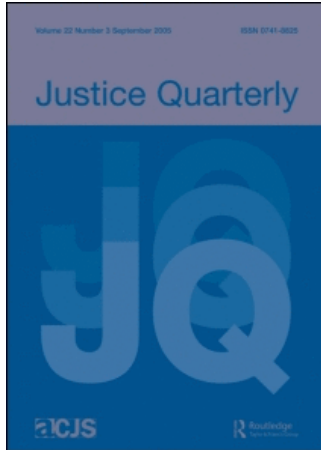


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Five fundamental mistakes of criminal justice

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PRESIDENTIAL ADDRESS

FIVE FUNDAMENTAL MISTAKES OF CRIMINAL JUSTICE*

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The often confusing, sometimes bizarre, nature of crime and justice in contemporary society is shown to result from five fundamental mistakes in criminal justice: (1) the failure to consider an explanation of crime based on ethical decision making, given the inadequacies of positivistic, classical, and structural approaches; (2) the failure to devote more attention to generally poor police training and low clearance rates; (3) the failure to realize that winning cases and moving caseloads have overshadowed the original purposes of truth and justice in the adjudication process; (4) the failure to consider an alternative approach to corrections based on punishment *and* rehabilitation rather than punishment *or* rehabilitation; and (5) the failure to pay greater attention to the early lives of young people and their families, from whom much subsequent criminal behavior emerges. Evidence attesting to these failures is presented, and recommendations for overcoming them are indicated.

This address reminds me of a recent discussion I had with a student of mine. We were trying to determine whether there was any difference between *disaster* and *misfortune*.

I said there *was* difference, arguing, "If the cook suddenly died and we couldn't have dinner, that would be a misfortune, but certainly not a disaster."

My student added, "If a cruise ship carrying a criminologists' convention were to sink in the middle of the ocean, *that* would be a disaster, but certainly not a misfortune."

I come to you as a criminologist, one who (like many of you) spends his time studying and responding to the causes of crime and the management of the criminal justice system. I wish to highlight

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what I believe are five fundamental mistakes that underlie some of the most significant shortcomings of criminal justice today.

THE SOMETIMES BIZARRE NATURE OF CRIME AND JUSTICE

Every time I read or watch the news, it looks like a contest for the most bizarre crime. Mothers kill their children, either intentionally or by neglect. This used to be the rarest of all forms of homicide (and it still is), but we seem to hear about it more often nowadays (Edmonds 1994; Johnson 1994; Smith 1995). If that isn't enough, we now read about children who kill their parents, another rare event that seems to be losing its rarity (Dawson and Langan 1994; Novelli and Walker 1995; Ritter 1995b).

So I stop reading the newspaper and turn on the TV. What do I see? Talk show guests killing each other! Is this the theatre of the absurd (Day 1995; Green 1995)?

So I turn off the TV and pick up a non-news magazine like *Omni* or *Vanity Fair*, and what do I see? An advertisement for underwear depicting men and women apparently on the verge of sexual intercourse. Needless to say, this "mainstream" advertisement is an offensive way to advertise something other than pornography (Baird and Rosenbaum 1991; Corliss 1990).

So I put down the magazine and turn on the radio, where there appears to be a perverse contest to determine how explicitly one can portray sex acts and violence in words or song without being prosecuted. This, of course, has no point other than the fact that it has become a voyeuristic form of entertainment for many people, especially young people (Stern 1995).

So I turn off the radio and turn on my computer, only to find a growing number of bulletin boards and chat lines on which people solicit others or reveal embarrassingly personal details about themselves. A few cases against child molesters have already been made, based on misuse of computer technology (Lumenick and Crowley 1995; Snider 1995). I don't dare place anything of value in my computer, or even say anything very important, because it appears that there is no guarantee of privacy in the communications you or I make via on line (Bobker 1994; Thorn 1996; Weise 1995). Bosses have been found to eavesdrop on employees in schools, businesses, and police departments, so most of us use the most sophisticated technology yet developed merely to chat and gossip with friends via e-mail. The fear of theft, crime, solicitation, or predation has followed us into the computer age.

So I turn off my computer and go to the bookstore to read something that might challenge me, or least not inspire fear of crime.

But what do I find? Bizarre stories by Amy Fisher, the girl who allegedly had an affair with an older man who wanted her to kill his wife (Fisher 1995). Books about serial and mass murderers appear in great numbers; the offenders appear more common now than in times past and commit more shocking crimes (Hickey 1991; Norris 1992; Olsen 1993; Pienciak 1996; Sullivan and Maiken 1983).

Then I see books by Gordon Liddy and Oliver North—now radio talk-show hosts and a political candidate, respectively. Aren't these people both felons, charged with obstruction of justice and lying under oath in the Watergate and Iran-Contra scandals? How were they transformed into people who mold public opinion? Who let that happen?

The point is clear: No matter where we turn, there are increasing accounts of crime, especially involving sex and violence, and often bizarre. Where does behavior like this come from?

Do we explain it by social class? I don't think so. White-collar crimes have been documented as increasing, among people who have every opportunity to succeed in legitimate society. Yet somehow they find that *that* success is not enough and that they are *owed* more, so they violate the law (Chua-Eoan 1995; Stedino and Matera 1993).

Organized crime has always been interesting to Americans, but primarily as observers, because we don't believe it involves us. Paul Castellano, head of the Gambino crime group, was shot outside a restaurant in New York City. John Gotti was convicted for arranging that murder. People disappear. Bodies are found in trunks at the airport (Albanese 1996; Blum 1995; O'Brien and Kurins 1991; Pileggi 1995). As long as they kill each other, however, we don't seem to get too upset about it.

We also direct our frustration about crime toward the newest immigrant groups. In the United States there is a longstanding hatred of immigrants, although we *are* a nation of immigrants. The ferocity with which Vietnamese and Haitian immigration is fought today is matched only by that which we directed at the Italians, the Jews, and the Irish in years past (Albanese 1996; Ungar 1995). It is easy, of course, to blame our crime problems on foreigners and those powerless to respond.

But is crime really getting worse, or are media portrayals simply more selective and more explicit? Some people claim that crime is going up, others that it is going down. Crimes reported to police, as measured in the Uniform Crime Report, are the least reliable measure of crime because studies have shown that on average, only about 37 percent of all serious crime is reported (Bastian 1995). Nevertheless, these police statistics report almost every year that

crime is going up. It is not true, of course, that crime is increasing dramatically, because the reported increases to police are simply changes in citizens' reporting behavior for most crimes. Victimization surveys conducted by the Census Bureau show that levels of some serious street crimes have been dropping for the last two decades (Zawitz 1993). That's the good news.

The bad news is that these surveys have also discovered that the *volume* of crime is much higher than police reports would indicate. Generally, three times more crime occurs out there than police know about. So the rate is slipping, although the volume of crime is greater than we think.

If you look closely at serious crimes, they are overwhelmingly property crimes. Property crimes (such as burglary and larceny) occur about 10 times more often than do crimes of violence (such as murder, rape, and robbery)—if this is any consolation. Even so, levels of *fear* among the public remain extremely high—especially fear of violence. I do not believe it matters whether the crime rate is actually increasing or decreasing as long as the public *believes* it is getting worse. We have an entire security industry that is now flourishing solely due to the existence of this fear.

The consequences of this fear are visible. People stop traveling to the United States (Sharp 1995). They stop going downtown anywhere. They don't go out at night as often. People arm themselves, buy a security system, turn down a night job, get a dog, become more fearful and cynical. The quality of life has declined noticeably.

This fear of crime used to be confined to metropolitan areas, but it has now spread to suburban and rural areas as well (Bachman 1992; Johnson 1995). One of the unfortunate consequences of sophisticated mass communications is that a rare tragedy, such as an alleged child snatching in a small town in New Mexico, becomes front-page news throughout the country the next day, increasing fear levels thousands of miles away.

Ironically, when you compare the incidence of crime to *other* life events, you are 100 times more likely to die from natural causes than to be a victim of homicide, and you are almost 10 times more likely to be injured in an accident than to be the victim of rape. Despite these comparatively low odds of victimization, however, levels of *fear* remain high. And studies have found that people are strongly affected by the victimization experiences of others, maybe even more strongly than by being crime victims themselves (Zawitz 1983:18; Zinmeister 1990).

Putting American criminal violence in cross-national perspective is not comforting. Our levels of assaultive crimes (homicide,

rape, assault) are the highest among industrialized nations. Our homicide rate is surpassed only by a few Caribbean nations. Other countries appear to be doing much better in controlling their levels of violent crime, so there is certainly room for improvement here in America.

MISTAKE #1: WHERE DO THE CAUSES LIE?

But *why* is our violent crime rate so high? Cesare Beccaria's ideas in the mid-1700s formed the basis for our criminal law. According to Beccaria ([1764]1963), people choose freely to violate the law because it brings them pleasure and because the prospect of pain (that is, apprehension) is low. Simply stated, if the fruits of crime bring us pleasure and if the odds of apprehension are low, we will go for it. This "pain-pleasure" principle is the basis for classical thought in criminology.

A contrary view is the positivistic school of criminology, whereby crime is the result of internal or external influences (such as psychological, social, or economic factors) that "push" one in a criminal direction. This form of criminological "determinism" is seen even in recent work. A panel of the National Academy of Sciences recently reported on "existing knowledge about violence" in the United States. The panel focused almost entirely on social, psychological, and biological factors in criminal behavior—clearly a positivist approach (Reiss and Roth 1993; Roth 1994).

In a third view of crime causation, the "structuralist" view, social, economic, and political circumstances combine to "create" a crime problem. Structuralists might cite the "war" on drugs, for example, as a veiled attempt to control those from disadvantaged backgrounds, or might believe that our American philosophy of competitive individualism in the marketplace produces much of our white-collar crime problem (see Albanese 1995:104-105). Structural explanations have been more successful in explaining the selective formation and application of laws than in explaining the behavior of individuals.

We are looking in the wrong places to understand high levels of crime and violence by individuals. To give the positivists credit, it is true that external factors play a role in influencing some people to engage in crime, although these factors obviously do not *cause* the crime by themselves. They merely create the opportunity. The positivists underestimate the power of individual volition.

The classicists are correct in asserting that a freely willed decision lies at the base of virtually all criminal behavior, although there is no general "tendency" to engage in crime (or hedonism) that is controlled only by the threat of apprehension. If the threat of

criminal penalties were the only thing that kept people from breaking the law, I submit that we should all be career criminals. Classicists have a hard time explaining why we're not.

Crime is prevalent because law violation causes pleasure rather than guilt or shame. Although stealing may give fleeting, apparent pleasure, it soon brings guilt and shame to most people, due to recognition of the wrongfulness of the conduct, empathy for the victim, and its impact on the community at large. All of these perceptions arise because the behavior is wrong, *not* because of external influences or the threat of being caught. The point is that ethical principles, whereby people learn how to set priorities on values in unclear situations, are a virtually unknown part of American education today. We teach ethics as a subject, *not* as an approach to human conduct.

We feel a sense of victory when the cashier gives us too much change. Also, how many of us seriously consider taking the money we find in a recovered wallet? When I lost my wallet with \$200 in it at school, I told the students I would give a \$25 reward for its return. A student in the back of the room shouted, "I'll offer \$50!"

How is this different from the professional burglar or thief, or even the Central Park rapist who feels no remorse for his or her actions? Aren't we talking about a difference in degree, not in kind?

MISTAKE #2: INADEQUATE POLICE TRAINING

What is the role of the criminal justice system in all this? Regardless of the causes of crime, what can the criminal justice system do to create justice? First, it is clear that within the justice system there is a great deal of discretion. We allow police, courts, and corrections considerable latitude over the behavior of citizens, suspects, defendants, and offenders. But what do we see when we read and observe what's going on in practice? We find a continuing series of stories on police corruption in New York, Rochester, Detroit, Miami, Los Angeles, and many other places (see Bouza 1990; Mollen 1994). There are charges of discrimination in police stops, questionable drug courier "profiles," police officers posing nude for magazines, and other, often improper uses of discretion (Fields 1995; Meddis 1993).

We have all seen the Rodney King incident many times, which was followed by allegations of police brutality in New Orleans, Detroit, and other cities. In 1993 the City of Los Angeles paid \$730,000 to settle only three suits claiming police misconduct and brutality. A follow-up of 100 police brutality lawsuits over five years found that communities paid \$92 million to victims. ("Los Angeles" 1993; "USA" 1992).

So why do police sometimes turn violent, abuse their discretion, or otherwise not perform as we expect? The City of Milwaukee had to pay \$850,000 to settle charges against police for returning a dazed, bleeding, naked 14-year-old boy to Jeffrey Dahmer. New York State Police troopers admitted that they had falsified fingerprints in more than 30 cases over nine years. In Florida a sheriff's deputy was fired for telling a woman he pulled over that she could either have sex with him or face DWI charges ("Dahmer Lawsuit" 1995; Domanick 1995; "New Port Richey" 1994; Steinberg 1993).

Despite these serious problems in the use of discretion, how are police doing in apprehending criminals? Police catch most of the violent criminal offenders they know about, but apprehend very few property offenders. If we keep in mind that property crimes occur 10 times more often than violent crimes, the overall solution rate for these serious street crimes is less than 20 percent, a rate that has been dropping over the years (U.S. Department of Justice 1995). The odds of apprehension very clearly favor the criminal. There are reasons, of course, for this poor rate of crime solution. Even slight delays in reporting by victims, for example, have been shown to dramatically reduce the chances for catching the offender (Police Executive Research Forum 1981).

The second fundamental mistake in crime and justice today is poor police training and lack of serious efforts to improve the rate at which police solve serious crimes. Formal police training didn't even exist until this century; in the 1960s and 1970s national commissions recommended uniformity in police training, something that still has not been implemented.

20 years ago, national commissions recommended a minimum of 400 hours of preservice police training as the national standard, but even today some states mandate only 200 hours. In sum, more than half of the states still mandate less than 400 hours of basic training, failing to meet a standard that was regarded as a *minimum* 20 years ago! The training itself also is suspect: One investigator states that 90 percent of police training pertains to knowledge and skills that account for no more than 10 percent of the officer's job (LaGrange 1993:257-60; Meadows 1987).

In-service training for line police officers is woefully inadequate in view of the constant changes in laws, new procedures, and innovations. Yet there still exist no standards, and often no incentives for such training. We see the results of this inattention on the evening news. It is ironic that we give police perhaps more authority over our liberty than any other occupational group; yet we fail to train them in any standardized way.

A second issue related to training is the failure of a dedicated effort to improve police clearance rates. During the last century, remarkably few efforts have been made to change the way police investigate crime. Detective work remains largely the same as it was decades ago. Greater emphasis must be placed on new investigative techniques if police are ever to increase the odds of apprehension. Studies have found that detectives have reduced investigations to a routine rather than giving their full effort to each case; yet there exist different methods of investigation that can have some impact on clearance rates (Eck 1992; Sanders 1977; Waegel 1981).

The lack of standardized training has prevented police work from becoming a true profession in the same way as law, teaching, nursing, and the other professions. These other fields developed professional standards, and achieved good pay and acceptance due to uniformity in education and training requirements. The result for police has been a "career trap": There is virtually no career mobility within the law enforcement profession. The inability of a police sergeant, lieutenant, or other officer to move laterally to another department, as is possible in *every other profession*, produces cynicism, paranoia, and other destructive attitudes that work against the goals of good policing.

The failure of police to professionalize in the United States has fed the continuing litany of instances of police corruption, brutality, and other incidents that hurt the image of police everywhere. One consequence is that we, as a nation, increasingly have taken the law into our own hands. In recent years we have witnessed nothing short of the arming of America. Despite the opposition of police organizations, meaningful gun control is unlikely ever to occur in the United States because the public is afraid—sometimes even afraid of the government's response (Coates 1995; Corcoran 1990; Polsby 1994; Stone 1994a). No law can change that.

This increase in vigilantism is becoming more dangerous. One group even offered a reward to people who legally kill a criminal attacking them on their own property (Potok 1995). Vigilante groups can be expected to multiply in direct proportion to the decline in confidence in the performance of police.

MISTAKE #3: WINNING VERSUS JUSTICE

What about the adjudication process? Many argue that the courts have become a place where justice is secondary to expediency, and where legal rules bear little relation to justice. As many observers have pointed out, the abuses of justice in the civil system are obvious. The contingency-fee system, whereby lawyers agree to

pursue a case for a share of the outcome, encourages the pursuit of frivolous, multiple, large awards rather than righting a wrong (Budiansky 1995; Howard 1995).

The criminal justice system suffers analogous problems. There is no reward for doing justice. The reward system is geared to moving the caseload, grabbing headlines, holding press conferences, winning cases, and running for office. The word *justice* appears nowhere in this perverse system of incentives.

Who is being represented? You will recall that prosecutor Marcia Clark wore an angel pin at the beginning of the O.J. Simpson trial, similar to one worn by members of the victims' families. She defended it as "a very small and tasteful show of support" (Mauro 1995).

The point here is that the prosecutor represents the entire jurisdiction not only the victims. We increasingly personalize everything in our society; possibly Clark confused her role as a prosecutor with the role of an attorney in a civil case, where she would represent a single client. She is out to do justice on behalf of the community, *not* to avenge the victims' loss. This is an important distinction that we overlook increasingly.

On the defense side, the situation is similar. Many defense lawyers (like prosecutors) have forgotten their proper role: They believe they are out to "win" cases. But what *should* be their role? The role of the defense attorney is to safeguard the defendant's legal rights. The prosecutor's role is to safeguard the community's legal rights. In our competitive self-centeredness we have forsaken justice for personal gain (in winning cases or being reelected). Now that the adjudication process is turning from justice to "winning," people increasingly are going to extreme lengths to "win." In the Menendez case, for example, adult children killed their parents for abuse suffered as children years earlier, and in many cases people blame their criminal behavior on others (Davis 1994; Dershowitz 1994). Examples include the urban survival defense, sleep apnea causing a man to kill his wife, bad chromosomes, and multiple personalities in which one of the personalities committed a rape. These are signs of the failure of individual responsibility, which is a fundamental and necessary assumption of criminal law.

Sports figures, who are role models to many, are accused and convicted of crimes, and also try to convince us that they are not responsible (Simpson 1995; Tyson 1994). We attempt to challenge even objective scientific evidence with a parade of "experts," in an effort to confuse rather than inform (Huber 1993). Juries, consisting largely of uneducated and unskilled people, sometimes reach shocking verdicts because the people you or I would *want* on a jury

do everything they can to escape their civic responsibility (see Alschuler 1996). They see it as an inconvenience rather than as a condition of citizenship.

The third fundamental mistake is that we apparently have forgotten the purpose of the justice system. It is *not* about judges moving caseloads, prosecutors running for office and trying to appear as “tough” as possible, or defense attorneys holding press conferences and winning cases. We have forgotten that the precepts of truth and justice are the guiding principles of the system; these principles have become obscured, however, especially in large-city courtrooms. Everyone wants to win, and we do not reward—or sometimes even regard—the pursuit of justice.

This situation can be changed only with a broad reform of our adjudication system. This reform would involve changing the training and orientation of attorneys, and altering the emphasis on procedure insofar as it obscures truth.

MISTAKE #4: PUNISHMENT OR REHABILITATION

During the last two decades, we have been caught up in a frenzy of punishment as well. We just can’t seem to punish enough. Even whipping is trying to make a comeback (Krajicek 1993; Stone 1994b). Our prison population has skyrocketed, and the United States now has the highest per capita incarceration rate of any nation on the planet. That is, a larger proportion of our population is in jail or prison than in any other country on earth.

Also, our fascination with death has led to the adoption of the death penalty in 38 of the 50 states. Our support for the death penalty continues despite the problems with our adjudication system noted above. One study presents evidence of 400 erroneous convictions in death penalty cases over the years; this might be expected from an adjudication system that is working for the benefit of the players involved rather than for the pursuit of justice (Radelet and Bedau 1992; also see von Drehle 1995).

We now employ methods based on prediction techniques, called *preventive detention* and *selective incapacitation* (Cohen 1983; Morris and Miller 1987), which are sophisticated ways to express a very simple concept: If we identify you as a “high-risk” person, we will keep you in jail for a very long time. The problem with this, of course, is that our ability to predict future criminality, even among known criminals, is very low (much less than 50 percent, the rate at which we can guess correctly). The point is that we have not been able to identify *which* offenders will become career criminals *before* they become career criminals. Nevertheless, the courts have upheld extended sentences for those deemed “high-risk.”

The number of "intermediate punishments" between prison and probation is also increasing. Boot camps, house arrest, and electronic monitoring are examples (Austin 1993; Ford and Schmidt 1985; Jones 1991). These are being used in a growing number of states, usually because the prisons are full and we no longer have any place to put offenders. House arrest and other innovative techniques still have not been widely accepted by the public because they are not seen as punishment enough (Castle 1991). Even when we send people to prison, where the deprivation of liberty *is* the punishment, the public complains about education and job training programs as "coddling" criminals. This myopic view fails to consider the fact that more than 90 percent of all prisoners will return to the streets one day, and that it makes sense to equip people with more skills to survive in legitimate society than they possessed when they got into trouble in the first place.

One of the reasons for our punitive attitudes, despite their cost and their ineffectiveness, is that we never talk about our *expectations* or operating *philosophy* of the corrections system. We hear the "punishment versus rehabilitation" arguments, but the discussion seems to end there.

A new philosophy of corrections, based on ethics, envisions every criminal sentence as having two parts. Anyone convicted would first be punished for his or her bad decision (acknowledging the central role of free will in criminal behavior). There would be no pretense of rehabilitation of any kind during this phase. Then, after the punishment was served, the reform portion of the sentence would take place: Education or reeducation in ethical principles, and other training as necessary, would be dispensed to reduce foreseeable future opportunities for criminal behavior. Under a system like this, the perpetual "punishment versus rehabilitation" argument would end. Both the general public and the offenders would see more clearly the punitive and reformatory goals of criminal sentences. It is not a matter of one *or* the other; instead it should be one *and* the other.

The result of the current situation is obvious: We continue to invest in a prison system that fails to work, by any objective measure. So what do we do? We build more prisons! The government has either a contract *with* America or a contract *on* America, with its hands deep in our pockets to fund institutions that don't work.

With prisons not working, and prediction not working, we are becoming creative. Now some states are trying to punish people forever. Sex offender notification laws and civil commitments of violent offenders *after* their sentences are finished are two indications that we have lost faith in our correctional system, much in the same

way as our confidence in police has been shaken (Meier 1995; Ritter 1995a). "Three-strikes" laws incarcerate multiple offenders for even longer periods. The thinking, it seems, is that if prisons don't work, let's not let people out of prison at all. This is feasible, of course, only for the very small proportion of all offenders who commit crimes serious enough to be eligible, and the costs of such lifetime incarceration are incredibly high. These concerns have not yet been faced by the American public, which has shown little tolerance for increased taxes to fund these expensive ideas.

The effectiveness of the "war" declared on drugs has been debatable, at least with regard to drug-related crimes, although it has succeeded in increasing the proportion of drug offenders in prison from 9 percent of all inmates a decade ago to several times that proportion now (Beck, Kline, and Greenfield 1993; Elliott 1995).

CORRECTING THE MISTAKES

Correcting the mistakes described here is well within our reach. In the short term, it involves uniform and improved police training with greater effectiveness in solving crimes, and a complete change in the incentive system in the adjudication process, from winning cases to doing justice. In corrections, we must stop reinventing the flat tire of contemporary American prisons.

For the long term it is important to ask, "How did we come to this state of disarray in criminal justice?" The easiest way is to look at our worst cases, to see who is now inside prison. If we can figure out how *they* got there, we might have a clue to preventing the next generation of criminals.

Offenders in prison are grossly undereducated and typically lack a high school education. What lawful work can one do to support a person or a family without a high school diploma? Why, then, are we surprised when these people steal and go to prison? Prisoners who had some college education before incarceration have been found more likely to have committed a nonviolent crime, and less likely to have a prior record, than less highly educated offenders. More than 40 percent of offenders in prison were drunk or on drugs at the time of the offense. Substance abuse is far greater than the national average among all offender groups (Albanese 1993; Zawitz 1988). One study tracked more than 900 substantiated cases of childhood abuse or neglect, and followed them for 15 to 20 years. Compared with a matched group of nonabused children, the abused/neglected children were 40 percent more likely to become juvenile delinquents or adult criminals (Widom 1992).

It is clear, then, that education, employment, substance abuse, and childhood victimization are strongly related to crime. The disproportionate incidence of these problems in American society has led to some dangerous speculation that genetic or racial differences exist between criminals and noncriminals (Fraser 1995; Wright 1995). None of these biological studies, however, have been able to distinguish convincingly the influence of the social and economic factors from the alleged biological influences.

Crime, especially violent crime, is a young man's game. Young men commit by far the largest proportion of all serious crime. At the same time, this country is suffering a crisis of families that are not intact. A survey of incarcerated juveniles showed that more than half had an incarcerated family member. Similarly, more than half of all adult prisoners have children of their own under age 18. More than one-third of adult inmates have three or more children (even though half have never been married) (Beck 1993; Blankenhorn 1995; Popenoe 1996). This does not speak well for role models for young people. The result is that many young people are growing up scared: In bad neighborhoods, young men lack positive role models, are poorly supervised, are often neglected or abused, and are undereducated, undertrained, underemployed, and likely to engage in substance abuse.

MISTAKE #5: INCOMPETENT FAMILIES

Failing to place these facts at center stage is Mistake Number 5. The result is a nation of victims: Young people are victimized by a family and community structure that has broken down, and people like you and me are subsequently victimized by these people, who have no stake in legitimate society and nothing to lose as a result. Everyone feels like a victim because we are!

In conclusion, an adequate explanation of crime must be able to account both for Claude Brown's ability to make it out of Harlem and for why white-collar offenders exist, despite every social and economic advantage (Brown 1966; Canada 1995; Levine 1992). If social and economic reasons were the sole cause of crime, there would be no white-collar crime and no Claude Brown.

Elsewhere I have argued that it is easier to obtain a driver's license than to become a parent (Albanese 1993). There are simply too many incompetent parents who are inadequate role models, who offer poor supervision, who fail to inculcate values in their children at an early age, and who do not understand that young people do not act as they are told, but instead imitate what they see. What is needed for the next generation, therefore, is a set of national incentives to develop more competent parents. These may take the

form of tax, health insurance, employment, or welfare incentives for parents who complete training in parenting skills, because most cases of abuse and neglect arise out of ignorance rather than malice. Similar incentives could be offered to support two-parent households, after-school activities, and better day care opportunities to support working parents.

Driver's licenses have not eliminated bad drivers, but driving would be a much more dangerous experience without them. It is time we made society a less dangerous place to live by offering young people a chance to develop into productive citizens, instead of waiting until they are 18 and then spending \$25,000 a year to support them, now criminals in prison with family problems that we no longer care about.

Better families also must be supported by better communities, where virtue and ethics are taught and modeled. (This is nothing new; Aristotle recommended it 25 centuries ago). I'm just very late in applying these principles to criminal justice. Our educational process has confused knowledge with the accumulation of facts, and the accumulation of facts with knowledge of what to do with them. This is why so many bright people are making such bad decisions.

Ethical decision making, better police training and effectiveness, an adjudication process that rewards justice over winning, a corrections system that is enabled to actually "correct" offenders, and incentives to reestablish the family unit are the issues facing us today and in the years ahead. Please talk about them!

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