

Do perceptions of punishment vary between white-collar and street crimes?

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Abstract

Much has been learned about the relationship between sanction threat perceptions and criminal activity, yet little remains known about the factors that are associated with sanction threat perceptions. Moreover, because most researchers had studied deterrence within the context of street crime, even less is known about the factors that relate to sanction threat perceptions for white-collar crime. This study used data from a national probability sample to examine whether the determinants of perceived sanction certainty and severity for street crime were different from white-collar crime. Using robbery and fraud as two exemplars, the findings indicated that while public perceptions of sanction certainty and severity suggested that street criminals were more likely to be caught and be sentenced to more severe sanctions than white-collar criminals, respondent's perceptions of which type of crime should be more severely punished indicated that both robbery and fraud were equally likely to be perceived 'on par.' Additional results indicated that the correlates of certainty and severity were more similar than different, but that the results differed according to whether respondents were asked about the punishment that white-collar offenders were likely to receive as opposed to what they should receive.

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Introduction

At its core, the deterrence doctrine hypothesizes that the perceived threat of swift, certain, and severe sanctions will inhibit criminal activity (Andenaes, 1974; Beccaria, 1764; Tittle, 1980; Zimring & Hawkins, 1973). Extant research yielded a great deal of variation with regard to the effect of sanction threats and sanction imposition, but in general this line of research suggested that sanctions and sanction threats did emerge and did inhibit criminal activity (Nagin, 1998), at least for some segment of the population (Pogarsky, 2002). Despite this

overall conclusion, the specific effects of certainty, severity, and celerity of punishment and in particular their determinants continue to be an unresolved issue in criminological literature, leaving much yet to be learned and understood (see Nagin, 1998).

Ball (1955, p. 351) noted that the underlying assumption of the "deterrent effect of a law obviously depends upon the individual's knowledge of the law and the punishment prescribed." As such, it seems important to gather information on the public's perception of the existence of punishment terms and legal threats across different categories of criminal offenses. To date, there has been a very limited amount of research on this issue, and much of it occurred over thirty years ago. For example, Zimring and Hawkins (1973, p. 143) reviewed a public opinion poll from Nebraska in the late 1960s

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that revealed that 41 percent of adult Nebraska men declared that writing checks with insufficient funds would not be criminal if arrangements to meet the obligations were eventually made. In a California study, inmates of adult correctional facilities gave the correct answer more than a quarter of the time to a number of multiple-choice possibilities regarding the specific penalties to the most serious crimes (California Assembly Committee on Criminal Procedure, 1968). This study revealed that the public was generally ill-informed about the legislatively proscribed minimum and maximum penalties for a variety of crimes and that public knowledge of changes in existing minimum and maximum punishments provided by law was also found to be quite low (Zimring & Hawkins, 1973, p. 143). While offenders appeared to have better knowledge about the laws and prescribed punishments than the general public, their knowledge was still limited and lacking. Anderson's (2002) recent study of males who had been imprisoned for a felony, uncovered that only 22 percent of the offenders thought that they knew 'exactly what the punishment would be' for the crime they committed, while 18 percent reported that they had no idea of the penalty, or 'thought I knew but was wrong,' and 35 percent reported that they did not even think about the penalty prior to committing the offense. Tunnell's (1992) qualitative interviews also reported a similar misunderstanding among offenders with regard to the reach of the formal criminal justice system. As can be seen with these examples, information on the public's knowledge base concerning crime and punishment is often based on serious street crimes (see Warr, 1995), leaving white-collar crime, a form of crime that does not generally come to the everyday purview of citizens (Evans, Cullen, & Dubeck, 1993), as of yet, unexplored.

Although there were a handful of studies that had examined general and specific deterrence for samples of white-collar and corporate criminals (Benson & Cullen, 1988; Braithwaite & Makkai, 1991; Geis & Clay, 1980; Hopkins, 1980; Makkai & Braithwaite, 1994; Simpson & Koper, 1992; Stotland, Brintnall, L'Heureux, & Ashmore, 1980; Wheeler, Mann, & Sarat, 1988), more work needs to be undertaken in order to understand if perceptions of punishment vary across white-collar and street crimes, and importantly, the factors that are associated with punishment perceptions. To provide evidence of these issues, this study used data from a national, random probability sample to examine the perceptions of certainty and severity associated with robbery (a street crime) and fraud (a white-collar crime). In addition to studying perceptions of certainty, it also examined the discord across sanction severity percep-

tions by assessing whether the results varied according to how punishment severity perceptions are solicited (i.e., the punishment one will *likely* receive as opposed to the punishment one *should* receive). This is relevant because what individuals think will *likely* happen in the criminal justice system may not necessarily coincide with what they think *should* happen.

Sanction threat perceptions

The deterrence framework has embedded within it two distinct processes, one that pertains to the determinants of sanction threat perceptions and one that pertains to the link between sanction threat perceptions and criminal activity (see Pogarsky, Piquero, & Paternoster, 2004).² Due to interests in understanding factors that promote or inhibit criminal activity, researchers have paid much more attention to the latter process, almost to the point of exclusion of the former. This has led criminologists to reveal almost nothing about the factors that influence sanction risk perceptions (Nagin, 1998, p. 15). From a policy perspective, this is unfortunate because the behavior of individuals is likely tied to their attitudes/perceptions about punishment (Payne, Gaaney, Triplett, & Danner, 2004).

What little is known about the determinants of sanction risk perceptions has been concentrated on the influence or role of personal experiences with offending, punishment, and punishment avoidance. For example, some research indicates that individuals with offending experience have lower risk perceptions than those without such experience (i.e., the experiential effect) (Minor & Harry, 1982; Paternoster, Saltzman, Waldo, & Chiricos, 1983; Paternoster, Saltzman, Waldo, & Chiricos, 1985). Other scholars argue that the consequences of offending, including both personal and vicarious experiences with punishment and punishment avoidance, influence sanction threat perceptions (Paternoster & Piquero, 1995; Piquero & Paternoster, 1998; Piquero & Pogarsky, 2002; Stafford & Warr, 1993). On this score, Pogarsky et al. (2004) found that both arrests and peer offending over a one-year time period were significantly associated with changes in perceived certainty across four minor street crimes; arrest served to increase sanction certainty while knowledge of peer experience served to decrease it. On the other hand, Pogarsky and Piquero (2003) found that individuals updated their sanction risk estimates of drunk driving, but not always in line with the deterrence doctrine. Instead of increasing sanction threats after punishment, some of their sample members lowered their punishment certainty

perceptions after being punished, what Pogarsky and Piquero termed the ‘resetting effect.’

As can be seen, these and related studies exploring the determinants of sanction threat perceptions had focused more on the role of offending and its consequences in influencing perceived sanction certainty and to a lesser degree severity perceptions, as an effort to inhibit individuals from engaging in criminal activity. Due to this, the literature on the formation of sanction risk perceptions is “small and narrow in scope” (Nagin, 1998, p. 17), and very little is known about the public’s perceptions of the certainty and severity of punishment. This is even more magnified when it comes to the study of white-collar crimes because the extant research has tended to focus almost exclusively on minor forms of delinquency (e.g., vandalism and petty theft) and street offenses (e.g., assault). This distinction between white-collar and street crimes is key because it is unknown whether sanction risk perceptions are formed at the level of the specific offense or are formed generally for all crime types (Nagin, 1998, p. 18). Certain models of crime, such as the rational choice perspective, anticipate across-crime differences (Cornish & Clarke, 1987); therefore, for policy purposes, it is imperative to determine whether or not individuals hold similar sanction threat perceptions across crime types. If perceptions are consistent across crime type, then intervention efforts targeted at crime in general should be effective. On the other hand, if individuals have sanction threat perceptions that are unique to distinct crime types, then both theory and policy would need to account for it, and unique prevention efforts would be necessary (see Nagin, 1998).

Before examining whether street and white-collar crimes are viewed similarly or different from one another within a deterrence framework, a brief overview of the perceptual literature regarding white-collar crime is first presented.

Perceptions of white-collar crimes and their punishments

Research examining public perceptions of white-collar crime had mainly focused on the perceived seriousness of white-collar offenses relative to street crimes (see Evans et al., 1993 for review). Early research suggested that white-collar crimes were not viewed as serious matters or were shown an indifference by the public (Rossi, Waite, Bose, & Berk, 1974), especially in comparison to crimes committed against a person or the public (Geis, 1973; Sutherland, 1949; Wheeler et al., 1988). Still other research gave evidence that this

conclusion might be erroneous once taking into account the type of white-collar crime being measured (i.e., a white-collar crimes that incurred injury or death were assigned to be quite serious) (Cullen et al., 1985; Cullen, Clark, Mathers, & Cullen, 1983; Cullen, Link, & Polanzi, 1982; Schragger & Short, 1980).

With regard to punishment, researchers had suggested that white-collar offenders either went uncaught or unpunished and in the few cases that they were punished, they received less serious sanctions and served time in minimum-security facilities (Clinard & Yeager, 1980; Coleman, 1985; Geis, 1984; Hagan, 1990; Rossi et al., 1974). In addition, it had been argued that the need for white-collar criminals to serve long prison terms, or any time at all, was minimal because the white-collar offender was thought to be particularly susceptible to the threat of punishment and was deterred by simply becoming involved in the criminal justice system (Benson, 1985; Braithwaite, 1985; Braithwaite & Geis, 1982; Chambliss, 1967; Geis, 1982; Weisburd, Waring, & Chayet, 1995; Zimring & Hawkins, 1973). This susceptibility was due to the belief that the white-collar offender was a rational calculator, with more to lose than the conventional criminal, and thus more susceptible to punishment (Benson & Cullen, 1988; Braithwaite, 1985; Braithwaite & Geis, 1982; Weisburd et al., 1995).³

Some research had supported the claims of minimal convictions, leniency, and deterrability. Hagan (1990) argued that the likelihood of prosecution and conviction of occupational and corporate offenders remained small, a notion supported by the research of Coleman (1985) and Geis (1984). Hagan and Parker (1985) also found minimal convictions and leniency for employers within their sample. Specifically, they found that the offenses were often complex and costly to convict, resulting in sanctions not proportionate to the crime or reductions to charges with more lenient sentences. Weisburd et al. (1995) also examined the deterrability of white-collar offenders by studying the role of specific deterrence (i.e., a prison term). They found no evidence that serving time in prison affected the long-term likelihood of reoffending, concluding, “there is no evidence of a specific deterrent effect of prison” (Weisburd et al., 1995, p. 597). They further argued that for the white-collar offenders “a short prison stay may not provide more than a marginal impact beyond the experience of prosecution, conviction, and sentencing” (Weisburd et al., 1995, p. 599).

On the contrary, other research had suggested that white-collar offenders did not necessarily receive the lenient treatments and punishments that past research

and the media had depicted (Hagan, Nagel-Bernstein, & Albonetti, 1980; Hagan & Palloni, 1986; Wheeler, Weisburd, & Bode, 1982). For example, Wheeler et al. (1982) found that high status white-collar offenders were actually treated more harshly than lower status white-collar offenders, with prison sanctions a more likely result for high status than low status offenders. Although several explanations were provided to account for this seemingly surprising finding (i.e., cases being prosecuted were only the most noteworthy, judge's perceptions of the crimes being brought forth, and the timing of the research), the results have been replicated elsewhere. Hagan et al. (1980) noted that the leniency trend of handling white-collar criminals was changing. Despite finding that white-collar criminals who were college educated received more lenient sentences among the most proactive district they studied, the remaining nine districts showed no evidence of more lenient treatment of the college educated criminals. Hagan and Palloni (1986) found in a post-Watergate study that convicted white-collar criminals were more likely to receive prison sentences, but that these sentences were often for shorter time spans than those convicted of conventional crimes. Finally, Schanzenbach and Yeager (2003) reviewed disparities in sentencing for nonviolent white-collar crime offenders and found that there was variation in sentencing that could be attributed to the defendant's race as well as education, number of dependents, income, and age. Additionally, they found that the White defendants were fined more frequently than Blacks or Hispanics and that fines were used as a substitution for prison time.

This limited research has bolstered an understanding of the treatment of white-collar offenders within the legal realm, yet little is known if the suggested change in arrest and prosecution trends has impacted the public's perception of this type of crime. Even more unknown is what factors influence perceptions of sanction certainty and severity for white-collar crimes. Unfortunately, researchers have been mainly interested in more traditional street crimes (see e.g., Payne et al., 2004; Roberts & Stalans, 1997) and therefore public opinion research on white-collar crime punishment has been largely neglected and scant information, at best, is available.

Using a mock jury-type scenario, Gordon, Bindrim, McNicholas, and Walden (1988) found racial differences in the seriousness and severity of punishment offered by jurors. White jurors reported that embezzlement was more serious than burglary, while the opposite was true of Black jurors. In terms of punishments, White offenders appeared to receive harsher

punishments for embezzling than Blacks, while Blacks were more likely than Whites to receive a harsh punishment for burglary. The authors suggested that when a defendant's characteristics were 'typical' for a specific crime type, jurors were harsher in meting out the punishment. Furthermore, political ideology and education also seemed to be relevant; liberals and the more highly educated appeared less punitive than conservatives and the less educated (see review in Payne et al., 2004). Bensman (1988) suggested that middle and upper class values influenced the general public's overall perceptions of crime, specifically with regard to white-collar crime. He attributed this to the idea that the middle and upper classes (those traditionally thought to be involved in white-collar offenses) do not want the public to pay close attention to these types of offenses. This sentiment was echoed by Rackmill (1992, p. 27) who suggested, "since white-collar criminals fail to fit the stereotype of the criminal, it is difficult to sanction individuals who share the same class and values as those who enforce the law." Additionally, both Whites and African-Americans tend to favor punitive punishments in certain instances, for certain crimes, although for different reasons. Cohn, Barkan, and Halteman (1991) attributed the more punitive nature for Whites to racial prejudice and the harsher attitudes of African-Americans to fear of crime.

In other research, Payne et al. (2004) studied the demographic characteristics associated with punitive beliefs and punishment justifications among 840 Virginia residents. Their analysis focused on five unique crimes: (1) selling of 200 pounds of marijuana; (2) selling of 2 pounds of heroin; (3) drunk driving manslaughter; (4) selling of a gun to high school student, and (5) a violation of occupational safety and health standards by a manufacturer leading to a worker's death. Their analysis indicated that both demographic and punishment justifications were related to punitiveness and that many factors operated in the same way across crime types. Interestingly, for the one white-collar/corporate crime in their study (i.e., the occupational hazards violation), they only found one variable to be related to punitive orientation: education. Those individuals with more education reacted with less punitive sanctions (as they did to other crimes as well).

Current study

While there appears to be a number of different sources from which the public gains information (and forms opinions on) white-collar criminals, what is not

clearly understood is how these different sources influence and discriminate across perceptions of white-collar and street crimes. Guided by extant research on public opinion views about punishment for street crimes, the current study attempted to understand how factors associated with sanction perceptions of certainty and severity compared across two specific crime types, robbery (a street crime) and fraud (a white-collar crime).⁴ In line with subcultural explanations suggesting that subgroups have differing views on punishment (Cohn et al., 1991), the current study included demographic factors such as age, sex, race, income, education, marital status, political views, employment status, and prior victimization experiences, which had often-times generated inconclusive findings.

Thus, while it is expected that several of these correlates are related to deterrence-based perceptions for street crime, it is not entirely clear that they will relate in the same way to white-collar crime. It is suspected that demographic characteristics such as education and income may not relate similarly to sanction threats corresponding to the two different crime types. For example, it is likely that individuals with higher education and higher income will tend to view the commission of a white-collar, as opposed to a street crime, as having a lower likelihood of detection and when detected, be punished less severely than street crimes. Speculatively, this may be due to the fact that income and education are also prerequisites to obtaining white-collar employment (Benson & Moore, 1992; Wheeler et al., 1988), and those in white-collar/corporate professions may have more experience with fraud and perceive that the crime goes largely undetected. By directly forcing individuals to consider certain and severe sanctions between the two crime types, as opposed to studying each crime type in isolation from the other, the current study stood in a better position to assess how various characteristics related to the deterrence perceptions of white-collar and street crimes.

Data

The data employed in this study came from the National Public Survey on White-Collar Crime that was conducted by the National White-Collar Crime Center (NW3C) (see Rebovich & Layne, 2000). Single-session telephone interviews of U.S. citizens, age eighteen and older, were conducted by trained interviewers using the CATI system during a twelve-week period beginning in January 1999. Random digit dialing was completed on a stratified sample of counties (in order to afford each county a selection probability to the share of telephone

households within each county). Respondents were randomly selected within each household and minimal weighting of the data was conducted on age, sex, education, and region in order to make the sample more proportionate to the larger population. A total of 1,169 interviews were completed and were used in this study representing a completion rate of 74 percent, quite high for a phone survey.

While the definition of what constitutes white-collar crime is much debated, this study followed extant research by using an offense-based definition meaning that white-collar offenders were determined based upon the offense that they committed (Benson & Moore, 1992; Weisburd, Chayet, & Waring, 1990; Wheeler et al., 1982). For this data collection, white-collar crime was defined as “planned crimes that involve cheating or lying that usually occur in the course of employment” (Rebovich & Layne, 2000, p. 6). Deterrence-based questions regarding the likelihood of arrest and punishment for two crime types, robbery and fraud, as well as demographic information were used. The survey began with a series of questions that encouraged distinction between white-collar and street crimes. Furthermore, as a gateway to the survey questions of interest for the present study, interviewers stated to respondents: “Now I would like to ask you some questions about how you see white-collar criminals as compared to other criminals” (Rebovich & Layne, 2000, p. 30). This was done in order to ensure the categorization of fraud as a white-collar crime.⁵

Some may question the use of fraud as an appropriate measure of a white-collar crime. The apprehension of accepting fraud as a legitimate form of white-collar crime was derived from the use of data collected from the Uniform Crime Reports (UCR) since these definitions tended to include categories of crimes that were not committed in the course of one’s occupation. For example, UCR-based definitions of fraud can and often include the following offenses: false pretenses, credit card/ATM fraud, impersonation, welfare fraud, and wire fraud. Therefore, Steffensmeier’s (1989, p. 347) argument that “UCR data have little or nothing to do with white-collar crime” was well founded, but not applicable to the current study. The current study did not rely upon official data or official definitions of fraud; instead, the survey was designed to capture respondents’ perceptions of a defined type of white-collar crime, fraud. Great effort was taken during the data collection process to ensure that the respondents differentiated white-collar offenders from street offenders.

Variables

Perceptions of sanction certainty

The survey question addressing perceptions of sanction certainty concerns the robbery/fraud comparison and asked: “Who do you think is more likely to get caught by the authorities, someone who commits robbery and steals \$1,000 or someone who commits fraud and steals \$1,000?” Response options for this item included: (1) ‘person committing the robbery,’ (2) ‘person committing the fraud,’ or (3) ‘equally likely.’ Since there were very few respondents who indicated that the robbery and fraud crimes had equal chances of being detected/caught ($n=29$), therefore these individuals were omitted from the regression analysis. Logistic regression was used for these items to compare robbery versus fraud.

Perceptions of sanction severity

Two items assessed perceptions of the severity of punishment for a comparison of robbery and fraud. The first question asked about the perception of severity that the respondent believed *would likely happen*: “If [someone who commits a robbery and steals \$1,000 or someone commits fraud and steals \$1,000] are both caught and convicted, who do you think will likely receive the more severe punishment?” Response options included: (1) ‘person committing fraud,’ (2) ‘person committing robbery,’ and (3) ‘equally likely.’ There were very few respondents who indicated that the robbery and fraud were equally likely to receive the same punishment ($n=23$), therefore these individuals were dropped from the regression analysis. Logistic regression was used for these items to compare robbery versus fraud.

This same question was then repeated with one important modification. Instead of asking who *would likely* receive the more severe punishment, the second perceived severity item asked whom the respondent believed *should be* punished more severely. Response options included: (1) ‘person committing fraud,’ (2) ‘person committing robbery,’ and (3) ‘equally likely.’ Due to the much larger number of individuals in the equally likely response category for the punishment severity item (“should receive”), multinomial logistic regression was utilized. The use of two different questions regarding sanction severity (i.e., who *should* receive more severe punishment and who *is likely* to receive more severe punishment) was important because prior research had not discriminated between respondent’s perceptions of severity based on expected/actual punishment expectations. It was suspected that respon-

dents might provide different estimates on these two questions and that the determinants of these perceptions might vary because what individuals perceive should happen oftentimes contrasts with the punishments that are actually handed out in the criminal justice system (i.e., what does happen).

Based on prior research, several demographic variables were used as predictors of sanction threat perceptions. *Sex* identified the respondent as self-identifying as male (coded 0) or female (coded 1), with 56 percent of the sample consisting of females. *Age* of the respondent was coded as reported and ranged from eighteen to ninety-one years, with a mean age of 43.81. *Income* reflected the assessment of the total household income and was coded on an interval scale with each unit indicating a \$10,000 range. This item ranged from 1 = \$0 to less than \$10,000 to 9 = \$80,000 or greater, with the mean income falling in the \$30,000 to \$40,000 range. The following demographic variables were recoded from the original data into binary variables due to the distribution of response items (see Appendix A for original coding schemes). *Race* was recoded as 0 for Whites and 1 for non-Whites; only 19 percent of the sample was non-White. *Education* reflected the respondent’s highest level of education completed. Sixty-two percent of the sample reported having at least some college education, therefore the variable was recoded as 0 for no college experience at all and 1 for at least some college or graduate school. Approximately half of the sample reported that they were married, therefore *marital status* was recoded to 1 for married, 0 for all others. *Employed* reflected the respondent’s current employment status and since 62 percent of the sample reported they were employed, the variable was recoded to 0 for not employed and 1 for employed. *Conservative* reflected respondent’s self-reported political orientation or stance on most social issues. Due to the strong relationship between conservatism and punitiveness/punishment, this variable was recoded as 1 for conservatives, 0 for all others, with 39 percent of the sample regarding themselves as conservatives on social views.

Prior victimization

Although not utilized as an independent variable in prior research on white-collar crime perceptions, this study controlled for whether the respondent had previously been a victim of white-collar crime (0=no, 1=yes). Prior research on white-collar crime victimization (specifically fraud victimization) had suggested that one in three Americans succumb to fraud victimization annually, but only about one-third of those victims report

their victimization to authorities (Bass & Hoeffler, 1992; Copes, Kerley, Mason, & Van Wyk, 2001; Mason & Benson, 1996; Titus, Heinzelmann, & Boyle, 1995). Furthermore, research indicated that fraud victims are often repeatedly victimized (Titus et al., 1995). In the data used in the current study, 37 percent of the sample reported at least one prior victimization experience.

City dweller

Crime, especially visible street crime, is generally considered to be an urban phenomenon (Braithwaite, 1989), therefore respondents were asked to describe the general location in which they lived. This variable was recoded into a binary variable coded 1 for those who reported living in a city, 0 for all others. Thirty-one percent of the sample reported living in a city.

Descriptive statistics for all variables may be found in Table 1.

Results

The univariate analyses revealed several interesting findings. First, perceptions of sanction certainty were much higher for robbery (75 percent likely to get caught) compared to fraud (22 percent likely to get caught). Second, with regard to the two severity items, the results were particularly interesting because they differed, contingent on how the question was phrased. When respondents were asked about who *would likely* receive more severe punishment, the results corroborated nicely the certainty estimates. That is, 82 percent of the respondents believed that the robbery *would* receive a more severe sentence, while only 15 percent perceived the fraud would receive a more severe sentence. When respondents were queried about who *should* receive a more severe punishment, however, the responses were split equally across the three category response options, with slightly more respondents believing that both crimes should receive equal punishment. Specifically, 31 percent of the respondents believed that the robbery *should* receive a more severe punishment and 31 percent believed that fraud *should* receive a more severe punishment, while 38 percent of the respondents believed that the two crimes should be equally punished. This suggested that respondent's perceptions of what the crime severity should be was not in line with their perceptions of the criminal justice system's actual treatment of the two crime types.

Table 2 presents cross-tabulations of the three deterrence items. Model A presents perceptions of

certainty with perceptions of severity (will receive), followed by Model B containing perceptions of certainty with perceptions of severity (should receive), and Model C with the two different severity items. As can be seen, all three cross-tabulations indicated a significant relationship between the respective items. In Model A, the majority of the sample (over three-quarters) indicated that the person committing the robbery is more likely to get caught and will likely receive the more severe punishment. In Model B, perceptions of certainty and perceptions of severity (should receive) indicated that while most respondents believed that the person committing the robbery will more likely be caught by authorities than the person committing the fraud, respondents were equally split with regard to who should receive the more severe punishment. Model C presents the two severity items. Interestingly, while most respondents believed that the person committing the robbery would be more likely to receive the more severe punishment, they were split as to who *should* receive the more severe punishment.

Table 3 presents the logistic regression results for predicting the perceived sanction certainty item (comparing which crime is more likely to get caught, the robbery

Table 1
Descriptive statistics

Variable	Mean	SD	Minimum	Maximum
Perception of certainty	1.28	0.50	1	3
Perceptions of severity				
Will likely receive severe	1.86	0.39	1	3
Should receive severe	2.07	0.82	1	3
Sex (1 = female)	0.56	0.49	0	1
Race (1 = non-White)	0.19	0.39	0	1
Age	43.81	2.38	18	91
Income	4.74	2.38	1	9
\$0–\$10,000	7.9%			
\$10,000–\$20,000	13.8%			
\$20,000–\$30,000	12.3%			
\$30,000–\$40,000	13.3%			
\$40,000–\$50,000	17.9%			
\$50,000–\$60,000	11.9%			
\$60,000–\$70,000	7.3%			
\$70,000–\$80,000	3.8%			
\$80,000 or more	11.7%			
Marital status (1 = married)	0.50	0.50	0	1
City dweller (1 = yes)	0.31	0.46	0	1
Conservative (1 = yes)	0.39	0.48	0	1
Employed (1 = yes)	0.62	0.48	0	1
Prior victimization (1 = yes)	0.37	0.48	0	1
Education (1 = college or more)	0.62	0.48	0	1

(coded as 1) or the fraud (coded as 2)) and the first perceived sanction severity item (the respondent's perception as to which crime *will* likely receive the more severe punishment).⁶ As can be seen, two coefficients attained significance when predicting sanction certainty, education and income. Respondents who had some college experience, as well as those individuals reporting a higher income bracket were less likely to believe that the white-collar criminal would be caught. Conversely, these individuals were more likely to believe that the robber would be caught. In the severity model, three variables were statistically significant: education, income, and age. Similar to the certainty analysis, individuals with college experience and beyond as well as individuals reporting a higher income were less likely to believe that the white-collar criminal would receive a more severe punishment. Conversely, these individuals were more likely to believe that the robbery would likely receive a more severe punishment. Also, older individuals were less likely to perceive that the white-collar crime of fraud would be dealt with more severely, and more likely to perceive the robbery to be dealt with more severely.

Next, the second severity item (i.e., respondent's perception of who *should* receive the more severe

Table 3

Logistic regression (robbery (1) versus fraud (2)) predicting perceived sanction certainty and severity (will likely)

Variable	Model A certainty		Model B severity	
	Coefficient	SE	Coefficient	SE
Sex	-.02	.17	.13	.19
Race	.07	.21	.05	.24
Marital status	.28	.18	.33	.21
City dweller	.29	.18	.17	.21
Conservative	.04	.17	.15	.20
Employed	.05	.19	-.24	.21
Prior victim	-.09	.17	.12	.20
Education	-.36	.18*	-.56	.20*
Income	-.11	.04*	-.19	.05*
Age	.00	.01	-.01	.01*
Constant	-.86	.39*	-.18	.42
LL		-455.73		-366.09

* $p < .05$ (two-tailed test).

sanction) was examined. The multinomial logistic regression results are presented in Table 4. In the first panel, the results comparing the severity perceptions for 'fraud should get a more severe punishment' against 'robbery and fraud should be equally likely to receive severe punishments' indicated that three variables were

Table 2

Cross tabulations of deterrence perceptions

Model A

Perceptions of certainty by perceptions of severity (will likely) ($\chi^2=129.13$)

Will likely receive more punishment	More likely to get caught by authorities		
	Person committing robbery	Person committing fraud	Equally likely
Person committing fraud	93	83	4
Person committing robbery	757	169	19
Equally likely	11	4	6

Model B

Perceptions of certainty by perceptions of severity (should likely) ($\chi^2=23.84$)

Should receive more punishment	More likely to get caught by authorities		
	Person committing robbery	Person committing fraud	Equally likely
Person committing fraud	255	98	4
Person committing robbery	256	91	10
Equally likely	346	65	16

Model C

Perceptions of severity (will likely by should likely) ($\chi^2=34.98$)

Should receive more severe punishment	Will likely receive more severe sentence		
	Person committing robbery	Person committing fraud	Equally likely
Person committing fraud	86	269	3
Person committing robbery	51	302	5
Equally likely	44	367	15

Table 4
Multinomial logistic regression predicting sanction severity

Variable	Fraud versus equally likely		Robbery versus equally likely	
	Coefficient	S.E.	Coefficient	S.E.
Sex	-.034	.171	-.573	.169*
Race	-.072	.218	-.144	.220
Marital status	-.232	.180	-.125	.180
City dweller	.323	.188+	.334	.187+
Conservative	-.314	.175+	-.362	.175*
Employed	.026	.189	.016	.191
Prior victim	-.116	.174	-.060	.173
Education	-.363	.188+	-.369	.189+
Income	-.057	.041	-.009	.041
Age	-.002	.005	-.006	.005
Constant	.726	.401	.931	.399*

Note: Reference category is equally likely to be punished group.

+ $p < .10$.

* $p < .05$ (two-tailed test).

marginally significant: city dwellers, conservatives, and education. City dwellers were more likely to believe that the white-collar crime should be punished more severely than to believe that both crimes should be equally likely to receive severe punishments. Conservatives were less likely to believe that the white-collar crime should be punished more severely and more likely to believe that both crimes should be equally likely to receive harsh punishments. Finally, individuals with higher education were less likely to believe that the white-collar crime should be punished more severely and more likely to believe that both crimes should be equally likely to receive harsh punishments.

The second panel of Table 4 presents the results comparing the severity perceptions for 'robbery should get a more severe punishment' against 'robbery and fraud should be equally likely to receive severe punishments' and indicated that four variables were significant: city dweller, education, sex, and conservative. City dwellers were more likely to believe that the street crime should be punished more severely and less likely to believe that both crimes should be equally likely to receive severe punishments. Those respondents with higher educational attainment were less likely to believe that the street crime should be punished more severely and more likely to believe that both crimes should be equally likely to receive severe punishments. The sex and conservative coefficients were also significant in this model. Here, females were less likely to believe that the street crime of robbery should be punished more severely and more likely to believe that both crimes should be equally likely to receive a severe punishment. Also, conservatives were less likely to believe that the

street crime of robbery should be punished more severely and more likely to believe that both crimes should be equally likely to receive a severe punishment.⁷

Discussion

This study set out to examine the correlates of deterrence perceptions (e.g., certainty and severity) in order to assess if similarities or differences emerged across white-collar and street crimes. To accomplish this task, data from a national random probability sample were used. Aside from a traditional measure of sanction certainty, two different approaches to measuring perceived severity were used, what one believes is *likely* to happen and what one feels *should* happen. Several independent variables were used as predictors of punishment perceptions. A number of key findings emerged from this study.

First, the univariate analyses provided a basis for understanding perceptions of sanction certainty and severity. Results revealed two interesting conclusions: (1) public perceptions of sanction certainty and severity suggested that street criminals are more likely to be caught and sentenced to more severe sanctions than white-collar criminals; but (2) respondent's perceptions of which crime type *should* be more severely punished indicate that both robbery and fraud are equally likely to be perceived 'on par.' Aside from indicating that severity perceptions of what is and what should be are more different than similar, this finding indicated that one's conclusions regarding the perception of punishment severity may be contingent on how the question is phrased. Clearly, the respondents had a discord between what they perceive happens in the criminal justice system and what they perceive should happen in the criminal justice system with regard to deterrence perceptions for these two offenses.

Second, the correlates of certainty and severity in this study appeared more similar than different. For example, education and income were robust predictors of certainty and severity perceptions indicating that more educated respondents and those with higher incomes were more likely to perceive that street crimes, such as robbery, were more likely to be detected and punished more severely than white-collar crimes, such as fraud. When the severity issue was further explored with a measure of what respondent's perceived severity should be with regard to robbery and fraud, the analysis indicated that city dwellers, conservatives, and the highly educated responded similarly. Interestingly, city dwellers appeared to be in either the 'fraud as more

severe' or the 'robbery as more severe' categories. Respondents who designated themselves as conservatives, as well as more educated respondents, were more likely to believe that robbery and fraud should be similarly severely treated by the criminal justice system than they were to prefer one crime type over the other. Clearly, these results point to an interesting relationship between these demographic characteristics and deterrence perceptions that are in need of further theoretical and empirical attention, and suggested that the educated in particular have a different view about punishment severity when asked about what is and what should be.⁸

The results bear relevance for matters of theory and policy. Theoretically, this effort contributed to the very scant knowledge base concerning the determinants of sanction threat perceptions generally, and for white-collar crime in particular. On this score, then, the results from this study were descriptive and might be used as a sort of barometer of public opinion (i.e., it is important to know what the public thinks about punishment) (see [Unnever & Cullen, 2005](#); [Zimring & Hawkins, 1973](#)). The results can also be viewed within the context of deterrence theory more specifically. These results show that perceptions of certainty and severity do vary along some important demographic lines. More educated and wealthier individuals were less likely to view white-collar crimes as being more certain of detection and less likely to be punished than street crimes, especially with regard to how they perceived the criminal justice system currently operated. Although this might be due to the two crimes studied herein, one wonders whether this was due to the fact that for white-collar/corporate employment, (advanced) education tends to be a requirement. Or it could be that more educated and wealthier individuals happen to have more experience with the (successful) commission of fraud and perceive that the crime goes largely undetected.

With regard to policy, since deterrence is a perceptual theory, these data could be considered within a decision-making context by policy officials, especially with regard to the ways in which they increase the ability of the threat of formal legal sanctions to deter individuals from engaging in white-collar crime. For example, the data revealed that those with greater education and income perceived there to be less certainty and severity of punishment for white-collar offenses than street crimes. This suggested that those most likely to have access to white-collar crime opportunities believed there was little chance of getting caught and receiving a severe penalty. At the same time,

these same individuals reported in the 'should receive equal punishment' alternative severity models that the two crime types, robbery and fraud, *should* receive the same punishment, thus inferring that increased severity could potentially reduce crime and that the general public sees the two crimes types as equally serious and warranting similar punishments.⁹ This finding corroborated [Robinson and Darley's \(2004, p. 4\)](#) supposition that individuals' beliefs in the law and legal apparatus do not always match the majority view or what is the 'going rate,' instead, their beliefs match their own judgments and perceptions of what the law "should be, suggesting that they [are] using their own moral intuitions to predict the legal rule" (see also [Darley, Carlsmith, & Robinson, 2001](#)). Additionally, this line of research also informs public policy inasmuch as policymakers are willing to look to public opinion as a guide in their decision-making process (e.g., [Payne et al., 2004](#)). For example, policymakers should be interested in how the public views the threat of punishment, the severity of imposed sanctions, and so forth. Traditionally, street crimes have been punished more severely, but as these results show, not everyone believes that it should be that way. To the extent that the behavior of individuals is tied to their attitudes about punishment certainty and severity, then knowledge on this front will be important.

Several limitations must be acknowledged. First, data constraints did not allow for the assessment of the celerity of sanction threats. As the 'infant' variable in deterrence research, future efforts should consider data collection specifically with celerity in mind. It would also be useful to obtain multiple measures of celerity since the current data indicated somewhat different conclusions across two different sanction severity measures. Second, the current effort only considered two specific crimes, robbery and fraud, and it is unknown the extent to which different street and white-collar crimes would lead to similar conclusions. It is important that the range of crime types be expanded, especially to include organizational and/or corporate offenses. Finally, although this effort closely followed prior criminological and public opinion research in its use and measurement of key independent variables, other predictors of deterrence perceptions may be in order. Given that criminologists understand little by way of the determinants of sanction risks, expanding the scope of variables would be a useful direction for future research. Such efforts could include measures of personal and vicarious experiences with the criminal justice system, measures of street offense victimization, and media exposure. On this score, recent media

Appendix A. Original variable coding from the national public survey on white-collar crime

Variable	Coding							
	1	2	3	4	5	6	7	8
Education	<12th grade	High school or GED	Some college	Bachelor's degree	Master's degree	Professional degree	Ph.D.	Other
Marital status	Married	Living with partner	Widowed	Divorced	Separated	Never married	Other	
Employment	Working	Laid off	Keeping house	Going to school	Disabled	Unemployed	Retired	Other
Conservative	Conservative	Moderate	Liberal	Other				
City dweller	City/urban	Suburbs of large city	Small town	Rural area/ranch	Other			

attention on celebrity and high profile white-collar crimes may influence perceptions, one way or the other. That is, some individuals may perceive the handling of Martha Stewart's case differently when compared to the handling of the Enron scandal, and/or other high profile "street" crimes such as the Scott Peterson murder case. In the end, it is hoped that researchers consider carefully comparing the sanction perceptions associated with street and white-collar crimes and contribute to (and expand upon) this modest effort.

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Notes

1. Understanding the impact of sanction effects can also be viewed through a labeling theory perspective. This approach suggests that sanctions will stigmatize the offender and produce additional offending behaviors. Recognizing the diverse effects of sanctions, Sherman's (1993) defiance theory also offers an explanation as to why sometimes sanctions deter and at other times they backfire.

2. The empirical study of sanction threat perceptions has had a long history in criminology. Much of the early research focused on actual sanction impositions at the macro-level, and several researchers observed that because deterrence is actually a perceptual theory, it should be studied at the individual level of analysis (Waldo & Chiricos, 1972).

3. More recent research seems to indicate that the 'typical' white-collar offender is not the coddled criminal that s/he was once thought to be. In fact, the stereotyped image of a white-collar offender as "a person of wealth, power, and high social status, who has led an upstanding and otherwise impeccable life" has been challenged by existing data (Piquero & Benson, 2004, p. 155). This line of research seems to suggest that common perceptions of white-collar offenders may not be completely accurate.

4. The authors recognized that perceptions of punishment per se are not necessarily the same as perceptions of the certainty and severity associated with punishment. Though it was expected that there would be some overlap, this was one of the main interests addressed herein; namely, because there had been few (if any) efforts that compared public sanction threat perceptions for street and white-collar crimes.

5. It was important to note that survey administrators were ready to provide the definition of white-collar crime to respondents who asked for clarification; however, only sixty-seven respondents requested the definition.

6. Multicollinearity was not a problem in any of the models presented.

7. In a supplemental analysis (not shown), the 'equally likely' category of respondents was dropped. Therefore, comparisons were made between respondents who believed that one or the other crime type should receive a more severe punishment. In that model, females were less likely than males to perceive that the robbery should be punished more severely than the fraud. In other words, females believed that the fraud should be punished more severely than the robbery. Too much stock should not be placed on this model because there were a rather large number of individuals who were in the 'equally likely' response category for the second severity item, and they were dropped from the forced-choice response (between robbery and fraud).

8. This perception was in fact corroborated within the data. When respondents were asked where government should devote resources, 35 percent said that more money should be spent on street crimes, 36 percent said that more money should be spent on white-collar crimes, and 29 percent reported that money should be spent equally.

9. The authors would like to thank an anonymous reviewer for providing this suggestion.

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