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Fugitive Safe Surrender: A Qualitative Analysis of Participants’ Reasons for Surrender and Anticipated Outcomes to Inform Program Evaluation

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Abstract
The Fugitive Safe Surrender (FSS) program is a means for individuals with outstanding warrants to turn themselves in at a non-law-enforcement setting. Challenges remain in evaluating FSS program outcomes. Based on $n = 211$ participants’ demographic data and qualitative, open-ended written responses collected during an FSS event in a mid-sized Midwestern city, we analyze participants’ reasons for surrendering and anticipated outcomes of surrendering. Utilizing inductive thematic analysis of participants’ responses, we identify individual-level program outcomes that can be used for evaluating FSS. We additionally identify the intersection of codes amongst participant responses to demonstrate the inter-connectedness of FSS participants’ reasons and anticipated outcomes of surrendering. Family was identified as a life domain that cross-cut many identified themes in participants’ responses. The most prominent reasons for surrender included family, resolution of legal issues, and obtaining a driver’s license; the most common intersection of these themes included driver’s license/employment, employment/family, and decreasing worry/family. Common anticipated outcomes included obtaining a driver’s license, employment, and decreased worry; the most common intersection of these themes included driver’s license/employment; decreased worry/employment, and family/employment. We propose that these individual-level outcomes may be associated with increased social capital due to participants’ increased opportunities for maintaining familial networks and employment. Future evaluation of FSS should

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incorporate these individual-level outcomes to measure the effectiveness of warrant clearing for misdemeanors and felonies.

**INTRODUCTION**

The Fugitive Safe Surrender (FSS) Program was established in 2005 by the U.S. Marshals Service as a means for individuals with outstanding warrants to safely turn themselves in at a non-law-enforcement setting (Flannery & Kretschmar, 2012; Flannery, 2013). Rather than facing imminent arrest, these individuals were provided the opportunity to resolve their outstanding legal issues in a safe, non-threatening environment: a faith-based organization. Intended benefits to the criminal justice system included reducing risks of violent altercations between community members and law enforcement officers serving warrants, decreasing warrant backlogs, and preventing increases in local jail populations (Cahill, 2012; Flannery & Kretschmar, 2012). Anticipated outcomes for individuals and communities were increasing neighborhood safety and increasing trust between law enforcement and the community (Flannery & Kretschmar, 2012, p. 438).

Cahill (2012) has identified challenges in measuring FSS’ anticipated effects, suggesting that intended outcomes such as decreasing risks of violence in serving warrants may not reflect the actual outcomes from local FSS operations. Nationally, the majority of individuals who accessed FSS had misdemeanor warrants; these included minor misdemeanors, but also major misdemeanors such as assaults, drug charges, domestic violence, and theft (Flannery, 2013, pps. 17-18). Given the legal characteristics of many FSS participants, Cahill (2012) suggests that risks of violence between law enforcement officers and those being served warrants may already be quite low for individuals with misdemeanor warrants. Consequently, intended program outcomes such as increased community safety may not be indicative of the actual outcomes of FSS (Tabarrok, 2012). This is not to dismiss the potential benefits of FSS. However, the discrepancies between who the program was intended to serve and the community members who took advantage of this program offer opportunities to realign program objectives and outcomes based on identified participant characteristics and motivations to surrender. Cahill (2012) suggests that these proximal, individual-level outcomes may be more measurable than distal outcomes such as community safety. These individual outcomes may in fact be the most measurable benefits of FSS.

Our goal within this qualitative study was to analyze FSS program participants’ reasons for surrender and anticipated outcomes to inform outcome measures and identify implications for the FSS program (Ritchie & Spencer, 2002). In this paper we qualitatively analyze urban Midwestern FSS participants’ reasons for surrender, and what participants think will change in their lives as a consequence of surrendering. Given that FSS demonstrates
unique challenges in outcome evaluation, participant perspectives on why the program was utilized and expected outcomes are important considerations (Cahill, 2012; Flannery & Kretschmar, 2012; Ritchie & Spencer, 2002). Beyond process measures, such as participants’ socio-demographic and legal characteristics, criminal-justice-centered outcome measures such as numbers of warrants cleared may be the most measurable result of FSS.

Though more distal outcomes such as community safety or decreasing jail populations are challenging to measure, identifying FSS participants’ anticipated outcomes may identify individual-level program indicators. Through qualitative analysis of open-ended survey questions answered by participants at a medium-sized Midwestern city FSS site, we identify perspectives of program participants. These perspectives can be operationalized to either quantitatively or qualitatively measure individual-level outcomes. Drawing conclusions from our findings, we discuss implications for future FSS activities and offer suggestions as to how to link these individual-level measures with community outcomes.

DESCRIPTION OF FUGITIVE SAFE SURRENDER: IMPLEMENTATION AND PROCESS DATA

The Fugitive Safe Surrender program (FSS) began as a partnership between the U.S. Marshals Service (USMS), local criminal justice agencies, and faith-based organizations (e.g., churches). The program seeks to “reduce the risk of dangerous arrest situations, make neighborhoods safer, and build trust between law enforcement officers and the community” (Flannery & Kretschmar, 2012, p. 438). During the four-day program individuals voluntarily surrender in order to resolve outstanding warrants and complete an intake form and voluntary survey. Individuals can also receive on-site access to public services such as the Department of Motor Vehicles. Two data collection instruments are used: an intake form used by law enforcement to identify the individual’s warrant status and a 17-item (primarily quantitative) survey instrument that collects participant demographics and self-reported warrant information. This survey includes three open-ended questions: “Who did you come here with?” and “In your own words, why did you come here today?” and “How will things change for you if you get your warrants cleared today?” Upon intake and survey completion, the individuals are assigned legal representation, go before a judge, and pay fines or fees as necessary (or, alternatively, are set up with a payment plan). In the majority of cases, FSS participants’ warrants are removed.

Over the five-year period that the program was under jurisdiction of the USMS, it was held 22 times in 20 U.S. cities, with 35,103 individuals surrendering (Flannery, 2013, p. 24). Nationally, the majority of participants were African American (74.9%) males (62.8%) with a mean age of 36 years (SD = 11.5) (Flannery, 2013, p. 30). An unanticipated occurrence across sites was
the number of participants who attended an FSS event who had no warrants found in the system. These FSS participants with no warrants accounted for 18% of all FSS participants across national sites (Flanner & Kretschmar 2012). Of the participants who did have an open warrant \((n = 21,901)\), 84% had a misdemeanor warrant, and the remaining had at least one felony warrant (Flannery, 2013, p. 32). Although USMS is no longer affiliated with the program, FSS has continued under the direction and funding of local law enforcement agencies. Since 2011, FSS has been implemented in at least six cities in Ohio and New Jersey.

Individuals with misdemeanor warrants primarily utilized FSS, rather than individuals with felony warrants, which reflects a different population of participants than anticipated (Bierie, 2014; Cahill, 2012; Flannery & Kretchsmar, 2012; Tabarrok, 2012). Individuals are issued misdemeanor warrants for diverse reasons including suspicion of commission of a crime, failure to pay fees or fines, or failure to appear at a court hearing. However, they may also have major misdemeanors, such as domestic violence. Confirming past research, FSS participants reported failure to appear in court or failure to pay a fine as the most common reasons for having a warrant (Bierie, 2014; Guynes & Wolff, 2004). This suggests that FSS participants may be qualitatively distinct from the population of individuals with felony warrants. For example, they may be primarily concerned with clearing warrants to maintain their community ties through employment (Flannery, 2013, p. 30). These types of warrants, indicative in many parts of the nation as revenue-generating mechanisms for municipalities, possibly inhibit individuals living near the poverty level from maintaining employment, which in turn decreases the likelihood of resolving their warrants through standard court proceedings (Balko, 2014). In addition to the economic barriers that contribute to persistent outstanding warrants, the limited research on outstanding warrants indicates that the legal status of “fugitive” also structures how individuals engage with their community, family, and employer.

**“FUGITIVES”: INDIVIDUALS WITH OUTSTANDING WARRANTS**

Warrant incidence data are limited (Bierie, 2014; Goldkamp, 2012). Bierie’s (2014) examination of the national warrant database, maintained by the National Criminal Information Center (NCIC), provides the closest estimates to date on the incidence of felony-level warrants nationally. From data extracted from the NCIC database, 1.9 million outstanding felony warrants were identified. However, warrant data are captured inconsistently both between and within-states, contributing to decreased insight into the scope of outstanding warrants’ impact within communities and the legal system (Bierie, 2014). Further, this database includes felony warrants only. Nationally, communities have attempted to capture the number of outstanding warrants in their jurisdictions. In Missouri, for example, there were over 1.1 million outstanding warrants identified in June of 2013 (Shapiro, 2014). In 2013
in Ferguson, MO, there were more warrants issued than people residing in this municipality, reflecting the tremendous legal activity focused on issuing warrants within this particular community (Shapiro, 2014). These warrant data, although inconsistently collected, indicate significant numbers of people living with outstanding warrants. However, as demonstrated in the national FSS data, many of these warrants are due to missing court appearances, failure to pay fines, or the result of traffic violations (Flannery, 2013).

With such a high number of warrants, understanding the impact of this status on individuals’ lives and criminal trajectories. Further, understanding motivations for surrender can inform program development and evaluation. Unfortunately, there is limited research on individuals with warrants and even less on what motivates individuals to turn themselves in. Suggested innovations in fugitive research include investigation of individual's experiences living with a warrant and utilization of mixed methods to investigate how open warrants affect individuals, their communities, and their engagement with public sector systems (Bierie, 2014, p. 431; Goldkamp, 2012, p. 336).

Goffman's (2009) ethnographic study of Philadelphia men living with warrants provided insight on the impact of living with a warrant, or life “on the run,” and how community relations are affected by prevalence of outstanding warrants. For example, young urban African-American men with open warrants were shown to avoid regular contacts with family and to maintain inconsistent employment routines in order to decrease risks of arrest (Goffman, 2009, p. 351). Goffman’s analysis of these men's social relations revealed how living “on the run” profoundly disrupts cultural norms surrounding familial and community ties. Goffman concluded that the restructuring of social relations grounded in specific community spaces, such as family’s homes, diminishes individuals’ opportunities to maintain positive social networks. This parallels national FSS data on individuals’ motivations to surrender; 66.6% of participants identified concerns over employment and family as reasons for surrender (Flannery, 2013, p. 30). These findings suggest that factors exogenous of the individual, such as family, may be important motivational drivers for program participation, and ultimately may be connected to other factors, such as employment. For example, is the maintenance of employment solely for the individual’s benefit, or do FSS program participants identify how employment connects to other aspects of their lives? In this study, we capitalize on qualitative methods’ ability to provide contextual, holistic understanding of program participation through identification of the intersection of participants’ responses. Thus, our analysis attempts to reveal the complex interplay of family, community, employment, and responsibility within FSS program participants’ motivations for surrender and their anticipated outcomes (Goffman, 2009).

Following from this, our study identifies two research questions:
1. Why do individuals with warrants surrender?
2. What do individuals think will change in their lives as a result of surrendering?

After analyzing results from questions 1 and 2, we discuss programmatic implications for FSS, including how contextual factors contribute to successful program participation.

**METHODS**

FSS did not previously have an explicit theoretical model attached to its operation, so an inductive, grounded approach was utilized to identify measurable program outcomes through analysis of responses to open-ended questions (Creswell, 2013; Flannery, 2013; Patton, 2015, p. 179–181; Strauss & Corbin, 1994). Analysis of these open-ended responses may also provide insight into contextual factors when interpreting descriptive and inferential statistics, and it may offer opportunities to see connections between outcomes in program participants’ lives (Patton, 2015, p.184–186).

*Data Collection and Analysis*

Socio-demographic quantitative variables data and qualitative open-ended written responses were collected through a questionnaire provided to those presenting at the FSS location. The written responses we analyze are based on two open-ended questions in this questionnaire: “What are your reasons for surrendering” and “What do you think will change as a result of surrendering today?” “Reasons for surrendering” yielded a 72% rate of completion (152) and “anticipated life changes” yielded a 75% completion (158). All socio-demographic and criminal justice variables were entered into SPSS v.22. The two open-ended written responses were treated as qualitative data; they were entered verbatim into word processing software and then loaded into Atlas.ti, a qualitative analysis software. A codebook was created, based on the emergent themes identified in the qualitative data, and utilized by the coders as a guide to reduce data and categories during the coding process (Bernard & Ryan, 2009, p. 56, 75).

Open thematic coding of FSS participants’ written responses was conducted by two coders in order to identify segments of open-ended responses reflective of the identified categories, contributing to dependability of analysis (Ulin et al., 2012). These coders had access to national results of FSS participants’ open-ended responses to compare emergent themes during the coding process, which contributed to the “credible interpretations” of our participants’ open-ended responses (Flannery, 2013, p. 30; Ulin et al., 2012). Discrepancies in coding were resolved through a constant comparative method across the data by the two coders for this research (first and second author) (Bernard & Ryan, 2009, p. 58). Reduction of data was arrived
at through an iterative process in which themes were condensed into larger categories during coding.

Themes identified during the coding process were treated as categorical variables within SPSS and cross tabulations were conducted in order to identify how themes intersected in the data and corresponded to socio-demographic and criminal justice variables. For example, within the reason for surrender question, the open code family was coded numerically as 1 and the open code employment was coded as 2 in the SPSS file. Due to the possibility of multiple responses within each open-ended question, we were able to identify relationships among themes within each of the two open-ended response categories within our sample. Consequently, we were able to code for more than one reason for surrender and for more than one anticipated outcome among participants who provided multiple answers in their open-ended responses. We present the data within two distinct, but nonetheless overlapping, domains: Reasons for Surrender and Anticipated Life Changes. We do this based on the premise that these domains may not necessarily intersect. For example, individuals could indicate that their reason for surrender was to obtain a driver’s license, but they may pessimistically report that they do not expect this to occur or that they would also anticipate lessening of anxiety. Given, this, we analyze these two domains separately to identify such nuances in participants’ responses.

RESULTS

Sample Description

The sample consisted of 211 individuals who voluntarily presented at a local church in a mid-sized Ohio city. Socio-demographics of these FSS participants are presented in Table 1 below.

Table 1. Socio-demographics of FSS Participants (n = 211)

<table>
<thead>
<tr>
<th>Characteristics</th>
<th>Frequency</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Felony person</td>
<td>7</td>
<td>3.4</td>
</tr>
<tr>
<td>Misdemeanor person</td>
<td>148</td>
<td>70.1</td>
</tr>
<tr>
<td>No warrant person</td>
<td>49</td>
<td>23.2</td>
</tr>
<tr>
<td>Male</td>
<td>113</td>
<td>53.6</td>
</tr>
<tr>
<td>Non-White</td>
<td>130</td>
<td>61.6</td>
</tr>
<tr>
<td>Completed High School</td>
<td>136</td>
<td>64.5</td>
</tr>
<tr>
<td>Married</td>
<td>22</td>
<td>10.4</td>
</tr>
<tr>
<td>Have children</td>
<td>146</td>
<td>69.2</td>
</tr>
<tr>
<td>Age</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mean</td>
<td>33.72</td>
<td></td>
</tr>
<tr>
<td>Range</td>
<td>19-77</td>
<td></td>
</tr>
</tbody>
</table>
Of the 211 individuals, 158 responded to the open-ended questions prior to confirming whether they had an open warrant. Consistent with previous FSS programs, nearly a quarter of those who surrendered at an FSS event had no warrant identified in the queried law enforcement databases and this information was communicated to those attendees (Flannery, 2013, p. 14). We included these individuals’ surveys within our analysis because often these individuals were certain that they had open warrants and we focused on exploring why any individuals utilized FSS and these individuals’ anticipated life changes. In terms of criminal offenses, 3.3% (7) of FSS presenters had a felony offense. Of those with misdemeanors, 44.5% (94) had one misdemeanor, and 19.4% (41) had two misdemeanors (Table 1). The sample was composed of 61.6% (131) individuals of color (African Americans, Hispanic/Latino, and “multi-racial”), 26.1% (55) whites, and 12.6% (23) with missing data. The sample consisted of 53.6% (113) men and 44.5% (94) women, with 4 individuals missing gender data (1.9%). In terms of family, 77.3% (163) reported they were not married and 69.2% (146) reported that they had children. Participants were given the opportunity to answer the question “Who did you come here with?” Of the 156 participants who answered this question, 54.5% (85) came with family, 32.7% (51) came alone, and 12.8% (20) came with another person. The mean age was 34 years (+/- 10.75) with the minimum age 19 years and the maximum 77 years.

Themes identified Across Reasons for Surrender and Anticipated Life Changes

In Table 2 below we identify the themes present across the two open-ended response domains.

These results suggest that participants distinguished between the two survey questions although similarities exist across domains. Shared across both domains were the following: family, legal, driver’s license, employment, worry/fear, and attend school. The most frequently identified themes for Reasons for Surrender were family and legal. For Anticipated Life Changes, driver’s license and employment were the most frequently identified themes. The following themes were unique to Reason for Surrender: get it over with, want a life change, tired of running, and location of FSS. These themes included concepts of finally resolving legal issues (get it over with), changing one’s life circumstances (life change), and being mentally fatigued from their fugitive status (tired of running).
Table 2: Themes Across Reasons for Surrender and Anticipated Life Changes

<table>
<thead>
<tr>
<th>Theme</th>
<th>Reason for Surrender Frequency (n = 152)</th>
<th>% Reason for Surrender</th>
<th>Anticipated Life Changes Frequency (n = 156)</th>
<th>% Anticipated Life Changes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Family</td>
<td>50</td>
<td>32.9</td>
<td>26</td>
<td>16.7</td>
</tr>
<tr>
<td>Legal</td>
<td>43</td>
<td>28.3</td>
<td>10</td>
<td>6.4</td>
</tr>
<tr>
<td>Driver’s License</td>
<td>38</td>
<td>25</td>
<td>55</td>
<td>35.3</td>
</tr>
<tr>
<td>Employment</td>
<td>29</td>
<td>19.1</td>
<td>52</td>
<td>33.3</td>
</tr>
<tr>
<td>Worry/Fear</td>
<td>21</td>
<td>13.8</td>
<td>48</td>
<td>30.8</td>
</tr>
<tr>
<td>Attend School</td>
<td>8</td>
<td>5.3</td>
<td>8</td>
<td>5.1</td>
</tr>
<tr>
<td>Get it Over With</td>
<td>26</td>
<td>17.1</td>
<td>0</td>
<td>-</td>
</tr>
<tr>
<td>Want a Life Change</td>
<td>13</td>
<td>8.5</td>
<td>0</td>
<td>-</td>
</tr>
<tr>
<td>Tired of Running</td>
<td>12</td>
<td>7.9</td>
<td>0</td>
<td>-</td>
</tr>
<tr>
<td>Unsure</td>
<td>2</td>
<td>1.3</td>
<td>0</td>
<td>-</td>
</tr>
<tr>
<td>Location of FSS</td>
<td>1</td>
<td>0.7</td>
<td>0</td>
<td>-</td>
</tr>
<tr>
<td>Move Forward</td>
<td>0</td>
<td>-</td>
<td>28</td>
<td>18</td>
</tr>
<tr>
<td>Responsibility</td>
<td>0</td>
<td>-</td>
<td>17</td>
<td>10.9</td>
</tr>
</tbody>
</table>

Intersection of Themes: Reasons for Surrender and Anticipated Life Changes

Table 3 and Table 4 present the intersection of themes within FSS participant responses across the two open-ended questions. This intersection of themes represents participants who provided intersecting reasons and multiple reasons within their responses. For example, of the participants who provided two Reasons for Surrender and who listed employment as a reason (n = 15), five of these participants were also coded with family and six of these participants were also coded for driver’s license.
### Table 3. Reasons for Surrender for Participants with Two Themes (n = 44): Frequency of Themes

<table>
<thead>
<tr>
<th>Theme One</th>
<th>Theme Two</th>
<th>Frequency</th>
</tr>
</thead>
<tbody>
<tr>
<td>License</td>
<td>Employment</td>
<td>6</td>
</tr>
<tr>
<td></td>
<td>Worry/Fear</td>
<td>4</td>
</tr>
<tr>
<td></td>
<td>Family</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>Legal</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>Over With</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>Tired Running</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>Life Change</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>School</td>
<td>1</td>
</tr>
<tr>
<td>Employment</td>
<td>Worry/Fear</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>Family</td>
<td>5</td>
</tr>
<tr>
<td></td>
<td>Legal</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>Over With</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>Tired Running</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>Life Change</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>School</td>
<td>1</td>
</tr>
<tr>
<td>Worry/Fear</td>
<td>Family</td>
<td>5</td>
</tr>
<tr>
<td></td>
<td>Legal</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>Over With</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>Tired Running</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>Life Change</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>School</td>
<td>0</td>
</tr>
<tr>
<td>Family</td>
<td>Legal</td>
<td>1</td>
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<tr>
<td></td>
<td>Over With</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>Tired Running</td>
<td>4</td>
</tr>
<tr>
<td></td>
<td>Life Change</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td>School</td>
<td>1</td>
</tr>
<tr>
<td>Legal</td>
<td>Over With</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>Tired Running</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>Life Change</td>
<td>1</td>
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<tr>
<td></td>
<td>School</td>
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</tr>
<tr>
<td>Over With</td>
<td>Tired Running</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>Life Change</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>School</td>
<td>0</td>
</tr>
<tr>
<td>Tired Running</td>
<td>Life Change</td>
<td>1</td>
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<tr>
<td></td>
<td>School</td>
<td>0</td>
</tr>
<tr>
<td>Life Change</td>
<td>School</td>
<td>0</td>
</tr>
</tbody>
</table>
Similarly, for responses to *Anticipated Life Changes*, four areas were most frequently anticipated as changing as a result of surrender: employment, license reinstatement, family, and emotional concerns. These intersecting responses were not qualitatively different from other themes across FSS participants’ responses. That is, for participants who gave intersecting responses, neither *employment* nor *family* was discussed differently by participants.

Table 4. Anticipated Life Changes: Convergence of Themes (n = 54)

<table>
<thead>
<tr>
<th>Theme One</th>
<th>Theme Two</th>
<th>Frequency</th>
</tr>
</thead>
<tbody>
<tr>
<td>License</td>
<td>Employment</td>
<td>12</td>
</tr>
<tr>
<td></td>
<td>Worry</td>
<td>6</td>
</tr>
<tr>
<td></td>
<td>Family</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td>Legal</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td>Move Forward</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>Responsibility</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>School</td>
<td>0</td>
</tr>
<tr>
<td>Employment</td>
<td>Worry</td>
<td>6</td>
</tr>
<tr>
<td></td>
<td>Family</td>
<td>4</td>
</tr>
<tr>
<td></td>
<td>Legal</td>
<td>0</td>
</tr>
<tr>
<td></td>
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<tr>
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<tr>
<td>Worry</td>
<td>Family</td>
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<tr>
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<td></td>
<td>Responsibility</td>
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<td></td>
<td>School</td>
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<tr>
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<tr>
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<tr>
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<tr>
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</table>
Across the two domains, then, we present not only responses that have one theme, but also include responses with intersecting themes to demonstrate how these themes converged in participants’ lives.

**REASONS FOR SURRENDER**

Of the 211 participants, 41.7% (88) provided one reason for surrender, 19.9% (42) two reasons, 8.5% (18) three reasons, and 1.9% (4) provided four reasons. A little over a quarter of the participants (59) did not respond to this question. Table 3 indicates the themes identified within the category *Reasons for Surrender.* Of those who did respond to the question, the four most prominent themes identified within this category were *family* (32.9%, 50), *legal* (28.3%, 43), *obtaining a driver’s license* (25.0%, 38), and *employment* (19.1%, 29).

Table 5. Reason for Surrender: Frequency of Themes

<table>
<thead>
<tr>
<th>Reason for Surrender</th>
<th>Frequency</th>
</tr>
</thead>
<tbody>
<tr>
<td>Family</td>
<td>50</td>
</tr>
<tr>
<td>Legal</td>
<td>43</td>
</tr>
<tr>
<td>Driver’s License</td>
<td>38</td>
</tr>
<tr>
<td>Employment</td>
<td>29</td>
</tr>
<tr>
<td>Get it Over With</td>
<td>26</td>
</tr>
<tr>
<td>Worry/Fear</td>
<td>21</td>
</tr>
<tr>
<td>Want a Life Change</td>
<td>13</td>
</tr>
<tr>
<td>Attend School</td>
<td>8</td>
</tr>
<tr>
<td>Tired of Running</td>
<td>12</td>
</tr>
<tr>
<td>Unsure</td>
<td>2</td>
</tr>
<tr>
<td>Location of FSS</td>
<td>1</td>
</tr>
</tbody>
</table>

*Reasons for Surrender: Family*

More female than male participants indicated that their reason for surrender was family (*n* = 26 vs. *n* = 20 responses). Participants were focused on supporting their families and children; they were worried about the possibility of going to jail for warrants and consequently not being able to provide for or be with their family. The following quotes reflect these concerns:

I am so sick of hurting my family and my son who needs his mother. And in order to move forward I have to take care of this. I am so scared to go to jail but this is the right thing to do. And I have to start somewhere. I am sick of the lies and the hurt.

—32 year old White female
I have a family depending on me that I put at risk every time I'm around them because I don't want to traumatize my children with the sight of me getting arrested or running from or being chased by the police. I want to get it over with so I can get back to working and providing for my family and without warrants.

—20 year old African-American male

Participants who identified family as a reason for surrender also indicated how family were relying on them as caregivers and as examples for behavior, or relying on their current income or possible future income. Below, a woman's response reflects her concerns as a caregiver, as well as how surrendering would result in decreased anxiety:

I came here today because I just wanna start over and not worry about having these worries. I think about this everyday and I'm afraid to go to jail. My kids needs me and I just wanna take care of these warrants and start my life over. I pray about this every night and I just really didn't want to turn myself in right now. I don't have any income to pay fines/bond but I will take care of it and start making payments as soon as possible.

—African-American female, age unknown

An important characteristic of the sample should be highlighted. Over three quarters (77.3%, 163) of the sample reported that they were not married, but 69.2% (146) reported having children. This is an important consideration for understanding reasons for surrender when participants discussed family; children were the primary motivator for surrender, rather than extended family or spouse. This suggests that participants were motivated by reasons other than their own immediate circumstances or needs, and that family networks were an important motivator for their behavior.

Reasons for Surrender: Legal

As the category name implies, participants identified that the legal consequences of an open warrant were the primary motivation for their surrender. These responses discussed legal issues such as paying fines/court costs, having an open warrant, and wanting to get pending legal matters cleared up. These responses were generally more succinct than other discussions regarding family, as reflected in the following quotes:

I would like to get my record straightened out

—40 year old White female
Hoping to clear things up and prevent any warrants or future actions to take place, I’m finally doing something with myself. I would like to get this cleared up and continue forward.

—27 year old African-American female

These responses indicate that the community-wide communication of FSS (Flannery, 2013) had delivered the intended message and that this resonated with participants. Attendance at FSS provided individuals a safe opportunity to resolve legal issues by addressing open warrants, avoiding incarceration, and paying fines and court costs.

*Reasons for Surrender: Obtaining a Driver’s License*

Participants also indicated that clearing up warrants was directly related to obtaining their driver’s license. In a national sample of participants, this accounted for 47% of participants’ reasons for surrender (Flannery, 2013), but within the sample for our study this accounted for 25% of responses. Examples of responses are reflected below:

I would like to start the process of getting my driver’s license in order. The warrants are not going to let me start the process to try and get them back.

—45 year old African-American female

To get my tickets taken care of with a pay arrangement and be able to get my driver’s license so I can drive to and from work.

—33 year old African-American female

Not unexpectedly, obtaining a driver’s license was associated with achieving autonomy in the community, and participants discussed being able to get to and from work as well as school.

*Reasons for Surrender: Employment*

Participants also identified that clearing up warrants was linked to obtaining employment or ensuring that current employment was not interrupted. Responses reflective of the employment theme included the following:

I want to get it taken care of so I can get a job and be a productive citizen.

—African-American male, age unidentified

Also I have a great job now that I don’t want to lose on account of having this warrant.

—32 year old African-American male
Open warrants, which may be linked to the inability to obtain a driver's license, may also affect, for example, employment opportunities. Employers may complete a background checks and discover open warrants on an applicant's record, further decreasing employment opportunities. Clearing warrants provided participants opportunities to apply for employment, travel to and from work, and maintain employment.

*Reasons for Surrender: Get it Over With*

*Get it over with* (17.0%, 26) was a theme that reflected participants’ weariness of the legal issues hanging over their heads. Responses in this category are reflected in the statement below:

Back when I committed all these crimes I was on drugs bad.
Now I'm clean and have a job. Want to get all this behind me.

—20 year old white female

Such responses reflected less concrete aspects of participants’ lives, such as employment opportunities and family relationships. Instead, these responses identified how surrender was linked to moving forward with their lives in a positive manner. More abstract in nature, these responses reflected a temporal structuring of their lives, in which surrendering and addressing warrants marked a shift in their lives to something better.

*Reasons for Surrender: Worry/Fear*

Participant statements reflecting anxiety or stress over their warrants, comprised 14% (21) of the identified themes.

I came in to just clear up my issues and not fear leaving my home.

—26 year old White female

I want to get on with my life in a peaceful manner, not being scared and running

—30 year old White female

I came here today because I am tired of the constant feeling of being afraid every time I seen a police officer

—22 year old African-American male

Similar to the *get it over with* category, responses in this category reflected more abstract concerns, rather than material issues such as employment or a driver’s license. Participants who indicated worry/fear noted that having an open warrant generated affective distress.
Anticipated Life Changes

Table 6 indicates the frequencies for the number of Anticipated Life Changes responses.

Table 6. Anticipated Life Changes: Frequency of Themes

<table>
<thead>
<tr>
<th>Anticipated Life Changes</th>
<th>Frequency</th>
</tr>
</thead>
<tbody>
<tr>
<td>Driver’s License</td>
<td>55</td>
</tr>
<tr>
<td>Employment</td>
<td>52</td>
</tr>
<tr>
<td>Worry</td>
<td>48</td>
</tr>
<tr>
<td>Move Forward</td>
<td>28</td>
</tr>
<tr>
<td>Family</td>
<td>26</td>
</tr>
<tr>
<td>Responsibility</td>
<td>17</td>
</tr>
<tr>
<td>Legal</td>
<td>10</td>
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<tr>
<td>School</td>
<td>8</td>
</tr>
<tr>
<td>Nothing</td>
<td>1</td>
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</table>

Of the 211 participants 40.8% (86) gave one reason, 25.6% (54) gave two reasons, 6.2% (13) gave three reasons, and 1.4% (3) gave four reasons. Table 4 indicates the themes identified within the category Anticipated Life Changes. Of the 156 participants who identified what changes would occur as a result of surrendering, 55 identified driver’s license (35.3%), 52 indicated employment (33.3%), 48 indicated decreased feelings of worry (30.8%), 28 identified move forward (18.0%) and 26 participants indicated family concerns (16.7%). In addition to descriptions of material concerns such as family and employment, emotionally-laden responses were identified. For example, individuals expressed negative emotions, such as worry and fear, would decrease in their lives as a result of surrendering. Participants less prominently identified the ability to be more responsible, moving forward with their lives, having legal matters resolved, and school attendance. Similar to why individuals surrendered, there was a convergence of themes, which shifted from individuals’ immediate concerns to concerns with family.

Anticipated Life Changes: Driver’s License

Men (n = 26) and women (n = 28) nearly equally reported that reinstating their licenses would change their lives. Just as in the responses to “Why individuals surrendered,” here obtaining a driver’s license contributed to individuals’ autonomy. Participants also went further and described concretely how a license would affect other aspects of their lives. For example, participants identified that driving privileges impacted job promotion or obtaining a better job. This is evidenced by the following statement:

I can finally get my license so I can have steady transportation back and forth to work. I won’t continue to live my life in fear
that people I ride with won't get pulled over with me in the
car. And once I have my fines paid off, I can work on school.

—20 year old African-American female

Reinstatement of license was also related to seeking or maintaining
employment:

A lot better for me, no worries, and I can even try harder
with my search for a job and bet there more so for my son
and daughter.

—42 year old African-American female

Driving privileges was the most common theme mentioned by partici-
pants when describing expected life changes. Without a valid license, indi-
viduals reported difficulties with completing daily tasks and, in some cases,
this even held people back from gaining a promotion or seeking better em-
ployment. Not surprisingly, employment and family were two life domains
significantly impacted by having a license.

*Anticipated Life Changes: Employment*

Participants who identified life changes related to employment provided
more detailed responses that reflected intersecting concerns. Participants
expressed changes such as being able to obtain a job, continuing at a current
job without fear of arrest, and contributing to job promotion or finding a bet-
ter job. The following statements reflect how clearing warrants and employ-
ment were linked to participants’ anticipated life changes:

If I could get things cleared up when I leave from here I’m
going to fill out my app – to try and get a job! I don’t have to
worry about going through this again because I’m never [sic]
put in a situation like this.

—19 year old African-American female

I have a pretty good job with the chance to be hired in perma-
nently with benefits and a pension. And I love the work that
I am doing.

—32 year old White male

Participants described warrant status affecting all stages of employ-
ment, from filling out an application, to getting hired, to risk of termination,
to getting a better job or promotion. Similar to employment, a few partici-
pants (n = 8) expressed that attendance at school could occur now that they
had surrendered. Participants described returning to school and completing
their degree.
Anticipated Life Changes: Emotionally-Laden Responses

Individuals also anticipated reduced stress and anxiety caused by worries surrounding a possible arrest. Participants gave examples of feelings of relief and peace of mind, less fear and worry of getting caught, and reductions in stress-induced symptoms connected to their warrant status.

I can stop worrying and sleep much easier. I can get a job now or try to find one and I can stop worrying about the police and the fear of going to jail.

—African-American female (no age identified)

The situation will be behind me and I won’t have to look over my shoulders.

—37 year old African-American female

I will feel relieved. My probation is up in December. I just want to be done with court related stuff. I’m a good person. I don’t belong in jail or the system.

—23 year old White female

These responses reflect the anxiety-provoking experience of having an open warrant and being perpetually vigilant due to the possibility of arrest. Participants also identified that they could start “living” their life; before surrendering they were numb or lacking control. The program provided a place for individuals to be renewed and gain control over aspects of themselves, including their emotions.

Anticipated Life Changes: Ability to Move Forward in Life

More abstract in nature, moving forward and starting over were expected life changes. Moving forward was interpreted as a metaphor for life improvement. Similar to the theme get it over with these themes represented a positive shift in participants’ lives. These abstract statements about moving away from the past and into the future were often connected to more concrete aspects of their lives, such as family and employment. A participant expressed the relationship between reduced fear and moving forward in life:

I will no longer have to worry about anything over my head and can move forward with my life.

—26 year old White female

Another individual stated that he could start over and move on in his career:
I will be able to start fresh and move on in my life as well as my career

—20 year old White male

Clearing open warrants also provided participants with an opportunity for a new start, unburdened from legal concerns, and allowed them to resign this episode of their lives to the past:

I can have a clean slate and start over. Put everything in the past and start over.

—27 year old African-American male

Handling warrants seemed to be a step in a process of personal improvement for many respondents as surrendering created an opportunity to improve themselves and not dwell on the past. Participants described being able to put the past behind them in order to attain sometimes tangible, concrete tasks (such as paying off fines) but more often to attain more abstract concerns (such as improving one's life or moving on in one's career). Warrant status was viewed as inhibitive and there was a sense of gaining autonomy and personal power as a result of surrendering.

**Anticipated Life Changes: Family**

Participants anticipated a new potential to fulfill their caregiver role, a new ability to set good examples for family, and a chance to no longer feel fearful of losing family members due to their warrant status. For example, a participant explained how her family could now depend on her:

I can get a job and get housing for my children and I. Because I am currently homeless and have no income and my grandma is my power of attorney.

—26 year old African-American female

Participants described being positive role models towards their family:

I can start over, get my license and CDL back, set a good example for my kids and grandkids.

—48 year old White male

Participants also identified relief that they would no longer be fearful of losing family members due to outstanding warrants:
Less stress, no more cases to worry about. I can worry about work, school, and my son without the worry of seeing handcuffs.

—25 year old White male

I can start fresh and continue working at my job without the fear of being taken to jail losing my job and most of all my family.

—22 year old African-American male

These responses were often connected to other themes, such as license, employment, and worry. For respondents who identified family-related changes, 81% (21 of the 26 responses) of the responses had at least one other theme identified. Participants expressed how reductions in fear and worry would have a positive impact on their family. They were able to focus on family instead of being preoccupied with their warrant status and how this status consequently affected their lives.

Anticipated Life Changes: Increased Responsibility

Responsibility is an abstract concept, with limited concrete examples reflecting this theme. Therefore, particular statements were interpreted to mean that individuals would have the ability to follow through on obligations. The statements categorized as responsibility included assertions such as being a good citizen, obligations to community and the law, and doing the right thing, as well as explicitly stating the word responsible.

I will be more responsible for my life and handling matters of this sort that prevent me from bettering myself.

—40 year old African-American male

Additionally, getting a warrant cleared and re-instating a license were identified as steps towards responsibility:

But I’m gonna pray about it ask God for some help and hopefully when I get everything cleared up I will be able to get my driver’s license back. I wanna do all the right things in life, I’m a grown man, I wanna feel safe and responsible.

—32 year old African-American male

Turning oneself in was a responsible act for individuals, in and of itself. Similar to legal concerns, anticipated changes related to legal matters were reported for 6.4% (n = 10) of the sample. Participants conveyed that having their legal matters resolved impacted other aspects of their lives, such as reporting to probation or reinstating their driving privileges.
CONCLUSION AND DISCUSSION

In FSS participants’ open-ended written responses, family was the most frequently cited reason for surrender; over half of participants in this study indicated that they attended the FSS event with family. Family, identified both as a reason for surrender and an anticipated life change, was expected, given current research. Family, and in particular parenthood, has consistently been identified as a turning point in desistance from crime (King, Massoglia, & MacMillan, 2007; Sampson, Laub, & Wimer, 2006). The aspects of attachment to family attributed to crime desistance include social bonding, withdrawal from deviant peers, and/or social control by spouse (Burt et al., 2010). In our current study, only about 25% (22.7%) reported as married. Kerr, Capaldi, Owen, Wiesner, and Pears’ (2015) longitudinal study of cohabitating, married, and single men found a reduction in criminal involvement for married men, but no differences between cohabitating and single men. It is not clear then, if the FSS participants had relationships that were more similar to positive aspects within marriages than cohabitating; likely, parenthood or attachment to family may have also been a factor in a decision to surrender.

Parenthood has also been identified as a turning point resulting in desistance from crime (Capaldi, Kerr, Eddy, & Tiberio, 2015). Capaldi et al. (2015) found that co-residence with children and the parenthood transition at an older versus younger age helped to explain this relationship. Within our sample, not only was family identified as a theme, but the majority of participants reported surrendering with a family member. Consequently, within our sample, both marriage and parenthood may provide motivation to resolve open warrants. Given that family was the most frequently cited reason for surrender, and family members were most frequently identified as accompanying an individual to surrender, these results also suggest that individuals were motivated by more than their own individual interests (such as not wanting to endure jail time) or concerns over legal issues.

Unsurprisingly, resolution of legal issues was a prominent theme identified in the reasons for surrender, and this reflects FSS’ ability to target participation among individuals who perceived an inherent value of FSS as an opportunity to clear warrants. Employment and obtaining a driver’s license were also prominent themes among participants, reflective of how having an open warrant was identified as having a profound impact on participants’ ability to obtain and maintain viable work.

Anticipated life changes reflected similar domains as discussed above: driver’s license, employment, affect-related, and family. These FSS participants had low-level warrants, so it was not surprising that these particular overlapping themes were identified. Individuals reported that resolving warrants would avoid disruptions to these domains; that is, there was a perception that their lives would no longer be inhibited by their warrant status.
The identification of themes beyond self-interest in both *Reasons for Surrender* and *Anticipated Life Changes* identifies program outcomes both at the individual level and community level that would benefit from refinement. These identified outcomes also provide a means to theorize how individual outcomes may be linked to community-level outcomes. This linkage offers an opportunity to enhance and expand FSS program theory beyond individual-level factors (e.g., Flannery, 2013). For example, FSS participants identified significant concerns regarding family, pro-social activities (such as obtaining a driver’s license and employment), and sustaining emotional health. Measurable quantitative outcomes for FSS participants may include, then, employment stability or obtaining employment; obtaining a driver’s license; and frequency and density of familial social networks pre- and post-surrender. Additionally, qualitative outcomes may utilize thick descriptive narratives to identify how individuals’ lives change as a result of surrendering, such as how employment, family, and driver’s licenses intersect within an individual’s life before and after surrendering.

This qualitative study of FSS participants had several limitations. The data are responses to survey questions; there were no follow-up questions or probes to clarify or expand statements. Results are not necessarily representative of individuals in geographically diverse cities, as this sample was from a medium-sized city in the Midwest. The representativeness of the results for all warrant populations is not clear; the FSS program is open to both felony and misdemeanor individuals, but the current study primarily comprised individuals with misdemeanor warrants. Data was only available for individuals who surrendered. This is a study limitation, and future studies could include warrant and demographic information on those who do not surrender to identify if there are differences between the two groups. It is unknown what motivations were present for those who did not surrender and if these motivations are similar or different from the results in this study. There were individuals who surrendered that did not have an open warrant. It was unclear if they had a warrant in a different jurisdiction that was not included in the warrant check. Given these limitations, this study identifies implications for the FSS program and its potential participants.

Over two-thirds of FSS participants also identified they attended an FSS event with someone (i.e., family or friend). Given that participants’ reasons for surrender included family networks, marketing the program as beneficial for one’s family should be highlighted as an incentive to participate. The program also assists individuals in achieving pro-social goals, such as obtaining a driver’s license and employment. The program additionally provides individuals with a “second chance” as evidenced in participants’ statements regarding making changes in their lives. FSS may also offer possibilities of regaining and strengthening ties in communities that are characterized by restrictive opportunities due to structural disadvantages. This can be achieved by closing warrants, which without FSS services could entail
an individual's lengthy and challenging negotiation of the criminal justice system. In particular, limited resources to engage with the criminal justice system (e.g., the ability to take days off from work), could further decrease the likelihood of clearing a warrant. Open warrants also place a persistent burden on the criminal justice system. FSS enables a more efficient means to clear warrants, by establishing a cost-effective, non-threatening engagement with community members to surrender.

In terms of program theory, social capital is a construct that may link these participant-identified outcomes to FSS stakeholders' anticipated community outcomes. Social capital is conceptualized as the available resources that are embedded within individuals' social networks and can include instrumental, social, and emotional support (Coleman, 1988; Furstenberg, 2005; Reisig, Holtfreter, & Morash 2002). An absence of such resources is evident in Goffman's (2009) ethnographic participants; fugitive status diminished their ability to provide support for family members or negatively restructured community social networks. Arrests, stemming from open warrants, can further erode the limited social capital available to individuals in poor neighborhoods (Reisig et al., 2002).

Recent examples of these processes have been reported in Saint Louis County, for example. Individuals cited for traffic violations or lapsed registration and insurance have warrants issued for their arrest. They become mired in local legal systems that are primarily revenue-generating mechanisms for municipalities (Balko, 2014). Individuals with outstanding warrants may be enmeshed in poverty or living marginally above the poverty level, and may therefore have no surplus income to pay court costs and fines or not be aware of their payment options. Continued enmeshment in the legal system may precipitate financial ruin for many individuals with outstanding warrants, which can contribute, for example, to diminished opportunities for employment or to provide support to families. These individuals, who may have a stake in their communities as family members, caregivers, or breadwinners may benefit more from FSS events than from the criminal justice system. It is reasonable to theorize, then, that individual-level outcomes such as reinstating a driver’s license may increase an individual's social capital by expanding mobility and increasing access to resources outside of their community.

Granovetter (1973) first identified the link between micro-level indicators and macro-level structures, suggesting that micro and macro aspects are not distinct, but should be conceptualized as inter-connected. Thus, having one’s warrant rescinded may enhance an individual's social capital by enabling consistent access to an individual's social network. Conversely, arrests stemming from low level misdemeanor warrants may enhance deterioration of already limited and fragile social capital indicative of poor urban minority communities (Reisig et al., 2002). In our respondents’ statements, the clearing of a warrant would ensure maintenance of family ties and in-
crease employment opportunities through social mobility (i.e., obtaining a driver’s license). Measuring individual-level outcomes is a first step, then, in exploring the relationship between FSS program outcomes and community-level outcomes. Future research should focus on the development of an FSS logic model that utilizes program theory as a means to identify and measure the links between individual-level outcomes (such as obtaining a driver’s license) and community-level outcomes (such as community safety) (Whooley, Hatry, & Newcomer, 2010). Gathering information from key stakeholders (e.g., program participants) is a critical initial step in the development of such a logic model in order to facilitate the goals of FSS (Wholey et al., 2010).

REFERENCES


AUTHOR BIOGRAPHIES

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“Explaining Similarities and Variations in Program Structures and Professional Roles in Midwestern Mental Health Courts” by Monte D. Staton and Arthur J. Lurigio

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Abstract  
For nearly twenty years, legal and mental health professionals have created mental health courts (MHCs) for responding to the increasing numbers of criminally involved people with severe mental illnesses (PSMI) who are entering the criminal justice system. This article presents findings from qualitative analysis of survey and ethnographic data collected at nine MHCs established in a Midwestern state between 2004 and 2008, exploring how professionals who operated the MHCs organized the programs and conducted roles at the work sites. Findings revealed that professionals established very similar models of mental health court organization at each of the nine sites. The data supported three forms of institutional isomorphism—coercive, mimetic, and normative—that occurred as professionals introduced MHC programs in various jurisdictions. However, the data also revealed some variances of structure, professional belief, and practice when comparing the MHCs. Some of these variations are explained by local organizational cultures, while others are due to organizational dependence on available resources.

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INTRODUCTION

For nearly twenty years, legal and mental health professionals have been creating mental health courts (MHCs) to respond to the increasing numbers of criminally involved people with severe mental illness (PSMI) who are entering the criminal justice system. Operating at the pre- and post-adjudication stages of the criminal justice process, MHCs were first established in 1997 in Broward County, Florida (Goldkamp & Irons-Guy, 2000). Based on the principle of therapeutic jurisprudence, in which legal actors strive for therapeutic outcomes for individuals affected with schizophrenia, bipolar disorder, major depression and other serious psychiatric disorders (Hora, Schma, & Rosenthal, 1999), MHCs were modeled after drug treatment courts and proliferated throughout the first decade of the 21st century. Such courts grew in number from a reported four operational programs in late 1997 to more than 300 by 2014 (Council of State Governments, 2014).

Early research on MHCs included studies of the inception and organization of specific programs (e.g., Goldkamp & Irons-Guy, 2000; Fisler, 2005). Researchers have distinguished the first generation MHCs, which arose in roughly the first five years of MHCs’ operations, from the second-generation MHCs, which were implemented in 2002 and thereafter (Redlich et al., 2005). Several studies have investigated the impact of MHCs on the judicial system, community, and participants. Findings have shown that MHCs appear to reduce the likelihood (Sarteschi, Vaughn, & Kim, 2011) and severity of future criminal activity, at least during the year following participation (Moore & Hiday, 2006). MHCs also appear to enhance the quality of life for participants (Sarteschi, 2009) and to increase use of services (Boothroyd et al., 2003).

Work roles connecting criminal justice and mental health systems and teamwork among different kinds of MHC professionals have also been studied. Steadman (1992) identified critical boundary-spanning work roles that connect the mental health and criminal justice systems. Goss (2008) emphasized the importance of teamwork between local mental health and criminal justice professionals, as well as support from client advocates, in their effort to implement an MHC in rural Georgia. Gallagher et al. (2011) interviewed professionals working in 11 Ohio MHCs and found that they understood their own roles in relation to the different roles of other MHC workers, and that those roles coalesced around the issue of client needs.

The growth of MHCs in the United States is well documented, and the establishment of the earliest MHCs has been investigated. However, no previous studies have applied social science perspectives on organizations and professions in order to explain precisely how MHCs have been launched and spread by professionals within a single state, or how the programs within one state compare to each other in structure and professional roles. From the spring of 2010 through the spring of 2012, we conducted research at all MHC sites in one Midwestern state. Our research design made it possible to
investigate how an MHC program was first established by influential professionals in one county and how the establishment of additional MHCs by other professionals followed in other counties within that state.

In this paper, we present findings from analyses of survey and ethnographic data collected at nine MHCs in one Midwestern state, exploring how professionals who operated the MHCs organized the programs and conducted their work roles at each of the sites. DiMaggio and Powell (1983) identified processes of institutional isomorphism to explain how bureaucratic organizations become similar to one another due to institutional pressures for legitimacy within a single field or group of organizations. Professionals in organizations are important to institutional isomorphism. In conducting this study, we recognized that almost all work occupations involved in operating the Midwestern MHC programs—including judges, attorneys, probation officers, social workers, and psychologists—have been defined as “professional” in previous academic research. The early trait approach in the sociology of professions differentiated professional occupations (e.g., doctor, judge, and lawyer) from non-professional ones (Pavalko, 1988), while later researchers studied professionals in terms of their power over clients in institutions (e.g., Freidson, 1970), and feminist researchers identified the “caring professions,” such as social worker, probation officer, and nurse (Abbot & Wallace, 1990). In studying the workers in Midwestern MHCs, we recognized that almost all worked in professional occupations as defined in previous research, and thus institutional isomorphism was relevant to the analysis.

We investigated the processes of isomorphism, using data from surveys, interviews, and observations of the nine MHCs, and explored similarities and differences in the various program structures and professional roles. Findings revealed that the organizational structures and professional roles of the programs were very similar across the nine sites, despite important variations. We explained similarities and differences by referring to concepts from previous research on organizations and professions, which we present below.

THEORETICAL BACKGROUND

Meyer and Rowan (1977) introduced a new institutional approach by arguing that institutional rules function as myths that are then adopted into structures by organizations in pursuit of legitimacy. A homogenizing process referred to as isomorphism acts as a constraining mechanism that causes an organization to resemble others confronting a similar set of environmental conditions. The authors also note that formal organizational structures could represent ceremonial attempts at legitimacy that are decoupled from the actual practices of workers in the organization (Meyer & Rowan, 1977). DiMaggio and Powell (1983) described the “organizational field” as a set of organizations that comprise a recognized aggregate within a larger insti-
Similarity occurs among organizations because, as a field emerges, powerful forces make the organizations homogenous bureaucratically and in other ways. Both professionals and the state are the “great rationalizers” (DiMaggio & Powell, 1983, p. 147) and will often deal with constraints in ways that are very similar in terms of culture, structure, and output. DiMaggio and Powell (1983) discussed two types of isomorphism: competitive and institutional. Competitive isomorphism describes how organizations become similar due to the experience of the same market forces within a shared environment; institutional isomorphism describes how certain organizations must also compete for political and institutional legitimacy.

Three kinds of institutional isomorphism (coercive, mimetic, and normative) impel organizations to resemble one another. Coercive isomorphism occurs when organizations respond similarly to pressures exerted by other organizations and by cultural expectations. Mimetic isomorphism occurs when organizations are uncertain about their structure and operations and respond by following the models established by other organizations. Lastly, normative isomorphism occurs through a process of professionalization, whereby members of an occupation ascertain how and where they work (DiMaggio & Powell, 1983).

The neoinstitutional perspective challenged prevailing rationalist organizational perspectives that failed to account for normative and cultural pressures on organizations (Pedersen & Dobbin, 2006). Another important challenge to hyper-rationalist perspectives in organizational studies arises from the perspective of organizational culture (Pedersen & Dobbin, 2006), which can be considered as a pattern of basic assumptions shared by a given group that is coping with external pressures and maintaining internal stability. Such assumptions have worked well enough over time to be viewed as valid by group members and are taught to new members as the response to problems (Schein, 1990). Organizations are groupings of people that form purposely to achieve particular goals (Ritzer, 2013) and ascribe to a culture that is comprised of the shared experiences of its members. Smaller groupings within an organization might also form a subculture that could be in harmony or in conflict with the organizational culture (Schein, 1990). Although no standard organizational culture can be applied across disciplines, researchers with this perspective view culture as a positive factor that creates stability and consistency within an organization (Prue & Devine, 2012). The organizational cultural perspective also recognizes the importance of an organization’s founders, as they establish the initial organizational culture, which may remain relatively unchanged over time (Robbins & Judge, 2008).

The neoinstitutionalist and organizational culture perspectives have significantly influenced the field of organizational studies but have promoted seemingly contradictory ideas (Pedersen & Dobbin, 2006). Neoinstitutional-
ists focus on organizations becoming isomorphic over time due to external pressures, whereas organizational culture researchers focus on the internal development of organizational cultures and the shared identity among their members. Nonetheless, Pedersen and Dobbin (2006) suggested that the two perspectives are compatible because both processes can happen simultaneously within and among organizations. Organizations face external pressures in seeking legitimacy, which leads to isomorphism, whereas organizations strive internally to form identities and solidarity among members.

When analyzing qualitative data collected for the purpose of the statewide study of mental health courts, we recognized both processes in comparing Midwestern MHCs. Coercive, mimetic, and normative isomorphic processes were apparent, while some significant differences among MHCs were a matter of specific beliefs and practices of the professionals—the organizational culture of an MHC. However, we noted that internal organizational culture will overlap with other levels of culture. We also recognized that contextual elements, such as the availability of resources (Pfeffer & Salancik, 1978), may affect how MHCs are organized; yet isomorphism and culture are the focus of this paper.

CRIMINAL JUSTICE AND MENTAL HEALTH ORGANIZATIONS

Most of the prior research on criminal justice or mental health organizations relevant to the theoretical approach in this paper consists of neoinstitutional analysis of law enforcement agencies. The initial use of this analysis was presented by Mastrofski, Ritti, and Hoffmaster (1987), who studied police enforcement of a new DUI law and found that larger departments fit a "loosely-coupled model," where street-level practice was only loosely related to bureaucratic directives regarding the new law, while institutional isomorphic processes of legitimacy and professional norms explained why the small police departments were more likely to enforce it. The researcher John P. Crank then initiated a series of papers, usually with co-authors, analyzing police organizations primarily by utilizing Meyer and Rowan's (1977) neoinstitutional theory (Crank & Langworthy, 1992; Crank, 1994; Crank & Rehm, 1994).

A number of other researchers applied neoinstitutional theory to the police, considering the three types of institutional isomorphism defined by DiMaggio and Powell (1983). Using survey data from 160 police departments, Giblin (2006) found that the contingency factor of size and the institutional factor of normative isomorphism were significant in predicting the adoption of crime analysis units. Using field research and survey methods, Willis, Mastrofski, and Weisburd (2007) concluded that a neoinstitutional model of organization better explained three police agencies' adoption of the COMPSTAT management system than a technical/rational model. Giblin and Burruss (2009) conducted factor analyses to develop a model for large-
scale measurement of institutional isomorphic processes among police organizations nationwide. As they did not align with the other pressures, they removed coercive constructs, and normative constructs were divided into publications and professionalization. This model was supported when applied to data from over 400 police agencies regarding the adoption of community policing (Burruss & Giblin, 2014).

There have been far fewer neoinstitutional studies of other kinds of criminal justice organizations, but the theory has been applied to state prisons (McGarrel, 1993), community corrections (McCorkle & Crank, 1996), and private prisons (Ogle, 1999). Hagan, Hewitt, and Alwin (1979) contended that neoinstitutional ideas better explained how probation became a subsystem of the criminal courts than Marxist or Durkheimian explanations. The creation of the probation profession and new adjudication practices are largely ceremonial in approach while purportedly serving the goals of individualized treatment. The researchers developed a model for quantitative analysis of sentencing in a Washington state criminal court jurisdiction and found that judges’ sentencing was more influenced by prosecutor recommendations than those of probation officers (Hagan, Hewitt, & Alwin, 1979).

Relatively few studies of criminal justice organizations have focused specifically on organizational or workplace culture, although police occupational culture has been well-researched. Reuss-Ianni (1983) described a schism between street cop culture and management cop culture at two New York City Police Department sites. Christensen and Crank (2001) conducted ethnographic research at a sheriff’s office in a nonurban setting, finding some differences but broad similarities with cultural themes found across urban police departments. Kim et al. (2013) utilized an organizational culture measure in a statewide survey of law enforcement agencies in Texas, finding the measure was significant in predicting positive attitudes toward working with parole agencies. From a neoinstitutional perspective, Katz (2001) found that pressures to achieve legitimacy for a new gang unit came not only from outside the police department, but also from officers within the department via their beliefs regarding professionalism and practices at their agency. He argued the latter finding suggested the importance of police culture at the department, but did not specify this as a specific workplace culture, despite it being an internal pressure (Katz, 2001). A number of scholars have recognized and researched the distinct occupational culture of the police (e.g., Manning, 1989; Chan, 1997). There are overlapping cultural systems when workers at a site are members of a distinct occupational culture and formalized professional organizations, while also members of their workplace with its organizational culture. This was an important point for our research at MHCs, where different kinds of professionals with their own respective occupational cultures regularly work together.

Neoinstitutional studies of mental health organizations are not as numerous as those of law enforcement organizations, but a few of these studies
have found isomorphism. Peyrot (1991) found isomorphism and decoupling of technical practice from the administrative process in drug abuse treatment units connected to the justice system in Los Angeles. D'Aunno, Sutton, and Price (1991) also investigated drug abuse treatment units, finding isomorphism among new units formed in mental health agencies in which traditional treatment was provided while conflicting 12-step ideals were stated. But contrary to neoinstitutional theory, Shen and Snowden (2014) concluded that late adopters of deinstitutionalization policy were motivated by technical efficiency rather than by the desire to seek legitimacy. There are relatively few studies of mental health organizations considering workplace culture. Glisson (2002) delineated the importance of organizational culture in providing effective mental health treatment for children. Jones and Kelly (2014) explored workplace culture of eldercare workers in relation to their view toward whistle blowing.

Scheid and Greenberg (2007) reviewed numerous sociological studies of mental health care that impacted organizational theory, yet they focused on institutional theory that emphasizes conflict and change in reaction to a changing environment, rather than neoinstitutional theory. However, in describing potential areas of conflict for professionals in mental health care, their comments are of particular interest here. They noted that different kinds of professionals often work in one mental health organization, creating the potential for inter-professional conflict. But organizations can reduce conflict if various professionals can resolve differences cordially and have autonomy in doing so, rather than by having disputes resolved bureaucratically with limits to autonomy. As we will see, professional work in Midwestern MHCs is characterized by cordial relationships among different professionals from two institutional backgrounds who generally take a team approach to decisions and practice.

METHODS

The research presented in this paper was part of a larger, state-funded study aimed at describing, comparing, and contrasting all operational mental health court (MHC) programs in the state of Midwestern. The research questions of the larger study relevant to the current investigation are

1. How did the programs begin?
2. In what ways are the programs similar?
3. In what ways are the programs different?

For this paper, we analyzed data on how each operational program was organized, initiated, and operated by the various professionals involved. We conducted surveys, interviews, and field observations at each of the nine MHC programs, explored how the programs began, and examined program structures and professional roles. The larger research began with a state-
wide survey of all Midwestern court jurisdictions, which identified the nine MHCs currently in operation in the state. All had been established for at least one year. Each of the nine MHC programs was located in one of eight counties in the state: Collins, Ferry, Gabriel, Gilmour, Hackett, Manzanera, Lynne, and Waters (one program in Bevan City and one in the suburb of Tandy).\footnote{All names of counties, MHC programs, and individual professionals presented in this paper are pseudonyms.}

At each of the nine sites, a professional involved in running the MHC completed a survey in the spring of 2010. The survey contained both open- and closed-ended questions, and covered several areas of information: the history of the program; program structure in terms of personnel, adjudication, and mental health services; program resources and funding; and participant demographics. These data were used to profile each site and were analyzed with Qualrus, a qualitative analysis software program.

After the survey, representatives from each of the nine sites permitted focus group interviews of all MHC staff and observations of staff meetings and court calls. During a series of site visits to each MHC between May 2010 and February 2012, we conducted focus group and individual interviews with the professionals who operated the MHC programs, and we observed staff meetings and court operations. After being invited by several professionals, we also observed meetings of a professional organization that was formed in 2009 for the purpose of promoting mental health courts in the state.

At each MHC, we conducted one-hour focus group interviews with workers, including judges, attorneys, probation officers, social workers, program coordinators, psychologists, and nurses. One of the MHC coordinators requested that two groups be scheduled on separate dates so that all of the MHC personnel could be included. Thus, 10 focus group interviews with 81 participants were conducted at the nine MHC sites between June 2010 and April of 2011. The interviewer asked a set of open-ended questions at each focus group in order to launch an informative conversation with participants.

Focus group interview questions asked about the beginnings of the MHC, current program operations, problematic issues, relationships among MHC professionals, and relationships with program participants, law enforcement agents, and community service providers. Conducting focus groups in a work setting might make workers hesitant to express critical opinions in the presence of co-workers and supervisors (Liamputtong, 2011). However, we believed that this was not an issue for three reasons. First, we triangulated the data through observations and follow-up individual interviews and did not find contradictions to the descriptions of work roles and teamwork found in the group interviews. Second, among the various professionals who participated at each site, there were relatively few hierarchical supervisor-worker relationships. Third, questions focused on how the professionals conducted
their work rather than their personal opinions (although personal opinions were shared at times during the groups).

A strength of the focus group method is that data are gathered from a group of individuals interacting with each other rather than simply with the interviewer (Wilkinson, 1998). This feature was particularly valuable for researching how the professionals worked together. We also conducted fourteen individual follow-up interviews with key professionals, including judges, program coordinators, mental health workers, and a probation officer, in order to clarify and delve into processes observed in the field and discussed in the focus group interviews. The interviewer constructed a specific set of open-ended questions for each individual interview, but, as with the focus groups, the open-ended questions were asked to initiate a conversation that fully explored issues of interest. Transcripts of the focus group and individual interviews were prepared and then uploaded into the Qualrus software program.

Additional site visits were made to each of the nine MHCs in order to conduct field observations of MHC operations, including staff meetings (in which new referrals and participants' cases were discussed by MHC team members) and court calls (in which program participants were scheduled to appear individually before the judge in open court). At least one full court observation (staff meeting and court call) was conducted at each of the nine MHC sites. Eight of the sites allowed more than one observation, and six sites were observed three or more times. Written notes were taken during each meeting and courtroom observation in order to provide details on how the MHC team members worked together and operated the court program. We also took notes at six bi-monthly meetings of the professional organization held in various locations over an eighteen month period.

The researcher writing field notes constructed narratives for each observation, which described how the professionals worked with one another and fulfilled their professional roles in staff meetings and court hearings; how each court docket transpired; and how each professional meeting was conducted. At appropriate times during observations, the researcher made open jottings (Emerson, Fretz, & Shaw, 1995) that focused on the activities of workers and court participants and the settings in which they interacted.

Shortly after observing a court call or staff meeting, the researcher read through jottings and added more field notes to provide details and clarification for thick description (Warren & Karner, 2010). Eventually, these notes were incorporated into a single narrative for each observation, which included vivid description, dialogue through indirect and direct quotation, and full characterization of workers and participants, while avoiding summary and evaluative wording (Emerson, Fretz, & Shaw, 1995). The same process was followed with field notes from each observation of the professional organization meetings. All observations were typed into documents that were then
uploaded into Qualrus and combined with the survey data and interview transcripts.

The pooling of the survey, interview, and observational data into Qualrus allowed for qualitative content analysis and method triangulation of the various data sources (Patton, 1999). In order to utilize the software to compare across programs, we coded for sites, structures, and roles, among other categories. Codes for similarities among the programs utilized a conceptual framework drawn from institutional isomorphism (i.e., modeling, funding). As analysis progressed, categories were detailed, and links between them were identified. We recognized that some differences found when comparing the MHCs could be explained by workplace culture. Overall, the analysis identified consistent and contrasting themes regarding how MHC court operations were initiated, how they were structured, and how MHC professionals fulfilled work roles and collaborated as a team.

**FINDINGS**

**Beginnings of Midwestern MHC Programs**

All nine Midwestern MHC programs had been in operation for at least a year and a half at the time of the survey. The idea to begin an MHC program typically arose due to information gathered at meetings and conferences and from professional literature. For example, in 1998, local National Alliance for the Mentally Ill (NAMI) advocates began contacting health and criminal justice officials in Ferry County about a specialized court program after attending a national NAMI conference. To design the program, which finally began in 2004, NAMI and the local state’s attorney relied on professional and research literature on MHCs, as well as meetings with local mental health and criminal justice professionals and representatives of community organizations. Waters County judges learned about MHCs that were being developed elsewhere by attending conferences and reading the judicial literature. The non-profit agency Treatment Alternatives for Safer Communities (TASC), already involved in the drug court, obtained a federal grant to begin the Bevan City program in 2005. NAMI representatives met regularly with Waters County court officials and TASC for planning the new program. The Tandy MHC in suburban Waters County was established four years later than the Bevan MHC and was modeled after the Bevan City program with TASC involvement, but was a much smaller program (six participants vs. 55 in Bevan City). Criminal justice officials in Lynne County began discussing the possibility of beginning a program in 2003 after the Chief Judge learned of MHCs and asked local mental health officials to conduct a study, which found overrepresentation of people with severe mental illness (PSMI) in the jail population. The Chief Judge formed a coordinating council with another judge and local mental health providers that spent 18 months planning and developing resources for the MHC program.
All of the remaining programs were established by the end of 2008. In Gabriel County, local NAMI members had been part of a task force that had been meeting with criminal justice officials for over five years regarding police contacts with PSMI. NAMI representatives approached the chief judge in the jurisdiction about beginning an MHC. Founders of the program attended a GAINS conference in California, gathered literature (Council of State Governments, 2007) on essential elements of an MHC, and visited the Lynne County MHC program before establishing their own program. Judges from Collins County learned of MHCs at a statewide circuit court judge meeting before initiating one of their own. There, a task force organized of mental health and criminal justice leaders met regularly for two years, and also utilized the literature on essential elements of an MHC. The Hackett County program was created after a judge recognized a need for the jurisdiction to deal differently with specific mentally ill individuals, began discussing an MHC with local professionals, and took them to visit the Lynne County MHC. The Gilmour County MHC began after a member of a local mental health funding board contacted the probation department and suggested the establishment of an MHC. The eventual program was also modeled after the Lynne County MHC, and NAMI representatives trained the MHC workers on families of PSMI.

As revealed by these cases, a few individual professionals in each county, usually judges assisted by mental health leaders, began MHC programs after learning about them through professional networks and/or government and professional literature, and in four cases, after visiting existing MHCs elsewhere in the state. NAMI was a key organizational influence in four counties: in Ferry and Gabriel Counties, NAMI members were a driving force in beginning programs; in Waters County, members were part of planning the MHC; and in Gilmour County, members provided training to workers. A mental health funding board influenced the beginning of the Gilmour County MHC. Five of the programs received federal funds to begin operations. Founders initiated MHCs despite limited county resources and their own inexperience in running an MHC program. They aimed for program operations to follow professionally recognized practices. Below, the similarities of these Midwestern MHCs are presented.

Typical Model of Midwestern MHC Programs

Although program sizes ranged widely (from 5 to 102 participants at time of the survey), the nine programs were remarkably similar in terms of their structure. The typical model of these Midwestern MHCs included specific professional work roles for the judge, state's attorney, public defender, probation officer, social/mental health worker, and program administrator. All of the programs centered on periodic court hearings before a judge who engaged clients on an individual level, and a program coordinator who organized work activities such as taking referrals and convening meetings. Each program had assistant state's attorneys (ASAs) and public defenders, who generally worked together rather than as adversaries, and a monitor-
ing team comprised of at least one probation officer and one mental health worker, who supervised participants and communicated with each other between hearings. Furthermore, the programs all had some type of staff meeting connected to each hearing during which mental health and criminal justice professionals would discuss referrals and participants and decide how best to work with them.

Redlich et al. (2006) identified six characteristics that operationally define an MHC, and these were present in all nine Midwestern programs. All had separate dockets for criminal defendants with mental illness. Each program worked toward diverting participants from incarceration to community mental health treatment. Mental health treatment was mandated as a requirement for participation in each program. As mentioned above, participation in treatment was supervised via periodic court hearings and direct supervision in the community. Workers in the programs—specifically, the judge during hearings and probation officers and mental health workers between hearings—offered praise and encouragement to participants for adherence to program guidelines and meted out sanctions for noncompliance. Finally, all of the Midwestern MHCs were voluntary in that eligible defendants could choose whether to participate.

Roles involved with monitoring offenders between court hearings—namely, social workers, probation officers, and even public defenders at some sites—often shared work activities, whereas other roles were more narrowly construed in terms of which activities accomplished the work of the court for specific case management purposes. The role of the judges varied little from site to site, and work tasks, including interactions with participants, were strictly defined by legal authority. The judges in each of the nine MHC programs played the same key role. All programs held participant hearings before a judge, who structured the program around the continual monitoring and evaluation of each participant's mental health treatment and adherence to probation conditions. These hearings provided an accounting of each client's treatment compliance and progress in the MHC program.

Important decisions were made at the staff meetings that were held before the participants appeared in front of the judge. Nevertheless, in every program observed, the hearing involved a judge in a robe at the bench who reviewed the participant's progress and acknowledged which behaviors were praiseworthy and which were unacceptable. Probation officers, social workers, and public defenders would stand just behind participants when they appeared before judges, and these MHC staff members would report on the participant's progress. The judge would then extend praise, encouragement, or admonishment, depending on whether the reports were positive or negative. This communication by the judge to the participant relied on the power of legal enforcement, which could potentially, in any given hearing, change the program participant's legal status.
Although each judge in the MHC programs exercised legal power, each did so in a manner that involved personally knowing the program clients in order to provide moral support and encouragement aimed at influencing them to continue their treatment and abide by probation conditions. In addition, the hearings were the only times during which judges had contact with participants, which enabled participants to make their appearance before the judge at critical moments in their program participation. The emotional support of judges combined with their power of legal enforcement on display at hearings was a fundamental and organizational component of each MHC program studied.

Similar to the judges’ roles, the roles of ASAs were very consistent among the MHCs. In each of the nine programs, the ASA was gatekeeper. ASAs screened referrals and evaluated the details of cases against prospective clients, often including the opinions of arresting officers and victims with a concern for public safety. During the referral process, the ASAs would either give their approval and the potential participant would continue through the referral process, or the case would be rejected by the ASAs and the defendant would not be accepted into the MHC program. The ASAs discussed new referrals with others on the MHC team and considered their opinions. Nonetheless, before the client could enter an MHC program, a referral had to be accepted by the state’s attorney’s office, which was accomplished through the representation of the ASA on the MHC team.

ASAs were involved during court calls in the processing of cases, enabling defendants to enter the MHC program, and in other situations in which participants had violated the terms of probation or been arrested for another crime. ASAs also monitored participants’ progress, tracking participants’ cases during staff meetings and court calls. Nevertheless, they did not engage in a high level of direct contact with participants. Several ASAs noted the inappropriateness of being heavily involved with participants through direct contact. Thus, the boundaries of the ASA-client relationship were rigidly defined and maintained.

Public defenders were important role players at all sites, although at a couple of sites a small number of MHC participants were represented by private defense attorneys. In some cases, private attorneys turned their client over to the public defender. The public defenders at two sites were adversarial in approach compared to defenders at the other sites, a variation between the MHCs that will be explained below.

Probation officers and mental health workers, such as case managers, therapists, and nurses, served monitoring roles, because they were responsible for the regular supervision of participants in the time between MHC appearances. Although staff composition varied, all nine MHCs had at least one probation representative and one or more mental health workers (social workers, psychologists, nurses) who cooperated and shared responsibility
for the regular monitoring of participants. The probation officers focused on meeting criminal justice monitoring objectives, while the social workers and psychologists focused on meeting clients’ service and treatment needs.

Before MHCs were introduced in the United States, Steadman (1992) had utilized the concept of boundary spanners, drawn from the literature on organizations, to describe the important role of players who work in diversion programs at the intersection of the criminal justice and mental health systems. Boundary spanners were present in the administrative roles of the Midwestern MHCs, but not all of these roles could be described as boundary spanners because of the variety of their professional backgrounds, which is also detailed below when discussing variations across sites.

Variations in Midwestern MHCs

The MHCs were part of a statewide organizational field of programs and were scattered across the state in a variety of urban, suburban, and mixed rural/suburban areas, with different population sizes, resources, and government structures. MHCs in high-population areas had larger staffs and larger numbers of participants. These programs spent less time in staff meetings for each participant, and judges worked at a faster pace during hearings. Median annual household incomes for the eight counties, according to the 2010 U.S. Census, ranged from $10,000 below to $20,000 above the state median, greatly affecting the tax base supporting government and social services. This may explain why the two most affluent counties—Ferry and Manzanera—were able to staff their MHC programs entirely with government personnel, rather than collaborating with an external agency. In Manzanera County, the second most affluent county, pretrial services officers were part of the MHC staff, unlike any of the other programs. Some variations were a matter of the specific conditions in a county. For example, the Bevan City MHC does not accept misdemeanor cases because the main criminal courthouse heard only felony cases, and that was where the MHC was housed. When the program in Tandy began, it also mirrored the Bevan City program and allowed only felony cases.

All of the Midwestern MHCs accepted offenders with mental illness charged with felony violations; the two programs in Waters County accepted only felony cases, while the rest accepted both misdemeanors and felonies. The Ferry County MHC had only a pre-adjudication model. Four MHCs utilized both pre- and post-adjudication models, and the remaining four programs utilized only post-adjudication. Four MHCs accepted persons charged with violent offenses on a case-by-case basis, while the remaining five programs did not accept any offenders with violent charges. Programs varied in terms of how often they held MHC hearings, ranging from twice weekly to twice monthly. The average length of participation for all but one MHC was one to two years; the Gilmore County MHC reported only a six-month to one-year average length of participation. All of these programs progressively
decreased the level of court supervision by lessening the required frequency of probation visits and court appearances.

Redlich et al. (2005) identified two generations of MHC development nationwide using a sample of eight MHCs begun during the 1990s, and another seven MHCs begun after 2002. Second-generation MHCs were more likely to accept persons charged with felony or violent offenses, employ post-plea adjudication models, use jail as a sanction, and utilize court personnel or probation for supervision (Redlich et al., 2005). Midwestern MHCs reflect the second-generation trends (Redlich et al., 2005) toward hearing felony cases, utilizing post-adjudication models, and utilizing jail as a sanction for non-compliance, but not the trend toward relying on court personnel supervision models. Only one program—the Gilmour County MHC—did not utilize jail as a sanction for participants. Only three of the nine MHCs relied primarily on court personnel or probation officers for monitoring and supervision of participants, but these programs had mental health workers external to the court attend staff meetings. The remaining six programs relied on a combination of court personnel and community or county mental health workers external to the court for monitoring and supervision of participants.

**Professional Role Variation**

The various professional roles displayed much similarity across sites, but there were variations among them. All of the judges regularly deferred to the judgment of clinicians and probation officers in determining how best to deal with a participant during the hearings, but judges in some MHCs took charge more than others in leading staff meetings and court calls. For instance, staff meetings in the Bevan City MHC, which had a men’s and women’s court call, were led by judges who took the initiative and ran quick meetings that involved less discussion time than in some other MHCs. These judges held MHC hearings between regular dockets that were larger than those at other courts. By contrast, the judge in the Gilmour County MHC was casual in discussions of participants with other MHC staff members. Here, the discussion and process of the hearing was led primarily by the case managers with input from probation officers, and the judge provided guidance as needed. The Gilmour MHC judge worked in a courthouse that was much smaller and had much less criminal justice/court activity overall, allowing for a more leisurely pace during the hearing.

The nine MHC programs varied in the number and composition of role players engaged in monitoring the participants. Although staff composition varied, all nine MHCs had at least one probation representative and one or more mental health workers (social workers, psychologists, nurses) who cooperated and shared responsibility for the regular monitoring of participants. In several of the programs, one or two specific mental health service providers worked with the MHC to such an extent that their employees were regular members of the MHC team, attended all staff meetings and court
calls, and spent much if not all of their time serving MHC participants. Other mental health workers were employees of the court or county government, such as the court psychologist in Gabriel County or the clinical social worker in Ferry County, who was employed by the county health department.

Several significant variations in MHC practices can be attributed to the organizational culture of the worksite. When the Midwestern MHC professionals interacted with one another and participants, they engaged in the specific workplace culture (Volti, 2008) of their programs. One explanation of the variation in MHC practices across sites is that founders were important in establishing beliefs and practices for the organizations. For example, several professionals in the Gilmour County MHC—the only one not to use jail as a sanction—noted that they believed jail was inappropriate for participants. In an individual interview, the Gilmour program coordinator explained that she and other founders decided, when beginning the MHC, that the illnesses of participants would be exacerbated in jail in ways that undermined program adherence. Professionals in all other MHCs believed that jail was sometimes an appropriate sanction but should be utilized sparingly.

Public Defenders: Variation in Use of Adversarial and Non-Adversarial Roles

Public defenders were essential personnel in all nine MHC programs studied; however, the performance of their roles varied among the programs. In the research literature on specialty court programs, such professionals typically assume a non-adversarial posture (e.g., Miller & Johnson, 2009; Nolan, 2001), which differs from their traditional adversarial role in criminal courts. Under the adversarial approach, an ASA brings charges against a defendant, while a defense attorney, representing the defendant's interests, argues against the state's case and for the rights of the defendant. ASAs and public defenders in specialty court programs are described in the research as setting aside their traditional adversarial roles in order to work together as members of the program team and to advocate for the behavioral healthcare interests of participants. Although the non-adversarial characterization was generally true for the nine MHC programs observed, it was only partially true for a couple of them. In court observations, two of the public defenders adopted a somewhat adversarial approach during staff meetings as the team decided how to sanction participants who had not fully complied with program rules.

The public defender in the Lynne County MHC, Joanie, was a decades-long veteran of the criminal justice system. Joanie supervised the other public defenders in Lynne County but served MHC participants as a regular member of the staff. During the staff meetings, when a participant's case was being discussed, the public defender was often observed arguing against a solution being considered by the judge, clinicians, administrator, and the ASA. Sometimes as a result, a less severe punishment was meted out for a rule violation.
Joanie played the adversarial role in several discussions of how to sanction program participants, always on the side of a less punitive resolution. In addition, in discussions about participants who had violated program rules or who might have committed a criminal offense, she limited the amount of information that was shared with the judge and the ASA.

Peggy, the public defender in the Ferry County MHC, also took an adversarial stance, and described a high level of concern about keeping information that was considered harmful to clients from the judge and the ASA. The Ferry MHC, however, was a pre-plea program, which was generally not the case in the other MHC programs studied. Because the state had not formally dealt with charges in a pre-plea program, Peggy and several co-workers were concerned that negative information might eventually affect the adjudication of a participant’s case. Therefore in the Ferry MHC, Peggy worked to prevent the sharing of such negative information, especially about new program applicants. This tactic is described in the following interview excerpt:

Peggy: I am very particular about [information sharing]. If we’re all in staffing and it’s all-open communication I have... it’s fine, but [the Ferry MHC judge] is not included on our emails and shouldn’t be. We’ve developed a system where [others on the MHC team] got the evaluations. They can’t go to her until someone is going to be accepted into the program. She should not have that information ever, until someone’s accepted into the program.

Interviewer: So a lot of your role is to control information, it sounds like.

Peggy: I’m an anal-retentive gatekeeper of information. Of how it gets controlled, because there’s certain [information] that should not be given without all parties present and that’s just, legally it shouldn’t be there... whether it’s a wellness court or not, there’s due process rights involved.

Professionals running the Ferry County MHC believed that information sharing among MHC staff should be limited to prevent violation of clients’ rights. As the earliest-established program, it had a pre-plea adjudication model common to first-generation MHCs (Redlich et al., 2005). Additionally, when founders were planning the MHC, the local NAMI chapter had stressed to criminal justice officials the importance of protecting privacy rights of persons with mental illness. In limiting information sharing with the judge, in contrast to the non-adversarial design of other MHCs, the public defender plays an adversarial role. In other Midwestern MHCs, staff required that participants sign a general release of information so that all MHC team members can freely discuss their activities and progress. The public defenders, probation officers, and mental health workers in the other MHCs regularly shared both positive and negative information on the clients with the judge.
and the ASA, and described a team approach in making decisions on how to reward and sanction participants, which required that all team members have this information.

Public defenders were also observed playing a role in case management for some participants in several of the MHCs observed. Some public defenders collaborated with the mental health workers and probation officers on the MHC team, such as helping a participant obtain supportive services that did not necessarily focus on legal concerns. In such situations, public defenders joined other MHC staff in assisting participants in their day-to-day lives. This reflected the value of flexibility shared among professionals at some MHCs, which we will return to later.

Program Coordinators as Boundary Spanners

We also found variation across sites when comparing program coordinator work roles. In Waters County, the director of treatment programs, Phil, held the administrative role in the two MHCs. He worked for drug courts and MHCs at several locations, including his county’s two MHCs observed for this study. Phil worked in the ASA’s Office and performed administrative functions for the specialty courts, including screening for the criminal background of referrals on behalf of the state’s attorney. Although working in the criminal justice system, Phil had a mental health background and thus fit the role of boundary spanner, as he detailed below:

Phil: My background is clinical. I worked in behavioral health care for my entire career before coming here a little over seven years ago. When the position that I’m in now came open, then the idea was to have somebody fill that position with a clinical background so that the state’s attorney’s office would have more of a clinical input into some of these alternative programs. I started out with primarily drug cases. Drug diversion was the first thing that I was involved in. I had some involvement with the court, I still have some involvement with the drug court system in the county... uh, and then when the mental health court was in the process of being implemented, the thought was that given my clinical mental health background that it would make sense for me to have the position as coordinator.

Administrative roles in the other MHCs were not based in the state’s attorney’s office. Each jurisdiction had both a court administrator’s office and a probation department. Four program coordinator positions were placed in the probation department, while the remaining three were out of the court administrator’s office. In seven of the programs, the program coordinator role regularly attended all staff meetings and court calls, provided input on participant cases, and also served an administrative function, such as organizing staff meetings or finding funds for program operations. On the other
hand, the Lynne County specialty courts administrator had a background as a prosecutor, not as a mental health specialist, and did not meet the criteria to be a boundary spanner (Steadman, 1992). But both the Collins MHC coordinator and the Gabriel coordinator could be considered boundary spanners due to years of prior experience in mental health.

The program manager in Ferry County did not work directly with MHC participants, having direct contact with potential participants only after they had been referred to the program and initiated the program application process. The Ferry County program manager supervised a drug court program in addition to MHC, both of which were relatively large programs. This role was purely administrative and did not involve boundary spanning. The program manager had no input into how cases were handled after a participant began the program and did not attend MHC staff meetings.

**Inter-professional Norms and Organizational-Institutional Reactivity**

The concept of boundary spanner (Steadman, 1992) points to the overlap between criminal justice and mental health professional disciplines that grew in the post-deinstitutionalization era. Mental health courts are arenas where professionals from the two backgrounds, boundary-spanners or not, regularly trade professional norms regarding how to work with populations of criminality and mental illness. During work observations for this study, professionals displayed very little conflict relative to the open cooperation they engaged in during staff meetings and court calls, arenas where they regularly shared beliefs and practices drawn from both disciplines. Workers of both backgrounds openly discussed MHC referrals and participants who had particular mental health diagnoses combined with specific criminal charges and levels of offense, as well as particular social contextual factors (i.e. race, age, means, etc.). When decisions were made in staff meetings regarding these individuals, discussions were generally marked by consensus building.

Eisenstein and Jacob (1977) studied criminal courts as “workgroups,” analyzing three municipal courts. The researchers found that if the members of a courtroom workgroup only occasionally worked together, work was more formal and adversarial than that of workgroups who were regularly in court together. The professionals that we observed in this study displayed familiarity, informality, and humor during staff meetings, albeit this was slightly less true of meetings at the large programs in Waters and Ferry Counties. We observed opinion sharing from the various professional roles, and occasional disagreements, but decisions were typically made without rancor. Instead, decisions were made via consensus reached by professionals in their respective roles, agreeing to a plan of action. Each professional displayed a level of autonomy in sharing opinions, and decisions were made as a team. As Scheid and Greenberg (2007) suggested regarding inter-professional work, conflict was minimized among the professionals because decisions were
made as a team, rather than through a bureaucratic hierarchy. The professionals displayed a combined criminal justice/mental health understanding of each case during these discussions. Thus, each professional occupation has its own culture. Further, in MHCs and other arenas, an inter-professional occupational culture is developing among mental health and criminal justice professionals engaged in work together.

Professionals in the Midwestern state also displayed teamwork and sharing of disciplinary backgrounds through their formation of a statewide organization to promote the utilization of best practices in MHCs in the state. Over a series of meetings, we observed the formation and reporting of committees aiming to define criteria for state MHCs and to pursue tax-exempt status for the new organization. The appropriateness of the utilization of MHCs and the necessity of best practices were beliefs regularly shared among professionals at these meetings. This was an example of “organizational-institutional reactivity” (Crank & Langworthy, 1992) in which organizations react to coercive processes by taking part in the shaping of myths. During our research, only one group of professionals—the judge, psychologists, public defender, and program coordinator during their focus group interview in Gabriel County—expressed doubts about the appropriateness of MHC as a solution for the problem of PSMI in criminal justice settings.

The various MHCs were shaped by external pressures, including federal grants and literature, NAMI, and professional norms such as therapeutic jurisprudence ideals held by judges. Professional organizations promoted MHC practice through conferences and literature, an example of overlap between coercive and normative pressures. Although few studies had documented the effectiveness of MHCs by 2004, and despite varying contextual factors at the different sites, professionals established nine MHCs in the Midwestern state over a four-year period and were now meeting together every two months to promote their use.

The Value of Flexibility

Probation officers focused on meeting criminal justice monitoring objectives, while social workers and psychologists focused on meeting participants’ service and treatment needs. Nonetheless, probation and mental health workers in Collins, Ferry, Hackett, and Lynne MHCs characterized the sharing of responsibilities and teamwork as playing a critical role in meeting participants’ service, treatment, and monitoring needs. Even public defenders were observed at two of the sites assisting with case management. The value of flexibility and the sharing of work roles are part of the professional workplace culture of these four programs and were displayed in their approach to client case management.

At each of these sites, professionals emphasized ideals of flexibility during interviews and openly displayed sharing of work roles during observations. The value of flexibility in problem-solving courts is celebrated in aca-
demic literature (e.g., Miller & Johnson, 2009); thus, the professional enthusiasm may be an example of institutional-organizational reactivity (Crank & Langworthy, 1992), in which professionals engaged in myth-making through their approach to work, although we cannot directly trace the origin of the value from the external environment. Midwestern MHC professionals understand flexibility in two different ways. First, professionals in the programs in Collins, Ferry, Hackett, and Lynne counties emphasized the notion of being flexible in all aspects of program operations so that each client’s needs are met. They related the importance of getting to know each participant, so their approaches to client motivation and sanctioning were individually tailored so as to be most effective. In the following interview excerpt, Ben, a probation officer from the Hackett County MHC, and Kelly, the public defender, described how the program is customized to best meet the needs of each participant:

Ben: The one thing about this team that I know or see is that it’s completely driven by the individual. It’s not driven by rules or guidelines or anything like that—it’s driven by the individual’s needs. Which, to me, is what really makes this so unique and works so well is that it’s all about the individual and what their needs are. And this team, their whole purpose is to meet the needs of that person.

Kelly: And that starts from the beginning, when someone gets identified as a potential participant. That can come from police officers in the field that have participated in crisis intervention training. That can come from the probation officer who has worked with this person in the past, or has some other knowledge from working with family members throughout the community. It can come from a judge at first appearances when they are first brought to answer to the charges. It’s recognition from the public defender’s office, the state’s attorney’s office, or any other member of the team that brings them into this and from there, then like you saw today, we discuss this person, and those attributes that are unique to them. And then the case plan is developed and we all decide if this person is appropriate, and what we can do for this individual.

Flexibility was also understood as a matter of professional roles. Some respondents recognized their professional roles as flexible, while others, such as the judge and the ASA, did not. At most sites, probation officers and clinical social workers—and at some sites public defenders and nurses—spoke about being willing to share duties and perform tasks that were outside of their job description. These professionals spoke of doing “whatever is needed” to best work with participants, which might include monitoring, counseling, case management, and transportation regardless of whether one’s role is within
criminal justice or mental health. Professionals also spoke of “teamwork” as a concept that required them to adopt various roles in doing work activities. Sara, the program coordinator of Lynne County, described the willingness of MHC staff to share work activities. Similarly, Gene, a probation officer, followed up with an example of teamwork:

Sara: And sometimes there are different functions...I think... in traditional programs where, well, this role does this—like maybe transport to inpatient treatment or something like that. But that’s not how this team works. It’s who has the available time at 9:00 on Monday to take somebody, and it’s whoever is available to do it. So [the probation officer] may do it, staff from [the community mental health agency] may do it. It’s very fluid and working together about what can be in the best interest of the clients.

Gene: Just as an example of how the different components seem to work together at times: we had an individual last week who we had talked about at staffing [for whom] we were looking for a treatment facility. And our dual diagnosis person, she contacted the treatment center, and she sent an email to the team stating that we needed a court order to allow the agency to go into the jail. Immediately, the PD [public defender]... contacted the team asking to do the [creation of document releasing the individual from jail]. She made contact with the state’s attorney [stating] that the judge emailed her back [writing] that he would sign off. So it’s kind of a team effort in many areas throughout the day that we don’t even think about. It’s kind of automatic now.

DISCUSSION

Coercive, mimetic, and normative isomorphism were relevant in explaining similarities among the Midwestern MHC programs. Coercive isomorphism describes how organizations become similar to one another because of pressures from the organizations upon which they depend or from common cultural pressures. Several coercive pressures affected all of the MHC programs. The federal government through the Bureau of Justice Assistance and the Council of State Governments made grants available and disseminated literature. Midwestern legislature passed a law authorizing jurisdictions to create MHCs but disallowed the participation of offenders charged with certain crimes, such as sex offenses. Advocates from NAMI persuaded officials to begin programs and assisted with the planning.

Coercive isomorphism includes resource dependence. The MHCs required the involvement of mental health professionals, but there was variation in their availability. Thus, coercive pressures created different groupings of
isomorphism among mental health personnel. The programs in Ferry and Manzanera Counties were in the most affluent areas of the nine programs with the highest per capita household incomes. Both of these MHCs were able to rely on well-funded county health departments for personnel and were staffed entirely by employees of the county government. Hackett, Gilmour, and Lynne Counties were among the least wealthy and their MHCs relied upon local community mental health agencies to staff their programs. The programs in Gabriel, Collins, and Waters counties were in areas of moderate income. The Gabriel and Collins county programs relied on a combination of government-employed mental health workers and those from outside agencies. The two Waters County programs had TASC mental health workers who monitored MHC clients and brokered services with external agencies. Here we do not investigate whether or not MHC participants and referrals can be said to experience justice by geography (Feld and Schaeffer, 2010), in which their interests are differentially represented due to different contextual elements, but future research on MHCs should consider issues of context. Does the limited time on each case for MHCs in urban environments lead to poorer outcomes for urban defendants compared to rural defendants? Do MHCs utilizing community mental health centers work more or less effectively with PSMI offenders than MHCs entirely staffed by government agencies? These are important questions to explore.

Professionals engaged in mimetic processes when modeling programs after what they had read in the literature, discussed at conferences, or observed in newly established programs. Most of the MHC designs followed some type of established model. The MHCs in Waters, Gilmour, and Manzanera counties, for example, were modeled after their respective drug courts. Four counties reported modeling their court after other Midwestern MHCs. Professionals in Collins and Gabriel counties referred to the “Essential Elements of a Mental Health Court” published by the Council of State Governments Justice Center (2007).

Professionals also described normative processes within their own professions. Several judges reported having learned about the programs from other judges and recognized that they could introduce the programs for certain individuals in their own jurisdictions. Judges also described professional conferences as another arena wherein ideas about MHCs were communicated. Mental health professionals described communicating with their colleagues in other counties on how they could work with new court programs to provide services to criminally involved PSMI.

We found evidence in our research of all three forms of institutional isomorphism, supporting the neoinstitutional theory as formulated by DiMaggio and Powell (1983). On the other hand, we did not find evidence of a loose coupling of street-level practices to the stated goals and policies of the MHC programs, contrary to the neoinstitutional theory of Meyer and Rowan (1977). Although MHC organizations revealed organizational-institutional
reactivity (Crank & Langworthy, 1992) in that professionals enthusiastically spread the myths of MHC effectiveness, these same professionals also attempted to match the policies, practices, and designs for the programs as communicated by federal and state literature as well as their own officially-produced documents. This may have been due to the uniqueness of MHCs as organizations. They were relatively small organizations within criminal courts and have some members from external organizations. The judge is technically the authority in an MHC, but in practice did not rule through bureaucratic directive. Instead, the judge typically deferred to the judgment of mental health workers, and decisions were made collectively by the team of professionals. But in doing so, they paid close attention to following organizational policies, laws, and best practices.

Several variations found when comparing these Midwestern MHCs can be explained as a matter of the specific workplace culture at each site. Founders enacted unique practices relative to other MHCs based around workplace beliefs shared among local professionals. For example, on beginning the Gilmour County MHC, founders determined that MHC participants should not ever be jailed as a sanction due to it being viewed as an inappropriate practice for persons with severe mental illness. In the Ferry County MHC, the public defender and other professionals believed in limiting the sharing of information, a practice begun when the program was first established with a pre-adjudication structure. These findings suggested other important questions that future research should explore: Should jail ever be utilized in mental health court programs as it exacerbates mental illness symptomology? If jail can be utilized, under what conditions is the use of jail appropriate? Is the free sharing of information on MHC cases the best approach? Or is the Ferry County professionals’ concern with protecting rights of defendants not being recognized enough in other jurisdictions?

CONCLUSION

In this paper, we recognized three forms of institutional isomorphism—coercive, mimetic, and normative—that occurred as MHC programs were introduced and spread in a Midwestern state from 2004 to 2008. MHC program designs followed government-approved guidelines, developed resources, and incorporated contacts with other necessary organizations. Professionals organizing the programs referred to other models such as existing drug courts or other established MHCs. Founders also had to abide by professional norms in operating programs such as those suggested by therapeutic jurisprudence and evidence-based practices. DiMaggio and Powell (1983) conceded that the three types of isomorphism are not always empirically distinct, and that real-world cases often include elements of more than one type. The categories, though, served as an analytical tool for explaining how organizations in a field come to resemble one another, and our analysis displayed examples of all three forms that are true to DiMaggio and Powell’s conceptualization.
Isomorphic processes were identified in the current study, but we also recognized cultural elements present in organizations. Professionals who work in MHCs share specific ideas on how to work with participants in the program. At MHC sites, criminal justice and mental health professionals have developed their own workplace culture (Volti, 2008) resulting from the intermingling of mental health and criminal justice professional practices and ideas. The values and beliefs held by professionals in some MHCs, as in Ferry County and Gilmour County, were not held by professionals in others.

Researchers applying the neoinstitutional and organizational culture perspectives argue against purely rationalist understandings of organizations. They underscore how the pursuit of political and social legitimacy as well as values and beliefs specific to an organization’s members are important factors affecting organizations and work beyond simple market competition and the development of the most efficient methods or best practices. An important takeaway from our research was that mental health and criminal justice professionals operate programs for offenders who have mental illness in a way that is recognized by both as appropriate to divert offenders from incarceration and into treatment.

The programs all displayed commonly held ideals drawn from therapeutic jurisprudence and mental health disciplines, but there were also significant differences. Professionals varied in their understanding and performance of work roles in the programs. Future research should consider whether the most prevalent MHC program structures are, in reality, the best for program outcomes and for dealing with the problem of PSMI who are placed in jails and prisons. Researchers should also compare differences in program design and professional role performance to determine which designs and practices are most supportive of positive outcomes and social justice for PSMI.

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FRAMING LEGITIMACY: A QUALITATIVE ANALYSIS EXAMINING LOCAL PRINT-MEDIA PORTRAYALS OF AN IMMIGRANT FAMILY DETENTION CENTER IN TEXAS*

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Abstract
Research suggests that media portrayals can impact the opinions of adults (Dizard, 2000). However, media reports on aspects of our criminal justice system, such as corrections, are an understudied topic (Marsh, 1989), especially regarding the use of private prisons. The current study examines a sample of 12 local Texas newspapers that reported on the T. Don Hutto Facility in Taylor, Texas, between January 1, 2000, and December 31, 2013. This facility was once a state prison for males and local jail inmates before being converted into an undocumented immigrant family detention facility and later into a detention center for undocumented immigrant females. In this article we use the theoretical concepts of moral and instrumental legitimacy and of diversionary framing to explain the importance of the type of inmate population held in a facility. We explain the presence of framing techniques and the involvement of civil rights organizations and discuss how these factors affect the way local print media depict private prison companies and their facilities, especially private family immigrant detention facilities. These facilities, which typically hold undocumented illegal immigrants and their children on non-criminal charges, have received considerable criticism from media for providing substandard quality confinement.

INTRODUCTION
Issues surrounding the criminal justice system are commonly reported by media outlets, including social media, internet news outlets, nightly news,

Author Note:
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and local and national print media. There are many scholars from several academic fields who have contributed considerable knowledge regarding the role that popular media play in reporting on aspects of the criminal justice system such as crime (Barak, 1988; Barak 1995; Frost & Phillips, 2011; Potter & Kappeler, 2006), policing and perceptions of police (Chermak, McGarrell, & Greunewald, 2006; Dowler & Zawilski, 2007), gangs (Esbensen & Tusinski, 2007), fear of crime (Dowler, 2003; Kort-Butler & Hartshorn, 2011), corrections (Jewkes, 2007; Cheliotis, 2010; Vickovic, Griffin & Fradella, 2013), terrorism (Lewis, 2005; Norris, Kern, & Just, 2003) and incarcerated religious groups (Umamaheswar, 2015). From the media outlet that introduces and frames a story to the ways that the public perceives and interprets a story, it is important to understand how these and other characteristics of media portrayal shape the presentation of information to the public. In regard to criminal justice, media are an essential tool used for influencing adults’ opinions (Dizard, 2000) and helping members of a population form opinions on issues such as crime rates, inmate populations, and new criminal justice policies and legislation.

By examining media reports from national television news broadcasts, internet news sources, local television news, social media, and national and local print media, researchers are able to study issues of criminal justice and how media outlets portray them. Often, a story is framed in a particular manner that shapes the message in a way that appeals to the expected population of readers (McLuhan, 1994). However, by doing so, media outlets often mislead the public in dramatic ways, not necessarily by presenting false information but by framing a story in a way that will engrain a certain message or elicit a certain response from the viewers and readers. Framing, in the general media sense, is defined as, “the shared cultural narratives and myths that a news story conveys via recourse to visual imagery, stereotyping and other journalistic ‘short-cuts’ ” (Jewkes, 2010, p. 282). Tankard (2001) points out two unique attributes of framing: (a) framing can elicit more complex and emotional responses from readers as it adds another cognitive dimension to the discussion, and (b) it allows visual or text media to “define a situation, to define the issues, and to set the terms of the debate” (p. 96). This study will focus on local (Texas) newspaper media reports on the T. Don Hutto Private Facility (operated by Corrections Corporation of America). It will discuss the framing used in discourse, the mention of support and involvement by civil and human rights organizations, and the change over time in the media’s coverage of this facility. The purpose of this study is to gain further insight into the ways in which local media portrayals favor or oppose the detention of certain populations of prisoners and the types of framing used when doing so.

PRIVATE PRISONS IN THE UNITED STATES

The tough on crime movement, the war on drugs, harsher penalties for crimes, and indeterminate sentencing all led to unprecedented increases in
the nation's prison populations in the late 1970s and early 1980s. This increase led to overcrowding issues in prisons across the United States. Many states were strapped for funds to build new prisons and were in desperate need of a solution to their overcrowding issues. In 1982, President Reagan created the President's Private Sector Survey on Cost Control, which focused on government waste and fiscal inefficiency, and provided a springboard for privatizing aspects of government, including the prison system. The first for-profit private prison company (Corrections Corporation of America) was created in 1983 in response to a court order that ruled overcrowding in Tennessee prisons to be unconstitutional (Hallett, 2006).

Corrections Corporation of America was co-founded by Thomas Beasley, an American lawmaker, attorney, and chair of the Tennessee Republican party, and T. Don Hutto, Virginia’s top corrections director and president of the American Corrections Association. The company signed its first contract with the state of Tennessee and began operations with financial support from venture capitalist Jack Massey of Kentucky Fried Chicken and Hospital Corporation of America (Selman & Leighton, 2010). Private prison companies build, buy, own and/or operate correctional facilities under contracts with local, state, or federal agencies to house inmates at a per diem rate. Corrections Corporation of America is the world’s largest private prison company and operates 71 facilities in 20 states across the United States (CCA, 2016). Since the early 2000s, immigration has become a focal concern. For-profit private prison companies such as CCA and The GEO Group, Inc. have focused their attention on obtaining contracts to house undocumented immigrant detainees for ICE, U.S. Customs and Border Patrol, and the U.S. Marshals Service. These companies have also been known to work with the American Legislative Exchange Council (ALEC) in order to pass immigration reform legislation, which in turn ultimately increases their profits by placing more undocumented immigrants in detention (Furman et al., 2015).

**MEDIA PORTRAYALS OF PRIVATE PRISONS IN THE US**

Media reports of the criminal justice system often ignore what occurs within prisons and jails in the US (Marsh, 1988). In particular, issues such as overcrowding, prison riots, correctional officer misconduct, abuse, the construction of new prisons, and methods in which different types of inmates (undocumented immigrants, sex offenders, drug addicts) are handled throughout the prison system are often neglected. This, in turn, shapes public perceptions about the criminal justice system. Given that by the end of 2014, there were 1,473,400 inmates in federal and state prisons, not including those held in local jails (Kaeble, Glaze, & Anastasios, 2015), we would expect the print media to report quite often on correctional systems. However, this is typically not the case. Other criminal justice matters such as crime rates and homicides are more commonly reported by the media and are considered by
scholars to be standard topics of the news media, particularly nightly news and print media (Kappeler, Blumberg, & Potter, 1996; Surette, 1998).

Ross (2011) conducted interviews with five of the nation’s top corrections reporters to discuss the challenges of reporting on corrections issues and to help explain why this aspect of the justice system is not commonly covered in the print media (newspapers). The findings from the study suggest that the public is not interested in jail and prison issues and that the cost of having reporters cover these issues is not worthwhile. He also found that in the top ten journalism schools in the US, the only “course that is taught on a semi-regular basis is one that introduces students to reporting on the criminal justice system” (p. 12). The results from the interviews suggest that the three main challenges of reporting on this topic are accessing the information, convincing editors to let them report on these types of issues, and “getting to the truth of the matter” (p. 10). Scholars have pointed out that different facilities allow different levels of access for the media depending on the type of facility, who is operating the facility (public or private), and who is being housed in the facility (Hincle, 1996; Talbot, 1989; Yeung, 2003; Zaner, 1989).

It is important to note that the aspect itself has elicited ethical, political, and philosophical concerns by scholars (Casarez, 1995; Dilulio, 1986; Herivel & Wright, 2009; Logan, 1990; Marion, 2009; Matthews & Chambless, 2014; Shichor, 1995). Although the realities of prison privatization are highly debatable, scholars have used quantitative research to examine and compare public and private prison costs, quality of confinement, recidivism rates, staff training, employee work conditions, grievances, and safety and security. Only three studies, however, have examined media portrayals of private prisons.

Welch, Weber and Edwards (2000) conducted a content analysis of 206 corrections-related articles that were printed in the *New York Times* between 1992 and 1995 to determine what particular aspects of corrections were being reported. The results from their analysis show that the top eight topics that were reported on were violence (19%), programs/rehabilitation (17%), healthcare (8%), get tough policies and campaigns (8%), privatization/industry (8%), overcrowding (5%), drugs (4%), and famous inmates (4%). They also noted that 62% of the 1,486 quotes in the articles endorsed the nation’s correctional strategies, and 38% opposed them. Interestingly, only 4 of the 19 topics that were found expressed more opposition than support for the government’s stance (overcrowding, history, famous inmates, Immigration and Naturalization Service. Their study discovered a mountain of evidence supporting the politicization of punishment and the criminal justice system by politicians and government officials. Such evidence, the researchers noted, bolstered support for politicians’ and government officials’ political agendas; it also functioned to “legitimize state power through the distribution of punishment” (p. 260; also see Foucault, 1977; Welch, 1999).
Blakely and Bumphus (2005) analyzed a sample of 129 newspaper articles written on the topic of prison privatization and printed between January 1, 1986 and April 18, 2002. The results showed that the percentage of articles that have titles and content favorable to privatization had declined since 1986, and that external characteristics such as financing, politics, and overcrowding were common, while articles related to the operational quality of correctional systems were less frequent. They attributed these findings to the difficulties in accessing information about the operational quality of private prisons and the fact that most of the media portrayals of private prisons in the sample came from official data. They pointed out that the private sector has been “increasingly unwilling to disclose even basic information about its operations” (p. 74). Their study also suggested that the media’s support for prison privatization has been declining. However, the authors were unsure why this has been happening. They were left to wonder whether the increasingly negative portrayals were perpetuating the private sector’s secrecy, or if their secrecy was fueling the negative portrayals presented in these newspapers.

Another study (Burkhardt, 2014) examined prison privatization in the news print media through a legitimacy lens by using a typology of morality framing (philosophy, ethics, role of government, etc.) and instrumental framing (cost, economies, jobs, etc.). Burkhardt’s study examined 706 articles published in the top four newspapers in the US (Los Angeles Times, New York Times, Chicago Tribune, and the Houston Chronicle) that discussed prison privatization from 1985 to 2008. The purpose was to use Lindemann’s (2009) assessment of moral and instrumental modes of argumentation to explore variations in the use of moral legitimacy and to compare these variations across different jurisdictions that use private prisons at different levels. Results suggested that instrumental framing was used far more often than morality framing (60% to 80% of the articles), with cost being the most frequently mentioned element of instrumental framing (37% of the articles). Morality framing declined over time with morality framing being most widely used in 1985, one year after the creation of the first private prison company in the US (Corrections Corporation of America). Interestingly, the morality frame was used most often in newspapers whose states did not use private prisons (Chicago Tribune, 22%; New York Times, 23%), while states that were at the forefront of prison privatization used the morality frame more scarcely, and focused their framing approach on instrumental arguments (Los Angeles Times, 15%; Houston Chronicle, 5%).

Burkhardt (2014) reached three main conclusions:

1. As privatizing prisons became more prevalent, discourse about the normative appropriateness of their use based on moral arguments decreased.
2. The shift from moral framing to instrumental framing over time made it easier for policy makers and politicians to endorse the use of private prisons, especially in states where private prisons were used.

3. When print media switched their focus from moral questions (such as are private prisons the right thing to do) to instrumental issues, those who supported privatization faced fewer challenges in furthering the growth of their use.

The last conclusion is a good illustration of how diversionary framing that focuses on the legitimacy of a particular entity does not need to be confirmed. Rather, legitimacy is implied if issues of illegitimacy are not brought to the surface (Freudenburg & Alario, 2007).

The shortcomings of the previous literature are that these studies examined national newspapers and that no research has been conducted on how local print media portrays private prisons in states that use them. The previous literature has provided examples of identifying moral and instrumental framing. However, our study includes diversionary framing and identifies topics of discussion, the favorability of articles within each framing category, and how these print media portrayals suggest legitimacy, or the lack thereof, in privatized prisons. We also examine the presence and mention of civil and human rights organizations and how mentioning these organizations can help frame the messages that are portrayed.

**CURRENT STUDY**

*Background of Corrections Corporation of America and the T. Don Hutto Facility*

Corrections Corporation of America (CCA) was the first private prison company in the US and was created in 1983 as a solution to the overcrowding issues that the US faced due to the massive increase in U.S. prison populations in the early 1980s. By 2001, the prison population had reached about two million inmates with an incarceration rate of 500 citizens per 100,000 (Beck, Karberg, & Harrison, 2002), and a total of 154 private prison facilities were operating across America with the capacity to hold up to 142,000 inmates (Corrections Corporation of America [CCA], 2001). As of 2016, CCA has 71 facilities across the United States, of which ten are located in Texas. Five of them are under Texas Department of Criminal Justice contracts while the remaining five CCA facilities have contracts with ICE, U.S Customs and Border Patrol, and the U.S. Marshals Service. As of December 2014, private prison companies house roughly 8.25 % of the nation’s federal and state inmates, not including those held in immigrant detention facilities (Kaeble, Glaze, & Anastasios, 2015).
Although there are differences between types of media and media coverage, the purpose of this study is to examine local Texas print media portrayals (newspaper articles) that include the term “Corrections Corporation of America”. This study focuses on the CCA-operated T. Don Hutto facility in Taylor, Texas, between January 1, 2000, and December 31, 2013. Between 1997 and 2006, this facility housed inmates for the U.S. Marshals Service, the Texas Department of Criminal Justice, and Williamson County. As the facility’s inmate populations declined in 2006, CCA considered the option of closing the facility due to declining profits. Shortly after the discussion began, CCA reached an agreement with Immigration and Customs Enforcement (ICE) to house undocumented immigrant families and children on non-criminal charges as they awaited deportation or until their asylum status was determined. This occurred in response to ICE abandoning the well-known ‘catch-and-release’ program after 9/11 (which essentially resulted in immigrants arrested for illegal entry being released with a court date) and adopting a ‘catch-and-remove’ program where undocumented immigrants are detained until their deportation or asylum status is decided (Martin, 2012).

The facility was renamed the T. Don Hutto Residential Center in 2006 and soon thereafter the facility began housing immigrant families. Due to considerable opposition by protesters, human rights organizations, and the U.N., among others, the facility (one of two in the US that held families at that time) was later renamed and repurposed to house only undocumented female immigrants and no longer held children. This study examines the print media portrayal of the facility that housed men, women, and children over this period, it asks how civil rights organizations and special populations of detainees (particularly children) may have an impact on the level of media coverage, and it identifies the framing techniques used when discussing special populations and the use of for-profit private prisons.

CONCEPTUAL FRAMEWORK AND METHODOLOGY

The conceptual framework used to analyze these articles is taken from Blakely and Bumphus’ (2005) analysis of how favorable, unfavorable or neutral the print media’s portrayal was of private prisons. This study also utilizes Lindemann’s (2009) analysis of moral and instrumental modes of argumentation and framing to indicate the presence of moral and instrumental legitimacy portrayed in the print media, as seen in Burkhardt (2014), as well as the presence of diversionary framing (Freudenburg & Alario, 2007).

Legitimacy

The notion of delegating the power and responsibility to punish criminals to private prison companies in the mid-1980s brought about questions and concerns regarding the previous core responsibilities of government. Like other new forms of business, private prisons require a sense of legitimacy to remain successful (Suchman, 1995; Aldrich & Fiol, 1994). Legitimacy
has been defined as “a generalized perception or assumption that the actions of an entity are desirable, proper, or appropriate within some socially constructed system of norms, values, beliefs, and definitions” (Suchman, 1995, p. 574). Suchman (1995) discussed several variations of legitimacy, including moral legitimacy which is used in this study. Scholars and members of the public have questioned the legitimacy of private prison companies since the creation of CCA in 1983, and some argue that punishment is an inherent responsibility of the government and should not be contracted to the private sector (Hart, Shleifer, & Vishny, 1996). Others suggest that allowing companies to profit from incarceration removes the goal of protecting citizens and replaces it with profit-based motives, which ultimately presents concerns about the efficacy and purpose of the U.S. criminal justice system (Stinebaker, 1995; Herivel & Wright, 2009). The following sections discuss three ways of framing legitimacy that are used to analyze the articles in this study.

**Moral Legitimacy Framing**

Suchman (1995) defined moral legitimacy as “socio-tropic, as it rests not on judgments about whether a given activity benefits the evaluator, but rather on judgments about whether the activity is ‘the right thing to do’” (p. 579). Judgments, as portrayed in print media, typically reflect “beliefs about whether the activity effectively promotes societal welfare, as defined by the audience’s socially constructed value system” (p. 579). For the purpose of this study, moral legitimacy refers to the media’s support or contentment with this private prison facility based on the norms of a society and what society believes should be done (Burkhardt, 2014). The following example from an article in this study’s sample identifies the moral legitimacy frame. The purpose of the moral legitimacy frame is to influence the reader to focus on the moral and ethical considerations of a particular situation and what ought to be happening in a given situation.

If humane treatment is the goal, human rights activists and other critics say the Taylor facility has failed. “It is wrong for the United States to be detaining immigrant families with young children in a prison-like environment when they have alternatives,” said Rebecca Bernhardt, of the American Civil Rights League of Texas. “I don’t think most Americans are aware that we’re doing this. If they knew what the conditions were like, if they could see the families, they would find this pretty outrageous. (Houston Chronicle, 2/7/2007)

**Instrumental Legitimacy Framing**

Instrumental legitimacy framing focuses on the outcomes of a particular practice or what is instrumental to the efficacy of an entity in order to create legitimacy. Instrumental legitimacy may be related to costs, local economic impact, relieving pressures of overcrowding in public facilities, programs, and the appropriate treatment of inmates. The instrumental legitimacy
frame is concerned with the performance or outcome of a practice rather than the norms of society and concerns for what ought to be, as seen in moral legitimacy. The following example identifies the instrumental legitimacy frame by focusing on the educational programs in the facility and points out that inmates are now receiving more education than before. This suggests that this is an appropriate and accommodating treatment of the inmates and that this practice is legitimate on an instrumental level:

Children held at a controversial immigrant detention center in Taylor are receiving four times as much classroom instruction as before under a change that federal officials made recently at the privately run facility (Austin American-Statesman, 1/24/2007).

Diversionary Framing

Freudenburg and Alario (2007) suggested that individuals pay particular attention to media framing and what they describe as diversionary framing. They describe diversionary framing as a method of legitimizing a concept, idea, or situation by diverting the attention of the reader away from the possibility that the entity mentioned could be illegitimate while focusing on facts that bolster its legitimacy. This framing technique implies legitimacy by focusing the readers’ attention on aspects that do not touch on the morality of a situation. They suggest that diversionary framing is effective when a discussion of morality is avoided. The following example of an article from the study’s sample discounts issues raised by rights organizations by focusing the readers’ attention on the positive aspects of the facility while ignoring the possibility of moral legitimacy, thus suggesting the use of diversionary framing.

Flags of countries from all over the world are painted on the cafeteria wall. Decals of cartoon characters are pasted here and there. Children sit at desks in a classroom and chat (Fort Worth Star-Telegram, 2/10/2007).

Sample

The data used in this study were obtained from a search of the Newsbank database, in which the authors searched for the term “Corrections Corporation of America” in Texas newspaper articles from January 1, 2000, through December 31, 2013. The search term must have been included in the title or in the text of the article. The search produced 413 newspaper articles from 42 local Texas newspapers. Articles that had been reprinted from other newspapers were removed from the sample, keeping only the first copy of the article. Articles were also removed from the sample if they briefly mentioned CCA or any of its facilities as a geographical reference point and did not discuss anything else about the corporation or its facilities. The data set consists of 297 articles after removing those that were repeated or were contextually irrelevant. The text of each article was then read and placed into a
Microsoft Excel spreadsheet. Several variables were collected, including the date the article was published, the name of the newspaper, the city that the newspaper is from, the title of the article, the tone of the article (favorable, neutral, unfavorable), the perceived framing type used, the categories within the framing type that was used, mentions of civil and human rights organizations and which facility/ies were discussed in the article.

We then selected articles that mentioned the T. Don Hutto facility (T. Don Hutto Correctional Center, T. Don Hutto Residential Center) and produced a usable sample of 62 articles which represent 20.8% of the dataset. This facility was chosen due to the fact that it was the most widely covered facility in the newspaper articles. The 13-year period of articles was used in order to capture the temporal context in which the print media portrayed the facility. The unique population held at this facility provides considerable insight into media portrayals of private prisons as this was one of only two facilities in the US that housed immigrant families and children on non-criminal charges at that time.

**Conceptualization of Moral, Instrumental, and Diversionary Framing**

This study uses the same conceptualization of moral and instrumental framing found in Burkhardt (2014). **Moral framing** was present if an article mentioned any of the following elements: (a) philosophy and/or ethics regarding private prisons; (b) imprisonment as the core responsibility of the government; (c) the proper role of the government in punishing individual; (d) private prisons undermining the legitimacy of the criminal justice system; or (e) injustice in privatization.

**Instrumental framing** was present if the articles mentioned any of the following elements: (a) control of inmates (escape, disturbance); (b) cost to government; (c) local economy (job creation/loss, effect on tax base, local business contracts with the facility); (d) relieving pressure on public facilities (private prisons as a means of accommodating growing prison populations); (e) programming (educational, vocational, rehabilitative); (f) staffing (including quality and quantity); or (g) treatment of inmates (health and well-being).

**Diversionary framing** was present when an article appeared to divert the readers’ attention from questions of legitimacy of private prisons by not mentioning former allegations, discounting the validity and truth of former allegations, blaming their position on a policy or state or governmental actor; or strictly focusing on aspects of the instrumental framing technique. Articles were coded as using moral framing, instrumental framing, both, diversionary and instrumental framing, all three (which suggested a fair representation of all sides of the argument), or no frame at all (which suggested there was no perception of framing present in the article).

The other variable that was coded denoted the print media’s portrayal of the facility. We used the conceptualization described in Blakely and Bum-
phus (2005) for this variable in order to capture if the local newspapers portrayed private prisons or the facility as favorable, neutral, or unfavorable. An article was considered Favorable if the title or content was complimentary to privatization and/or the facility. An article was considered Neutral if the title or content was neither favorable nor unfavorable to privatization and/or the facility. This type of portrayal was also used if the article equally represented both sides of the arguments. An article was considered Unfavorable if the title or content mentioned negative aspects of privatization and/or the facility or presented privatization or the facility as a negative social phenomenon.

FINDINGS

In this section, we discuss the findings from the study in the form of a content analysis and provide an overview of local Texas print media portrayals of the T. Don Hutto Correctional Center and the T. Don Hutto Residential Center.

Newspapers

Of the 42 newspapers included in the 297 article dataset, there were 12 newspapers that produced articles involving discourse about the T. Don Hutto Facility. The names of the newspapers, along with their location, the number of articles, and the percentage of the articles per newspaper (out of the 62 article sample) are contained in Table 1.

<table>
<thead>
<tr>
<th>Newspaper</th>
<th>City</th>
<th>n</th>
<th>Frequency %</th>
</tr>
</thead>
<tbody>
<tr>
<td>Abilene Reporter</td>
<td>Abilene</td>
<td>3</td>
<td>4.48%</td>
</tr>
<tr>
<td>Austin American-Statesman</td>
<td>Austin</td>
<td>19</td>
<td>30.66%</td>
</tr>
<tr>
<td>El Paso Times</td>
<td>El Paso</td>
<td>1</td>
<td>1.61%</td>
</tr>
<tr>
<td>Fort Worth Star Telegram</td>
<td>Fort Worth</td>
<td>1</td>
<td>1.61%</td>
</tr>
<tr>
<td>Houston Chronicle</td>
<td>Houston</td>
<td>15</td>
<td>24.20%</td>
</tr>
<tr>
<td>Laredo Morning News</td>
<td>Laredo</td>
<td>1</td>
<td>1.61%</td>
</tr>
<tr>
<td>Lubbock Avalanche</td>
<td>Lubbock</td>
<td>2</td>
<td>3.22%</td>
</tr>
<tr>
<td>San Antonio Current</td>
<td>San Antonio</td>
<td>12</td>
<td>19.36%</td>
</tr>
<tr>
<td>San Antonio Express</td>
<td>San Antonio</td>
<td>3</td>
<td>4.48%</td>
</tr>
<tr>
<td>The Beaumont Enterprise</td>
<td>Beaumont</td>
<td>1</td>
<td>1.61%</td>
</tr>
<tr>
<td>The Eagle</td>
<td>Bryan-College Station</td>
<td>2</td>
<td>3.22%</td>
</tr>
<tr>
<td>The Victoria Advocate</td>
<td>Victoria</td>
<td>2</td>
<td>3.22%</td>
</tr>
</tbody>
</table>
Table 1 shows that the top three newspapers that produced articles of interest were the Austin American-Statesman (30.66%), the Houston Chronicle (24.20%) and the San Antonio Current (19.36%) accounting for 74.22% of the articles included in the sample. This finding is not surprising, as the Houston Chronicle (#14) and the Austin American-Statesman (#56) fall into the top 100 U.S. newspapers based on their circulation (paperboy.com). One interesting finding in regard to the newspapers that reported on this topic is that the Dallas Morning News (ranked #12 on the list of top 100 U.S. newspapers) did not mention this facility, and the local newspapers that did report on this facility were sporadic yet still closer in proximity in terms of the location of the city in relation to the T. Don Hutto Facility. Perhaps one explanation of why Dallas Morning News did not mention this facility was the fact that Hodges Mutual Funds (who owns stocks in CCA) is based in Dallas; after further examination into the original dataset, we found four articles between July 9, 2001, and January 18, 2005, published in Dallas Morning News that discussed CCA stocks owned by Hodges Mutual Funds and the increases in the value of these stocks over this period.

**Media Portrayal**

The articles were also coded using the typologies from Blakely and Bumphus (2005) that categorize media portrayals as favorable, neutral, or unfavorable. Table 2 shows that 12.9% (n = 8) of the articles were favorable, while 22.6% (n = 14) were neutral and 64.5% (n = 40) were unfavorable.

<table>
<thead>
<tr>
<th><strong>Favorability</strong></th>
<th><strong>n</strong></th>
<th><strong>Frequency %</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Favorable</td>
<td>8</td>
<td>12.9%</td>
</tr>
<tr>
<td>Neutral</td>
<td>14</td>
<td>22.6%</td>
</tr>
<tr>
<td>Unfavorable</td>
<td>40</td>
<td>64.5%</td>
</tr>
</tbody>
</table>

The excerpts below provide examples of favorable, neutral, and unfavorable portrayals found within the articles included in the sample. The articles that were coded as neutral typically provided straightforward informative discourse or equal representation of both sides of the debate.

**Favorable:** Under a recently signed contract with the federal agency, the private prison owned by Corrections Corporation of America will hire employees and modify the facility to accommodate the new inmates, company spokesman Steve Owen said. With the expected new jobs, the prison could be among the top employers in Taylor. (*Austin American-Statesman*, 1/26/2006.)
Neutral: Williamson County officials agreed Tuesday to prepare a notice telling the federal government they plan to end a contract next year for a detention center that houses immigrant families. The federal government pays about $2.8 million each month—or about $180 a day per person—to house the detainees. The bulk of the money goes to CCA. Announcement of the deal came as a trial was about to start over allegations the children were held in prison-like conditions at the center. Some of the changes include installing privacy curtains around toilets, adding a full-time pediatrician and eliminating a counting system that required families to be in their cells 12 hours a day. (*The Eagle*, 10/3/2007)

Unfavorable: Call it Kidmo—a supposedly family-friendly version of the Guantanamo Bay detention center deep in the heart of Texas. While the T. Don Hutto Family Residential Center houses mostly “Other-Than-Mexican” immigrant families instead of suspected terrorists, including more than 200 children from 30 countries, the policy of hide, deny, and dodge civil-rights law is unmistakably familiar. (*San Antonio Current*, 5/22/2007)

The findings in Table 2 suggest that newspaper articles that discussed Corrections Corporation of America and the T. Don Hutto Facility portrayed the facility and/or Corrections Corporation of America in an unfavorable manner (*n* = 40, 64.5%). This is not consistent with the findings in Blakely and Bumphus, (2005) who suggested that over time, the print media’s portrayal of private prisons became more neutral. In this study, the favorable articles were found in the first few years of the facility being repurposed, renamed, and restocked with immigrant families and were virtually non-existent after March 17, 2007.

Rights Organizations

It is not uncommon for civil rights organizations to assist with the procurement of prisoners’ rights, complaints, and lawsuits filed against prisons. This particular facility and its detainees, however, elicited assistance from several human rights organizations and legal resources. Table 3 shows the names of the 22 rights organizations and the number of times they were mentioned in the articles included in the sample. These percentages are not a direct representation of how involved each organization was regarding this facility.
### Table 3 Frequencies of Rights Organizations Mentioned

<table>
<thead>
<tr>
<th>Name of Organization</th>
<th>n</th>
<th>% of total</th>
</tr>
</thead>
<tbody>
<tr>
<td>ACLU</td>
<td>21</td>
<td>31.35%</td>
</tr>
<tr>
<td>American Civil Rights League of Texas</td>
<td>1</td>
<td>1.49%</td>
</tr>
<tr>
<td>Amnesty International</td>
<td>2</td>
<td>2.99%</td>
</tr>
<tr>
<td>Border Ambassadors</td>
<td>1</td>
<td>1.49%</td>
</tr>
<tr>
<td>Code Pink</td>
<td>1</td>
<td>1.49%</td>
</tr>
<tr>
<td>Detention Watch Network</td>
<td>1</td>
<td>1.49%</td>
</tr>
<tr>
<td>Grassroots Leadership</td>
<td>4</td>
<td>5.97%</td>
</tr>
<tr>
<td>Immigration Reform Effort</td>
<td>1</td>
<td>1.49%</td>
</tr>
<tr>
<td>Justice Strategies</td>
<td>1</td>
<td>1.49%</td>
</tr>
<tr>
<td>LULAC</td>
<td>4</td>
<td>5.97%</td>
</tr>
<tr>
<td>Lutheran Immigration and Refugee Services</td>
<td>2</td>
<td>2.99%</td>
</tr>
<tr>
<td>National Immigration Law Center</td>
<td>1</td>
<td>1.49%</td>
</tr>
<tr>
<td>Racial Justice Program</td>
<td>1</td>
<td>1.49%</td>
</tr>
<tr>
<td>Texas Civil Rights Project</td>
<td>3</td>
<td>4.47%</td>
</tr>
<tr>
<td>Texas Indigenous Council</td>
<td>2</td>
<td>2.99%</td>
</tr>
<tr>
<td>Texas Jail Project</td>
<td>1</td>
<td>1.49%</td>
</tr>
<tr>
<td>Texans United For Families</td>
<td>4</td>
<td>5.97%</td>
</tr>
<tr>
<td>University of Texas Law School Immigration Clinic</td>
<td>10</td>
<td>14.93%</td>
</tr>
<tr>
<td>Women's Commission for Refugee Women and Children</td>
<td>5</td>
<td>7.46%</td>
</tr>
</tbody>
</table>

The American Civil Liberties Union (ACLU) was mentioned most frequently ($n = 21, 31.35%$), followed by the University of Texas Law School Immigration Clinic ($n = 10, 14.93%$). Both entities helped file lawsuits against ICE and Corrections Corporation of America regarding the treatment of children and pregnant women while detained at the T. Don Hutto Residential Center. The third most frequently mentioned rights organization was the Women's Commission for Refugee Women and Children ($n = 5, 7.49%$), followed by Grassroots Leadership ($n = 4, 5.97%$), League of United Latin American Citizens (LULAC) ($n = 4, 5.97%$), and Texans United for Families ($n = 4, 5.97%$).

### Framing Typology

Table 4 lists the types of framing used to suggest legitimacy based on Burkhardt (2014) and Freudenburg and Alario (2007). Frames are divided into sections (moral, instrumental, moral/instrumental, moral/instrumental/diversionary, and instrumental diversionary). Combining these legitimacy framing techniques was necessary because many articles shared traces of different kinds of legitimacy frameworks (mostly moral and instrumental), while others only expressed one type of legitimacy framing. At times, both moral and instrumental framing were used along with evidence of diversionary framing. However, it is interesting to note that moral legitimacy and diversionary framing were never used in the same article. The following
Table 4 shows these different categories of framing, the number of times that each was seen as favorable, neutral or unfavorable, the frequency of usage for each category, and the percentage represented out of all 62 articles.

### Table 4 Frequencies of Legitimacy Framing Techniques and Favorability

<table>
<thead>
<tr>
<th>Legitimacy Frame</th>
<th># Favorable</th>
<th># Neutral</th>
<th># Unfavorable</th>
<th>n</th>
<th>% of total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Moral</td>
<td>0</td>
<td>0</td>
<td>5</td>
<td>5</td>
<td>8.06%</td>
</tr>
<tr>
<td>Instrumental</td>
<td>2</td>
<td>9</td>
<td>13</td>
<td>24</td>
<td>38.71%</td>
</tr>
<tr>
<td>Moral/Instrumental</td>
<td>0</td>
<td>1</td>
<td>20</td>
<td>22</td>
<td>35.48%</td>
</tr>
<tr>
<td>Instrumental/Diversionary</td>
<td>6</td>
<td>0</td>
<td>0</td>
<td>6</td>
<td>9.67%</td>
</tr>
<tr>
<td>Moral/Instrumental/Diversionary</td>
<td>0</td>
<td>1</td>
<td>1</td>
<td>2</td>
<td>3.23%</td>
</tr>
<tr>
<td>No Framing</td>
<td>0</td>
<td>3</td>
<td>0</td>
<td>3</td>
<td>4.85%</td>
</tr>
</tbody>
</table>

Table 4 shows that instrumental legitimacy framing was used most often (n = 24, 38.71%). Articles that used this type of framing mentioned aspects pertaining to the facility (such as costs, local economic impact, relieving pressures of overcrowding in public facilities, programs, and the treatment of inmates) to suggest legitimacy or to question the legitimacy of the facility and the corporation. The following sections give an example for each scenario.

**Suggesting legitimacy through instrumental framing**

“The county will earn $1 per day for each inmate at the facility, which could mean more than $200,000 annually if the prison is at capacity,” Zinsmeyer said. That money will be put in the general fund, which pays for most county services. (*Austin American-Statesman*, 1/26/2006)

**Questioning legitimacy through instrumental framing**

They took her to Hutto, a place they described as like a home, with school, recess, doctors, good food and visitation with family. She says Hutto was nothing like that. She described rising before dawn, cold showers, tasteless food, heartless guards, lagging medical care and other conditions made even more difficult by the fact that she is eight months pregnant. (*Houston Chronicle*, 2/17/2007)

The second most common category of framing was moral/instrumental framing of legitimacy (n = 22, 35.48%). Articles were coded as using this category of framing if they mentioned aspects or goals of the facility or corpora-
tion such as costs, local economic impact, relieving pressures of overcrowding in public facilities, programs, and treatment of inmates (instrumental) along with philosophy and/or ethics regarding private prisons, imprisonment as the core responsibility of government, the proper role of government in punishing individuals, private prisons undermining the legitimacy of the criminal justice system, or injustices present in privatization (moral). The following excerpts provide two examples of articles that were coded in this way:

“Our objective is to shut this thing down and to shut down any kind of consciousness that would exploit humans who are in desperate straits”….Frances Valdez, an attorney with the Immigration Clinic at the University of Texas School of Law who has visited clients at the facility, said detainees have reported receiving substandard medical care and becoming ill from food served at the jail. (*Austin American-Statesman*, 12/15/2006).

Another article with the headline “Same Dog, Different Collar” expressed similar sentiments:

But to *Díaz*, it’s semantics: The government concedes that children should not be imprisoned in “criminal” facilities, he says, so it renames the facility in order to make them more palatable. “In other words: Family Shelter Care Facility my butt.” “They can call it whatever they want to call it,” *Díaz told the Current.* “But if families are not free to go, it’s still a detention center”. “We used Berks as a template of what we wanted Hutto to look like but, in my mind, a golden cage is still a cage.” “If you’re not free, you’re not free.” (*San Antonio Current*, 8/12/2009)

The previous excerpt provides an example of moral/instrumental legitimacy framing because it touches on the moral aspect regarding the philosophy and ethics surrounding the exploitation of humans in this private facility as well as the instrumental aspect of the facility in terms of the treatment of inmates.

Instrumental/diversionary framing (*n* = 6, 9.67%) and moral legitimacy framing (*n* = 5, 8.06%) ranked as the third and fourth most used frames in the sample.

**Questioning legitimacy through moral framing**

The *Houston Chronicle’s* editorial board (*Express-News*’ brother, which actually makes reasonable declarations) has called for the closure of Hutto, stating, “It is inhumane and shameful and is a draconian response to an immigration issue that
could and should be handled in a responsible, nonpenal manner." (San Antonio Current, 4/3/2007)

Suggesting legitimacy through instrumental/diversionary framing
During the tour, Mead led visitors into a check-in room where teddy bears waited to be given to small children, through a clinic bustling with health workers attending to patients, and to a classroom where children worked on computers with flat-screen monitors. Reporters saw immigrant detainees playing basketball, pushing their children back and forth on a swing and interacting with the staff during the one hour of recreation each day. (Fort Worth Star-Telegram, 2/10/2007)

The first excerpt touches on the moral aspect pertaining to the proper role of the government in punishing individuals and has overtones related to this private facility undermining the legitimacy of the criminal justice system. The second excerpt is from an article that briefly mentions opposition to the facility by rights organizations but then focuses strictly on the positive instrumental aspects of the facility which discount the rights organization's claims and concerns. This example does not fully fit the description of diversionary framing since there is a mention of questionable legitimacy by civil rights organizations. We argue that the massive publicity of this facility after its repurposing, renaming, remodeling, and after the challenges by civil rights organizations necessitated a brief mention of opposition. However, the fact that the rest of the article focuses on positive instrumental aspects of the facility, such as the treatment of inmates, leads us to classify the article as diversionary.

There were only two articles that were coded as using moral/instrumental/diversionary framing which represented only 3.23% of the total number of articles. These two articles presented fair representations of both sides of the argument and were coded as diversionary framing due to the notion that ICE and CCA were given an opportunity to defend their position. However, this is not an example of true diversionary framing in its original definition. The following excerpt provides an example of an article that fairly represented both sides of the argument while providing ICE room for defending its position.

An Immigration and Customs Enforcement agency spokeswoman confirmed that daily classroom instruction has expanded from one hour to four at the 512-bed T. Don Hutto Residential Center, one of two in the country that detain families and children on noncriminal charges while the government determines whether they should be deported... “The primary focus of the education component is to make certain that these children are receiving the best academic structure they can during the time they’re in the facility,” Pruneda said.
Rebecca Bernhardt, immigration, border and national security policy director for the American Civil Liberties Union of Texas, said more can be done to make the detention center more humane. “But in the end, that’s not really the point,” Bernhardt said. “The point is that detaining young children and their parents who don’t have any criminal violations, in some cases for very long periods of time, is just wrong.” Federal officials say the T. Don Hutto facility was designed for families and is a humane way to maintain family unity while enforcing immigration laws. *(Austin American-Statesman, 1/24/2007)*

This article presents fair arguments for both sides of the debate and utilizes both instrumental and moral legitimacy framing while allowing ICE to counter or discount the claims made by the rights organizations. Finally, it is worth noting that there were no articles that were favorable and used the moral/instrumental legitimacy frame. In other words, all of the articles that used moral/instrumental legitimacy were framed in a way that questioned the legitimacy of ICE and/or the facility and its operator (CCA). Further, no articles were published that focused on the moral necessity of this facility. However, arguments were made quite often regarding its instrumental necessity (“catch-and-keep”).

**FRAMING TYPOLOGIES ACROSS NEWSPAPERS**

Different newspapers use different framing methods to portray a message in a particular way. For instance, Burkhardt (2014) noticed that among the four newspapers he examined, moral legitimacy framing was used most often by the two newspapers situated in states that did not contract out to private prisons *(New York Times, Chicago Tribune)*. The fact that all of the articles included in this study are from local Texas newspapers adds a new aspect when exploring this phenomenon. Table 5 shows each newspaper’s frequency of usage for each framing typology. The three articles that did not appear to use any type of framing are not included in this table.
Table 5 Legitimacy Framing Use by Newspaper

<table>
<thead>
<tr>
<th>Newspaper</th>
<th>Moral</th>
<th>Instrumental</th>
<th>Moral/Instrumental</th>
<th>Instrumental/Diversionary</th>
<th>Moral/Instrumental/Diversionary</th>
</tr>
</thead>
<tbody>
<tr>
<td>Abilene Reporter</td>
<td>0</td>
<td>2</td>
<td>1</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Austin American-Statesman</td>
<td>2</td>
<td>8</td>
<td>4</td>
<td>3</td>
<td>1</td>
</tr>
<tr>
<td>El Paso Times</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Fort Worth Star Telegram</td>
<td>6</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>Houston Chronicle</td>
<td>0</td>
<td>8</td>
<td>4</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Laredo Morning News</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Lubbock Avalanche</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>San Antonio Current</td>
<td>1</td>
<td>2</td>
<td>8</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>San Antonio Express</td>
<td>0</td>
<td>2</td>
<td>1</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>The Beaumont Enterprise</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>The Eagle</td>
<td>0</td>
<td>1</td>
<td>1</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>The Victoria Advocate</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>1</td>
<td>0</td>
</tr>
</tbody>
</table>

Table 5 shows that instrumental legitimacy framing was used most often in the *Houston Chronicle* (*n* = 8) and the *Austin American-Statesman* (*n* = 8) compared to the moral/instrumental legitimacy frame which was used four times in both newspapers. The *San Antonio Current* used the moral/instrumental argument twice as often as any other newspaper while neither San Antonio newspaper used any form of diversionary framing. In fact, two of the four newspapers that did use some form of diversionary framing are in the top 100 U.S. newspapers based on their circulation (*Houston Chronicle*, #14; *Austin American-Statesman*, #56). These findings suggest that newspapers with higher circulation numbers are more likely to employ instrumental legitimacy framing and diversionary framing than newspapers that have
a smaller circulation, and that newspapers with higher circulation numbers are less likely to use moral/instrumental framing.

Our findings also suggest that the San Antonio Current may be using the moral/instrumental legitimacy frame due to Hispanics and Latino/as that reside in San Antonio and the fact that this newspaper is a more locally circulated paper compared to the San Antonio Express. This framing technique touches on both aspects of the facility including the ethical and philosophical concerns about legitimacy and the inner working of the facility including cost and the treatment of the “detainees,” which may elicit more sympathy from local minorities, especially Hispanic and Latino/a minorities. The facts that the San Antonio Express is among the top 100 U.S. newspapers, that it did not utilize moral/instrumental legitimacy framing as often as instrumental legitimacy framing, and that it only reported on this facility three times compared with the San Antonio Current (11 times) further support these suggestions. Using these data, it is reasonable to conclude that the demographics of a city in which a newspaper is circulated influence the type of legitimacy framing that is used. However, this premise is difficult to generalize to other papers and facilities due to the rare/unique topic of discourse included in this sample.

Framing aspects

The framing categories mentioned in the articles and their frequencies and total mentions are shown in Table 5 and Table 6 and are separated by the legitimacy frame to which they relate.

Table 6 Frequencies of Moral Legitimacy by Category

<table>
<thead>
<tr>
<th>Conceptualization Category</th>
<th>Frequency</th>
</tr>
</thead>
<tbody>
<tr>
<td>Philosophy and/or ethics regarding private prisons</td>
<td>8</td>
</tr>
<tr>
<td>Imprisonment as the core responsibility of the government</td>
<td>1</td>
</tr>
<tr>
<td>The proper role of the government in punishing individuals</td>
<td>12</td>
</tr>
<tr>
<td>Private prisons undermining the legitimacy of the criminal justice system</td>
<td>17</td>
</tr>
<tr>
<td>Injustice in privatization</td>
<td>13</td>
</tr>
<tr>
<td>Total</td>
<td>51</td>
</tr>
</tbody>
</table>
Table 7 Frequencies of Instrumental Legitimacy by Category

<table>
<thead>
<tr>
<th>Conceptualization Category</th>
<th>Frequency</th>
</tr>
</thead>
<tbody>
<tr>
<td>Control of inmates</td>
<td>0</td>
</tr>
<tr>
<td>Cost to government</td>
<td>14</td>
</tr>
<tr>
<td>Local economy</td>
<td>14</td>
</tr>
<tr>
<td>Relieving pressure on public facilities</td>
<td>3</td>
</tr>
<tr>
<td>Programming</td>
<td>14</td>
</tr>
<tr>
<td>Staffing</td>
<td>8</td>
</tr>
<tr>
<td>Treatment of inmates</td>
<td>40</td>
</tr>
</tbody>
</table>

Total 93

These tables show that the most common topic mentioned was the treatment of inmates, or in this case “detainees” \( n = 40 \), followed by mentions of the private facility undermining the legitimacy of the criminal justice system \( n = 17 \). Tied for third was discourse regarding the cost of government, the local economy, and programs within the facility \( n = 14 \). These findings show that the discourse within the articles revolved around aspects of instrumental legitimacy more so than moral legitimacy. This finding suggests that the treatment of “detainees” is a central focus followed by questions of private prisons undermining the legitimacy of the criminal justice system and aspects related to cost, earnings, and programs available within the facility. Some of these findings are consistent with the literature in regard to the media portrayals being closely associated with profits (Blakely & Bumphus, 2005). However, there is a unique aspect of this sample in that each article is focusing on an immigration facility that holds non-Mexican immigrant families including men, pregnant and non-pregnant women, and children on non-criminal charges while other research has focused on the broader spectrum of private prisons in the media. Adding to the literature is the suggestion that when a detained population includes immigrant children and individuals who are not criminally charged and are virtually helpless, the facility will not only receive considerable amounts of media attention but this attention will be unfavorable to all entities involved (Williamson County, ICE, DHS, and CCA).

**DISCUSSION**

This study examined print media portrayals of the T. Don Hutto Correctional Center from before its initial announcement of closure due to a loss of profits, through its repurposing and renaming as the T. Don Hutto Residential Center for non-Mexican immigrant families, and its eventual repurposing into a facility for female non-Mexican undocumented immigrants only. This
study expanded on the limited literature surrounding media portrayals of prison privatization. Our findings are somewhat consistent with previous research. Supporting Welch, Weber and Edwards (2000), our study also suggests that programs and healthcare (treatment of inmates) were some of the most commonly reported aspects of private prisons. However, violence was the most common topic of discourse in their study while discussions of violence were virtually non-existent in our sample. Contrary to Welch, Weber and Edwards (2000), the current study did not find that the politicization of punishment and the criminal justice system by politicians and government officials bolstered any support for their political agendas, nor were there many articles that seemed to “legitimize state power through the distribution of punishment” (p. 260). The level of publicity and the involvement of civil rights organizations, along with the unique nature of this particular facility and the negative attention it received is what likely led us to have different findings. Our findings are based on the rare presence of articles that portrayed the institution favorably and used either instrumental legitimacy framing or instrumental/diversionary framing. This study also suggests that perhaps the demographics of a particular newspaper’s circulation population may play a role in the decision to print articles in local newspapers that use moral legitimacy framing as opposed to instrumental legitimacy and diversionary framing. This may not hold true for other topics discussed in newspapers. However, it was apparent that this holds true for this analysis given the nature of immigrant detention.

This study also found mixed results when compared with Blakely and Bumphus (2005) in regard to print media portrayals of private prisons and the topics of discourse. For instance, our study found that unfavorable portrayals regarding operational quality (inmate treatment) were far more common than neutral portrayals and topics such as financing, politics, and overcrowding. However, our study does support their claims that private prisons have been “increasingly unwilling to disclose even basic information about its operations” (p. 74). Several articles in our study discussed the number of inmates along with their characteristics before the first media tour of the facility was conducted. After this media tour, CCA and ICE began limiting the information that they were releasing about the detainees and even denied United Nations Special Rapporteur on the Human Rights of Migrants, Jorge Bustamante, access to the facility after the tour. This may be due to the agencies attempting to protect their proprietary information as a private company, or it may have happened in response to lawsuits filed by rights organizations shortly after the tour. Regardless of the cause, our study shows support for this claim.

This study also supports Burkhardt (2014) in regard to the use of instrumental framing. Burkhardt noted that in his sample, instrumental legitimacy framing was used far more often than moral legitimacy framing. However, he found that cost was the main topic of discourse in his sample while our study
found that the treatment of inmates was mentioned more often than cost, followed by the notion that private prisons undermine the legitimacy of our criminal justice system. In our study, government cost, local economic benefit, and discussion about programs all tied for third. This study also adds a unique contribution to what researchers know about the use of diversionary framing. In our study, we did not often see the use of diversionary framing, which we attribute to the level of publicity given to the concerns, lawsuits, and opposition presented by the rights organizations along with the unique nature of this facility (detaining children). We suggest that there was very little use of diversionary framing because it is difficult for the media to ignore the criticism of and opposition to CCA and ICE. True diversionary framing was only seen in six articles, of which two were written before the facility began housing this particular population. It is also worth noting that there is no mention of the facility in the original dataset (January 1, 2000 through December 31, 2013) until March 26, 2004 when the *Austin American-Statesman* published an article about low inmate population numbers at the T. Don Hutto Correctional Center. The sample also showed that after the facility was repurposed to house only female non-Mexican undocumented immigrants, local Texas print media stopped reporting on the facility.

This finding suggests that the outrage was due to the implications associated with housing children in a prison setting on non-criminal charges. Our study also supports other research (Hincle, 1996; Talbott, 1989; Yeung, 2003; Zaner, 1989) in that different facilities allow different levels of access for the media depending on the type of facility, who is operating the facility (public or private), and who is being housed in the facility (Hincle, 1996; Talbott, 1989; Yeung, 2003; Zaner 1989). Our conclusion is based on lengthy discussions in several of the newspaper articles that mentioned the denial of access to United Nations Special Rapporteur on the Human Rights of Migrants, Jorge Bustamante. Interestingly, after the first media tour was given at the repurposed facility, media was also denied further access. When speculating about why such a prominent newspaper such as *Dallas Morning News* did not report on this facility at all, we noticed that in the original dataset Hodges Mutual Funds regularly reported on valuable stocks that they owned, one of which was CCA stocks. This appeared in four articles between July 9, 2001, and January 18, 2005. Perhaps *Dallas Morning News* has an obligation to their customer (Hodges Mutual Funds) that outweighs any obligation they have to report newsworthy information to the public.

One limitation of this study is that it focuses only on local Texas newspapers and does not include other media sources such as local television news reports, which may have provided more information on how this facility was portrayed in the media. Another limitation is that these findings are not necessarily generalizable to all private prisons given the unusual nature of this particular facility and the unique nature of detaining immigrant children on non-criminal charges in a prison setting.
CONCLUSION

In sum, this study provides unique insight into the ways that the local print media portrays private prisons, particularly the T. Don Hutto Residential Center. This study shows the power that the media have in shaping public opinion on this topic. Our study adds to the literature by examining the exclusive nature of this private prison facility when compared with other private prisons that do not house such specialized populations. We conclude that the unique nature of this facility’s population, concerns for the children being housed in it, the involvement of several civil and human rights organizations, and the use of unfavorable instrumental and moral legitimacy framing by the local print media contributed to the unfavorable attention ICE, CCA, and the facility received in local Texas newspapers.

We suggest that the factors discussed above, along with the help of the local print media, may have largely attributed to the eventual repurposing of this facility. However, the use of private undocumented immigrant family detention facilities has not slowed down. In fact, they have become more prevalent, particularly in Texas, as the South Texas Residential Center and the Karnes County Residential Center have opened. It is interesting to note that these facilities have received considerable criticism since their recent openings as well. Furthermore, there seems to be no end to advocacy group involvement and pending lawsuits claiming poor conditions and inadequate medical treatment at these facilities along with cases that cite Flores and argue for the release of children and mothers from these facilities. Future research should focus on public and private undocumented immigrant family detention facilities that have opened in other states by examining print media, social media, television news reports, and other media outlets to help determine if there are differences in which topics and framing techniques dominate media coverage. This would allow researchers the opportunity to explore how media portrayals legitimize or delegitimize immigrant detention facilities and to determine if there are different types of framing used when discussing public and private detention facilities.

REFERENCES


**AUTHOR BIOGRAPHIES**

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The School-to-Prison Pipeline: How Roles of School-Based Law Enforcement Officers May Impact Disciplinary Actions

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Abstract
The presence of law enforcement officers in schools has generated an overwhelming amount of concern among educators, parents, researchers, and policy-makers. It is believed their mere presence in schools is associated with the school-to-prison pipeline (STPP), which suggests that the use of police criminalizes minor student behavior and pushes them into the juvenile and criminal justice systems. However, it remains unclear as to what impact law enforcement officers truly have on this phenomenon. The purpose of this study is to examine the impact of law enforcement officers on the STPP in relation to the roles they are assigned. We argue that an officer’s role impacts how they choose to respond to student misconduct, which ultimately could impact this pipeline. Interviews were conducted with school-based law enforcement officers in Texas and each was analyzed to identify common themes. The findings suggest a difference between the disciplinary actions officers perform compared to alternative disciplinary actions they believe would be more effective for handling different types of student infractions. The findings also suggest an association between the roles officers have and the types of disciplinary action they perform, which has direct implications for examining and addressing the STPP. Future research should focus on assessing a relationship between the types of training officers receive and the roles in which they are tasked.

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INTRODUCTION

In the last decade, the increasing presence of law enforcement officers in schools as a strategy to address school safety has generated an overwhelming amount of concern among educators, parents, researchers, and policymakers. Although the use of this strategy has increased among schools, often propelled by highly publicized school shootings, it has also been associated with the so-called “school-to-prison pipeline” (Dohrn, 2002; Kupchik, 2010; Meiners, 2011; Price, 2009; Theriot, 2009). The concept suggests that the mere use of police officers in schools criminalizes minor student behavior, and results in severe punishment(s) that typically involves adjudication through the formal justice system (Theriot, 2009). Addressing relatively minor offenses through legal approaches, such as ticketing, arrest, and court referrals, can have serious implications for students who are subjected to these types of responses by law enforcement officers in schools (Wolf, 2013).

These forms of discipline often result in removal from the educational setting, which can negatively impact future educational and career opportunities as well as promote perpetual involvement in the criminal justice system (Wolf, 2013). Specifically, a vast amount of research suggests that students who experience legal punishment are more likely to suffer from low academic performance or drop out of school (see Kang-Brown, Trone, Fratello, & Daftary-Kapur, 2013; Lee, Cornell, Gregory, & Fan, 2011; Stearns & Glennie, 2006; Suh, Suh, & Houston, 2007; Sweeten, 2006). Further, reports indicate certain student populations (e.g., African American, disabled, and LGBT) are disproportionally disciplined compared to their peers (American Psychological Association Zero Tolerance Task Force, 2008; Himmelstein & Bruckner, 2010; Skiba, Horner, Chung, Raush, May, & Tobin, 2011; U.S. Department of Education Office for Civil Rights, 2014). Therefore, these groups of students may be at an even greater risk of experiencing the long-term consequences of their punishment.

These more punitive discipline outcomes for all students are believed to be attributed in part to the increased presence of law enforcement officers in schools; however, we believe other factors must be considered prior to making such a determination. One such factor is the roles that school-based law enforcement officers (SBLE) have in a school setting. That is, the role an officer is given likely influences the types of responses they employ when addressing student misconduct. For instance, if an officer is tasked strictly in a law enforcement capacity, one would expect that they would use the legal tools that they have been trained to use (i.e., arrest and ticketing) when addressing student misconduct. However, if an officer is tasked with a coun-
seling-focused role, they may use other alternatives such as de-escalation techniques or some form of positive behavioral intervention and supports (PBIS). The roles officers have in a school setting vary and may correspond with certain approaches to student discipline.

These roles are also often established through a collaborative approach between school administrators and police leadership (McKenna, Martinez-Prather, & Bowman, 2014). However, it is possible this collaboration may produce roles that lead to an over-reliance on SBLEs, which results in police officers handling issues more appropriate for school administrators. For instance, if an officer is expected and trained to fill a strictly law enforcement role, yet they are constantly called on by administrators and other school staff to address code of conduct violations that are not criminal in nature, it is likely they may respond with what they know as their role, which is a legal response (i.e., arrest or ticket). This could lead to officers handling situations of student misconduct that do not fall in line with their role or training.

The most documented and accepted model for integrating police officers in a school setting is known as the “triad model,” which provides officers with three main functions: (a) enforcement, (b) education, and (c) mentoring (Kennedy, 2001). However, prior research (Dohrn, 2002; Kupchik, 2010; Meiners, 2011; Price, 2009; Theriot, 2009) that has indicated a relationship between the use of law enforcement in schools and the school-to-prison pipeline does not consider how the roles of SBLEs may impact this relationship. Thus, the negative contribution of law enforcement officers to the pipeline may be a function of the roles they play, and not their mere presence in schools.

LITERATURE REVIEW

A Shift toward More Punitive School Discipline

The implementation of zero-tolerance policies was originally a strategy developed to succor state and federal drug enforcement policies in the 1980s (American Psychological Association (APA) Zero Tolerance Task Force, 2008; Skiba & Rausch, 2006; Teske, 2011). In the 1990s, however, zero-tolerance approaches were adopted by schools as a way to address violence and drugs, and were accompanied by an assortment of school discipline techniques, most notably out-of-school suspensions (OSS) (Teske, 2011). The philosophy behind zero-tolerance in schools describes a system of fixed punitive strategies toward addressing school disorder or a “one size fits all” punishment, even for minor infractions (APA Zero Tolerance Task Force, 2008). This approach is rooted in broken windows theory, which posits that crime prevention is best accomplished by punitively targeting minor offenses to deter an escalation of more serious crimes (Teske, 2011; Wilson & Kelling, 1982).

The APA Zero Tolerance Task Force (2008), however, suggests the use of zero-tolerance policies in schools is excessive and ineffective. For example,
minor school infractions, such as truancy or classroom disruptions, may be punished unduly with OSS. Additionally, the counterproductive nature of zero-tolerance policies is evident in the punishment of suspending a student from school for truancy, who does not want to be in school in the first place (Teske, Huff, & Graves, 2013). Supporters of zero tolerance policies have suggested that these types of policies are needed in order to remove the threat immediately (i.e., the violent student) as well as send a deterrent message to other students who may consider acting in a similar way (APA Zero Tolerance Task Force, 2008). However, no research has been conducted to test the impact or effectiveness of these claims. Additionally, Gregory and Cornell (2009) concluded that zero-tolerance policies, from a developmental perspective and process, are not in line with what adolescents need. Specifically, relying on prior research conducted on different parenting styles, they concluded that children of authoritative parents have shown negative outcomes in several different areas (e.g., academic and social). Gregory and Cornell (2009) further suggested that these findings should be applied to the school setting in order to implement a discipline system that accounts for both structure and support. Based upon this research, they proposed an alternative approach to discipline that provides for support rather than control, while also allowing for structure.

Recently, zero-tolerance policies have been further intensified with the increased placement of police officers in schools, who have been viewed as criminalizing student misbehavior through arrests, ticketing, and court referrals (Teske et al., 2013). A study of Clayton County, Georgia, middle and high school campuses found that, after placing police officers in schools during the mid-1990s, the number of juvenile court referrals had increased by 1,248% by the year 2004 (Teske, 2011). Many of these court referrals were for minor offenses previously addressed by school personnel. As zero-tolerance policies continue to extend to a broad range of student misconduct (e.g., dress code violations, swearing, and talking back to a teacher), school police officers are being tasked, often under the direction of school administration, with handling misbehavior that is arguably more appropriate for educators to address (Brown, 2006; Martinez, 2009).

Despite the evidence of negative effects on students, schools, and the courts, teachers and school administrators are increasingly relying on zero-tolerance policies coupled with SBLEs for rule and/or law enforcement functions in schools (Price, 2009). Behavior problems that were once handled by teachers and school administrators are now being referred to SBLEs, with the increased likelihood of arrest and/or other legal sanctions (Theriot, 2009). Further, Dohrn (2002) stated that teachers are frequently relying on SBLEs to handle discipline issues in class and failing to work with students that may need attention as was typically given in the past. Meiners (2011) suggested this may be because teachers do not know what to do with disrup-
The rigid implementation of zero-tolerance strategies has also stymied school police officers' use of discretion for handling incidents on a case-by-case basis, resulting in more punitive responses such as ticketing or arrests (American Psychological Association Zero Tolerance Task Force, 2008). The use of SBLEs has been found to redefine the discipline philosophy of a campus and make it criminal in nature. In other words, behavior problems and students become the responsibility of the criminal justice system and are no longer social, psychological, or academic issues. This ultimately increases the likelihood of arrest and/or formal prosecution in the justice system (Na & Gottfredson, 2011). Subsequently, the use of officers in schools has been highlighted as one of the key components influencing the school-to-prison pipeline (Dohrn, 2002; Kupchik, 2010; Meiners, 2011; Price, 2009; Theriot, 2009). It appears the increased use of police, combined with zero-tolerance policies, creates a school environment that lends itself to addressing student misconduct with more punitive discipline.

The School-to-Prison Pipeline

This more punitive environment has led schools to utilize measures that refer students engaging in problem behavior, especially minor infractions, to the formal legal system rather than handling them through traditional measures (e.g., detention). This concept has been coined the “school-to-prison pipeline” (American Civil Liberties Union, 2012; Fowler, 2011; Meiners, 2011; Wald & Losen, 2003). The American Civil Liberties Union (2008, p.1) defines the school-to-prison pipeline as “the policies and practices that push school children, especially the most at-risk children, out of classrooms and into the juvenile and criminal justice systems.” One particular practice that has been identified as contributing to the school-to-prison pipeline is the mere use of law enforcement in the school environment. Dohrn (2002) concluded that the use of police in schools creates a “prison-like” environment. Similarly, Meiners (2011) stated that on-site police officers give the campus environment the feel of a juvenile detention center rather than a school and concluded that placing officers in schools will not make them safer and will only increase the school-to-prison pipeline. The evidence supporting criminalization of minor misconduct and the increased use of legal punishments in schools (Dohrn, 2002; Kupchik, 2010; Meiners, 2011; Price, 2009; Rimer, 2004; Theriot, 2009) provides support for the suggested influence that SBLEs are having on the school-to-prison pipeline (e.g., increased arrest, citation, and other formal sanctions).

Several high profile cases have illustrated the criminalization of minor student misconduct. In 2005, a kindergarten student threw a temper tantrum twice in one week. The school principal called the SBLE officer for the district to discipline the student. The officer placed the five-year-old in hand-
cuffs and escorted her out of the school where she was placed in the back of a patrol car for several hours (Price, 2009). Rimer (2004) described another incident where a middle school student was arrested and held at the police station for violating the school dress code. Additionally, Rimer (2004) notes a 12-year-old was detained in an adult detention facility for making terroristic threats that encompassed telling peers in the lunch line that he would “get them” if they took the last of the potatoes.

Furthermore, empirical research has demonstrated the increasing use of arrest, legal sanctions, and more punitive punishments in schools. For instance, Rimer (2004) reported that between 2000 and 2002 the number of arrests, per school year, in Ohio County schools increased by over 500. This increase in the number of arrests per school year occurred without a significant change in student enrollment. Similarly, the number of arrests that occurred in Miami-Dade County schools increased by over 4,000 in just two years. Fowler (2011) reported that in Texas schools during the 2009-2010 academic year, the majority of incidents where a student was removed from the classroom for disruptive behavior involved no injury or weapon. In addition, 68% of referrals to alternative schools and 72% of expulsions were discretionary and not mandated by state policy. Fowler (2011) also reported that students in Texas and around the nation are increasingly receiving tickets for minor misbehavior and/or being sent to the formal justice system where they receive a criminal record and other legal punishments. In 2013, Texas passed two laws that prevented police officers from ticketing Class C misdemeanors occurring on school property. According to the Texas Office of Court Administration (2008), court records suggest a decrease in the ticketing and court referral of students; however, educators and SBLEs argue that this severely limits their discretion when addressing crime in the school environment.

The negative effects of the school-to-prison-pipeline have been seen to have an even greater influence on minority and disabled students. Wald and Losen (2003) stated that public school systems have long been plagued by inequalities along lines of race and class, and school discipline is showing to be no different. Meiners (2011) concluded that minority students and those with a disability are more likely to be arrested and/or referred to the justice system. Further, Fowler (2011) reported that a school’s decision to categorize a student’s behavior as criminal disproportionately involves African American and disabled students. This holds true even when rates

1 Theriot (2009) found that the differences in the total number of arrests (per school years) between schools with SBLEs and those without were not as large as anticipated. Nevertheless, this finding may be due to confounding variables (e.g. student enrollment, location, and any other non-random differences between campuses in the study). Information to assess such a possibility is not made available, but should be considered when interpreting the findings and be considered in future research.
of misbehavior are controlled for various racial/ethnic categories and non-disabled students.

For instance, according to the U.S. Department of Education Office for Civil Rights (2014), African American students represent 16% of the U.S. student enrollment, yet they account for 27% of students referred to law enforcement and 31% of students arrested at school. This is compared to White students who make up 51% of the student enrollment and account for 41% of referrals to law enforcement and 39% of school-based arrests. Similarly, students with disabilities or special needs make up 12% of student enrollment, yet over 25% of these students are referred to law enforcement and/or arrested at school. In addition, the behaviors for which minorities and disabled students are punished (often very harshly) are typically less serious than those of White students and non-disabled students. Wald and Losen (2003) reported that the failure to provide appropriate interventions are likely contributing to delinquency and other problem behaviors among these populations of students.

Roles of SBLEs and their Impact on the School-to-Prison Pipeline

The most accepted model for implementing policing in schools is the triad model. As previously mentioned, this model provides school police officers with three main roles: (a) enforcement, (b) education, and (c) mentoring (Kennedy, 2001). Enforcement consists of crime prevention, school discipline, and arrest, such as patrolling school grounds and handling student violations of school rules or the law (Lawrence, 2007). Education involves police officers engaging in classroom instruction on such topics as drug and alcohol prevention and juvenile law (Weiler & Cray, 2011). Lastly, mentoring involves assisting students and families with law-related issues or acting as a law-related counselor by providing advice on various topics (Wieler & Cray, 2011). More recently, research has suggested an evolution to the traditional triad model, offering additional roles law enforcement may have in schools. Interviews with SBLEs regarding the roles they have and the roles they believe they should have in a school setting parallel the triad model to an extent (McKenna et al., 2014). A role officers reported they also provide is that of a surrogate parent, which involves providing emotional support and material items, such as clothing and school supplies for students. In addition to the triad model, a role officers believe they should have is that of a social worker. Overall, the majority of officers not only reported acting in a law enforcement role, but also reported that they believed law enforcement should be their role in schools (McKenna et al., 2014).

Based on the triad-model and the documented expansion of officer roles, it is clear that the roles of SBLEs in a school setting vary, and likely have the potential to impact the school-to-prison pipeline. That is, the role an officer is given likely influences the types of responses they employ when addressing student misconduct. Each of these roles has an inherent set of duties and
actions as it relates to addressing student misconduct. For instance, a law enforcer role requires specific ways of handling misbehavior (which often is and should be limited to criminal behavior), such as the power to arrest, write a citation, and use physical force. To the contrary, an officer filling an educator or counselor role may be expected to address a wider scope of student misbehavior and use other strategies such as mentoring the student or educating them on proper behavior. What role an officer has can influence how they respond to student misconduct, which likely will have an impact, either positive or negative, on the pipeline. However, prior research that has indicated a relationship between the use of law enforcement in schools and the school-to-prison pipeline has yet to examine how specific roles impact this suggested relationship.

These varying roles, especially the emphasis on enforcement, are interesting, considering the training officers receive. While traditional police academies do not provide specialized training in school-based law enforcement, it is understood that SBLEs engage in different tasks and roles when compared to municipal police (Brown, 2006; McKenna & Pollock, 2014). These roles, which are often established in collaboration with school administration (McKenna et al., 2014) can generate potential role conflicts when addressing incidents of school disorder. Specifically, although this collaboration is necessary and beneficial in other respects, it may place officers in situations that are not typical for law enforcement, resulting in a law enforcement response (e.g., arrest) to an incident that is more conducive to an education or mentoring reaction. For instance, if an officer has no training other than law enforcement training, it should be expected that they will address situations as officers of the law. Therefore, if they are called to handle a student who is being disruptive in class, it is likely they will detain the student if needed. However, it is possible that the school setting calls for a different response to this behavior that is less punitive. If this is the case, then we must examine and address the roles and training officers have in this environment, and focus less on their mere existence in schools.

With the increase of police officers in schools, combined with the majority engaging in a law enforcement role, the criminalization of student misconduct is more likely to occur (Teske et al., 2013; Wolfe, 2013). Such punitive measures conducted by police, however, are exacerbated by zero-tolerance policies that can lead to arresting patterns that are similar to those of municipal law enforcement. In these situations, it must be anticipated that police officers in schools will rely on their training and knowledge as a law enforcement officer and resort to what they know, being an officer of the law. Therefore, SBLEs should be provided the training to act in capacities other than law enforcement, or be used when only a law enforcement action is required (Elias, 2013).
THE PRESENT STUDY

Although prior literature has highlighted evidence to support the existence of the school-to-prison pipeline as well as its negative consequences on students, the impact law enforcement officers have on this phenomenon still remains unclear. Despite the literature associating the mere use of law enforcement with the school-to-prison pipeline, the majority of research fails to consider or control for other variables that could potentially impact this relationship. For instance, the roles officers are given (i.e., enforcement, education, and/or mentor), often by or in conjunction with school administrators, likely impacts their actions (i.e., arrest, educate, and/or counsel) when called to an incident, which has implications for the larger school-to-prison pipeline. Therefore, it is possible that changing the roles officers play in the school environment, rather than dismissing them from schools completely, could have significant implications toward curbing the ever-growing school-to-prison pipeline (Theriot, 2009).

In an effort to address the gaps in prior literature and provide a more in-depth understanding for both researchers and practitioners, this study examines the impact of school-based law enforcement officers on the school-to-prison pipeline in relation to the roles they are assigned in schools. To the knowledge of the researchers, no study to date has examined how an officer’s role in the school environment impacts his or her actions in terms of discipline or enforcement, and ultimately how the officer’s role affects the officer’s contribution, or lack thereof, to the school-to-prison pipeline. Therefore, because little is known about this relationship, a qualitative methodology is most appropriate and will likely produce a more in-depth examination of this potential phenomenon. The use of this methodology, despite its obvious limitation of generalizability, is a necessary first step in understanding how an officer’s role may impact the pipeline and will likely inform future quantitative studies. By nature, qualitative methodologies allow for a greater level of detail to be captured; therefore, we believe this approach is both appropriate and warranted.

RESEARCH METHODS

The methodological procedures and data for this study stem from a larger data collection effort that involved interviewing SBLEs across Texas. The participants were SBLEs in Texas who were commissioned peace officers employed by an Independent School District (ISD) police department. For this study, only SBLEs were of interest, rather than the broader spectrum of officers working in schools throughout the state of Texas. For instance, traditional School Resource Officers (SROs) were not included in the participant
sample. The decision to focus solely on SBLEs rather than all officers working in schools was based on the researchers’ ability to obtain preliminary information, including contact information, on the various types of officers working in schools.

Specifically, the Texas Commission on Law Enforcement (TCOLE), a state agency that oversees the training, education, and licensure of all Texas peace officers, collects detailed records on all Texas police departments, including those established by an ISD. Therefore, an open records request was submitted to TCOLE in an effort to obtain a comprehensive list of all ISD police departments in Texas as well as a primary point of contact (typically the ISD police Chief) for these departments. A total of 180 police departments run by an ISD were identified. There are no data collected by TCOLE or any other state agency that can be used to determine if local and/or county police departments are providing officers in the form of SROs to ISDs who do not have their own police department. Consequently, only police departments run by an ISD were included on the list provided. All officers employed by these 180 ISD police departments ultimately made up the study’s participant population.

Participant Sample
The sampling strategy used was one of convenience. The officer serving as a primary point of contact for each of the 180 departments, provided by TCOLE, was contacted via email. The email correspondence detailed the purpose of the research, the nature of the interview questions, and asked the department to provide the researchers with a list of officers, along with contact information, who would be willing to participate in the study. Additionally, the researchers attended the 2013 Texas School-Based Law Enforcement Conference in an effort to recruit ISD police departments and their officers (included on the list provided by TCOLE) to participate in the research study. This conference was a desirable location to reach such departments as the target audience for the conference was law enforcement officers currently working in the school environment. In total, 15 ISD police departments in Texas responded to these initial correspondences. Of the departments that responded, four indicated that they were no longer established as a police department under the control of the ISD and were, therefore, removed. The remaining 11 ISD police departments agreed to participate in the study.

Prior to conducting interviews with the identified participants, information was collected from the Texas Education Agency, the state education

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2 An SRO is an officer who is assigned to the school district by an external law enforcement agency (e.g., city or county) with the officer’s main purpose being safety and order for that campus or campuses. SBLE officers are peace officers who are employed by the school district, typically by a school-based police department and not an external local or county law enforcement agency.
entity that oversees the development of statewide curriculum, data collection, and monitoring for compliance, in regard to the demographics of the districts that agreed to participate. Specifically, this information was obtained using the agency’s Public Education Information Management System (PEIMS). This system contains all information collected by the agency from public school districts in Texas, including student, campus, and district demographic information, as well as data regarding academic performance, personnel, finances, organizational structure, and student discipline.

The demographic items of interest included district cumulative enrollment, percent non-White, percent free/reduced lunch, and community type. The majority of districts (seven) had a cumulative enrollment of over 10,000 students, whereas three districts had a cumulative enrollment between 1,000 and 10,000, and one district less than 1,000. The majority of the districts (eight) had a non-White student population greater than 60%. Additionally, these eight districts also provided free/reduced lunch to more than 50% of their students. The community type designations established by TEA include “major urban,” “major suburban,” “rural,” “independent town,” “non-metropolitan fast growing,” “non-metropolitan stable,” “other central city,” and “other central city urban.” Independent town, non-metropolitan fast growing, non-metropolitan stable, other central city, and other central city urban were collapsed into “other.” In total, one district was classified as major urban, two districts as major suburban, and eight as other.

After obtaining district demographic information, the researchers reached out to each of the officers identified by the primary point of contact from each of the 11 departments. A total of 106 officers were emailed and asked to participate in the study across all 11 departments. Only 26 SBLEs responded to the email and agreed to participate, and were subsequently interviewed. Two follow-up email attempts were made by the researchers to recruit additional participation; however, the remaining 80 officers that were emailed did not respond to any of the requests to participate in an interview. Two of the interviews were conducted in person at the 2013 Texas School-Based Law Enforcement Conference, whereas the remainder were done via telephone. Each interview was approximately 45 to 60 minutes in length.

Data Collection

A series of open-ended interview questions were used. These questions incorporated broad indicators that were utilized in the principal questionnaire component of the School Survey on Crime and Safety, which asked administrators about the roles of school security personnel, including police officers (National Center for Education Statistics, 2010). SBLEs were asked questions such as the following:
• Describe the types of discipline actions you most commonly employ on students.

• What would you describe as alternative ways of punishing students compared to the ones that currently exist in your campus (if you believe there should be one)?

The interview questions, as a whole, were piloted with a convenience sample of SBLE officers from departments separate from those participating in the final study, and included both small and large districts. A total of eight SBLE officers, representing six different districts, participated in the pilot study. The purpose of the pilot study was to identify and remedy issues involving disparity in question interpretation, as well as solicit feedback from respondents to help improve the overall instrument and individual items.

RESULTS

Each interview was transcribed into NVivo10, a software program that organizes and assists with the analysis of non-numeric data (Bazeley & Jackson, 2013). As part of the analysis, each of the interview questions was coded into themes and concepts based on common phrases provided by the SBLEs responses. The interviews were coded by the two primary researchers. The inter-rater reliability of coding measures was calculated to maximize agreement between the two coders. A test for inter-rater reliability resulted in a Cohen's Kappa of 0.85; hence a consensus in interpretation of the data between the two coders was reached 85% of the time.

This value of Cohen's Kappa (e.g., 0.85) is considered to be an “excellent” or “almost perfect” level of agreement by most established guidelines (Fleiss, Levin, & Paik, 2003; Landis & Koch, 1977). A Cohen's Kappa measure below 0.85 was found in two of the interviews. Consequently, these interviews were re-coded to reflect a consensus of 85% or greater between the coders.

Disciplinary Actions Employed

In order to identify the types of discipline administered in a school setting, SBLEs were asked to describe the most common forms of discipline they employed on students. An analysis of the responses identified three types of disciplinary actions used by officers on students in a school setting: (a) counseling, (b) legal intervention, and (c) referral to administration. The most commonly described corrective approach implemented by SBLEs was identified as counseling, followed closely by legal intervention. The least employed disciplinary strategy used by SBLEs was referral to administration. These disciplinary approaches are contingent, for the most part, on the type of offense committed by a student. Table 1 presents the number and percentage of officers that reported these categories of disciplinary styles.
Table 1. Disciplinary Actions Performed by SBLE Officers

<table>
<thead>
<tr>
<th>Disciplinary Action</th>
<th>Number of Officers</th>
<th>Percentage of Officers¹</th>
</tr>
</thead>
<tbody>
<tr>
<td>Counseling</td>
<td>15</td>
<td>58%</td>
</tr>
<tr>
<td>Legal Intervention</td>
<td>14</td>
<td>54%</td>
</tr>
<tr>
<td>Referral to Administration</td>
<td>7</td>
<td>27%</td>
</tr>
</tbody>
</table>

Note: Respondents were able to select more than one disciplinary action; therefore, the aggregate percentage exceeds 100%.

**Counseling.** The majority of SBLE officers (58%) reported a disciplinary response reflective of a counseling approach when dealing with student infractions. Counseling methods were identified as talking with students and educating them on what they did wrong, as opposed to addressing an infraction automatically with formal sanctions (e.g., referral to administration or legal intervention). The majority of officers believed in communicating with students one-on-one to address and identify the root cause of the misbehavior. Some of the responses also indicated counseling was a more effective intervention for preventing serious offenses among students. In what follows, officers describe their most common approaches to discipline under this strategy:

I remove them from class and speak to them about what is going on... I get both sides of the story to understand the situation. You have to make them [students] think about their actions and help them to understand why it is wrong.

—Officer C

We try not to criminalize behavior because we understand they are kids and need to learn from their mistakes. We try not to lose sight that these are kids and that this is a learning process for them.

—Officer E

You must focus on what the student did wrong and have them learn from what they did... punishment without learning is not enough.

—Officer P

I educate them on what they did wrong and why they are in trouble... I try to find out what is causing the behavior.

—Officer C

Most principals want tickets given to students every time, but that will not fix the problem. After a few warnings, citations,
or arrests, you have to start looking at a situation to mentor or counsel a student to find out what is really going on.

—Officer N

Legal Intervention. The second most common type of disciplinary approach performed by SBLEs (54%) involved legal interventions. Legal interventions were identified as ticketing, arresting, or referring a student to a juvenile court. These approaches, however, were applied to more serious offenses. For example, officers explained legal interventions were employed when an actual crime violation was committed by a student.

For more serious criminal activity that has to do with assaults, we will write a ticket in every instance.

—Officer B

We only handle violations of the law.

—Officer I

Serious crimes, like breaking and entering, assault, and weapons are going to have an arrest because we are protecting the school and ensuring safety, which is our main job.

—Officer N

Police act, as they should, according to the Texas law just as local departments do.

—Officer Q

If a crime occurs, legal intervention will occur. Drugs and felonies will have formal punishment no matter what.

—Officer Y

Depending on the situation, whether serious or less serious, some incidents should be handled by administration, but more serious incidents need to be handled by law enforcement.

—Officer Z

One officer expressed that zero-tolerance policies ultimately influence their response toward a more legal intervention, which prevents the use of discretion in handling incidents.

Zero-tolerance policies hamstring our officers and eliminate the use of our own common sense when dealing with situations. These policies are well-intended, but cannot be implemented black and white.

—Officer O
Referral to Administration. To a lesser extent (27%), officers reported referral to school administration as a method of disciplinary action. Officers would take on the responsibility of writing the student up and having them sent to the principal’s office so that school administration could oversee punishment.

I do the same thing a teacher would. I’ll write them [students] up and send them to the principal’s office. Our write-ups usually have more pull with a principal than a teacher’s would.

—Officer A

We will always talk to students first, but we like to refer them to administration so that they can handle the discipline ultimately.

—Officer E

ALTERNATIVE DISCIPLINARY ACTIONS

SBLE officers were asked to describe alternative disciplinary actions they believed would be more effective or appropriate for handling different types of student infractions. Similar to what they reported to perform in a school setting, SBLEs believed counseling should be used most often, whereas legal interventions were best applied in more serious cases (i.e., criminal activity). However, some officers proposed a third alternative that focused more on student accountability, which was described as punishment that required direct consequences for students (e.g., community service or restricting activities and time that is considered valuable to students). Table 2 presents the number and percentage of officers who reported these alternative disciplinary actions.

Table 2. Alternative Methods of Discipline

<table>
<thead>
<tr>
<th>Alternative Disciplinary Action</th>
<th>Number of Officers</th>
<th>Percentage of Officers²</th>
</tr>
</thead>
<tbody>
<tr>
<td>Counseling</td>
<td>16</td>
<td>62%</td>
</tr>
<tr>
<td>Legal Intervention</td>
<td>8</td>
<td>31%</td>
</tr>
<tr>
<td>Student Accountability</td>
<td>7</td>
<td>27%</td>
</tr>
</tbody>
</table>

Note: Respondents were able to select more than one alternative disciplinary action; therefore, the aggregate percentage exceeds 100%.

Counseling. The majority of officers (62%) believed counseling was the best alternative strategy of disciplinary intervention to use on students. This approach was focused on developing relationships with students and providing mentorship. In addition, officers explained the importance of talking
with students to understand the reason for their behavior and promote more positive encounters with SBLEs. The following statements by SBLEs describe their alternative tactics to handling student discipline:

- We like to spend time trying to figure out what is going on at home and outside of school that is causing this behavior.
  —Officer N

- Educating students as to why their behavior is wrong is important.
  —Officer S

- We need to keep a close eye on the at risk students and try to push them in the right direction.
  —Officer U

- It is important to develop relationships with students. If you can create a good environment for students, there will be no need for punishment.
  —Officer W

- We need counseling programs that involve talking with parents, the school, the victim, and the student to see what is best for the student.
  —Officer Y

Some officers believed that counseling as an intervention is more valuable for handling students and should be the first line of defense before legal intervention:

- I don't always support the criminal charges being pursued because these are kids at the end of the day.
  —Officer B

- Using warnings gives students a chance to correct their own behavior before formal punishment is used.
  —Officer V

**Legal Intervention.** Nearly one-third (31%) of SBLEs reported use of legal interventions as an alternative approach to discipline. However, officers commented that legal interventions are more appropriate for serious offenses, such as criminal behavior. Other types of student offenses (e.g., dress code violations and classroom disruption), officers believed, should fall under the disciplinary purview of administration. The following statements demonstrate some officers’ opinions on the use of legal interventions under certain circumstances:
Rule violations should be handled administratively, and crime should be handled by law enforcement.

—Officer K

We like to talk to administrators to see what they can do from their end so that it does not become a legal matter... unless it needs to be.

—Officer R

One officer noted that local prosecutors often require evidence that schools have used less serious sanctions before court referral is implemented:

Schools must prove that other discipline steps were taken before they prosecute a student.

—Officer U

**Student Accountability.** When asked about alternative disciplinary actions for students, some SBLEs (27%) proposed actions that involved more student accountability. For some of the officers this was described as punishment that focused on taking away a student’s free time or valued activities.

*There need to be programs or punishments in place to take way a student’s free time. For example, community service on the weekends. This hits closer to home for them because you are taking away something they value, which is their free time.*

—Officer E

We can be more creative. We can take away their athletics, lunch-time with friends... take away things they value.

—Officer Q

I say bring students in on Saturdays and have them spend a full day in school working on school assignments... and maybe bring in the parents as well to spend the day there. If they don't want to spend any more time in school than they have to, then they need to behave right during school hours.

—Officer Z

Other officers suggested punishment involving required service either in the community or in their respective school.

There needs to be more responsibility put on students and not the parents. Parents really get punished because they are the ones that have to pay the fines when a student is ticketed. We should implement programs with the support of courts that
focus more on making students give back to their community through service of some sort. This turns a negative situation into a positive and hopefully a learning experience for the student by giving back to their community in some way.

—Officer F

Especially for less serious offenses, schools need to develop programs for students that involve community service in the schools, like helping clean up trash or helping clean up after lunch periods.

—Officer G

If a crime has not been committed, there are always alternatives. One approach is to have a student sit in on an actual court proceeding and see this process play out to deter them from wanting to going through the same thing. Penalties should also be more about making students do charity work or community service instead of always fining the parents. The goal should be to make the student suffer the punishment or be held accountable for their own actions by doing something meaningful or working it off, not their parents.

—Officer H

Relationship between Roles and Discipline

In order to analyze the relationship between the roles of SBLEs and the disciplinary actions most commonly used, we used information on SBLE officer roles from the larger data collection effort. Specifically, as identified previously in McKenna et al. (2014), SBLEs were found to have four main existing roles in an educational setting: (a) law enforcer, (b) mentor/role model, (c) educator, and (d) surrogate parent. In this context, the law enforcer role involved enforcement of law violations (i.e., issuing citations and making arrests) on campus property. Mentor/role model involved talking to students on a daily basis and establishing positive relationships. Officers who took on an educator role were more likely to provide edification on juvenile law to staff and students. Finally, officers who defined their role as a surrogate parent in a school setting described instances of providing students with emotional support and items, such as clothing and school supplies.

Although SBLE officers identified each of these roles, the majority (77%) suggested their primary role was a law enforcer. Table 3 (adopted from McKenna et al., 2014) presents the number and percentage of officers who identified each role. These roles are in line with the traditional triad approach to school-based policing, but also suggest this model may be expanding with the additional role of surrogate parent.
Table 3. Roles of SBLE³

<table>
<thead>
<tr>
<th>Role</th>
<th>Number of Officers</th>
<th>Percentage of Officers</th>
</tr>
</thead>
<tbody>
<tr>
<td>Law Enforcer</td>
<td>20</td>
<td>77</td>
</tr>
<tr>
<td>Mentor/Role Model</td>
<td>12</td>
<td>46</td>
</tr>
<tr>
<td>Educator</td>
<td>10</td>
<td>38</td>
</tr>
<tr>
<td>Surrogate Parent</td>
<td>9</td>
<td>35</td>
</tr>
</tbody>
</table>

Note: Respondents were able to select more than one role in the school environment; therefore, the aggregate percentage exceeds 100%.

In order to explore a relationship between common themes identified in this study, a Jaccard’s similarity coefficient was used to analyze the relationship between the roles of and disciplinary actions employed by SBLEs. The value index of a Jaccard’s similarity coefficient is between 0 and 1; a value of 0 suggests a weak similarity among the coded themes, whereas a value of 1 indicates a strong similarity among the coded themes (Bazeley & Jackson, 2013). In this analysis, the cut-off point for the similarity index was a value greater than 0.3. Figure 1 represents the similarity between the coded themes of roles and disciplinary actions. The findings indicate that officers who reported a law enforcement role were more likely to engage in disciplinary actions that resulted in either legal interventions (\( J = 0.5000 \)) or counseling (\( J = 0.5789 \)) (see Figure 1). The role of mentor/role model was most similar to a disciplinary action that resulted in counseling (\( J = 0.4211 \)). Officers who reportedly took on role of an educator where similar in their response to discipline that involved a counseling approach (\( J = 0.4706 \)) and referral to administration (\( J = 0.3077 \)). Finally, the role of surrogate parent was also most similarly related to a disciplinary action of counseling (\( J = 0.3500 \)) (see Figure 1).

![Figure 1. Relationship between Roles and Discipline Actions](image)

³Adopted from McKenna et al. (2014)
DISCUSSION AND RECOMMENDATIONS

Collectively, these findings provide several important implications in terms of both practice and research. First, counseling, over all other disciplinary actions, was found to be the most commonly used response to student misbehavior. That is, the majority of officers interviewed discussed currently using some form of counseling students in response to misbehavior. This indicates that officers report using less punitive disciplinary actions much more frequently than other more punitive responses. This finding is contrary to much of the prior research, which suggests officers engage in more punitive disciplinary actions (Dohrn, 2002; Kupchik, 2010; Meiners, 2011; Price, 2009; Rimer, 2004; Theriot, 2009). Additionally, this finding emphasizes the disconnect that exists between how officers are perceived to respond to student misbehavior (i.e., arrest and ticketing) and the actual interactions they most likely have with students (i.e., counseling). Further, the percentage of officers who indicated the use of counseling (58%) and legal intervention (54%) as current disciplinary actions, as opposed to the percentage of officers who believed that counseling (62%) and legal intervention (31%) should be used as alternative disciplinary actions, shifted quite substantially. The higher percentage of officers who believe that counseling is a more effective and/or a more appropriate alternative to current disciplinary actions indicates that not only are a substantial number of officers currently utilizing some form of counseling in response to student misbehavior, but even officers who are not currently using this disciplinary action believe that counseling is likely more effective and/or appropriate for handling different types of student infractions. This suggests that officers working in the school environment should aim to counsel students regarding their behavior prior to employing other disciplinary responses.

In terms of research, the use and support of counseling by SBLEs as a disciplinary action is particularly noteworthy because it is likely that many of these counseling instances are done informally, without the level of documentation typically associated with a ticket, arrest, or referral to administration. This lack of formal documentation likely results in these counseling responses being absent from secondary discipline data obtained from school districts, state education agencies, and/or police departments (whether associated with the school district or a municipality). Additionally, if counseling responses are not included in quantitative instruments (e.g., surveys or questionnaires) developed by researchers who aim to assess officers’ use of certain disciplinary actions in the school environment, then these more informal responses will also go undetected. Not capturing such information could have major implications for conclusions drawn from research studies. For instance, if these counseling incidents are not captured and included in analysis, it may appear that officers utilize more punitive disciplinary approaches, such as ticketing and arresting, when in reality these responses only occur for serious criminal behavior and/or after many informal coun-
counseling attempts. Therefore, it is important for future research to account for all SBLE officer responses to crime and misbehavior in the school environment in order to ensure that accurate conclusions can be drawn.

Despite prior research (Dohrn, 2002; Kupchik, 2010; Meiners, 2011; Price, 2009; Rimer, 2004; Theriot, 2009) indicating that officers working in the school environment are overly punitive, the current study found that legal interventions appear to be used only when necessary. For instance, officers described using legal intervention approaches to discipline when a criminal offense was committed and/or when zero tolerance policies required such a response. This finding is important to consider in that we must remember that law enforcement officers are trained to provide a law enforcement response when a crime is committed. The SBLEs interviewed described just that. When students commit criminal acts on school property, SBLEs respond as trained, and for more minor incidents of student misbehavior or disruption, they utilize other less punitive responses, such as counseling. This conclusion is contradictory to much of the prior research (Dohrn, 2002; Fowler, 2011; Kupchik, 2010; Meiners, 2011; Price, 2009; Rimer, 2004; Teske, 2011; Theriot, 2009), which collectively suggests that officers respond with legal responses to student behavior even when such behavior is not serious or a criminal offense. Future research should examine which behaviors result in legal interventions, and which behaviors result in less punitive responses.

Finally, many SBLEs believed that beyond counseling and the use of legal interventions in more serious instances, disciplinary actions that focus on student accountability would be more effective and/or appropriate. Many common disciplinary actions used in the school environment do not hold the student accountable, and in some ways create more of a burden on the student’s parents or caregiver. For instance, if a student is arrested or ticketed for some form of misbehavior while at school, one could argue that the parents of that child suffer more than the child does. The financial (i.e., bail, lawyer fees, and court fees) and time burden (i.e., attending court hearings and lost time at work) placed on parents could potentially outweigh the intended punishment of the student. Similarly, even a referral to an administrator, who has a host of options ranging from an informal discussion with the student up to expulsion, could place a substantial burden on the parents of the student. Parents may have to leave work and come to the school and pick up their child, stay home while they are not allowed to attend school, or meet with teachers/administrators to discuss the student’s behavior.

While it is clear that many of the current responses to student misbehavior are at least equally if not more burdensome for parents and/or caregivers than they are for students, officers described what they believe is a more effective and/or appropriate disciplinary action that focuses on student accountability. Rather than punishing the parents, officers believe that it is more effective to target activities that students value and/or require them to give back to the community and/or school in terms of their time. The
idea is to utilize punishments that directly impact the student, thus holding them, and not others, accountable for their actions. This type of disciplinary action could create a stronger deterrent effect because students are directly held accountable for their behavior. Schools should consider allowing officers to create such programs that ultimately hold students accountable for their misbehavior.

Roles of SBLE Officers and Discipline Actions

This study also examined how the roles of SBLEs could potentially impact their responses to student misbehavior, and ultimately the school-to-prison pipeline. This was accomplished by assessing the similarity between the code themes for roles (i.e., law enforcement, mentor/role model, educator, and surrogate parent) and disciplinary actions (i.e., counseling, legal intervention, and referral to administration).

This study found that SBLEs who described a law enforcement role in the school environment had a moderate similarity for disciplinary responses that entailed counseling ($J = 0.5789$) and legal interventions ($J = 0.5000$). Considering what the law enforcement role entails as well as what disciplinary actions of counseling and legal intervention involve, these disciplinary actions have a logical connection to the officer’s role. Law enforcement officers are trained to deescalate situations by talking with people and counseling them on both why their behavior is inappropriate and what the consequences will be if it continues. In many instances, if the behavior continues and/or it reaches the level of a criminal offense in which an arrest or citation is appropriate, the officer will do just that. The results of this study indicate the same is true in the school environment for officers who take on the law enforcement role. This role has the strongest association with the disciplinary action of counseling, indicating that in a majority of situations, counseling is most appropriate; however, when needed and often when a criminal offense occurs, legal interventions are used. These responses should be expected considering that the law enforcement role is focused on the enforcement of law violations.

Those officers who described a role consistent with that of an educator had a moderate association for counseling ($J = 0.4706$) and to a lesser extent referral to administration ($J = 0.3077$) as disciplinary actions. The role of educator is comprised of providing education to students and staff regarding juvenile law and the consequences for violating the law, as well as a number of other topics that are associated with school and student safety (e.g., bullying, drug use, and violence prevention). Just as a traditional educator would, officers describing this as their role counseled students and referred students to administrators. This type of action is indicative of an educator because he or she is tasked with teaching students both academically and socially, and with counseling students on issues they face. When problems become too disruptive, an administrator is typically summoned to provide
some type of punishment beyond the teachers’ counseling efforts. To some extent, officers assuming the role of educator appear to mirror the response of a traditional classroom educator.

Further, officers who adopted a mentor/role model role in a school setting had an association with counseling ($J = 0.4211$) as a disciplinary action. The role of mentor/role model involves having daily interactions and talking to students in an effort to build positive relationships. This connection between the role of mentor and the disciplinary action of counseling makes logical sense in that the mentor role involves talking with students, whether it is asking about their day or explaining why their behavior is inappropriate and what may happen if they continue such behavior.

Finally, those officers who described actions that were consistent with that of a surrogate parent role also sometimes accepted the disciplinary action of counseling ($J = 0.3500$). The role of surrogate parent entails serving in the capacity of a parental figure toward students. Parents are typically the first people from whom a child learns right from wrong and that poor behavior has consequences, and this is often achieved through counseling. Parents, especially of young children, often spend time talking with their children regarding appropriate behavior. Therefore, it is no surprise that officers taking on this role in the school environment adopt the disciplinary action of counseling.

Ultimately, these findings show that an officer’s role potentially has some impact on the disciplinary actions taken on students and, therefore, has important implications for the school-to-prison pipeline. That is, the mere presence of officers in a school environment may not lead to overly punitive discipline outcomes that result in the removal of children from classrooms and into the juvenile and criminal justice systems, but rather how officers are used in such an environment is an important consideration. If an officer’s role does impact the type of disciplinary actions used, then collaboration with school administrators regarding these roles and subsequent responses and appropriate training for SBLE officers is vital.

It is important that district and campus administrators work collaboratively with police departments (whether internal or external of the school district) to establish the roles and functions of officers working in the school environment. However, this collaboration is even more central when considering that an officer’s role(s) will impact not only what incidents they respond to, but also how they respond to these incidents in terms of their disciplinary actions, and ultimately the pipeline. For instance, if these parties agree that the officers are to serve a law enforcement function only, it should be understood that officers will respond to incidents where a criminal offense may have occurred or is likely to occur, and they will respond according to what is appropriate under the law. Further, if the parties desire the officers to serve in roles other than that of law enforcement officers (i.e., counselor,
educator, or surrogate parent), then additional officer training will likely be
required in order for an officer to effectively perform the duties associated
with such a role.

This expansion of roles, which many officers reported is already occurring
(McKenna et al. 2014), may allow the officers to respond to a more diverse
set of incidents within the school environment as well as utilize other
disciplinary responses. However, when a criminal offense occurs, officers
will likely always respond with some form of legal intervention because,
first and foremost, they are law enforcement officers. Ultimately, this initial
and continued collaboration between educational administrators and the offi-
cers is fundamental to ensuring that officer roles and likely responses to
certain incidents are understood and expected by all. Thus more research is
needed in the area of roles that examines how different actors in the school
environment may have different expectations of SBLEs, and how this can
lead to discipline responses that have the likelihood, either positively or neg-
atively, to impact the pipeline.

In addition to collaboration between educational administrators and
police departments, the level and type of training officers receive is criti-
cal. Specifically, if the findings in this study are replicated, then one would
expect different disciplinary actions when officers take on roles other than
that of a law enforcement officer. McKenna and Pollock (2014) suggested
that role conflicts emerge when the law enforcement subculture (crime
fighter or law enforcer) overlaps with the dynamics of a school setting.
Thus, it is necessary to provide specialized training to SBLEs whose envi-
ronment requires certain roles and expectations for dealing with students.
Whereas punitive approaches are more conducive to street policing, other
approaches, such as education and counseling, may be more appropriate for
addressing school discipline.

Therefore, if we want to reduce the number of students arrested and/
or ticketed for more minor offenses, and ultimately lessen the impact of the
school-to-prison pipeline, then we must train officers to take on roles other
than that of a law enforcement officer (for which formal training is received
in a police academy at minimum). Officers should not simply be given these
roles without receiving appropriate training (such as some form of counsel-
ing or educator training) that supports the corresponding role. Additional
and targeted training would allow officers to effectively take on other roles
in the school environment, and thus potentially produce different disciplinary
responses in instances where it is appropriate. Future research should
examine what types of training SBLE officers currently receive as well as
what type of trainings might be beneficial, beyond a traditional police acade-
my, for officers working in the school environment. This is particularly im-
portant given the frequent engagement in counseling activities that officers
have and their lack of training in working with students with mental health
issues, who often require expert intervention from social workers or school
psychologists. Further, officers that engage in activities (e.g., counseling or mentoring) that deviate from a law enforcement role have the potential to foster inappropriate relationships with students (Kupchik & Bracy, 2010; Stinson & Watkins, 2014). Therefore, it is necessary that officers who take on these additional roles are properly trained to implement them. Collectively, collaboration with school administrators and appropriate training for SBLE officers has the potential to lessen the impact of the school-to-prison pipeline by creating a better understanding of how officers will be used in a specific school environment as well as by better preparing officers for the type of work they will be doing.

CONCLUSION

The results and conclusions of this study are not without limitations. It is recognized that this study suffers from low external validity, which is often inherent to qualitative research. As this study collected interview data from 26 participants representing only 11 school districts in Texas, the findings many not be generalizable to other school environments, school districts, or states. Additionally, in this study only SBLE officers were interviewed and no other type of law enforcement officer working in the school environment (e.g., SROs) was considered. It is possible that other types of officers working in the school environment have different roles and/or discipline practices, and, therefore, these findings and conclusions may not be applicable.

Despite these limitations, we believe that the use of a qualitative methodology was most appropriate given the lack of prior research and the need for an in-depth understanding of how roles assigned to SBLE officers impact the school-to-prison pipeline. The use of a qualitative methodology allowed for the discovery of information that may not have been captured if quantitative measures were used. For instance, as noted, it is likely that counseling responses to misbehavior would have gone undetected if secondary discipline data or a quantitative instrument were used. Ultimately, the use of a qualitative methodology allowed for a more comprehensive and in-depth examination of the connection between officer roles and specific disciplinary outcomes, which is likely to inform future quantitative studies that are more generalizable.

Although the use of law enforcement officers in the school environment has been negatively linked to the school-to-prison pipeline, this study suggests that the connection may not be as direct as prior research has implied. Specifically, the findings of the current study suggest that an officer's role in the school environment may impact that officer's disciplinary actions, which in past research have been used to quantify SBLEs negative impact on the pipeline (i.e., increasing arrests and ticketing). Therefore, we suggest that more attention be focused on how officers are being used in the school environment rather than their mere presence in this environment.
Considering the growth of law enforcement in schools over the past decade, we need to empirically identify how these officers can be used in a way that supports school safety and security, but at the same time does not negatively impact students. Future research should focus on assessing the relationship between the types of training officers receive and the roles in which they are tasked.

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The Emergence of Contemporary Bestiality Law: Applying the Integrative Conflict Model to the Enumclaw Case

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ABSTRACT
This article examines the social construction of bestiality law in the United States using the Integrative Conflict Model of law formation. With qualitative findings from a media content study including newspaper articles, a documentary transcript, and a variety of online data sources, it explores the dynamics behind the formation of bestiality law in the state of Washington. The research specifically uses the circumstances surrounding the death of Kenneth Pinyan, and the subsequent Enumclaw horse sex scandal that took place in the summer of 2005, to support the idea that bestiality law can emerge due to specific factors: structural foundations, perceptions of crime and public demands for punishment, and triggering events. The article concludes with recommendations for future research on law formation processes, such as including technological advancements as an essential structural foundation. It also considers the possibility of adding structural ritualization perspectives to the integrative model.

INTRODUCTION
In the mid-2000s in the northwest United States, a group of friends who connected online would meet at a farm in rural King County for parties. When

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the friends gathered at the farm around 50 miles south of Seattle, Washington, they would watch movies, engage in conversation, eat, and drink. They also had sex with animals (Devor & Mudede, 2007). One member of the group was Kenneth Pinyan, a Boeing engineer. His story would bring King County, more specifically the town of Enumclaw, into the national spotlight. It would also facilitate the development of a new bestiality law (McGanney, 2007; Mudede, 2015).

On July 1, 2005, Pinyan came to the farm to have sex with a horse he kept there. His preference was to have the animal penetrate him. A regular at the parties stated that Pinyan’s affinity for inserting large objects into himself was nothing strange. He was into the “fisting scene” and “had this large device he liked to keep inside of him because it would wiggle around and remind him internally he had feelings” (Devor & Mudede, 2007, p. 18). Pinyan’s horse refused to participate, so he and two other members of the group, including the owner of the farm James Tait, trespassed onto a neighbor’s farm. There they located an Arabian stallion the group called “Big Dick” (Anderson, 2005). Tait successfully had sex with the horse, but Pinyan did not. When the horse penetrated him, it tore his colon. Air entered his body cavity and created severe pain (Brown & Rasmussen, 2010; Mudede, 2006). Early the next morning, Pinyan announced he needed medical assistance. Tait drove to the emergency room at a community hospital in Enumclaw, dropped off Pinyan, and fled the scene. Medical personnel could not find a pulse and attempts to revive Pinyan failed. He was dead. A security camera recorded Tait’s arrival and his license plate number. Local law enforcement officials quickly linked him to the death and located the farm where the parties occurred (Mudede, 2015; Sullivan, 2005a). The coroner deemed the death accidental, but police focused on Tait. The police found videotapes showing sex acts with animals on his property. Prosecutors sought to charge him for crimes involving bestiality. However, they could only charge him with misdemeanor trespassing because bestiality was legal in the state of Washington (Sullivan, 2005b). With the encouragement of State Senator Pam Roach and animal rights organizations, that would change less than a year after Pinyan’s death. On March 1, 2006, bestiality became a Class C felony punishable by up to five years in prison and a $10,000 fine. New legislation also made it illegal to videotape sex with animals under animal cruelty laws (Sullivan, 2006a).

Two important issues exist. First, there is a growing prevalence of antibestiality legislation in the US, but there is a lack of research related to it (Holloway & Newman, 2014). Specifically, studies on socio-legal aspects of bestiality are scant (for exceptions see Lowe, 2016; Beirne, 2009). None address law formation processes systematically. Second, popular constructionist perspectives, such as Best’s (1987, 2003, 2006), cannot provide a complete understanding of what led to Washington’s bestiality law. They focus on law formation in terms of powerful claims makers setting agendas through the media. However, with a lack of explicit theoretical framework, they do not ad-
equately consider structural factors or the multitude of overlapping events that trigger new legislation (Best, 2015; Loseke, 2015; Maratea, 2008).

This article addresses these issues with an examination of the social construction of bestiality law using the Integrative Conflict Model (ICM). It provides a brief history of bestiality and a review of the ICM. Following a discussion of methods, it uses findings from a qualitative media content study using newspaper articles, a documentary transcript, and a variety of online sources to explore the dynamics behind the formation of bestiality law in the state of Washington. Adding to prevalent constructionist perspectives, the article uses the circumstances surrounding the Enumclaw case to support the idea that bestiality law can emerge due to specific factors related to structural foundations, public perceptions of crime and demands for punishment, and triggering events. It concludes with recommendations for future research.

**A BRIEF REVIEW OF BESTIALITY**

The term bestiality emerged in the English language in the early 1600s. Scholars believe people at the time derived it from the Latin *bestialitas*, which the theologian Thomas Aquinas used centuries earlier when discussing human-animal sex (Beirne, 2009). Bestiality involves intercourse with animals due to opportunity and sexual impulse. For the human, the animal is a legitimate substitute for a sexual partner (Navarro & Tewksbury, 2015). Research does not consistently give precise rates, but classic studies indicate that 5 to 8% of males engage in bestiality, while between 3 to 4% of women do. The average age of first contact is 17, and participants usually have low educational backgrounds (see Hunt, 1974; Kinsey, 1953; Kinsey, Pomeroy, & Martin, 1948). One recent publication notes that up to 55% of people have engaged in some form of sexual behavior with an animal (Navarro & Tewksbury, 2015). Most bestiality involves dogs, with horses being the second most popular option (Beetz, 2004).

Some statistics indicate as many as 40% of people who engage in sex with animals come from rural areas, where the opportunities are higher due to the farm-based nature of the social context. People from rural areas are also highly influenced by childhood experiences involving sex. For example, children on farms regularly learn about sex by seeing animals have sex. Therefore, they are more susceptible to viewing animals in a sexual way later in life (Hensley, Tallichet, & Dutkiewicz, 2011).

Bestiality has a stronger link to people who suffer the effects of emotional rather than physical abuse, but overall people who engage in bestiality do not have histories of abuse any higher than the general population (Miletski, 2002). Research implies that bestiality cases commonly involve what psychiatrists label sexually violent predators (SVPs). These people have mental or personality disorders and have committed a criminal sexual act
against more than one person more than one time. SVPs have an increased risk of committing subsequent sexual offenses, including bestiality (Holodya & Newman, 2014). One study indicates 10% of juvenile delinquents have participated in bestiality (Duffield, Hassiotis, & Vizard, 1998) and another that looked at three Southern correctional facilities found 14% of inmates had engaged in sex with animals (Hensley & Tallichet, 2005).

Men who engage in bestiality lack confidence with women, and sex with animals provides empowerment while avoiding feelings of inadequacy (Beirne, 2000; Ulsperger, 2014). People from religious backgrounds under pressure to restrain from normative sex sometimes justify bestiality as a legitimate alternative, though religious regulations may be just as condemning of intercourse with animals. Some who engage in bestiality consider it a viable alternative to consequences of regular promiscuous sex, such as pregnancy or sexually transmitted diseases (Beetz & Podberscek, 2005). Interestingly, a majority of self-reported male bestiality involves engaging in acts with animals that are of the same sex, while females who engage in bestiality have a clear preference for the opposite sex (Navarro & Tewksbury, 2015).

With a lack of uniform definitions of sexual offenses in many areas, we should question the compilation of statistics and generalizations related to bestiality. It is also important to note that bestiality is not zoophilia, though scholars often use the terms interchangeably and some controversially see them as the same thing (Navarro & Tewksbury, 2015). Whereas bestiality is generally “sexual interaction between an animal and human” (Ascione, 2008), zoophilia is specifically a psychological paraphilia of sexual arousal to an object that is not part of standard stimulation. Human-animal copulation is a preference, not a substitute. In other words, participants who have sex with animals do so because they are not interested in sexual contact with other humans. Zoophilia also involves a reported emotional attachment (Beetz & Podberscek, 2005; Peretti & Rowan, 1982). With Enumclaw, group members were engaging in bestiality, but it is beyond the scope of this work to label them zoophiles in any definitive way.

The activities that took place around Enumclaw are nothing new. Carvings from pre-historic times portray humans having sex with animals. Ancient Mesopotamians used dogs to maintain sexual activities for orgies. However, the Code of Hammurabi did call for death for those engaging in unsanctioned bestiality (Ulsperger, 2014). Hittites would put someone to death for having sex with select animals, such as dogs and pigs, but not for sex with cows or horses (Beirne, 2009). Even the Old Testament’s Mosaic laws reference bestiality and punishments for it (New International Version, Lev. 20. 15-16). Persians would engage in sex with animals believing it prevented venereal diseases, while some Arabs believed it had the ability to enlarge your penis (Gregersen, 1983; Krafft-Ebing, 1965). In Egypt, rumors abounded that Cleopatra used trapped bees, with an intense vibrating effect, to stimulate her genitals. In Roman times, men had sex with sheep, while some women
kept snakes trained to penetrate their vaginas. In the Middle Ages, the influence of Christian doctrine changed public attitudes by connecting sin and bestiality. By the Renaissance in many European countries, officials regularly prosecuted citizens for bestiality. Townships burned offenders at the stake and soon the stigmatization of bestiality was firmly in place (Ulsperger, 2014). A variety of reasons for the persecution of the act existed at the time. Many believed bestiality went against the natural order of the universe that involved the separation of humans from lesser species, that it violated the procreative intent of intimate relations, and that the conception of monstrous human-animal offspring could occur (Beirne, 2009). Countries in Europe continue to deal with issues revolving around bestiality, whether they involve individual cases of perversion (see BBC, 2015) or animal sex tourism in places like Denmark, where interspecies sex is legal as long as the animal does not suffer (Digens, 2014).

In the United States, the response to bestiality has typically involved harsh disapproval and prosecution (Holoya & Newman, 2014). The first legal code established by colonists, the Massachusetts Body of Liberties, alluded to animal cruelty. It did not explicitly involve bestiality, but included a vague mention of cruelty followed by a provision to rest tired animals during geographic relocation. Internationally, laws emerging at the same time in Ireland made attaching plowing equipment to a horse’s tail and pulling the wool off live sheep illegal (Beirne, 2009). Cases involving sex with animals instead used Biblical standards for judgment and punishment. Consider the case of Thomas Granger. With it, bestiality panic reached a fever pitch in the colony of Plymouth. In 1642, community members accused the 16-year-old of engaging in sex with a horse, cow, goats, sheep, and a turkey. By order of the court, in line with Old Testament scripture, an executioner killed all of the animals in front of the offender and then killed Granger (Bering, 2013). In the next century, another infamous case occurred in Europe. It involved a French peasant tried for sex with a donkey. Officials put the peasant to death, but they did not kill the animal. Going against the Biblical principles that led to the death of all creatures involved in the Granger case, officials decided to give the donkey its own separate trial. They found it innocent, concluding Granger raped it (Bering, 2013). The result in the Enumclaw case was a bit of an in between. A documentary on the scandal implies that a veterinarian castrated the stallion Pinyan had sex with quickly after law enforcement officials located it (Devor & Mudede, 2007). By the late 1800s, states decriminalized many deviant sexual acts. The cornerstone of this movement involved the increasing focus on psychiatric explanations for human behavior (consider the previous points on SVPs). In other words, if someone engaged in bestiality, it was due to a psychological abnormality and not necessarily rational choice. As a result, the behavior became somewhat tolerated (Beirne, 2009).
There are currently no federal laws on bestiality in the United States. The only historical exception is the Uniform Code of Military Justice, which classified engaging in sex with animals as an act of sodomy. However, Congress removed the reference to animals in recent years (Winn, 2011). As we will show in connection with the Enumclaw case, modern statutes often link bestiality to intolerance towards animal abuse. This ultimately leads to those prosecuted for bestiality facing animal cruelty charges. However, many states are vague on the topic (Beirne, 2009). Regardless, at the time Washington passed its law, 33 states out of 50 had legislation in place making some aspect of bestiality illegal. Seven years after the Washington law, the number stood at 35 (Animal Legal Defense Fund, 2012). With laws just passed in states like New Jersey, where Jack Ciattarelli’s intern Katie Schwartzer recommended new legislation after a former police officer was caught having oral sex with calves (Collins, 2014; Friedman, 2014; Racioppi, 2015; Sullivan 2015), the number is now higher. Other states, such as Ohio (Johnson, 2015) and New Hampshire (Blackman, 2016), appear likely to follow soon.

THE INTEGRATIVE CONFLICT MODEL OF LAW FORMATION

The Integrative Conflict Model (ICM) emerged from a tendency to explain the origins of criminal law in one of three ways (McGarrell & Castellano, 1991). The first involves law formation based on classic moral functionalist views, which imply a collective consciousness representing the common good leads to new laws (see Durkheim, 1965; Parsons, 1951). The second concerns moral Marxism, which argues laws reflect the interests of elites who want to maintain control (see Chambliss & Seidman, 1971; Quinney, 1973; Sellin, 1938; Taylor, Walton, & Young, 1973; Vold, 1958). The third implies that new laws are the result of conflict between groups of people with various levels of power who have contradictory values (see Hagan, 1980; Scheingold, 1984). The previously mentioned constructionist theory feeds off this explanation while noting that competing groups often make their claims for new legislation through the media to sway public opinions (see, for example, Best, 1987, 2003, 2006). Recognizing the importance of each of these views, the ICM provides a holistic, albeit underutilized, theory that can strengthen our understanding of law formation.

Figure 1 indicates that the ICM operates on three levels: structural foundations, perceptions of crime and demands for punishment, and triggering events. Each level does not take place sequentially. They are interrelated; however, a discussion of them as “three distinct levels” helps when connecting the multitude of factors that promote new laws (McGarrell & Castellano, 1991, p. 175). The current work furthers the model by providing references to points of overlap, but it is beyond its reach to produce a systematic, theoretical reformulation based on all interrelated factors.
Figure 1: The Integrative Conflict Model

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<tr>
<th>STRUCTURAL FOUNDATIONS</th>
<th>Cultural Factors</th>
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<tr>
<td>Societal Factors</td>
<td>Cultural Factors</td>
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<td>-Heterogeneity: race, ethnic, religion</td>
<td>-Ideas of Deviant Behavior</td>
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<td>-Inequality</td>
<td>-Individual Responsibility</td>
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<td>-Economics: fiscal crisis</td>
<td>-Vigilante Tradition</td>
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<th>PERCEPTIONS OF CRIME AND DEMANDS FOR PUNISHMENT</th>
<th>Legitimation Deficits</th>
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<tr>
<td>Perceptions of Crime</td>
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<td>Media Influence</td>
<td>Public Demands</td>
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<th>TRIGGERING EVENTS</th>
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<td>Sensationalized Crimes</td>
<td>Reform Group Activities</td>
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<td>Media Campaigns</td>
<td>Political Actions</td>
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<td>Interest Groups</td>
<td>Campaign Politics</td>
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<th>CRIME LEGISLATION AND POLICY</th>
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Note: Figure adapted from McGarrell and Castellano (1991).

Structural foundations relate to societal and cultural factors, which have the potential to produce alternative views of behavior. Structural-societal factors involve issues such as racial, gender, religious, and urban/rural differences. They also concern economic inequality and political divisions (Galliher & Cross, 1983; McGarrell & Castellano, 1991). Structural-cultural factors involve the populace’s ideas on behavior, whether true or not. For example, what people think they know about a form of deviant behavior, and not what is true about it, is essential (for elaboration, see Williams & McShane, 2014). Cultural factors also connect to the idea that individuals are primarily responsible for deviance and deserve punishment when norms violations occur (McGarrell & Castellano, 1991). As implied by Oreskovich’s (2001) ICM analysis of Minnesota sex offender laws, if the state is not willing to punish, citizens sometimes believe they have the ability to engage in vigilantism and punish on their own. The current research adds to, and elaborates on, struc-
tural-cultural factors associated with bestiality law by considering technological shifts and increases in anthropomorphism.

With perceptions of crime and demands for punishment, exposure to an objectionable behavior creates an elevated public awareness (McGarrell & Castellano, 1991). People may not have believed an otherwise overlooked deviant behavior warranted criminal status before, but they change their minds. Here, the symbolism of the law is important, as well as a reliance on constructionist ideas. As compared to traditional models, people do not desire new laws when a certain type of deviant behavior increases. As shown in Hodges and Ulsperger's (2010) ICM study of satanic panic in the 1980s, people call for new legislation when they merely perceive an increase in deviant activity (see also Joutsen, 1993). Literature that emerged after the introduction of the ICM refers to this as a moral panic (Altheide, 2009; Goode & Ben-Yehuda, 1994). The public consumes emerging stories through, for example, the media. The stories detail issues they did not pay attention to before. Newfound concern elevates hostility and pulls otherwise divergent groups of people together. Subsequently, those groups call for the state to act (for a recent example, see Schildkraut, 2016). ICM literature discusses this as a “legitimation deficit,” and lawmakers are quick to react toward such deficits when they occur, especially if doing so elevates their own political capital (McGarrell & Castellano, 1991, p. 183).

Triggering events produce an intense demand for new policy. This level of the model can be puzzling, since the elevated media coverage just discussed can be a trigger itself. Adding to the confusion, multiple interrelated triggering events can occur simultaneously. In addition to media coverage, triggering events include sensationalized crimes, as shown in Ulsperger's (2003) ICM analysis of Oklahoma nursing home law. They also relate to significant court decisions and activity involving a “vocal political opportunist” (McGarrell & Castellano, 1991, p. 188). In terms of the latter, constructionists refer to people who stir up moral panics and take the lead in convincing the public they need new laws as “moral entrepreneurs” (Brown, 2014, p. 445). With this stage, whether the public initially considers something morally objectionable is not of the utmost importance. Identifying the people with power who are trying to define the behavior at hand is. They have the ability to take an event, tie it to their boundary-setting motives, and put the lawmaking process in motion (Galliher & Cross, 1983; Jacob, 1984; McGarrell & Castellano, 1991). Reinforcing a previous point of ICM research, agenda-setting behaviors of interest groups can be just as important as the actions of an individual. Consider Becker’s (1999) ICM analysis of Ohio’s earliest hate crime legislation.
THE EMERGENCE OF CONTEMPORARY BESTIALITY LAW

METHODOLOGY

Case Studies

A case study is an in-depth, multifaceted inquiry that uses qualitative methods. Case studies typically focus on a single person, group, or event (Orum, Feagin, & Sjoberg, 1991). The primary goal of a case study involving any form of media content is to seek patterns in data (Altheide & Schneider, 2013; Stake, 2005). This allows researchers to depict multiple realities that are not easily quantifiable. This is relevant with research on law formation since the essence of understanding it stands in interaction processes not obtainable via statistics (Geis, 1991). Case studies are the leading methodology for studying social problems related to law formation, especially when considering claims making and media coverage. They allow scholars to focus on specific issues related to public perception and provide a foundation for subsequent studies (Best, 2015).

With findings from a media content analysis (Altheide & Schneider, 2013) using the ICM, this study explores the formation of bestiality law in the state of Washington. The researchers used deep and varied sources to explore themes related to structural foundations, perceptions of crime and demands for punishment, and triggering events. It is an intrinsic case study, since it focuses on knowing more about particular people and events. It is also an instrumental case study because it helps to make better sense out of theoretical issues of underlying law formation processes (Hancock & Algozzine, 2006). It is important to note that case studies such as this one have a variety of drawbacks, including a lack of generalizability and the building of interpretations of reality based on limited sources (Altheide & Schneider, 2013; Best 2015). Despite this fact, scholars still believe there is great worth to the approach if it addresses criminal justice policy analysis (Travis, 2014) or helps to establish systematic, theoretical frameworks with the potential to explain a variety of social problems (Best, 2015).

Content Analysis

For this study, we used Washington’s largest daily newspaper, the Seattle Times, as a primary source of data, specifically utilizing its online, archival database. There are several benefits associated with an online database, including the ability to perform quick searches with a large number of materials and reliability through control of human error (Altheide & Schneider, 2013; Deacon, 2007). We drew on all of the content produced about the Enumclaw case from July 2, 2005 (the day Pinyan died) to March 31, 2006 (a few days after the governor’s signature made new legislation effective). Based on previously developed recommendations (Soothill & Grover, 1997), we used carefully constructed search terms, including “Enumclaw,” “horse sex,” “Pam Roach,” “Bill 6417,” “bestiality,” “Pinyan,” and “Tait.” This yielded a collection of 20 news stories, editorials, and letters to the editor. We also used information from other newspapers and magazines discussing the
case, which included other local, U.S., and international sources. We located these 14 sources via the EBSCO Information Services database. An Internet search using multiple engines revealed 11 sources, including animal rights organization web pages and other sites, such as vice.com and thestranger.com, where an interest in the case existed. Finally, recorded testimony from a public hearing on Washington’s new bestiality legislation and an original, unedited script of a documentary on the Enumclaw incident aided analysis. Overall, the final data set contained 47 sources with 94 pages of information related to the case.

**Coding**

As recommended in content analysis literature (see Berg, 2007), the unit of analysis in this study was any sentence or collection of sentences that referenced aspects of the ICM (n=86). Thirty references (35%) in the data concerned structural foundations. To classify structural foundations, we looked for any references to issues related to societal factors such as race, gender, religion, urban/rural differences, economic inequality, or political divisions. We also looked for salient examples of cultural foundations, including references to the population’s attitudes toward bestiality and comments on who was at fault in the Enumclaw case. Open to emerging themes, we discovered structural foundation trends involving comments related to technology and anthropomorphism. Thirty-two references (37%) involved media-related attention to concerns over bestiality, legal legitimation deficits relating to human-animal relations, and/or calls to establish new laws. Twenty-four references (28%) to triggering events existed. They concerned references to the actual death of Pinyan and comments related to the actions of moral entrepreneurs, such as interest groups and specific politicians. To ensure intercoder reliability, each author reviewed sources and determined which aspect of the ICM applied. The researchers discussed sources related to disagreements in-depth before coming to an agreement on their classification. Following the initial reading of the sources, each researcher reread and recoded to establish consistency. A final reading and coding took place to process emerging themes not initially considered.

**Ethics**

Using public documents, the researchers avoided any issues involving the invasion of privacy (Merriam & Tisdell, 2016). This did limit our ability to obtain backstage insight related to the case. It also created a somewhat biased study, since we primarily reviewed published materials reflecting media representations. Due to the nature of actions involved in the case, this work has the potential to generate embarrassment, but it does not harm anyone because the information related to people and/or their actions used was already in public domain.
THE EMERGENCE OF CONTEMPORARY BESTIALITY LAW

THE ENUMCLAW CASE AND THE INTEGRATIVE CONFLICT MODEL

The process of lawmaking involves the influence of more than one event, so gaining an understanding of law formation relates to multiple factors. With the Enumclaw case, this section analyzes those factors with ICM and reviews structural foundations, perceptions of crime and demands for punishment, and triggering events.

Structural Foundations

Structural foundations are “overriding social structural and cultural factors that produce crime in society and guide society’s response to crime” (McGarrell & Castellano, 1991, p. 182). This includes structural-societal factors such as racial, gender, religious, urban/rural, economic, and political differences. It also relates to structural-cultural dynamics associated with prominent ideas on forms of behavior, individual responsibility, and beliefs that deviants deserve punishment. Structural-society themes related to religious ideology and political variation with a blend of urban/rural issues, along with cultural factors reflecting attitudes on bestiality, are salient in this research.

In examining this case, it is important to consider structural factors on why Washington did not have a bestiality law previously and what may have led to the new one. Beliefs about bestiality relate to religious ideology (Navarro & Tewksbury, 2015; Ulspurger, 2014). This suggests that religious states have a higher likelihood of having bestiality legislation. However, Washington did not have a bestiality law until after the Enumclaw case. Structurally, this makes sense. Washington has low levels of religiosity. Only 32% of its citizens identify themselves as religious (Huffington Post, 2014). Intriguingly, this minority did attempt to reach out to people like Tait who were associated with the Enumclaw case. He notes in one source, “[After my identity was revealed] I was even getting mostly addressed to me, tracts, religious tracts. People were trying to save our souls” (Devor & Mudede, 2007, p. 13).

Though a base of high religiosity has not traditionally existed in Washington, a foundation of conservative ideology has. Despite moves to legalize marijuana and euthanasia, political identification statistics reveal that many of Washington’s citizens classify themselves as conservative. This suggests that a dominant political base, with leanings toward harsh punishments for traditionally repulsive behavior, would have established bestiality laws years ago. However, when considering political affiliation, geographical divide is important. The southwestern part of the state, including well-populated Seattle, identifies with the Democratic Party. The rest of the state, rural and dominated with farming, identifies as Republican (Webley, 2013). As with recent legal pushes in New Hampshire, it is likely that people of farming communities were not traditionally supportive of bestiality legislation due to restrictions it creates for animal husbandry practices (Blackman, 2016). It is also possible that many of them just viewed bestiality as a rural way of
life. For example, our analysis revealed that a school newspaper in northwest Snohomish County published a piece on farm boys having sex with animals a few years before the Enumclaw incident. Some local residents spoke out against the story, which claimed a fifth of male students engaged in bestiality. In the article, when the writer asked about the appropriateness of the behavior, a student commented, “I don’t believe it is morally wrong” (Stein, 1996). Since Washington passed its law, interestingly it records the highest bestiality rate in the US (Hay, 2014). Regardless, the Enumclaw case seemed to unite people from both sides of a variety of structural fences. Reflecting moral functionalist views (see Durkheim, 1965; Erikson, 1966; Parsons, 1951) some analysts argue that the incident may have been so repulsive to a majority of people in the state, it created a unique situation that brought together Democrats and Republicans along with city and country folks (Brown & Rasmussen, 2010). Many of the newspaper articles in this study reflect this repulsion, even among more liberal, urban journalists (Peiser, 2000).

The Enumclaw case brought to mind stereotypical rural, farm-based activities distant from Seattle journalists’ lives. It created a situation where urban dwellers could take the focus away from Seattle’s reputation as a hotbed for deviant activity and point the finger at depraved, perverted citizens from the country (Brown & Rasmussen, 2010). As Danny Westneat of the Seattle Times (2006) argues in one source, the case had the potential to stigmatize further Seattle’s image, but most people knew the incident took place “out near Enumclaw.” Indeed, Enumclaw could not escape an escalating tainted image, which even had economic ramifications. For example, an anonymous source who attended the animal-sex parties at Tait’s farm states,

Quite a few people were not happy. Some businesses... had advertising in Seattle markets, some businesses [in Seattle] actually pulled their advertising because [Enumclaw’s] name was somewhere in the title... they were so embarrassed the name [Enumclaw] was repeated over and over and over again. And [people] made so many jokes.

The jokes were not limited to the general population. Two years after Pinyan’s death, journalists were still targeting the town associated with it. For example, our research found an article written by a columnist for the Spokesman-Review on a debate for the location of a proposed treatment center for sex offenders. The source notes a suitable site as “One of the unpopulated windblown islands off the Washington coast, say. Or, better yet, Enumclaw” (Clark, 2007).

Feigning an objective stance, one of the first articles on the event in the Seattle Times relies heavily on anti-bestiality perspectives. It includes information on how to change bestiality laws in the state and includes a quote from an animal-rights activist who argues, “It’s not natural for animals to do this” (Sullivan, 2005b). One Seattle Times journalist notes in another article
that while the Enumclaw incident was occurring, “The rest of us were home reading John Irving... foolishly believing that... milking cows... was as perverted as a farm ever gets.” The writer later uses information gathered from a psychiatric nurse to explain the technical nuances of bestiality. In the article the nurse comments, “Maybe it is something teenaged boys try for a lark” (Brodeur, 2005a). Along with the structural bases already discussed, two new foundations related to bestiality law exist with this research. The first concerns an area widely ignored by constructionist-related research on law formation: technology (Best, 2015). The other relates to anthropomorphism.

A minority of people have engaged in bestiality in most societies throughout history (Navarro & Tewksbury, 2015). Until recently, they did not have access to a wide variety of bestiality related pornographic material (Grebowicz, 2010). Moreover, participants did not have the ability to find each other by way of online environments, which have recently created virtual refuges for sexual minorities (Maratea, 2011). Would Washington have passed bestiality legislation the way it did without the existence of the Internet? The Internet brings people with unusual interests together. Specifically, research shows that online, bestiality communities flourish (Miletski, 2002; Williams & Weinberg, 2003). These studies highlight the fact that the Internet is now a critical asset for people interested in sex with animals. As one regular at the Enumclaw socials notes in a source, “All of us are quasi-computer geeks, we had at least that part in common” (Devor & Mudede, 2007, p. 10). In line with classic theories on deviant subcultures (see Blackman, 2014; Cloward & Ohlin, 1960), people who engage in bestiality reject normalized means and goals related to sexual behavior. In doing so, they seek out others with similar means and goals for social support. The easiest way to do this in the contemporary era is through technology, specifically the Internet. According to a sheriff’s sergeant, people in Internet chat rooms viewed the farm as a destination for those wanting to have sex with livestock. Moreover, one of the people involved in the Enumclaw case lived on the east coast. Someone he met online sent him money to move to the area (Devor & Mudede, 2007; Sullivan, 2005a). In Devor & Mudede’s (2007, p. 7) documentary on the case, a party attendee anonymously identified as “The Happy Horseman” describes that online bestiality networks create a community:

[It’s] pretty much... our own little small world. No statuses, who was this, who was that. No alphas, omegas, and betas running around anywhere. Just so and so over there... How’s things? Oh yeah, I got to see so and so over here. Talked to them a couple days ago. Other groups, they were part of [our world] in other parts of the US. Somebody would drive down to California. Over to Texas or some other state. Meet up with a few friends down there. Or someplace in New Mexico. Very global world, getting smaller and smaller thanks to the Internet.
Project Wildfire, an Internet site with dubious authority that publishes stories dedicated to exposing the perpetrators in interspecies sexual assault cases such as the one involving Enumclaw, argues that there are dozens of human-animal sex rings operating all over the US. It claims the anonymity of Internet communication allows them to operate under the radar of law enforcement (Leader, 2011). There is not much evidence to back up such claims, but it is relevant to note that in 2010 in Whatcom County, Washington, authorities argued that a convicted cocaine smuggler was running a bestiality farm. An investigation revealed various oddities, including “mice that had their tails cut off... smothered in Vaseline... with retrieval strings tied around them” (Carter, 2014; Hay, 2014; Johnson, 2010).

Anthropomorphism involves the application of human traits to non-human entities, including animals (Dubino, Rashidian, & Smyth, 2014). Since the 1970s in the US, people have been increasingly treating animals, especially pets, as emotional and intellectual creatures, close to human beings in terms of such characteristics (Veevers, 1985). This trend is escalating, as represented by people treating their pets like children, spending more money than ever on pet-related products, including clothing and medical services, and sharing previously designated personal space with pets (Boonjakuakul, 2014; Krahn, Tovar, & Miller, 2015). This is taking place at the same time as the current wave of concern over human-animal sex (Hay, 2014).

Some people promote bestiality as an extension of the natural love that people have for animals, especially when both entities get pleasure from an encounter and no clearly defined cruelty occurs (Dekkers, 2000; Singer, 2001). Some of the animal rights supporters connected to the “rescue” of the horses involved in the Enumclaw case reflect this. In one source, an activist states, “It was a really loving relationship. I don’t yet quite know how I feel about that. I’m right at the edge of being able to understand it” (Devor & Mudede, 2007, p. 21). Consider arguments that draw comparisons between animals and children regarding their inability to provide consent (Beirne, 2009; Boggs, 2010). Some argue that it is impossible for animals to give consent. In other words, animals are not just like children and it is wrong to draw comparisons between the two when considering deviant sexual contact. On the other hand, some animal rights activists argue that sex with an animal is an assault since the animal does not have the ability to agree to the action (Brown & Rasmussen, 2010). Many of the sources in this study appear to side with this opinion. For example, Pam Roach, the Republican state senator and Brigham Young University graduate who introduced bestiality legislation following the Enumclaw incident, argued, “It is against the law to harm children; it should be against the law to violate an animal” (Man Accused, 2005; Sullivan, 2005b). It is worth considering that an increase of anthropomorphism could be shaping the general population’s attitude toward animal treatment and helping to facilitate bestiality law in some way. The following subsection elaborates on this point.
Perceptions of Crime and Demands for Punishment

Perceptions of crime and demands for punishment relate to “legitimation deficits created by the state’s apparent inability to reduce fear and concern about crime” (McGarrell & Castellano, 1991, p. 182). As implied previously, people in Washington did not necessarily concern themselves with bestiality as a form of deviance warranting criminal prosecutions. However, after the Enumclaw case, that changed. In the Seattle Times, a Washington resident says, “It certainly is an aberration” (Brodeur, 2005a). In the same publication, King County Prosecutor Daniel Satterberg notes bestiality in Washington is a “real threat to public safety” (Baker, 2006), and in yet another, Pam Roach argues, “People should not treat animals this way (Senate Bill Archives, 2006). Echoing this, a server at a local Enumclaw restaurant told a journalist, “It’s wrong. It’s evil. That’s all I’d hear while serving tables” (Mudede, 2006). However, one key issue with the Enumclaw case was that there was no previously existing law. In the wake of the initial media coverage contributing to negative attitudes regarding bestiality, Washington’s citizens found themselves asking why there was not.

As early as the first Seattle Times article on the case, the lack of laws in Washington for bestiality was clear. That article states, “Deputies don’t believe a crime occurred because bestiality is not illegal in Washington state and the horse was uninjured” (Sullivan, 2005a). In one source, a columnist from the Seattle Times responds with a simple “Are you kidding me?” (Brodeur, 2005a). Prosecutors did their best defending themselves against public demands for stiffer penalties. As one report indicates, King County prosecutors said trespassing was the most severe charge they could file against Tait, who would end up getting a suspended sentence for one year and a $300 fine (Mudede, 2006; Sullivan, 2005c). Other sources in our data set build on our point about anthropomorphism by reflecting ideas on consent and sexual assault. Senator Roach states in one newspaper article, “Animals are innocent. They cannot consent” (LaCorte, 2006). A report on the videos found through the investigation relied heavily on an Enumclaw police officer’s beliefs. In the article, the officer says, “Activities like these are often collateral sexual crimes beyond the animal aspect... investigators want to make sure crimes such as child abuse or forcible rape were not occurring on the property” (Sullivan, 2005b). In another article, a King County deputy prosecutor states, “Studies have shown a strong link between sex with animals and pedophilia... It would be wrong to look at [a new bestiality law] as an animal welfare bill. It’s the kind of conduct that can escalate” (Baker, 2006). Around the time that article appeared, a public hearing on the proposed Bill 6417 occurred. The Seattle Times published an article discussing the hearing that includes quotes from participants. In the source, a representative from the King County Prosecutor’s Office states that sex with animals can lead to “violence to humans” and “96% of juvenile sex offenders started off abusing the family pet.” In that same source, a veterinarian supports a new
bestiality law because situations like the Enumclaw case involve a broader issue. She states that viruses such as the bird flu pass through human-animal contact and lead to pandemics (Brodeur, 2006). As Beirne (2009) points out in his in-depth review of bestiality research, there is shaky evidence at best linking human-animal sex as a gateway to subsequent sex crimes involving children, rape, or any other significant threat to the public. Regardless, the Seattle Post-Intelligencer’s editorial on the scandal made itself clear on the issue. One source states its position with authority (Editorial Board, 2005):

It should be a no-brainer that animal cruelty laws ought to cover sex acts... [Washington’s] animal cruelty laws are gutless. In other words, welcome to Nobrainsville. The legal and regulated hunting of animals in no way grants us a carte blanche on all aspects of animal life. And arguing that animals seem to enjoy the act is a ridiculous and moot point.

Research shows that the proliferation of fear via news reporting clearly exists (for details see Glassner, 2010). Articles from Washington papers were helping to fuel alarm, not because there were so many (perhaps reporting on the case was stigmatizing for the newspaper), but because so many people desiring information were reading the articles on the coverage. A report put out by the Seattle Times indicated that the article titled “Enumclaw-area Animal Sex Case Investigated” was the most-read news story on the publication’s website (Most Read, 2005). After the list of heavily read articles came out, in one source a columnist (Westneat, 2005) states,

As I look back at the year in news, it’s clear I should have focused more on people having sex with horses... [The Enumclaw article] was by far the year’s most read article. What’s more, four more of the year’s 20 most clicked-upon news stories were about the same horse-sex incident. We don’t publish our Web-traffic numbers, but take it from me - the total readership on these stories was huge. So much so, a case can be made that the articles on horse sex are the most widely read material this paper has published in its 109 year history.

Perhaps the Internet is a structural foundation that allows deviants to come together, but also one that allows stories drumming up a moral panic a wider audience. Moreover, though we perceive the people of Washington to have an aversion to the act of bestiality, it appears they do not mind reading or hearing about it. West-coast-based radio talk show host Tom Leykis did not shy away from talking about the case on his show or from fielding calls from concerned people demanding legislative action. Boeing employees reportedly called him stating that federal agents came to their offices and demanded they not talk about the case publically. Leykis subsequently revealed Pinyan’s identity. Rush Limbaugh even gave attention to the scandal
and was aghast that Washington did not have a bestiality law (Devor & Mudede, 2007; MacInnis, 2007).

Involvement in the anti-bestiality frenzy was limited. Some citizens even wrote the Seattle Times relaying their disappointment over the elevated concern and calls for a new crime to be on the books. One journalist wrote an article revealing personal shock that some readers did not like her take on the case. Someone sent her an email stating that the police and the press were being “nosy and judgmental.” Another told her she had a “condescending attitude.” The reader’s response did not persuade her, as she ended her article with an attempt at humor related to the Mr. Ed theme song (Brodeur, 2005b). In a more indirect way, a Seattle resident (Scott, 2005) wrote a letter to the editor. In the source, the person states,

Thank God someone finally has the courage to get to the real issues instead of the constant debates about nonsense like replacing the Alaskan Way Viaduct before it topples and kills citizens. Or our other traffic problems, not to mention the health-care issues we hear about so often. With this long-overdue legislation, perhaps now raccoons will feel comfortable roaming our neighborhoods during the daylight hours for our amusement. Animals should not have to feel apprehensive about the possibility of being sexually abused every time they step out.

With a similar tone, after the state legislature approved the new legislation, a citizen (Walters, 2006) wrote a letter to the editor of the Seattle Times:

Hurrah! Our state legislature just passed a law making bestiality a felony…. After that Enumclaw fellow misbehaved with a horse last year, I have continued to be suspicious of every horse I see smoking a cigarette, or sheep entering a Planned Parenthood clinic. Now I can go about my day without these concerns.

With the overlapping aspects of the ICM in mind, media attention influenced public perceptions of crime and demands for new bestiality law in Washington. It was surely a triggering event as well. However, in terms of triggers, we limit our discussion here to the death of Pinyan, interest group activities, and political involvement.

Triggering Events

Triggering events are actions “that actually lead to passage of a specific piece of legislation” (McGarrell & Castellano, 1991, p. 182). The obvious event with the Enumclaw case involves the “sensational” death of Kenneth Pinyan resulting from anal sex with a horse (Mudede, 2006). This would fall under the umbrella of what the ICM labels a societal “dislocation” (McGarrell & Castellano, 1991, p. 188). The subsequent media coverage, though it shaped per-
ceptions and demands for new legislation, could be a triggering event in and of itself. However, recognizing this possibility, we see media coverage as different, especially since it followed the death. It seems in some ways independent from subsequent attention. In other words, the coverage did not cause the death. The death caused the coverage. As one party attendee (Devor & Mudede, 2007, p. 13) reports in a source,

> When it started showing up in the news. Helicopters flying overhead. News reporters being toured down the street... This was one of those very controversial issues for this state. It involved quite a few different agencies. How many places do you know of that actually get CNN news to fly a helicopter over the property just so they can have footage for an accidental death?

Regardless of those issues, it is important to focus on the activities of moral entrepreneurs involved with Bill 6417: reform groups and politicians. The cause and effect dynamic is not so clear here. Sources, specifically newspaper articles, do not clarify whether social activists and politicians sought out coverage independently, or if journalists targeted them in order to expand the information base for reports. Traditional works argue that interest groups do not typically engage in law formation processes since the resources to have an impact are so vast (see, for example, Jacobs, 1983). However, if a chance arises to align with others while only using minimum resources due to excessive media coverage, interest groups will seize the opportunity (see Ulsperger, 2002). Their comments, along with ones provided by politicians, do not just represent an opinion on the case, but reflect a desire to change laws associated with bestiality.

Early in the scandal, the Humane Society of the United States took center stage. In one *Seattle Times* article, Bob Reder, a regional director in Seattle, implies the case was possibly a good thing for his group. He argues in one document, “This and a few other cases that we have will allow us a platform to talk about sex abuse of animals.” In that same article, Susan Michaels, the co-founder of a local animal rights organization, Pasado’s Safe Haven (a local sanctuary dedicated to animal protection) says that she had been fighting to make bestiality illegal because it is “animal cruelty behind closed doors” (Sullivan, 2005a). One relative of Pinyan’s even advocated for the new law. The relative said he planned to write a letter to lawmakers (Sullivan, 2006b). Other groups around the state falling under the animal-welfare umbrella supported the bill, including Horses for Hope (a rescue organization for neglected equines), the Washington Farm Bureau (a volunteer-based organization focusing on farm and ranch interests), the Washington State Grange (a farm-based nonprofit group engaged in legislative issues), and state veterinarians. However, Pasado’s Safe Haven led the way. Michaels urged citizens early on to email legislators for new bestiality legislation (Devor & Mudede, 2007; Sullivan, 2005b). In fact, she was also the first to approach State Sen-
ator Roach to initiate the legislative process when news of Pinyan's death broke. The "veteran lawmaker, who owns goats on her family farm" quickly became a backer of the cause (Baker, 2006).

Roach's political capital certainly increased with her connection to the case. She is the central politician appearing in this study's data. She has won several elections since the case and currently maintains a position on the state senate despite a scandal of her own. In 2010, the Senate Republican Caucus banned her and recommended anger management related to a pattern of abusive behavior toward staff (Garber & Brunner, 2010). Nevertheless, within weeks of Pinyan's death, sources show her stating in the Seattle Times, "[Bestiality] is just disgusting." (Sullivan, 2005b). Not long after, a Rolling Stone article quotes her saying, "This is not something a stallion wants to be involved with" (Smith, 2005, p. 90). Backing her desire to pass bestiality legislation, one Seattle Times columnist writes in a source, "Great, let's get it on the books" (Brodeur, 2005a). Many of the articles on the Enumclaw case mentioned her name in connection with proposed legislation. She followed through on January 12, 2006, introducing a measure that eventually turned into Bill 6417 (Bestiality Crime, 2006). The last paragraph of the bill states the following (Mudede, 2006):

Sexual contact means any contact, however slight, between the sex organ or anus of a person and the sex organ of any animal, or any intrusion, however slight, of any part of the body of the person into the sex organ or anus of an animal, for the purpose of sexual gratification or arousal of the person. Evidence of emission of semen is not required to prove sexual contact.

The next month in the public hearing on the bill, she argued that people coming from out of state to have sex in Washington was making it a "Mecca" for "abusing animals." She did not have to do much convincing. On the day of the hearing, Democratic Senator Adam Kline said, "There is literally no opposition to this bill. Nobody" (Brodeur, 2006). This was not a surprise in terms of political debate, since there was never a group in the state that advocated against the law. The vote passed in the senate 98 to 0 (Mudede, 2006).

CONCLUSION

On March 24, 2006, Governor Christine Gregoire signed Washington's first law prohibiting bestiality (Washington Votes, 2014). Around six months after the governor's signature, the state charged their first citizen. His wife turned him in for having sex with the family pit bull (Sullivan, 2006c). James Tait continues to have problems with the legal system. Four years after the Enumclaw scandal broke, Tennessee charged him with animal cruelty. He and his roommate were having sex with horses (Sullivan, 2009). According to one journalist, people in Enumclaw do not speak of the case anymore. The
grass around the barn where a stallion perforated Pinyan's colon is now brittle and brown, and the sign in front of it, which used to portray the image of a stallion, has white paint covering it (Mudede, 2015).

With the Enumclaw case in mind, the current study provides a qualitative examination of the social construction of bestiality law in the state of Washington using the Integrative Conflict Model (ICM). It shows that a variety of dynamics contribute to contemporary law formation, including structural foundations, perceptions of crime and demands for punishment, and triggering events. We agree with other scholars that more research is needed (Philo & Wilbert, 2000; Navarro & Tewksbury, 2015), but this work helps to fill a gap in literature with limited analysis existing on human-animal sex, specifically in terms of socio-legal issues (Holodya & Newman, 2014). It also builds on popular constructionist paradigms (see Best, 1987, 2003, 2006) with its exploration of previously examined ICM factors and new ones associated with law formation.

Recent criticisms imply that literature on law formation has an overemphasis on media reports and claims making, and that other factors exist that can help us understand the progression of law making (Best, 2015; Loseke, 2015). McGarrell and Castellano’s (1991) ICM provides a systematic model addressing this issue. We believe scholars underutilize it (for notable exceptions, see Becker, 1999; Hodges & Ulsperger, 2010; Oreskovich, 2001; Ulsperger, 2003) and have hopes that this research will help to stimulate its use. There have also been recent critiques implying that more work connecting cases involving social problems and law formation is required (Best 2015). We think future research can use the ICM in a systematic way, to better explain the interplay between its factors, and that such research can help in this area. Future research should also address the ICM in terms of other forms of deviance, and new laws associated with them, to confirm its validity. In addition, future work needs to examine the development of bestiality laws in other contexts, within the US and cross-culturally. With those studies, a focus on technology as a structural foundation, in addition to any other emerging cultural themes such as anthropomorphism, is crucial.

Blending other recent theoretical concepts and models into constructionist and ICM theory has the ability to enhance studies on legislation creation processes as well. Consider the impact of Beirne’s (2009) attempt to create “animal assault” sociology. Structural ritualization theory (SRT) is another example (Knottnerus 1997; Knottnerus et al. 2006). This perspective proposes that taken-for-granted actions shape our cognitive scripts and subsequent behavior without us realizing it. It provides precise categories related to the repetition of everyday rituals, the perceived importance of those rituals, similarity between rituals, and resources necessary to engage in daily rituals. There could be aspects of SRT that relate to ICM. The rituals community members engage in, whether sacred or profane, could give us better insight into structural foundations. The Pinyan case might have
turned out differently if it had not happened in a rural area where “horse people” abounded (Mudede, 2006). Demands for legal change or reform group activity as a trigger might be dependent on factors such as collective emotions. Researchers should more deeply assess the public’s shared feelings through rank or dominance of ritualized efforts to change laws (Guan & Knottnerus, 2006).

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AUTHOR BIOGRAPHIES

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Book Review:
Lois Presser and Sveinung Sandberg (eds),
Narrative Criminology: Understanding Stories of Crime

ISBN: 978-1-4798-2341-3

Reviewed by: Adam Veitch, Kansas State University, USA

Over the last two decades there has been an epistemological push in the social sciences to bring narrative into the methodological fold. Narrative social science is steeped in theories of humans as story tellers. The foreword to Narrative Criminology argues that this theoretical line of thought originates in Jean-Paul Sartre’s belief that people are fundamentally storytelling creatures, or “homo narrativus.” The guiding thought here is that stories are central to understanding how and why we act in society. We are all storytellers, and we enjoy sharing tales with an audience. Furthermore, the way that we construct stories of our social lives is central to our subjective identities. Despite the importance of narratives in everyday life, the movement to narrative methodologies is seen as somewhat radical. Narrative methods remain on the fringe of many social sciences, finding their way in through the side doors of qualitative critical sociology, criminology, and other areas. Various qualitative styles of criminology are a part of the critical perspective that examines agency and power within society, however narrative criminology examines similar topics through the means that individuals tell tales of crime and identity.

In this context emerges Narrative Criminology: Understanding Stories of Crime, edited by Lois Presser and Sveinung Sandberg. Presser is a criminologist from the University of Tennessee, whose work focuses on discourse’s role in criminal actions as well as restorative justice. Sandberg is a criminologist from the University of Oslo. His work examines how discourse plays into marginalization, violence, and masculinity. Narrative criminology is, according to Presser, “an inquiry based on the views of stories as instigating, sustaining, or effecting desistance from harmful action. We study how narratives inspire and motivate harmful action, and how they are used to make sense of harm” (p. 1). This edited book offers ten chapters on difference aspects of narrative criminology across three distinct sections. The sections are entitled “Stories Construct Proper Selves,” “Stories Animate and Mobilize,” and “Storytelling, Creative and Reflexive.” The 17 contributors bring different perspectives to the table, offering a variety of theoretical and em-
Empirical uses for narrative methods in criminology. Many of the chapters use critical and feminist theories to dig into the stories that individuals in the criminal justice system create. Oftentimes the stories that incarcerated individuals weave are attempts to create a new sense of identity separate from the criminal they were or the worse criminals they know. Contrasting one’s self to the past or others is central to many storytellers in the book.

Multiple chapters in this volume stand out as worthwhile and unique contributions. One exemplary chapter of the critical perspective that defines much of the book is by Jody Miller, Kristin Carbone-Lopez, and Mikh V. Gunderman. Their chapter looks at the gendered implications of being a woman offender in the United States. Specifically, it examines “women methamphetamine users’ narratives of self, addiction, and recovery” (p. 69). An important aspect of this chapter is its contribution to the “doing gender” literature (Wester and Zimmerman 1987; West and Fenstermaker 1995). These women's personal narratives are built on the idea of producing gender as reasoning for their actions. Another chapter that exemplifies narrative criminology’s focus on critical ethnography is by Sveinung Sandberg and Sebastien Tutenges. This chapter explores the narratives of people in drug cultures, specifically tragic drug stories. These stories have personal existential implications for the storytellers, as they deal with perceived meetings with dark forces in contemporary society as well as with challenges to the official discourse on illegal drugs.

A particularly unique chapter in the book is by Carlo Tognato. Tognato uses a Durkheimian approach in his study of Italian narratives on financial crimes. By looking at Italy and the narrative built around tax evasion, the chapter is able to show how collective identity is formed through public discussion of deviance. The study seems to be extremely useful for those interested in how narratives can be used to recreate the boundaries of groups’ identities. The Durkheimian approach offers a fantastic lens through which to view how narratives define groups, and how we change what defines our communities over time (Durkheim 1984; 1995). Another example of a unique contribution is presented by Robert M. Keeton in his examination of how policy makers used religious narrative in the 19th century to gain support for the Indian Removal Act of 1830. The type of narrative described by Keeton allowed for justification of a policy many did not support initially. Keeton argues that this same tactic is used today in public debate. This chapter might be of particular use for those interested in the public sphere and community. The way that narrative is crafted in debating policy within the public sphere offers to shed new light on such studies.

_Narrative Criminology: Understanding Stories of Crime_ is a worthy entry into the growing body of literature on narrative inquiry and criminology. The three sections each offer a particularly interesting way to apply the school of thought to criminological work. With the varied theoretical approaches, it should have something for everyone who wishes to apply narrative tech-
niques to their work. Specifically, critical and cultural criminologists will find a methodologically and epistemologically rich approach to their subfields. Furthermore, any sociologist who wishes to apply a narrative method to their work can find an interesting empirical chapter in this book.

A minor criticism can be levied against the book for featuring only one Durkheimian application. More variety could have shown the breadth of the narrative method to criminology. As previously discussed, the Durkheimian approach offers an ontologically and empirically interesting counterpoint to the other chapters in the book. The Durkheimian lens shows how group boundaries are created and maintained. Using this theoretical approach, one can examine how people come together, create collective identity, and maintain social solidarity. However, this is a relatively small critique in the grand scheme of the work. The various critical and feminist theories offer some interesting insights into why offenders create narratives to justify their actions and experiences.

The work is highly recommended for those who work in critical criminology or perform ethnographies in other subfields of sociology wherein identity construction, maintenance, and presentation is important. This might include the sociology of work, consumption, religion, aging, and other subfields where qualitative work seeks to understand how identity is constructed in the contemporary era. The various chapters offer excellent introductions in how to perform a narrative analysis, as well as how such analyses fit into larger critical approaches to criminology.

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Book Review:
Andrea S. Boyles, *Race, Place, and Suburban Policing: Too Close for Comfort*


Reviewed by: Brian P. Schaefer, Indiana State University, USA

The struggles of African Americans with police in urban environments are well documented in criminological and sociological research. Andrea Boyles in *Race, Place, and Suburban Policing* offers new perspectives by introducing readers to the relationship between African Americans and the police in Meacham Park, a suburban enclave of affluent Kirkwood, Missouri. The focus on suburbia depicts how race and place shapes interactions and sheds doubt that African Americans can escape the harms associated with living in low-income urban environments by relocating to the suburbs. Boyles spent two years conducting fieldwork and interviewed over thirty adults at length. Her findings provide theoretical insight into how African Americans make sense of their experiences with the police.

Boyles introduces the book by arguing for the need to analyze race, place, and policing and its interactive effects simultaneously. In particular, the focus on race and place informs us how discrimination and stereotypes are formed in suburban places, providing a platform to make theoretical and empirical comparisons to urban locales. Chapter 1 provides the historical context of race and place. Boyles recognizes that police interactions do not occur in a vacuum; rather, they are part of a larger history. Boyles weaves the history of slavery, segregation and associated Black-only laws (e.g., Slave Codes) to explain how Blackness came to be regarded as deviant and used to justify controlling Black bodies across space and time. Boyles links these broader historical narratives to the specific experiences found in Meacham Park and the desire of existing White residents to maintain primarily White suburbs. Using spatial-assimilation and place-stratification theories, Boyles explains how the desire of Whites to maintain distance from Blacks created the one-way-in, one-way-out Meacham Park enclave, separated physically, socially, and economically from the larger City of Kirkwood. The historical development of Meacham Park meant African Americans did not enjoy the privileges associated with suburbs; rather, they were segregated and became vulnerable to the social norms and control of the larger, White, and affluent Kirkwood community. Chapter 2 focuses on the consequences related to the contentious co-habitation of an African American community located within a largely White suburb. Boyles argues the rigidity of race, class, and
place provides a medium to untangle the three. Boyles explains how the City of Kirkwood acquired Meacham Park and thus generated a steady stream of revenue from the community. Furthermore, by taking control over Meacham Park, the City of Kirkwood secured the safety of its White residents by taking responsibility for the policing practices. The long-standing history of tense race relations in Kirkwood were apparent; over half of the participants in Boyles’ study stated they did not trust the Kirkwood government. Through annexation the residents of Meacham Park became subject to increased involuntary contact with the police, with 22 out of 30 respondents reporting an involuntary contact. The associated fear and safety concerns of Whites led to new, stricter rules, increased police enforcement, and a loss of communal identity as Meacham Park became a part of Kirkwood.

In Chapter 3, Boyles elaborates on the involuntary police experiences of the research subjects. These experiences included stop-and-frisk, surveillance, searches, and arrests. Younger and male participants were more likely to be stopped and prior negative contact with the police led to future acts of police aggression, including physical brutality, falsified reports, and evidence planting. Chapter 4 presents the lives of two Meacham Park residents who, after a series of negative interactions with the community, killed two police officers. Boyles explains how Kevin Johnson, a youngster with a criminal record, and Charles “Cookie” Thornton, an older man with no record, both felt harassed by police. Without recourse, they retaliated against the police. Boyles uses these two separate events to highlight how everyday negative experiences in Meacham Park are part of the residents’ milieu. Chapter 5 moves beyond involuntary police interactions to examine police-community relations when residents call the police for assistance. Boyles reported fifteen residents called the police for help. Women and older participants were likelier to place calls for police assistance and reported favorable perceptions of the police. Conversely, younger participants who called the police were more likely to report less satisfaction following a service call. Boyles reveals how residents experienced delayed responses, no responses, or no resolutions following their calls, generating negative experiences with police even when the contact was voluntary.

In the final chapter, Boyles provides recommendations for addressing the harms found in Meacham Park. In particular, Boyles argues that officials within the Kirkwood government, including the police, need cultural awareness and sensitivity training; the police need to be courteous or friendly while patrolling the community. Further, Boyles contends the Kirkwood government needs to be aware that their roles, decisions, and practices matter and can have a negative impact on the disadvantaged Meacham Park neighborhood. Next, Boyles notes the residents in Meacham Park need to be included in the political process. The residents believed they were shut out of the government and were not provided with services and programs to sustain their community. In addition, Boyles argues there needs to be greater
political accountability and transparency. Finally, Boyles identifies the need to address unemployment and a lack of relevant youth programs.

As with all research, there are limitations in this book. Boyles only interviewed 30 residents and lacked diversity in the age range of the respondents. Furthermore, Boyles’ recommendations would require complex changes that are not fully examined within her study. While officers being more courteous can improve procedural justice and legitimacy, the lack of political inclusion and political sensitivity will limit the impact of courteous officers. Boyles does not tease out the challenges of addressing the needed structural and social changes. After all, without political pressure to halt aggressive police practices, Meacham Park residents would continue to be exposed to aggressive, yet more courteous, police practices that do little to change the everyday experiences of race, space, and suburban policing.

Overall, Boyles presents a unique and innovative understanding of the relationship between race, place, and policing. By focusing on Meacham Park, Boyles successfully disentangles how historical and contemporary contexts generate racial tension and impact the everyday experiences of African Americans. The book reveals that the stigmas associated with minority, urban communities are perpetuated and potentially heightened when the minority communities are located next affluent Whites, even in the suburbs. Boyles successfully shows African Americans continue to confront policies and police action that control their use of social spaces. This book would be a great addition to any class focusing on race, police, or space. The book is accessible and would add value to a graduate or upper-level undergraduate course.

**AUTHOR BIOGRAPHY**

Brian Schaefer is an Assistant Professor in the Department of Criminology & Criminal Justice at Indiana State University. His research focuses on police culture, police use of force, police technologies, and social inequality in the criminal justice system. His recent research is published in *Theoretical Criminology, Deviant Behavior*, and *Sociology of Race and Ethnicity*. 
BOOK REVIEW:
Susan J. Terrio, Whose Child Am I?
Unaccompanied, Undocumented Children in U.S.
Immigration Custody


Reviewed by: Francisco J. Alatorre, Ph.D., New Mexico State University, Las Cruces, U.S.

Whose Child Am I? is by Susan Terrio, Professor of Anthropology at George-town and author of two other books about issues of juvenile delinquency. Fo-cusing on the wretched and dangerous experiences of Latino youth desper-ately traveling to and reaching El Norte, and then experiencing detention and incarceration, Terrio interrogates the American dream and American ideals of inclusion, as both are seriously abused in this international transborder tragedy. Terrio conducts her inquiry into how undocumented children are sent north, how they survive, and what happens to them by relating the pro cess chronologically. She describes the children finding their way “home” in dangerous travels, being detained and placed in federal custody, living in cus-tody, being released, and then finally being tried in immigration court. This process is framed by two chapters titled “The American Dream” and “The New American Story.” In between are accounts of these youthful travelers, interwoven with an assessment of the failures and successes of the federal agencies swamped with the youthful immigrants. Terrio argues that these children are victims of violence in their homelands and then victims of the courts and federal agencies in the United States, which are understaffed and conflicting in priorities. Her ultimate point is that immigration procedures need reforming so that they no longer contribute to the already overwhelm- ing humanitarian tragedy. Her beliefs, ideas, and tone are the clear result of her research methodology: five years of on-site ethnographic research along with in-depth archival research on the identification, treatment, and repre-sentation of Unaccompanied Alien Children in the United States.

Terrio’s poignant title sets the tone of the work: the realities of immi-grants fleeing danger and violence, a nation whose sympathies are strained as thousands of undocumented immigrants without parents arrive, the conundrum that these fleeing youth are in new danger if not in some kind of custody. Her discussion of the legal process is laced with the real-life ac-counts of five young immigrants—Angel, Carlos, Carlino, Ernesto and Mariel—“whose home countries, like 90% of the unaccompanied child migrants
to the United States, are Mexico, El Salvador, Guatemala, and Honduras” (p. 48). These children's experiences in chaotic homelands and their lack of opportunities send them elsewhere. Terrio makes the point that these children are fleeing in order to find work, escape violence, and seek out something their lives and nations offer little of: opportunity. Their transit to the United States—on “The Beast,” on foot through the desert, with the threat of coyotes—is harsh and terrible. Their apprehension and detention once across the border, their return to their home country, and then their return to the United States are at times nearly as harsh.

In the chapter “Which Way Home,” disturbing accounts of unaccompanied youthful immigrants are narrated, interwoven with a look at the acts and laws passed by the United States to improve the situation as well as a discussion of how these acts do not work and instead create new problems. When an unaccompanied youth crosses the border, he or she is usually swiftly apprehended, screened and, if designated “Unaccompanied,” referred to ORR. The confusing welter of acronyms (ORR, CBP, UAC, ICE and NGO) may be deliberately bewildering as children are processed and left confused and bitter. Terrio’s real concern is how these children are treated; rough treatment creates fear and shame, which is exacerbated by these children being perceived as “security risks.”

In the next five chapters, the reader is provided with a chronologically arranged account of how best practices of taking care of children are challenged by the brute realities of governmental programs to care for the unaccompanied: “The Least Restrictive Setting,” “Placement in Federal Custody,” “In Custody,” “Release,” and “Immigration Court.” Through these chapters Terrio narrates the depressing, alarming and unsettling experiences of these detained children. She provides a history of legal challenges to the detention program administered by the INS, which define an issue: what is the government’s interest in detaining this population? The children’s interests are viewed both in terms of their status as aliens and as children. Moreover, the INS has two conflicting tasks: detaining the children while protecting them. Detention and protection are mutually exclusive; detention inevitably leads to harm as confinement is extended and the child’s future remains in doubt. Fortunately, the situation has improved in the early 21st century as child welfare has become a persistent concern.

These chapters are rich in facts, questions, and accounts of children being herded through these over-burdened, over-taxed agencies and confusing processes. Analysis of the system is interpreted with interviews and accounts, such as “Corina’s story,” in the chapter “Release.” Corina spent nine years in the United States, in detention, living with foster families. Her case nearly fell “through the cracks,” but it was salvaged by law students. Corina graduated after excelling at school, worked as a nurse’s assistant and had two children who are US citizens…and then her work permit expired and had not been renewed as of 2011. Fortunately for the reader, each chapter
ends with the author’s “Conclusions,” which creates focus. The reader can be so appalled by the trouble these detained youth face in the hands of a bureaucracy, by the INS’s conflicting concerns, and the bureaucratic fight over resources that the author’s conclusions help the reader to get the larger point: the system is fractured, for many reasons. For example, within “In Custody’s” conclusion, the author points out that the custodial beliefs that shape agencies’ caring for unaccompanied youth are formed from middle-class western values regarding childhood development, which collide with the reality of these kids’ desperate situation at the home they left, and in their home in detention.

In the final chapter, “The New American Story,” the reader is left with some hope for the successes of some of these immigrants. For example, we learn that the abovementioned Corina had her permanent residency legally established. We are also left with admiration for immigrants’ courage to do something that is very hard: change, adapt, and keep fighting. The reader is also left with a question from Terrio: does it make sense to prosecute and detain unsustainable numbers of unaccompanied minors? “Who does it benefit,” she asks, “if we spend hundreds of millions of dollars to inform them of their rights, improve their mental and physical health, and to teach them English only to put them in removal proceedings?” (p. 204). In other words, why should we not welcome these children, rather than building insurmountable barriers? “Why shouldn’t we protect all young people who escape violence and work hard to realize the American dream?” (p. 204).

The one disappointment in this conclusion is that, as emotionally satisfying as her call is, and however strong our liking and beliefs are in her examples of unaccompanied youth, the word “protect” is a problem. In many ways, the custody process the children are in does protect them from a host of problems awaiting them if they are not detained. How do we protect these children if not by taking them into custody? However, as Terrio contends, the system is broken, and if the system were fixed, then protection of these children would be less onerous, far more positive, and everybody, including the United States, would benefit from their abilities, education, and belief in themselves and their opportunities.

AUTHOR BIOGRAPHY

Dr. Francisco Alatorre earned his doctorate in Justice Studies and Social Inquiry at Arizona State University in 2011. Before coming to New Mexico State University, Dr. Alatorre taught as a lecturer in the School of Criminal Justice and Criminology at Arizona State University, Tempe and Downtown Campus. Prior to immigrating to the United States, he practiced law in Mexico. His research focuses mainly on (1) undocumented immigrant women and youth, by studying them in terms of ethnicity, race, gender, and how these factors challenge their identity and create barriers to obtain legal sta-
Furthermore, he is also researching to understand how these women, who are frequent victims of domestic abuse, current political agendas, and their own low self-esteem, empower themselves by symbolic interaction; (2) The relationship between the homeless and the ways social inequalities are shaped by complex intersections of gender, race, class, and nationality; and (3) borderland concerns. Currently Dr. Alatorre is investigating how homeless people perceive charity services in the Neoliberal Age; and how social service providers perceive and promote undocumented youth resiliency.
Call for Papers

Special Issue: Technocrime Research at the Margins

We live in strange times. Through mobile devices we can access more information than has been available at any other point in human history. We can communicate instantaneously across the world through complex webs of wires, antennae, and satellites. Troves of information are continually stored and processed in massive data centers. In the age of the microprocessor and global telecommunications networks, nearly a single element of social life has remained untouched including crime and crime control. Criminologists struggle to make sense of crime and control in this context where our understandings of the world have been rattled loose under what Jock Young termed the “vertigo of late modernity.” While inroads have been made, more progress is needed.

The *Journal of Qualitative Criminal Justice and Criminology* invites submissions for a special issue entitled “Technocrime Research at the Margins.” *JQCJC* seeks manuscripts focusing on qualitative examinations of technocrime (or “cybercrime”) and crime control issues to help alleviate the dizziness induced by our computer-mediated times. Studies focusing on critical criminological or otherwise marginal perspectives in the area are encouraged. Potential topics of interest include critical examinations of:

- Online harassment and hate speech
- Hackers, pirates, and other tech-subcultures
- “Cyberterrorism” rhetoric and responses
- Technocrime moral panics
- Law enforcement practices and perspectives related to information security

More traditional explorations of technological misuse/abuse may also be considered as well. Persons interested in contributing to this special issue are encouraged to submit abstracts by August 15th, 2016 to the guest editor, Kevin F. Steinmetz, at kfsteinmetz@ksu.edu. Upon abstract approval, manuscripts should be submitted to the guest editor by no later than May 15th, 2017. Manuscripts will be rigorously peer-reviewed.

*JQCJC* will consider only original manuscripts not previously published or currently under consideration elsewhere. All manuscripts should be in English, attached as Word Documents, double-spaced, preferably less than 40 pages (including tables, references, and appendices), and should conform to the latest APA format, without the use, however, of any running headers or DOIs (Digital Object Identifiers). Endnotes, tables, and figures should be on a separate page at the end of the manuscript with call-outs for placement.

We look forward to your submissions,
Kevin F. Steinmetz, Ph.D.
Guest Editor
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For more information, contact Doris Pratt at 936.294.3637 or icc_dcp@shsu.edu.