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Recommended Citation

Elliott, ErisJames M., "Identifying the Main Causes for Support of Crime Control Theater Forms, and Understanding How to Correct the Public's Perception" (2023). *CMC Senior Theses*. 3182.
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Claremont Mckenna College

Identifying the Main Causes for Support of Crime Control Theater Forms,
and Understanding How to Correct the Public's Perception

submitted to

Professor Mark Costanzo

by

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for

Senior Thesis

Fall Semester 2022

December 5

Acknowledgements

I would like to thank my thesis advisor Professor Mark Costanzo of Claremont McKenna College for helping guide me through the process of writing on this topic. I would also like to thank Professor Rachel Fenning of Claremont McKenna College, Professor Kristin Budd of Miami University, and Professor Timothy Griffin of the University of Nevada, Reno for assisting me in my research for my thesis by providing research paths to explore or by providing and explaining their own research on crime control theater.

Abstract

Much research has been completed on the forms of crime control theater (CCT), and the impact that the existence of CCT laws have on society. Research on CCT laws has shown that they are definitively unsuccessful in providing the safety they were created to provide. This thesis will utilize completed research to explain the main psychological phenomena holding people back from decreasing their support for CCT laws. It will also describe proven methods of correcting misinformation in order to change the perceptions of people who support crime control theater laws, and provide suggestions for how research should be continued.

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Identifying the Main Causes for Support of Crime Control Theater Forms, and Understanding How to Correct the Public's Perception

Crime control theater (CCT) is a concept developed to highlight the laws, rules or procedures that exist as a form of crime prevention or solution but most commonly prove to be unhelpful or even exhibit negative effects. The term is a more defined derivation of the term *security theater* used by author Bruce Schneier to detail a situation in which an agency establishes procedure with the intent of appearing useful despite the lack of ability of the new procedures to produce the desired effects (Schneier, 2003). The idea of theatrical security developed simply to point out methods of false security that exist in daily life, but as time went on it became further associated with a legitimate problem in the legal world. There are laws that exist not to protect citizens or prevent crimes, but for the sole purpose of creating that illusion of safety. However with such an illusion can come problems, such as that of over confidence in theater laws, leading to further support for them and poorer understanding of their shortcomings.

Laws currently in place that are often described as crime control theater are those that have been determined to have either no effect on deterring crime or an inverse of the desired effect resulting in either more crime or more serious crimes. The existence of these laws garner support from citizens due to their perceived effectiveness, despite sources providing opposing results. There are a variety of reasons that the laws are supported even though research findings disprove their assumed efficacy. Some of the more prevalent psychological concepts that cause individuals to further support CCT

laws are hindsight and confirmation biases, counterfactual thinking, feelings of existential anxiety, social influence, and heuristics.

Crime Control Theater Laws have been shown to be both ineffective and harmful to society, and as a result work must be done to reduce the support for the continuation of their use. With this change there will be many difficulties as individuals will find reasons to support their own beliefs even in light of factual evidence that disproves their assumptions. The solution itself cannot be easily decided as the problem lies in the American government and justice system and CCT laws cannot simply be removed after it is seen that they do not provide the security people think they do. For change to occur it would take a significant shift in public perceptions of CCT and from there advocacy for change must be started by groups of people who actually desire change in the American legal system.

Common Examples of Crime Control Theater Laws

Well known laws and policies that have the support of many, actually fall under the category of Crime Control Theater a few examples are: the AMBER alert system (Griffin & Miller, 2008), sex offender registration laws and residency restriction laws (Duwe, Donnay, & Tewksbury, 2008), and policies established by the Transportation Security Administration (TSA) (Rascoff, 2014). The reason that these fall under the concept of CCT is that each policy or law has the expectation and goal of decreasing or preventing crimes without successfully doing so.

AMBER Alerts

AMBER alerts were designed as the result of a child being abducted in 1996 and is named after the victim as well as stands for America's Missing: Broadcast Emergency Response. After nine-year-old Amber Hagerman was taken during a bike ride and murdered in Arlington, Texas (U.S. Dept. of Justice, 2019), the law was put into place with the goal of broadcasting the occurrence of an abduction to the public in hopes that the child or their abductor will be recognized and stopped as a result. This unfortunately instills confidence that an abducted child will be returned home safely as long as an alert is put out following their disappearance. However this is not the explicit result of AMBER alerts. The idea that strangers will be kidnapping one's children is not statistically supported and as it is more likely a family member of the child will commit the abduction. The law only reinforces fear of all strangers and society in general (Zgoba, 2004). The idea that a publicly broadcasted alert will cause children to either not be abducted or will cause them to be saved at a faster rate is untrue and the alert solely

provides a hollow comfort for parents. On top of this, the amount of AMBER alerts that have the potential to be helpful are minimal as it was revealed that only 30% of all AMBER alerts involved strangers, the other 70% were composed of people known to the child, runaways, lost children, or hoaxes that were sent as alerts before being deemed false (Hargrove, 2005). This means that a majority of AMBER alerts were asking for information on a criminal who was already known, or were convincing people that a child was taken when that was not the case, only increasing fears of kidnapping and justifying intense fears of strangers.

Sex Offender Registration Laws

Laws that require sex offenders to be registered and neighbors to be notified when a past offender is living in their neighborhood are also forms of CCT. One of the more commonly known laws of this nature is Megan's law. Megan's law was created after a predator assaulted and murdered Megan Kanka while living in a residence across the street from the family unbeknownst to them (CA Dept. of Justice, n.d.). As a result of this a law was created to allow law enforcement to share information of registered offenders who may pose a threat to the public. Despite the intentions of providing more awareness and safety, multiple studies have determined that this law and those similar do not decrease the number of assaults or like crimes (Duwe, Donnay, & Tewksbury, 2008; Zgoba, Jennings, Salerno, 2018). The opinion that the information should be shared in order to raise awareness of the registered offenders does not provide any form of crime prevention. It could be argued that the knowledge of a registered offender in one's area would make them more cautious around them but due to the studies showing no

statistically significant change in recidivism rates when comparing pre and post introduction of Megan's law.

Transportation Security Administration Policies

The term crime control theater not only applies to laws that are enacted but also rules and policies established to help reduce the quantity of crimes that occur. One of the most notable sources of a policy of this nature are the rules enacted by the TSA. The TSA was created in response to the terrorist attacks on 11 September 2001 with the goal of being able to stop future attacks from occurring. This displays traits of CCT due to the TSA not being likely to stop well planned out attacks despite the seemingly high amount of effort put into their regulations and checks before flights (Rascoff, 2014). Even further supported by the TSA's changing of certain policies in light of the COVID-19 pandemic, where the limitation on liquid ounces allowed through security was increased to permit traveling with up to 12 ounces of hand sanitizer (U.S. Dept. of Transportation, 2022). While this policy change makes sense given the circumstances it reveals the lack of threat that allowing liquids through before the pandemic would have caused. Flights have not increased in danger following this amendment to TSA's policy proving that the rule was not increasing safety beforehand.

Psychological Factors Behind the Perception of Crime Control Theater

Laws

Hindsight Bias

Hindsight Bias is the concept that people believe they knew an outcome upon hearing what the outcome was. This is a common occurrence leading people to claim they knew something despite no indication of that being the truth until the answer is revealed or the event has occurred. In the case of CCT laws hindsight bias can influence people to believe that they knew a criminal would be stopped or deterred upon hearing that they were caught (McDermott, Miller, & DeVault, 2020). In reality, the criminal being caught may not have been a result of the AMBER alert system being used. When children are kidnapped, it is common that they would be killed within the first three hours of being taken. AMBER alerts take time to be processed and verified to meet the conditions necessary for the alert to be sent out, meaning that by the time an alert is sent out, the child has either unfortunately been killed or was not in danger of death. Research has found that in a majority of examined cases, children for whom alerts were issued faced no life threatening danger at all, and that most alerts that are referred to as successful did not have the child found within the three hour window known to be a crucial time in murder cases involving child abduction (Griffin, 2010). With hindsight bias, a child who is rescued alive may cause further support for AMBER alerts if the system was used, however if this is the case it is likely that the child would not have been killed at all. Unfortunately, the credit for the child staying alive goes to the use of the

AMBER alert system when the criminal was not planning to kill the child and the authorities are the ones who found the missing child.

Confirmation Bias

Confirmation bias is the idea that an existing belief is supported upon hearing new information, it leads people to interpret the new information in a way that supports their preconceived notions. If someone is already in support of a CCT law, each new occurrence or example of that law can increase their support for it. If someone supports the idea of in-depth security checks before boarding a plane, a person stopped in front of them for carrying a pocket knife they forgot about will only solidify their reasoning for supporting the TSA. They could also twist new information to be in favor of their beliefs. The TSA reports items they have confiscated on official social media posts, even producing lists of the “top catches” each year (TSA, 2022), which could easily cause someone to believe they are effective despite the TSA failing to stop planned terrorist attacks in the years following their establishment (U.S. Immigration and Customs Enforcement, 2015). Successes are often easier to find than failures or challenges, meaning it is easy to disregard the shortcomings of CCT laws when they are presented.

Counterfactual thinking

Counterfactual thinking is a concept in psychology through which people will think of alternative scenarios that could have occurred instead of the true scenario which has already happened (Roese & Olsen, 1995). After the occurrence of a sex crime by a previously convicted sex offender, one can easily think that it may not have happened

where a sex offender registration law or residency restriction law in place. Research done by Mauricio Alvarez and Monica Miller suggest that this might be the case and that those who have experienced or witnessed heinous crimes are especially likely to support CCT laws if they believe it can reduce the chances of such crimes transpiring (Alvarez & Miller, 2016). This becomes a larger problem with media coverage of crime becoming commonplace on many different platforms, exposing almost everyone to unfortunate events on a regular basis. Exposure to events through social media may not be as impactful as having a personal connection to said events, but it may still be enough to cause one to further support laws through counterfactual thinking.

Moral Panic

Moral Panic is a psychological concept that explains the tendency of humans to develop a concern, establish a hostility towards those involved in the concern, share a consensus that the concern needs to be amended, social views of the magnitude of the concern will vary greatly, and people will volatily react to said concern (Goode & Ben-Yehuda, 1994). Society follows these steps unintentionally when reacting to a shared concern among a culture or community. This shared mindset between groups of people causes them to act in ways that likely would not have been considered in the realm of normal or appropriate beforehand. The actions taken being reacted to volatily simply implies that the feelings towards the response efforts may change drastically over short periods of time. While immediately following a concern many people will support the addition of laws, but after a short period of time their efforts to create change in light of the concern decrease. Using the TSA policies as an example, one could say that

Americans shared a strong emotional response to the tragedy on September 11th, causing them to respond by increasing the amount of screening that must be undergone to board a flight. However, in the years following the event, even if it were realized by most Americans that the TSA is not as effective as once thought, it has already been established and regretting the decision will not reverse it. The panic and fear of terrorism may pass with time but the immediate actions taken as a result of moral panic led to a system of policies that have become commonplace and will not easily change.

Social Influence

Social climate can play a role in the way that people perceive ideas due to a desire to fit in with a group or community. If a neighborhood shares a similar belief, it can be expected that an individual will not take an opposing viewpoint of their community. With CCT laws that are widely supported, such as AMBER alerts, it would be problematic for a resident of a community to take a stance that they do not support a law that is designed to help find and save children who have been taken. It is a societal norm to support and protect children in general, and by rejecting the idea of AMBER alerts, it can be interpreted that the individual is rejecting the norm of protecting children in any way possible (Sicafuse & Miller, 2010). This feeling of guilt or failing one's community is enough to keep people in support of laws that make sense to the greater public but do not have logical reasons for being supported. Researchers cite these social pressures and influences as part of the reason that AMBER alerts will continue to exist despite their lack of effectiveness (Sicafuse & Miller, 2010). This concept can be applied to other CCT laws as well because wanting to remove laws such as sex offender registration laws,

while analytically sound, can give a bad impression of an individual in their social surrounding.

Heuristics

The use of emotional judgment rather than logic or analysis when formulating an opinion or making a decision is known as using affect heuristics. This concept would explain why support for CCT laws is so positive when the laws are surrounding crimes that hold high emotional content. Of the mentioned CCT laws two are tied to crimes with child victims (e.g. AMBER alerts & sex offender registration laws) and one was established following a national tragedy as a result of an act of terrorism (e.g. TSA regulations), both scenarios that can produce high emotional investment from individuals. When a person is considering the risk of having one of these crimes happen, compared to the possibility of the crimes being controlled by certain laws, their emotions can cause them to ignore the fact that CCT laws are ineffective. One research study on affect heuristics when it comes to judgment found that the greater the difference between a risk and benefit, the stronger the response from an individual (King & Slovic, 2014). If the benefits in this case are crimes not happening, and the risks are crimes with which an individual places a lot of emotional value in, then there is likely to be a large difference between a crime occurring and not occurring. With this large difference in mind, the elicited response which in this case is the level of support for CCT laws, is likely to be much stronger, resulting in greater support for these laws despite factual evidence as a result of affect heuristics causing opinions to be formed by emotion rather than fact.

Crime Control Theater Laws, Public Perception, and the Difficulties in Changing Public Perception.

The issue with CCT laws and policies comes in how they are viewed by the public. Public opinions of crime control theater laws are positive which is not a problem itself, but it causes the problem of overconfidence in the effectiveness of such laws. It becomes the belief that these laws are key factors in keeping people safe despite this not being the case. There has been an effort to inform people that while laws exist to protect them, not every law can be relied on as a standalone form of safety. Research was conducted by Dylan S. Campbell and Anna-Kaisa Newheiser to determine the success rates of changing public opinions when it comes to CCT laws. Despite the facts being presented to the participants that sex offender registration was ineffective, their scores rating those laws showed that the public still viewed them in a positive light and overall supported the idea of their existence (Campbell & Newheiser, 2019). Participants' scores rating laws were recorded both before and after they were provided counterevidence which suggested that sex offender registration laws and residential restrictions were ineffective in producing the intended effect on crimes and recidivism rates. After the counterevidence was presented to the participants, support for the laws did not decrease by a statistically significant margin. In order to compare public perceptions of the laws as they apply to different criminals, the researchers in this study also used fake laws that pertained to white collar crimes. Following counterevidence being provided for the fake laws against white collar crimes, participants showed lower scores of support for them, unlike the responses to sex offender laws. This is presumably due to the belief that sex

offenders are perceived as more dangerous and more likely to commit crimes again, a viewpoint that is not held towards all criminals.

Another factor that plays a role in the effectiveness of using counterevidence or similar methods of informing individuals of the inefficacy of CCT laws may be the individual traits of those who are being informed. Research done by Kristen M. Budd and Christina Mancini investigated the effect that community characteristics and beliefs have on the perception of sex offender registration laws and residence restrictions. It was discovered that the research did support the idea of specific characteristics having an effect on support for CCT laws (Budd & Mancini, 2016). Identifying as Catholic, parenting children that are minors, and believing in mythic narratives such as “stranger danger” each had a significant impact in participant’s support for these CCT laws. When they fell into one of the above categories participants were as much as up to 70% more likely to support the laws and this number increases if characteristics overlap. Another important result from this research is that explicit mentions of the severity of the crimes ranging from a sex offender who committed a sex crime to “[a] sex offender...with a more serious, more violent crime” did not change the perceptions of recidivism, and both were met with support for residence restrictions (Budd & Mancini, 2016). This research suggests that beliefs and opinions influence the levels of support for CCT laws and as a result likely increase the difficulty of changing individual’s perceptions of such laws as well.

Conclusion: What We Understand About Shifting Perspectives

From these past works it can be concluded that convincing the public of the impracticality of CCT laws is difficult for a variety of reasons. Personal beliefs and characteristics act as establishing operations for individuals and can vary their support of CCT laws by different amounts. Additionally, when presented with factual counterevidence, individuals are resistant to changing their support of certain laws. More specifically, they are less likely to decrease support for laws with which they hold more emotional connections which CCT laws often do by applying to crimes that create fear in most individuals. People are more likely to still support a law created in response to a child victim or an act of terrorism after being presented with counterevidence than they are to continue to support a law created in response to a crime that they do not tie emotions to such as a white-collar crime (Campbell & Newheiser, 2019).

This produces difficulty in developing a procedure by which public perceptions of CCT can be changed. If the public continues to be resistant to understanding the harm caused by CCT laws and choose to pursue supporting such laws, there are likely to be more laws created in the future that follow the same idea and end up causing more harm than safety. The idea that people are resistant to the correction of misinformation is supported by a study displaying that while it is already difficult to debias individuals, it is significantly more difficult when the misinformation is related to politics (Walter & Murphy, 2018). This only establishes more difficulty in promoting the removal of biases towards crime control theater in the eyes of the public.

In face of this struggle to remove the biases people hold in favor of CCT laws, some research on how perceptions can be changed has been supported. Research done by

Daniel A. Krauss, Gabriel I. Cook, Sharda Umanath, and Eunice Song found that providing counterevidence through narrative-based videos resulted in significantly decreased support for the CCT laws that remained a week after the video was presented despite participants memory of video specifics significantly decreasing (Krauss et al., 2022). These videos were effective due to the researchers following guidelines from another study on more effective ways to correct misinformation. It was determined that coherent information has a stronger chance of correcting misinformation, other aspects that are strongly suited for correction, involved the correction coming from the source of misinformation and being consistent with the worldview of the audience (Walter & Tukachinsky, 2020). The researchers with Krauss et al. received the view from the participants that their videos were in fact coherent, engaging and that they appealed to their emotions (Krauss et al., 2022). While this study proved it is possible to change perceptions of supporting CCT laws and was successful in doing so, it was not able to change the way in which participants viewed these laws. Despite the change in levels of support, the researchers were unable to consistently produce a decrease in the rating of effectiveness of the laws (Krauss et al., 2022). This indicates that while the participants were able to understand that these laws should not be supported or advocated for, they did not consistently understand that the laws were ineffective, meaning their perceptions were only changed at a surface level.

These findings are supported by similar research in the field of correcting misinformation. The act of correcting misinformation already presents difficulties but studies show that humans have tendencies to revert back to the use of misinformation even after presented with counterevidence (Johnson & Seifert, 1994). While making

decisions people who have the proper knowledge can still end up relying on incorrect information that they have grown accustomed to utilizing. This poses a threat in the aim of correcting misconceptions and misinformation as even with well presented counterarguments, individuals can end up bypassing the new information in favor of false or unrealistic views when posed with questions or decision making opportunities.

The Next Steps Changing Public Perception of Crime Control Theater

Laws

To change the minds of the public, counterevidence and explanations of the CCT laws must be properly presented. As discovered and tested in previous research, coherent presentation of information is just one key element in persuading the public (Walter & Tukachinsky, 2020; Krauss et al. 2022). However, as mentioned by Walter and Tukachinsky (2020), the corrections should come from the original source of misinformation and be consistent with the worldview of the audience. These two aspects are the more challenging factors to properly abide by when attempting to change the perception of Crime Control Theater. This is because there are many CCT laws, policies, and concepts, and almost every form of CCT is derived from a different source. The government, which chose to enact these laws, have also continued their use and support of these CCT laws. Attempting to have the government claim a mistake was made with establishing these laws would be a near impossible political task. If that were made possible, and the U.S. government were to admit fault in the creation of ineffective and harmful laws, the correction of such a mistake and removal of the laws would have to be placed in a better perspective to fit the worldview of U.S. citizens. As mentioned previously, individuals are unlikely to go against a law that they know is supported by their community (Sicafuse & Miller, 2010), making the idea that all persons would be accepting of law changes another extremely challenging step to correcting public perception.

The conditions of corrections coming from the source of misinformation and fitting the view of the general public are the most difficult to achieve and further research must be done to form a proven way to meet all of these conditions. While these parts to a correction plan are in need of further development, research that explores more ways to effectively change the perceptions of people has been done, giving more merit to the possibility that change can still be made. Walter and Tukachinsky (2020) recommend that when providing counterevidence, the credibility of the source of misinformation should be called into question, both because credibility is a key part in processing information whether it is accurate or not, and secondly because it supports their other finding by causing the new information to be more coherent in light of the lack of source credibility. It is also necessary that new information is formulated from counterevidence and not mere rejections of the misinformation as replacing the misinformation with correct information proved to be more successful and coherent (Chan et al., 2017). These strategies lead to the seemingly most effective plan to provide the proper information to the public about CCT being a campaign or series of campaigns. Multiple forms of presented counterevidence would allow for people to receive counterevidence in different forms, targeting different characteristics, thus making the success of counterevidence more likely as different genders are likely to be susceptible to different appeals (e.g. emotions or credibility) and racial identities likely are susceptible to different interventions (Krauss et al. 2022). This would best allow for counterevidence to be provided while questioning the sources of misinformation and staying coherent enough that information is easily received.

Walter and Murphy (2018) break down the idea of correction into important characteristics which are category of misinformation, argument type, and appeals of the correct information. The misinformation being in the political category makes it more difficult to correct than if it pertained to health or marketing. In general, counterevidence/counter arguments are more successful when offered as rebuttals to misinformation than they are when offered as forewarnings or standalone information pieces, and finally appealing to coherence is more likely to provide success than appealing to credibility or facts (Walter & Murphy 2018). Following the spreading of counterevidence in ways that provide the highest likelihood of success it would be best to follow the suggestions of Chan et al. (2017) and establish environments that support the scrutiny and counterarguments of misinformation. Lastly, with a correction of misinformation, lawmakers may also need to establish replacements for CCT laws in order to establish effective forms of crime control that could potentially elicit the same responses of overwhelming support while being effective and successful. Some of these replacements already exist without receiving the credit that is due as a result of the existence of CCT. While the TSA is appreciated for the stopping of crimes on aircrafts, according to the former administrator of the TSA Kip Hawley (2012), the credit belongs to other changes following September 11, 2001, including upgraded cockpit doors in airplanes, air marshalls, better surveillance of possible terrorist by the government, and passengers who are more aware of possible danger on planes.

There are reforms to be made for ineffective CCT laws, and some already exist. By bringing the truly effective methods used to keep people safe to light, it may be possible to have the public trust in effective laws and policies rather than CCT. This

coupled with the removal of CCT will save large amounts of funding that are put into practices that only increase feelings of safety and not actual safety. Funding from CCT laws could easily be used to better fund effective searches for missing children and improved task forces for stopping planned acts of terrorism. The only aspect of CCT that prevents it from being changed is the amount of public support it receives and the threat of backlash that would result from its removal.

Future Research

Studies conducted on the effects of corrective information have been conducted to determine if false information on the flu vaccine can be corrected to increase intent to vaccinate among participants. In the study conducted by Brendan Nyhan and Jason Reifler (2015) it was discovered that corrective information coming from the Center for Disease Control was able to reduce the extent to which the participants believed the myth that the flu vaccine will give them the flu, however, they also discovered that participants with higher levels of concern for this myth actually believed in the myth more following the information and their intent to vaccinate decreased further. This study reveals that at a certain threshold of a person's concern or support of misinformation, corrective information only makes a negative impact. This case should be applied to more forms of misinformation including that surrounding CCT in order to determine if this effect applies to multiple forms of misinformation. By completing this study it could also be determined at which pre-existing attitudes can corrective information be properly received, and at what point will it only increase a participant's belief in the misinformation. With research in this area, more effective and specific techniques can be used for individuals to be provided correct information or counterevidence that will be accepted by the public. Without looking into the ramifications of or correcting misinformation, it will only create a longer more strenuous process overall.

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