

CRIME PREVENTION FOR YOUTH AT RISK: SOME THEORETICAL CONSIDERATIONS

*By Prof. Sir Anthony E. Bottoms**

In this second paper, I will consider the topic of crime prevention for youth at risk. However, as I have not myself carried out empirical research on this topic, I will address the topic primarily from a theoretical point of view.

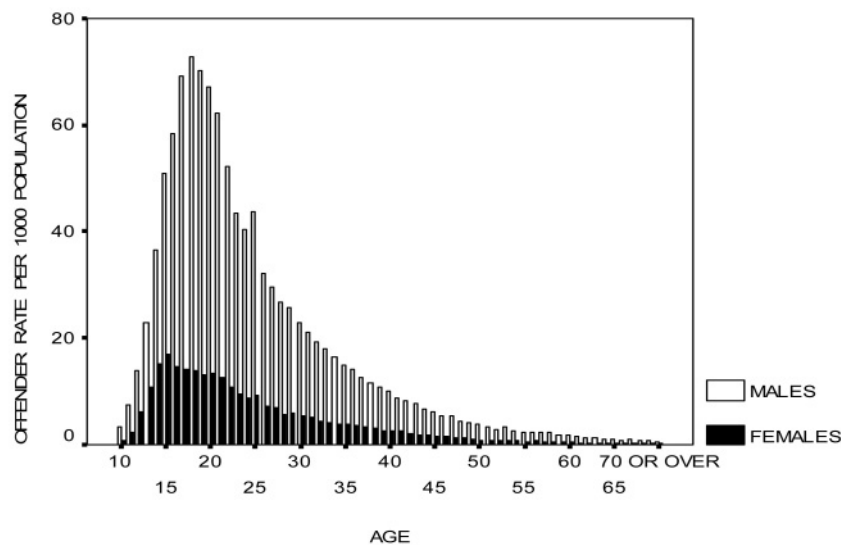
My paper will be in two parts. The first part will consider the question ‘who are “youth at risk”?’ The second part will introduce a general theory of legally compliant behaviour. This theory is, in my view, relevant to all attempts to achieve crime prevention, including crime prevention for youth at risk.

I. WHO ARE ‘YOUTH AT RISK’?

I want to begin by raising some questions about what exactly we are trying to prevent. To introduce this topic, I want to draw your attention to something you all know about, but which is often (in my view) given insufficient attention by criminologists and those involved in criminal policy. I am talking about what criminologists describe as the ‘age-crime curve’.

Figure 1 is based on national data for England and Wales. As the title of the Figure indicates, this is an *offender-based* age-crime curve (each offender is counted only once, whether he/she has committed one or a hundred crimes). The curve is very steep, especially for males, and the early twenties are the years when there is the fastest deceleration.

Figure 1: An Offender-based Age-Crime Curve
(Recorded Offender Rates per 1,000 Relevant Population by Age-year and Sex, England and Wales, 2000)

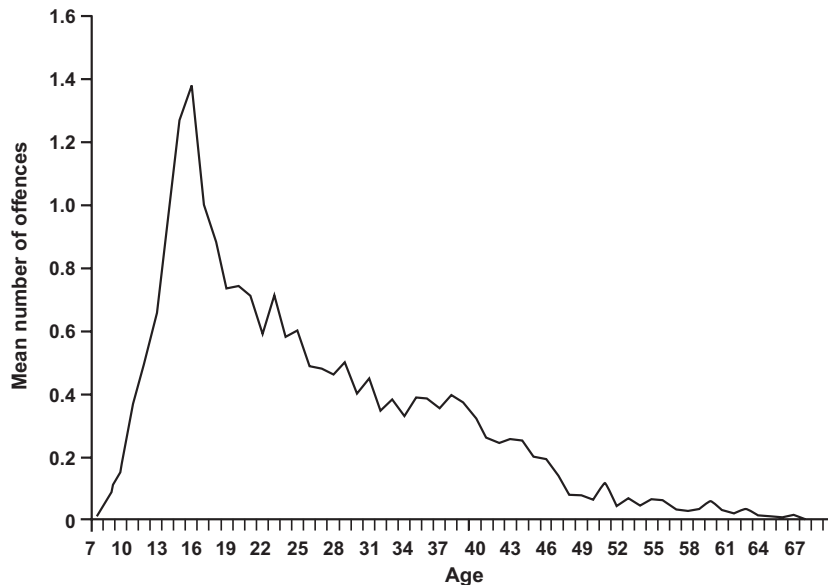


In a recently-published book, two leading American criminologists, John Laub and Robert Sampson (2003), have examined the criminal careers of a sample of US male persistent delinquents originally studied by Sheldon and Eleanor Glueck in the 1940s. Laub and Sampson were able to study the offending careers of this group from age 7 to age 65, using official records, and making appropriate corrections for deaths. The basic result is shown in Figure 2, this time using an *offence* rather than an *offender* base; that is, the graph shows the age-distribution of the nearly 10,000 criminal events known to have been committed by these 480 men during their lifetimes. What, of course, is very striking is the obvious similarity of the shape of the

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curves in *Figure 1* and *Figure 2*, leading Laub and Sampson to comment that ‘remarkably, the age-crime curve for the general population appears to be replicated, almost in identical ... fashion, for active, serious delinquents’ (p. 91). Their comment is important, but we do nevertheless need to recall that the two graphs have a different basic measurement, the one of offenders and the other of offences.

Figure 2: An Offence-based Age-Crime Curve for Recidivist Offenders



The Gluecks' delinquent sample: actual mean number of offences for total crime (total events = 9,548): ages 7 to 70

Source: Laub and Sampson (2003), *Shared Beginnings, Divergent Lives*, Fig 5.21, p. 86.

In recent years, a number of criminologists have attempted to address the nature of and reasons for the shape of the age-crime curve. One influential book in this respect is Gottfredson and Hirschi's *General Theory of Crime*, but I shall not discuss their work here, because it is now clear that their so-called 'age-invariance' thesis (namely, that all offenders and offences have a similar age-crime curve) cannot be sustained in the light of the empirical evidence.

Of substantially more interest, in my opinion, is Professor Terrie Moffitt's so-called 'dual taxonomy': according to Moffitt, we can distinguish two very different groups among adolescent offenders. The first group she calls 'adolescent-limited offenders'; these are offenders who do not begin their offending until the onset of adolescence, and they then commit only one or a small number of offences before they stop. For Moffitt, these are basically law-abiding children who for one reason or another get into some situations in adolescence which draw them temporarily into delinquency. There is not much doubt that Moffitt is right to postulate the existence of such a group. For example, English data suggest that as many as a third of all males are cautioned for or convicted of a non-motoring offence by the age of 40 (many, of course, in adolescence); but about half of these, having been caught once, never again appear in the criminal justice system. Such offenders undoubtedly contribute significantly to the sharp 'peak', in the adolescent ages, of the offender-based age-crime curve (*Figure 1*).

As a developmental psychologist, however, Terrie Moffitt is more interested in the second of her postulated two groups, namely what she calls 'life-course-persistent' offenders. This group, it is argued, begin their offending careers early (typically *before* the adolescent-limited group), and then (as the name of the group suggests) persist in criminality throughout their lifetimes. Moffitt suggests that this group have a number of early neuropsychological deficits which result in traits such as poor cognitive functioning, emotional reactivity, and hyperactivity/impulsivity. It is a plausible hypothesis, not least in the light of the now large number of studies which show that persistent offenders tend to begin their criminal careers early, and that they tend to display, at an early age, a number of 'risk factors' such as impulsivity, low intelligence, poor school performance and poor parenting.

Since persistent offenders are also responsible for a large proportion of the total number of offences in any given jurisdiction, it is not surprising that many policy analysts now see important benefits to be gained in the early treatment of those showing evidence of being 'at risk', in the sense of displaying some of the factors that tend to predict later persistence.

Recent research, however, raises important questions about the validity of Moffitt's 'life-course-persistent' theorisation. First, this theory does not really allow for the fact that, as Laub and Sampson's recent work shows, nearly all offenders eventually stop offending, even if not until quite a late age (Moffitt's sample had not reached such a late age, so she was unable to test this). Secondly, recent research does not support the suggestion of a persistent offender group that offends across the age-span at a relatively consistent and persistent rate (disregarding, of course, periods in prison); the patterns are more complex, and sometimes intermittent, than that. Thirdly, and most importantly, identifying prospectively a group of the kind that Moffitt postulates seems to be exceptionally difficult. In Laub and Sampson's analysis, for example, it is reported that 'we have failed to find convincing evidence that a life-course-persistent group can be prospectively or even retrospectively identified on the basis of theoretical risk factors at the individual level in childhood and adolescence' (p. 113). This is because *some* of the juvenile persistent offenders in the Laub/Sampson study persisted, but some, with a very similar set of early risk factors, desisted in their twenties. The 'risk-factor' approach, it seems, predicts well over a short period (that is, for early adolescents it can predict fairly well the likelihood of criminality in later adolescence); but these predictions tend to break down when one extends them to the question of persistence or desistance in young adulthood.

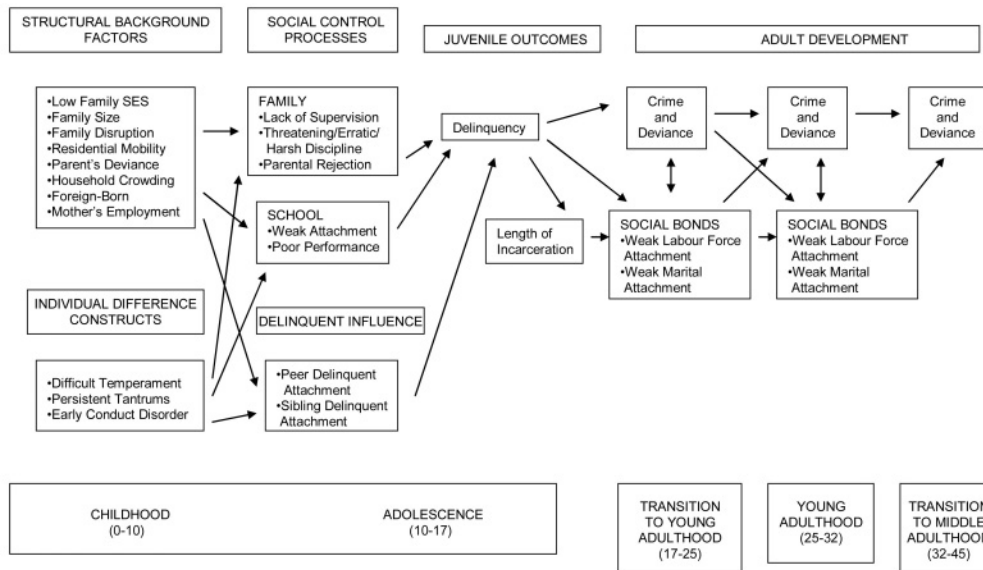
We can, I think, also throw a little more light on this issue as a result of a recent paper by Stouthamer-Loeber and others (2004). In this analysis of data from the Pittsburgh Youth Study, the authors reported that – similarly to Laub and Sampson's results - they 'did not find much evidence that the same factors that predict onset also [inversely] predict desistance'. However, the authors *did* find that some factors measured at ages 13-16 were significantly related to later desistance as young adults, though these factors were not always predictive of the presence or otherwise of adolescent delinquency. Stouthamer-Loeber *et al.* called these 'promotive factors'; that is, they are factors present at an early age which seemed to help offenders to desist from crime in their twenties. The full list of such factors (as measured at age 13-16) was as follows:

- being accountable (parents expect to be told of adolescent's whereabouts and actions);
- believing one is likely to be caught if one offends;
- low physical punishment from parents (or parent substitutes);
- having a good relationship with peers;
- low peer substance use.

These factors, then, divide neatly into two groups – 'punishment/accountability factors' (factors 1-3) and 'peer factors' (factors 4-5). I shall return to a discussion of these results when I have considered the final theoretical perspective I want to discuss, namely that of John Laub and Robert Sampson. These authors describe their approach as 'a dynamic theoretical model of criminality over the life course', and their perspective is important, because in research terms it is the most strongly empirically-supported theory currently available.

Figure 3 encapsulates Sampson and Laub's perspective at the time of their 1993 book. It suggests a complex mixture of factors leading to crime in adolescence (individual differences, structural variables, family, school and peers). Thereafter, however, the message is that matters are not set in stone. Those with equally poor childhood and adolescent backgrounds may either persist or desist in late adolescence/early adulthood, according to how events turn out at that later age. It is suggested that two factors are of special importance in helping offenders to desist at this later age: namely, if they are able to form a strong marital attachment; or if they are able to form a strong attachment to an employment situation. This is, therefore, a theory of desistance which emphasises the importance of strong informal bonds to conventional society. In their 2003 book, Laub and Sampson somewhat modify their earlier theorisation, particularly to emphasise the complex choices that offenders make in their early twenties (that is, their new theory is rather less deterministic than was their earlier one, and more concerned to investigate the 'inner logic of [the] lives' (p. 8)) of persisters and desisters in their sample). The overall result, from the two books taken together, is a theory that emphasises a significantly greater element of uncertainty of outcome than Moffitt's analysis, and a strong interest both in *informal social bonds* and in *offenders' individual choices* at key moments in their lives.

Figure 3: A Dynamic Theoretical Model of Criminality Over the Life-Course



Source: Sampson and Lamb (1993), pp. 244-5.

It is interesting to think about how Stouthamer-Loeber *et al.*'s results might relate to the Laub-Sampson theorisation. Recall that Stouthamer-Loeber found two clusters of factors present at ages 13-16 that predicted desistance in early adulthood. One cluster concerned accountability to parents; parents using non-physical (i.e. reasoning) punishments; and stronger beliefs that delinquency might result in getting caught. It is, at this stage, speculative, but it is surely not unreasonable to suggest that these factors, when present in adolescence, could lead to offenders at a later age, when faced with key decisions at 'turning points' in their lives, being more likely to reach mature decisions, favourable to desistance.

The second cluster of factors found by Stouthamer-Loeber *et al.* to predict later desistance concerns peers. This is again extremely interesting, because studies of desistance in early adulthood suggest that one of the first decisions made by those who successfully desist is to separate themselves from delinquent peers, since they fear that continued association with such peers will inevitably lead them into criminality. Perhaps, then, good relations with peers in early adolescence helps offenders to discern at a later age how to discriminate between potentially valuable and potentially damaging peer relationships.

So far, the discussion in this first section of my paper has focused particularly (though not exclusively) on individuals. Before concluding the section, I want to complicate matters by introducing more of a social dimension. I shall do so by reference to two pieces of work in which my Cambridge colleague Professor Per-Olof Wikström has conducted.

Research by Wikström and Loeber (2000), using data from the Pittsburgh Youth Study, strikingly illustrates the potential importance of area of residence. As I have already indicated, criminologists studying criminal careers have shown that those who subsequently become persistent adolescent offenders tend to be characterised by a number of individual 'risk factors' that can be identified at an early age (about 8-10 years): these factors include impulsivity, low intelligence, poor school performance, poor parenting and so on. In general, a higher number of 'risk factors' increases the probability of becoming a delinquent, although risk factors can also be offset by 'protective factors' – for example, a good, supportive home may reduce the risks of criminality for an impulsive child with low intelligence. Wikström and Loeber's research, however, suggests that in certain social contexts the whole concept of 'individual risk factors' might be of limited applicability (see *Figure 4*). For most of the boys they studied in Pittsburgh, the probability of becoming a delinquent did indeed increase sequentially with an increasing number of individual risk factors. But for those from the most deprived and most stigmatic social areas (lower-class boys from public housing areas), delinquency rates were high, even among those with very few individual risk factors. For boys from these

disadvantaged areas, there was also very little increase (and no statistically significant increase) in the delinquency rate as the number of individual risk factors increased. The obvious inference is that some social contexts are so all-encompassing, and so destructive in their normative consequences, that they can wipe out the effects of factors that would, elsewhere, be of considerable significance.

Figure 4: Pittsburgh Youth Study: Percent Having Committed Serious Offence by Risk/Protective Score and Neighbourhood Context

	Neighbourhood context				Gamma	N
	Advantaged	Middle-range	Disadvantaged			
			Nonpublic	Public		
High Protective Score	11.1	5.1	16.7	37.5	0.23	155
Balanced Risk and Protective Score	27.3	40.1	38.5	60.7	0.23	651
High Risk Score	77.8	71.3	78.3	70.0	n.s.	222
Gamma	0.70	0.74	0.69	n.s.		
N	142	556	188	142		

The second piece of research I want to consider is more recent. In a self-reported study of a general sample of adolescents in Peterborough (a medium-sized town in the east of England), Wikström once again found the importance of 'risk' and 'protective' factors, based on parenting, etc. He divided his sample into three groups: those (relatively few) with a 'high-risk propensity', those with a 'low-risk propensity', and those with 'balanced risk-protective scores'. What was of special interest was that among those with 'balanced' scores, *lifestyle and routines were of crucial importance in determining whether or not offending took place*. For this intermediate group more than any other, alcohol or drug use, knowing delinquent peers, and frequenting 'high-risk public environments' (the city centre; shops, pubs; and clubs and discos) were important in predicting higher delinquency.

So, what have we discovered from this brief review of relevant research? I would suggest that there are a number of key lessons. I will summarise these briefly below, and also make some comment on the crime-preventive implication that each finding seems to suggest:

- There is an identifiable group of 'adolescent-limited' offenders, who commit one or two delinquencies in adolescence, are perhaps caught, and then stop.
[*Crime prevention implication (CPI)*: it is probably not sensible to commit many criminal justice system resources to this group. The appropriate policy response, except in the case of serious offenders, might be a relatively non-interventionist penalty -such as a fine or a warning - on the first offence, so that one does not expend valuable probation service or equivalent staff time on offenders whose career may be short anyway. Of course, it follows that on a second offence a more interventionist approach should be considered.]
- There is an 'intermediate' group, based on risk factors, who are at particular risk of delinquency if they make risky lifestyle and routine choices.
[*CPI*: There could be merit in trying to identify this group and give appropriate advice and help to parents and adolescents. It is, however, on present research evidence, not entirely clear how far this group overlaps with the first group.]
- A (smallish) group can be identified at an early age who are likely to become persistent adolescent offenders if no action is taken.
[*CPI*: Family and school therapeutic programmes make sense for this group.]
- But not all of the previous group will become persisters in adulthood. Also, choices made about peers in adolescence, and the development of reasoning skills in adolescence, seem likely (on Southamer-Loeber et al's evidence) to have longer-term benefits for this group when it comes to their making crucial 'desistance' choices in later adolescence or early adulthood.
[*CPI*: encourage discrimination in choice of peers and encourage reasoning skills, both in

adolescence and in early adulthood.]

- Some social contexts are so severely disadvantaged that even individually-measured low-risk children quite frequently become delinquents.
[CPI: tackle severe disadvantage.]

The discussion so far has been strictly about the prevention of *crime*. However, as I made clear in my first paper, the prevention of disorderly behaviour by youths in public places is also a matter of considerable importance in many local areas in contemporary societies. For this type of behaviour, it is obvious that we will need a crime prevention strategy that is less specifically focused on individuals than most of the strategies mentioned above. To prevent this kind of disorder, we may well need skilled mediators (maybe trained in youth work) who are respected both by the youths whose behaviour causes anxiety to residents, and by the residents themselves. Such mediators could then attempt to listen carefully to the concerns of both sides, and to suggest constructive solutions.

II. LEGAL COMPLIANCE: AN OVERALL FRAMEWORK

In the second part of this paper, as previously discussed, I want to broaden the focus of analysis and to suggest a wide-ranging theoretical analysis of compliance, based on the key concept of a ‘mechanism’.

Jon Elster, in his important study of social order, concludes that ‘we will never have any general theory of collective action’ because the variety of potentially interacting motivations is ‘simply too large’ to be encompassed in such a theory (Elster 1989a: 205). In other words, the very wide range of ways in which people can interact with one another presents a problem for social scientists, because trying to squeeze this huge variety of actions into a single general theory is effectively impossible. Elster goes on to suggest, however, that, in this situation social scientists should instead focus upon ‘small and medium-sized mechanisms that apply across a wide spectrum of social situations’ (p. 205); or, alternatively stated, ‘plausible, frequently observed ways in which things happen’ (p. viii; see also Elster 1989b). In other words, if we can reliably identify a basic set of social mechanisms that operate in a given context, this should give us some potentially important keys to improve our understanding of the world.

In my view, there is much good sense in these observations. In what follows, I want to try to follow Elster’s advice and to try to understand and explain more fully the *basic social mechanisms* that might be involved when an individual complies with the law in a given society. With the important major exceptions of Travis Hirschi’s (1969) control theory and John Braithwaite’s (1989) theory of reintegrative shaming, most theoretical work in criminology has not been much concerned with legal compliance, but has – for understandable reasons – focused instead on lawbreaking. Yet compliance is clearly a topic of considerable importance, not least because so much applied criminology is concerned to try to identify programmes that will lead to successful crime reduction. In other words, understanding how legal compliance works is or should be the theoretical bedrock of crime prevention studies.

A. Legal compliance: An Overall Framework

Figure 5 presents a suggested outline characterisation of the principal mechanisms underpinning legally compliant behaviour. The framework is explicitly focused on what has been called compliance ‘as viewed from below’ (Parkin 1982: 79) – that is to say, compliant behaviour from the point of view of the ordinary person, outlining the principal reasons why he or she might comply with the law.

**Figure 5: An Outline of the Principal Basic Mechanisms
Understanding Legally Compliant Behaviour**

- A. Instrumental/Prudential Compliance
 - 1. Incentives
 - 2. Disincentives

- B. Constraint-Based Compliance
 - 1. Physical Constraints
 - (a) Physical restrictions on individuals leading to compliance:
 - (i) natural; (ii) imposed
 - (b) Physical restrictions on accessibility of target, availability of means to commit crime, etc
 - 2. Social-Structural Constraints

- C. Normative Compliance
 - 1. Acceptance of or belief in social norm
 - 2. Attachment leading to compliance
 - 3. Legitimacy

- D. Compliance Based on Habit or Routine

Source: Author.

It will be seen from *Figure 5* that four principal mechanisms of compliant behaviour are suggested. The first type is *instrumental/prudential compliance*, based on rational calculations of self-interest (that is, what Elster called (1989a) 'rational, selfish, outcome-oriented behaviour'). Questions of incentives and disincentives are, of course, central in considering this kind of compliance, and criminologically speaking this takes us straight to the large literature on criminal deterrence (see further discussion later).

A second kind of compliance is based on *constraint*. Some constraints that might induce compliance are physical. Some of these are based on the corporeality and biological characteristics of human beings, either natural (if I am asleep, I cannot burgle) or imposed (if I am locked in a prison cell, I cannot attack persons outside the cell). Physical constraints may also, however, be based on the physical characteristics of the intended target of the crime, and/or the physical availability of appropriate means to commit the offence. For example, if I try to break into well-defended bank vaults using only crude equipment, my non-commission of the full crime of burglary owes nothing to my lack of motivation and everything to the physical constraints in the situation. Hence the development of 'target-hardening', weapon-removing strategies and other kinds of so-called 'situational crime prevention' that seek to reduce the effective opportunities to commit particular crimes.

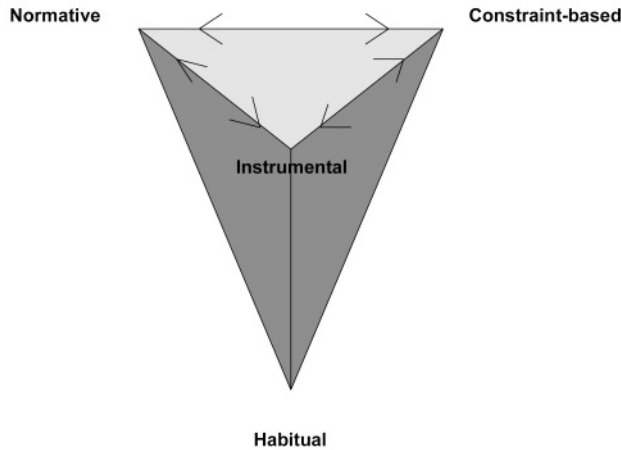
But some constraints that may induce compliance are not physical, but rather are based on social relationships and social structures. Such constraints are particularly evident where power is very unequally distributed within a given social group. Some tricky issues arise in distinguishing compliance based on social-structural constraint from compliance based on disincentives, but these issues are not central for present purposes.

In addition, it is important to distinguish carefully between compliance based upon social-structural constraint and the third kind of compliance, namely *normative compliance*. Social-structural constraint is focused upon inhibitions arising from the particular social circumstances, whereas normative compliance – although it is also socially based – is a more voluntary form of compliance. Normative compliance is also, by definition, necessarily related to one or more social norms, which means that it relates to individuals' responses to 'a principle or standard... that reflects people's expectations of behaviour and serves to regulate action and judgment'. We are therefore here centrally in the realm of morals and social expectations, but I shall postpone a full discussion of the varieties of normative compliance until later.

Finally, and to complete the main headings of *Figure 5*, there is *compliance based upon habit or routine*, which is the most 'automatic' of the four mechanisms of compliance. This kind of compliance, of course, may depend heavily on prior life experiences such as socialisation.

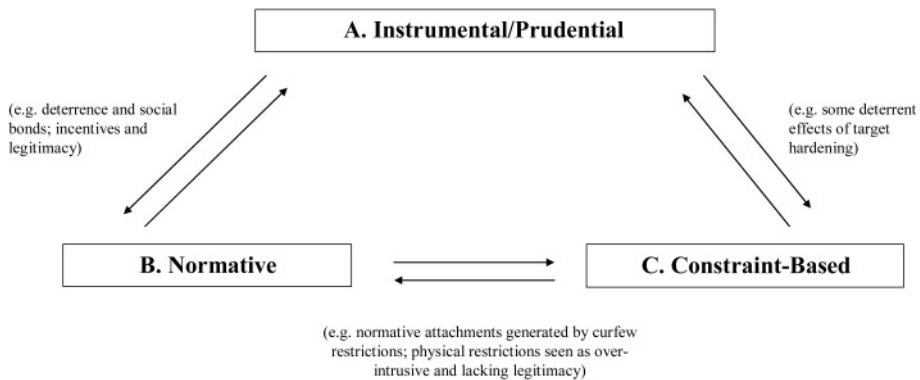
Figure 6 shows the suggested principal mechanisms of compliance in diagrammatic form, as an inverted tetrahedron. My purpose in illustrating the mechanisms in this way is twofold. First, it emphasises that habitual compliance is more subconscious than the other kinds of compliance, and acts as a kind of base on which the others rest. Secondly, the arrows at the top of the tetrahedron emphasise the complex interconnectedness, on an interactive basis, of the three more conscious modes of compliance.

Figure 6: A Representation of the Four Principal Mechanisms of Compliance



This interconnectedness is illustrated more fully in Figure 7. One example is from the field of situational crime prevention, where the existence of an obviously well-defended target (designed to produce constraint-based compliance) can also subsequently act as a rational disincentive to potential offenders. Another very important example of interactional interconnectedness comes from the field of deterrence, where it is now well established that *deterrence works best for those persons who have strong ties of attachment to individuals, or to social groups or institutions, in a context where those individuals, groups or institutions clearly disapprove normatively of the behaviour at which the deterrent sanction is aimed.* (In the language of Figure 1, note that this proposition links together, in part, aspects of mechanisms A2 (disincentives), C2 (attachment) and C1 (acceptance of / belief in norm - in this case by the group that is important to the subject).

Figure 7: Interactive Aspects of Compliance Mechanisms A, B and C



Many discussions in the field of crime policy have not taken seriously enough this kind of interactional interconnectedness between the principal mechanisms of legal compliance; there is instead a tendency, among both policymakers and scholars, to think in separate 'boxes' about different kinds of compliance.

Why do I believe that a theory of this kind is important for those who are engaged in planning and developing crime prevention initiatives? The main reason for believing this goes back to the importance of *mechanisms* (see above). In planning any crime prevention initiative, it is always important to ask oneself the question: 'Exactly how do I believe this initiative is going to reduce crime?'. If I am right in hypothesizing that there are only four basic mechanisms of compliance, then all successful crime reduction measures must be based either on one of these mechanisms acting alone, or on a combined or interactive effect between the mechanisms. Once this first step has been taken, you are then in a better position to be able to assess whether you think, based on your own professional experience, that the crime prevention programme in question is actually likely to reduce crime. [The reasoning goes like this: what are the intended crime-preventive mechanisms? How might they actually work in this programme? What things (obstacles or mistakes) might prevent the mechanisms from working as intended? Is there anything we can do to forestall these obstacles or mistakes?]

Having now briefly explained the basics of a general theory of compliance, I want to consider how this might be applied to the topic of 'youth at risk'. I will do this by considering each of the three more conscious modes of compliance, devoting more time to normative compliance than to the others.

B. The Rational-Prudential Approach to Compliance

The rational-prudential approach is based on incentives and disincentives. Of course, in the field of crime policy we much more often provide disincentives to crime (punishments, etc.) than incentives to obey; so it is disincentives, or deterrence, on which I will concentrate.

Criminal deterrence can be defined as 'not committing a criminal act for fear of the consequences'. Deterrent policies can be either based on what is called *special deterrence* (that is, giving the offender or potential offender an unpleasant experience, so that, it is hoped, he or she will not commit crimes in the future), or on *general deterrence* (giving an offender or offenders an unpleasant experience so that, it is hoped, other potential offenders will learn from the experience, and will avoid crime in the future).

From time to time, special deterrent policies have been tried with youth at risk, for example in so-called 'scared straight' programmes or in 'short sharp shock' regimes in juvenile institutions. They have proved to be among the least successful of special programmes for adolescent offenders and youth at risk. I will return to possible reasons for this shortly.

General deterrent policies are quite often attempted for offenders of all ages. They are of two main kinds: policies designed to heighten the probability of getting caught (for example, police crackdowns on particular 'hotspots' or particular offences such as drug dealing) and policies designed to increase criminal punishments. *Figure 8* summarizes very briefly some of the main results of the quite complex research literature in this field. As you can see, the evidence is very strong that improving the probability of getting caught is much more effective as a deterrent than is increasing punishments. A main reason for this is that, when one is committing an offence, getting caught is a possibility never far from one's mind, whereas a possibly increased penalty is a much more remote matter – and, of course, if one is anyway not caught, the fact that the possible penalty has increased is irrelevant. It is therefore substantially easier for offenders, when in the act of committing an offence, to *discount future* penalties than it is to discount the immediate possibilities of apprehension.

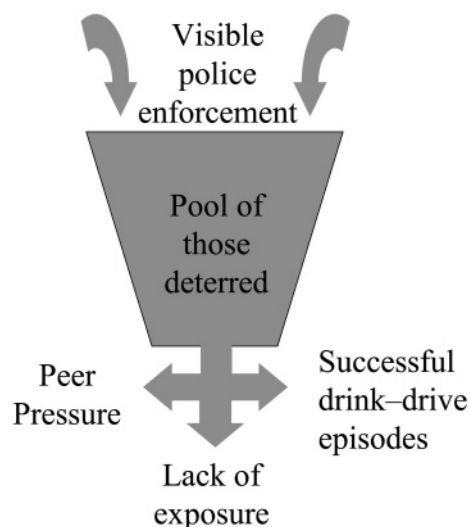
Figure 8: Four Key Results from Deterrence Research

1. **There is fairly consistent evidence of a moderate inverse relationship between the certainty of punishment and crime rates, which can reasonably be attributed to deterrence.**
2. **There is some evidence of an inverse relationship between the severity of punishment and crime rates, but this evidence is consistently substantially weaker than the evidence for (1); and Doob and Webster (2003), have recently suggested that we should ‘accept the null hypothesis’ on this issue.**
3. **It is quite frequently the case that a new initiative (e.g. intensive policing of a hot-spot) produces an initial deterrent effect which then recedes (‘deterrence decay’).**
4. **There is evidence of an interactive relationship between deterrence (instrumental compliance) and normative factors in legal compliance, but the elements of this interactive relationship have not yet been fully specified.**

Source: Institute of Criminology University of Tuebingen, Germany.

Figure 8 also shows another important result in the field of general deterrence research, namely that police crackdowns, and similar initiatives, are often effective only for a limited period of time, after which the effect begins to wear off. An important piece of research which helps to explain this phenomenon was carried out by the Australian criminologist Ross Homel in relation to the introduction of random breath testing (RBT) for drink driving in New South Wales. He illustrated his results with an interesting diagram which he called the ‘hole in the bucket’ theory of deterrence (*Figure 9*). Basically, he showed that visible and continuous police enforcement of RBT was essential to maintain a deterrent effect. If potential offenders did not regularly see police officers at the roadside doing breath tests (i.e. ‘lack of exposure’ to RBT enforcement) they would begin to believe that enforcement was no longer so rigorous. Deterrent impact could also be weakened by successful drink-driving episodes and/or peer pressure. Given this set of factors, it is easy to see how police crackdowns often have a deterrent effect only for a limited period.

Figure 9: Homel’s ‘Hole In the Bucket’ Model of Deterrence



Adapted from R Homel (1988), Policing and Punishing the Drinking Driver: a Study of General and Specific Deterrence (Springer-Verlag).

We can now briefly return to special deterrence, and the failure of ‘scared straight’ programmes and the like. These programmes almost always rely, for their intended effects, on a significantly *delayed* deterrent

impact, and, by the time of the delayed incident, many other factors might have intervened, which could easily diminish the deterrent impact. All this was well expressed to me early in my research career by a young man with a string of convictions for violent crime who I interviewed just before he left a juvenile institution. I asked him one of our standard questions, about whether he was likely to re-offend. He had hated his time at the institution, and said that next time he was about to hit someone, he hoped that a picture of the institution would float in front of his eyes, and he would drop his fists. Then he added sadly 'but it probably won't happen, because I'll be drunk'.

In conclusion, rational-prudential policies have some part to play with regard to youth at risk. But the probability of apprehension is more important than the level or the type of penalty, and even in the field of getting caught, there are significant problems of deterrence decay.

C. The Constraint-based Approach to Compliance

The most obvious approaches to constraint-based compliance are first, incapacitation, and second, situational crime prevention. There is a large literature on incapacitation, but, as this policy is usually applied in relation to adults rather than juveniles, I will not consider it further here. As regards situational crime prevention, there are now many successful case studies using this type of approach, so it is obvious that it can work. Usually, it requires some careful analysis of a crime situation, and then the application of a strategy. To take a youth-related example, a problem of knife-based crime in schools could be assisted by searching policies, and the removal of weapons.

One can however sometimes obtain some unexpected results from situational crime prevention initiatives. A good recent example of this is to be found in the Campbell Collaboration review of the crime preventive effect of improved street lighting (Farrington and Welsh 2002), although this is a mixed constraint-based and deterrent mechanism. The review showed generally successful programme outcomes, indicating that improved lighting enhanced public confidence in using the better-lit areas, which led to enhanced natural surveillance through the eyes and ears of the public, reducing criminality through a constraint-based and deterrent approach. Surprisingly, however, areas which showed night-time crime reductions through enhanced street lighting also showed daytime crime reductions. This indicates - as does other literature in this field - that if what Innes and Fielding describe as successful 'control signals' can be achieved in a geographical area, they can have quite pervasive beneficial consequences.

D. The Normative Contribution to Compliance

It is time, finally, to examine the concept of normative compliance. *Figure 5* suggests that there are three subtypes of normative compliance: first, that based on acceptance of or belief in the norm in question; second, normative compliance resulting from attachment to an individual, or to a social group or institution; and third, normative compliance resulting from legitimacy. Each of these must be considered in turn.

Acceptance of, or belief in, a social norm (for example, a norm against assaulting others, or taking their property without their consent) is the most obvious way in which normative factors may be linked to legal compliance. If we truly believe that a given kind of conduct is wrong, there are obvious moral reasons why we should not engage in it. Of course, those who believe particular actions to be wrong do not always refrain from committing them, as history amply illustrates. Nevertheless, for policy purposes it seems reasonable to assume that, statistically, a group of persons who sincerely believe in the morality of a given action will (other things being equal) be less likely to engage in that action than will a group of people who do not hold that belief; and there is good empirical support for such a proposition. In principle, therefore, persuading young people about the correctness of certain moral principles makes good sense as a contribution to crime prevention. For similar reasons, psychological programmes applied to potential offenders and their parents usually contain a strong normative element.

Of course, as parents, schoolteachers and churches have long recognized, we initially derive most of our normative beliefs from early socialization experiences. Such socialization may produce a habitual, unthinking avoidance of given types of conduct, which would come into the fourth category of compliance in *Figure 5*. But such habitual compliance may also contain a valuable latent normative content. Suppose, for example, that a white male child (C) has been socialized into beliefs about respecting other human beings, even when they seem different from ourselves, and about the consequent wrongness of unprovoked assaults and bullying. C might not think about such things very much, but just accept them. Then suddenly, in his early

teens, some of C's friends become disaffected with another youth, who happens to be black, and they decide to subject him to racist taunts and a beating-up, for no reason other than their dislike of him. C is encouraged to join in, but, having thought about it, declines on the grounds that the action is morally wrong. His habitual compliance, resulting from his early socialization, then becomes normative compliance based on moral belief. Hence, good socialization may have valuable long-term effects in producing normative compliance, even though the norms may not, for much of the time, be consciously articulated by those who have been subject to such socialization.

This first subtype of normative compliance (compliance based on acceptance of or belief in a social norm) might reasonably be described as 'normative self-policing'. Although, of course, it takes place within a social context, in the end it is the individual's own explicitly formulated acceptance or belief that ensures the compliance. In this regard, the first subtype of normative compliance differs from the second and third subtypes, which are based more directly on social interactions.

The second subtype is described in *Figure 5* as attachment leading to compliance. 'Attachment' is, of course, a concept with an established pedigree in criminological theory through Hirschi's (1969) control theory. It can perhaps most easily be explained by a simple example, that of D, a persistent alcohol-related offender aged 19 who falls in love with a non-criminal woman, E. E, committed to non-criminal values but also to D, urges him to abandon his criminality and curb his drinking. D says that, for her sake and with her support, he will try to do so. In this example (which is, of course, closely linked to Sampson and Laub's approach to desistance) it is the attachment (or social bond) that is central to D's intended desistance from crime; and the desistance is clearly largely of a normative character, stemming from E's social values and her expectations of behaviour among those close to her. (One should note, however, that for D there is probably here also an additional prudential element in his intended compliance, namely the fear that E may withdraw her affection if he does not change. This is a further illustration of the proposition, previously discussed, that deterrence works best when applied to individuals who are attached to significant 'stakes in conventionality'.)

As the above example clearly illustrates, if the mechanism of attachment is to promote normatively based compliance, it is vital that the attachment is to a person or persons holding non-criminal values. For this reason, attachments to, say, criminal peers or criminal gangs can and do have precisely the reverse effect.

In the example just given, the attachment leading to compliance is to an individual. But attachments (social bonds) to social groups or institutions can also lead to normative compliance. For example, we know that different secondary schools have significantly different rates of offending among their pupils. This is partly because of differences in the kind of pupils on the register (some schools receive many more 'at risk' children than others); but even when these pupil intake differences are controlled for, differential delinquency rates between schools remain. It would seem, therefore, that some schools are better than others at preventing delinquency (and other undesirable behaviour) and at promoting compliance. What is their secret? The research on this question is still limited, but Michael Rutter and his colleagues have suggested that, on the available evidence, one important answer seems to be that the schools with the better behaved children tend to have an 'ethos' comprising some mixture of the following factors:

good models of teacher behaviour (with respect to time keeping, personal interactions, and responsiveness to pupil needs); appropriately high expectation of pupils with helpful feedback; interesting, well-organized teaching; good use of homework and monitoring of progress; good opportunities for pupils to take responsibility and show autonomy, with a wide range of opportunities for all to experience success; an orderly atmosphere with skilled, no coercive classroom management; and a style of leadership that provides direction but is responsive to the ideas of others and fosters high morale in staff and pupils.

(Rutter, Giller and Hagell 1998: 233)

In other words, schools of this type seem to provide both social expectations and social support, which tends to produce a sense of belonging and engagement in their pupils. And this, one may reasonably infer, engenders compliant behaviour through normative attachment to the school and its values.

The third subtype of normative compliance is that based on legitimacy; or, more fully, compliance

resulting from obedience to the wishes of a recognized legal or social authority, that person or body being recognized as legitimate. Legitimacy is a characteristic that may or may not attach to those in positions of power. It is important to recognise that compliance based on legitimacy consists of more than mere lack of resistance to the demands and orders of the authorities: that would constitute compliance as a result of social-structural constraint, or perhaps compliance through disincentives, based on fear of the consequences should the subject disobey. By contrast, compliance based on legitimacy is properly to be counted as a subtype of normative compliance, because it is based on a degree of moral assent to the right of the person in power to hold that power; moreover, as David Beetham (1991) has pointed out, a fully legitimate authority figure is one who conforms to the formal rules governing his/her office, who is administering a regime that is justifiable and fair according to the accepted moral standards of the society in question, and who commands the willing support and consent of his/her subordinates (see *Figure 13*).

Legitimacy is a topic that was for long neglected by criminologists. During the last decade, however, it has enjoyed an important renaissance, due mainly to the work of Tom Tyler. Tyler's (1990) first study used data from a panel study of Chicago citizens' encounters with the police and courts, and concluded that people are often as much if not more concerned about the processes by which they are treated as about the outcomes. Of particular importance in the area of process are questions of procedural fairness ('has their case or situation been treated in a fair way? Are like cases treated similarly?' and so on), and also issues about the quality of their treatment by authorities (e.g. 'Are they accorded respect by police in on-street encounters?') (See *Figure 10*.)

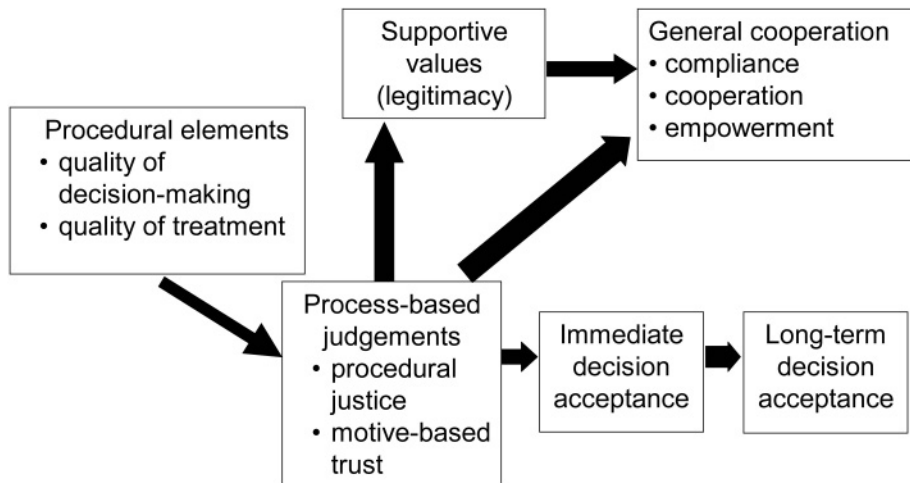
Figure 10: What is a Fair Procedure?
Suggestions in Paternoster, Brame, Bachman and Sherman (1997),
drawing on earlier literature:

1. Subjects' ability to make representations/participate (D)
2. Neutrality/impartiality of decision-maker (D)
3. Competent/high quality/reasoned decision by decision-maker (D)
4. Consistency (not arbitrariness) of decision-making (D)
5. Credible system for correcting unfair initial decisions (D)
6. Decision-maker treats subject with dignity and respect (treats as human beings) (T)

[Later distinction by Tyler (2003) between 'Quality of decision-making' (D) and 'Quality of treatment' (T)]

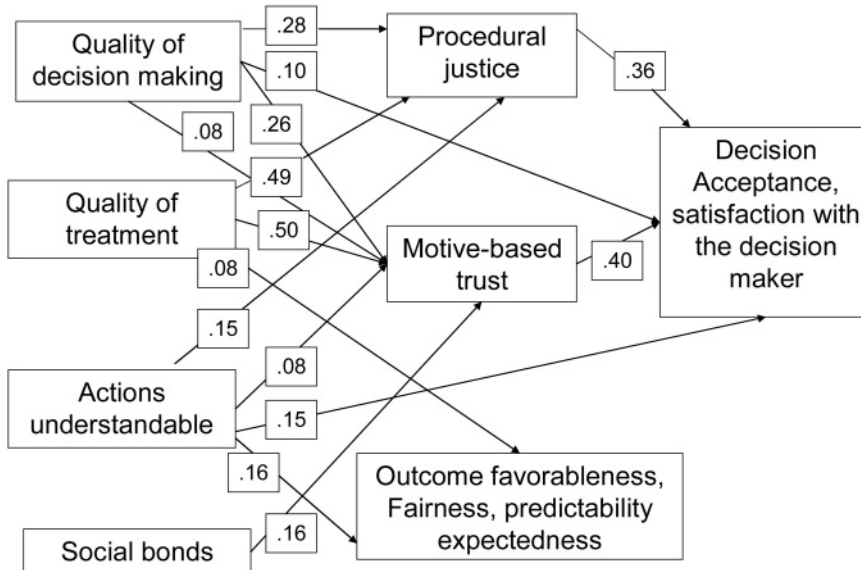
Tyler's argument is that people view their encounters with authority as 'information about the group that the authority represents' (Tyler 1990: 175). Hence, every transaction with an authority figure raises questions that extend 'far beyond those connected with the issue to be decided' (p. 175); to the citizen encountering the police officer (or train conductor, or whoever), that official is not simply dealing with a particular matter in a routine transaction, he/she is also in a real sense representing, through her demeanour and behaviour, the whole public service to which she belongs. Issues raised in such transactions include 'neutrality, bias, honesty, quality of decision, and consistency' (p. 175), and these are all issues that can raise the moral questions of fairness and respect (*Figure 10*). In short, we can postulate from Tyler's work that ordinary everyday encounters between legal authorities and citizens (including youths) can have crucial implications for the nature of the power relations involved, and to the validity of the officials' claims to justified authority – that is, to legitimacy. Where the legal authority is regarded as legitimate by the citizen, compliance in the immediate encounter is more likely to ensue, though the evidence of longer-term support (right-hand box in *Figure 11*) is at present rather weak. Tyler's later work with Huo (*Figure 12*) lends additional empirical support to his claims.

Figure 11: Tyler's Overall Model



'The key elements of the model are shown in [the above] figure. The focus is on two consequences of public feelings about law and legal authorities: variations in willingness to accept decisions and differences in the level of general cooperation. Each is linked to process-based judgements of procedural justice and motive-based trust. Those process-based judgments, in turn, flow from antecedent assessments of two procedural elements: quality of decision making and the quality of treatment' (Source: Tyler (2003), pp. 284-285).

Figure 12: The Empirical Influence of Process-Based Judgements



I indicated earlier that the first subtype of normative compliance (based on belief) could be described as resulting from *normative self-policing*, or what some might call normative self-control. The second sub-type (based on attachment) has often been noted, in the criminological literature, as a major example of what is usually called *informal social control*; while the third (legitimacy) has been shown to vary according to the way in which *formal social control* is exercised. The three subtypes of normative compliance are therefore distinct, but potentially complementary. Those who wish to enhance legal compliance through normative mechanisms therefore have an interesting variety of possibilities to consider. Each of them, of course, is potentially relevant to youth at risk.