect systematic, overt bias on the part of criminal justice decision makers. Rather, the most compelling evidence concerning racial discrimination in the administration of justice involves community and national constructions of "moral panics" and political responses to those contexts. For example, Tonry (1995) points out that the war on drugs was initiated at a time when national drug use patterns had already exhibited a considerable decline. Tonry further argues that the politically charged war on drugs, with its legislative and budgetary emphasis on the type of drug most likely to be used and detected in black disadvantaged urban areas (i.e., "crack" cocaine), could be viewed as racially discriminatory in intent and consequences.[16]

In addition, even though overt race discrimination in criminal justice processing appears to be a problem restricted to specific spatial and temporal contexts, the fact remains that racial disparities in crimes other than drugs have reached a critical stage in the United States. Not only is homicide the leading cause of death among young black males and females, it is now the case that the majority of persons in state and federal prisons are black (U.S. Department of Justice 1995). As indicated earlier, the incarceration rate of black males is currently seven times the rate for white males (2,678 vs. 372 per 100,000). Even more striking, approximately 6.3 percent of all black males ages twenty-five to twenty-nine are serving time in state prisons (U.S. Department of Justice 1994c), and Mauer (1990, pp. 3, 9) estimates that one of every four black men are processed by the criminal justice system *each year*. With such enormous disproportionality in sanctioning, it should be of

[16] The U.S. federal drug control budget increased from approximately 2.4 billion dollars in 1984 to more than 12.1 billion dollars in 1994 (Executive Office of the President 1994).

little comfort that most of the disparity is a result of differential involvement in nondrug criminal offending.

A. Four Crucial Questions

We believe that to more fully understand racial disparities in crime and justice, at least four areas are in need of further research. First, it is clear that racial differences in criminal victimization and offending, especially for violence, must be studied from a more complex, multilevel perspective (see Sampson and Lauritsen 1994). A lesson learned from our review is that prior theory on criminal offending is usually couched at the level of analysis least likely to yield racial differences—the individual. Posing the problem in a contextual framework, however, suggests that the relationship between race and criminal offending varies substantially across ecological contexts. With few exceptions, criminologists have only recently realized the extent to which correlations between community contexts and crime are confounded with associations between race and crime. *Macrolevel* analysis thus offers an alternative mode of inquiry into the social bases of race and crime (Sampson and Wilson 1995).

Second, the role that formal sanctioning plays in producing *cumulative disadvantage* across the life course of individuals requires a new agenda of research. As suggested throughout our synthesis, the voluminous research on the direct effects of race on conviction, sentencing, and other later stages of adult processing (e.g., imprisonment) appears to have reached a dead end. We know that by the time adults penetrate the justice system to the later stages of sentencing and imprisonment, decision makers rely primarily on prior record and seriousness to dispose of cases. But it is in the juvenile justice system that race discrimination appears most widespread—minorities (and youth in predominantly minority jurisdictions) are more likely to be detained and receive out-of-home placements than whites regardless of "legal" considerations. Because processing in the juvenile justice system is deeply implicated in the construction of a criminal (or "prior") record, experiences as a juvenile serve as a major predictor of future processing. Yet surprisingly little is known about how experiences in the juvenile justice system influence relationships with the police and criminal justice system as youth age into adulthood (Pope and Feyerherm 1990). Rather than more studies of adults in the legal versus extralegal mold, research is thus needed to track offenders backward and forward in time to understand the dynamics of criminal careers. This implies a *life-course* perspective that attempts to bridge the gap between adolescent and adult experiences and to unravel the dynamics of cumulative disadvantage associated with race or ethnicity. In particular, attention to the consequences of disproportionate detention and imprisonment must be a priority (see Sampson and Laub 1993*b*).

Third, despite the volume of previous research on race and ethnic comparisons, we know very little about criminal justice processing other than for blacks and whites. Quite simply, there is little empirical basis from which to draw firm conclusions for Hispanic, Asian, and Native Americans. As seen at the outset, the United States is becoming increasingly diverse largely because of the growing Asian- and Hispanic-American populations. Recent immigration from Mexico and Cuba in particular is reshaping the landscape of many American cities. Hence, the future picture of criminal justice processing may be closely tied to the experiences of race or ethnic groups that have heretofore been neglected by mainstream criminological research. As noted earlier, such analyses will also benefit greatly from work on the changing social constructions of race and ethnic identities in the United States.

Fourth, the extent to which crime wars are waged disproportionately against minorities needs to be examined from a contextual, social constructionist perspective (Best 1990; Goode and Ben-Yehuda 1994; Hawkins 1995). As discussed earlier, the recent drug war in the United States has had its greatest effect on the lives of minorities. While drug arrests have declined among whites, they have skyrocketed among blacks. And while "crack" cocaine has generated an intense law enforcement campaign in our nation's black ghettos, "powder" cocaine use among whites is quietly neglected (perhaps even portrayed as fashionable). These differences cannot be attributed solely to objective levels of criminal danger, but rather to the way in which minority behaviors are symbolically constructed and subjected to official social control (Chambliss 1995; Tonry 1995). As conflict theorists argue, the study of race discrimination in sentencing, controlling for crime type, is irrelevant insofar as "moral panics," legislation, and enforcement activities are designed to target the kinds of lifestyles or areas associated with racial minorities. Hence, close attention to how crime is defined and the social construction of social "problems" is necessary to the study of racial disparity in criminal justice (Goode and Ben-Yehuda 1994).

B. *The Global Picture*

Because of the nearly overwhelming complexity of these proposed areas of research, it is with an international, comparative approach that

we feel the greatest gains will be made. As Ruback and Weiner (1993, p. 195) note, comparative analyses "take advantage of the fact that influences that are causally confounded in their relationships to [crime] within one society or culture are often unconfounded when many societies or cultures are examined." The objective of a comparative approach is to understand how complex causal influences are moderated or mediated by individual and contextual factors. Comparative research also permits the uncovering of etiological universals, and the discovery that variables assumed to be universal have effects only under unique social and cultural circumstances (Munroe, Munroe, and Whiting 1981). Furthermore, comparative analyses provide insights into the assumptions underlying a given society's definitions of race and ethnicity.

Applying a comparative framework to racial disparities in crime and justice raises a host of salient questions. Among many others, a cross-national perspective needs to address variations in how race and ethnicity are related to patterns of offending and victimization across societies. For example, are race and ethnicity effects "explained" in other societies as they are in the United States? What are the relevant theoretical constructs (e.g., community context, cultural heterogeneity, concentration of economic deprivation), and how are they manifested? What do minority groups disproportionately involved in offending have in common across societies? How are historical patterns of racial and ethnic subjugation similar or different? What role does skin color play as opposed to cultural differentiation among groups (Mann 1993)? How do ethnic conflicts over immigration influence crime and social control?

Racial disparities in criminal justice sanctioning are also ripe for comparative study across time and place. At a fundamental level, research has yet to explicate in a systematic way the nature of macrocomparative variations in race and ethnic disparities across societies and epochs of different political; economic, and social structures. For example, we need to be reminded that moral panics have long existed—from the Renaissance witch craze from the fourteenth to the seventeenth century to the "reefer madness" of the 1930s in America to present-day outcries over satanic ritual abuse on a mass scale (Goode and Ben-Yehuda 1994). Under what cultural, structural, and temporal conditions do such moral panics typically arise? Why are accompanying wars waged disproportionately against minorities (e.g., females and blacks)? At the macrocomparative level, a contextual constructionist approach may also shed light ...

cultures of criminal justice organizations contribute to racial or ethnic discrimination.

To be sure, these are only a sampling of the questions that a comparative approach to race and ethnicity might address. But addressing them is a necessary first step toward eliminating racial disparities at all levels of the criminal process, not just in the United States but globally as well. As the 1992 riots in Los Angeles suggest, until racial disparities in crime and justice are reduced, the social stability of the criminal justice system—and perhaps the social structure of the United States—will remain in doubt. Unfortunately, as ethnic and racial conflicts continue to escalate around the globe (Williams 1994), the United States may be a signpost for future trends.

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Martin Killias

Immigrants, Crime, and Criminal Justice in Switzerland

ABSTRACT

Switzerland is among the European countries with the largest foreign population and the longest immigration tradition. Over many decades, immigrants were not overrepresented in official crime data. More recently, the proportion of non-Swiss offenders increased substantially, but more for nonresident (often illegal) aliens than for legal residents. Victims' accounts of offenders' characteristics confirm the disproportionate crime involvement of immigrants, particularly in violent crime. However, disparity in reporting decisions by victims has not been observed, nor have major disparities in prosecution, sentencing, or time served. Immigrants are not disproportionately victimized, and their attitudes toward police and criminal justice are more positive than those of Swiss respondents. Nonetheless, certain groups have higher offending and victimization rates. Cultural factors, socioeconomic status, and social integration may account for these differences.

Within continental Europe, Switzerland's history of migration differed somewhat from that of other countries. During many centuries and until the end of the nineteenth century, Switzerland experienced steady and significant emigration that exceeded by far the modest number of immigrants. Shortly before 1900, the balance shifted, however, in favor of immigrants. By the beginning of World War I, immigrants, mostly from Italy and other neighboring countries, made up about 14 percent of the total population.

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Criminal Victimization in the United States, 1993

A National Crime Victimization Survey Report

By Craig A. Perkins,
Patsy A. Klaus,
Lisa D. Bastian,
and Robyn L. Cohen
Statisticians, Bureau of Justice Statistics

May 1996, NCJ-151657

Table 40. Personal crimes of violence, 1993:

Percent distribution of single-offender victimizations, by type of crime and perceived race of offender

Type of crime	Number of single-offender victimizations	Percent of single-offender victimizations: Total	Perceived race of offender: White	Black	Other	Not known and not available
Crimes of violence	8,175,570	100 %	64.4 %	25.5 %	8.4 %	1.8 %
Completed violence	2,219,870	100 %	59.0	29.1	9.7	2.2
Attempted/threatened violence	5,955,690	100 %	66.4	24.1	7.9	1.6
Rape/Sexual assault[1]	429,790	100 %	69.2	17.4	9.1	4.3 *
Robbery	641,100	100 %	35.0	49.3	12.0	3.8 *
Completed/property taken	353,460	100 %	32.5	51.8	12.4	3.3 *
With injury	112,020	100 %	46.0	38.7	11.2 *	4.0 *
Without injury	241,440	100 %	26.2	57.8	13.0	3.0 *
Attempted to take property	287,630	100 %	38.1	46.2	11.5	4.2 *
With injury	59,680	100 %	42.3 *	39.2 *	14.9 *	3.5 *
Without injury	227,940	100 %	37.0	48.0	10.6 *	4.4 *
Assault	7,104,670	100 %	66.7	23.8	8.0	1.4
Aggravated	1,768,590	100 %	59.8	29.4	8.5	2.2
Simple	5,336,080	100 %	69.0	22.0	7.8	1.2

Note: Detail may not add to total shown because of rounding.
*Estimate is based on about 10 or fewer sample cases.
[1]Includes verbal threats of rape and threats of sexual assault.

Table 41. Personal crimes of violence, 1993:

Percent distribution of single-offender victimizations, by type of crime, age of victims and perceived age of offender

Type of crime and age of victim	Number of single-offender victimizations	Percent of single-offender victimizations: Total	Perceived age of offender: Under 12	12-20: Total	12-20: 12-14	12-20: 15-17	12-20: 18-20	21-29	30 and over	Not known and not available
Crimes of violence[1]										
12-19	2,352,230	100 %	2.0 %	74.3 %	27.2 %	29.9 %	17.3 %	11.9 %	10.4 %	1.3 %
20-34	3,307,880	100 %	0.2 *	14.0	2.4	3.9	7.7	44.3	39.7	1.7
35-49	1,988,700	100 %	0.8 *	13.2	2.2	5.3	5.6	21.8	61.2	3.2
50-64	419,700	100 %	3.7 *	15.8	1.4 *	4.7 *	9.7	23.6	54.3	2.5 *
65 and over	127,050	100 %	1.4 *	29.6	8.1 *	14.1 *	7.4 *	12.0 *	47.2	9.7 *
Robbery										
12-19	161,580	100 %	1.9 *	74.2	20.3	37.2	16.7 *	15.9 *	6.1 *	1.9 *
20-34	266,800	100 %	0.0 *	17.7	1.9 *	7.5 *	8.3 *	44.0	34.7	3.6 *
35-49	148,390	100 %	0.0 *	19.9	0.0 *	7.7 *	12.3 *	37.0	38.3	4.8 *
50-64	44,460	100 %	0.0 *	33.6 *	0.0 *	4.6 *	29.2 *	20.1 *	41.5 *	4.5 *
65 and over	19,780 *	100 %*	0.0 *	65.8 *	0.0 *	29.4 *	36.4 *	12.5 *	0.0 *	21.7 *
Assault										
12-19	2,044,060	100 %	2.2	76.0	29.1	29.9	17.0	10.3	10.1	1.4 *
20-34	2,858,900	100 %	0.3 *	14.1	2.5	3.7	8.0	43.9	40.3	1.4
35-49	1,735,380	100 %	0.9 *	13.2	2.6	5.4	5.3	21.4	61.8	2.7
50-64	367,090	100 %	4.2 *	14.0	1.6 *	4.8 *	7.5 *	24.6	54.9	2.3 *
65 and over	99,250	100 %	1.8 *	24.8 *	10.3 *	12.2 *	2.3 *	12.9 *	56.5	4.0 *

Note: Detail may not add to total shown because of rounding.
*Estimate is based on about 10 or fewer sample cases.
[1]Includes data on rape and sexual assault, not shown separately.

42. Personal crimes of violence, 1993:

Percent distribution of single-offender victimizations, based on race of victims, by type of crime and perceived race of offender

Type of crime and race of victim	Number of single-offender victimizations	Percent of single-offender victimizations: Total	Perceived race of offender: White	Black	Other	Not known and not available
Crimes of violence						
White	6,783,970	100 %	73.8 %	15.8 %	8.6 %	1.8 %
Black	1,216,640	100 %	13.3	81.1	3.5	2.1 *
Completed violence						
White	1,757,830	100 %	71.8	15.9	10.1	2.2
Black	402,110	100 %	6.9 *	88.4	2.1 *	2.5 *
Attempted/threatened violence						
White	5,026,140	100 %	74.6	15.8	8.0	1.6
Black	814,540	100 %	16.5	77.5	4.1	1.9 *
Rape/Sexual assault[a]						
White	368,320	100 %	74.5	10.4	10.0	5.0 *
Black	50,600	100 %	22.6 *	72.5	4.8 *	0.0 *
Robbery						
White	477,640	100 %	44.0	38.9	14.6	2.5 *
Black	140,110	100 %	3.8 *	87.7	0.0 *	8.6 *
Completed/property taken						
White	249,780	100 %	43.0	39.7	15.5	1.8 *
Black	89,130	100 %	5.9 *	85.9	0.0 *	8.2 *
With injury						
White	81,180	100 %	60.9	21.6	12.0 *	5.6 *
Black	25,850 *	100 %*	0.0 *	100.0 *	0.0 *	0.0 *
Without injury						
White	168,590	100 %	34.4	48.4	17.2	0.0 *
Black	63,280	100 %	8.3 *	80.1	0.0 *	11.6 *
Attempted to take property						
White	227,860	100 %	45.1	38.0	13.6	3.3 *
Black	50,970	100 %	0.0 *	90.8	0.0 *	9.2 *
With injury						
White	52,260	100 %	48.4 *	30.6 *	17.0 *	4.0 *
Black	7,430 *	100 %*	0.0 *	100.0 *	0.0 *	0.0 *
Without injury						
White	175,600	100 %	44.1	40.2	12.6 *	3.1 *
Black	43,540	100 %	0.0 *	89.3	0.0 *	10.7 *
Assault						
White	5,940,020	100 %	76.2	14.3	8.0	1.5
Black	1,025,930	100 %	14.2	80.6	3.9	1.3 *
Aggravated						
White	1,385,070	100 %	73.4	14.4	9.4	2.9
Black	356,260	100 %	9.0	87.9	3.2 *	0.0 *
Simple						
White	4,554,940	100 %	77.1	14.3	7.6	1.1
Black	669,670	100 %	17.0	76.8	4.2	2.0 *

Note: Detail may not add to total shown because of rounding.
*Estimate is based on about 10 or fewer sample cases.
[a]Includes verbal threats of rape and threats of sexual assault.

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Bureau of Justice Statistics
Special Report

Recidivism of Prisoners Released in 1983

By Allen J. Beck, Ph.D.
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Of the 108,580 persons released from prisons in 11 States in 1983, representing more than half of all released State prisoners that year, an estimated 62.5% were rearrested for a felony or serious misdemeanor within 3 years, 46.8% were reconvicted, and 41.4% returned to prison or jail. Before their release from prison, the prisoners had been arrested and charged with an average of more than 12 offenses each; nearly two-thirds had been arrested at least once in the past for a violent offense; and two-thirds had previously been in jail or prison. By yearend 1986 those prisoners who were rearrested averaged an additional 4.8 new charges. An estimated 22.7% of all prisoners were rearrested for a violent offense within 3 years of their release.

April 1989

Few criminal justice issues have matched recidivism in stirring public opinion and in engaging the attention of criminal justice professionals. This report is the fourth BJS study of offenders released from prison and their reinvolvement in crime.

The research reported here represents the most ambitious of the studies with data for a large sample of releasees, representing more than half of all persons released from State prisons in 1983. By linking State and FBI criminal-history records, the study assembles for the first time comprehensive criminal-history data both within and outside the States in which the prisoners were released. It provides the most precise estimates of recidivism available among prisoners of all ages and all types of postrelease supervision.

The Bureau gratefully acknowledges the contribution of the Identification Division of the FBI and officials of corrections departments and criminal-history repositories in California, Florida, Illinois, Michigan, Minnesota, New Jersey, New York, North Carolina, Ohio, Oregon, and Texas. This cooperation of State and Federal officials was vital to the success of this important research project.

Joseph M. Bessette
Acting Director

These findings were based on a sample of more than 16,000 released prisoners, representing all those released from prison in 11 States during 1983. The 11 States in the sample included California, Florida, Illinois, Michigan, Minnesota, New Jersey, New York, North Carolina, Ohio, Oregon, and Texas. These States accounted for more than 57% of all State prisoners released in the Nation during the year.

Other findings from the survey include the following:

- An estimated 68,000 of the released prisoners were rearrested and charged with more than 326,000 new felonies and serious misdemeanors, including approximately 50,000 violent offenses (of which 17,000 were robberies and 23,000 were assaults), more than 141,000 property offenses (of which 36,000 were burglaries), and 46,000 drug offenses.
- Recidivism rates were highest in the first year—1 of 4 released prisoners were rearrested in the first 6 months and 2 of 5 within the first year after their release.
- Approximately 5% of the prisoners had been charged with 45 or more offenses before and after their release from prison; 26% had been charged with at least 20 offenses.
- More than 1 of every 8 rearrests occurred in States other than the State in which the prisoners were released.
- Recidivism rates were higher among men, blacks, Hispanics, and persons who had not completed high school than among women, whites, non-Hispanics, and high school graduates.
- Recidivism was inversely related to the age of the prisoner at time of release: the older the prisoner, the lower the rate of recidivism.

Demographic characteristics

Men were more likely than women to be rearrested, reconvicted, and reincarcerated after their release from prison (table 7). The rate of rearrest was 11 percentage points higher among men than among women.

Blacks had slightly higher recidivism rates than whites, approximately 5 to 8 percentage points higher for each measure. Released prisoners of Hispanic origin also had recidivism rates that were about 6 percentage points higher than those among non-Hispanics.

Recidivism was inversely related to the age of the prisoner at the time of release: the older the prisoner, the lower the rate of recidivism. More than 75% of those age 17 or younger when released from prison were rearrested, compared to 40.3% of those age 45 or older. However, rearrest rates declined by less than 5 percentage points among prisoners between the age of 18 and 34. (Prisoners in this age group comprised nearly 80% of all those released in 1983.) The largest declines in recidivism were found among prisoners age 35 or older, but even those age 45 or older had rearrest rates of 40%.

The amount of prior education was also related to recidivism among released prisoners. Prisoners who had graduated from high school or had some college education had somewhat lower rates of rearrest, reconviction, and reincarceration than those who failed to complete high school.

Offense for which released

Prisoners released for property offenses had higher recidivism rates than those released for violent, drug, or public-order offenses (table 8). An estimated 68.1% of the property offenders released in 1983 were rearrested within 3 years, compared to 59.6% of the violent offenders, 54.6% of the public-order offenders, and 50.4% of the drug offenders. Property offenders also had higher rates of reconviction and reincarceration than other types of offenders.

Prisoners who had served time for motor vehicle theft had the highest recidivism rates of all types of offenders—78.4% were rearrested, 59.1% reconvicted, and 51.8% reincarcerated. Other released prisoners with relatively high recidivism rates included those classified as "others"--primarily juvenile-status offenders and unspecified felons (76.8%), burglars (69.6%), those released for possession

Table 7. Recidivism rates of State prisoners released in 1983, by prisoner characteristics

Prisoner characteristics	Percent of all released prisoners	Percent of released prisoners who within 3 years were: Rearrested	Reconvicted*	Reincarcerated*
All released prisoners	100.0%	62.5%	46.8%	41.4%
Sex				
Male	94.1%	63.2%	47.3%	41.8%
Female	5.9	51.9	38.7	33.0
Race				
White	54.1%	58.7%	44.2%	38.0%
Black	45.1	67.1	49.9	45.3
Other	.8	58.7	50.6	45.3
Ethnicity				
Hispanic	12.1%	68.5%	52.4%	47.0%
Non-Hispanic	87.9	61.7	46.0	40.6
Age when released				
17 or younger	.5%	75.6%	65.4%	50.6%
18-24	35.0	68.0	51.2	44.9
25-29	26.5	65.0	48.9	43.2
30-34	17.7	63.4	47.9	43.0
35-39	9.3	56.9	40.8	36.5
40-44	4.8	48.9	36.1	30.7
45 or older	6.2	40.3	28.6	25.7
Education				
8th grade or less	19.3%	61.9%	46.0%	38.4%
Some high school	48.0	65.1	46.9	40.9
High school graduate	25.8	57.4	39.8	35.0
Some college or more	6.8	51.9	36.1	30.4

Note: Data on sex were reported for 100% of 108,580 releases, data on race for 99.6%, Hispanic origin for 99.9%, age at time of release for 96.8%, and education for 46.6%. Subcategories may not add to the total because of the exclusion of missing data.

*Because of the underreporting of court and custody data in Ohio, the percents reconvicted and reincarcerated exclude data from Ohio.

Table 8. Recidivism rates of State prisoners released in 1983, by most serious offense for which released

Most serious offense for which released	Percent of all released prisoners	Percent of released prisoners who within 3 years were: Rearrested	Reconvicted*	Reincarcerated*
All offenses	100.0%	62.5%	46.8%	41.4%
Violent offenses	34.6%	59.6%	41.9%	36.5%
Murder*	3.1	42.1	25.2	20.8
Negligent manslaughter	1.4	42.5	27.9	21.8
Kidnaping	.6	54.5	35.7	31.3
Rape	2.1	51.5	36.4	32.3
Other sexual assault	2.1	47.9	32.6	24.4
Robbery	18.7	66.0	48.3	43.2
Assault	6.4	60.2	40.4	33.7
Other violent	.4	50.1	33.2	31.4
Property offenses	48.3%	68.1%	53.0%	47.7%
Burglary	25.8	69.6	54.6	49.4
Larceny/theft	11.2	67.3	52.2	46.3
Motor vehicle theft	2.6	78.4	59.1	51.8
Arson	.7	55.3	38.5	32.3
Fraud	5.5	60.9	47.1	43.3
Stolen property	1.7	67.9	54.9	50.5
Other property	.8	54.1	37.3	33.9
Drug offenses	9.5%	50.4%	35.3%	30.3%
Possession	1.2	62.8	40.2	36.7
Trafficking	4.5	51.5	34.5	29.4
Other/unspecified	3.9	45.3	34.5	29.1
Public-order offenses	6.4%	54.6%	41.5%	34.7%
Weapons	2.2	63.5	46.7	38.1
Other public-order	4.2	49.9	38.9	33.0
Other offenses	1.1%	76.8%	62.9%	59.2%

Note: The offense distribution and percents rearrested are based on 106,216 releases for whom most serious offense at release was known. Percents of those reconvicted and reincarcerated are based on 99,103 releases, after data from Ohio were excluded.

*Includes nonnegligent manslaughter.