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Subscription Information

Critical Issues in Justice and Politics is a refereed (peer-reviewed) journal which contributes to the theoretical and applied nature of justice and politics. We are a scholarly journal which requires all articles to undergo an extensive review process for both content and format. Our emphasis is on the exchange of qualified material in order to generate discussion and extend the often limited boundaries of scholarly exchange.

Critical Issues in Justice and Politics is sponsored by the Department of Political Science and Criminal Justice at Southern Utah University. The editorial board is comprised of faculty from the department as well as select faculty and practitioners from around the United States.

Published twice a year (March and September) *Critical Issues in Justice and Politics* focuses on emerging and continuing issues related to the nature of justice, politics, and policy. A special emphasis is given to topics such as policy, procedures and practices, implementation of theory, and those topics of interest to the scholar and practitioner alike.

Nature of Electronic Publication:

Critical Issues in Justice and Politics is considered a serials publication under definitions by the Library of Congress and the International Standard Serial Number (ISSN) system. The ISSN number, along with identifying information for the serial publication, appears on all copies of the journal. The journal may be obtained online or through many of the traditional research databases in academia.

Because we publish online we provide a wider audience than most small, scholarly journals. The cost of other journals can be restrictive; often making purchase and use of the journal difficult for

the average faculty member. With our electronic format we provide access to the journal at no cost to qualified subscribers. This provides a larger audience with increased opportunity for those who wish to publish.

Copies are distributed via email and online access to subscribers first. Authors receive access to the electronic copy and may purchase print copies.

We are an electronic journal which is published using the Portable Document Format (PDF).

Submission Guidelines

Critical Issues in Justice and Politics welcomes submissions from anyone who can write a high quality scholarly article. We are especially interested in scholarly, critical, and constructive articles which focus on an emerging or continuing issue in justice and politics. We also seek review essays (reviews of recent literature on a given topic), reports of significant justice or political issues, book reviews, and position papers worthy of scholarly review and comment.

It is the editorial policy of *Critical Issues in Justice and Politics* to accept submissions from all disciplines so long as the material relates to justice and politics. We also encourage submissions from practitioners, students, and others who have an interest in the topics.

Simultaneous Submissions

We prefer manuscripts which are not under review by other journals or publications. We endeavor to review all manuscripts in a timely fashion, so simultaneous submissions are not usually necessary. Refereed submissions are submitted within forty-eight hours of acceptance and we generally ask reviewers to complete their

assignment within 10 working days. In most instances an editorial decision may be reached within a month of submission.

Non-refereed materials usually receive attention within the first week of submission. An initial editorial decision is often made within 5 business days.

All papers submitted for refereed publication will be sent to at least two reviewers. We use a blind-review process which submits papers in anonymous format. If there is a clear split between the reviewers then a third reviewer may be used when necessary for clarification or additional comment. We do rely very heavily on our reviewers for insight and recommendations. All of our reviewers hold the appropriate degree and experience to qualify them for the particular project.

Reviewers are asked to evaluate manuscripts on the basis of their scholarly competence as well as the potential contribution to appropriate theory or related areas. Authors may not contact reviewers during the process, and reviewer names are not disclosed unless the reviewer agrees for such disclosure.

Authors who dispute the findings or suggestions of a reviewer may submit their response in writing. Final decisions on publication remain the domain of the editorial board.

For more information or to submit an article or other material for review please see our webpage.

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From the Editor

We are pleased to bring to the reader articles which are both varied and relevant to issues confronting our society today. It is important, we believe, to examine, issues of first impression and to revisit issues that have been with us for some time. Hopefully, discussion will be stimulated not because we agree with an author's position but rather because the author has considered a subject with fresh eyes and pertinent research.

As always, we are excited to receive so many submissions. We look forward to sharing these with you in the future.

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Art Behind Bars: An Examination of the Correctional Setting As An ‘Art World’

John Paul
Washburn University

Kathryn Cook-Vesely
Washburn University

This work is an examination of “prison art worlds” – institutional settings wherein members work cooperatively to create art. This work is not an examination of the art produced behind bars, but rather an examination of the utilitarian, symbolic, and social justice functions created in the production of art. Of these functional outcomes, the authors find evidence to suggest that art-based programs reduce rule violations among prisoners and build safer relationships between inmates and staff by fostering, among many things, purposive time management and acceptable ways to release anger and stress. Finally, this work highlights various controversies associated with the funding of prison art programs and suggests the need for a revision of correctional logics to include art activities for prisoners.

Introduction

This work is an examination of several correctional-based art programs. The authors wish to make clear that this work is not a study of the aesthetic legitimacy of the arts produced by inmates. Instead this work examines the social outcomes of practicing art behind bars. Stated differently, our foci lies in the production and distribution of art as a way to organize human activity in functional ways – what Becker (1974, 2008) and Fine (2004) have termed “art worlds.” Indeed, if the prison system is to fulfill its stated roles as social protectorate and reformer then art can be useful in enabling both. In general terms the making of art in prison has been argued to

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contain the behaviors of offenders (Liebmann, 1994; Kornfeld, 1997) while enabling their reformation and rehabilitation (Wadeson, Durkin, and Perach, 1989; Liebmann, 1990, 1994; Eastburn, 2003; Malachiodi, 2003).

Prison And The Arts: A Literature Review

According to Dunn (1994), officially sponsored prison art activities were rare until the 1960's and 70's when mounting prison violence called attention to the need for educational and recreational activities. The foundation of prison-arts literature is the seminal work of Brewster (1983). In particular, Brewster (1983) argued that prison art programs reduce rule violations as they provide a "place of escape" from the boredom and routine of prison life. Stated differently, it is suggested that inmates look forward to activities that make time pass quickly and will thus regulate their behavior to remain in self-defined favored activities.

The works of Baroody-Hart and Farrell (1987) and Peaker and Vincent (1989, 1990) follow this line of thought with similar accounts of inmate identified value activity. Baroody-Hart and Farrell (1987) for instance, note that inmates routinely pick up a brush or pencil to combat the dehumanization of prison routines. While Peaker and Vincent (1990) write:

In our view, arts activities counteract the boredom of prison life so they [inmates] can also look for activities in which to become so absorbed that they can temporarily forget about their problems...which in turn, also enhances correctional staff safety, as inmates are kept "busy" in the production of art (p. 73).

Beyond these voices, the effectiveness of prison art programs is most generally measured in its ability to serve as therapy. According to Szekely (1982), the arts have indicated rehabilitative powers in correctional settings. He writes, "The arts may serve as an

outlet for strong emotions that might otherwise erupt in violence...the prisoner who becomes involved in art gains a new audience and an ability to communicate in socially acceptable ways” (p.41).

Liebmann (1984, 1986, 1994), long a voice for correctional innovation and prisoner reform, mirrors Szekely and adds that the practice of art therapy serves also as a vehicle for developing trust among work partners and building cooperative interactive environments. Day and Onorato (1989), Dunn (1994), and Gussak and Virshup (1998) identify similar outcomes, noting increases in inmates’ empathy development and communicative abilities after participation in arts related programs.

Finally, the recent work of Warbis (2004) reminds us that the loss of control and sustained isolation an inmate experiences while in prison can lead to lasting violent and unruly behavior. According to Warbis, “inmates who enter prison [and live in prison] with inadequate ways of coping will leave prison with the same lack of adaptive capabilities...The arts can provide a humanizing, coping strategy” (2004 p.19).

Given the literature’s generally positive assessment of prison-based art programs as therapy and as a technique used to escape the routines of prison life, the authors wonder what other functions the practice of art may serve for inmates, correctional staff, and the community at large. To this end, this work is an examination of “prison art worlds” – institutional settings wherein members work cooperatively to create art. Ultimately we work to identify the various utilitarian, symbolic and social justice functions created in the conduction of correctional-based art programs.

METHODS

Setting and Procedure

This is a qualitative study conducted with prison personnel, inmate-artists, prison art instructors, and art volunteers for the explicit purpose of documenting the utilitarian, symbolic, and general

social outcomes of making and practicing art behind bars. Primary data collection existed in the form of interviews and observations held at two state correctional settings and two state non-profit art-based organizations (see table below).

Table One: Sites of Primary Data Collection

<p>Correctional setting (1): Lansing Correctional Facility, Lansing, KS</p>	<p>The state's largest complex for detention and rehabilitation of adult male felony offenders. The complex includes maximum, medium, and minimum-security facilities with an inmate population of approximately 2500 persons.</p> <p>The researchers observed the introduction of general ceramic and drawing/painting techniques with inmate-artists.</p>
<p>Community non-profit setting (2): The Arts-in Prison Inc. Kansas City, KS</p>	<p>A varied facility that includes an art-based vocal choir program for individuals incarcerated. Area volunteers along with a volunteer director prepare and present public concerts with inmate participants.</p> <p>The researchers observed the general day-to-day operations of staff and volunteers.</p>
<p>Correctional setting (2): The Topeka Correctional Facility, Topeka, KS.</p>	<p>The state's complex for the detention and rehabilitation of adult female felony offenders. The complex includes maximum, medium and minimum-security facilities with an inmate population of approximately 700 persons.</p> <p>The researchers observed the public performance of an inmate/community volunteer choir.</p>
<p>Community non-profit setting (2): The Topeka Center for Peace and Justice, Topeka KS</p>	<p>A facility dedicated to the introduction and practice of arts-based programs in correctional settings.</p> <p>The researchers observed the general day-to-day operations of staff and volunteers.</p>

The entry into the “art-world” of inmate artists and prison art volunteers was a slow one, built through multiple communiqués (accomplished via e-mail and telephone conversations) with program directors and volunteers in the two non-profit settings. The researchers chose these two groups primarily due to the fact that they

had existing institutional relationships with the Kansas Department of Corrections and had established active prison-art programs.

Though our initial conversations with the directors of the non-profits were brief, general interest in our desire to “hang-out” with their staff and volunteers for the purpose of observing and gaining insight into their work was well received. Once rapport was established, the researchers were able to gain, more or less, full access to the daily operational flow of the non-profits and held multiple casual conversations with directors and volunteers about their work.

From these conversations, the researchers next expressed a desire to “see them in action” and asked if they could accompany group volunteers into the various correctional settings for the explicit purpose of detailing the social outcomes of making and practicing art with inmates. In both cases, the directors and volunteers granted permission, contingent upon a university institutional review of research, which was completed and approved.

Satisfying the entry and observational requirements set by Lansing and the Topeka correctional staff proved a bit more daunting however. The Topeka correctional staff required the researchers to complete correctional officer training prior to any direct observation and interaction with inmates in the facility. This unfortunately was not accomplished (due to time and works constraints), so the researchers were not allowed to observe inmates in the program directly. We were allowed however, to meet prison administration in their offices (and in the parking lot) for conversations about the nature and impact of the art program in their facility. Further, we were able to attend and record public performances of the prison choir from this setting.

In the Lansing correctional setting, researchers were allowed entry, as long as we were accompanied by known members of the art volunteer staff, agreed to be searched for unapproved items (primarily, cell-phones and any drugs or weaponry) and offered no attempts to visually record the work setting (for fear that inmates

might use the visual data to construct a map to facilitate escape). In both settings, art volunteers and correctional personnel gave consent to the researchers for direct observation and signed consent forms if formal interviews were conducted. Inmates did not sign consent forms (due to concerns over literacy – as inmates expressed concern they couldn't read/understand what they were signing). However, inmates were told by the researchers, correctional staff, and art instructors/volunteers that they did not have to speak to the researchers if they did not want to. Generally speaking though, the inmates seemed receptive to the researchers' questions and most sought us out for conversation.

Data Collection and Analysis

Data collection existed January to May 2008 with the researchers visiting each site on multiple occasions to “hang out” and record observational reflections about the day-to-day realities of each site (Schwartz and Jacobs, 1979). From this general pattern of hanging out, the researchers used their observations and casual conversations to formulate semi-structured research questions querying the utilitarian, symbolic, and general social outcomes of making and practicing art behind bars (see: Glaser and Strauss, 1967 for a complete description of this methodology).

All total, 15 structured interviews were completed (seven arts volunteers/ coordinators, six inmate-artists, two correctional officers - see appendix for interview guide). A content analysis of these interviews and observations allowed for the extraction of the themes discussed in the findings section below (Glaser and Strauss, 1967, Schwartz and Jacobs, 1979).

Table Two: Participants

Seven art volunteers/ coordinators	<p>The age range of art volunteers/coordinators was young adult to elder adult (several volunteers were reluctant to identify age but approximated age ranges were 18 to 60+).</p> <p>Gender was split evenly among volunteers and all had various reasons for identifying participation in the prison arts program. Some cited religious proscriptions to do service with “social marginalized” groups. Others cited motivations of restorative justice practice. And others cited the need or desire to do community service with a group that “sounded interesting.”</p>
Six inmate-artists	<p>All inmate-artists were male (as the researchers lacked direct access to female inmates). The age range of the inmate-artists ranged from men in their 20s to men in their 60s, and their crimes ranged from drug possession to murder.</p>
Two correctional officers	<p>Two correctional officers (one male, one female) expressed a willingness to talk about the prison arts because they felt it made their job easier, i.e., reduced rule violations among inmates and “lifted” the mood of the participants.</p>

Trustworthiness of Study

Finally, it is often said that in qualitative work the researcher is the research instrument, and will thus be subject to researcher bias (Schwartz and Jacobs, 1979). To minimize researcher bias and in an effort to maintain a high standard of research credibility, the researchers implemented a technique of “peer debriefing” to enhance the external validation of the study (Denzin and Lincoln, 1994, Wolcott, 1995). Specifically, our field notes and jotted observations were shown to colleagues for commentary and reflection on our collected data. In other works, our professional peers in the fields of sociology and criminal justice reviewed our data for any inconsistencies and/or question-able observations. Further, the researchers followed the process of “member checking” (Stake, 1995) where research participants (in this case, artists, volunteers and prison staff) are asked to review recorded statements for accuracy and palatability.

FINDINGS

Theme One: Time Management and Safety Enhancement

Speaking first to the management of time, prisoners generally report value in activities which help make time pass quickly, or which mark the passage of time. Peaker and Vincent (1990 p.73) write, "In this view, arts activities counteract the boredom and routine of prison life so they can also look for activities in which to become so absorbed that they can temporarily forget about their problems." Indeed, as several inmates reported:

Coming here [to make art] gives us something to look forward to... instead of watching TV and sitting around it gives you a goal that can be accomplished (Field Notes, Inmate).

I come here [to the art program] and work on my skills...we socialize, look forward to each other's company...[Here] we are away from the yard worrying only [about] art (Field Notes, Inmate).

Correctional officers and other facility personnel also identify various pro-social benefits of prison art programs. Namely, they argue that such activities help to negate inmate violence and enhance positive interactions with offenders. Consider for example the following statements by facility personnel:

Yeah, a lot of these guys are pretty angry... In a place like this, rage can fill a room... at least this place [this art program] gives a creative outlet (Field Notes, Artist-In-Residence).

Art keeps inmates busy...it also keeps us safe. If prisoners have idle time, they find their own recreation (Field Notes, Correctional Officer).

There is an old proverb that idle hands are the devil's workshop. This may be particularly true in prison situations where most inmates have a lot of time without structured activities and little or nothing to look forward to. By providing a consistent, creative program for the inmates, it appears that the time becomes more bearable for both them and the correctional officers who work at the facility. It provides an opportunity to engage in positive activities and interactions with others thereby seemingly displacing some of the negative emotions that incarceration can instill in an individual (e.g. it is really hard, if not impossible, to be happy and angry at the same time). Because of this, we would argue that it psychologically benefits not only the inmate in the program, but enhances the safety of the correctional officers and other inmates who interact with that inmate.

Theme Two: Interactive Outlets, People Work, and Relationship Recovery

On a social level, arts activities also structure opportunities for inmates to get out of their cells and interact with others in cooperative activities. As Elvera Voth, the founder of Arts in Prison Inc., argues:

The [arts] give inmates not only a creative outlet but also a technique of learning in how to function in a group, how to get along with people of various racial backgrounds. Interacting with people different than you and with people from the outside (i.e., artists in residence) helps them prepare for the future (Field Notes).

Indeed, as noted within the above statement, arts activities may also act as modes of socialization by which inmates prepare for reentry into society. Consider the words of a community participant in a local inmate-community choir. She writes:

The choir combines inmates and community volunteers. Our goal is to use arts education...the music to help inmates retain or reclaim the positive aspects of their humanity before they rejoin us as neighbors. The idea is the modeling of mentorship and teaching of things like teamwork and patience...and to incorporate the idea that "failure" is a critical element of discovery and learning... You're not going to get the song right every time, you know. So, learning to succeed and cope with failure is big part of what we do (Field Notes, Choir Participant).

Further, the arts can assist the rehabilitation of community and family relationships. As several of our prison art volunteers stated:

Often an inmate's family won't come to see them...they don't want their kids in that prison environment. But when inmates are singing [in our prison choir program]... in a venue outside of the prison walls families are proud to interact in an environment of "high culture." They are more comfortable in this environment... it's a less threatening atmosphere (Field Notes, Community Choir Participant).

One of our guys, his brother would never visit him...until he saw him doing something positive (singing) with the community... it was then that he wanted to reconnect with his brother. At that last concert his brother yelled out to the audience, "That's my brother. He's back... That's

my brother”” (Field Notes, Community Choir Participant).

In closing this section, we argue that prison art programs may be successful in the re-socialization and rehabilitation of inmates because they involve non-inmates, family members, and/or “community elders” who can teach particular skills and techniques beyond art (such as communication skills and conflict management techniques) required for living on the outside.

Theme Three: Art as Therapy and Change

Most of the art created in prison serves the offender, intentionally or unintentionally, as a form of therapy, or as an art therapist/volunteer communi-cated to us: “a means by which individuals release emotions, explore their sense of the self, make gains in self-understanding and undergo developmental changes” (Field Notes, Art Therapist).

Consider first the words of several program volunteers:

This art is a creative way to vent anger... Will it work on the outside? You can never tell. But the thing to remember is this – most inmates get out of prison, and who do you want as a neighbor? Do you want someone who’s been locked in a cell and is bitter or someone who had exposure to tools to be able to release frustration in a productive way? ... You know someone who ‘hits’ the canvas instead of someone else (Field Notes, Arts-in-Prison Volunteer).

Actually, you know the biggest change I see in people is in the volunteers. A lot of people come in here with a ‘lock ‘em up and throw away the key mentality.’ They may not express it, but it’s there... But once they begin to interact with the prison population they begin to

identify themes – prison overcrowding, inhumane conditions and the like – and start to see that prison – or at least prisons without any rehabilitation services – as part of the problem of crime. They then go home and talk to their families, vote perhaps differently about issues... so yeah, I think the biggest change or impact is actually on volunteers (Field Notes, Arts-in-Prison Volunteer).

Consider further the voice of a correctional officer and finally that of an inmate-artist:

You see 'Joe' (not real name) over there, is a lifer (serving a life sentence). He will never get out. I don't know if it's a product of aging or these [art] programs, but his behavior has changed... No I don't think he's faking or trying to pull the wool over anyone's eyes. He's got no reason to. He's in here till he dies. Anyway, he's become more of a positive role model in here... talking to the younger guys about cleaning up their act. Getting out of here and doing something positive with their lives... A lot of guys blow him off, but some listen and in here we wish we had a hundred guys like that (Field Notes, Correctional officer).

My work here (a plate of jagged teeth encircling a small bird) is like all of us I suppose – ugly and terrifying to most people. I was thinking of a shark – a monster with all those teeth. But monsters can be gentle...this bird is surrounded by these jaws and yet the bird is safe. People see us as monsters but...but you know what I mean. I suppose the art helps communicate our feelings in more 'socially approved' ways (Field Notes, Inmate-Artist).

As the correctional officer quoted above correctly points out, there may be other factors that are influencing the change that is happening, but the anecdotal evidence, though from an admittedly small sample, seems to suggest that the art programs do have a role in the changes that are being observed. While this is a result that we would hope to see, possibly the most surprising and unexpected “change story” we encountered was that of the volunteers who worked with the various programs (i.e., coming to see a greater need for prison reform). We would have assumed that volunteers for programs such as these would come in with a firmly established sense of social justice. This however appears not to necessarily be the case. While there needs to be subsequent research in this area before any definite conclusions can be drawn, the idea of art as a means of therapy and change, both for those who are incarcerated and those who work with the inmates seems to have some merit worth exploring further.

Theme Four: Art as Internal and External Skill Development

In the previous sections we depicted the prison arts activity primarily as an agent of social control (i.e., as a productive tactic used to keep inmates quiet and out of trouble), as a mode of cooperation and interaction (i.e., a technique to enhance positive interactive skills) and as mode of therapeutic change. But arts activities can also foster particular artistic skills for market usage. Specifically, the production of art may create economic opportunities and marketable skills for inmates.

For example, the arts in prison may also function as currency in the internal and external economies of the prison. Regarding internal commodities, inmates may actually profit from the art they create. As an Arts-in-Prison volunteer noted:

Inmates and correctional officers often commission inmate-artists to do work for them... They often have the artist draw or paint portraits of their wives,

girlfriends...sometimes kids from a photograph. Usually the 'commissioned' piece will bring [the inmate] a few bucks (Field Notes).

Indeed, visual artists often achieve a high status within prisons since they have a demonstrable skill and their art may be traded for materials, favors and so forth. Skelly (1992 p.1) reports:

The arts serve as one of the strongest economic exchanges in prison...the arts reap small but important fixtures of daily life like food, cosmetics and cigarettes. To someone on the outside such items may appear small and insignificant but on the inside they flow like blood...Art serves as a necessary means of survival on the inside with the ability to supersede or sidestep reality...arts take the edge off prison life [and that's why the artist is so valued].

Turning now to the idea of external commodity production, the creative arts may also help people discover talent that can be marketed on the outside. Indeed several inmates have used the artistic and social skills developed in classes to transform their life following release from prison. Consider the following words of an Artist-in-Residence:

One of our guys now designs our promotional flyers... it's gotten him shows. Although you ask about marketable skills...I would say that I, as a volunteer, have learned valuable marketing skills (laughs)... I learned to 'market' the idea of prison reform in programs like this one... I tell everyone I know that prison without [programs like these art classes] produces only more 'hard' angry men (Field Notes).

Indeed, most people fail to realize that the majority of individuals serving time in prison will eventually return to the community. We argue that the practice of art making allows individuals to return to the community with different and positive skill-sets. Namely, artistic knowledge may provide a pro-social mode for the release of anger and frustration accumulated in the daily challenges of living, and if so gifted, the individual may be able to turn the practice of artistic craft into a marketable skill.

Theme Five: The Arts as Community Resource Creation

Finally, art programs also give inmates an opportunity to contribute to society through the donation of artwork to non-profit organizations both locally and nationally. As volunteers from the organization, Art Behind Bars (2005 p.1) write:

In this manner, inmates have helped raise more than \$70,000 for almost 300 groups since 1994. Almost 5,000 inmates have participated in our program... and have contributed artwork as a means of making amends for past transgressions. This innovative program taps into a previously unused resource (inmates) for the benefit of the community they once violated. They create artwork that benefits those most in need but who are often overlooked. Some of the local programs that have benefited from Art-Behind-Bars projects include Habitat for Humanity, Take Stock in Children, AIDS Help, Wesley House, MARC, and Samuel's House, plus many others.

And as one of the inmate-artists interviewed for this work comments:

The art we make here will go to a dealer in the city... a majority of the proceeds will go back to the prisons arts volunteer organization. But I mandate that a portion of

my sales go to kids' charities...charities like the Ronald McDonald House (Field Notes).

Correctional facilities have been, and in some cases still are, referred to as "penitentiaries" or "reformatories." Unfortunately, most times neither penitence nor reform is encouraged, nurtured or achieved within traditional prison operations – the sole purpose today being to remove the individual from society. It is our opinion that it does society a disservice to ignore these core ideals that were once, at least if not in practice, ideologically seen as desirable outcomes of incarceration. From the anecdotal evidence presented here, the mere act of providing creative and productive outlets effects inmate behavior in positive and "reformatory ways," at least while they are in the program. Further, as evidenced here, the arts may provide multiple strategies for the inmate-artists to reconnect with the broader community and atone, in small but significant ways (via monies made and donated to charitable organizations), for past societal offences.

(Lack Of) Support For The Prison Arts

Despite the numerous functions offered by creative arts programs, several researchers (see for example, Kornfeld, 1997; Warbis, 2004) have pointed out that prison art programs are routinely under-funded or ignored altogether. As Warbis (2004 pp.20-21) notes:

It costs taxpayers approximately, \$30,000 annually, per inmate incarcerated, and with this money most is allocated to administrative and officer salaries, overhead expenses, food and medical services. And security always takes precedence over treatment, as the main goals in most U.S. prison systems today are to detain, incapacitate and punish.

Parenti (2000), Robinson (2003), and Reiman (2005) concur and detail how the U.S. correctional system has moved away from stated goals of reformation to those of retribution and punishment. Specifically, they argue that the modern U.S. prison system models retribution as a by-product of a political and cultural agenda used by many elites to get elected and promote their specific interests. One of our interviewees, a criminal justice professional who worked in state legislature (also a prison arts volunteer), presents it this way:

Politicians create a general fear of crime in the public and thus mobilize support for their election by highlighting the idea that they will “get tough on crime”... and punish criminal offenders by removing “extraneous programs” such as weightlifting, sports participation and activities of art from correctional settings... Thus, completing their campaign promise (Field Notes).

Unfortunately, as Philys Kornfeld (1997 p.3) argues, “This means that prison art is more vulnerable to social and political movements than other forms of art, due to funding threats prohibiting access to art making and facilitating.” In response to this fact, we find that:

Most prison arts programs are not initiated through the prison system of administration, they are initiated through individual interest, matched with skill, donation or granted funds...nor are they directly sustained through the prison administration. Instead they are sustained by motivated individuals, usually volunteers and artists in the community who see the value of the arts in prison (Warbis, 2004 p.31).

In the end, as Elvera Voth, founder of Arts in Prison, Inc., states,

[The arts] are a tool to help inmates find their better selves...its important because most inmates will get out, and many will be your neighbors... I'd rather have them as a neighbor with hope in their heart than with hate in their eyes. (Field Notes.)

Discussion and Conclusion

The purpose of this paper was the examination of “prison art worlds” – institutional settings wherein members work cooperatively to create art. In particular, the researchers worked to identify various functional outcomes offered in the practice of making art behind bars.

Of these functional activities, we have information to suggest that the practice of art making may make, for inmates, the transition to and from incarceration easier by providing an outlet of creative activity as well as a channel for expressing and mitigating strong emotions in socially acceptable ways. Beyond this, our investigatory findings mirror the prison-arts literature and suggest that prison art participation reduces rule violations among prisoners and builds better (i.e., safer) relationships between inmates and staff. In particular, cooperative art making seems to foster, among many things, purposive time management, cooperative group work, and empathy for work partners. Further, the practice of “doing art” appears to have a peripheral therapeutic effect – by creating a means by which individuals gain a sense of control over their lives as well as by initiating techniques through which inmates may deal with violent and tragic pasts.

Evidence additionally suggests that programs, which incorporate non-inmates and community-elders as teachers and peer references, are more successful in the re-socialization and rehabilitation of inmates. This might be due to the fact that these staff and other volunteers can teach particular skills and techniques beyond the practice of art (such as communication skills and conflict management techniques) required for living on the outside. In a similar vein, programs which incorporate art and community service

also give inmates a chance to make monetary and symbolic retributions to the community through their donated time and artful creations.

Ultimately, the need for more study in this area is needed. First, given the fact that the United States incarcerates more people than any other country in the world, the need for quality rehabilitative efforts is great (Vinci, 2008). Second, knowing the relatively inexpensive cost of creating and maintaining prison art programs, their incorporation seems valid (Kornfield, 1994, Warbis, 2004). But questions still need to be asked. Specifically, what effect does art participation have in reducing recidivism upon release from prison? Again, we have anecdotal evidence to suggest that the arts help channel rage and frustration into socially acceptable ways. But more research is needed.

Further, there were some obvious shortcomings in this present study. One was the negated access to female inmates in the effort to directly observe and record their experiences in the prison art program. This should be mitigated in the future to determine the effect of the program on the inmate-artists themselves. A second shortcoming exists in the limited size and scope of the study. If a greater degree of time had been spent in the aforementioned facilities, more interviews could have been generated. Any follow-up study by the researchers will attempt to allay these stated concerns.

In the end however, it's still important to remind society that there are consequences for incarcerating individuals without forms of rehabilitation. Most agree that prisons are first and foremost a place of incarceration and community deterrence. But it is our assessment that rehabilitative actions (which includes the arts) strengthen the potential for successful attainment of a non-criminal life on the outside. Indeed, if the prison system is to fulfill its stated roles as social protectorate and reformer then art can be useful in enabling both. In general terms, we believe that the making of art in prison can serve to contain the behaviors of offenders while enabling their reformation and rehabilitation.

Appendix – Research Questionnaire

A. The Prison Arts

1. Does your unit/department have or participate in a prison arts training/programs?
2. Does your unit/department define the prison arts?
 - b. What are some examples/types of prison art implemented at your facility?
 - c. How are these programs carried out or conducted?
3. What is your role in prison art related programs?
 - b. How did you get involved in these programs?

B. Functions/Dysfunctions of Prison Art Programs

1. In your assessment are prison arts programs beneficial?
2. In what ways are prison arts programs beneficial...
 - for inmates?
 - for staff/prison personnel?
 - for community?
 - for others?
3. What controversies/dysfunctions are associated with prison art programs?
4. Is there anything else you would like to tell us about your role in the prison arts, or about the prison arts in general?

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Using Cell Phones to Put Rogue Cops on Front Street:¹ Citizens in Search of Justice

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This article discusses citizens' use of cell phones as a way of exposing police brutality with the expressed purpose of holding police officers accountable. This type of inverse surveillance appears to be on the rise, prompting some lawmakers to prohibit cell phone policing, arguing that it violates the rights of police officers and interferes with their ability to perform their duties. This essay maintains that monitoring police behavior via cell phones is the most effective safeguard available to most citizens, and to make it illegal is a threat to Democracy.

Police Officers Behaving Badly: An Historical Context

In 1961 award winning author, James Baldwin proclaimed, "rare indeed is the Black citizen from the most devoted, circumspect church member to the most shiftless adolescent who does not have a long tale to tell of police incompetence, injustice, or brutality" (Baldwin, 1961). Eight years later, police officers assigned to the Cook County State's Attorney's Office stormed a Panther residence on Chicago's Westside at 4:45 am; and in the process murdered Fred Hampton, Deputy Chairman of the Illinois State Chapter of the Black Panther Party and Defense Captain Mark Clark of the Peoria Branch

¹ Putting someone on front-street means to make public that person's business. Oftentimes that person has misbehaved and putting him or her on front-street is a reprimand of sorts, a way of embarrassing the person publicly.

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of the BPP (Wilkins and Clark, 1973). The police fired between 82 to 100 shots into the apartment while only one shot was fired from inside the apartment (Haas, 2010).

Police officials claimed they did not set out to raid the premises; they intended to serve a warrant based on a tip that the Panthers were stock piling illegal weapons. However, when the police attempted to enter the premises, the Panthers reportedly initiated a firefight, forcing the officers to defend themselves. When the dust settled, two promising Panther leaders lay dead. No illegal weapons were found. Coroner reports concluded that the trajectory of the bullets that pierced Hampton's skull were such that he had to have been shot at point-blank range; and that the shooter was probably standing over Hampton's body when he fired the shots (Haas, 2010; Wilkins & Clark, 1973). This report is consistent with the Panthers' version of that morning's events; one of whom claimed that at some point, one of the officers ushered everyone out of Hampton's bedroom where he lay prone. Seconds later, the same officer entered Hampton's bedroom. It is not entirely clear whether Hampton was dead or in a deep slumber. Moments later, a shot was fired, where upon the officer was allegedly overheard saying, "He's good and dead now" (Haas, 2010). None of the fourteen police officers was convicted. Some people, with whom I have spoken to, over the years consider the murders of Hampton and Clark to be the most brutal and cold-blooded of that era.² The Hampton and Clark murders may have traumatized a generation of young, older as well as idealistic activists who did not believe that their public servants were capable of calculated murder. Yet a year earlier, these same individuals witnessed the riotous events of the 1968 Democratic National Convention where mostly young people were beaten and dragged through the streets by members of the Chicago police

² Over the past year I have spoken to people who both lived and/or were raised in Chicago during the 1950s, 1960s and 1970s. Their ages range from 60 to 85. This pool is comprised of college students, graduate students, labor activists, school teachers, working class as well as members of the underclass.

department. In an interview with someone who lived in Chicago during that period he commented, “In our minds, we rationalized, maybe even minimized the police riot by saying, at least, no one was killed. We thought we had seen the worst that the Chicago PD had to offer in 1968; we were obviously mistaken” (Gresham, 2010).

Since the murders of Hampton and Clark, there have been at least one or two incidents of police use of excessive force that have left an indelible imprint, not only on that particular decade, but also on the psyche of some who lived through that period. Two years after the Hampton and Clark murders, the nation witnessed the slaughter of twenty-nine inmates and ten guards at Attica Prison on September 13, 1971 by members of the New York State Police and the National Guard. Five days earlier, 1300 inmates had taken over the prison, and held forty guards hostage. Issuing a list of demands that included improved living conditions as well as educational and training opportunities, they entered into negotiations with state officials, to no avail. Shortly thereafter, Governor Nelson Rockefeller called out both the state police and National Guard who opened fire on both the inmates and guards who were held as hostages, leaving behind mayhem that resembled a war zone (Wicker, 1975).

An equally horrendous act of violence occurred in the mid 1980s when members of the Philadelphia police department dropped an incendiary device on a house in West Philadelphia belonging to a Black radical back-to-nature organization called MOVE³. After years of complaints from neighbors about the group’s unkempt property and the political and inflammatory speeches belted through speakers and bullhorns by MOVE members at all hours of the day and night, the police had seemingly had enough. After years of tolerating MOVE, the police department (under Frank Rizzo, the city’s police chief known for his heavy-handed tactics) attempted to evict the group. MOVE refused to leave and reportedly threatened the police with guns. On May 13, 1985, the police surrounded the house and

³ MOVE is not an acronym, but rather the name of the organization.

attempted to force MOVE out with high-pressure water hoses. After 750,000 tons of water failed to do the job, the police resorted to more extreme measures. With the approval of Mayor Wilson Goode, an African American himself, the police dropped an incendiary device composed of TOVEX mining explosive on the roof of the MOVE residence killing eleven people (among them women and children), destroying 65 row houses, and leaving 240 people homeless (Anderson & Hevenor, 1987). That the bomb was dropped on Mother's Day only added to this unconscionable act.

While all of these seemingly politically motivated acts of violence ended in loss of life--and garnered extensive media coverage--one could argue that no case of police use of excessive force, in the last fifty years, catapulted the issue of police brutality onto the political front burner and into America's living rooms more than the beating of Rodney King the following decade. In March 1991, the horrifying images of four white police officers savagely clubbing and kicking King, an African American⁴ (after a high-speed chase) saturated print and television news coverage, both nationally and internationally. The officers delivered 56 blows, fracturing King's eye socket, smashing his cheekbone, causing facial nerve damage and a broken leg. Of the four officers charged (Stacey Koon, Laurence Powell, Timothy Wind and Theodore Briseno), only Koon and Powell were convicted and sentenced to prison where they each served thirty months.⁵ While many were disappointed that all four officers were not convicted and that Koon and Powell received light sentences, many are convinced that were it not for George Holliday, a private citizen, who happened to hear the commotion from his apartment balcony and had the presence of mind to reach for his video-camera, the King incident would have been yet another

⁴ The words African American and Black are used interchangeably throughout the article according to sound and context.

⁵ It should be noted that three of the four officers were initially acquitted. The jury could not agree on one of the charges against Laurence Powell. Later, at the urging of President George H. W. Bush, the U.S. Department of Justice reinstated the investigation and obtained an indictment of violations of federal civil rights against the four officers.

unpublicized beating of an African American by members of the Los Angeles Police Department. Even if King had reported the incident, the officers probably would have justified the beating by claiming that King attacked them or resisted arrest, thereby making it King's word against that of the officers'. In addition, given that District Attorneys tend to side with police officers in such cases, it is unlikely that the matter would have gained much traction.

Hypothesis

In this article, we argue that citizens' use of cell phones is the most effective way to expose police use of excessive force and help bring rogue cops to justice.

As will be discussed, cell phones enable people to empower themselves when confronted by government's most powerful street-level bureaucrats. This sense of efficacy has resulted in a higher level of accountability on the part of not only police officers; but other government officials as well. We shall show that this relatively recent and proactive form of political participation (the use of cell phone cameras to protect oneself against rogue cops) is in keeping with those rights, values and ideals found in the Declaration of Independence, the Bill of Rights and the U.S. Constitution. Consequently, prohibiting the use of cell phone cameras to safeguard oneself against unwarranted police violence represents a serious threat to Democracy.

Recent High Profile Cases of Police Brutality

Holliday's videotaping of the King beating was not without precedent. In the 1960s, groups such as the Community Action Patrol (CAP) and the Black Panther Party formed police patrols in an effort to monitor police officers' treatment of local residents. Aside from being armed, Panthers also took with them tape recorders and cameras as a way of documenting police misconduct (Jones, 1998). Although Holliday was not the first to expose extra-legal force by police officers, his actions, unbeknownst to him, ushered in a new

form of inverse surveillance, where citizens play an active role in safeguarding themselves against rogue police officers. With the use of cell phones, citizens are now putting police officers on notice. If they engage in excessive force their antics may be broadcast around the country and in some cases the world. In other words, citizens are putting rogue cops on front street, thus making it difficult for them (once back at the station) to explain away the bumps, bruises, broken bones and gunshot wounds that some people suffer at the hands of rogue cops.

One of the most recent high profile cases of police brutality caught on camera occurred on New Year's Eve 2009 in San Francisco, CA. That evening a Bay Area Rapid Transit police officer shot Oscar Grant, 22, as he lay on his stomach while it appeared that three officers were either searching him or attempting to handcuff him. Footage of the incident showed Grant squirming as the officers tried to restrain him. Appearing frustrated, one of the officers pulled out his firearm and shot Grant in the back. The officer maintained that he mistakenly pulled out his firearm when he intended to reach for his taser gun. Grant died a short time later.

Two other disturbing incidents occurred in June and April of this year. In June 2010, Ian Walsh, a Seattle police officer punched a 17-year-old African American youth in the face when she tried to intervene on behalf of a friend whom she believed was being roughhoused by the officer. According to witnesses, 19-year old Marilyn Levias and the 17-year-old girl were among a group of four who were walking across the street to catch up with a friend. The officer approached the group to inform them that they had broken the law by jaywalking. Levias proceeded to walk away where upon the officer yelled out, "You have jaywalked and you are required to identify yourself so that I can issue a citation, if you refuse you will be arrested for obstruction" (Martinez, 2010). Walsh then walked up to Levias, grabbed her arm and attempted to handcuff her, but Levias began twisting and pulling away. During the struggle, the 17-year-old girl pushed Walsh from behind. Walsh swung around and punched

the girl in the face, stunning the small crowd that had formed. Upon seeing the officer strike the teenager, one man yelled out, “Are you serious? Are you serious?” (Martinez, 2010).

Another case of excessive force that involved young people (this time white youth), occurred in College Park, Maryland after a basketball game between the University of Maryland and Duke University. Following the Terps’ win, student jubilation boiled over into destruction of property. Said one student, “people were pulling signs out and stuff,” (McPherson, 2010). During the melee, a student’s cell phone camera shows Prince George’s County police officers beating students who apparently were not involved in the fracas, but instead were passersby. John McKenna, one of the students who was beaten by three police officers was later charged with disorderly conduct and assaulting a police officer. Attorney Christopher Griffiths maintains that, “it’s clear that they (the police) manufacture(d) the charges in an attempt to cover up their own misconduct” (McPherson, 2010). A student who was watching from her dorm window shot the video. Upon seeing the video, Police Chief Roberto Hylton issued an unusual⁶ statement, “I’m outraged and disappointed. This is not the type of conduct that I condone in this agency. That type of use of excessive force will not be tolerated” (McPherson, 2010). Attorneys for two of the students said the parties planned to sue.

The University of Maryland incident shows that African Americans are not the only victims of police brutality. Whites too have experienced police use of excessive force. However, this does not change the fact that Blacks, have over the years, and seemingly continue to be disproportionately impacted by police use of excessive force. The work of Michelle Lersch and Joe Feagin (1996) supports this point. After content analyzing several newspapers over a two

⁶ It is unusual for police chiefs to issue that type of statement. The typical response from someone of Chief Hylton’s station is to defend his officers or, at best, give the impression of neutrality. Because the first author is intimately familiar with police work he is has a vantage point not afforded most scholars.

year period, the authors found that in the 130 cases of police use of excessive force that were reported, 113 (86.9%) of the victims were Black and of those 130 cases, 104 (92.85%) of the officers involved were white.

Blacks and Law Enforcement: A Sordid History

The historical relationship between Blacks and the police has been at best, strained and at worst adversarial. The number of Blacks killed by police officers (especially white officers) over the years has done little to alter Black's perception of police officers. For example, between 1920 and 1932, white police officers were responsible for more than half of all African American murders in the South and 68 percent of Blacks killed in other parts of the U.S. (Myrdal, 1944).

In *American Dilemma*, Gunnar Myrdal (1944) argued that the U.S. has a history of using law enforcement to keep Blacks subdued and subjugated, dating back to slavery. For generations, the formal, official approved role of police, both in the South and often in the Northern "free" states as well, was that of oppressor – keeping slaves in their place and capturing and returning runaways to their owners and later, enforcing Jim Crow segregation laws (Murphy & Wood, 1984). A most telling study of police behavior in the 1960s by Paul Takagi revealed that 51 percent of the people killed by police officers were Black even though Blacks made up less than ten percent of the population (Takagi, 1974). Another study of the use of fatal force by police conducted in the 1970s found that Blacks were seven times more likely to be killed by the police than Whites were (Pinkney, 1984). A study in the 1980s concluded that Blacks were nine times more likely than Whites to be killed by police (Nelson, 1985). While these findings are dated, developments of the past twenty years suggest that little has changed. For example, in 2001 Timothy Thomas, a young man with a history of minor run-ins with the law, was killed by Cincinnati police, making him the fifteenth Black male killed by police officers in that city since 1995. It is important to note

that Cincinnati police officers killed no Whites over that same period (Horn, 2001).

Cell Phone Surveillance and Its Impact

Cell phone surveillance of police officers is exposing behavior that some police officers have gotten away with for years. Case in point: more than 10,000 complaints of police abuse were filed with Chicago police between 2002 and 2004, but only 19 cases resulted in meaningful disciplinary action (Gallagher, 2007). Proponents of cell phone monitoring of police officers argue that the videos are helping hold law enforcement accountable. In 2007, a Chicago police officer was videotaped beating a female bartender. He never would have been charged, let alone convicted, if not for the video footage. The officer was charged with a misdemeanor until the video surfaced. Stacey Bell, who witnessed the beating of his brother, Ronald Bell by Streamwood⁷ police officers in April 2010, understands the power of cell phone cameras. Stacey Bell, said he doubts the Streamwood officer would have been charged with felony aggravated battery and official misconduct without the video, which showed Officer James Mandarino hitting Ronald Bell 15 times after a traffic stop (More Police Brutality Caught, 2010). Mandarino was also seen firing a taser at one of the passengers and then hitting Ronald Bell, who was on his knees with his hands on his head. Without the video said Stacey Bell: “I believe it would have been six witnesses against an officer and it would have been a different story” (More Police Brutality Caught, 2010).

Others share Stacey Bell’s suggestion that some police officers lie. Abiola Sinclair of the New York Amsterdam News writes that many police officers are taught how to lie by senior officers. Common lies include, “He went for my gun;” “He resisted arrest;” and “I found this weapon on him” (Sinclair, 1991). How Sinclair knows this is unclear. Even if many police officers are taught how to

⁷ Streamwood is a suburb of Chicago.

lie by senior officers, it is doubtful that majority of them do. Hawthorne police sergeant Don Jackson was so determined to prove that police officers often covered up their misdeeds by accusing the victim of various infractions, he set up a sting operation. Out to obtain visual evidence of police officers behaving badly, Jackson with the help of an NBC camera crew; taped a White Long Beach police officer ramming Jackson's head through a plate glass window after a traffic stop. The officer charged Jackson with resisting arrest and damaging property (Turque et al, 1991).

The Controversy Over Cell Phone Policing

Critics of the use of cell phone cameras to record police work view arguments to the contrary unconvincing, and the incidents described above as anecdotal. According to police scholars, some police officers and their supporters may view the videotaping of police officers as an affront to their authority (Skolnick & Fyfe, 1993). "How dare you question my ability to do my job" is what probably runs through the minds of some police officers when they see themselves being filmed. If this is the case, this type of attitude coincides with what Richard Sykes and John Clark (1975) have termed "deference exchange." They argue that police officers expect acknowledgment by the citizen that police-citizen interactions are governed by an asymmetrical status norm whereby the police officer is the boss and the citizen is the subordinate. Subordinates do not monitor their boss's behavior; the boss oversees the subordinate. Sykes and Clark contend that those who reject this norm (such as those who elect to record police misconduct) are more likely to experience an unpleasant police encounter (like being placed under arrest) than those who adhere to this tacit understanding (Sykes & Clark, 1975).

Opponents of cell phone policing argue that the potential to be caught on video can interfere with police work, a point not without merit, especially if the person filming is positioned such that he or she inhibits the officer's movement. Some police officers say cell

phone surveillance makes officers hesitant to do their jobs for fear of being overly scrutinized (Corley, 2010; More Police Brutality, 2010). Critics of police officers point out that many police cruisers are mounted with video cameras, yet this development has not appeared to hinder police work. The difference, however, is that the police have control of the footage recorded by the camera-equipped cruiser. Put bluntly, police officials, have been known, to edit footage that show officers mistreating pedestrian and motorists. The use of cell phones minimizes this possibility. Still others say that incidents caught on tape can misrepresent police work – that things are not always, what they seem. For example, in 2008 a man died after falling from a building when NYPD officers tased him. Footage of the man being tased and subsequently falling was posted on local newspaper websites. Officers on the scene say that before the passerby started filming, “this guy tried to get into a woman’s apartment by tearing out the air conditioner,” “running up and down the fire escape naked, and swung a fluorescent light bulb at police officers before he was shot with a stun gun” (More Police Brutality, 2010). Tragically, the police officer who ordered the man tased committed suicide a week later, leaving behind a note that said he was trying to protect his men. His widow said the reprimand he received humiliated her husband. This sad tale appears to support the argument by those who claim that videos turn police officers into villains, because oftentimes the person filming; only captures a snippet of the incident – the part that shows the officer being the aggressor – and not the violent actions of the other person.

There is little question that cell phone monitoring of police actions has led to reprimands of various kinds. In response, some states have passed and are bending existing laws to make videotaping police work illegal. For example, the Commonwealth of Massachusetts is a “two-party” consent state, which means that when a conversation is recorded all parties involved must give their verbal consent to the recording, otherwise it is considered illegal. Using Video cameras and cell phones to film police misconduct is illegal

there because the officer did not consent to the audio recording.⁸ The state of Massachusetts is one of eleven two party consent states; the others are Illinois, Maryland, California, Connecticut, Florida, Montana, Nevada, New Hampshire, Pennsylvania and Washington.

State laws that prohibit private citizens from protecting themselves against police use of excessive force simply by monitoring them is not without precedent. In 1967, the California State legislature passed a bill (known as the Mulford Act) that made it illegal for citizens to carry guns in residential and incorporated areas (Seale, 1970). Lawmakers claimed that the bill was enacted to combat the soaring crime rate in some of the states major cities. However, some residents saw lawmakers' actions as a thinly veiled attempt to neutralize the Black Panther Party's police patrols.

Cell Phone Ban Undermines Democracy

There is a feeling among some citizens, particularly those of color that government offers few safeguards against police misconduct, and that government officials do not deal with citizen grievances against police officers evenhandedly. In light of this sentiment (which is not entirely without merit), one could argue that prohibiting citizens from using cell phone cameras to protect themselves from police use of excessive force runs counter to the ideals expressed in the Declaration of Independence, Bill of Rights and the U.S. Constitution. For example, the Declaration of Independence states (Cummings & Wise, 2005),

All men are created equal, that they are endowed by their Creator with certain *unalienable rights, that among these are Life, Liberty, and the Pursuit of Happiness* – That to secure these Rights, Government are instituted among Men, deriving their just powers from the consent of the Governed, that *whenever any Form of*

⁸ Television news crews are exempt from this law as it is assumed by all that the cameraman is recording sound.

Government becomes destructive of the Ends, it is the right of the People to alter or to abolish it, and to institute new government, laying its foundation on such principles, and organizing its powers in such form, as to them shall seem most likely to effect their safety and Happiness. Prudence, indeed will dictate that Governments should not be changed for light and transient causes But when a long Train of Abuses and Usurpations, pursuing invariably the same object, evinces a Design to reduce them under absolute Despotism, it is their Right, it is their Duty, to throw off such Government, and to provide new Guards for their future Security.

The areas in italics are particularly noteworthy. They appear not only to support a citizen's right to live a life free of extra-legal force, but also the idea that citizens are duty-bound to end longstanding abuses of power, even if it means replacing said government with guardians who are more responsive to people's needs.

Rights contained in the first, second, fourth and fourteenth amendments of the Bill of Rights and the U.S. Constitution also seem applicable here. Those rights include: all citizens are entitled to the freedom to assembly; the right to keep and bear arms; the right to be secure in one's person, houses, papers and effects, against unreasonable searches and seizures; and finally that no state shall make or enforce any law, which shall deprive any person of life, liberty or property, without due process of law, nor deny any person within its jurisdiction the equal protection of the laws.

One could argue that making it illegal to record incidents of excessive force renders citizens powerless against some of the government's most powerful state actors. For some people, the cell phone camera is their way of arming/ protecting themselves against police harassment or unwarranted violence. A case could be made

that prohibiting citizens from using cell phone cameras violates their rights as guaranteed by the first amendment. All persons are granted the freedom to assembly, meaning that people are within their right to come together and protest and/or defend a common interest. When a crowd gathers to witness what they believe to be a case of excessive force and several of them retrieve their cell phones to document the event, technically they have assembled – perhaps unconsciously or maybe even consciously (as there is a widely held belief that there is safety in numbers), to protest the police officer’s actions against a common interest. With few options, the cell phone has become the weapon of choice for some when dealing with America’s most powerful street-level bureaucrats. Because police officers are the one state agent that most Americans are likely to see and/or encounter on a daily basis, and that citizens are most fearful of (Lipsky, 2010), it is conceivable that citizens might look for ways to protect themselves against rogue cops. While many Americans probably would not seriously consider carrying a firearm as a means of protecting themselves from police misconduct, some have embraced the cell phone as an empowering tool against this type of repression. For some law-abiding citizens, carrying a cell phone is their way of arming themselves. The second amendment guarantees the right to bear arms, but did not specify what arms mean. Interpreted broadly, bearing arms could constitute possessing that, which might serve as an offensive weapon or as a means of protecting oneself against an aggressor. In this case bearing arms might mean carrying a rock, slingshot, bow and arrow, sword, musket, revolver, stun gun, shield or a cell phone camera. A distinction should be made however, between, an offensive weapon and a defensive weapon. Any “means of protecting oneself against an aggressor” (such as the use of a cell phone) might be considered a defensive weapon. At various periods in history, arms might mean different things to different people, and thus take different forms. As time passes, perhaps new developments in technology should be considered when interpreting the second amendment.

John Locke, regarded as the most influential of Enlightenment thinkers, argued that human nature is characterized by tolerance and reason (Locke, 2007). In some areas of the country, some citizens have for years, tolerated unchecked police brutality, rationalizing that such misconduct is a necessary, but unfortunate and rare byproduct of the war against crime. However, as citizens continue to see, read or hear about a long train of police abuse of power, they have apparently concluded what any reasonable person would – that if something is not done to check the actions of rogue officers their next victim could “me”. Given this line of thinking, the use of cell phone cameras is a reasonable response to a long standing problem.

Discussion and Conclusion

For years, many believed that police use of excessive force was reserved for criminals and troublemakers. In other words, the victims of excessive force probably “got what they deserved.” Recent broadcasts of beatings and shootings of unarmed citizens, has undoubtedly prompted some to rethink their position on the sanctity of policing. The use of cell phones to monitor police behavior has the potential to change the nature of police work. At the very least, it might help identify “problem” officers before they do serious harm. Civil Rights Attorney and police brutality expert John L. Burris says that it often takes a widely publicized case before an officer with a history of violence is noted (Burris, 1999). Such was the case in New Orleans. There a police officer known in the Black community as “Robocop” because of his cold demeanor and heavy-handed tactics, was finally stopped when he was caught on tape ordering the murder of an African American woman who filed a brutality complaint against him. Records showed that over a period of five years, this officer was the subject of more than twenty complaints (Burris, 1999). Likewise, Detroit police officers Larry Nevers and Walter Bodzyn had a history of complaints against them for acts of brutality before they were charged in the beating death of Malice Green in 1992. The two officers bludgeoned Malice Green to death with their

flashlights tearing off part of his scalp (Levin, 1992). Ted Briseno, one of the four officers indicted in the 1991 King beating, had been suspended without pay for two months in 1987 after he kicked and struck a handcuffed man.

To what extent cell phone surveillance of police behavior will help bring rogue cops to justice is difficult to say. To be sure, some convictions have been secured, that otherwise would not have been obtained were it not for cell phone policing. What cell phone surveillance can and perhaps has done is “turned on its head” the idea that the citizen-police officer relationship is an asymmetrical one. This type of inverse surveillance has introduced an element of accountability that heretofore has been absent. Accountability is a cornerstone of a Democratic society. Although tax dollars are used to pay police officers salaries, many, if not most citizens have historically not sought to hold police officers accountable. Perhaps part of the reason for this; is that there have been few mechanisms with which to do so. Civilian Review Boards exist, but a civilian review board can accommodate only so many people. Moreover, few Civilian Review Boards possess any real power. Filing a complaint at the police station is always an option, but few people do so for reasons that have to do with feeling intimidated and/or the believing that one’s complaint will not be taken seriously (Burriss, 1999).

It should be made clear that the overwhelming majority of police officers are honorable public servants who elected to become cops, because they want to make a difference in people’s lives (Hahn & Jeffries, 2003). That said, since 1991, there have been thousands of excessive force cases; some even more mortifying than the beating of Rodney King, but they have, for the most part, gone unnoticed by the wider public; relegated to the back pages of local newspapers, if covered at all. This may explain the lack of national outrage.

Contrary to popular belief however, it is likely that many of these cases involved a fraction of the total number of police officers across the nation, many of them repeat offenders. Unfortunately, the

actions of a few rogue officers have prompted some to paint police officers with a broad brush.

Some of the more egregious incidents of police use of excessive force since 1991 include the case of former NFL linebacker Demetrius Dubose, who was killed by two San Diego police officers in July of 1999. Officers were investigating a burglary in the neighborhood where DuBose happened to be visiting. The officers saw DuBose standing outside of (what turned out to be) his friend's house and began to question him. Witnesses say that DuBose was cooperative until the officers began to harass, intimidate and attempt to handcuff him. The officers said DuBose seemed to be under the influence. The officers tried, unsuccessfully, to handcuff Dubose, but Dubose wrestled away. According to the officers, DuBose then lunged at them with a pair of nunchaku sticks, a martial arts weapon he had taken from one of the officers. The result: the officers fired at DuBose striking him 12 twelve times. The officers claimed they feared for their lives. Several witnesses say that DuBose was bending over when he was shot, while others claimed he was shot in the back as he turned away from the officers. DuBose, 28, graduated with honors from the University of Notre Dame and was co-captain of the football team. The question that some asked was, "How could this happen to a young man of DuBose's stature and there not be national outrage?" Unfortunately, because the shooting was not videotaped, it did not elicit nearly as much attention as did the King beating or even the recent cases involving the young woman in Seattle or the young man shot by a Bay Area Rapid Transit officer (BART) in San Francisco. Since there was no recording of the murder, the San Diego district attorney concluded that the shooting was justified (Perry, 1999). There is no way of knowing whether or not the officers would have been charged or convicted of a crime had the incident been videotaped, but it is likely that had the shooting been recorded, it would have garnered world-wide attention; enraging many, and perhaps prompting San Diego's district attorney to examine the case with greater scrutiny.

Using a cell phone to monitor police work is a relatively easy way to participate in the political process. Doing so also gives people a sense of efficacy, that they can alter the behavioral patterns of government actors. However, in two party consent states using cell phones to record police work can be risky. If a police officer spots him or herself being filmed, the officer may confiscate the device, despite the fact that doing so would seem to violate the fourth amendment, which gives a person the right to be secure in one's person and effects, and protects that person against unreasonable search and seizures. The officer also has the discretion to affect an arrest. Even in states where videotaping police work is permitted, citizen journalists might do well to film at a safe distance and as inconspicuously as possible. Just because there are no laws prohibiting the recording of police in action does not mean that doing so is risk free.

There is a due process argument that merits strong consideration. The fourteenth amendment affords citizens the equal protection of the law. If one believes a police officer has violated his or her rights, it is often his or her word against the police officer. Video or audio documentation of the encounter is one's best hope of proving one's case. Prohibiting people from using cell phone cameras in this way inhibits their ability to lodge a complaint, to seek the assistance of government as well as to petition the government for redress of grievance. If citizens are prevented (legally or through intimidation) from obtaining visual evidence of police misconduct to document a complaint for fear of reprisal, one could argue that a petition for redress carries little weight.

In the end, arguments against cell phone surveillance of police officers are either weak or fallacious. The strongest of the arguments (albeit still weak) – that cell phone surveillance can misrepresent police work, is offset by the fact that many police cruisers are now mounted with video cameras. In light of this development, laypersons, lawyers, jurors and judges are forced to rely on one visual

account of the incident, which is usually produced by the police officer against whom the civilian filed the complaint.

In 2008, there were on average, two and a half mobile phones per household (Bruce, 2008). While that number has not yet surpassed the level, at which TVs can be found in U.S. households (99.9% of all U.S. households have at least *one* television set (Cummings & Wise, 2005) there is no reason to believe the number of cell phones per household will decline anytime soon. Cell phones enable people to empower themselves when dealing with law enforcement, hence there is every indication that more people will take advantage of this advent in technology to hold public servants accountable.

Holding public servants accountable is essential to making them responsive to people's needs and wishes. Ensuring that his or her public servant is working in his or her best interest is a right to which all citizens are entitled; it is inherent in the Declaration of Independence, the Bill of Rights as well as the U.S. Constitution. When lawmakers seek to undermine that right as well as the right to Life, Liberty and the Pursuit of Happiness, their actions tear at the very fabric that holds this country together.

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The War on Drugs: Counting Our Victories

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In the fight against illegal drugs and substance abuse, “Winning the War on Drugs,” is proclaimed as the battle cry. But how does one know when a victory in the “War” has been achieved? How can success be measured within the fight against substance abuse? Law enforcement has used arrests rates and drug seizures as its measuring rod. After a conviction is obtained, recidivism has been a convenient measuring tool. From a conventional point of view, recidivism has been defined by the 3 R’s: Relapse, Re-arrest, and Revocation. However, defining each of these terms becomes complex due to the goals of the measuring agency. Furthermore, there are less conventional means of measuring substance abuse that may be more meaningful to the public at large. This paper examines the evaluation challenges inherent in measuring success towards this complex national goal. Recommendations are made to assist in the development of drug control programs and their subsequent evaluations.

Introduction

According to the 2008 Annual Report of the National Drug Control Strategy, the United States government has been effectively winning the War on Drugs since 2002. As evidence, the report noted a reduction in the number of high school seniors using illegal drugs from 19.4 percent in 2001 to 14.8 percent in 2007 as depicted in the Monitoring the Future Survey of that year. The mechanics of this winning strategy was described as a balanced three-prong approach consisting of (1) prevention messages with a focus on stopping youth from starting drug use, (2) treatment measures to heal those currently using, and (3) interdiction tactics to disrupt the supply of illegal drugs available to the public (National Drug Control Strategy Report,

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2008). However, when government funding is examined, this approach is not very balanced. According to the National Drug Control Strategy Report's proposed budget for 2009, law enforcement interdiction operations received approximately 65.28 percent of the budget while treatment and prevention received 24.13 percent and 10.69 percent respectively. While the underlying premise of the national strategy appeared to be sound, its application was weighted heavily on enforcement. Furthermore, the treatment component appeared to distribute funds to a wide variety of community, private, non-profit, and faith based substance abuse programs without a clear requirement for program evaluation. There is a financial axiom that suggests that our priorities lie across our spending habits. Therein lies the question; does the budget allocation reflect the preferred strategy for winning the war on drugs? How can the effectiveness of a strategy be measured? What other measures may be employed to generate alternative planning strategies? In short, how can successes be measured when it comes to winning the war on drugs?

Within the criminal justice system, drug offenders and substance abusers are often viewed the same. As such, success typically has been measured by recidivism. From a conventional point of view, recidivism has been defined by the 3 R's: Re-arrest, Revocation, and Relapse. While re-arrest rates and revocation of probation or parole numbers can provide measures of the criminal elements of substance abuse, relapse points to the clinical factors related to discontinuing illegal drug use. However, these measures alone provide a limited view of the field. Evaluation of drug programs involves a complex mixture of crime and society. This paper presents examples of the pitfalls inherent in the evaluation of drug control programs and offers some recommendations for planning and evaluating future programs.

The Drug Offense Problem

The "War on Drugs" is a nebulous expression in which

boundaries are blurred due to the scope of the problem. Offenders can be criminals and victims simultaneously. Drug dealers may use drugs, be addicted to drugs, and commit nondrug crimes as well. Institutions enlisted in the fight against drugs involve criminal justice and social service organizations to a greater extent than most other criminal offenses. Perhaps most daunting is the immense size of the problem. In 2008 the most frequent arrest in the United States was for drug violations, accounting for more than 1.7 million arrests or 12.2 percent of all arrests made (Uniform Crime Report, 2008). It was estimated by the Bureau of Justice Statistics (2007) that almost 57% of U.S. federal prisoners and 21% of state prisoners were drug offenders. It has been noted in previous research that a quarter to a third of offenders were using illegal drugs at the time of their offense, and about three-quarters of all offenders had a history of significant drug use (Harrison, 2001).

However, it would be a mistake to place all drug offenders into one classification. There are offenders who used drugs as a part of their offense or as a reason for their offense. Other offenders may be classified as criminals who also use drugs. Finally, there are offenders who are merely people who have an addiction to illegal drugs, but no other form of criminal behavior. These three types of drug offenders call for three types of control methods and three types of measurements. Because of the many different agencies and organizations involved in the effort to control illegal drugs or to mitigate their effects, there are a wide variety of agendas put forth, many of which conflict with each other. Therefore, when evaluating aspects of the war on drugs, parameters need to be set for who and what is being examined.

Responses to Control Illegal Drugs

Programs to control illegal drugs range widely from law enforcement interdiction strategies aimed at arrests to rehabilitation programs designed to divert drug abusers away from criminal sanctions. When evaluating drug control programs, it is important to

examine the goal being sought by the measurement. While it is beyond the scope of this paper to list all the programs targeting drug related crimes, a few will be briefly described which demonstrate the evaluation challenges that drug control programs present.

Law Enforcement Programs

On a national scale, law enforcement agencies generally design interdiction programs aimed at reducing the supply of illegal drugs through arrests of offenders and seizures of their means of trafficking drugs. Police responses to drug crimes largely fall into two broad categories – directive approaches, such as crackdowns, and proactive responses, such as problem-oriented policing (Mazerolle, 2007). A crackdown may be initiated once a drug infested area is identified by the police, and a plan is developed to aggressively enforce drug laws in the area.

The Indianapolis police department evaluated the effects of their crackdown on drug trafficking in the Brightwood neighborhood (Nunn, Quinet, Rowe, Christ, 2006). Police calls for services (CFS) was selected as the measurement variable because it represented a quality of public order index in the neighborhood. CFS for serious crimes was examined one year prior to the crackdown and two years afterwards. The Brightwood neighborhood was compared to a similar neighborhood acting as the control measure which did not receive the same intensity of aggressive enforcement. Results demonstrated a drop in CFS for serious crimes (burglary, guns, violence, robbery, and theft) after the crackdown in Brightwood that was significantly lower than the control neighborhood. The conspicuous exception was drug offenses, which increased in post year one and leveled off in the second year. This program evaluation is instructive for two reasons. First, it identifies the complexity of the factors to be evaluated – time, location, finding a comparable control location with similar crime trends, and identifying variables to be analyzed that represent the concerns of the organization (calls for police services in this case). Additionally, the results of this

evaluation leave the evaluators with the job of trying to explain why all serious crime CFS except drugs went down, when drug crimes were specifically targeted. Nunn and his colleagues suggested that residents were afraid to report suspected drug offenses prior to the crackdown, but felt more secure doing so after the police arrested several of the major drug offenders in the area. Some evidence of this is suggested by the drop in violence and gun charges afterwards, which may have been an indicator of intimidation prior to the crackdown. However, Nunn also acknowledged the possibility that the illegal drug trade actually increased after the crackdown due to new dealers coming in and filling the void of those arrested.

McCabe (2008) looked at arrest rates with drug offenses and the relationship with other crimes. Paradoxically, he found that as arrests for illegal drugs increased, the crime rate in general also increased. McCabe suggested this contradiction may be the result of drug offenses occurring where other serious felonies occur, thus raising arrests rates for all crimes. His other explanation was that drug offenders may simply not be deterred by the threat of arrest. In a comprehensive review of literature of drug law enforcement programs, Mazerolle, Soole, and Rombouts (2007) concluded there were few programs which were sufficiently measured to provide empirical evidence of success. Results were mixed for many enforcement-only interventions, such as crackdowns, raids, drug seizures, crop eradication, and undercover operations. These measures appeared to provide only a temporary reduction in drug offenses, or merely displaced the drug trafficking to another neighborhood. The interventions offering the most promise were those that targeted drug-using offenders. To this end arrest referrals to diversion programs aimed at treating underlying substance abuse may have the effect of reducing drug use and thus drug offenses. Similarly, Mazerolle and her colleagues found that multi-agency programs involving partnerships between the police enforcement operations and community programs appeared to be most effective.

Judicial Responses

With the passing of the Sentencing Reform Act of 1984, Congress established a system in which offenders with similar crimes and criminal histories would receive similar sentences. This legislation allowed for mandatory sentence guidelines for federal crimes, thus reducing the discretion of the judge in determining sentence length. In 1994 President Clinton signed the Violent Crime Control and Law Enforcement Act which added a number of drug related offenses to the federal crimes list. Both of these laws represented an attempt to “get tough” on crime, especially drug offenses. Unfortunately, evaluations of the efficacy of mandatory sentencing have not convincingly demonstrated a deterrence effect or reduction in the rate of these offenses (Schulhofer, 1993; Tonry, 1990).

One factor to consider is the gateway to trials – the prosecutor’s office. Ulmer, Kurlychek, and Kramer (2007) examined prosecutorial discretion and the imposition of mandatory sentences. Under the jurisdiction being studied, prosecutors had the discretion to decide whether or not the mandatory statute applied to individual cases. Ulmer’s team collected drug cases that were eligible to receive a mandatory sentence based on the charges and offense characteristics present. Offense characteristics included variables such as the amount of drugs involved, the defendant’s prior criminal record, and public safety factors (e.g. drug trafficking near a school). The dependent variable was whether or not a drug offense which was eligible for mandatory sentencing was actually forwarded for trial under the mandatory sentencing statute.

In addition to the charges and offense characteristics, the study examined the influence of race, age, gender of the defendants, and the ethnic composition of the county in which the court had jurisdiction. Ulmer, Kurlychek and Kramer found that prosecutors rarely chose to apply the mandatory statute in drug cases (16.2 %). While prior criminal histories increased the possibility of invoking the mandatory statute, it was still relatively low (29.0%). Hispanics

were most likely to receive the mandatory statute. Black offenders in counties with a high Black population were more likely to receive the mandatory statute than Black offenders in more racially mixed counties. Women offenders were the least likely to be tried under the mandatory statute. Ulmer and his colleagues concluded that mandatory does not mean a binding obligation, but represents a prosecutorial option. They pointed out that 90 percent of cases never reach the trial stage because they are resolved through plea bargains. The threat of mandatory sentencing by the prosecutor could provide a strong incentive for defendants to reach a plea.

This study points towards the need to understand what factors are not being accounted for when evaluating results. For example, any program evaluation of drug convictions may need to be tempered by the realization that the majority of drug defendants never go to trial. Therefore, what kind of drug defendant is actually represented in the courtroom?

Correctional Treatment Programs

Once a sentence has been imposed, corrections has the dual responsibility of security and rehabilitation. It is typical for drug offenders with substance abuse histories to be placed in drug treatment programs. When evaluating these types of programs, success can be measured either in terms of a reduction in recidivism (new crimes) or a decrease in the problem behavior (substance abuse). Better studies measure both these outcomes. The Federal Bureau of Prisons developed a Residential Drug Abuse Program (RDAP) which was implemented in several low and medium security prisons (Pelisser, et al., 2001). Each program consisted of approximately 100 inmates diagnosed with a substance abuse disorder and had volunteered for the treatment program. Inmate participants were housed together and attended treatment half a day, but were allowed to work and share prison facilities with other inmates the remaining time.

Treatment involved a relapse prevention model, with the goal

of altering the attitudes, values, and thinking patterns leading to criminal behavior and substance abuse. The length of the program was about 500 hours of treatment conducted across the last 12 months of the participant's sentence. After release, the participants were transitioned into half-way houses for community supervision and continued substance abuse treatment. The first six months after release from the half-way house was considered by treatment staff as the participant's most vulnerable time period.

To evaluate the effectiveness of the RDAP, the program evaluation was designed to examine outcomes following release after the critical six month marker. The outcomes measured included new arrests and evidence of drug use as determined by a positive urinalysis test, refusal to submit to the test, admission of use, or a positive Breathalyzer test. The sample consisted of 760 RDAP completers compared with 809 released inmates with substance abuse histories who did not participate in RDAP. Pelisser and her colleagues found the untreated subjects had a probability of 0.167 of being re-arrested within the first six months of release compared to a probability of 0.031 of the treated participants being re-arrested. In the same direction, untreated subjects had a probability of 0.367 of using drugs or alcohol within the first six months, while treated subjects yielded a probability of 0.205. The conclusion of the authors was that RDAP treatment had an effect in the desired direction.

What makes this a unique program evaluation is its focus on reducing selection bias. The RDAP presented two forms of selection bias. First, the program was voluntary. Because an incentive to the program was a reduction in sentence up to 12 months, it was a very popular program. The second selection bias came about through the weeding out process. Those selected for the RDAP by the treatment staff were the inmates who presented the higher risks to commit new crimes and to use drugs upon release. These inmates had extensive arrest records and long substance abuse histories. The danger in comparing the outcomes of these inmates with inmates with less

serious drug and offense problems could result in false negative results – showing no treatment progress when some existed.

To counter selection bias, Pelisser collected two samples to serve as the control group. One control sample included inmates with substance use histories who were incarcerated at the same institution that housed the RDAP units but did not volunteer for the program. Thus, they experienced the same incarceration effects minus the treatment program. The second control group came from inmates incarcerated in prisons without RDAP units. These inmates had no opportunity to volunteer for the program despite the severity of their drug abuse problems. Background histories were matched through inmate records to try to approximate both samples. In this manner the control sample lessened the effects of selection bias.

Another way of examining program progress is to change the focus from what works to what does not work. Looking at what prevents the program from succeeding can offer insights into how to make it more successful. Huebner and Cobbina (2007) examined offenders on probation in Illinois who failed to complete drug treatment programs. Surveys completed by 3,017 probationers and a review of their records provided the data for analysis. Recidivism was measured as either a new arrest for any crime or a new drug offense arrest. Offender characteristics were compared to the individual's history of drug use, provision for treatment, and whether or not the offender completed treatment.

Huebner and Cobbina found that 64% of probationers, regardless of their current crime, had a history of drug use. These individuals were more likely overall to be re-arrested or fail probation terms than nondrug use probationers. However, probationers with drug use histories who entered and completed treatment (71%) were more likely to successfully complete their probation terms. Therefore, if drug treatment completion is an important measure of success, how do subjects fail? The key predictors of failure in this sample appeared to be (1) an extensive criminal and/or drug use history, (2) lack of steady employment, and

(3) lack of education. Young, Black male probationers from urban counties were also more at risk of failure (Huebner & Cobbina).

These results suggested probation supervision and treatment programs may be improved with more emphasis in creating greater vocational and academic opportunities. While criminal history and race are static and cannot change, it may be important to further examine the underlying factors promoting failure for these individuals. Qualitative measures investigating barriers to motivation for treatment, the influences of criminal or drug-using peers, and individual incentives supporting criminal behavior may be enlightening. If treatment programs have the potential to have a positive effect for about 71% of probationers, maybe a different type of program is needed for the remaining 29% which would address their special needs and motivations.

Prevention Programs

The ultimate goal to winning the war on drugs would be developing programs that prevent people from seeking illegal drugs. Many programs to this end have been developed, mostly for middle and high school students. One of the most widely used prevention program is D.A.R.E. (Drug Abuse Resistance Education). Funded in part by the Department of Justice, D.A.R.E. has been established in more 7,000 communities nationwide, with a curriculum designed to prevent substance abuse among school children from kindergarten through 12th grade (Gist, 1995). The core features of the program seek to prepare students for avoidance of substance abuse and violence. Classes are provided which focus on knowledge of the harmful effects of tobacco, alcohol, and other drugs; resisting peer pressure; enhancing self esteem; and learning conflict resolution skills (Gist). While very popular among policy makers, its face validity outweighs its criterion validity. In other words, it looks so good that it must be good. Unfortunately, meta-analysis studies have presented poor outcome effects for D.A.R.E. programs. At best, they

provide a limited, short-term effect (Ennett, Tobler, Ringwalt, & Flewelling, 1994; West & O'Neal, 2004).

A problem with some drug abuse prevention programs is they have strong emotional appeal that implies something positive is being accomplished whether it is or not. Because of this assumption of accomplishment, evaluations of prevention programs may sometimes be seen as unnecessary. The content of prevention programs promotes a perception that the information is good for people, regardless of the outcome. A review of forty-seven national drug prevention programs found that only ten had been evaluated adequately (Lusenbury, Falco, & Lake, 1997). Interestingly, the study included D.A.R.E. as one of the programs subjected to a set of comprehensive evaluation standards, and found it lacking. Nevertheless, D.A.R.E. continues to be promoted widely.

The Problem With Recidivism

Due to the increase in federal drug offense laws since the 1994 Violent Crime Control and Law Enforcement Act, more offenders are being targeted for arrest. However, arrests may demonstrate the large extent of the problem rather than a success in controlling the problem. Traditionally, various measures of recidivism have been employed to justify or denounce policies and programs aimed at drug offenders. Unfortunately, there is no universally accepted measure of recidivism (Israel and Chui 2006). It varies widely depending on the agency and purpose for the analysis. In its simplest form, recidivism is some behavior which violates an outcome goal.

Violations may take many forms to include criminal acts, procedural breaches of probation or parole conditions, and other prohibited non-criminal behavior. Likewise, a violation may be an omission of behavior such as not submitting to drug testing or failing to complete substance abuse treatment. Violations vary according to the discretion of the agency monitoring offenders. Whereas one agency may allow an offender a second or third chance to reform after failing a urinalysis, another agency may strictly invoke

revocation proceedings after one failure. This discretion applies to the many criminal justice personnel managing the drug offender – probation/parole officers, judges, and substance abuse treatment providers. Therefore, obtaining a consistent, standardized measure of recidivism across many agencies is tenuous at best. Furthermore, there is no agreement about how long one should follow offenders to collect data on violations.

Some agencies have attempted to standardize the way they measure recidivism. The Home Office in the United Kingdom defined recidivism within community correctional programs according to the following criteria (Underdown, 1998):

1. Reconviction rates
2. Levels of completion and compliance with supervision conditions.
3. Changes in social circumstances
4. Changes in attitude or behavior

These criteria may be adapted to most types of drug offender supervision, and they provide a mix of quantitative and qualitative measurement. While new convictions and failure to comply with supervision conditions are very straightforward, quantitative indications of recidivism, changes in attitudes or social circumstances are more subjective and individualized.

The Problem With Relapse Measurements

Causal, recreational use of most drugs may be illegal, but it does not become a concern to mental health and medical professions until the use interferes with someone's personal, social, or occupational life. Once drug use becomes "diagnosable," it can be treated, and the treatment progress can be measured. Most notable in substance abuse treatment is the attention given to relapses. Relapse monitoring has been used in many clinical fields; however, in the treatment of substance abuse, relapse refers to the return to behaviors

that trigger drug use after a period of drug free living (Witkiewitz and Marlatt, 2007).

As in recidivism research, relapse monitoring takes many forms. Relapse may be defined as starting to use drugs again, or more broadly observed as putting themselves in jeopardy of using drugs. As an example, the act of a recovering alcoholic who makes the excuse of going into a bar for a book of matches may be labeled as a relapse depending on the aims of the monitoring treatment staff. Four commonly used methods to measure relapse are given by Potgieter, Deckers, and Geerlings (1999):

1. Frequency and quantity of use – how often and how much does the person use drugs.
2. Post-withdrawal abstinent period – how long can the person maintain abstinence before relapsing.
3. Cumulative duration of abstinence – how long has the person maintained abstinence over time minus relapse periods.
4. Stable recovery period – how long can the person maintain a productive lifestyle.

Common to each is the measurement of time that a person can avoid drug use after mastering some self control over it. The difference among the methods is a matter of when to start the measurement. It is interesting to note that from an outcome measurement point of view, the type of treatment techniques used is irrelevant as long as relapse is avoided.

In many substance abuse treatment circles, relapse is often viewed as a failure on the part of the clients to maintain control over their sobriety. However, Marlatt (1985) preferred to see relapse as a part of the transition that one undergoes while learning how to maintain sobriety. It is common for those in substance abuse treatment to fall prey to repeated relapses back into drug use. According to a longitudinal study by Hser, Longshore, and Anglin (2007), it was noted that heroin users may suffer a number of relapses

for 8 to 10 years before finally obtaining stable recovery. Therefore, the measurement of relapse may be better served if viewed as an ongoing process rather than an all-or-none success or failure.

Beyond Recidivism and Relapse

In determining whether success has been made in the fight against drugs, absolute numbers may not always be best. When examining the big picture, individual program results can create confusion and false assumptions. For example, more drug arrests are negated if drug offense recidivism and substance abuse relapse remains high. Also, it has been estimated that drug use has declined from peak uses in the 1970's, and has remained fairly stable over the past several years in the range of 8% (Goode, 2008; Substance Abuse and Mental Health Services Administration, 2009). Nevertheless, drug related arrests and incarcerations have increased three to four times since the 1970's, and continued to increase long after the drug use leveled off (Goode, 2008). The United States has sought to reduce the harm of drugs almost exclusively through reduction of supply tactics (MacCoun and Reuter 2001). While politicians may claim that they empowered criminal justice to fight drugs with increased drug laws, it is also likely that societal shifts prior to new laws may have been the catalyst to start the decline. Beyond the criminal justice outcomes, there are measurements of social change that may be more meaningful to winning the war on drugs. Collecting non-criminal measurements in the improvements of education, job satisfaction, and strengthening family bonds are examples that may suggest more powerful tools to curbing the demand for drugs rather than curtailing its supply.

Planning Measurement Goals for The Future

Drug control program development and policy planning is an ongoing and interactive process among multiple agencies. In future measurements of the effectiveness of drug crime strategies, it is prudent to be cognizant of the goals of the parties involved. How

well do the goals of enforcement and corrections match the goals of substance abuse treatment? Do they compete or compliment each other?

Drug courts are an example of how arrests can be matched with rehabilitation. Drug courts were initiated in 1989 in response to the increasing caseloads of drug offenses (Sanford and Arrigo, 2005). While they vary across local jurisdictions, Drug Courts tend to be diversion programs targeting offenders with diagnosable substance abuse disorders. After arrest, an assessment is made to identify offenders who qualify for the Drug Court. These offenders are channeled into substance abuse treatment and supervision programs more quickly than the average offender. The general results indicate that Drug Courts are cost effective and productive in reducing recidivism and substance abuse (Belenko, 2001; Galloway & Drapela, 2006; Peters & Murrin, 2000; Sanford and Arrigo, 2005). In order to determine where and how their successes are obtained, more attention to the measurement of coordinated efforts between the criminal justice system and community services is necessary.

Recommendations

When measuring the success of winning the war on drugs, one cannot be content with narrowly focused variables of study. The margin for error is too great due to the complexity of the problem. To make the evaluation focus more precise, the following questions are recommended when evaluating drug control and substance abuse programs:

1. What is the agenda of the organization requesting the evaluation?
2. How are outcome measures defined? Beware of the recidivism and relapse generalities.
3. How long are outcomes to be measured?
4. What are the sources of selection and sampling biases, and how can they be controlled?
5. How do outcome variables interact with other variables? Are

there unanticipated results? e.g. – Is there a relationship between arrests rates decreasing in one location, but increasing in another part of the city?

6. Will face validity be a problem?
7. What factors cannot be measured that may affect the outcome?
8. Is the program dependent on the performance of other programs? e.g. – Drug Courts rely on community treatment programs to provide effective interventions with their referrals.
9. Can qualitative measures be used when quantitative measures are not practical?
10. Are there social or other noncriminal factors that need to be measured?
11. Where could barriers to success lie?

Finally, it must be remembered that not one program solves all problems. Different types of drug abusers need different treatment programs. What deters some from drugs will not deter others. Demographics in various parts of the country require different law enforcement interdiction programs. Just as sound investments in the stock market require diversity, so do drug control programs. Unifying these diverse programs into a coordinated whole, is truly a task of presidential scope.

As assessment and evaluation tools improve, there is the risk of finding more problems than were reported in the past because they were not identified and overlooked. That does not mean that substance abuse has increased, only that we have a clearer understanding of the problem. The challenge for the future is to also find the successes that were overlooked due to not measuring the right dimensions. Trebach (1987) suggested society could tolerate drug users as long as they could demonstrate a productive and noncriminal life at work and home. Herein contains the answer to winning the war on drugs. At what point can we say that illegal drug use is not significantly harmful to the general population, and therefore is maintained within acceptable parameters?

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Book Review

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Rideau, Wilbert, (2010), *In Place of Justice: A Story of Punishment and Deliverance*, New York, New York: Alfred A. Knopf, 350, 9780307264817, \$26.95 (hard).

The United States has a dearth of analysts in the public arena for major social ills such as crime, poverty and education, unlike other areas such as business and sports. Wilbert Rideau fills this critical void by taking his readers on a literary journey that goes well below the surface level of his personal story into the murky and rough waters which characterize the administration of justice in our country.

Examining his early life in the first chapter, one finds ample evidence to support the idea that crime is the manifestation of the social ills within a society. Racism, poverty, limited economic and educational opportunities that defined pre-Civil Rights Louisiana tethered to an abusive father created a person alienated from life. All of the fears, anxieties, and frustrations Rideau felt would vanish, he believed, if he could only move from his hometown in Louisiana to California. His plan required financial support he could not earn at his job as a store clerk so one evening while he was waiting for a bus he impulsively decided to rob a bank. This resulted in the death of one bank employee for which Rideau received a death sentence at 19 years of age.

His crime resulted in four separate trials over the course of four decades as the United States Supreme Court ruled his initial trial was a “kangaroo court proceeding” due to the pretrial publicity in which a local news station filmed and repeatedly aired an interview of Rideau. Also, in 1961 the trial court judge did not require a verbatim transcript unless Rideau could afford one, so his attorneys

improvised by writing longhand every objection they raised in order to create a record necessary for an appeal.

Chapter 2 begins Rideau's forty-four year imprisonment with the vast majority of his incarceration at the Louisiana State Penitentiary better known as "Angola," America's most violent prison and its largest with 5,000 inmates on 18,000 acres. The first twelve years on death row served as Rideau's foundation to his longevity and rehabilitation as he informally educated himself beyond his eighth grade education. In addition to exploring his own life by becoming a voracious reader of books about great people, he also found life-changing advice from a fellow inmate who urged Rideau to find a purpose for not only living and surviving, but flourishing behind prison walls as a form of reconciliation to his victim and his own family.

When the US Supreme Court outlawed capital punishment in 1972, Rideau was placed in the general population of the prison which opened new opportunities for him. Inmates had to work and he requested a position on *The Angolite*, the prison's newspaper. He was turned down on the basis that the all-white staff had no openings so he took the offer to produce *The Lifer*, which became the newsletter for the Angola's Lifers Association. Soon the publication began to be offered outside the confines of the prison as a network of supporters began to sell it with proceeds being held in an account to fund future editions. The early success of the newsletter included articles about prison culture that served as a spark for mainstream newspapers to address these issues with Rideau serving as an "inside man" for their stories.

After an article about the exploitation of inmates in the prison rodeo, Rideau was punished and sentenced to solitary confinement with dismissal from the newsletter. After external pressure and an inmate petition with 800 signatures, he was released from solitary confinement and offered a staff position on *The Angolite*.

In 1975 Rideau met his mentor and friend C. Paul Phelps to whom he dedicated this book. This relationship between inmate and

warden transformed *The Angolite* into an investigative publication that covered the institution like a newspaper covers a city and one free from prison administration oversight and censorship while utilizing professional journalism standards. The book chronicles Rideau's work on the publication which over the years garnered the respect of his fellow inmates, prison and government officials, and outside members of the general public with numerous nominations for a National Magazine Award.

While the book is written for the general lay audience, all readers will benefit from the personalized perspective and commentary of an inmate who experienced all the different penology theories and philosophies that were ushered into the corrections world during his four decades of incarceration. In addition, the unfolding drama over the years in the courts, parole board hearings, and pardon requests underscores the idea that justice and its system involves a series of discretionary decisions at the local jurisdiction level which too often include political maneuvering. John Grisham could not manufacture a more compelling and intriguing legal story.

Rideau is to be commended for his engaging writing style creating a thoroughly enjoyable book that leaves the reader amazed for his redemption from his past crime and resilience in face of a system that too often is irrational and unjust. Considering how America has the largest incarceration rate in the world, Rideau, as an ex-inmate, is in a rare position to be a voice for the 2.1 million voiceless inmates. What makes this a unique book as compared to empirical works or other former prisoner accounts is that it embodies the sociological imagination as Rideau aptly examines his personal experiences in the context of the larger sociopolitical forces over the course of his life as child, convicted murderer, established inmate-journalist, and post-prison citizen. The Prison-Industrial Society is a reality with no signs of abating making this book an essential read.