UNDERSTANDING CRIMINAL CONDUCT AND THE INFLUENCE OF DRUGS

INTENSIVE OUTPATIENT LESSON 4
• CRIMINAL:  1. Of, involving, or having the nature of crime: criminal abuse.
• 2. Relating to the administration of penal law.
• 3. a. Guilty of crime.
• b. Characteristic of a criminal.
• 4. Shameful; disgraceful: a criminal waste of talent.
• **Criminal law** is the body of [law](#) that relates to [crime](#). It regulates social conduct and proscribes threatening, harming, or otherwise endangering the health, safety, and moral welfare of people. It includes the punishment of people who violate these laws. Criminal law differs from [civil law](#), whose emphasis is more on dispute resolution and victim compensation than on [punishment](#).
WHAT IS CRIMINAL CONDUCT?

• CRIMINAL CONDUCT REPRESENTS THINKING, FEELINGS AND ACTIONS THAT PUT A PERSON AT RISK OF BECOMING A FOCUS OF THE ATTENTION OF ADULT CRIMINAL AND JUVENILE JUSTICE PROFESSIONALS.

• 1. FROM A LEGAL VIEW, IT IS AN ACT NOT ALLOWED BY A CITY, STATE, OR NATION AND IS PUNISHABLE BY LAW;

• 2. FROM A MORAL VIEW, IT GOES AGAINST THE NORMS OF A RELIGION OR A BELIEF OF WHAT PEOPLE SEE AS RIGHT OR WRONG;

• 3. FROM A SOCIAL VIEW, IT IS AN ACT THAT GOES AGAINST THE CUSTOMS AND TRADITIONS OF THE COMMUNITY AND IS PUNISHABLE BY THE COMMUNITY;

• 4. FROM A PSYCHOLOGICAL VIEW, IT IS ANTISOCIAL IN THAT IT BRINGS PAIN AND LOSS TO OTHERS BUT IT IS REWARDING TO THE CRIMINAL.
Criminal Law A body of rules and statutes that defines conduct prohibited by the government because it threatens and harms public safety and welfare and that establishes punishment to be imposed for the commission of such acts.

Crimes are usually categorized as felonies or misdemeanors based on their nature and the maximum punishment that can be imposed. A felony involves serious misconduct that is punishable by death or by imprisonment for more than one year. Most state criminal laws subdivide felonies into different classes with varying degrees of punishment. Crimes that do not amount to felonies are misdemeanors or violations. A misdemeanor is misconduct for which the law prescribes punishment of no more than one year in prison. Lesser offenses, such as traffic and parking infractions, are often called violations and are considered a part of criminal law.
The power to make certain conduct illegal is granted to Congress by virtue of the *Necessary and Proper Clause* of the Constitution (art. I, § 8, cl. 18). Congress has the power to define and punish crimes whenever it is necessary and proper to do so, in order to accomplish and safeguard the goals of government and of society in general. Congress has wide discretion in classifying crimes as felonies or misdemeanors, and it may revise the classification of crimes.
State legislatures have the exclusive and inherent power to pass a law prohibiting and punishing any act, provided that the law does not contravene the provisions of the U.S. or state constitution. When classifying conduct as criminal, state legislatures must ensure that the classification bears some reasonable relation to the welfare and safety of society. Municipalities may make designated behavior illegal insofar as the power to do so has been delegated to them by the state legislature.
• In deciding whether a statute is sufficiently certain and plain, the court must evaluate it from the standpoint of a person of ordinary intelligence who might be subject to its terms. A statute that fails to give such a person fair notice that the particular conduct is forbidden is indefinite and therefore void. Courts will not hold a person criminally responsible for conduct that could not reasonably be understood to be illegal. However, mere difficulty in understanding the meaning of the words used, or the Ambiguity of certain language, will not nullify a statute for vagueness.
Generally, two elements are required in order to find a person guilty of a crime: an overt criminal act and criminal intent. The requirement of an **Overt Act** is fulfilled when the defendant purposely, knowingly, or recklessly does something prohibited by law. An act is purposeful when a person holds a conscious objective to engage in certain conduct or to cause a particular result. To act knowingly means to do so voluntarily and deliberately, and not owing to mistake or some other innocent reason. An act is reckless when a person knows of an unjustifiable risk and consciously disregards it.
Ordinarily, a person cannot be convicted of a crime unless he or she is aware of all the facts that make his or her conduct criminal. However, if a person fails to be aware of a substantial and unjustifiable risk, an act or omission involving that risk may constitute negligent conduct that leads to criminal charges. Negligence gives rise to criminal charges only if the defendant took a very unreasonable risk by acting or failing to act.
• Criminal intent must be formed before the act, and it must unite with the act. It need not exist for any given length of time before the act; the intent and the act can be as instantaneous as simultaneous or successive thoughts.

• A jury may be permitted to infer criminal intent from facts that would lead a reasonable person to believe that it existed. For example, the intent to commit Burglary may be inferred from the accused's possession of tools for picking locks.
• Some crimes require a **Specific Intent**. Where specific intent is an element of a crime, it must be proved by the prosecution as an independent fact. For example, **Robbery** is the taking of property from another's presence by force or threat of force. The intent element is fulfilled only by evidence showing that the defendant specifically intended to steal the property. Unlike general intent, specific intent may not be inferred from the commission of the unlawful act. Examples of specific-intent crimes are solicitation, attempt, conspiracy, first-degree premeditated murder, assault, **Larceny**, robbery, burglary, forgery, false pretense, and **Embezzlement**.
• JUST AS AOD USE, CRIMINAL CONDUCT IS ALSO LEARNED. ENGAGING IN CRIMINAL BEHAVIOR IS A WAY THAT SOME PEOPLE HANDLE EVENTS OF THEIR OUTSIDE WORD AND THE WORLD INSIDE THEIR MIND. JUST AS WITH AOD USE, OUR CRIMINAL CONDUCT CAN TURN ON POSITIVE FEELINGS AND EVENTS, OR IT CAN TURN OFF STRESS AND UNPLEASANT EVENTS. THUS, OUR CRIMINAL CONDUCT, AND OUR EXPECTATIONS AND THOUGHTS THAT LEAD TO CRIMINAL CONDUCT, GET REINFORCED. THEY FORM THOUGHT HABITS (AUTOMATIC THOUGHTS) AND ACTION HABITS (BEHAVIORAL PATTERNS). JUST AS IRRESPONSIBLE AOD USE WILL LEAD TO NEGATIVE CONSEQUENCES, IRRESPONSIBLE ACTIONS IN THE COMMUNITY SUCH AS CRIMINAL CONDUCT WILL LEAD TO NEGATIVE CONSEQUENCES.
NEGATIVE CONSEQUENCES OR PUNISHMENT RESULTING FROM CRIMINAL CONDUCT CAN WEAKEN OR EVEN STOP THE BEHAVIOR. BUT, IT CAN ALSO STRENGTHEN THIS BEHAVIOR BECAUSE IT REINFORCES THE INTERNAL AUTOMATIC THOUGHTS AND BELIEFS OF THE INDIVIDUAL. FOR EXAMPLE, BEING PUNISHED FOR A CRIME MAY JUST REINFORCE THE PERSON’S BELIEF THAT “NOTHING IS FAIR”, OR “THE WORLD IS OUT TO GET ME.” JUST AS WITH AOD USE, THE INDIVIDUAL WILL ENGAGE IN CRIMINAL CONDUCT TO COPE WITH THE NEGATIVE CONSEQUENCES AND STRESS THAT COME FROM CRIMINAL CONDUCT ITSELF.
Criminal behavior has always been a focus for psychologists due to the age old debate between nature and nurture. Is it the responsibility of an individual's genetic makeup that makes them a criminal or is it the environment in which they are raised that determines their outcome? Research has been conducted regarding this debate which has resulted in a conclusion that both genes and environment do play a role in the criminality of an individual. This evidence has been generated from a number of twin, family, and adoption studies as well as laboratory experiments. Furthermore, the research has stated that it is more often an interaction between genes and the environment that predicts criminal behavior. Having a genetic predisposition for criminal behavior does not determine the actions of an individual, but if they are exposed to the right environment, then their chances are greater for engaging in criminal or anti-social behavior.
PAST RISK FACTORS

• THERE ARE THINGS THAT HAPPEN TO PEOPLE IN THEIR PAST THAT CAN INCREASE THEIR RISK OF BEING INVOLVED IN CRIMINAL CONDUCT. THESE ARE THE FIRST SIX THINGS: CRIMINOGENIC NEEDS, RELATIONSHIP PROBLEMS, OPPORTUNITIES TO OFFEND, PAST MEMORIES, CRIMINOGENIC INTERNAL NEEDS, DRUG INTOXICATION WHICH LOWER CONTROLS AND LEADS TO IMPAIRED THINKING.
WHAT ARE THE PRESENT RISK FACTORS THAT LEAD TO CRIMINAL CONDUCT?

• WHAT HAPPENS TO PEOPLE IN THEIR PRESENT LIFE THAT BRINGS THEM TO BE INVOLVED IN CRIMINAL CONDUCT? WE CALL THESE DYNAMIC RISK FACTORS. THEY ARE ALSO CALLED CRIMINOGENIC NEEDS.

• ERRORS IN THINKING ARE THOUGHT-HABITS OR AUTOMATIC THOUGHTS THAT CAN LEAD TO CRIMINAL CONDUCT. THEY ARE REQUIRED BY THE PERSON WITH A HISTORY OF CRIMINAL CONDUCT TO LIVE A CRIMINAL LIFE. THEY DISTORT THE TRUE REALITY OF LIVING, BUT THEY ARE ALSO BASIC TO CRIMINAL CONDUCT.
As we have learnt, our thoughts play an influential role in our perception of the stress that we are under. Some of these stress inducing thoughts are what Clinical Psychologists call Cognitive Distortions. These stress inducing thinking errors can exacerbate any stress we are under and it is important to identify and challenge them.

You will find below some of the most common of these thinking errors. Write down any which you think might apply to you.

1. Black and White Thinking (All or Nothing Thinking)

In black and white thinking we tend to see things, ourselves and other people as being all wrong or all right, all good or all bad. We are a total success or we are a total failure. We are either completely 100% right or we are 100% wrong. The reality is we all make mistakes. Life is a learning process and nobody is perfect. For example, if we make one mistake we see ourselves as having failed.
2. Overgeneralization

In overgeneralization when we experience a single, negative event such as not getting a job that we applied for, we tend to think we will never get a job ever again. We make a mistake and we think we can never do things right. We make conclusions based on single events. For example "Everything I do turns out wrong."

3. Catastrophizing

When we CATECHISE we automatically think the worst is going to happen, it will be awful and we will not be able to cope. For example, "My relationship broke up, so nobody will want a relationship with me again in the future."
• 4.  **Mental Filter**

In mental filter we see all the negatives and seldom see the positives. We filter out all the good things that life has an overly focus on negative parts of life. We pick on a single negative detail and dwell on it. We overly dwell on the negative and totally ignore the positives. We make predictions about what will happen to us in the future based on little information. For example, someone says we have done well, but we discount this because we say it was only said to be nice, it wasn't really meant; or 100 good reviews and one bad review and we focus on the single bad review.

• 5.  **Magnifying or Minimizing (Binocular Vision)**

In magnifying/minimizing we blow things out of proportion. We make mountains out of molehills. We tend to minimize the strengths and qualities of ourselves and others and magnify and exaggerate the supposed weaknesses, mistakes and errors.
6. Personalization and Blame

In personalization and blame if something bad happens we assume it is our fault. We tend to blame ourselves solely for situations and events that we were not entirely responsible for. The opposite example is we take no personal responsibility; we blame other people and situations. Example "My relationship broke up so it must be all my fault", or "My relationship broke up so it must be all his/her fault."
7. Labeling and Mislabeling

In labeling/mislabeling we call ourselves and other people by negative names for our/their supposed shortcomings. These are not based on the facts, but on only one or two negative incidents. Example "I'm an idiot", "She's a moron", "I'm stupid".

8. Jumping to Conclusions

In jumping to conclusions we tend to make a negative interpretation even though we don't have all the facts to support our view.
• **a. Mind Reading** We think we know what other people are thinking about us, for example, that they think we are stupid, incompetent, and may disapprove of us; we do not bother to check this out. For example, if a friend walks by on the other side of the street we mind read and think I’ve offended her, so she is ignoring me.

• **b. Fortune Telling** We think that events will turn out bad without having any evidence to support this view. For example, I'll fail my exams, or I won't go for the job I want because I know I won't get it.
• 9. Emotional Reasoning

In emotional reasoning we let our feelings guide our interpretation of reality. We think that what we are feeling must be accurate, so if we feel we are a failure then we must be; if we feel we are ugly then we must be. We do not look for facts to support what we feel; we have a feeling and just accept it. If we feel we are weak, useless, stupid we just accept it. We may be so stressed that we have difficulty with our emotions and therefore conclude that our marriage is not working, when in fact it is our blunted emotions that are causing the problem. We reason from how we feel, I feel an idiot, so I must really be one.
10. Discounting the Positive

In discounting the positive we trivialize the positive things about ourselves and others saying that these positives do not count for much. For example your partner says you are good at something, but you say they are only saying it because they are your partner.

11. Hindsight Thinking

In hindsight thinking we look back at decisions we made in the past and make judgments about the decision we made. We often think we should have handled things better, but hindsight thinking is always 20/20. Looking back with the benefit of hindsight we may now make a different decision with our current knowledge, however we made the decision at that time with the evidence, knowledge and experience we had at that time. For example, “When I left University I should have gone for a different type of job, all the work problems I’ve got now I wouldn’t have if I had taken that job.”
12. What ifs

In what if thinking, we keep asking what if something happens, and we are not satisfied by any of the answers we get. "...but what if I don't do the three point turn properly?" or "what if I mess up the emergency stop?", "what if the examiner is a tyrant?", "what if . . .

13. Egocentric Thinking

In egocentric thinking we think that it is important that we persuade others to think the same way we do. (This is about other people's thinking). For example, "I must persuade him to want to vote the same as me if he is going to be my friend." Or "People must think the way I do."
14. Being Right

In being right error we think we are correct in our thinking, we discount other evidence and the ideas of others. (This is about our thinking). For example, "I know I am right, so I won't read the leaflet about the other political party."

15. Control Error

In control errors there could be two distortions:

a. We see ourselves as helpless and externally controlled, we remain stuck, unable to affect our own life, or anything else in the world. We see evidence of human helplessness all around us. Something else is responsible for our pain, loss or failure. We find it difficult to find or work on solutions. For example, "I won't get financial stability or have a nice house until I find a rich man to marry."

b. We feel the opposite of the above, we feel responsible for everything, carrying the world on our shoulders, we are totally responsible for ours and others happiness. For example, "It's my fault that she hates her job, I'm not a very good boss."
16. Change Error

In change error we strive to change the views of others; we blame, demand, withhold and trade to achieve the change in others we require. Usually the other person feels attacked and pushed around and probably does not change at all. We think we have to change others to achieve our happiness. For example, "You must get better results in your exams than I did when I was at school; I'll buy you a car if you do."

17. Fairness Error

In fairness error we tend to judge peoples actions by what we think is fair or not fair. We feel resentful when someone does not act towards us in a way that we think is fair. Their version of what is fair is probably different from our version of what is fair. For example, "If my husband really cared about how I felt, he would take on more responsibility for the house and the children."

• 18. Heaven's Reward Thinking

In heaven's reward thinking we do the right thing to gain our reward, we sacrifice and slave imagining that we are collecting brownie points that we can cash in some day, making our decisions and actions around what others need, often ignoring our own needs. For example, "If I look after my own needs I am being selfish."
• 19. Unrealistic Comparisons

• In unfair comparisons we compare ourselves to other people, work colleagues etc., and view them as being more successful, better at coping than we are, are happier than we are, and better at handling life than we are.

• Identifying thinking errors is one step towards improving our stress resistant thinking; the next step is to learn the techniques to challenge and restructure our thinking.
THE CRIMINAL CONDUCT CYCLE

- JUST WITH AOD USE AND ABUSE, THERE IS A CYCLE OF CRIMINAL CONDUCT (CC). WE CALL THIS THE OFFENDER CYCLE. BY TAKING PART IN CRIMINAL ACTIVITIES, THE CYCLE GETS REINFORCED (THOUGHTS HABITS AND ACTION HABITS FORM AROUND THIS CYCLE). YOU WILL GO OVER THIS CYCLE CAREFULLY DURING THIS SESSION. HERE IS WHAT IS IMPORTANT:

  1. BEFORE CRIMINAL ACTS TAKE PLACE, THERE ARE MENTAL REACTIONS TO OUR OUTSIDE WORLD AND THE WORLD INSIDE OUR MINDS.
  2. PEOPLE WHO BECOME INVOLVED IN CC CHOOSE TO DO SO. THEY MAKE A CONSCIOUS CHOICE AS TO THE TYPE OF CRIMINAL CONDUCT AND WHO THEY WILL VICTIMIZE;
  3. ONCE A CRIMINAL ACT TAKES PLACE, IT SETS OFF NEW MENTAL REACTIONS WHICH MAKE THE CRIMINAL THINKING STRONGER;
  4. WHEN THE MENTAL REACTIONS TO THE CRIMINAL ACT BECOME STRONGER, THEN THE CRIMINAL CONDUCT IS MADE STRONGER. THE CRIMINAL CONDUCT IS REINFORCED.
You can change or correct this cycle in 3 ways:

• FIRST, CORRECTION AND CHANGE TAKES PLACE IN YOUR MENTAL REACTIONS TO THE WHAT HAPPENS OUTSIDE OF YOU. YOU CAN REPLACE YOUR CRIMINAL THINKING WITH WHAT WE CALL PROOCIAL THINKING. THIS IS POSITIVE SOCIAL ACTION. THIS IS THINKING THAT SAYS, “I WANT TO FOLLOW THE LAWS OF SOCIETY. I WANT TO BE POSITIVE PART OF MY COMMUNITY.”

• SECOND, YOU CAN CHANGE OR CORRECT YOUR ACTIONS. YOU CAN CHOOSE TO DO SOMETHING DIFFERENT. YOU CAN USE ACTIONS THAT ARE NOT CRIMINAL CONDUCT.
• THIRD, YOU CAN MADE CHANGES IN THE EVENTS OR THINGS OUTSIDE OF YOU THAT SET OFF THE CRIMINAL ACTIONS. FOR EXAMPLE, YOU CAN AVOID SITUATIONS THAT ARE HIGH RISK FOR BEING INVOLVED IN CRIMINAL CONDUCT. WE WOULD CALL THESE PREVENTIVE MEASURES. HOWEVER, WE ARE NOT ABLE TO SHELTER OURSELVES FROM ALL OUTSIDE AND INSIDE EVENTS WHICH LEAD TO MENTAL REACTIONS THAT LEAD TO CRIMINAL CONDUCT.
## Events That Set Off the Criminal Conduct Cycle

<table>
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<tr>
<th>External Events</th>
<th>Internal Events</th>
<th>Drug Intoxication</th>
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<tbody>
<tr>
<td>Criminogenic Needs</td>
<td>Past Memories</td>
<td>Lower Controls</td>
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<tr>
<td>Relationship Problems</td>
<td>Criminogenic Needs</td>
<td>Leads to Impaired Thinking</td>
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<td>Opportunities to Offend</td>
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### Making Mental Choices

- **Positive Mental Reaction & Response**
  - Correct, Replace, Restructure
  - Irrational Thoughts
  - Errors in Thinking
  - Negative Beliefs & Attitudes
  - Criminal Thoughts

- **Negative Mental Reaction & Response**
  - Sets Off Errors in Thinking
  - Irrational Thoughts
  - Thoughts & Planning Crime
  - Intense Angry Feelings
  - Negative Belief & Attitudes
CRIMINAL CONDUCT CYCLE

• ENGAGE IN CORRECTIVE BEHAVIORS
• ENGAGE IN CRIMINAL CONDUCT
• DECISION NOT TO VICTIMIZE
• DECISION TO VICTIMIZE
• DO NOT COMMIT CRIMES/OFFENSE
• PLAN A CRIMINAL OFFENSE
• REMAIN ALCOHOL & DRUG FREE
• AOD USE TO GET COURAGE
• ATTEND SUPPORT GROUP (AA)
• LAST CHANCE NOT TO OFFEND
• ROLE MODEL FOR OTHER OFFENDERS
• COMMIT CRIMINAL ACT
• BEHAVIORS REINFORCED
• BEHAVIORS REINFORCED

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• REMEMBER: WHAT IS MOST IMPORTANT IS THAT TRUE CHANGE AND SELF-CORRECTION COMES WHEN YOU HANDLE THE MENTAL REACTIONS. CHANGE COMES WHEN YOU CHANGE YOUR THINKING AND BELIEFS. CHANGE COMES WHEN YOU LEARN THE SKILLS THAT WILL HELP YOU TO CHOOSE POSITIVE SOCIAL ACTIONS.
RELATIONSHIP BETWEEN THE ADDICTION CYCLE AND THE CRIMINAL CONDUCT CYCLE

• ALCOHOL AND OTHER DRUG USE FEEDS INTO AND MAKES STRONGER THE CRIMINAL BEHAVIOR AND THE CRIMINAL CONDUCT CYCLE. IT CAN DO THIS IN THESE WAYS:

• 1. ALCOHOL AND OTHER DRUGS MAY BE PART OF THE EVENTS THAT SET OFF CRIMINAL THINKING. AOD INTOXICATION LOWERS SELF-CONTROL, STOPS GOOD JUDGMENT AND GET US INTO IRRATIONAL BELIEFS AND ERRORS OF THINKING.

• 2. DRUGS ARE OFTEN A PART OF SITUATIONS OF HIGH RISK FOR CRIMINAL ACTIVITY.
3. AOD use and influence can stop the person from using positive and corrective mental activities. It can block the use of skills to stop relapse and reidivism. It can cause the person to pass up self-correction.

4. AOD use and intoxication can strengthen errors in thinking which excuse criminal conduct. They can prevent the person from having fear and guilt before committing the criminal act. They can block fear and guilt, which should follow a criminal act.
## Homework: Rating Self on Risk Factors

Check or rate the risk factors as they apply to you.

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<tr>
<th>Risk Factors From the Past</th>
<th>None</th>
<th>Low</th>
<th>Moderate</th>
<th>High</th>
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<td>Involved in Juvenile Delinquency</td>
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<td>Disruptive Family Development</td>
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<td>Poor School Adjustments/School Failure</td>
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<td>Early Use of Alcohol or Drugs</td>
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<td>Rejected by Peers Involved with Delinquent Friends</td>
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## Risk Factors in Present

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<td>Antisocial Friends</td>
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<td>Have Criminal Role Models</td>
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<td>Self-Centered Thinking</td>
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<td>Criminal Thinking</td>
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<td>Lack Social/Relationship Skills</td>
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<td>Have Aggressive/Angry Attitude</td>
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## Risk Factors in the Present

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<td>Have angry/aggresive feelings</td>
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<td>Act on spur of the moment</td>
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<td>Don’t have family closeness</td>
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<td>Go against authority rebellious</td>
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<td>Get reward through doing crimes</td>
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<td>Blame others for your actions</td>
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<td>Lack of good first steps</td>
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