

# PICJ

## Professional Issues in Criminal Justice: A Professional Journal

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# Professional Issues in Criminal Justice

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## Editor's Notes

In the lead article of this Summer/Fall issue of *PICJ*, "Reducing Adolescent Oppositional and Conduct Disorders: An Experimental Design Using the Parenting with Love and Limits (PLL) Model," Scott Sells, the founder of Parenting with Love and Limits; Kristin Winokur Early, the Vice President and Director of Research at the Justice Research Center in Tallahassee, Florida; and Thomas Smith, a professor of social work at Florida State University, examine the effectiveness of Parenting with Love and Limits (PLL), a structured therapeutic program for delinquent youth and their families. The authors discuss the need for evidence-based interventions that engage families and reduce criminogenic risk. Their article presents the findings from an experimental study of PLL and documents outcomes for delinquent youth and their families.

The second piece, a research note, explores the influence of employees' perception of correctional facilities' organization and operation on life satisfaction. In, "Association Between Distributive and Procedural Justice and Life Satisfaction Among Correctional Staff," Eric Lambert, a professor of criminal justice at Wayne State University, and Nancy Hogan, a professor in the School of Criminal Justice at Ferris State University, examine the effect of distributive and procedural justice on life satisfaction for a sample of correctional staff. Their findings highlight the role of organization practice and policy on employees' quality of life.

The third article is by Stephen Eliason, an associate professor of sociology at Montana State University Billings and a member of the City of Billings Police Board in Billings, Montana. In his study, "Policing Natural Resources: Issues in a Conservation Law Enforcement Agency," Professor Eliason investigates conservation law enforcement organizations. The qualitative research examines contemporary issues in wildlife management agencies. The author identifies several key issues facing game wardens, including funding, salaries, non-wildlife enforcement activities, system support, and social/political climates.

"Exploring the Separation of Powers Doctrine in Oklahoma: A Case Study of the Lack of Enforcement of the Adultery Statute," the fourth piece, examines the division of legislative and judicial powers. The author, Harrison Watts, is an assistant professor of criminal justice at Washburn University in Topeka, Kansas, and a member of the Academy of Criminal Justice Sciences and the Southwestern

Editor's Notes

Association of Criminal Justice. His case study of Oklahoma adultery statutes explores prosecutorial discretion and the power of Oklahoma district attorneys to repeal de facto criminal statutes passed by the state legislature.

In the final article, "Police Misconduct and Crime: A Gender Study of Crime Types from Court Cases," Petter Gottschalk, a professor of Organization and Leadership at the Norwegian School of Management, explores the relationship between gender and officer misconduct in the Norwegian police force. His study includes empirical data from The Norwegian Bureau, the agency responsible for processing police misconduct cases in Norway. Gottschalk uses case data involving 60 law enforcement officers to examine gender differences in misconduct frequency, severity, and case outcomes.

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# Reducing Adolescent Oppositional and Conduct Disorders: An Experimental Design Using the Parenting with Love and Limits® Model

Scott P. Sells, Kristin Winokur Early, Thomas E. Smith

Ineffective parenting behaviors such as poor supervision, rejection, harsh and inconsistent discipline and poor parenting techniques may place adolescents at risk for developing oppositional and conduct disorders. Parental behavior can increase or decrease an adolescent's risk for delinquency and other problem behaviors. The Parenting with Love and Limits® (PLL) model was developed to address these issues and engage families in delinquent youths' treatment. In an experimental design, the PLL treatment group demonstrated a significant reduction in aggressive behaviors, depression, attention deficit disorder problems, and externalizing problems as measured by the Child Behavioral Checklist (CBCL). Dropout rates in the treatment group among parents and teenagers were extremely low with an 85% attendance rate by the parents and an 80% attendance rate by youths. Compared with the control group, the PLL treatment group significantly improved parents' readiness to change and resulted in significantly lower recidivism rates (16% PLL vs. 55% control) over a 12-month follow-up period.

**Key Words:** Recidivism • re-adjudication • community-based intervention • Parenting with Love and Limits • delinquency • family therapy • oppositional disorder • conduct disorder • juvenile offender

Research reveals that adolescents are at risk of engaging in delinquent behaviors when they are exposed to ineffective parenting techniques (Ingram, Patchin, Huebner, McCluskey, & Bynum, 2007; Loeber & Farrington, 1998; Mmari, Blum, & Teufel-Shone, 2010; Patterson, 1992; Warr, 2005;), parental rejection (Barnow, Lucht, & Freyberger, 2005; Hughey & Weisz, 1997; Richter, Krecklow, & Eisemann, 2002; Stuewig & McCloskey, 2005);

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harsh and inconsistent discipline (Conger and Simons, 1997; Edwards, Dodge, Latendresse, Lansford, Bates, Pettit, G., et al., 2010; Shaw & Scott, 1991), and poor family relationships (Rowe & Liddle, 2003). According to Williams and Chang (2000), “Juveniles will return to future delinquent acts if their parents remain unchanged in the areas of consistent limit setting, rebuilding emotional attachments, and improved communication” (p. 159).

Previous studies evaluating programs meant to reduce delinquent behaviors in adolescents have generally focused on adolescent behavior as the outcome of interest (Greenwood, 2008). Few studies have evaluated juvenile justice interventions relative to parental involvement and readiness for change. In the current study, the Parenting with Love and Limits® group therapy program was evaluated to determine not only its effect on adolescent behavior, but also its influence on parent factors as well as the parent–adolescent relationship and readiness for change.

Parenting with Love and Limits (PLL) is a manualized structural–strategic program for delinquent youth that provides both group and family therapy for adolescents and their parents. In addition to engaging the family in the therapeutic process, PLL incorporates treatment fidelity protocols that allow for determination of a more conclusive association between program outcomes and the PLL model than therapist characteristics or other extraneous factors (Hoag & Burlingame, 1997; Stevens & Morral, 2003; Waltz, Addis, Koerner, & Jacobson, 1993). PLL fidelity protocols include use of 1. comprehensive training manuals for family therapy groups and individual coaching sessions, 2. videotape monitoring and feedback of therapist adherence to the PLL model, 3. therapy callbacks with scripted dialogue and tune-ups, 4. therapist coaching fidelity checklist (24 items) monitoring and scoring, and 5. therapist group fidelity checklist (42 items) monitoring and scoring. To date, PLL has been implemented in juvenile justice systems throughout the United States and in Norway. It has been used as both a community-based alternative to juvenile residential placement as well as a re-entry program for delinquent youths making the transition from residential care back to the community.

### Family Engagement in Delinquency Interventions

Therapeutic groups for parents can provide caregivers with skills to reduce aggressive, antisocial, and delinquent behavior among children and adolescents (e.g., DeGarmo, Chamberlain, Leve, & Price, 2009). Delinquency interventions have traditionally focused only on the individual youth, with cursory to no involvement of the youth's

caregivers in the therapeutic process. This may in part be due to four primary obstacles that can be encountered in attempting to engage the family and implementing group therapies.

First, group therapy has been used primarily as a stand-alone intervention. There is often no seamless integration between group and family or individual therapy into one continuum of care. As a result, parents may be eager initially to learn new skills in a parenting group but have no one to show them how to use the skill through role-play in a family therapy format (cf., Forgatch, Bullock, & Patterson, 2004). As such, parents may learn a new skill in group only to see it fail when they deliver it improperly for the first time at home. As a result, their faith in the effectiveness of the parenting groups and motivation to continue treatment may plummet. This is a primary reason why stand-alone group therapy programs have shown adverse effects (DeGarmo et al., 2009; Roback, 2000).

Second, while family-based approaches are widespread, some authors (Liddle & Dakof, 1995; Rowe & Liddle, 2003) have raised questions as to their efficacy. Of particular concern is the effective engagement of caregivers in their child's treatment. Parents may believe that their adolescents are solely responsible for their delinquent behaviors and may therefore resent coming to parenting groups as a consequence of their adolescent's involvement in the juvenile justice system. Parents' reluctance to engage in the therapeutic process can present formidable obstacles when attempting to engage in family-based interventions for delinquent youth.

Third, not only is there a lack of definitive evidence about the efficacy of these approaches, but iatrogenic effects are also possible (Dishion, McCord, & Poulin, 1999; Santisteban, Coatsworth, Perez-Vidal, Kurtines, Schwartz, LaPerriere, & Szapocznik, 2003). Within therapeutic groups, interaction among adolescent peers with violent behaviors may inadvertently reinforce problem behaviors in other youths. Santisteban et al. (2003) reached such a conclusion, stating: "Although group therapy may be less costly to implement, any consideration of cost-effectiveness must also consider the possibility of clinical deterioration (p. 131).

Finally, another problem is that, until recently, there has been a lack of group therapy studies or studies in general with outcomes tied to treatment fidelity (Dusenbury, Brannigan, Falco, & Hansen, 2003; Moncher & Prinze, 1991; Tucker & Blythe, 2008). Use of a treatment fidelity protocol provides reassurance that positive findings were due to the model's procedural steps and not an artifact of a therapist's characteristics or some other factor(s). Without use of a treatment fidelity protocol,

study results can be suspect (Hoag & Burlingame, 1997; Stevens & Morral, 2003; Waltz et al., 1993).

In recent years, fidelity studies have been conducted on family therapy models for adolescent conduct disorders and substance abuse (Henggeler, Melton, Brondino, Scherer, & Hanley, 1997; Hogue, Liddle, Rowe, Turner, Dakof, & LaPann, 1998; Huey, Henggeler, Brondino, & Pickrel, 2000). Interventions using parenting groups should similarly manualize procedures and set forth and adhere to clear fidelity protocols.

Engaging delinquent adolescents and their parents in both group and family therapy treatment remains a formidable challenge. One proposed mechanism for addressing this challenge is to assess both youths' and parents' motivation for change. Readiness for change, or amenability to treatment, is a relatively novel outcome for the juvenile justice field. Yet, it has been associated with increased retention (Hogue, Dauber, & Morgenstern, 2010; Miller & Tonigan, 1996; Neff & Zule, 2002; Rogers, Martin, Anthony, Massaro, Danley, Crean, et al., 2001; Sellers & Vik, 1999; Sheldon, Howells, & Patel, 2010;), engagement (Sheldon et al., 2010; Chambers, Eccleston, Day, Ward, & Howells, 2008), and behavioral change (DiClemente, Doyle, & Donovan, 2009).

The focus here on readiness for change is based on the change model developed by Prochaska, DiClemente, and Norcross (1992). In this model, four stages of change—Precontemplation, Contemplation, Action, and Maintenance—lead to a readiness to change in clients. In the Precontemplation stage, clients have little intention of changing their behavior in the foreseeable future. The client is not yet considering change or is unwilling or unable to change. Often, clients in Precontemplation fail to see the disconnect between their purported goals and actual behaviors. Clients reach the Contemplation stage when they are aware that a problem exists and begin to acknowledge concerns. The client may be considering the possibility of change but is typically ambivalent and/or uncertain. During the following Action stage, clients modify their behavior, experiences, and/or environment to remedy problems. Finally, in the Maintenance stage clients work to prevent relapse and consolidate gains made.

Family therapy interventions that encompass assessment and consideration of clients' readiness for change have been found to decrease dropout rates in mental health treatment of adults (Miller & Tonigan, 1996; Neff & Zule, 2002; Sellers & Vik, 1999). Orlando, Chan, and Morral (2003) concluded that because decreased dropout rates

increase the likelihood of successful alleviation of presenting symptoms, the use of Prochaska and colleagues' (1992) model in treatment planning is promising.

In an effort to engage the family in the treatment of delinquent youths, while avoiding the obstacles outlined previously, PLL implemented a six-week parenting group after creating a series of treatment fidelity protocols. The parenting group targeted adolescents within the juvenile court system with oppositional defiant or conduct disorder diagnoses (American Psychiatric Association, *Diagnostic and Statistical Manual of Mental Disorders*, 4<sup>th</sup> ed.,1994.). The group actively involved both parents and their adolescents.

The primary goals of the current study were: 1. to examine the extent to which active parent and teen involvement in the six-week PLL parent education group reduced adolescents' conduct disorder behaviors; 2. to determine whether reductions in conduct disorders would be sustained over a 12-month follow-up period as measured by recidivism, or re-arrest rates; and 3. to evaluate whether PLL lowered parent dropout rates and increased levels of motivation, engagement, and group attendance rates by using Prochaska's Stages of Readiness scale. In addressing the third goal, the specific aim was to examine whether parents stayed at the stage of readiness that existed before the first parenting group began or whether they would move to the higher levels of readiness, thereby lowering parental resistance.

### Methods

The study targeted adolescents within the Georgia juvenile court system with oppositional defiant or conduct disorder diagnoses (*DSM-IV*, 1994). Thirty-eight adolescents and their parents were assigned randomly into either the PLL parenting group or a control group. The treatment group consisted of 19 adolescents and their parents who received PLL group therapy over a six-week period. The adolescents ranged in age from 12 to 17 years old; the average age of participants was 15 years.

Each participant had been adjudicated for a delinquent offense and was disposed to probation through the juvenile court. The control group of 19 adolescents and their families received the customary probation services, which included counseling, community schools, and/or community service. Participants from both groups were matched before random assignment based on type of offense, gender, age, and socioeconomic status. The majority of the adolescents were African American (82%), while 12% were Caucasian and 1% were Hispanic. Both males and females were represented in the sample, with males accounting for the majority of

participants (57%). The youths had committed a wide variety of concurrent crimes, with shoplifting as the most commonly occurring offense.

*The PLL Group Model*

The six-week PLL group therapy program was developed following a three-year process and outcome evaluation study (Sells, 1998; Sells, 2000; Sells, Smith & Sprenkle, 1995) and integrated principles of a structural family therapy approach. Structural Family Therapy is rated a Model Program in the United States Department of Education's *Applying Effective Strategies to Prevent or Reduce Substance Abuse, Violence, and Disruptive Behavior Among Youth* (Scattergood, Dash, Epstein, & Adler, 1998). Programs using the framework of structural family therapy have consistently demonstrated success in reducing or eliminating conduct disorders in adolescents (Labia & Rokutani, 2002; Rowe, Parker-Sloat, Schwartz & Liddle, 2003; Springer & Orsbon, 2002).

Two group facilitators led a small group of parents, caregivers, and their teenagers (no more than 4 to 6 families with no more than 12 people total in the group) in six classes, each two hours long. Two co-facilitators were needed, as the program used breakout groups. Parents and teens met together collectively as a group during the first hour and then broke into separate groups during the second hour. The rationale for these breakouts was that oftentimes both parents and teens needed to meet separately to address issues that they could not resolve within the collective group, such as venting frustrations with one another or developing effective consequences.

The PLL model provided parents with a detailed six-module treatment manual on curtailing their teenagers' behavioral problems. To assist in intervention delivery, workbooks were available for parents and their children. Each group facilitator delivered the program in the same manner by following a published step-by-step leader's guide (Sells, 2002). A standardized fidelity manual was also used to train group facilitators on how to implement the program consistently (Sells, 2002). The PLL program provided a step-by-step roadmap on how to stop oppositional defiant or conduct disorder behavior problems and used extensive role-playing and modeling throughout the following six class modules:

1. Understanding Why Your Teen Misbehaves: Parents learned why their teen creatively uses extreme behaviors such as disrespect, running away, violence, or other acts of "parent



abuse” to defeat parents continually when they try to regain control of their household.

2. Button Pushing: Parents learned how their teen skillfully "pushes their hot buttons" and teens learned how parents push theirs.
3. Ironclad Contracting: Parents learned the reasons their traditional methods of contracting have been ineffective as well as five operational strategies to create improved contracts with the innovative use of both positive and negative consequences.
4. Troubleshooting: Parents learned how to troubleshoot their teen's efforts to defeat the newly developed contracts.
5. Stopping the Seven Aces: Parents chose from a menu of creative consequences to stop their teen's "Seven Aces"—disrespect, truancy, running away, drug or alcohol use and abuse, sexual promiscuity, violence, and threats of suicide.
6. Reclaiming Lost Love: Both parents and teens learned how years of conflict have reduced parents' ability to nurture their teens and six strategies needed to reclaim this lost capability.

#### *Measures*

*The Child Behavior Checklist (CBCL).* The CBCL is a validated, standardized assessment instrument that measures behavioral problems and social competencies of children as reported by parents. Parents can complete the CBCL themselves, or an interviewer can administer the CBCL. It consists of 118 items related to behavior problems scored on a 3-point scale ranging from "not true" to "often true" of the child. Twenty social competency items obtain parents' reports of the amount and quality of their child's participation in sports, hobbies, games, activities, organizations, jobs, chores, and friendships. It also measures school functioning and how well the child gets along with others as well as plays and works alone. Individual item intraclass correlations (ICC) of greater than 0.90 are reported between item scores obtained from mothers at 1-week intervals, both mothers and fathers completing the measure on their children, and three different interviewers obtaining CBCL from parents of demographically matched triads of children. Stability of ICCs over a 3-month period

was 0.84 for behavior problems and 0.97 for social competencies. Test-retest reliability of mothers' ratings was 0.89.

*The Parent and Adolescent Readiness Scales (PRS)*. This measure is a modified version of the University of Rhode Island Change Assessment (URICA) scale (McConaughy, Prochaska, & Velicer, 1983). Both parents and adolescents received the PRS separately. The measure contains 32 Likert questions and is designed to have a single factor, unidimensional scale (McConaughy et al., 1983), which is a continuous, ratio level measurement. Thus, participants can achieve high scores on more than one of the stages of readiness (Precontemplation, Contemplation, Action, and Maintenance). Stage scores (i.e., means on each set of 8 items for each subject) have been converted to standardized scores (mean = 50,  $SD = 10$ ). A decrease in mean Precontemplation stage scores between the pretest and posttest indicates a decrease in respondents' unwillingness or inability to change. Similarly, a decline in mean Contemplation stage scores may signify a transition from mere contemplation of action to behavioral change. Reduced Precontemplation and Contemplation mean stage scores, coupled with increased Action and Maintenance scores, reflect a progression through the stages of change Prochaska and his colleagues (1992) set forth.

*The Index of Parental Attitudes (IPA)*. This measure contains 25-items that assess the extent, severity, and magnitude of problems in the parent-child relationship. The range of scores is from 25 to 175, with scores above 30 indicating a clinically significant problem. Scores above 70 indicate severe stress on the part of the respondent with an increased possibility of violence. The IPA has a mean alpha of 0.97 and has demonstrated exceptional known-groups validity and acceptable construct validity (Hudson, 1997). Decreases in IPA scores between the pretest and posttest signify a decline in parent-child relationship problems. Scores decreasing below the threshold of 70 reflect a decreased likelihood for familial violence.

*The Parent-Adolescent Communication Scale (PACS)*. This measure contains 20 items that use a 5-item Likert scale: each question ranges from "strongly disagree" to "strongly agree." The measure contains two subscales representing open family communication and problematic family communication (Barnes & Olson, 1985). The Open Family Communication Scale comprises questions designed to assess the degree of openness in family communication. Questions are positive statements related to the family's expression of feelings, listening skills, and attempts to understand one another's views. Higher scores reflect a greater degree of openness. Alternatively, the Problems in Family Communication Scale examines the "extent of

problems in family communication” (Barnes & Olson, 1985, p. 441) by using negative statements regarding family members’ difficulties communicating and lack of communication skills. Scores on this scale are reverse-coded in value and added to the Open Family Communication Scale for an additive total scale score. Higher total scores reflect stronger parent–adolescent communication. In a national study, alpha reliabilities for each subscale were 0.87 and 0.78, respectively; test-retest reliabilities were 0.78 and 0.77. Several studies have supported the construct validity of the instrument (Hazzard, Christensen, & Margolin, 1983; Margolin & Fernandez, 1983; Olsen, McCubbin, Barnes, Larsen, Muxen, & Wilson, 1982; Plake & Conoley, 1995; Sales, Milhausen, Wingood, DiClemente, Salazar, & Crosby, 2008).

Recidivism or relapse rates for all 38 adolescents who completed the program were measured through Georgia juvenile court records for each adolescent. Re-arrest records were obtained for all 38 adolescents 6 months after the completion of the parenting program and then again 12 months after completing the program.

### Results

Treatment group youth had significantly lower recidivism rates (16%) than that of the control group (55%) over a 12-month period after release from PLL and probation services, respectively. In addition, juveniles in the control group on average spent a total of 543 days in detention, while juveniles in the treatment group spent 72 total days in detention.

Attendance rates of both parents and teenagers in the parenting group were relatively high with an 85% attendance rate among parents and an 80% attendance rate among youth, signifying strong family engagement in the PLL program. Because parents were not court ordered to attend the program, attendance rates were particularly noteworthy. The one parent who failed to attend all six classes was present at each of the other five classes. One adolescent in detention at the time classes were conducted was also absent.

These high attendance rates and high engagement by both parents and adolescents correlated positively with the stages of readiness scales. According to the Parent and Adolescent Readiness Scale (PRS), mothers in the treatment group went from a standardized pretest mean score of  $\bar{x}=17.85$  to a mean of  $\bar{x}=10.29$  in the posttest score within the Precontemplation stage. This indicates that mothers were making the transition from Precontemplation to advanced stages of readiness for change. In the control group the mothers remained relatively constant, with a

standardized pretest mean of  $\bar{x}=20.92$  and a posttest mean  $\bar{x}=19.07$ . Anecdotal reports of the mothers in the treatment group suggested that their attitude started with “My adolescent has a problem and I have nothing to do with it and I have no intention of changing” and changed to “My teenager has a problem and I am part of the solution with a responsibility to help fix my teenager’s behavioral problems.

Positive movement also occurred in the Action stage of development whereby mothers in the treatment group moved from a standardized mean score of  $\bar{x}=33.08$  to a mean score of  $\bar{x}=38.00$ , whereas the mothers in the control group showed no change or got worse (pretest  $\bar{x}=30.67$  and posttest  $\bar{x}=30.69$ ). In other words, by the end of the intervention, the posttest Action scores showed that mothers were ready to take some action to change their adolescents’ behavior problems by employing contracting and consistent limit setting as parenting methods. The initial attitudes within the Precontemplation stage were now translated into a desire to take some action steps to help their adolescent. This change in motivation and commitment by the parent correlated with the 85% parent attendance rate.

Adolescents’ PRS scores paint a similar, albeit not identical, picture to that of the parents. The adolescents receiving PLL services demonstrated little change in their before and after Precontemplation mean scores (pretest  $\bar{x}=18.00$  and posttest  $\bar{x}=17.90$ ); they appeared to have no attitude or belief system change as a result of treatment. However, even without a professed change in attitude, adolescents achieved a significant change in their Action scores (pretest  $\bar{x}=29.00$  and posttest  $\bar{x}=35.27$ ) reflecting modification in their behaviors, experiences, and/or environment to remedy problems. While Action and Maintenance scores increased for youth in the treatment group, these scores declined for control group participants between pre and posttest administration.

Adolescents believed that their communication with their mothers had improved significantly more so than adolescents who had not received treatment (control group), as illustrated in mean changes in the Parent–Adolescent Communication Scale (PACS) scores. Conversely, control group mean scores actually declined, suggesting that family communication worsened among control group participants. Mirroring this finding, mothers in the treatment group perceived that communication with their teens had also improved significantly more so than their control group peers. Average PACS scores for PLL mothers increased from 58.07 to 78.64, while control group mothers declined by a factor of 6.32 between pre and posttest assessments.

Table 1. *Comparisons of Treatment and Control Condition Participants on Family Communication, Parental Attitudes, and Readiness for Change Outcomes*

Measure	Pretest		Posttest		t-test
	Treatment	Control	Treatment	Control	
Parent-Adolescent Communication Scale (PACS): Teen to Mother	57.67	63.29	68.75	46.58	3.60**
Parent-Adolescent Communication Scale (PACS): Mother to Teen	58.07	63.72	78.64	57.40	4.29**
Index of Parental Attitudes (IPA): Mother	73.21	71.35	46.47	76.60	4.49**
Parent and Adolescent Readiness Scale (PRS): Adolescents					
Precontemplation	18.00	22.31	17.90	25.38	-2.53*
Contemplation	33.44	29.00	33.23	30.56	2.07*
Action	29.00	28.88	35.27	27.00	3.38**
Maintenance	27.30	27.40	35.20	26.53	2.45*
Parent and Adolescent Readiness Scale (PRS): Mother					
Precontemplation	17.85	20.92	10.29	19.07	-5.41**
Contemplation	33.23	37.60	30.56	32.57	2.67*
Action	33.08	30.67	38.00	30.69	5.61**
Maintenance	31.08	27.00	33.87	31.79	1.11

\* $p \leq .05$     \*\* $p \leq .01$ .

*Note.* Parent-Adolescent Communication Scale: higher scores reflect greater communication between parent and adolescent. Index of Parental Attitudes: lower scores reflect greater parental contentment with his/her child, with scores greater than 30 indicative of a clinical problem and scores above 70 reflective of severe stress and increased potential for familial violence. Parent and Adolescent Readiness for Change: the table presents standardized scores. Decreased Precontemplation and Contemplation subscales signify fewer respondents reporting an unwillingness/inability to change or reporting contemplation of action, without behavior change, respectively.

Another important indicator of improvement in familial relations was the change in PLL parents' attitudes and contentment toward their children. As measured by using the Index of Parental Attitudes (IPA), mean scores decreased significantly from 73.21 to 46.47. This change signified a reduction in severe familial stress and decreased likelihood for violence within the family. Control group mothers reported an increase in mean IPA scores over the course of the study. Table 1 provides the pretest and posttest PRS, PACS, and IPA scores for the treatment and control conditions.

The results of the analysis of the Child Behavior Checklist support the efficacy of the PLL group intervention (see Table 2). On all but two subscales, the PLL group members improved significantly more than the control group participants after controlling for the pretest scores. It is instructive to examine the two subscales on which the PLL families did not improve more so than the control group condition participants. The first subscale concerns Somatic Complaints. Because the PLL intervention does not purport to improve health functioning, this result was expected. The second subscale speaks to delusional thinking (Thought Problems). Although the PLL intervention does improve conduct disorders and their related sequelae, it is not designed to treat adolescents with psychotic symptomology. On balance, the scores on the composite scale that showed overall functioning documented that treatment group participants fared significantly better than their control group counterparts.

The most significant difference between the treatment and control groups was within the Aggressive Behaviors subscale ( $\bar{x}$ =67.43 pretest vs.  $\bar{x}$ =58.14 posttest) in the treatment group and ( $\bar{x}$ =70.83 pretest vs.  $\bar{x}$ =71.67 posttest) in the control group. Aggressive behaviors in the control group actually increased, while in the treatment group they were reduced significantly. Aggressive behaviors are a hallmark of conduct disorders so the large reduction is noteworthy.

Other common symptoms of conduct disorders such as attention deficit problems and externalizing problems (i.e., blaming others and taking no personal responsibility for one's own actions) were also significant. Symptoms such as depression were significant but not nearly to the degree of the other symptoms. This is to be expected as depression is not a major symptom of conduct disorder behavior.

## Discussion

The results indicate that parents' participation in adolescents' treatment of severe behavioral problems can have a positive influence on program outcomes. The low

Table 2. Comparisons of Treatment and Control Condition Participants on Child Behavior Checklist (CBCL) Scales

Measure	Pretest		Posttest		F Ratio
	Treatment Mean (SD)	Control Mean (SD)	Treatment Mean (SD)	Control Mean (SD)	
Anxiety/Depression	57.14 (8.17)	55.83 (7.88)	52.57 (3.91)	58.67 (6.24)	9.06**
Withdrawn/Depression	58.93 (9.40)	62.83 (6.77)	55.36 (4.92)	63.50 (7.49)	8.96**
Somatic Complaints	53.64 (6.18)	56.83 (6.13)	51.36 (3.32)	53.08 (4.44)	0.94
Social Problems	57.93 (8.39)	61.91 (6.20)	59.36 (4.38)	65.42 (5.09)	7.94*
Thought Problems	60.93 (9.16)	55.25 (5.45)	51.5 (3.67)	52.67 (4.08)	0.54
Attention Problems	65.57 (11.5)	66.17 (11.02)	56.57 (5.69)	69.75 (8.49)	21.95**
Rule-Breaking Problems	67.29 (10.94)	75.33 (7.30)	60.07 (8.07)	69.33 (9.44)	23.17**
Aggressive Behaviors	67.43 (12.77)	70.83 (14.22)	58.14 (6.78)	71.67 (13.01)	32.79**
Internalizing Problems	55.93 (9.50)	59.08 (5.23)	50.79 (5.66)	58.92 (7.70)	7.88*
Externalizing Problems	64.07 (15.80)	73.08 (9.54)	56.57 (11.21)	71.83 (10.11)	24.37**
Total Problems	62.93 (11.78)	66.75 (6.78)	55.43 (7.79)	69.67 (6.31)	26.49**

\* $p \leq .05$       \*\* $p \leq .01$

recidivism rates (16% in the PLL condition versus 55% in the control group), fewer detention days (72 days in the PLL condition versus 543 days in the control group), and significant reductions in problem behaviors suggest that the PLL intervention represents an effective method for treating delinquent youths. These findings support the ongoing literature that adjudicated adolescents can avoid returning to delinquent acts if families are engaged in the treatment process through interventions designed

to address parent and adolescent communication, parental limit setting and contracting, and emotional connectedness and support (Williams & Chang, 2000).

Generally, parents are not actively involved in their teenagers' rehabilitation within the juvenile justice system. Court diversion programs are designed in part to prevent future delinquent acts, probation placements, and expensive commitment programs. Yet, the focus of these programs is primarily on the individual youth. Although there may be short-term gains, the recidivism rates for these teenagers once they return home can be quite high. In a recent report on juvenile justice in the State of Georgia, 56% of the 4,420 adjudicated youth in 2003 re-offended within three years of returning from short-term wilderness programs and another 44% recidivated after release from residential commitment (Strategic Plan Report, 2003). By comparison, youth served by the PLL program had reported recidivism rates of 16%.

Another encouraging finding was the high parent attendance rates of 85% with attrition rates of roughly 5%, suggesting that the *type* of parenting program used may be a critical factor. Although the findings were from a small randomized sample, the results are encouraging. Equally impressive was the voluntary nature of parents' participation (i.e., parents were not court ordered into treatment). The high attendance rates may be attributed to three central areas.

First, one key feature of the PLL program was the use of a treatment fidelity protocol (i.e., manualized adherence, which reduces the variability of therapist skill and experience). Because the PLL program was designed to inspire confidence and hope in parents, it was important to capture this quality. As one parent noted that, "In past parenting classes we just have to sit there and get lectured to. It's boring. But these classes work. The ladies that run the class are high energy, exciting, and really know what they are doing. It is completely different from what I expected. I look forward to coming."

Second, the parenting program curriculum itself was tailored for conduct disordered adolescents with difficult and unmotivated parents. This tailoring process took place over three years of preliminary studies (Sells, 1998; Sells, 2000). The PLL modules addressed out-of-control adolescents specifically and spoke directly to the unique treatment issues that parents face. This in turn fostered increased levels of interest and motivation.

Third, the PLL curriculum was designed to "start where the client or parent is" on the level of treatment readiness of parents and adolescents. When developed, the curriculum noted Prochaska et al.'s (1992) observation that therapists often request



parents to initiate action (e.g., producing a behavioral contract) when they are not ready to do so. Understandably, parents fail to follow therapists' directives because they and therapists are not on the same "developmental sheet of music." Study results suggest that the PLL participants' levels of readiness increased and with it, the likelihood of an effective treatment effort. Thus, if a program starts at participants' level of readiness, improved outcomes relative to motivation and attendance may likewise be realized.

The results of this study do not support findings from other studies (Dishion et al., 1999; Santisteban et al., 2003) that group therapy for adolescents may actually create iatrogenic effects or clinical deterioration. By contrast, adolescents in this study showed clinical improvement in aggressive behaviors to improved parent-child communication. It is speculated that the PLL program involved parents actively, while other clinical outcome studies have involved the adolescents only. Thus, adolescents in the study treatment group were exposed not only to their peers but also to their parents. The adolescents met their peers in planned breakout groups for relatively short periods (one hour per group for breakout and one hour together with their parents) to complete specific tasks (e.g., positive rewards for following rules in their homes). The breakouts were not open-ended process groups but highly structured. The active involvement of parents combined with the high structure may have created a different context for participants. Future studies are needed to isolate and compare these two treatment programs (i.e., conduct disorder adolescents alone in groups that are primarily process groups versus adolescents in groups with their parents and a highly structured breakout curriculum) to explore potential iatrogenic effects in group therapy further.

Future studies are also needed to determine whether recidivism rates are altered or affected by a dual family household versus a single parent household. A limitation of this study was that the majority of the 19 treatment group parents were single parent mothers ( $n = 13$ ). The remaining six mothers had spouses, but the spouses were unable to attend. As a result, we were unable to determine the effects of a dual parent household on the areas of recidivism, parent-child communication, stages of readiness, or changes in parental attitudes.

Future interventions and evaluations should also explore the combined effect of both parenting education groups and aftercare programs such as individual family therapy. Even though the relatively low recidivism rates of the treatment group were encouraging, it is likely that adolescents with conduct disorder behavior diagnoses

may require additional aftercare intervention. While studies have highlighted the utility of psychoeducation in adolescent conduct disorder treatment, including parent training (Bamberg, Toumbourou, Blyth, & Forer, 2001; Schmidt, Liddle, & Dakof, 1996) and skills training (McGillicuddy, Rychtarik, Duquette, & Morsheimer, 2001), there is a severe deficit of studies combining psychoeducational training with family therapy to assist parents in application of these skills (DeGarmo et al., 2009; Roback, 2000; Wagner, Brown, Monti, Myers, & Waldron, 1999). A study by Smith, Sells, Rodman, and Reynolds (in press), concluded that optimal treatment with conduct disorders required components of both psychoeducational groups and family therapy.

Group therapy can provide parents with the skills training, education, and necessary support from other parents to reduce their adolescents' resistance and to engage them in the treatment process. In addition, follow-up family therapy aftercare can show parents how to hone these new skills with their adolescents while also addressing underlying family dysfunctions that might jeopardize successful application of newly acquired parenting skills. Family therapy complements group psychoeducational applications such as those reported here and may serve to prevent chronic difficulties from re-emerging with a concomitant return of dysfunctional parenting behaviors.

Although the parenting education program reported here is a promising beginning in helping to motivate and engage adolescents and their parents, it is not a definitive answer. Future studies are needed to combine parenting skills and aftercare services such as family therapy to form a continuum of care that can address parenting skill deficits and the underlying family problems that create or contribute to these deficits. Finally, future studies are needed with larger sample sizes to generalize findings to a broader population. The preliminary outcomes from this small-scale randomized evaluation design suggest that the Parenting with Love and Limits (PLL) group therapy approach may be an effective mechanism for reducing oppositional and conduct disorder behaviors among delinquent youths disposed to probation.

## References

- American Psychiatric Association. *Diagnostic and Statistical Manual of Mental Disorders* (4<sup>th</sup> ed.). (DSM-IV). (1994). Washington, DC: American Psychiatric Association.
- Bamberg, J., Toumbourou, J. W., Blyth, A., & Forer, D. (2001). Change for the BEST: Family changes for parents coping with youth substance abuse. *Australian and New Zealand Journal of Family Therapy, 22*(4), 189–198.
- Barnes, H.L., & Olson, D.H. (1985). Parent–adolescent communication and the Circumplex Model. *Child Development Special Family Development, 56*(2), 438–447.
- Barnow, S., Lucht, M., & Freyberger, H. (2005). Correlates of aggressive and delinquent conduct problems in adolescence. *Aggressive Behavior, 31*(1), 24–39.
- Chambers, J., Eccleston, L., Day, A., Ward, T., & Howells, K. (2008). Treatment readiness in violent offenders: The influence of cognitive factors on engagement in violence programs. *Aggression and Violent Behavior, 13*(4), 276–284.
- Conger, R. D., & Simons, S. L. (1997). Life-course contingencies in the development of adolescent antisocial behavior: A matching law approach. In T. P. Thornberry (Ed.). *Development theories of crime and delinquency: Advances in criminological theory*, Vol. 7, (pp. 55–99). New Brunswick, N.J.: Transaction.
- Dawes, R. M. (1994). *House of cards: Psychology and psychotherapy built on myth*. New York: Free Press.
- DeGarmo, D. S., Chamberlain, P., Leve, L. D. & Price, J. (2009). Foster parent intervention engagement moderating child behavior problems and placement disruption. *Research on Social Work Practice, 19*(4): 423–433.
- DiClemente, C., Doyle, S., & Donovan, D. (2009). Predicting treatment seekers' readiness to change their drinking behavior in the COMBINE study. *Alcoholism: Clinical and Experimental Research, 33*(5), 879–892.
- Dishion, T. J., McCord, J., & Poulin, F. (1999). When interventions harm: Peer groups and problem behavior. *American Psychologist, 54*, 755–764.
- Dusenbury, L., Brannigan, R., Falco, M., & Hansen, W. B. (2003). A review of research on fidelity of implementation: Implications for drug abuse prevention in school settings. *Health Education Research, 18*(2), 237–256.

- Edwards, A., Dodge, K., Latendresse, S., Lansford, J., Bates, J., Pettit, G., et al. (2010). MAOA-uVNTR and early physical discipline interact to influence delinquent behavior. *Journal of Child Psychology and Psychiatry*, 51(6), 679–687.
- Forgatch, M. S., Bullock, B. M., & Patterson, G. R. (2004). From theory to practice: Increasing effective parenting through role-play. In H. Steiner (Ed.), *Handbook of mental health interventions in children and adolescents: An integrated developmental approach* (pp. 782–814). San Francisco: Jossey-Bass.
- Glass, G. V. & Smith, M. L. (1978). An exercise in mega-silliness: Reply. *American Psychologist*, 33, 517–519.
- Greenwood, P. (2008). Prevention and intervention programs for juvenile offenders. *The Future of Children*, 18(2), 185–210.
- Hazzard, C. A., Christensen, A., & Margolin, G. (1983). Children's perceptions of parental behaviors. *Journal of Abnormal Child Psychology*, 11, 49–59.
- Henggeler, S. W., Melton, G. B., Brondino, M. J., Scherer, D. G., & Hanley, J. H. (1997). Multisystemic therapy with violent and chronic juvenile offenders and their families: The role of treatment fidelity in successful dissemination. *Journal of Consulting and Clinical Psychology*, 65(5), 821–833.
- Hoag, M. J. & Burlingame, G. M. (1997). Evaluating the effectiveness of child and adolescent group treatment: A meta-analytic review. *Journal of Clinical Child Psychology*, 26(3), 234–246.
- Hogue, A., Dauber, S., & Morgenstern, J. (2010). Validation of a contemplation ladder in an adult substance use disorder sample. *Psychology of Addictive Behaviors*, 24(1), 137–144.
- Hogue, A., Liddle, H. A., Rowe, C., Turner, R. M., Dakof, G. A. & LaPann, K. (1998). Treatment adherence and differentiation in individual versus family therapy for adolescent substance abuse. *Journal of Counseling Psychology*, 45(1), 104–114.
- Hudson, W. W. (1997). *The WALMYR assessment scales scoring manual*. Tallahassee, FL: WALMYR.
- Huey, S. J., Henggler, S. W., Brondino, M. J., & Pickrel, S. G. (2000). Mechanisms of change in multisystemic therapy: Reducing delinquent behavior through therapist adherence and improved family and peer functioning. *Journal of Consulting and Clinical Psychology*, 68, 451–467.

- Hughey, S. J., & Weisz, J. R. (1997, August). Ego control, ego resiliency, and the Five-Factor Model as predictors of behavioral and emotional problems in clinic-referred children and adolescents. *Journal of Abnormal Psychology, 106*(3), 404–415.
- Ingram, J., Patchin, J., Huebner, B., McCluskey, J., & Bynum, T. (2007). Parents, friends, and serious delinquency: An examination of direct and indirect effects among at-risk early adolescents. *Criminal Justice Review, 32*(4), 380–400.
- Labia, G. W., & Rokutaini, J. (2002). A systems approach to substance abuse identification and intervention for school counselors. *Professional School Counseling, 5*(5), 353–360.
- Loeber, R., & Farrington, D. P. (1998). *Serious and violent juvenile offenders: Risk factors and successful interventions*. Thousand Oaks, CA: Sage.
- Margolin, G., & Fernandez, V. (1983). Other marriage and family questionnaires. In E. Filsinger (Ed.), *Marriage and family assessment: A sourcebook for family therapy* (pp. 317–338). Beverly Hills, CA: Sage.
- McConaughy, E. N., Prochaska, J. O., & Velicer, W. F. (1983). Stages of change in psychotherapy: Measurement and sample profiles. *Psychotherapy: Theory, Research and Practice, 20*, 368–375.
- McGillicuddy, N. B., Rychtarik, R. G., Duquette, J. A., & Morsheimer, E. T. (2001). Development of a skill training program for parents of substance-abusing adolescents. *Journal of Substance Abuse Treatment, 20*, 59–68.
- Miller, W. R., & Tonigan, J. S. (1996). Assessing drinkers' motivation for change: The Stages of Change Readiness and Treatment Eagerness Scale (SOCRATES). *Psychology of Addictive Behaviors, 10*(2) 81–89.
- Mmari, K., Blum, R., & Teufel-Shone, N. (2010). What increases risk and protection for delinquent behaviors among American Indian youth? Findings from three tribal communities. *Youth & Society, 41*(3), 382–413.
- Moncher, F. J., & Prinze, R. J. (1991). Treatment fidelity in outcome studies. *Clinical Psychology Review, 11*, 247–266.
- Neff, J. A., & Zule, W. A. (2002). Predicting validity of a measure of treatment readiness for out-of-treatment drug users: Enhancing prediction beyond demographics and drug history variation. *American Journal of Drug and Alcohol Abuse, 28*(1), 147–170.

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- Olson, D., McCubbin, H. I., Barnes, H., Larsen, A., Muxen, M., & Wilson, M. (1982). Family inventories. St. Paul, MN: University of Minnesota, Family Social Science.
- Orlando, M., Chan, K. S., & Morral, A. R. (2003). Retention of court referred residential treatment programs: Client characteristics and treatment process. *American Journal of Drug and Alcohol Abuse, 9*(2), 337–358.
- Patterson, G. R.; Reid, J. B., & Dishion, T. J. (1992). *Antisocial boys: A social interactional approach*. Vol. 4. Eugene, OR: Castalia.
- Plake, B. S., & Conoley, J. (1995). Using Buros Institute of mental measurement materials in counselling and therapy. *Journal of Counseling and Development, 69*, 449–455.
- Prochaska, J. O., DiClemente, C. C., & Norcross, J. C. (1992). In search of how people change: Applications to addictive behaviors. *American Psychologist, 47*(9), 1102–1114.
- Richter, J., Krecklow, B., & Eisemann, M. (2002). Interrelations between temperament, character, and parental rearing among delinquent adolescents: A cross-validation. *Comprehensive Psychiatry, 43*(3), 210–214.
- Roback, H. B. (2000). Adverse effects in group psychotherapy. *Journal of Psychotherapy Practice and Research, 9*, 113–122.
- Rogers, E., Martin, R., Anthony, W., Massaro, J., Danley, K., Crean, T., et al. (2001). Assessing readiness for change among persons with severe mental illness. *Community Mental Health Journal, 37*(2), 97–112.
- Rowe, C. L., & Liddle, H. A. (2003). Substance abuse. *Journal of Marital and Family Therapy, 29*(1), 97–120.
- Rowe, C.L., Parker-Sloat, E., Schwartz, S., & Liddle, H. (2003). Family therapy for early adolescent substance abuse. In S. J. Stevens & A. R. Morral (Eds.). *Adolescent substance abuse treatment in the United States: Exemplary models from a national evaluation study* (pp. 105–132). New York: Haworth Press.
- Sales, J., Milhausen, R., Wingood, G., DiClemente, R., Salazar, L., & Crosby, R. (2008, June). Validation of a parent–adolescent communication scale for use in STD/HIV prevention interventions. *Health, Education & Behavior, 35*(3), 332–335.

- Santisteban, D. A., Coatsworth, J. D., Perez-Vidal, A., Kurtines, W. M., Schwartz, S. J., LaPerriere, A., & Szapocznik, J. (2003). Efficacy of brief strategic family therapy in modifying Hispanic adolescent behavior problems and substance abuse. *Journal of Family Psychology, 17*(1), 121–133.
- Scattergood, P., Dash, K., Epstein, J., & Adler, M. (1998). *Applying effective strategies to prevent or reduce substance abuse, violence, and disruptive behavior among youth*. Boston, MA: Education Development Center.
- Schmidt, S. E., Liddle, H. A., & Dakof, G. A. (1996). Changes in parenting practices and adolescent drug abuse during multidimensional family therapy. *Journal of Family Psychology, 10*(1), 12–27.
- Sellers, K., & Vik, P. W. (1999). Readiness to change alcohol and other drug use among incarcerated women using the SOCRATES. Poster presented at the annual meeting of the Association for the Advancement of Behavior Therapy, Toronto, Ontario, Canada.
- Sells, S. P. (1998). *Treating the tough adolescent: A step-by-step, family-based guide*. New York: Guilford Press.
- Sells, S. P. (2000). *Parenting your out-of-control teenager*. New York: St. Martin's Press.
- Sells, S. P. (2002). *Parenting with love and limits leader's guide*. Savannah, GA: Kennikel Press.
- Sells, S. P., Smith, T. E., & Sprenkle, D. (1995). Integrating quantitative and qualitative methods: A research model. *Family Process, 34*, 199–218.
- Shaw, J., & Scott, W. (1991). Influence of parent discipline style on delinquent behaviour: The mediating role of control orientation. *Australian Journal of Psychology, 43*(2), 61–67.
- Sheldon, K., Howells, K., & Patel, G. (2010). An empirical evaluation of reasons for non-completion of treatment in a dangerous and severe personality disorder unit. *Criminal Behaviour and Mental Health, 20*(2), 129–143.
- Smith, T. E., Sells, S. P., Rodman, J., & Reynolds, L. (in press). Reducing adolescent substance abuse and delinquency: Pilot research of a family-oriented psychoeducation curriculum. *Journal of Child and Adolescent Substance Abuse*.
- Springer, D. W., & Orsbon, S. H. (2002). Families helping families: Implementing a multifamily therapy group with substance-abusing adolescents. *Health and Social Work, 27*(3), 204–208.

Sells, Early, and Smith

- Stevens, S. J., & Morral, A. R. (2003). *Adolescent substance abuse treatment in the United States*. New York: Haworth Press.
- Strategic Plan Report. (2003). *Juvenile delinquency recidivism rates in Georgia*. Decatur, GA: Georgia Department of Juvenile Justice.
- Stuewig, J., & McCloskey, L. (2005). The relation of child maltreatment to shame and guilt among adolescents: Psychological routes to depression and delinquency. *Child Maltreatment, 10*(4), 324–336.
- Tucker, A. R., & Blythe, B. (2008). Attention to treatment fidelity in social work outcomes: A review of the literature from the 1990s. *Social Work Research, 32*(3), 185–190.
- Wagner, E. F., Brown, S. A, Monti, P. M., Myers, M. G., & Waldron, H. B. (1999). Innovations in adolescent substance abuse intervention. *Alcoholism: Clinical & Experimental Research, 23*(2), 236–249.
- Waltz, J., Addis, M. E, Koerner, K., & Jacobson, N. S. (1993). Testing the integrity of a psychotherapy protocol: Assessment of adherence and competence. *Journal of Consulting & Clinical Psychology, 61*(4), 620–630.
- Warr, M. (2005). Making delinquent friends: Adult supervision and children's affiliations. *Criminology, 43*(1), 77–106.
- Williams R. J., & Chang, S. Y. (2000). A comprehensive and comparative review of adolescent substance abuse treatment outcome. *Clinical Psychology: Science and Practice, 7*, 138–166.



# Association Between Distributive and Procedural Justice and Life Satisfaction Among Correctional Staff: Research Note

Eric G. Lambert and Nancy L. Hogan

Distributive justice and procedural justice, two dimensions of organizational justice, have been found to be important workplace variables in shaping correctional staff job stress, job satisfaction, and organizational commitment. It is unclear, however, whether distributive justice and procedural justice are associated with correctional staff life satisfaction. Multivariate analysis of survey data from correctional staff at a state prison found that staff perceptions of both distributive justice and procedural justice had significant positive relationships with a measure of life satisfaction.

**Key Words:** Correctional staff • prison staff • life satisfaction • distributive justice • procedural justice • organizational justice

U.S. correctional facilities require substantial monetary resources to operate, spending more than 30 billion dollars annually to house about 1.5 million offenders. The largest expenditure, though, is for staff. More than 430,000 people work in U.S. correctional facilities (Maguire, 2010). While staff account for the largest expense in the correctional budget, they are also the institution's most important asset. Just as staff affect the operations of correctional facilities, so, too, the work environment affects staff. A small but growing body of literature has found that organizational justice in the form of distributive justice and procedural justice are significant predictors of job stress, job satisfaction, and organizational commitment among correctional staff (Lambert, 2003; Lambert, Hogan, & Griffin, 2007; Taxman & Gordon, 2009). There is, however, much still unexplored on the relationships of distributive justice and procedural justice with other outcomes among correctional staff, including life satisfaction; therefore, this preliminary study examined the association between

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these two dimensions of organizational justice and life satisfaction among 272 staff members at a state run prison in the midwest.

### Brief Literature Review

Organizational justice is based on employee perceptions that the organization treats workers in a fair and just manner (Folger & Cropanzano, 1998; Greenberg, 1987). While organizational justice is a multidimensional concept, distributive justice and procedural justice are the two salient dimensions of organizational justice (Folger & Cropanzano, 1998; Greenberg, 1987, 1990b). Distributive justice deals with the perceptions that organizational outcomes affecting employees are equitable and fairly based (Folger & Cropanzano, 1998; Greenberg, 1982). In a sense, perceptions of distributive justice are based on the exchange principle: employees evaluate the organizational outputs they receive compared with their inputs to determine whether it is a fair outcome (Lambert, 2003). A wide array of outcomes shape employee perceptions, including pay, performance evaluations, assignments, rewards, and punishments (Greenberg, 1990a, 1990b). Procedural justice refers to employee perceptions that the process by which distributive outcomes are determined is fair (Folger & Cropanzano, 1998; Greenberg, 1990a). Employees generally desire the process to be open and fair, regardless of the outcome. Distributive justice deals with perceptions of the ends and procedural justice deals with perceptions of the means.

A small body of research has found that both forms of organizational justice are important predictors of correctional staff outcomes. These studies have found distributive justice and procedural justice associated with increased job satisfaction and organizational commitment among correctional staff (Lambert, 2003; Lambert et al., 2007). Additionally, both forms of justice have been linked with decreased job stress and job burnout (Lambert, Hogan, & Allen, 2006; Lambert et al., 2007; Lambert, Hogan, Jiang, Elechi, Benjamin, Morris, Laux, & Dupuy, 2010). In another study, perceptions of procedural justice were associated with lowered fear of being victimized at work (Taxman & Gordon, 2009). Not all possible correctional staff outcomes have been fully studied. Only one study has examined the relationship of distributive justice and procedural justice with correctional staff life satisfaction. In a single study of staff at a private correctional facility for juvenile offenders, both distributive justice and procedural justice were associated with life satisfaction (Lambert et al., 2010). There is a need for additional studies to determine whether the findings can be replicated.

Life satisfaction is an individual's cognitive assessment of the degree of overall satisfaction with his or her life (Hart, 1999; Quinn & Staines, 1979). Life satisfaction is important not only for staff but for correctional facilities as well (Lambert et al., 2010). Staff who are happy and satisfied with life tend to be more pleasant to work with, more open, less stressed, and more helpful (Donovan & Halpern, 2002; Lambert, Hogan, Paoline, & Baker, 2005).

Based on the spillover theory, what occurs at work can spill over and affect the overall quality of life for people because work is a major domain in the lives of most working adults (Steiner & Truxillo, 1989; Wilensky, 1960). High perceptions of organizational justice can provide people with positive feelings while low perceptions of organizational justice can cause negative feelings, such as frustration, anger, and resentment (Cropanzano, Goldman, & Benson, 2005; Judge & Colquitt, 2004; Lind & Tyler, 1988; Lucas, 2009). The positive feelings from perceptions that there is distributive justice and procedural justice at work are likely to help increase the satisfaction with life overall. Likewise, negative feelings can spill over to cause strain, conflict, and stress for the person not only at work but at home. In the end, this may lower the person's level of life satisfaction. It was, therefore, hypothesized that both distributive justice and procedural justice would have a positive relationship with correctional staff life satisfaction.

## Methods

### *Participants*

All the staff at a midwestern state maximum security prison that housed 1,000 long-term inmates were surveyed.<sup>1</sup> Of the 400 surveys administered, 272 were completed and returned, resulting in a response rate of 68%. The survey was voluntary and anonymous. Staff who responded seemed representative of the entire staff population at the facility. Among the participants, about 76% were male, 81% were White, and 50% were correctional officers. Of the total prison staff, about 77% were male, 86% were White, and 53% were correctional officers. Additionally, the human resource office at the prison estimated that the median age was 45 and the average tenure at the facility was approximately 10 years, which is similar to that of the participants whose median age was 44 and median tenure was 9 years.

*Measures*

Life satisfaction, the dependent variable in this study, was measured by using two items from Quinn and Staines (1979), which have been used in numerous life satisfaction studies. The two measures are an assessment of people's judgment of the overall level of satisfaction of their lives (see Table 1 for the specific items).

Table 1. *Descriptive Statistics*

Variable	Description	Min	Max	<i>Mdn</i>	<i>M</i>	<i>SD</i>
Gender	76% male (coded 1) 24% female (coded 0)	0	1	1	0.76	0.43
Age	Measured in continuous years	20	61	44	42.54	8.32
Position	50% CO (coded 1) 50% NonCO (coded 0)	0	1	0.5	0.50	0.50
Tenure	Years at the prison	0	26	9	9.64	6.81
Educational Level	41% college degree (coded 1) 59% no college degree (coded 0)	0	1	0	0.41	0.49
Race	82% White (coded 1) 18% Nonwhite (coded 0)	0	1	1	0.82	0.39
Perceived Distributive Justice	2-item additive index, $\alpha = 0.73$ 1. My last performance rating presented a fair and accurate picture of my actual job performance. Factor loading score = 0.73 2. The evaluation of my performance at this prison has been fair and objective. Factor loading score = 0.75	2	10	8	7.22	2.99

Table 1 *continued*

Table 1. *Descriptive Statistics* (cont.)

Variable	Description	Min	Max	<i>Mdn</i>	<i>M</i>	<i>SD</i>
Perceived Procedural Justice	3-item additive index , $\alpha = 0.84$ 1. In this agency, promotions are seldom related to employee performance (reverse coded). Factor loading score = 0.79 2. Promotions are more related to whom you know rather than the quality of work (reverse coded). Factor loading score = 0.81 3. There is a fair opportunity to be promoted at this agency. Factor loading score = 0.74	3	15	8	7.88	2.88
Perceived Life Satisfaction	2-item additive index , $\alpha = 0.87$ 1. Taking all things together, how happy would you say you are with your life? Factor loading score = 0.94 2. In general, how satisfying do you find the ways you're spending your life these days? Factor loading score = 0.94	2	6	4	4.11	1.09

*Note.* Min = minimum value, Max = maximum value, *Mdn* = median value, *M* = mean value, *SD* = standard deviation, CO = correctional officer. The items used to create the index appear in the description column. Staff responded to procedural and distributive justice items by using a 5-point Likert scale, ranging from strongly disagree (coded 1) to strongly agree (coded 5). The response options for the first life satisfaction item were: not too happy (coded 1), happy (coded 2), and very happy (coded 3). The response options for the second life satisfaction item were: not too satisfying (coded 1), satisfying (coded 2), and very satisfying (coded 3).

*N* = 272

$\alpha$  = Cronbach's internal reliability alpha value

The two independent variables of interest were distributive justice and procedural justice. As indicated previously, distributive justice deals with many different organizational outcomes, including performance evaluations. Most employees expect performance evaluations to be fair and represent actual work inputs and efforts (Joy & Witt, 1992; Lambert, 2003). This study measured perceptions of distributive justice with two items that asked staff about the accuracy and fairness of performance evaluations (see Table 1 for the specific items). Procedural justice covers a wide array of organizational procedures used to arrive at salient organizational outcomes that affect employees such as procedures for promotions. Most employees want a fair process for promotions (Lambert, 2003; Robbins, Summers, Miller, & Hendrix, 2000). This study measured perceptions of procedural justice with three items that asked staff about just and fair promotional procedures (see Table 1 for the specific items). The survey items for life satisfaction, distributive justice, and procedural justice were pilot tested with a group of correctional staff, including supervisors.

Respondent personal characteristics of gender, age, position, tenure, educational level, and race were also included (see Table 1).

## Results

Descriptive statistics for the variables this study used appear in Table 1. There was significant variation in both the dependent and independent variables (i.e., none was a constant). Based on various statistical tests, the variables were normally distributed and there were no problems with skewness or kurtosis. The distributive justice, procedural justice, and life satisfaction indexes comprise items created by means of factor analysis with the principal components method. The items loaded on the predicted factor, and the factor loading scores were above 0.70 (see Table 1 for the specific factor loading scores). The Cronbach alpha internal reliability values for all the indexes were above 0.70 (see Table 1 for specific values).

A multivariate analysis was conducted by using Ordinary Least Squares (OLS) regression with life satisfaction as the dependent variable; the results appear in Table 2. Based on the Variance Inflation Factor scores (not reported) and Tolerance statistics (not reported), collinearity and multicollinearity were not a problem. About 22% of the variance was explained for the dependent variable. Among the personal characteristics, age and educational level had statistically significant associations with life satisfaction. Age had a negative association and educational level had a positive

association. Both distributive justice and procedural justice had a significant positive relationship with life satisfaction.

Table 2. Ordinary Least Squares Results With Life Satisfaction as the Dependent Variable

Variable	B	SE	$\beta$	t-value
Gender	-.23	.16	-.09	-1.44
Age	-.02	.01	-.13	-1.96*
Position	.18	.14	.08	1.25
Tenure	.02	.01	.10	1.40
Educational Level	.30	.14	.14	2.15*
Race	-.33	.17	-.12	-1.92
Perceived Distributive Justice	.09	.04	.14	2.13*
Perceived Procedural Justice	.07	.02	.18	2.74**
R-Squared	.22**	F = 4.06	df = 8, 250	

*Note.* B = unstandardized regression slope, SE = standard error of the slope,  $\beta$  = standardized regression slope. Gender was coded as female = 0 and male = 1. Age was measured in continuous years. Position was coded as non-correctional officer = 0 and correctional officer = 1. Tenure was measured in years working at the prison. Educational level was coded as no college degree = 0 and college degree = 1. Race was coded as Nonwhite = 0 and White = 1. Perceptions of Distributive Justice, Procedural Justice, and Life Satisfaction are additive indexes (see Table 1 for the items used to create these indexes).

N = 272

\*  $p \leq .05$     \*\*  $p \leq .01$

### Brief Discussion and Conclusion

Both hypotheses were supported. Among the correctional staff surveyed, both distributive justice and procedural justice related positively to satisfaction with life. This provides support for the contention that what happens at work can affect staff members in every aspect of their lives. Staff members' perception that there is organizational justice probably allows them to have more positive feelings toward

work and less stress, which can lead to greater life satisfaction. Conversely, perceptions of a low organizational fairness probably lead to frustration, anger, and resentment, which causes strain and stress in the life of the employee, resulting in decreased satisfaction with life overall. It is important to point out that organizational justice is arguably at the heart of the legitimacy of an organization (Greenberg, 1990b; Lincoln & Kalleberg, 1990; Taxman & Gordon, 2009). It is hard to work for an organization that is perceived to be unfair, unjust, and lacking integrity. Doing so may result in emotions that lower the quality of life.

While not the focus of the current study, age and educational level had significant associations with correctional staff life satisfaction. As age increased, life satisfaction decreased. It could be that as staff age, their health declines. Research has found that health problems are associated with lower life satisfaction. It could also be that age represents an accumulation of strains and frustrations over time from a wide variety of sources, and these strains and frustrations decrease the level of satisfaction with life (Lambert et al., 2010). Those with a college degree were on average more satisfied with their lives than those staff without a college degree. A college degree may provide long-term satisfaction by representing a goal that has been accomplished or simply that it resulted in higher pay for the person. Indirectly, it may also enhance coping skills to deal with stress and frustration from the workplace.

Although this study supports a prior study that looked at private prison staff (Lambert et al., 2010), it is not without limitations. It was a study of staff at a single midwestern state prison. The study needs to be replicated with other staff to compare findings. While the findings suggest that distributive justice and procedural justice are related positively to life satisfaction, it cannot be stated that they cause it. The data this study used were cross-sectional, and, as such, the study cannot demonstrate empirically that both forms of organizational justice lead directly to correctional staff life satisfaction. In addition, other possible outcome areas (e.g., absenteeism, organizational citizenship behaviors, increased union support, psychological withdrawal from work, etc.) need to be studied. More detailed measures for perceptions of distributive justice and procedural justice should be used. In this study, the distributive justice and procedural justice indexes were limited (i.e., measured by using two and three items, respectively) and focused on specific areas (i.e., performance evaluations and promotional procedures, respectively).

In closing, as staff are the driving force of correctional facilities, it is important to understand how perceptions of the work environment affect them. Some areas that



have not been fully studied are the relationships between distributive and procedural justice and life satisfaction. Among the surveyed staff at a maximum security state prison in the midwest, both distributive and procedural justice had a positive relationship with life satisfaction. It is hoped that this study will spark continued interest in the effects of organizational justice in correctional facilities.

#### Note

1. The data set used in this study has also been used in other studies. The survey was 16 pages with 221 questions, which covered a wide array of work environment dimensions and issues. The authors have used the data from this survey in other papers; however, none of the aforementioned papers examined the effect of distributive and procedural justice on the life satisfaction of correctional staff. The full citations of previous papers are available on request.

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#### References

- Cropanzano, R., Goldman, B., & Benson, L. (2005). Organizational justice. In J. Barling, E. Kelloway, & M. Frone (Eds.), *Handbook of work stress* (pp. 63–87). Thousand Oaks, CA: Sage.
- Donovan, N., & Halpern, D. (2002). *Life satisfaction: The state of knowledge and implications for government*. London: Strategy Unit.
- Folger, R., & Cropanzano, R. (1998). *Organizational justice and human resource management*. Thousand Oaks, CA: Sage.
- Greenberg, J. (1982). Approaching equity and avoiding inequity in groups and organizations. In J. Greenberg & R. Cohen (Eds.), *Equity and justice in social behavior* (pp. 389–435). New York: Academic Press.
- Greenberg, J. (1987). A taxonomy of organizational justice theories. *Academy of Management Review*, 12, 9–22.

Lambert and Hogan

Greenberg, J. (1990a). Organizational justice: Yesterday, today, and tomorrow. *Journal of Management, 16*, 399–432.

Greenberg, J. (1990b). Looking fair vs. being fair: Managing impressions of organizational justice. In B. Shaw & L. Cummings (Eds.), *Research in organizational behavior: 12* (pp. 111–157). Greenwich, CT: JAI Press.

Hart, P. (1999). Predicting employee life satisfaction: A coherent model of personality, work and nonwork experiences, and domain satisfactions. *Journal of Applied Psychology, 84*, 564–584.

Joy, V., & Witt, L. (1992). Delay of gratification as a moderator of procedural justice–distributive justice relationship. *Group and Organizational Management, 17*, 297–308.

Judge, T., & Colquitt, J. (2004). Organizational justice and stress: The mediating role of work–family conflict. *Journal of Applied Psychology, 89*, 395–404.

Lambert, E. (2003). Justice in corrections: An exploratory study of the impact of organizational justice on correctional staff. *Journal of Criminal Justice, 31*, 155–168.

Lambert, E., Hogan, N., & Allen, R. (2006). Correlates of correctional officer job stress: The impact of organizational structure. *American Journal of Criminal Justice, 30*, 227–246.

Lambert, E., Hogan, N., & Griffin, M. (2007). The impact of distributive and procedural justice on correctional staff job stress, job satisfaction, and organizational commitment. *Journal of Criminal Justice, 35*, 644–656.

Lambert, E., Hogan, N., Jiang, S., Elechi, O., Benjamin, B., Morris, A., Laux, J., & Dupuy, P. (2010). The relationship among distributive and procedural justice and correctional life satisfaction, burnout, and turnover intent: An exploratory study. *Journal of Criminal Justice, 38*, 7–16.

Lambert, E., Hogan, H., Paoline, E., & Baker, D. (2005). The good life: The impact of job satisfaction and occupational stressors on correctional staff life satisfaction: An exploratory study. *Journal of Crime and Justice, 18*, 1–26.

Lincoln, J., & Kalleberg, A. (1990). *Culture, control, and commitment: A study of work organization and work attitudes in the United States and Japan*. New York: Cambridge University Press.

Lind, E., & Tyler, T. (1988). *The social psychology of procedural justice*. New York: Plenum Press.

- Lucas, T. (2009). Justifying outcomes versus processes: Distributive and procedural justice beliefs as predictors of positive and negative affectivity. *Current Psychology, 28*, 249–265.
- Maguire, K. (Ed.). (2010). *Sourcebook of criminal justice statistics, (Table 1.104, Employees of federal, state, and private correctional facilities)* [Online]. Retrieved May 4, 2011, from <http://www.albany.edu/sourcebook/pdf/t1104.pdf> .
- Quinn, R., & Staines, G. (1979). *The 1977 quality of employment survey*. Ann Arbor, MI: Institute for Social Research, University of Michigan.
- Robbins, T., Summers, T., Miller, J., & Hendrix, W. (2000). Using the group-value model to explain the role of non-instrumental justice in distinguishing the effects of distributive and procedural justice. *Journal of Occupational and Organizational Psychology, 73*, 511–518.
- Steiner, D., & Truxillo, D. (1989). An improved test of the disaggregation hypothesis of job and life satisfaction. *Journal of Occupational Psychology, 62*, 33–39.
- Taxman, F., & Gordon, J. (2009). Do fairness and equity matter? An examination of organizational justice among correctional officers in adult prisons. *Criminal Justice and Behavior, 36*, 695–711.
- Wilensky, H. (1960). Work, careers, and social integration. *International Social Science Journal, 12*, 543–560



# Policing Natural Resources: Issues in a Conservation Law Enforcement Agency

Stephen L. Eliason

Scant research has been directed toward the study of conservation law enforcement organizations. This research took a qualitative approach to data collection and examined issues in a western wildlife law enforcement agency. Five main issues facing contemporary conservation law enforcement officers were identified: inadequate funding, low salaries, non-wildlife law enforcement duties, lack of support from the court system, and a changing social and political climate. Findings contribute to a greater understanding of wildlife law enforcement agencies and the conservation law enforcement occupation.

**Key Words:** Conservation • game wardens • game warden duties • conservation law enforcement issues • wildlife law enforcement

The purpose of this study was to identify, from the perspective of game wardens, contemporary issues facing a state wildlife agency. Given the lack of research on the topic and the importance of natural resources for a healthy and sustainable environment, the development of a knowledge base on this type of specialized law enforcement agency is crucial. This information is of utility for both agencies and policymakers and may be used to address problems and improve the working environment for individuals employed in these agencies, thus enhancing the effectiveness of these organizations.

## Literature Review

In contrast to the vast literature on urban crime and policing, relatively little research has been directed toward the study of crime and law enforcement agencies in rural areas (Bachman, 1992; Bristow, 1982; Smith, 2010). Conservation law enforcement is a type of specialized policing that is carried out mostly in rural areas (Lawson, 2002; Lawson, 2003; Palmer & Bryant, 1985). In the United States, there are wildlife

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laws at both the state and federal levels (Freyfogle & Goble, 2009). Game wardens, or conservation officers as they are sometimes called, are specialized law enforcement officers employed at both state and federal levels to enforce wildlife laws (Calkins, 1970; Tobias, 1998). The primary responsibility of game wardens has been, at least historically, to enforce fish and game laws and to apprehend violators (Forsyth, 1993a; Forsyth, 2008; Palmer & Bryant, 1985), but changing times bring expanding roles and responsibilities in wildlife law enforcement. Some scholarly evidence suggests that conservation law enforcement is in the midst of a transition, and that game wardens are becoming more like their traditional urban police officer counterparts (Eliason, 2007a; Falcone, 2004; Shelley & Crow, 2009; Sherblom, Keranen, & Withers, 2002).

Some studies of conservation law enforcement officers mirror those conducted on urban law enforcement officers such as apprehending criminals (poachers) (Eliason, 2008; Forsyth, 1993a; Forsyth, 2008), the use of discretion (Eliason, 2003; Forsyth, 1993b), policing styles (Forsyth, 1994), community oriented policing (Patten, 2010), job satisfaction (Eliason, 2006b), motivations for entering the occupation (Eliason, 2007b), stress (Oliver & Meier, 2006; Walsh & Donovan, 1984), and search and seizure powers (O'Connor, 1985; Stearns, 2004). As with traditional policing, the job of game warden is a dangerous occupation (Eliason, 2006a; Forsyth & Forsyth, 2009) that can be deadly as evidenced by the numerous wardens who have been killed in the line of duty (Baird, 1983; Eliason, Forthcoming; Grosz, 1999; Long, 1985; McIver, 2003; Warren, 1997).

Previous studies have addressed general topics related to rural policing but not all have addressed specialized law enforcement agencies or the particular law enforcement requirements of specific locations. This is especially true with respect to rural areas of western states. In addition, previous studies have not asked game wardens to describe in their own words the challenges they face.

Montana can be characterized as a rural state. Although it is the fourth largest state in the United States in terms of land area, it has one of the smallest human populations of all states and contains fewer than 1 million residents. In terms of landownership, a total of 59.3% of Montana is private, 35.2% is in the public domain, and 4.3% is Indian trust land (Montana's Official State Website, 2010). Hunting and fishing are popular recreational activities in which thousands of residents and nonresidents alike participate (U.S. Department of the Interior, 2006)

Environmental and wildlife issues are important both to Montana residents and those who visit each year for the sole purpose of enjoying Montana's vast natural resources. Politically, wildlife issues in Montana are important policy issues that generate considerable public debate and receive extensive media attention both locally and nationally (Brownell, 1987; Kelley, 2001), with key examples consisting of wolf reintroduction (Scarce, 1998; Scarce, 2005) and bison management (Bidwell, 2010; Shanahan, McBeth, Tigert, & Hathaway, 2010).

Wildlife law enforcement in Montana is the responsibility of state game wardens who are employed by Montana Fish, Wildlife, and Parks in the law enforcement division. Game wardens perform a variety of duties that are essential to protecting the state's wildlife, which Montanans value highly. Game wardens are responsible for patrolling the state's forests, prairies, rivers, and lakes and enforcing the state's wildlife laws. Examples of their duties include conducting compliance checks of hunters and anglers to make sure they possess the proper hunting and fishing licenses and ensuring that these individuals adhere to possession limits of harvested game and fish. The new reality show called *Wardens* appears on The Outdoor Channel and provides viewers with a glimpse of the diverse tasks Montana game wardens perform (Montana Fish, Wildlife, and Parks, 2011).

### Methods

This research took a qualitative approach to data collection and sought to provide perspective on current issues facing conservation law enforcement officers. With this goal in mind, the study presents quotes from game wardens. Game wardens were allowed to speak for themselves to identify and elucidate core issues facing the conservation law enforcement profession. The author provides summarization and interpretation of game warden comments.

Data for this study were gathered in two phases. In the first phase, a mail survey was sent to all Montana state game wardens ( $N = 84$ ) in 2005. It consisted of mostly open-ended questions about the job of game warden, including a question that asked respondents to describe issues in the wildlife law enforcement field: "What are some of the important problems or issues wildlife law enforcement is facing?" Wardens were allowed to answer in their own words so the issues could be captured in detail (Fowler, 1993). A total of 22 game wardens completed the survey. In addition, one warden agreed to a telephone interview but did not want to complete the survey.

In the second phase of the study, phone interviews were conducted with 16 wardens who completed the survey and also agreed to an interview. The purpose of phone interviews was to clarify information from the survey as well as to elicit additional information on the job of game warden. Extensive notes were taken during the interviews, and relevant quotes on contemporary wildlife law enforcement issues were written down verbatim.

To analyze data, the author poured over all the wardens' written responses in the survey as well as statements they made during interviews, with the intent of identifying common themes. Data were placed into categories according to themes that emerged with respect to issues confronting game wardens. Written comments from game wardens are reproduced here exactly as they were written, retaining any errors in spelling, punctuation, and syntax.

## Results

In terms of demographic characteristics, all the wardens in the study were male. The average age of game wardens was 42, and they had an average of nearly 17 (16.76) years experience on the job.

Comments from game wardens in the study revealed five major issues confronting conservation law enforcement officers: inadequate funding, low salaries, non-wildlife law enforcement duties, lack of support from the court system, and a changing social and political climate.

### *Inadequate Funding*

The most common issue game wardens identified was inadequate funding. Wardens reported consistently that the funding situation in the department was grim. The perceived lack of funding to fulfill their obligations is important because it may also contribute to low morale in the department. Statements made by game wardens shed light on the scope of the problem:

*Given the importance of recreation economically to the state, wildlife law enforcement operations is underfunded.*

*Proper funding to accomplish yearly work. Both in operations and time. Legislative and legal changes in warden powers and duties!*



*1. Funding. Paying a decent wage and operations money. New equipment. 2. Morale. Internal bickering can kill us. 3. Good recruitment. That's the future.*

*Competition with biological divisions for funding. ...the dilution of wildlife enforcement effort by legislative mandates to spend time doing other things.*

*Legislatures cutting budgets. Political influence on policies lessening your effectiveness.*

*Lack of funding and support from administration.*

*Funding. Lack of support from the department.*

*Lack of money.*

*Funding!*

*Funding.*

Some respondents were more specific in their comments and noted that the funding shortfall hampered their ability to be out in the field in pursuit of violators. These wardens expressed frustration with constraints the budget imposed and claimed that once their patrol budget ran out, they were relegated to spending significant amounts of time in the office performing other duties:

*My total budget for the year has only increased \$500 over twenty years. I don't think funding is a priority for this department. We will spend months in the office when the budget runs out (December to March). We are the fourth largest law enforcement agency in the state and have no dispatch system. On the 1-800-TIP-MONT poaching hotline, one woman answers the phone from 8 to 5 Monday through Friday for nine and a half months of the year, and it rolls over to the highway patrol [dispatcher] on weekends. When there is*

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*spotlighting, they will send us a report three days later. For road kill, they will call me at three in the morning.*

*Lack of money. I patrol 2,000 square miles with an operations budget of \$9,700. By the end of hunting season I'm forced to park [the] patrol vehicle.*

*Funding is the biggest challenge. I don't have enough operations budget to get in the field as much as I should. You don't catch poachers behind a desk.*

#### *Low Salaries*

Related to the problem of inadequate funding was low pay. The state of Montana has been noted for low paying jobs in general (Fritz, 2002; Malone, Roeder, & Lang, 1991), but the problem is particularly acute with respect to game warden jobs. Inadequate remuneration was identified by respondents as a major impediment to recruitment and retention efforts of the organization because it adversely affects the ability of the department to attract and retain wardens:

*The profession is quickly approaching a crucial time. It's hard to attract people to the profession because of the low pay. Montana is the fifth lowest paid state. Some game wardens have left the state to go to other states where the pay is higher.*

*Salaries are not keeping up with the new demands of the job.*

*It's a great job. They just need to get the pay up.*

*Budget shortfalls, pay issues/overtime.*

*Poor recruitment due to low pay.*

*Losing officers. Internal politics. [There is] very poor pay in Montana!*

#### *Non-Wildlife Law Enforcement Duties*

Some of the respondents indicated that the job of game warden in Montana was changing. They reported non-wildlife law enforcement duties that had traditionally

been the domain of city policing or animal control were being imposed on them such as administrative tasks and dealing with urban/problem wildlife:

*The field game warden is being taxed to death with duties other than wildlife law enforcement. The administrative duties we are being saddled with. Being bogged down with urban wildlife and game damage.*

*The job has changed. There is more money, more affluent hunters. White collar violators get multiple tags, hunt behind locked gates. They are hunting seven, eight, nine states a year. You do more of a traffic cop mentality, urban wildlife problems, etc. A skunk eating out of a garden.*

*We have a richer society and they are going into the outdoors more. You get more people out there and the dynamics have changed. We have to deal with issues like child abuse, domestic violence, and gang activity. ... We get trained routinely in drug detection.*

*The nationwide trend is less emphasis on traditional wildlife law enforcement. There has been growth in administration. Dealing with off highway vehicles, wolves, nongame wildlife. They [Montana Department of Fish, Wildlife, and Parks] excessively solicit public involvement...we overemphasize it.*

*Urban wildlife/human conflicts are taking up more and more time. Assisting other law enforcement agencies with backup and investigative expertise.*

*De-emphasis by the agency and re-directing our time and resources to non-law enforcement issues and to non-wildlife enforcement like parks and boats.*

*Inability to devote time to wildlife law enforcement.*

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*Lack of Support From the Court System*

Some wardens expressed frustration with the response of the justice system toward cases of wildlife law violation and felt that some actors in the process undermined their efforts to prosecute offenders. In particular, they indicated that a great deal of time and effort may be spent building a case against a violator, only to have a judge or prosecutor dismiss the case or go extremely lenient on the violator:

*It's frustrating. It's not catching the violators that's the hard part, it's getting them through the system. Dealing with county attorneys and judges. You can work on a case for four years, and the county attorney can get rid of it in twenty minutes.*

*Judges and attorneys will put our cases aside and prosecute other cases because there is a victim.*

*Poor court systems, judges that don't fine them enough or let them go.*

*Poor judicial decisions.*

*Lack of meaningful sentences from judges. Lack of interest from prosecutors to prosecute.*

Exacerbating the problem are private property laws in the state, including a state Supreme Court decision that restricts game wardens from entering private property for patrol purposes unless they have a warrant or permission from the landowner (*State v. Bullock*, 1995). Wardens indicated that a tremendous amount of trophy wildlife poaching takes place on private land behind locked gates. This is a significant issue because, as previously noted, almost two-thirds (59.3%) of land in the state is privately owned (Montana's Official State Website, 2010):

*Ability to go on private land to enforce laws.*

*Private property issues like the Bullock Decision.*

*Changing Social and Political Climate*

The final category that emerged from the data had to do with changes occurring in the state that were associated with newcomers, urbanization, and public perceptions of the game warden job. In recent decades Montana has witnessed an influx of new residents from other states who relocate for the spectacular scenery and tranquil environment it provides. Game wardens indicated that the values and lifestyles of newcomers sometimes conflict with the local rural culture found across much of the state, which can be problematic for them in the performance of their job:

*The changing demographics of the state and country are going to make it a more difficult job. I'm near the end of my career, but it's going to be difficult for the young officers. It is getting more and more contentious, controversial, emotional. It used to be we'd deal with violators, now its animal rights activists, etc.*

*Out of state people buying up property in Montana.*

*An ever changing social environment and legislature and many new faces moving into the state of Montana.*

*Educating people about laws. Its hard for people to understand why we do those things. The public is willing to accept a certain amount of poaching, such as an extra deer for food. In urban areas people will report, in rural areas people will not report.*

*The public perception of what game wardens do is completely different from what we really do. We want to educate people about what we do.*

### Conclusion

The findings of the present research suggest that Montana wildlife law enforcement officers face several challenges. These include some challenges that are common to all law enforcement agencies as well as some that appear to be unique to wildlife law enforcement. Inadequate funding was the most frequent issue game wardens in Montana identified. Financial constraints impose severe hardships on the agency and

render it less effective in terms of protecting the state's wildlife resources. The problems it causes manifest in inadequate money for organizational operations such as patrolling for violators. Game wardens need to be visible and maintain a presence in the field to deter would-be wildlife law violators.

Inadequate funding also has an effect on recruitment and retention efforts, as low salaries deter otherwise qualified and committed individuals from embarking (or remaining) in a conservation law enforcement career. Wildlife conservation and enforcement efforts are recognized as integral to healthy ecosystems, but wildlife law enforcement tends to occupy a subordinate status among law enforcement agencies and provides lower salaries to officers than other branches of law enforcement (California Fish and Game Wardens Association, 2011).

Historically, the state of Montana in general has been noted for low paying jobs (Fritz, 2002; Malone et al., 1991), and, unfortunately, it doesn't appear that the situation will improve anytime soon. It should be noted that the problem of low salaries for wildlife law enforcement officers is not unique to Montana. For example, California has also experienced problems with low game warden pay that seriously hamper the ability of the California Department of Fish and Game to recruit and retain high quality law enforcement officers (California Fish and Game Wardens Association, 2011).

The findings of this study suggest the job of game warden is changing as these individuals are increasingly asked to assume tasks associated with traditional police work. This finding corroborates the work of scholars (e.g., Eliason, 2007a; Falcone, 2004; Shelley & Crow, 2009; Sherblom et al., 2002) who have provided evidence that the job of game warden is undergoing a transition in this direction. The increased emphasis on non-wildlife law enforcement tasks and non-law enforcement tasks is troubling to game wardens, most of whom entered the profession with a desire to engage in law enforcement work. Some types of policing have less prestige in the status hierarchy of law enforcement occupations, including campus police, animal control officers, and conservation law enforcement. In addition, the following statement by Falcone (2004, p. 64) succinctly describes the central role of law enforcement activities with respect to status within the police officer culture and how an emphasis on other activities can result in a loss of status:

[T]here is a long-standing officer culture that holds the more narrow law enforcement mission of policing in higher regard than other policing activities, and within the greater police community

conservation police can only lose status by involving themselves in policing tasks not centered on law enforcement.

Results of the present study suggest changes need to be made at the judicial level. Wardens noted that individuals in the judicial system such as judges and prosecuting attorneys often fail to appreciate the seriousness of wildlife offenses. As a result, cases end up getting dismissed and offenders get light sentences. This is consistent with prior research that has noted that poaching offenses are not taken as seriously as other offenses by personnel in the judicial system (Musgrave, Parker, & Wolok, 1993).

Describing the importance of education in changing attitudes, Musgrave et al. (1993, p. 1010) state, "Through effective judicial education about the rapid depletion of wildlife resources combined with education about innovative sentencing techniques, the attitudes of judges and prosecutors may change." This suggests that educational training programs should be developed and implemented for prosecutors and judges to make them aware of the seriousness of poaching offenses and to help them understand the deleterious effect these offenses have on the state's natural resources. If such a program successfully generated greater concern toward wildlife offenses by these actors in the legal system so these crimes were taken as seriously as other offenses, it would serve to increase the morale of game wardens.

As the job of game warden is changing, so is the social and political milieu in which these officers work. The majority of individuals who pursue a career in conservation law enforcement come from rural areas (Lawson, 2002; Lawson, 2003; Palmer & Bryant, 1985; Sherblom et al., 2002). Montana is a rural state that is rich in open areas and wildlife but has a small human population. It is similar to other western states in that it is also experiencing population growth and change as individuals relocate there from other regions of the U.S. (Hines 2007; Robbins, Meehan, Gosnell, & Gilbertz, 2009). This influx of newcomers has also resulted in changes in landownership patterns, with newcomers buying up ranches that have been in families for generations. Some of the new landowners close their land to hunting, which results in loss of access to hunting land for Montana residents.

Many of the individuals settling in Montana are from urban areas and have values different from native Montanans, which can lead to social conflict over conservation and wildlife management. Further compounding the problems is that some of the newcomers are more concerned with animal rights and endangered

species than with traditional hunting and fishing practices. For example, the recent controversies over wolf reintroduction and management (Scarce, 1998; Scarce, 2005) as well as bison management (Bidwell, 2010; Shanahan et al., 2010) have been particularly intense given the symbolic importance of these animals to different segments of the population.

Education and public relations are traditional components of the game warden job (Palmer & Bryant, 1985) and are likely to increase in importance as the Montana population and culture become more heterogeneous. Some newcomers to the state may be unfamiliar with game wardens and the job they perform. Game wardens are highly visible representatives of state wildlife agencies (Palmer & Bryant, 1985) and must be able to work collaboratively with a variety of individuals with different interests.

The results of the present study illuminate some of the issues affecting conservation law enforcement officers in Montana. Additional research should be carried out in other states and geographical regions of the U.S. to enhance our understanding of the issues confronting those employed in the wildlife law enforcement profession further. It is hoped that findings from the present study will be useful to criminal justice scholars and practitioners interested in policing issues and generate interest in issues concerning this unique type of specialized law enforcement.

#### References

- Bachman, R. (1992). Crime in nonmetropolitan America: A national accounting of trends, incidence rates, and idiosyncratic vulnerabilities. *Rural Sociology*, 57(4), 546–560.
- Baird, D. (1983). An Idaho tragedy: What can we learn. *Proceedings of the Western Association of Fish & Wildlife Agencies*, 63, 65–68.
- Bidwell, D. (2010). Bison, boundaries, and brucellosis: Risk perception and political ecology at Yellowstone. *Society and Natural Resources*, 23(1), 14–30.
- Bristow, A. P. (1982). *Rural law enforcement*. Boston, MA: Allyn & Bacon.
- Brownell, J. L. (1987). *The genesis of wildlife conservation in Montana*. Unpublished Master's Thesis. Montana State University, Bozeman, MT.
- California Fish and Game Wardens Association. (2011). *Inland wardens*. Retrieved June 29, 2011, from <http://www.californiafishandgamewardens.com/inland.htm>



- Calkins, F. (1970). *Rocky mountain warden*. New York: Alfred A. Knopf.
- Eliason, S. L. (2003). Throwing the book versus cutting some slack: Factors influencing the use of discretion by game wardens in Kentucky. *Deviant Behavior, 24*(2), 129–152.
- Eliason, S. L. (2006a). A dangerous job? An examination of violence against conservation officers. *The Police Journal, 79*(4), 359–370.
- Eliason, S. L. (2006b). Factors influencing job satisfaction among state conservation officers. *Policing: An International Journal of Police Strategies and Management, 29*(1), 6–18.
- Eliason, S. L. (2007a). From wildlife specialist to police generalist? The scope of nonwildlife violations encountered by conservation officers. *Southwest Journal of Criminal Justice, 4*(2), 120–132.
- Eliason, S. L. (2007b). Motivations for becoming a state conservation officer. *Police Forum, 16*(3), 1–11.
- Eliason, S. L. (2008). Wildlife crime: Conservation officers' perceptions of elusive poachers. *Deviant Behavior, 29*(2), 111–128.
- Eliason, S. L. (Forthcoming). Death in the line of duty: Game warden mortality in the United States, 1886–2009. *American Journal of Criminal Justice*.
- Falcone, D. (2004). America's conservation police: Agencies in transition. *Policing: An International Journal of Police Strategies and Management, 27*(1), 56–66.
- Forsyth, C. J. (1993a). Chasing and catching "bad guys": The game warden's prey. *Deviant Behavior, 14*, 209–226.
- Forsyth, C. J. (1993b). Factors influencing game wardens in their interaction with poachers: The use of discretion. *Free Inquiry in Creative Sociology, 21*, 51–56.
- Forsyth, C. J. (1994). Bookers and peacemakers: Types of game wardens. *Sociological Spectrum, 14*, 47–63.
- Forsyth, C. J. (2008). The game of wardens and poachers. *Southern Rural Sociology, 23*(2), 43–53.
- Forsyth, C. J., & Forsyth, Y. A. (2009). Dire and sequestered meetings: The work of game wardens. *American Journal of Criminal Justice, 34*(3–4), 213–223.
- Fowler, F. J., Jr. (1993). *Survey research methods*. Newbury Park, CA: Sage.

Eliason

- Freyfogle, E. T., & Goble, D. D. (2009). *Wildlife law: A primer*. Washington, DC: Island Press.
- Fritz, H. W. (2002). Montana in the twenty-first century. In H. W. Fritz, M. Murphy, & R. R. Swartout, Jr. (Eds.), *Montana legacy: Essays on history, people, and place* (pp. 341–358). Helena, MT: Montana Historical Society Press.
- Grosz, T. (1999). *Wildlife wars: The life and times of a fish and game warden*. Boulder, CO: Johnson Books.
- Hines, J. D. (2007). The persistent frontier & the rural gentrification of the Rocky Mountain West. *Journal of the West*, 46(1), 63–73.
- Ives, E. (1991). The poacher as hero: The Graves case as exemplar. *Forest and Conservation History*, 35(1), 24–28.
- Kelley, J. M. (2001). Implications of a Montana voter initiative that reduces chronic wasting disease risk, bans canned shooting, and protects a public trust. *Great Plains Natural Resources Journal*, 6, 89–109.
- Lawson, H. M. (2002). Wildlife managers: Boundary workers between the human community and the wilderness. *International Review of Modern Sociology*, 30(1), 46–64.
- Lawson, H. M. (2003). Controlling the wilderness: The work of wilderness officers. *Society and Animals*, 11(4), 329–351.
- Long, J. B. (1985). *Outlaw: The true story of Claude Dallas*. New York: William Morrow.
- Malone, M. P., Roeder, R. B., & Lang, W. L. (1991). *Montana: A history of two centuries*. Seattle: University of Washington Press.
- McIver, S. B. (2003). *Death in the Everglades: The murder of Guy Bradley, America's first martyr to environmentalism*. Gainesville: University Press of Florida.
- Montana Fish, Wildlife, and Parks. (2011). *Law enforcement reality show "WARDENS" to debut on Outdoor Channel*. Retrieved June 23, 2011, from [http://fwp.mt.gov/news/newsReleases/headlines/nr\\_3932.html](http://fwp.mt.gov/news/newsReleases/headlines/nr_3932.html)
- Montana's Official State Website, Natural Resource Information System. (2010). *Landownership in Montana counties*. Retrieved August 3, 2010, from [http://nris.mt.gov/montanafacts/county\\_own.asp](http://nris.mt.gov/montanafacts/county_own.asp)

- Musgrave, R. S., Parker, S., & Wolok, M. (1993). The status of poaching in the United States: Are we protecting our wildlife? *Natural Resources Journal*, 33, 977–1014.
- O'Connor, M. T. (1985). Fishing for evidence: The expansive warrantless search powers of fish and game wardens. *Hastings Constitutional Law Quarterly*, 13, 119–145.
- Oliver, W. M., & Meier, C. A. (2006). "Duck cops," "game wardens," and "wildlife enforcement:" Stress among conservation officers. *Applied Psychology in Criminal Justice*, 2(1), 1–25.
- Palmer, C. E., & Bryant, C. D. (1985). Keeper's of the king's deer: Game warden's and the enforcement of fish and wildlife law. In C. D. Bryant, D. W. Shoemaker, J. K. Skipper, Jr., & W. E. Snizek (Eds.), *The Rural Workforce: Non-Agricultural Occupations in America* (pp. 111–137). South Hadley, MA: Bergin & Harvey.
- Patten, R. (2010). Policing in the wild: The game wardens' perspective. *Policing: An International Journal of Police Strategies and Management*, 33(1), 132–151.
- Robbins, P., Meehan, K., Gosnell, H., & Gilbertz, S. J. (2009). Writing the new west: A critical review. *Rural Sociology*, 74(3), 356–382.
- Scarce, R. (1998). What do wolves mean? Conflicting social constructions of *Canis lupus* in "bordertown." *Human Dimensions of Wildlife*, 3(3), 26–45.
- Scarce, R. (2005). More than mere wolves at the door: Reconstructing community amidst a wildlife controversy. In A. Herda-Rapp & T. L. Goedeke (Eds.), *Mad about wildlife* (pp.123–146). Leiden, The Netherlands: Brill.
- Shanahan, E. A., McBeth, M. K., Tigert, L. E., & Hathaway, P. L. (2010). From protests to litigation to *YouTube*: A longitudinal case study of strategic lobby tactic choice for the Buffalo Field Campaign. *Social Science Journal*, 47(1), 137–150.
- Shelley, T. O., & Crow, M. S. (2009). The nature and extent of conservation policing: Law enforcement generalists or conservation specialists? *American Journal of Criminal Justice*, 34(1–2), 9–27.
- Sherblom, J. C., Keranen, L., & Withers, L. A. (2002). Tradition, tension, and transformation: A structuration analysis of a game warden service in transition. *Journal of Applied Communication Research*, 30(2), 143–162.
- Smith, R. (2010). Policing the changing landscape of rural crime: A case study from Scotland. *International Journal of Police Science and Management*, 12(3), 373–387.

Eliason

*State v. Bullock*, 272 Mont. 361, 901 P.2d 61 (1995).

Stearns, M. J. (2004). It's good to be the game warden: State v. Boyer and the erosion of privacy protection for Montana sportsmen. *Montana Law Review*, 65(1), 187–216.

Tobias, M. (1998). *Nature's keepers: On the front lines of the fight to save wildlife in America*. New York: John Wiley.

U.S. Department of the Interior, Fish and Wildlife Service and U.S. Department of Commerce, U.S. Census Bureau. (2006). *2006 national survey of fishing, hunting, and wildlife-associated recreation: Montana*. Retrieved January 6, 2010, from <http://www.census.gov/prod/2008pubs/fhw06-mt.pdf>

Walsh, W. F., & Donovan, E. J. (1984). Job stress in game conservation officers. *Journal of Police Science and Administration*, 12(3), 333–338.

Warren, L. S. (1997). *The hunter's game: Poachers and conservationists in twentieth-century America*. New Haven, CT: Yale University Press.

# Exploring the Separation of Powers Doctrine in Oklahoma: A Case Study of the Lack of Enforcement of the Adultery Statute

J. Harrison Watts

Prosecutorial discretion allows Oklahoma district attorneys to repeal de facto criminal statutes passed by the state legislature; however, such action could create a violation of the separation of powers doctrine contained in the state constitution. This research analyzed the discretionary power of district attorneys as it applies to the Oklahoma adultery statute that defines adultery as a felony crime. Despite the statute, this crime has not been prosecuted by a district attorney in more than 50 years. Analysis of research data derived from interviews and surveys of district attorneys, law enforcement officers, and district court records led to an understanding of the internal and external influences that drive prosecutorial discretion. It was found that district attorneys are not specifically using prosecutorial discretion to repeal the adultery statute. Consequently, there was no violation of the state constitution by the district attorneys' offices. The lack of prosecution was due to insufficient reporting of the crime from law enforcement agencies. Because the law is not serving its original purpose, the Oklahoma state legislature should act to repeal the state statute related to adultery.

**Key Words:** Balance of power • prosecutorial discretion • adultery • non-enforcement of laws

The authority vested in the government of the United States at the local, state, and national levels is carefully spread among diverse departments to encourage democracy and balanced governance. Disputes among the branches of government materialize when one branch of government interferes with, avoids, or discounts another branch's authority as described in its jurisdictional document, usually a constitution. Infringement of the planned allowance of legislative, judicial, or executive powers challenges democratic principles by overlooking a non-ratified reapportionment of power (Benedict, 2007). In some cases, the discretionary public policy made

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by the executive branch contradicts the intent of the legislative branch of government's passage of state statutes. The harmful influence of this assertion of power may occur from the increased possibility that legal ratification of law may be postponed or never enforced. When the law-making process is at risk, the general public could lose its most representative authority, as the legislature's power is to pass laws that protect and regulate a civil, moral, and ethical society (Benedict, 2007).

In government, district attorneys have the ability to change the public policy set by the state legislature through non-enforcement of particular state statutes. A lack of enforcement is clear in the case of the Oklahoma Adultery Statute.

According to Oklahoma state statute title 21, chapter 33, section 871:

Adultery is the unlawful voluntary sexual intercourse of a married person with one of the opposite sex; and when the crime is between persons, only one of whom is married, both are guilty of adultery. Prosecution for adultery can be commenced and carried on against either of the parties to the crime only by his or her own husband or wife as the case may be, or by the husband or wife of the other party to the crime: Provided that any person may make complaint when persons are living together in open and notorious adultery.

The state statute was passed in 1910 and was enforced by district attorneys for the first 50 years the law was in effect. However, something changed, causing the statute not to be enforced over the past 50 years. What caused this change in enforcement? One popular theory revolves around changes in how society views morality crimes. With the passage of time and changing social conditions, many previously sanctioned acts have gained a measure of social acceptance, or at least tolerance, and have been removed from the purview of criminal law.

When passed, the Oklahoma state statute on adultery was not based on evidence that it would actually serve the purpose of deterring adultery. Conversely, the state statute was based on the hope of the legislature that identifying adultery as a serious crime would deter individuals from committing the act and thus protect the sanctity of marriage. Although no statistical data to assess the effectiveness was collected before or after the passage of the statute, it is obvious on face value that the statute has not reduced adultery nor protected the sanctity of marriage as the original intent. Consequently, district attorneys across the state of Oklahoma have unanimously, though perhaps informally and individually, agreed to exercise

prosecutorial discretion not to enforce this particular state statute. The extraordinary phenomenon is that the same decision to ignore the statute was made by all district attorneys.

Discretionary measures taken by district attorneys are considered informal administrative acts, even if these measures may be within district attorneys' formal authority. These administrative measures or lack of action on the part of district attorneys can influence public policy. According to Davis (1969), an authoritative source on discretionary powers, a public official has policy discretion whenever his power provides him the ability to make choices among possible courses of action. In Oklahoma, district attorneys have the discretion to initiate cases into the criminal court system. Although district attorneys must follow a set of formal rules and regulations found in the state's code of criminal procedure, the district attorneys in Oklahoma, like district attorneys across the United States, enjoy wide use of discretionary policy making as related to the prosecution of criminal cases. The state constitution clearly defines the powers of the legislature as making, revising, and repealing state law. Consequently, when the district attorneys across the state of Oklahoma fail purposefully to enforce the state law, they essentially violate the separation of powers clause in the state constitution. This violation of the state constitution, if not corrected, could lead to non-enforcement of other state statutes that the district attorneys do not believe should be enforced. This collective omission to enforce the state law—even though each district attorney has been acting on his or her own authority and has simply acted similarly—is dangerous to the citizens of the state of Oklahoma and was the problem that led this research. The separation of governmental powers along functional lines has been a core concept of American constitutional law ever since the Revolution (Casper, 1989). James Madison (1788) addressed this issue in the *Federalists Papers* and referred to the unbalance of government branches as one of the greatest objections.

The lack of enforcement of the adultery law and the public policy implications that surround this lack of enforcement in Oklahoma have not been researched in-depth regarding the prosecution of offenders who violate the state statute. This research was conducted to examine the problem of apparent lack of enforcement and informal discretionary powers possessed by the district attorneys' offices. Further, this study revealed what drives the non-enforcement and thus the public policy of the district attorneys.

In analyzing the informal discretion of district attorneys who formulate public policy decisions that result in lack of prosecution of the law, one area of research the principal investigator built on was the attitudes of prosecutors as they relate to the criminalization of a non-violent consensual sexual conduct to include adultery. Lyle Shook (1982) studied the attitudes of police officers on this very topic. His conclusion was that police officers believed that non-violent consensual sexual contact between adults should not be criminalized as long as it did not take place in public. Although the Shook research was a study of police officers, and the subject of this study was the district attorney's office, this study exposed similar attitudes of district attorneys to those of the police officers related to the crime of adultery. In addition, the results of the study indicate that societal demands on the district attorney's office somewhat drive the prosecutorial discretion to go forward with an adultery case.

### Literature Review

The intent of this study was to find out why the district attorneys across the state of Oklahoma have not enforced the adultery statute. The district attorneys in Oklahoma represent the executive branch of government. The executive branch of government is charged with the enforcement of laws. The legislative branch of government is charged with the right to propose or pass any law and the right to repeal any law, which may be consistent with the constitution of the state and the Constitution of the United States (§V-7). A review of the literature was conducted to provide background for the qualitative case study.

#### *Prosecutorial Discretion*

The dominance of discretion and related informal procedures in criminal justice case processing has been well documented in prior research, particularly regarding police behavior (Bittner, 1967; Black, 1971; Goldstein, 1978; President's Commission, 1967). When a case enters the prosecutor's office, it is considered one of the major points within the court process where such discretion occurs and which centers upon the prosecutor's domain (Littrell, 1979; McDonald, 1979; Miller, 1969; President's Commission, 1967). In the position of chief authority over the gatekeeping for the criminal court, the prosecutor and his or her decisions have influence from the moment a case first enters into the court process through final adjudication and disposition.



According to Davis (1969), a public administrator has discretion whenever the actual limits on his authority leave him free to make a selection among potential courses of action or inaction. Although prosecutors may exercise their discretion over a case at virtually any point in the criminal court process, prior work has emphasized two major forms of discretionary decision making: case attrition and plea bargaining. The major decision points where prosecutors are most likely to exercise attrition are at the time of initial case screening, at the time of arraignment, and early on in the trial process. Case attrition and non-prosecution typically involve decisions to drop or reject, dismiss, or *nolle prosequi* (not to prosecute) a case (Mac Murray, 1988).

Admittedly, many instances in the law justify using discretion with the intent—and sound judgment required—to mold an array of legal authorities into the solution of a particular dispute (Fletcher, 1984). One of these instances is the prosecutor's decision to proceed with a criminal charge. Prior research has been conducted with regard to federal prosecutors and the decision to initiate cases: Findings indicate that the seriousness of the crime and the evidentiary strength of the case exert a substantial effect on the prosecutor's decision (Albonetti, 1987).

The enormous power of prosecutors not to prosecute is almost completely uncontrolled. In theory, the voters hold the prosecutors accountable for their decisions. However, because of the current diffusion of accountability, voters cannot easily examine the decisions of any one particular prosecutor or hold that prosecutor answerable separately for the accomplishments or failures of the entire system (Misner, 1996). Consequently, prosecutions are often withheld, sometimes on the basis of political, personal, or other ulterior influence, without meaningful standards stemming from either legislative bodies or from prosecutors themselves (Davis, 1969).

Michael Lipsky (1980) gives a great example of prosecutorial discretion that contradicts public policy in his text *Street Level Bureaucracy*. Lipsky details then-governor of New York Nelson Rockefeller's imposition of mandatory, severe jail sentences for drug dealers, while providing relatively minor penalties for those caught with small amounts of drugs. According to Lipsky, the rationale for the law was to deter drug trafficking. Some of those arrested on drug trafficking were actually drug addicts who sold a small amount of their personal supply to maintain their habit. The law presented a dilemma for the prosecutors, who believed that the mandatory minimum sentence was too severe for the offense. In these particular cases, New York District Attorney Richard Kuh began to charge the alleged offenders not with the crimes for which they committed but rather crimes where punishments were more

comparable with what he conceived to be the severity of the offense. In this way, the district attorney attempted to provide the discretion demanded by a just court system in the face of legislation designed precisely to eliminate the discretion. Public policy was made at the local level by the prosecutors, which was in direct contradiction with the public policy set forth by the chief executive of the state.

### *Separation of Powers*

The American political legacy displays a steadfast practice of organizing governments that put into practice the doctrine of separation of powers. The rewards of this arrangement, acknowledged by the founding fathers of our country and by their successors, transcend the checking function most often linked with this principle. The configuration, in which distinct branches of government employ their specific delegated powers while working within the limitations of their particularized authority, was also chosen as the one most advantageous to good governance (Benedict, 2007).

The founding fathers put forward two main categories of advantages of the structure of divided government: one predominantly admonitory and one more effectual (Benedict, 2007). Initially, by dividing government processes into split functional branches, supporters argued that consolidation of power would be discouraged institutionally. Subsequently, improved efficiencies and more diverse electorate representation could be attained through practical specialization and compartmentalized institutional responsibilities (Benedict, 2007).

The doctrine of separation of powers is not an end in itself, but the method to make certain the best, most diplomatic government possible is achieved. Governmental officials can properly improve this objective only by refraining from infringement upon the other branches of government. The restraints on authority do not leave governmental branches incapable of influencing the other branches of government; they may engage in both legal and political courses of advocacy and redress. However, any measures that violate the established limits on power, as set forth in constitutional documents, are considered offensive to democratic principles (Benedict, 2007).

The separation of powers was addressed in New York State when the mayor of New York City, Michael Bloomberg, was sued by the New York City Council for not enforcing state statute Administrative Code § 6-126 related to equal benefits. The appellant city council challenged a decision from the Supreme Court, Appellate Division in New York, which dismissed a New York Civil Practice Law Rules

(N.Y.C.P.L.R.) art. 78 proceeding filed against the mayor and the city to compel enforcement of the New York City Equal Benefits Law (6 N.Y. 3d. 380, 2006). Justice Rosenblatt in a dissenting court opinion submitted that by declining to impose a properly enacted statute of New York City's legislative branch, the mayor assumes a legislative power he did not hold by statute. When the executive branch acts contradictorily with the legislature or assumes its undivided powers, the doctrine of separation of powers is violated. This is very similar to what is taking place in Oklahoma as the district attorneys across the state have not prosecuted adultery cases.

#### *Adultery Statute*

Adultery cases have been prosecuted in the United States (a most recent case, *Virginia v. Bushey*, was prosecuted in Virginia in 2004). These cases are a rarity for although 23 states have adultery laws, very few, if any, have witnessed prosecutions. There is relatively little consistency between states in the wording of the state statutes that criminalize adultery. Furthermore, there is little agreement on punishment, as some state statutes call for fine only and others mandate felony punishment to include prison time.

#### **Methods**

The problem this study addressed was the lack of enforcement of a criminal state statute by district attorneys. Case attrition is viewed as an important area for the investigation of prosecutorial discretion; considerable disagreement and variability in definition and conceptualization are the rule rather than the exception in prior research in this area (Mac Murray, 1988). For the purposes of the study, the focus on case attrition is confined to the decision not to prosecute made at the point of initial case screening. The decision not to prosecute a state statute collectively by district attorneys state-wide presents an issue with the separation of powers and the balance of power in state government.

To assess why district attorneys are not enforcing the adultery law, the principal researcher analyzed the relationship of the Oklahoma adultery statute and the frequency with which the crime is reported as well as the frequency of the prosecution of this crime. The primary investigator used the descriptive case study qualitative research methodology in conducting in-depth interviews with a non-probability sampling of the district attorneys in Oklahoma. A qualitative case study methodology was selected as the best research method in which to conduct this study because a

case study method is defined by its special features, which are particularistic, descriptive, and heuristic (Merriam, 1998). Moreover, the view of the district attorneys collectively as an institution of the executive branch of government lends itself to the case study research design.

The target population for this study consisted of eight district attorneys' offices throughout the state of Oklahoma. Purposeful sampling of available subjects is best used when a researcher would like to find specific types of participants for in-depth examination (Maxwell, 2005). In this case, district attorneys were identified as the subjects that would have insight into why prosecutorial discretion was being exercised state-wide with regards to non-enforcement of the adultery law.

Interviews were selected as the best method to collect data from the district attorneys. The interviews were conducted with the district attorneys after gaining consent. Triangulation in this study included comparing the district court records with the number of cases reported by the police and the district attorneys. In addition, police departments were surveyed to gain insight into how many reports of adultery have been filed and whether the police department had a policy directing the reporting of this crime. To ensure a valid and reliable study, checks of reliability and validity were built into the research method. This study used member-checking as a tool of internal validity.

The major research question findings were derived from two sources: (a) district attorneys in Oklahoma and (b) representatives from police departments in Oklahoma. The findings were based on information received from both sources of information. The district courts were surveyed over the telephone to ensure accuracy of both the district attorneys and the police departments in the reporting of adultery cases.

### Findings

The following questions were used to guide the theoretical framework of the study. The major question driving the study was: Why has the state statute related to adultery (Oklahoma Criminal Statute, Title 21, Chapter 33, Section 871) not been enforced by the district attorneys? Further investigation of this question provided understanding of additional questions. These questions include:

1. What are the internal and external influences that shape the prosecutorial discretion and public policy within the district attorney's office?

2. What effect does prosecutorial discretion have on the intent of the adultery law?
3. How might prosecutorial discretion affect the balance of power between the executive branch and the legislative branch of government?

The answers to the aforementioned questions shed light on the reporting of and decision making regarding prosecution of adulterers in Oklahoma. Once a criminal case has been brought to the district attorney, the district attorney makes a charging decision. The district attorney has the sole discretion to charge or not to charge or to change the alleged offense. Criminal cases are reviewed by the actual district attorney or by an assistant district attorney, who apply a number of factors that may influence the decision to charge an offender with a crime.

District attorneys were asked whether they received any cases of adultery for the 2008 calendar year and, if so, what the disposition was. A sampling of their responses follows:

*In two years we have not received any cases of adultery.*

*We have not received one case in two long years.*

*In three and one half years we have not received any reports of adultery.*

*In twenty something years we have not received an official report of adultery. On occasion people have called about the crime. We referred them to local law enforcement but then heard nothing back.*

*In seven years that I have been with this office, we have not received a report of adultery.*

District attorneys were asked why they thought the adultery statute was not prosecuted statewide. Their responses included the following:

*The law may be on the books but law enforcement does not investigate it.*

*I have no idea why it is not being enforced.*

*In part because the statute is archaic. The statute does not serve the same purpose as it did when it was written. It is sad but today's morals are much different than that of year's past.*

*There are multiple laws on the books that are active but not prosecuted.*

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*The legislature may not have time to review these laws and thus they stay on the books but are no longer enforced.*

*The crime is extremely hard to prosecute.*

District attorneys were asked whether something was taking place within the district attorney's office that prevented the prosecution of the adultery statute. A sampling of their responses follows:

*Divorce court is where this type of crime is handled.*

*The way that the statute is written, it is one of the few crimes for which the state cannot initiate an investigation. Only the victim can bring this charge forward and must have some reliable and creditable evidence. This obviously is not happening.*

*Nothing is happening in the district attorney's office to prevent the prosecution of this statute. Except that we do not receive reports from law enforcement.*

*Nothing is taking place to prevent the enforcement of this crime.*

The district attorneys responded to the following question: Do you feel that non-enforcement of this statute creates an imbalance of power between the executive and legislative branches of government? Their responses included the following:

*No, the district attorneys follow the procedure of what they are supposed to do. The law is clear.*

*District attorneys have the use of discretion.*

*Not precisely, checks and balances is what I would say instead of imbalance of power. The district attorneys have prosecutorial discretion as a balance of power.*

*By refusing to enforce the law it may.*

The district attorneys responded to the following question: Could this [refusing to enforce the statute] create constitutional issues? A sampling of their responses follows:

*If it were an organized effort by all the district attorneys, then yes.*

*No, in reality legislatures don't even care.*

*No.*

To prosecute crimes in Oklahoma, the district attorney's office has to receive a report from either a citizen or a law enforcement agency. The protocol is to receive the reports from the law enforcement agency, and if a citizen attempts to report a crime to the district attorney's office, the citizen is referred to the law enforcement agency that has jurisdiction in the area where the crime took place to make the report.

Twelve law enforcement agencies throughout the state of Oklahoma were surveyed. Out of the 12 police agencies surveyed, the police took no reports for adultery in the calendar year 2008. An emerging theme was that the incidence of no reports was not unique to the year under study (2008). Not one agency had received a report of adultery as far back as anyone surveyed could remember; one respondent noted he had worked for the same law enforcement agency for 27 years and he did not know of a single reported case. The findings indicate that law enforcement is not taking official reports for adultery thus is not forwarding any cases for prosecution to the district attorneys' offices.

Furthermore, the findings indicate that of the eight district attorneys' offices studied, none has received a report of adultery from local law enforcement agencies. The findings further indicate that the district clerks' offices within these same judicial districts have not had any adultery cases filed for prosecution in the calendar year 2008 or any other previous year that any of the clerks could recall. Consequently, the district attorneys could not exercise prosecutorial discretion if they did not receive any reports of adultery.

#### *Major Research Question*

Why has the state statute related to adultery not been enforced by the district attorneys? Several themes emerged to answer this question. First, the district attorneys are not prosecuting adultery crimes in Oklahoma because they do not receive reports of the criminal activity. Law enforcement is responsible for taking reports, and of the 12 law enforcement agencies surveyed, not one had taken a report for adultery in the calendar year 2008.

Second, had the district attorneys received a report for adultery, budget constraints, case selection, lack of interest from the public, and the difficulty prosecuting

this particular crime would probably have led them not to prosecute the crime. There is a belief among the district attorneys' offices that the morality of the state has changed from when the statute was first passed and it no longer serves its purpose.

*Summary of Findings*

The findings of the interviews clearly indicate that the adultery statute is not being enforced by district attorneys because the crime is not being reported to their office by the police. The law enforcement agencies surveyed did not forward cases to the district attorney's office because they had not received official reports from citizens.

However, if the district attorneys had received reports, they would use their prosecutorial discretion not to go forward with prosecutions due to internal and external factors that include difficulty in prosecuting these types of cases, low priority, lack of staff resources, and no pressure by the public to prosecute. The strength of the case may influence the district attorney's decision to charge an offender. Ronald Sievert (2002) who prosecuted cases in Texas, suggests that civil lawyers, law students, and others who have not been well informed or are not thoroughly familiar with criminal prosecution often have no idea of the complexities of establishing guilt in a criminal trial or how much agency debate could take place over the courtroom merits of a particular prosecution. Similarly in Oklahoma, complicating the prosecution of an adultery case is proving the actual elements of the crime of committing a sexual intimacy with a married person. Prosecutors in Oklahoma receive no legal training specific to prosecuting adultery crimes, although they do receive training related to domestic violence prosecutions. Proving criminal intent in an adultery case may be one of the toughest tasks a district attorney faces.

The Oklahoma state statutes clearly define that only an affected party of the adultery may report the crime. This may also play a part in the actual reporting of the crime to either the police departments and or the district attorneys' offices in the first place. Interested third parties may not make an official police report according to state law.

The caseload of a district attorney's office may also play a role in the decision not to take on an adultery case. Furthermore, having the latitude to divert the case to a civil court and thus remove criminal sanctions from the equation may also play a role in the district attorney not charging individuals with a crime.

Next, if the district attorneys had adultery cases to prosecute and they decided not to proceed with prosecutions, they believe the decision not to prosecute would



not be an act of usurpation of power from the legislative branch of government. Furthermore, the district attorneys believe that prosecutorial discretion is essential in the balance of power. They do not think that not prosecuting adultery crimes violates the state constitution. Moreover, the district attorneys believe that the legislative branch should revisit the statute because it is no longer applicable.

### Conclusion

It was concluded that although adultery occurs in the state of Oklahoma in violation of the criminal law, the offenses are not being reported to either police departments or district attorneys' offices. Without reports of adultery, the executive branch (district attorneys) is not collectively deciding against filing these particular cases and, thereby, is not usurping the power of the legislative branch of government. However, if the cases were reported, it is concluded that due to internal and external influences, the cases would still not be prosecuted in criminal court. The following conclusions of the study's research questions are reiterated and addressed separately.

It was concluded that the district attorneys in Oklahoma are not prosecuting adultery crimes because they do not receive reports of the criminal activity. Law enforcement is responsible for fielding criminal reports of adultery, and law enforcement did not accept, investigate, or forward any adultery cases to the district attorneys' offices for the calendar year 2008.

Secondly, it was concluded that had the district attorneys received reports of adultery, budget restraints, case selection, lack of public interest, and difficulty in prosecuting the crime would have prevented them from seeing the cases through. There is a consensus among the district attorneys' offices that the morality of the state has changed since the statute was first passed and the statute no longer serves its purpose.

The implication of the findings within this study should move the state legislature to repeal the statute related to adultery. In its present form, the adultery statute is unenforceable by the district attorneys. Moreover, future research should be conducted in the area of local law enforcement and how police and sheriffs' offices handle the official reporting of allegations of adultery. Law enforcement is the first contact with the justice system, and such agencies could be diverting the official reporting of this crime.

## References

- Albonetti, C. (1987). Prosecutorial discretion: The effects of uncertainty. *Law and Society Review*, 21, 219–313.
- Benedict, B. (2007). Upsetting the balance: Ignoring the separation of powers doctrine in *Council of New York v. Bloomberg*. *Brooklyn Law Review*. 72 Brooklyn L. Rev. 1261.
- Bittner, E. (1967). The police on skid-row: A study of peace-keeping. *American Sociological Review*, 32, 699–715.
- Black, D. (1971). The social organization of arrest. *Stanford Law Review*, 23, 1087–1111.
- Casper, G. (1989). The American Constitutional tradition of shared and separated powers: An essay in separation of powers: some early versions and practices. *William and Mary Law Review*, 30, 211.
- Davis, K. C. (1969). *Discretionary justice: A preliminary inquiry*. Baton Rouge: LA: Louisiana State University Press.
- Fletcher, G. (1984). Some unwise reflections about discretion. *Law and Contemporary Problems*, 47(4), 269–286.
- Goldstein, H. (1978). *Policing in a free society*. Cambridge, MA: Ballinger.
- Holliday, A. (2007). *Doing and writing qualitative research* (2nd ed.). Thousand Oak, CA: Sage.
- Lipsky, M. (1980). *Street level bureaucracy: Dilemmas of the individual in public services*. New York: Russell Sage.
- Littrell, W. (1979). *Bureaucratic justice: Police prosecutors and plea bargaining*. Beverly Hills, CA: Sage.
- Mac Murray, B. (1988). Prosecutorial decision making and case attrition for child sexual abuse: A qualitative approach to case rejection decisions. *The Prison Journal*, 68(11), 11–24.
- Madison, J. (1788). *Federalist Papers* #49. Retrieved June 4, 2011, from <http://www.foundingfathers.info/federalistpapers/fedindex.htm>

- Madison, J. (1788). *Federalist Papers* #50. Retrieved June 4, 2011, from <http://www.foundingfathers.info/federalistpapers/fedindex.htm>
- Maxwell, J. (2005). *Qualitative research design: An interactive approach*. Thousand Oaks, CA: Sage.
- McDonald, W. (1979). *The prosecutor*. Beverly Hills, CA: Sage.
- Merriam, S. (1998). *Qualitative research and case study applications in education: Revised and expanded from case study research in education*. San Francisco, CA: Jossey-Bass.
- Miller, F. (1969). *Prosecution: The decision to charge a suspect with a crime*. Boston, MA: Little, Brown.
- Misner, R. (1996). Recasting prosecutorial discretion. *The Journal of Criminal Law and Criminology*, 86(3), 717–777.
- New York Domestic Relations Law, Section 170(4) (2003).
- Oklahoma Criminal Statutes. Title 21, Ch. 33, §871. (2005).
- President's Commission on Law Enforcement and the Administration of Justice. (1967). *The challenge of crime in a free society*. Washington, D.C.: U.S. Government Printing Office.
- Shook, L. (1982). *A comparative analysis of law enforcement patrol officer's attitudes toward non violent consensual sexual conduct*. Unpublished doctoral dissertation, University of Northern Colorado, Greeley, CO.
- Sievert, R. (2002). Capital murder: A prosecutor's personal observations on the prosecution of capital offenses. *American Journal of Criminal Law*, 27, 244–261.



# Police Misconduct and Crime: A Gender Study of Crime Types From Court Cases

Petter Gottschalk

This article is based on empirical research of criminal behavior in the Norwegian police force. Norway has a total of 13,000 police employees, out of which 8,000 are police officers and 5,000 are civilians. While the majority of police officers are male, the majority of civilians are female. In total, almost half of the police population consists of women, while a little more than half are men. However, out of 60 prosecuted police employees from 2005 to 2010, 52 were men and only 8 were women. Out of those 52 men, 51 were police officers and 1 was a civilian. Out of 8 women, 4 were police officers and 4 were civilians. Both female and male officers committed crime mainly at the individual rather than group or organization level.

**Key Words:** Police misconduct • police corruption • crime motive • content analysis • criminal court

According to the United Nations (UNODC, 2006), the great majority of individuals involved in policing are committed to honorable and competent public service and consistently demonstrate high standards of personal and procedural integrity and accountability in performing their duties. The philosophical basis of policing in a democratic society rests on the notion of policing by consent where the public puts its trust and confidence in police officers to serve and treat people, even the offending ones in the community, with the respect and dignity human beings deserve as their birthright (Alderson, 1979). Policing has at its paradigm the notion of service to the community in which it operates, even if at times force may be a legally allowed option to take to carry out such service. The main objectives of policing worldwide are those of protecting society against threats and detecting, stopping, and pursuing crime (Prethus, 2009).

The prevalence of police deviance is a much-debated statistic, and Porter and Warrander (2009) argue that its determination is “rife with problems” because

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of varying practices among police complaints commissions. While some researchers suggest that corruption is endemic to police culture across the globe, others argue that incidents are rare (Hunter, 1999). Despite such statistical problems, incidents of police deviance do surface from time to time all over the world. Some examples in the UK involve suppression of evidence, beating of suspects, tampering with confidential evidence, and perjury (Dean, Bell, & Lauchs, 2010). Police integrity and accountability has been a concern in most regions and countries; this article presents an example in Norway.

This article is based on empirical research of criminal behavior in the Norwegian police force. From 2005 to 2010, a total of 60 police employees in Norway were prosecuted in court because of criminal behavior. These court cases were coded and studied in archival analysis to answer the following research question: What differences can be found between male and female police employees in terms of frequency and severity of misconduct and crime measured in terms of imprisonment days in court sentences?

### Police Misconduct

UNODC (2006) describes seven typical categories of police misconduct: physical abuse, prisoner mistreatment, evidence manipulation, corruption, unauthorized disclosure of information, extortion, and sexual misconduct.

#### *Physical Abuse I*

Indiscriminate and careless use of powers delegated to police officers is a major factor in alienating the public. When and where police apply their powers is usually a matter of individual discretion. Because officers often are required to make people do something or refrain from doing something, police action may be met with resistance, conflict, or confrontation. Under such circumstances, members of the public may wish to complain. The validity of such complaints depends on the context and is judged against standards of police conduct enshrined in law or regulation.

Use of excessive force is an abuse of police power. However, as Johnson (2005) argues, appropriate use of force can, in many cases, be very difficult to discern, especially because the line that separates brave from brutal is not always visible in a policing situation. In the police world, the bravest are sometimes the most brutal, and they tend to be the ones most admired and protected by other police officers.

### *Prisoner Mistreatment*

Suspect confessions or admissions of guilt are related to their treatment in custody. This may be because of the threat or direct use of violence (i.e., torture), because of other indirect intimidation or menacing behavior on the part of the interviewers, or because the experience is otherwise physically and mentally distressing. For example, direct use of violence might elicit confessions among amateur criminals while it elicits silence among organized criminals. The physical and mental distress does sometimes lead to an admission of guilt just to stop the stress or because the suspect is really guilty.

People in police interviews are anxious normally and find themselves in an unequal dynamic in favor of the interviewer(s). Ample evidence shows that certain people are predisposed to answering police questions in any way that will help to shorten the interview, and as a result they will wrongly confess to offences they did not commit. In some countries, the risk of a "false" confession is perceived as so great that confessions of guilt made solely to a police officer are not admissible in court.

### *Evidence Manipulation*

At least two motives drive the falsification or destruction of evidence. Firstly, an officer may wish to make the case against a suspect stronger than it already is. For example, the officer has forgotten to do something such as an alcohol test, has failed to find sufficient evidence to prove an important element of a case, or is hiding something that appears to show the suspect is not guilty. Secondly, an officer may have been paid by a suspect to ensure that evidence is lost or tampered with to sabotage the prosecution's case.

### *Corruption*

Personal gain is a primary motivation for much criminal behavior. Because of the special trust placed in police officers and the responsibilities placed on them, the opportunities for them to abuse that trust to obtain money or advantage are considerable. At the same time, because police officers have inside information as well as understanding of and influence over the criminal justice system, they are also often in a position to shield themselves from detection of this particular crime.

Using public office for private gain is common in police forces in many parts of the world. The most publicized example of police bribery is the New York police

department in the 1960s and early 1970s. Police officers used their positions to extract money and gifts (Johnson, 2005).

#### *Unauthorized Disclosure of Information*

Police organizations collect, hold, or have access to a significant amount of information, some of it of a private nature about victims, witnesses, crimes, and suspects, and much of it confidential. That same information has a market value for criminals, journalists, and private investigators that can be realized by unscrupulous police staff with access to it (UNODC, 2006).

Information about operations or investigations can also be sold. Where police activities or investigations are targeting a particular person or location, that information can be invaluable not only to any criminal involved, but also to journalists who may be looking for an interesting scoop (UNODC, 2006).

Further difficulties arise where information has been logged or filed incorrectly. A simple typing error can lead to detaining people with similar names unnecessarily; raiding the wrong address, or suspects escaping arrest because of inaccurate or incomplete records. These issues may well be due to a lack of diligence or laziness rather than malice, but the results can still be significant. Such risks can be reduced, though perhaps not eliminated, through proper training, clear procedural safeguards, and supervision (UNODC, 2006).

#### *Extortion*

A common abuse of integrity in some countries relates to the enforcement of road traffic regulations (or other minor infractions) where the officer negotiates informal on-the-spot fines (or bribes) with the alleged offender, rather than pursuing a formal prosecution or other legal process. In extreme circumstances, this can be regarded by some as the normal way of doing business.

#### *Sexual Misconduct*

Sexual misconduct by law enforcement personnel with witnesses, suspects, or informants has also been known to lead to corruption or other integrity failure. Police officers coerce suspects with sexual intimidation, inappropriate sexual advances, or worse (a form of physical mistreatment). This refers also to sexual harassment often hidden from or ignored by colleagues in the police force. An officer may also ignore a sexual partner's criminal activity, alter evidence that implicates the partner, or even



provide that partner with confidential information. Such misconduct also leaves the officer open to extortion.

Police crime is a well-known problem in such places as Mexico (Davis, 2007) and Bosnia and Herzegovina (Maljevic et al., 2008), but it does not occur only in those countries. It is found in the UK (Porter and Warrender, 2009), United States (Klockars et al., 2006), Australia (OPI, 2008), and Norway (as this study shows) as well—although on a smaller scale.

Police crime tends to be discovered when investigating police complaints. Police crime is here defined as intentional crime committed by police officers on duty. Policing police crime is defined as enforcing law on potential and actual criminal employees in the police organization (Seneviratne, 2004). Once we might have said who is watching the watchman, or who is guarding the guardian—now we say who is policing the police?

#### *Matrix of Seriousness*

Dean et al. (2010) developed a matrix of seriousness for police misconduct and crime that we apply in this research. This matrix was developed further by the author (Dean and Gottschalk, 2011). For research purposes each of the nine categories derived from the matrix table is labeled with a word or phrase that best encapsulates the essence of what each type of police crime represents in relation to its motivational driver. Such categorical labels are relatively common terminology in policing research and/or were derived conceptually from the extant literature.

To make the nine categories operational, a set of coding descriptors for each type of police crime was developed. These category descriptors appear in Table 1 and summarized below:

1. overzealous motivational category—e.g., projected “police persona” as a tough, no-nonsense, hard talking, image of efficiency.
2. loss of respect motivational category—e.g., cynicism toward public and the job manifested in desire to look after self by taking opportunities, as they present themselves, to misuse police powers.
3. greed motivational category—e.g., deep cynicism and strong desire to get as many benefits (financial and personal) as possible through making and exploiting opportunities to prey on others.

Table 1. *Matrix Table of Police Crime: Categories x Levels*

Forms of Deviance	Police Misconduct	Police Corruption	Predatory Policing
Deviance Levels	Violates rules, policies, procedures	Misuses police authority for personal satisfaction/gain	Engages proactively in predatory behaviors
Individual "human failure" ( <i>rotten apple</i> )	Motivational Category 1 <b>overzealous</b> projected "police persona" as a tough, no-nonsense, hard talking, image of efficiency	Motivational Category 2 <b>loss of respect</b> cynicism toward public and the job manifested in desire to look after self by taking opportunities, as they present themselves, to misuse police powers	Motivational Category 3 <b>greed</b> deep cynicism and strong desire to get as many benefits (financial/personal) as possible through making and exploiting opportunities to prey on others
	Motivational Category 4 <b>misguided</b> misguided ideas of "professional" police work as cynical, mistrusting officers with out-of-sync priorities of police service	Motivational Category 5 <b>solidarity</b> joining up with other police with similar misguided and/or loss of respect rationales to engage in opportunistic misuse of police powers	Motivational Category 6 <b>alliance</b> banding together to maximize benefits by exploiting opportunities for profit
Group "socialization failure" within police culture ( <i>rotten barrel</i> )			
Organization "systemic failure" of integrity systems ( <i>rotten orchard</i> )	Motivational Category 7 <b>code of silence</b> individuals keep quiet about incidents of misconduct due to unwritten code of not ratting on other police	Motivational Category 8 <b>non-cooperation</b> covering up questionable work practices/integrity failures through omission (e.g., don't prosecute police) or commission (e.g., failure to investigate incidents properly by internal audits/ethical standards section/teams)	Motivational Category 9 <b>networking</b> expanding networks within/outside of police and crime worlds to maximize profit-sharing by exploitation of others

4. misguided motivational category—e.g., misguided ideas of “professional” police work as officers being cynical and mistrusting with out-of-sync priorities of police service.
5. solidarity motivational category—e.g., joining up with other police with similar misguided and/or loss of respect “rationales” to engage in opportunistic misuse of police powers.
6. alliance motivational category—e.g., banding together to maximize benefits by exploiting opportunities for profit.
7. code of silence motivational category—e.g., individuals keep quiet about incidents of misconduct due to unwritten code of not ratting on other police.
8. non-cooperation motivational category—e.g., covering up questionable work practices/integrity failures through omission (e.g., don’t prosecute police) or commission (e.g., failure of internal audits/ethical standards section/teams to investigate incidents properly).
9. networking motivational category—e.g., expanding networks within/ outside of police and crime worlds to maximize profit-sharing by exploitation of others.

### Methods

This study used data from court cases in Norway involving police officer misconduct. The Norwegian Bureau for the Investigation of Police Affairs prosecutes police officers in court. The Norwegian Bureau is similar to police oversight agencies found in other countries, such as the Independent Police Complaints Commission in the UK, the Police Department for Internal Investigations in Germany, the Inspectorate General of the Internal Administration in Portugal, the Standing Police Monitoring Committee in Belgium, the Garda Síochána Ombudsman Commission in Ireland, Federal Bureau for Internal Affairs in Austria, and the Ministry of the Interior, Police and Security Directorate in Slovenia.

Since 1988, Norway has had a separate system to handle allegations against police officers for misconduct. That system was frequently accused of not being independent of regular police organizations (Thomassen, 2002) so in 2003, the Norwegian Parliament decided to establish a separate body to investigate and

prosecute cases where employees in the police service or the prosecuting authority are suspected of having committed criminal acts in the police service. Two years later, the separate body was transformed into the Norwegian Bureau for the Investigation of Police Affairs, which has been effective since January 2005. The Bureau is mandated to investigate and prosecute cases where employees in the police service or the prosecuting authority are accused of having committed criminal acts in the service. The Norwegian Bureau has both investigating and prosecuting powers, and in that way, it differs from some comparable European bodies. The Norwegian Bureau does not handle complaints from the public concerning allegations of rude or bad behavior that does not amount to a criminal offense (Presthus, 2009).

Since the operations started at the Norwegian Bureau in January 2005 and until February 2010, a total of 60 police officers were put on trial in Norwegian courts. This was the sample for our study. Three officers were prosecuted in 2005, 14 in 2006, 16 in 2007, 20 in 2008, 5 in 2009, and 2 in 2010.

The unit of analysis applied in this study is the individual prosecuted rather than the court case because an organization is never prosecuted in criminal court for jail sentence. Because an individual police officer may appeal his or her case to a higher court, there were more court cases than individuals on trial: a total of 80 court cases for the 60 prosecuted individuals. This study is based initially on the rotten-apple thesis; however, since it is obvious from research (e.g., Perry, 2001; Punch, 2003) and the applied framework that police crime might be explained at the group and organizational level as well, an attempt is made to assess group and organizational levels of police deviance.

## Results

Among the 60 prosecuted police employees from 2005 to 2010 were 52 men and 8 women. Of those 52 men, 51 were police officers and 1 was a civilian; of the 8 women, 4 were police officers and 4 were civilians. Norway has a total of 13,000 police employees, of which 8,000 are police officers and 5,000 are civilians. While the majority of police officers are male, the majority of civilians are female. In total, almost half of the police population consists of women, while a little more than half are men. Please note that the study involves police employees and not just police officers. Examples of civilian jobs include passport production, information technology, and vehicle maintenance. We chose to include civilians in the study, because their tasks often overlap and are often performed by officers as well.

Based on these numbers, where almost half of all police employees are women (about 45%), it is interesting to note that only 14% (8 of 60 persons) of prosecuted police employees are women. Thus, the fraction of prosecuted women is much lower than the fraction of prosecuted men among police employees. Similarly among police officers, where we can estimate that 75% are men and 25% are women, we find 93% men (51 persons) and only 7% women (4 persons) among prosecuted officers.

In terms of court sentence, the average number of days in jail was 265 days for male police employees and 122 days for female police employees. This difference seems substantial, but it is not significant from a statistical point of view where the *p*-value needs to be below .05 (Hair, Black, Babin, & Anderson, 2010).

Table 2 allocates all court cases in this study into the categories and levels from Table 1.

Table 2. *Matrix Table of Police Crime: Distribution of 60 Prosecuted Officers (52 Men and 8 Women)*

Forms of Deviance Deviance Levels	Police Misconduct <u>Violation</u> of rules, policies, procedures	Police Corruption <u>Misuse</u> of police authority for personal satisfaction/gain	Predatory Policing <u>Proactively</u> engages in predatory behaviors
Individual “human failure” ( <i>rotten apple</i> )	9 men	13 men 3 women	11 men 3 women
Group “socialization failure” within police culture ( <i>rotten barrel</i> )	7 men	2 men 1 woman	5 men
Organization “systemic failure” of integrity systems ( <i>rotten orchard</i> )	3 men 1 woman	1 man	1 man

We find men in all categories with the highest frequency in the loss-of-respect group with 13 men and the greed group with 11 men. Similarly, we find most of the women in the loss-of-respect and greed groups. For prosecuted men, the third largest category is the overzealous group with 9 men, and the fourth largest category is the

misguided group with 7 men. We find no women in these categories. The two women outside the loss-of-respect and greed groups are found in the solidarity group and the code-of-silence group.

Of 60 police employees on trial, 20 cases were dismissed from court. The fraction of dismissed cases was about the same for women and men: 2 out of 8 female cases and 18 out of 52 male cases.

Of the total sample of 40 convicted police employees, 12 persons were sentenced to less than 2 weeks in jail, 15 persons to less than 2 months, 9 persons to less than 2 years, and 4 persons to more than 2 years in prison. We infer from these data that long-term sentences are very rare in police crime cases. The crimes of the latter, most serious group, were 1. theft of money, weapons, and passports to help criminals; 2. theft of confiscated drugs from the police station for personal use; 3. accepting payment from a prison inmate to arrange frequent home trips (corruption); and 4. sexual harassment, abuse, and rape of several intoxicated women. Six cases involving female employees led to a jail sentence.

### Discussion

Six cases involving female employees and 34 cases involving male employees led to jail sentence and can now be classified into typical categories of misconduct issues as discussed by UNODC (2006):

- a. Physical Abuse: Four men, no women.
- b. Prisoner Mistreatment: Two men, no women.
- c. Evidence Manipulation: One man, one woman.
- d. Corruption: Three men, no woman.
- e. Unauthorized Disclosure of Information: Six men, one woman.
- f. Extortion: One man, no women.
- g. Sexual Misconduct: Four men, no women.

Several cases involved types of misconduct that do not appear in the list from the United Nations.

- h. Dangerous Driving: Nine men, one woman who was convicted for dangerous driving of police car causing serious car damage. The woman received a 6-day sentence in jail.

- i. Theft: Five men, three women who had been stealing from the office and from colleagues at the police station (60 days in jail), stealing money from fine payments (90 days in jail), and stealing money from police accounts (1 year in prison).

We see from this list that female police employees are rarely convicted of traditional police crime as defined by UNODC (2006) as one case is in the category (h) dangerous driving and half the cases are in the category (i) theft. However, 41% (14 of 34 convictions) of the men were also not convicted of traditional police crimes.

The empirical cases examined demonstrate that men are overrepresented in crime cases and convictions. This finding is in line with the previous research on citizen complaints and convictions of excessive force (Hassell & Archbold, 2010; Lersch & Mieczkowski, 2000; NCWP, 2002). Although Norway is known for gender equality, it appears that gender differences occur in policing crimes. Research on gender and the police force in Norway noted many similarities between male and female officers; however, there was no investigation into conduct. Future research needs to study why these differences emerge. Possible reasons to explore could be related to the types of policing men and women do, the professional culture and expectations, or other demographic variables such as age or education. When examining the general conduct of police officers, we find that police crime occurs in Norway primarily at the individual level.

There is a need for police governance to reduce police crime. Governance is a system and process by which an organization operates and that provides an established and agreed-upon structure in which organizational goals are met. The concept of police governance deals with several normative principles, including accountability, transparency, participation, responsiveness, equity, and the rule of law. The concept is based on an assumption that police organizations need to benchmark operations against governance standards (Jones, 2009).

Jones (2009) suggests a number of principles of modern police governance:

- *Legitimacy.* The traditional police organization is a hierarchically structured apparatus of command and control. Restructuring allows for greater participation and consensus among the actors within the organization. This idea reinforces a bottom-up process by recognizing that key buy-in is crucial to the development and actualization of change in the organization and the manner in which the organization carries out its primary mission.

- *Accountability.* Representative associations are encouraged in police organizations, because the presence and ability to participate in such representative organizations by police officers presents an air of organizational accountability. The ability to partake in representative organizations aids in building a consensus-based approach within police organizations where employees have the ability to access information freely and are satisfied with their position within the information flow.
- *Performance.* The police organization is more responsive, efficient, and effective under the governance paradigm. Efficiency and effectiveness are important because they aid in the mitigation of role ambiguity in a given task environment and, therefore, act as a mechanism of control over discretion.
- *Fairness.* Equity and the rule of law are vital aspects to the promotion and perception of fairness. For democracy to be fostered inside the police organization and subsequently transferred to the community, all persons working in the organization, as well as those served by it, must have the opportunity to receive the level of service desired. Taking an open systems approach, organizations exist to aid people.

Smith (2009) argues that a regulatory network has become a part of the police governance framework under the guise of performance management and extended its reach into accountability mechanisms. Lack of public trust and confidence in accountability mechanisms has made regulation a more attractive means for ensuring the delivery of fair and effective policing services.

### Conclusion

Compared with the number of male and female police employees in Norway, the fraction of women employees prosecuted in court is very small. Their offenses are mainly theft and dangerous driving rather than traditional police crime such as physical abuse, prisoner mistreatment, corruption, extortion, and sexual misconduct.

Police management and integrity is a challenging aspect for police forces. Integrity and accountability among police officers might be influenced by education. If higher education makes officers less inclined to abuse their authority and more ethical and tolerant, then more education could be part of the solution to the police crime problem. Future research is needed to establish whether and to what extent higher education has a beneficial effect on police integrity and accountability.



## References

- Alderson, J. (1979). *Policing freedom. A commentary on the dilemmas of policing in western democracies*. Plymouth, England: Macdonald & Evans.
- Davis, D. E. (2007). Undermining the rule of law: Democratization and the dark side of police reform in Mexico. *Latin American Politics and Society*, 48(1), 55–86.
- Dean, G., Bell, P., & Lauchs, M. (2010). Conceptual framework for managing knowledge of police deviance. *Policing & Society*, 20(2), 204–222.
- Dean, G., & Gottschalk, P. (2011). Continuum of police crime: An empirical study of court cases. *International Journal of Police Science and Management*, 13(1), 16–28.
- Hair, J. F., Black, W. C., Babin, B. J., & Anderson, R. E. (2010). *Multivariate data analysis* (7<sup>th</sup> ed.). Upper Saddle River, NJ: Pearson Education.
- Hassell, K. D., & Archbold, C. A. (2010). Widening the scope on complaints of police misconduct. *Policing: An International Journal of Police Strategies and Management*, 33(3), 473–489.
- Hunter, R. D. (1999). Officer opinions on police misconduct. *Journal of Contemporary Criminal Justice*, 15(2), 155–170.
- Johnson, R. A. (2005). Whistleblowing and the police. *Rutgers University Journal of Law and Urban Policy*, 1(3), 74–83.
- Jones, M. (2009). Governance, integrity, and the police organization. *Policing: An International Journal of Police Strategies & Management*, 32(2), 338–350.
- Klockars, C. B., Ivkovich, S. K., & Haberfeld, M. R. (2006). *Enhancing police integrity*. New York: Springer Academic.
- Lersch, K. M., & Mieczkowski, T. (2000). An examination of the convergence and divergence of internal and external allegations of misconduct filed against police officers. *Policing: An International Journal of Police Strategies & Management*, 23(1): 54–68.
- Maljevic, A., Datzler, D., Muratbegovic, E., & Budimlic, M. (2008). Professional police in Bosnia and Herzegovina: Case study—police corruption. *European Journal of Crime, Criminal Law and Criminal Justice*, 16, 209–224.
- National Center for Women and Policing. (2002). Men, women, and police excessive force: A tale of two genders. Retrieved August 6, 2011, from [http://www.womenandpolicing.org/pdf/2002\\_excessive\\_Force.pdf](http://www.womenandpolicing.org/pdf/2002_excessive_Force.pdf)

- Office of Police Integrity (OPI). (2007). *Report on the 'Kit Walker' investigations*. Retrieved June 4, 2011, from [www.opi.vic.gov.au](http://www.opi.vic.gov.au) [Archived Reports].
- Office of Police Integrity (OPI). (2008, October). *The Victorian armed offenders squad—A case study*. Retrieved June 4, 2011, from <http://www.opi.vic.gov.au/index.php?i=115>
- Perry, F. (2001). Repairing broken windows—Police corruption. *FBI Law Enforcement Bulletin*, 70(2), 23–27.
- Porter, L. E., & Warrender, C. (2009). A multivariate model of police deviance: Examining the nature of corruption, crime and misconduct. *Policing & Society*, 19(1), 79–99.
- Prenzler, T., & Lewis, C. (2005). Performance indicators for police oversight. *Australian Journal of Public Administration*, 64(2), 77–83.
- Presthus, J. E. (2009). Foreword. In P. Gottschalk, *Policing the police—Knowledge management in law enforcement*. New York: Nova Science Publishers.
- Punch, M. (2003). Rotten orchards: “Pestilence,” police misconduct, and system failure. *Policing and Society*, 13(2), 171–196.
- Seneviratne, M. (2004). Policing the police in the United Kingdom. *Policing and Society*, 14(4), 329–347.
- Smith, G. (2009). Citizen oversight of independent police services: Bifurcated accountability, regulation creep, and lesson learning. *Regulation & Governance*, 3, 421–441.
- Thomassen, G. (2002). Investigating complaints against the police in Norway: An empirical evaluation. *Policing and Society*, 12(3), 201–210.
- United Nations Office on Drugs and Crime (UNODC). (2006). The integrity and accountability of the police: In *Criminal justice assessment toolkit*. Retrieved June 4, 2011, from [http://www.unodc.org/documents/justice-and-prison-reform/cjat\\_eng/2\\_Integrity\\_and\\_Accountability\\_Police.pdf](http://www.unodc.org/documents/justice-and-prison-reform/cjat_eng/2_Integrity_and_Accountability_Police.pdf)