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**Toward an etiology of arson: Issues of classification and
homogeneity**

Pisani, Angelo Louis, Jr., Ph.D.

City University of New York, 1989

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A

TOWARD AN ETIOLOGY OF ARSON:
ISSUES OF CLASSIFICATION AND HOMOGENEITY

by

ANGELO L. PISANI, JR.

A dissertation submitted to the Graduate Faculty
in Criminal Justice in partial fulfillment of the
requirements for the degree of Doctor of Philosophy,
The City University of New York.

1989

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This manuscript has been read and accepted for the Graduate Faculty in Criminal Justice in satisfaction of the dissertation requirement for the degree of Doctor of Philosophy.

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Abstract

TOWARD AN ETIOLOGY OF ARSON: ISSUES OF CLASSIFICATION AND HOMOGENEITY

Adviser: Professor Carl Wiedemann, Ph.D.

This study examines research on the etiology of arson which sees arsonists as a homogeneous group suffering from psychopathological disorders. The review of the literature depicts a body of literature fraught with methodological problems. It demonstrates--through the quantitative analysis of data on 1507 offenders convicted for a variety of crimes in New York State--that the major reason researchers have failed to gain any useful knowledge about the etiology of this crime is due to the utilization of the legal offense classification system which assumes that this group (arsonists) is homogeneous, when in fact it is more likely that it consists of offenders who committed a variety of crimes and who for some reason chose the instrument/weapon fire to facilitate the instant offense.

In addition, the study also cautions policy makers that by engaging in juvenile firesetter programs (which are inevitably based on the historical perception of arsonists being "sick") they may be wasting valuable resources and chancing more harm than good by subjecting such juvenile offenders to differential "treatment" and thereby labeling them.

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CHAPTER 1

INTRODUCTION

Prior to the 1970s, arson was not recognized as a significant problem in the United States. But by 1977, a study commissioned by the U.S. Department of Justice concluded: "Arson is a serious and rapidly growing crime. In 1975 the estimated loss from arson was \$1.4 billion (more than any other offense on the Federal Bureau of Investigation (FBI) Index of serious crimes). Over the decade ending in 1975, incendiary building fires increased 325%... again more than any of the Index offenses.... In view of the relative magnitude of arson, it is surprising that it has not received more attention in the past".¹

Arson, a late entry in the FBI's list of "index" crimes, appeared in 1978 by Congressional mandate, a tacit if belated acknowledgement of the pandemic and proliferating incidence of incendiarism raging across the nation.

"Nobody," Gordon Vickery, Administrator of the United States

1.U.S. Department of Justice, Law Enforcement Assistance Administration National Institute of Law Enforcement, Arson and Arson Investigation Survey and Assessment (Washington D.C.: Government Printing Office, October, 1977), pp. xiii-xiv, summary.

Fire Administration, has said, "really knows the extent of arson [which] probably is significantly greater than any figures quoted."¹ A single facet of the problem, arson-for-profit, has been labelled by Georgia Senator Sam Nunn, who presided over hearings on this subject before the Senate Permanent Subcommittee on Investigations in 1978, as "the fastest growing crime in this country."² Arson is, Nunn charged, "our costliest crime with losses estimated at \$2 billion a year rising at a rate of 25 percent annually."³ The toll of arson, according to the California District Attorneys Association, is substantial: "925 homes, 180 apartment buildings, 36 schools, 7 churches, and 78 industrial plants"⁴ are torched in California every year. And the national toll is deadly: "An estimated 1,000 persons are killed and approximately 10,000 are injured by arson

1. Gordon Vickery, quoted in Ann Gibbons, "A Match and a Motive," San Francisco Examiner and Chronicle, August 5, 1979, California Living, p. 11.

2. U.S. Congress, Senate, Committee on Governmental Affairs, Arson-for-Hire, Hearings before the Permanent Subcommittee on Investigations, 95th Congress, 2nd sess. (Washington, D.C.: U.S. Government Printing Office, 1978), p. 1.

3. Ibid.

4. Arson Our Most Costly Crime, Filmline Production Associates, Inc. 1979.

annually."¹

The direct and indirect effects of this violent offense ranks arson second only to war in its ravages. The public cry for action in the past decade has resulted, for the most part, in reactive measures such as the formation of "arson task forces" across the nation.

One likely reason for the earlier inattention was "the lack of a single, well known source of national statistics..."² One response to this problem was establishing arson as a Part I offense in the FBI's Uniform Crime Report (UCR) in October 1978. Also, in October 1978, Congress amended the Fire Prevention and Control Act of 1974, creating Section 24--"Federal Programs to Combat Arson," thereby providing a much needed funding mechanism for local arson control efforts. The Bureau of Alcohol, Tobacco and Firearms of the U.S. Treasury Department became involved in arson enforcement under the terms of the Explosives Control Act of 1970 and by the end of the decade, the FBI became increasingly active, aided by the Racketeer Influenced and Corrupt Organizations (RICO) Act.

1.U.S. Department of Justice, Law Enforcement Assistance Administration National Institute of Law Enforcement, Arson and Arson Investigation Survey and Assessment (Washington, D.C.: Government Printing Office, October, 1977), p. 15.

2.Ibid.

In New York City, legislators and policy makers had not seen arson as a major city-wide problem until the summer of 1977, when a power failure triggered outbreaks of rioting and arson which gained national media attention. Less than a year later, New York City created an Arson Strike Force, a mayoral agency¹ designed to coordinate the city's response to arson.

While New York City, like many other urban centers across the nation, continued to experience a high incidence of arson, the arson rate has been steadily declining during the past five years. This recent decline cannot be attributed to any new fundamental insights into the nature and control of arsonists. In fact, despite the fact that arson research began in the late 1700s,² we still know little³ about the etiology of arson.

The primary purpose of this study is to identify the principal reasons why so little knowledge has been gained about the etiology of arson, despite 200 years of research. A second purpose is to alert policy makers of the hazards of

1. The author was Director of this agency from 1984-1986. see "Striking Back: The New York Experience," Firehouse (September 1986): 22-24.

2. Nolan Lewis and Helen Yarnell, Pathological Firesetting (Pyromania), No. 2, Nervous and Mental Disease Monographs (New York: Colidge Foundations, 1951), p. 9.

3. Walter J. Moretz, "Psychology's Understanding of Arson: What do we Know, and What do we Need to Know?," Fire and Arson Investigator 28(1) (1977): 45-52.

creating programs based on the findings of such prior flawed research.

Identifying the Problem

While the failure to gain useful new knowledge about arsonists has been confounded by poor research designs and methodologies which are readily discernible to the critical analyst, the correction of these errors alone will not, in my opinion, be helpful in gaining new knowledge toward the etiology of arson.

The issue which must be addressed before we begin to learn more about what causes people to start fires (if indeed, such knowledge is at all possible) concerns classification. The critical writers who will be reviewed in the next chapter recognized that faulty classification marred past research, but they did not fully comprehend the nature of arson itself. Thus, complaints centered around the arbitrary way researchers classified arsonists, while overlooking the inappropriate use of legal categorization as the fundamental framework for examining arson.

The use of legal categories to select a study group (i.e., the grouping is determined by the actual crime committed) has been subjected to increasing attack during the last quarter century. As Gibbons succinctly puts it:

"...an individual who steals a car today, for example, may be implicated in quite a different kind of misbehavior

tomorrow."¹ Most criminologists have come to oppose legal classifications on etiological grounds. Thus, Hood and Sparks considered the various options for classifying criminals according to offending behavior and found them wanting:

A first suggestion is to use the legal category of the offender's current, or most recent, crime. Popularly, a man who kills is called a murderer; one who breaks into a dwelling-house is a burglar, and so on. But there is an absurdity in ascribing certain characteristics to a person, on the basis of a single act which that person commits--just as it would be absurd to describe a man as a golfer if he once played nine holes and than never went near a golf course again...Legal categories by themselves are too crude for research purposes, and need to be further subdivided by taking into account individual or social factors relating to the offenses. A domestic quarrel between husband and wife, a fight between two strangers in a public bar and an attempted armed robber may all result in the offense of malicious wounding [assault], but it is probably not useful, for criminological purposes, to classify these three acts as instances of the same offense.²

Similarly, an assault by a jilted lover, an attempt to cover-up a burglary and an attempt to defraud an insurance company may each be elements of the same offense (arson) if fire is considered as a weapon or instrument used to accomplish the crime. Other noted criminologists opposed to legal classification are Korn and McCorkle and Clinard

1. Don C. Gibbons, "Offender Typologies--Two Decades Later," British Journal of Criminology 15: (1975) p. 148.

2. Hoods and Sparks, Key Issues in Criminology, World University Library: London, 1970.

1
and Quinney.

The latter two authors present four cogent arguments against using legal classification:

[Legal classifications] tell us nothing about the person and the circumstances associated with the offense, nor do they consider the social context of the criminal...They create a false impression of specialization by implying that criminals confine themselves to the kind of crime for which they happen to be caught or convicted...Because the legal definition of an act varies according to time and place, the legal classification of crime presents problems for comparative analysis...Legal classifications do not identify theoretically significant types.²

"With regard to Clinard and Quinney's second point, that criminal specialization cannot be extrapolated from an individual arrest or conviction, a study of arson recidivists might be presumed to hold some promise. However, there would be great difficulty in isolating a sample to study, since research shows that most people who commit arson do not recidivate. In fact, homogeneous criminal careers are not very common. "In any year, the majority of offenders convicted and sentenced by most courts are first offenders, the majority of whom are not subsequently reconvicted; of those who are reconvicted, a substantial proportion have committed different types of crime from that which

1.R.R. Korn and L.W. McCorkel, Criminology and Penology, New York: Holt, Rinehart and Winston, 1959; B.M. Clinard and R. Quinney, Criminal Behavior Systems: A Typology, New York: Holt, Rinehart and Winston, 1959.

2.B.M. Clinard and R. Quinney, Criminal Behavior Systems: A Typology, p. 13.

led to their first appearance in court."¹

Despite these convincing objections, some scholars continue to believe that the legal definition of the crime is useful for classification purposes, provided that one controls for demographic factors. Buikuisen and Jongman, however, note that "juvenile delinquents indeed exhibit a statistically significant tendency to confine themselves to specific offenses."² Buikuisen argues that classification by legal definition of the offense committed is valuable for homogeneous groups in which variables such as sex, age, social class and whether the offender acted alone or with others are also considered, concluding that "...if more reliable theories are to be formulated, they will have to be based on the study of more homogeneous groups."³

Even if all the pitfalls associated with legal categorization are avoided, there is a larger problem presented by the unique nature of arson. Arson perpetrators may very well consist of a group of people that intended to

1.K.L. Soothill and P.J. Pope, "Arson: A Twenty Year Cohort Study," Medicine, Science and the Law 13 (1973): 127-138; see also, R.J. Sapsford, C. Banks and D.D. Smith, "Arsonists in Prison," Medicine Science and the Law, 18 (1978): 247-254.

2.W. Buikhuisen and R.W. Jongman, "A Legalistic Classification of Juvenile Delinquents," British Journal of Criminology, 1970a, 10: 109-123.

3.Wouter Buikhuisen, "An Alternative Approach to the Etiology of Crime," New Paths in Criminology, (Massachusetts: D.C. Heath and Co., 1979), pp. 27-42.

commit different crimes--but who chose fire as the weapon or instrument to facilitate their crime--hence the reference to arson as an "umbrella category." The crime intended could have been homicide, assault, criminal mischief, insurance fraud (larceny), extortion, coercion, etc., since "both the gun and fire are instruments/weapons."¹

This perspective was first expressed in a 1976 federal government report:

The sawed off shotgun, the switch blade, the Saturday-night special, all are manifestations of today's violence. These weapons are the tools of a trade which challenges the heart of American society, reaching from the newspaper headlines, through "Kojak" and "Harry O" on the T.V., and on into the frightening but dry statistics of the F.B.I.'s Uniform Crime Reports. But one weapon is more universally available than all others combined. That weapon is the common match--available to all, cheap, quick, easy to use.²

Just as we would not presume to find much commonality among a group of offenders who used a gun to murder, robbery, kidnap, endanger or assault, it seems equally pointless to study a group that used fire to murder, assault, defraud or endanger: in both groups the criminal behavior is too widely disparate to be unified by the choice of weapon used to facilitate the crime. The research by

1.A.L. Pisani, Jr., Adult Firesetting Behavior: A Typology," Unpublished Master's Thesis, John Jay College of Criminal Justice, City University of New York, 1981, p. 6.

2.U.S. Department of Commerce, National Fire Prevention and Control Administration, National Academy for Fire Prevention and Control, Final Report, Arson: America's Malignant Crime, Columbus, Ohio: Battelle Columbus Laboratories, September, 1986, p. 5.

Sapsford et al., validated the heterogeneous nature of arsonists: "...the lack of similarities [found] in the three separate groups makes... it extremely dangerous to view firesetters as one monolithic category."¹

Similarly, Wolford found "the incarcerated male arsonist to be very similar to non-arsonist counterparts on a number of parameters, suggesting the arsonist offender is not markedly different from incarcerated non-arsonists..."² Levin also detected very little difference between criminals "who set malicious fires and those who do not; the similarities are more striking than the differences."³ And finally, Pettitway suggests that "...arson might share some of the characteristics of personal or violent crimes. Such a reconceptualization reflects the ultimate target at risk (i.e., people) and considers fire to be no different as a weapon of choice than the use of a gun in the act of a murder."⁴

1.R.J. Sapsford, C. Banks and D.D. Smith, Arsonists in Prison," Medicine Science and the Law, 1978,18: 247-254.

2.Michael R. Wolford, Some Attitudinal, Psychological and Sociological Characteristics of Incarcerated Arsonists," Fire and Arson Investigator, vol. 22, 1972.

3.B. Levin, Psychological Characteristics of Firesetters," Fire Journal, 70(2) (1976): 36-41.

4.Leon E. Pettitway, "Arson for Revenge: The Role of Environmental Situation, Age, Sex, and Race, Journal of Quantitative Criminology 3 (2), 1987.

Despite a decade of research which pinpointed serious limitations in typing offenders according to the legal classifications of their behavior, criminologists continue to compound this error by clinging to the concept of the homogeneous "arsonist." A fairly recent example of this strategy is a study of children who set fires, by Wooden and Berkey.¹ The authors documented the behavioral characteristics of sixty-nine juvenile arsonists apprehended in San Bernadino County, California between 1979 and 1983 and compared them to seventy-eight non-delinquent juveniles selected randomly from the San Bernadino community. The study gained wide acceptance in the fire/arson investigation field and certainly supported the movement toward juvenile firesetting intervention programs.

This dissertation will attempt to demonstrate the futility of applying legal classification strategies to the study of arson, primarily because "arsonists" are a heterogeneous group of criminal offenders who have chosen--for a variety of reasons (some known and some impossible to ever know)--to use fire to commit another, more primary crime. This work will test this contention by examining data on 1500 convicted criminals to determine if any significant differences can be found between "arsonists" and non-arsonists.

1. Wayne S. Wooden and Martha Lou Berkey, Children and Arson, Plenum Press: New York, 1984.

Policy Making and the Traditional Perspective

While the arson increase of the 1970s captured government attention and funds, the recent decrease has resulted in a curtailment of government resources focused on the problem. But in an attempt to keep government interested (since such interest usually equates to funds), a new issue has gained prominence among those concerned with maintaining arson control efforts in a period of declining arson rates--juvenile firesetting. In a 1984 feature story in the New York Times,¹ concerning Wooden and Berkey's book, Children and Arson, Wooden, a sociologist at California State Polytechnic University, declared that, "Arson is growing at more than twice the average rate of other juvenile crimes."² A 1985 issue of Psychology Today contained a cover story, "Flames of Youth," also by Wooden, in which he claimed that "children are responsible for two out of every five cases of arson" on a national level and termed arson³ "one of the nation's fastest growing crimes." Professional journals in the firefighting and arson control fields have

1. Wayne S. Wooden and Martha Lou Berkey, Children and Arson.

2. "New Study on Children who Set Fires," by Glen Collins, New York Times, 10/1/'84, p. B2.

3. Wayne S. Wooden, "Firesetters: Why are America's Middle Class Children Setting their Worlds on Fire?," Psychology Today, January, 1985, pp. 23-33.

also recently highlighted a growing number of counseling programs for juvenile arsonists around the country, all stemming from an unchallenged assumption that "at least 50 percent of all incendiary fires are started by children."¹ A thorough review of the literature, however, finds very little support for any of these conclusions.

One might argue that any program which attempts to assist juvenile delinquents is appropriate, however exaggerated the perceived need. But when such programs are evolved from a basically psychoanalytic perspective which sees the child firesetter as suffering from acute psychological problems, we might be asking for trouble! The body of psychological literature on firesetting is voluminous and fraught with problems, which we will discuss in more detail below. The point to be made here is that juvenile firesetter programs may actually accomplish more harm than good, since "counseled" delinquents are likely to perceive themselves, and/or to be perceived by others, as "firesetters." According to "labeling" theory, this may actually reinforce such behavior, with the result that the juveniles may set more fires, rather than less.²

1. "Juvenile Arsonists: A New Solution," Target Arson Update, December, 1984: 4(4), p. 1.

2. Edwin M. Lemert, Human Deviance, Social Problems, and Social Control, Prentice Hall, Englewood Cliffs, 1967, pp. 75-76.

A counter argument might take the position that processing these delinquents through the criminal justice system (rather than diverting them to "counseling") would also result in a similar labeling or stigmatization. While this may be true, I believe that the "label" firesetter is capable of inflicting more harm than that of "juvenile delinquent." As a former police officer and fire marshal in the New York City Police and Fire Departments, I can attest to the fact that juvenile firesetters apprehended by the police were likely to be arrested and processed through the criminal (or juvenile) justice systems. In such cases, the offender received an unstated but very clear message: "You are under arrest for arson and there is a good chance you'll receive a criminal sanction because this is a serious crime." On the other hand, juvenile firesetters apprehended by fire marshals (who are responsible for fire and arson investigations) were less likely to be arrested, and instead, either "referred" to mental health authorities or simply not arrested. (In such cases the officer used discretion regarding his arrest powers; this practice was considered appropriate in the fire investigation community, but frowned upon by police and prosecutors because of the serious nature of the crime.) In these cases, however, the unstated message an offender received upon apprehension was: "You are not like other juvenile offenders--you are sick. And rather than process you through the criminal justice

system via arrest (thereby allowing the system to determine what--if any--assistance you may need), we are sending you for 'counseling' because you need help!" The juvenile in the latter situation is, I believe, at greater risk of being "labelled" and perhaps more likely to recidivate. The judgment as to who needs "counseling" is more appropriately made in a court setting and, when made by law enforcement personnel, untrained in mental health, may eliminate a sanction for those offenders who need it the most. To further complicate the issue, proponents of these programs claim success because of low recidivism rates. Unfortunately, such success must be viewed with caution since research shows that "arsonists as a whole are very similar in their re-offending to any other kind of offender, and certainly no more dangerous to the general public, and that very few arsonists are likely to be reconvicted of an offense of arson."¹

Many municipalities around the nation have implemented juvenile firesetter programs during the past five years. If it were clear that firesetting behavior is caused by some psychological defect, then perhaps such an approach would make sense. However, there is little evidence that this is the case. Therefore, there is little justification

1.R.J. Sapsford, Charlotte Banks and D.D. Smith, "Arsonists in Prison," Medical Science Law, 18(4) (1978): 247.

for singling out this offender from the general population of juvenile offenders for "counseling."

The crux of the problem is that despite a great deal of research, little knowledge about the etiology of this crime has been gained by viewing the "arsonist" as one who suffers from some pathological disorder. To single out this particular offender for "treatment" as a "firesetter" merely perpetuates an old and mistaken assumption that pyromania (if such a condition exists) and arson are equivalent. It was much the same reasoning that led humanitarians to keep firesetters from receiving the death penalty during the French Revolution.¹ Oddly enough, this movement toward "counseling" juvenile firesetters allows fire and arson investigators (who see themselves performing a "helping" role forged by previous experience as firefighters, from whose ranks they have been promoted) the opportunity to "save the juvenile offender" from the criminal justice system. Indeed, as a fire marshal I experienced strong peer pressure not to arrest juveniles for arson. The general feeling was that they would be better served by being referred to mental health experts. This belief that "firesetters" need to be treated differently from other delinquents assumes that they are somehow different.

1. Nolan Lewis and Helen Yarnell, Pathological Firesetting (Pyromania), No. 2, Nervous and Mental Disease Monographs (New York: Colidge Foundations, 1951), p. 9.

No doubt these new programs are influenced by the literature on arsonists, which contains more references to Sigmund Freud and psychoanalytic theory than to the FBI's Uniform Crime Reports and theoretical criminological concepts. In this sense, the crime of arson is a captive of its history, since it was first studied in the 19th century as a mental disease and not as a crime.¹ The same "deterministic" thread might be found throughout Enlightenment literature on criminality, climaxing in the first half of this century with the wedding of psycho-social concepts to deviance. A consequence was the ameliorating correctional reforms within the criminal justice system, giving birth to parole, probation and the indeterminate sentence. Yet arson, inextricably intertwined with pyromania, remained virtually immune from the myriad shifts in criminological research and theoretical constructs. If larceny had first been identified with kleptomania, and all subsequent examination of its incidence had ignored underlying economic and social factors, we might find the same top-heavy psychological emphasis as presently exists with the study of arson.

In summary, this study posits that those who set fires are not different from others who commit delinquent acts or crimes. They are not a homogeneous group but rather, offenders who for some reasons chose fire as their

1.Ibid.

weapon or instrument to facilitate a crime.

As Witkin has argued, the entrenched view of arson as "an irrational act, undertaken by pathological actors, for a variety of perverse individual or collective impulses" is still guiding public policy. And what is most unfortunate, this misperception "...is clearly reflected in our present unsuccessful anti-arson programs."¹

If my hypothesis is supported, researchers may consider an alternative to comparative analysis utilizing the legal classification system for etiological purposes and policy makers who now support such programs would do well to consider other more empirically based arson control measures.

1. George Witkin, "All Pyros are Psychos," Fire and Arson Investigator, 1979, Vol. 32, No. 2, pp. 13-17.

CHAPTER II
CRIMINOLOGICAL THEORY APPLIED TO ARSON

Criminology is a fascinating, complex and sometimes discouraging endeavor, beset as it is by competing theoretical constructs. "To the observer, they [the various criminological theorists] seem to struggle over criminology like dogs over a bone."¹ This chapter examines various criminological theories and how they might apply to some types of arson.

Despite massive energy expended in the war against arson in the past few years, the return has been, for the most part, negligible, with a few more firesetters being arrested and convicted. Enforcement programs in some localities claim to reduce the incidence of incendiary conduct; however, it is often impossible for municipalities to sustain these financially taxing initiatives for more than a short period. Other efforts to prevent arson are aimed at removing the profit incentive through changes in the law. These efforts usually fall short of their objective due to the powerful insurance industry's ability to suppress or

1. Ysabel Rennie, The Search for Criminal Man (Lexington Mass. Lexington Books, 1978), p. XVII.

eviscerate legislation that is viewed as inimicable to its own interests.

As this blight continues to devour entire neighborhoods in our inner cities, blame is eventually placed at the doorstep of the criminal justice community for its inability to effectively deal with arson. Although the public has a right to expect results, it is doubtful that any lasting success will be achieved until a greater degree of honesty and introspection is brought to bear on the central question of why firesetters breed and flourish in our cities today. Tackling this question from a theoretical perspective must start with the proposition that no single criminological theory is capable of explaining all crime, a view shared by many criminologists. Mednick and Shoham state that theories from Eysenck (1964), Merton (1957), Cohen (1956), Taylor, et al. (1973) "have two things in common: (1) each of them claims to explain criminality--that is, all criminality, neglecting the fact that crime is a heterogeneous phenomenon, and (2) usually hardly any empirical evidence is presented to support the theory."¹ Vold also disagrees with the premise that any present theory explains all crime; he states, "Even as there is no generally satisfactory or completely adequate theory of human behavior in general, so

1. Wouter Buikhuisen, "An Alternative Approach to the Etiology of Crime," New Paths in Criminology, edited by Sarnoff A. Mednick and S. Gloria Shoham, Lexington, Mass.: Lexington Books, 1979), p. 28.

there is no entirely adequate or generally accepted theory of criminal behavior,¹ and that "explanations of crime are both varied and contradictory."²

Not only is it impossible to explain all crime through a single theory, but in many cases it is impossible to explain even one crime with a single theory. Arson is an excellent example, for it can be argued that arson is "a crime committed with the aid of an instrument/weapon known as fire. In this respect arson is not seen as one crime, but many different crimes with one common denominator, the use of fire."³

Thus, rising arson rates might better be explained as a reflection of the general rise in crime, where the increased use of the instrument/weapon--fire--causes these offenses to become more visible. With this perspective in mind, then, preventing arson implies preventing many crimes.

This chapter briefly describes the Classical, Positivist and Critical schools of criminological thought and explores how each school might apply to one or more common

1. George Vold, Theoretical Criminology, 2d ed. by Thomas J. Bernard (New York: Oxford University Press, 1979), p. 415.

2. Ibid.

3. Angelo L. Pisani, Jr., Adult Firesetting Behavior: A Typology, Master's Thesis, John Jay College of Criminal Justice, City University of New York (New York, 1981), p. 1, Abstract.

types of arson.

The Classical School of Criminology

"In primitive and preliterate animism it [was] held that evil spirits cause crime,"¹ but the Enlightenment of the eighteenth century applied the idea of the naturalistic approach to criminal behavior, where man himself was seen as responsible for his behavior, not supernatural forces.²

This idea characterized what was later to become known as the classical school of criminology and led to much needed penal reform, as explained by Reid:

The English Code of the eighteenth century, often called the "bloody code," was one of the most severe in history. It permitted severe forms of punishment and provided for capital punishment for such offenses as cutting down trees in an avenue or a park, setting fire to a cornfield, taking part in a riot, shooting a rabbit, demolishing a turnpike gate, and escaping from jail.³

The publication of Tratto dei Dellitti e delle Pene by Cesare Beccaria (1738-1794) in 1764 (translated in 1767 as Essays on Crime and Punishment) firmly established the "classical school" of criminology, which came to include among its adherents Jeremy Bentham, William Blackstone, Samuel Romilly, Ludwich Feuserberg and Robert Peel.

1. Richard Quinney and John Wilderman, The Problem of Crime, (New York: Harper and Row, 1977), p. 39.

2. Ibid.

3. Sue Titus Reid, Crime and Criminology, 3rd ed. (New York: Holt, Rinehart and Winston, 1982), p. 85.

While classical theorists contended that people acted of their own free will, the neoclassicists of the early nineteenth century felt that this approach was too harsh, especially when considering children under the age of seven and the mentally ill: "As such, the validity of mitigating circumstances, whether they physical, environmental, or mental, was recognized by the neoclassicists."¹

The classical school presents a philosophy which seems to be particularly relevant to crimes of opportunity. The arson motive which might best be explained by this school is the insurance fraud motive. Here, it is clear the real crime intended is fraud.

Before exploring classical thinking as it relates to the insurance fraud firesetter, a brief profile of this type of offender is offered.

The Insurance Fraud Firesetter

The insurance fraud firesetter is described as one who sets fire to property which he or she has insured in order to collect cash on the loss from the insurance company. "There are a surprising number of ways to profit from arson. If a property is insured, the owner no longer wants it, and the value of the policy is greater than the sale value he could receive on the market when he needs to sell,

1.Ibid., p. 90.

then the insured may decide to defraud the insurance company."¹

In a typical insurance fraud case a businessperson, finding himself in dire financial straits, will decide that the easiest way out is to "sell his business to the insurance company."² Inciardi (1970) describes the typical "Insurance Claim" firesetter as a male with a median age of 29 and a median IQ of 110, reared in middle income urban areas in financially independent father-dominated homes, with low employment status (being most often skilled and unskilled laborers) and with no marital ties.³

The following actual case is offered to assist in understanding this type of firesetter.

Case No. 1

"Rifat (male, age 28) owned a supermarket, along with his partner Mahud (male, age 17). Their business was not very successful, so they decided to "sell" it to the insurance company. They hired a torch to do the job, but he was arrested for another matter before the fire. Rifat and Mahud decided to try their hand at it. Without regard for families living above the store, the pair attempted to destroy the building. When they ignited the fire, only some of their plants (combustibles placed

1. U.S. Department of Justice, Law Enforcement Assistance Administration, Arson and Arson Investigation Survey and Assessment, p. 20.

2. Ibid. (Note: The reader should note that many writers frequently referred to all offenders as males. However, each study should be understood in terms of the specific population studied).

3. Inciardi, "The Adult Firesetter: A Typology," 8:146-151.

on the scene to aid the spread of fire) caught fire, leaving many untouched. After the fire was extinguished, fire marshals found approximately twelve one-gallon containers filled with gasoline and an assortment of ignition devices from wax candles to cigarettes in match books. Fortunately, no one was injured and both brothers were arrested.¹

The Classical School and the Insurance Fraud Firesetter

Classical theorists would argue, using Beccarian philosophy, that these men acted through their own free will, because man is considered to be "master of his fate, captain of his soul, ...capable of understanding himself and of acting to promote his own best interests."² This school would also contend that their behavior was purposive and that it was based on hedonism, the pleasure-pain principle; "[where] human beings choose those actions that would give pleasure and avoid those that would bring pain."³ Additionally, they would argue that these offenders are aware "that the law by which they suffer was made by their own [tacit] consent; it is a part of the original [social] contract into which they entered when first they engaged in society; "it was calculated for, and has long contributed to their own

1. Pisani, "Adult Firesetting Behavior: A Typology," pp. 87-88.

2. Vold, Theoretical Criminology, p. 8.

3. Reid, Crime and Criminology, p. 87.

security."¹

Classical theorists would also argue that "trials should be speedy; that in punishment, not severity but certainty and celerity will have the greatest preventive effect."² Therefore, it would seem that if this approach were adopted, utilizing the deterrence theory, the act of insurance fraud firesetting would diminish. At least one modern day writer on arson agrees.

Thus, according to Levin, the insurance fraud firesetter is a rationally motivated person:

We do know that arson-for-profit is a rational act and, therefore, that the elimination of the potential profit should prevent the attempt. Even though it is not clear to what extent punishment or the threat of punishment is a deterrent to arson-for-profit, we should assume that it is a deterrent to some extent. It follows, then, that success in decreasing this type of arson should be possible through elimination of the profit motive and through intensive and coordinated programs to catch these criminals and to uncover their misdeeds. Since decisions to attempt arson-for-profit are based, in part, on the arsonists' perceived chance of getting caught and not receiving the desired profit, it is important that the potential arsonists become aware of successful programs to apprehend them or to deprive them of their desired profit.³

Although Levin's analysis is logical, it is also idealistic. In order to remove the profit from arson we

1. William Blackstone, Commentaries on the Laws of England, Vol. 4, of Public Wrongs. Adapted by Robert Kerr, (Boston): Beacon Press, 1962, pp. 8-9.

2. Vold, Criminology, p. 25.

3. Bernard Levin, "Psychological Characteristics of Firesetters," Fire Journal, (March, 1976), p. 43.

must have strong, meaningful legislation which will require insurance companies to compel stringent requirements prior to insuring property, as well as legislation making it possible to discern the true owners who often hide behind corporate veils; and to prevent "straw parties" (accomplices) from purchasing and selling property for the sole purpose of raising the insurance coverage. These changes, as well as others, will not come to pass as long as the powerful insurance industry is capable of successfully lobbying against them. It seems odd that insurance companies would oppose legislation which might reduce arson losses. However, one must consider that a large payment to the insured is considered by some in the industry to be good advertising. Moreover, companies are not overly concerned about losses since they pass them along to their customers through higher premiums, raises to which they are entitled under the law so as to ensure profits.

Furthermore, the apprehension of arson-for-profit fire-setters is an extremely time-consuming and expensive activity, one which most urban communities can hardly afford. Even when the arsonist is caught, the present due process model of criminal justice makes it very difficult to secure a conviction because this type of case is usually circumstantial.

In addition to eliminating the profit in arson, which has its inherent difficulties, and establishing coor-

dinated programs to apprehend these offenders, we would be wise to call for other classical style reforms of present practices in the judicial system which presently make the goal of deterrence very difficult to achieve.

If "rational" criminals exist (and they probably do), they are having a field day with a justice system that is geared toward "sick" criminals; and their numbers are multiplying as more and more people become aware of the ease of committing this relatively low risk crime. For example, when businesspeople are confronted with a financial problem or just seeking rapid liquidation of assets, they may make a rational decision to commit arson. They realize they stand to gain financially and that the risk of being discovered is minimal. Presently, "for each 100 [known] arsons, about nine people are arrested, two convicted, and slightly less than one incarcerated."¹ Even those who are convicted know that probation is the usual sanction for first offenders, particularly for the wealthy or politically powerful. If an exceptional prison term were to be imposed, they know that a concurrent, indeterminate sentence is likely and that they are likely to be released on parole after serving a third of the minimum term of imprisonment. The only real threat here is being subjected to the degradation of contemporary prison

¹. Arson and Arson Investigation Survey and Assessment, p. 30.

life, and they may even manage to evade that, if they have enough influence.

Although classical philosophy was later rejected and replaced by the positivist theories, the classical (or neo-classical) school has now undergone a revival "beginning in the late 1960's."¹ Hopefully, it will begin to correct some of the deficiencies which evolved out of the deterministic approach. For instance, "differential sentencing can be translated into racial discrimination."²

The current enthusiasm or interest in the classical approach is steadily gaining momentum. Such a notable scholar as Marvin Wolfgang, has recently stated: "The eighteenth century return of the rational man I have called the neoclassical revival. I accept it and I have advised it before congressional committees and in court testimony."³

The classicists would have us believe that if we adhere to their philosophy we can reduce such crimes as arson-for-profit. The critical criminologist, for one, would disagree and point to the power of the insurance industry in shaping law. This, they would say, illustrates how law is "essentially the creation and tool of the dominant class of

1.Vold, Criminology, p. 31.

2.Marvin Wolfgang, "Change and Stability in Criminal Justice," Criminology New Concerns, edited by Edward Sagarin, (California: Sage Publications, 1979), p. 62.

3.Ibid., p. 63.

society."¹

Others, such as Jeffery, who believes in an interdisciplinary behavioral approach, would say, "[it] is ironic that in the 1970's when we are returning to an eighteenth-century punishment model of crime control, twenty-first century breakthroughs are occurring in our understanding of human behavior."² And, as Vold aptly summarizes, "whether the return to a punishment philosophy would result in more effective methods of crime control remains to be seen."³

In examining the next five types of firesetters, it will be seen that they too exercise free will but, perhaps, less so than the insurance fraud firesetter. This variance, relative to the degree of free will one possesses, is argued by Schafer:

Clearly, the less effective the socialization process, the broader is the freedom of man's will; and the more successful is the socializing operation, the narrower is the freedom of will and the range of choices from which actions can result. In the former, there is more space to will an action that is qualified as crime; in the latter, more, or only such, actions can be willed that do not pull man over to the territory of criminality. The state of crime in different cultures may support this proposition. In the former alternative, man may will to belong to a world other than the one he inhabits under the rule of its sociopolitical power. In that case, because of his broader freedom of will, he sees no

1. Quinney and Wilderman, The Problem of Crime, p. 12.

2. C.R. Jeffery, "Criminology as Behavioral Science," Criminology New Concerns, edited by Edward Sagarin (Beverly Hills, Cal.: Sage Publications, 1979), p. 24.

3. Vold, Criminology, p. 33.

reason to restrain that will or not to will what he can will, and his undesirably extensive, or even unlimited, freedom of will may create a potentiality for crime or even a revolt against those dominating sociopolitical powers who will his freedom influenced, limited, and arrested, and who will the world according to their reasons, assessments, and choices. If this is so, is it correct to blame and punish the criminal? Is he really responsible for his crime (and not those who failed to influence, limit, and arrest his will)? Or are we making him responsible (instead of blaming and punishing the socializing agents)? Do we have, for example, juvenile delinquents or criminal parents? As it appears, man does have a freedom of will, but one's indeterminism (at least its range) is determined by other indeterminists.¹

Schafer presents a sound argument here and is supported by other scholars. While businesspeople who set fires with the intention of defrauding their insurance company are more likely to be better socialized than other type firesetters, they are more likely to have a limited range of criminal involvement. Others, however, who are less well socialized are freer to choose from a wider range of criminal behavior. Behavior, then, of the less well socialized, is associated with the lack of proper socialization. In addition, others also may engage in criminal conduct due to some biological or psychological factors influencing their behavior. If this is so, it may be possible to deter some from criminal behavior and not others. Between these two opposite poles is a group that may be deterred, but at varying degrees. A major fault therefore,

1. Stephen Schafer, "The Problem of Free Will," Criminology in Perspective, edited by Simha F. Landau and Leslie Sebba (Lexington, Mass.: Lexington Books, 1977), p. 24.

of the classical school is that it does not consider the deterrability of a person, it sees all men (with a few exceptions) having equal ability to decide whether to engage in criminal conduct or not.

The Positivist School

The eighteenth century positive school of criminology which rejected the classical doctrine of free will emerged with the work of Cesare Lombroso. "The essential point in positivism is the application of the scientific method to the study of the offender and his environment in an attempt to determine the causes of crime."¹

Positivism is based on several assumptions. First, by searching for the causes of crime, it is assumed that man's behavior is determined, at least to a certain extent, by forces beyond his control. Second, the search is for the causes of crime, as opposed to the causes of human behavior. Thus, it must be assumed that, at least to a certain extent, the causes of crime differ from the causes of other behaviors. Because of this assumption, the search for the causes of crime often takes the form of a search for the differences between criminals and non-criminals. Some theorists propose that the differences are biological or psychological or social, whereas others emphasize a "multiple factor approach", which combines elements of each. But the differences are then used to explain why one person becomes a criminal while the other does not.²

1.Vold, Criminology, p. 46.

2.Ibid., p. 47.

Psychoanalytic Theory

Under psychoanalytic theory, criminal behavior is seen as a substitute response or some form of symbolic release of repressed complexes. Here, the conflict in the unconscious mind makes way for feelings of anxiety and guilt and a consequent desire to remove that guilt through punishment so as to restore a proper balance between good against evil. The criminal is believed to commit the criminal act in order to be apprehended and punished for the crime.

The Pyromaniac

Lewis and Yarnell (1951) studied 1,145 adult male firesetters and identified 688, "who said they set their fires for no practical reason and received no material profit from the act, their only motive being to obtain some sort of sensual satisfaction."¹ These firesetters were classified as pyromaniacs.

Rider states, "The pyromaniac differs characteristically from the other arsonists in that he lacks conscious motivation for his firesetting. In fact, he is considered by many to be motiveless."²

1. Lewis and Yarnell, Pathological Firesetters (Pyromania), p. 33.

2. Anthony Olin Rider, The Firesetter: A Psychological Profile, (Virginia: The Federal Bureau of Investigation, 1980), p. 75.

According to Lewis and Yarnell, "the pyromaniac has been described as a hopeless misfit and feeble person, a physical coward with feelings of inadequacy, inferiority, insufficiency, and self consciousness. They are introverted, seclusive, aloof, frustrated and lonely people. They have unconscious fears of being unwanted and unloved and suffer from a wounded self-esteem and lack of pride and prestige.¹

The case of a man who was convicted three times for arson is presented below:

Case No. 2

Raymond (male, white, age 41, homosexual, occupation handy man, ex-convict) lived in a multiple dwelling upon his release from prison where he served a term for arson. This was his second imprisonment for that crime. He enjoyed his freedom and feared going back to prison, but could not resist his urge to set fires. In the four months he lived there [his new apartment], he set at least three fires [at separate times]. He would either go to the basement or the roof, and light the available trash on fire. Next, he would either warn the occupants or call the fire department. He would even attempt to extinguish the fire at times. Sometimes he would pretend to have an epileptic seizure (which doctors diagnosed as an acute anxiety reaction). He admitted his inability to restrain himself and stated that he felt compelled to start a fire which would result in a tremendous release of tension built up in him. Raymond pleaded guilty to three counts of arson and was convicted.²

1. Ibid. p. 79.

2. Pisani, "Adult Firesetting Behavior: A Typology," p. 83-84.

Psychoanalytic Theory and the Pyromaniac

Among the various psychological theories, the one which seems most appropriate here is Freudian theory. Freud would explain the pyromaniac's behavior as a result of conflict in his unconscious mind (the clinical psychoanalytical approach):

Criminal behavior, under this general theoretical orientation, is to be understood, simply and directly, as a substitute response, some form of symbolic release of repressed complexes. The conflict in the unconscious mind gives use to the feelings of guilt and anxiety with a consequent desire for punishment to remove the guilt feelings and restore a proper balance of good against evil.¹

But, according to Waldo and Dinitz (1967) psychological theories have not fared too well when empirically tested because "few measurable differences exist between the personalities of offenders and non-offenders."²

It is interesting to note that Yochelson and Samenow (1977) in their study of 240 subjects, "rejected the idea that crime was caused by emotional or socioeconomic deprivation, and moved to the idea that crime was chosen freely by the criminal himself."³

1.Vold, Criminology, p. 132.

2.Joseph J. Senna and Larry J. Siegal, Introduction to Criminal Justice, 2d ed., (New York): West Publishing Company, p. 46.

3.Samuel Yochelson and Stanton E. Samenow, The Criminal Personality (New York: Jason Aronson, 1977), pp. 251-258.

Whether the pyromaniac acts of his own free will or due to forces beyond his control, psychiatric theory "cannot provide a general explanation of why some people are criminals and others are not."¹ Therefore, "the usefulness of psychiatric explanations of criminal behavior is limited."²

The Revenge Firesetter

This firesetter has been defined as "a person who, because of a quarrel or a feeling of hatred or jealousy, seeks revenge upon the victim by means of fire. He sets fire to the premises in which the victim is residing or burns the victim's property. Revenge arsonists studied by Inciardi were reared in slum-urban areas, in economically dependent families, and although they were reared in more than one home with inadequate parental supervision, there was no overt conflict and hostility in the home, nor was there criminality."³ One example of a revenge firesetter is illustrated below:

Case No. 3

Deidre (female, black, age 16) had a female lover, Patricia, who was married to a man named Lou. Deidre was upset with Lou since he allegedly kept Pat with him under duress and mistreated her. After Pat managed to get away from Lou, Deidre sought to get "even" with Lou.

1. Ibid., p. 157.

2. Ibid., p. 156.

3. Inciardi, The Adult Firesetter: A Typology, p. 148.

One night, around midnight, Deidre solicited the aid of a male friend of Patricia's and the two set out to kill Lou. They stopped at a gas station in the neighborhood (which was closed) and found a beer bottle in the trash can. They filled the bottle with excess gasoline in the nozzle and hose of the gas pump. Next, they saturated some tissues with gas and stuck them into the bottle neck. They later found an empty cigarette carton box and concealed the "molotov cocktail" in it. As they walked toward Lou's house they asked some friends if they'd like to come along and watch the fun as they "blew up" Lou. Next they went to the rear of Lou's house and stood in an alley. They knew Lou's retarded brother slept in the room they planned to bomb. One of the pair yelled, "this one's for you Lou, you f___," while igniting the "cocktail". Lou peered through the window just as the device was being hurled at him. Because the assailants did not know enough to break the window with a rock first, the molotov cocktail broke and exploded on impact with the window, causing it to expend its energy on the outside of the house. A small fire resulted in the house which Lou quickly extinguished. Deidre gave a full confession and was placed on probation. Her accomplice jumped bail and is still at large.¹

Psychological Theory and the Revenge Firesetter

This type of behavior might be explained through the behavioral developmental school of thought. Proponents of this school are psychologists Jean Piaget, Erik Erikson and Lawrence Kohlberg. Here, it is felt that behavior is learned and that "learning occurs when a person goes through a series of life stages or cycles during which infants, children, young adults and adults must learn to successfully cope with changing life situations. Improper socialization can lead to the adaptation of inappropriate, deviant or

1. Pisani, "Adult Firesetting Behavior: A Typology," pp. 77-78.

antisocial behaviors...Some psychologists would suggest that learned behavior has strict control over behavioral choices and that people retain little freedom in deciding what course of action to take."¹

Here again, the issue is raised of how much free-will the offender is capable of exercising. Regardless of this factor, the variable of improper socialization through childhood and adolescence seems to weigh heavily in determining whether the person will become involved in criminality. Put simply, many observers argue that "without supportive parent figures many children grow up to be criminals."²

Sociological Theories

While psychological and biological theorists focus on the nature of the individual, sociological theorists focus on group and inter-group relations. The three principal sociological theories are: social disorganization theories which focus on the breakdown of community in which the criminal lives, opportunity theory which focuses on class structure of the society, and normal learning process theories which holds that criminality reflects the normal adjustment, the accepted and expected behavior pattern of the

1.Senna and Siegal, An Introduction to Criminal Justice, p. 46.

2.Gerald Lynch, "At the Heart of the Juvenile Problem: The Criminogenic Family," The Week Of, (New York: Publication of the City University of New York, John Jay College of Criminal Justice, April, 12, 1982), p. 1.

individual in relation to his/her group.

The Vandalism Firesetter

The vandalism firesetter is described by Inciardi "as an individual who willfully destroys property by fire solely for the purpose of fun and sport. The median age of this group is 18. The median IQ is 75, placing them in the dull-normal range of intelligence."¹

Case No. 4

Al (male, Hispanic, age 16) and two of his friends, Joe and Herman, were juvenile delinquents, and known for their burglaries in the neighborhood. One afternoon, they had nothing to do, so they went into an abandoned building and lit some trash on fire. All three were observed and arrested.²

Sociological Theory and the Vandalism Firesetter

This firesetter can be explained using various theories. Cohen might argue for his theory of delinquent gangs, whereby the youth engages in criminal conduct because he is a product of culture conflict in which the cards are stacked against lower-class boys.³

1. Inciardi, "The Adult Firesetter: A Typology," p. 151.

2. Pisani, "Adult Firesetting Behavior: A Typology," p. 88.

3. Albert Cohen, Delinquent Boys, (New York: 1951), p. 56.

Walter Miller's theory of lower-class culture is also viable. Here "criminal activity is common in the working class ghetto areas because of the unique value structure that prevails there."¹

Sutherland would make an argument for his theory of differential association. Here, the criminal behavior is learned as a result of communication through social interaction. This includes the techniques, motives, rationalizations and social definitions which enable him to utilize his newly learned criminal skills.² The theories mentioned above appear helpful in explaining the arsonist, however, the question which must be asked is "how have these theories of psychiatry and psychology and sociology fared when tested in the real world? Radzinowicz tells us:

The failure of psychiatry and psychology during the 1920-1950 era is matched by the failure of the sociological model as found in the war against poverty programs in the 1960 era. The notion that the opportunity structure could be altered through education and job training thus altering poverty and delinquency was also a total disaster."³

Perhaps a better explanation for this behavior can be found in biosocial theory which claims that biological and social factors could interact to teach or fail to teach

1. Walter Miller, p. 89.

2. Edwin Sutherland, p. 178.

3. C.R. Jeffery, "Criminology as an Interdisciplinary Behavioral Science," Criminology New Concerns, edited by Edward Sagarin, (California: Sage Publications, 1979), p. 21.

a child to behave in a civilized society. A strong proponent for this theory is Sarnoff Mednick who states, "[w]hat we have here is a kid who inherits some genetic factor and that genetic predisposition in some way increases or decreases some physiological function that is correlated with criminal activity."¹ His theory suggests that "the autonomic nervous system works, in concert with social factors, as a sort of a conscience."²

Although positivists have recognized the shortcomings of classical thought and have attempted to search for what causes criminals to behave the way they do, they have not met with much success. In their quest for fairness to the individuals whose behavior is determined to a great extent by forces beyond their control, they have paved the way for more pronounced discrimination (e.g., coercive "treatment"). Their philosophy of the medical model of corrections has not been successful in addressing the problem of recidivism.

While some criminologists are reexamining the neo-classical and critical schools, others are turning their attention toward public policy.

1.Criminal Acts May be Inherited, Studies Find, Staten Island Advance, 30, May 1982, S 1, p. A33.

2.Ibid.

Critical Criminology

Critical criminologists view the criminal law as a method of controlling the poor and aiding the powerful. According to Sykes, "the ruling elite draws the middle classes into this pattern of control because they are led to believe they too have a stake in maintaining the status quo, and they are made a part of the social control agencies and the rewards of organizational careers provide inducements for keeping the poor in their place."¹

One of the reasons the poor commit crimes is due to the natural frustration that exists when affluence is well publicized but unattainable.² (This is in line with Merton's theory of anomie wherein a person from the lower class may act on a perception that the only hope for achieving personal success is through illegitimate means.) Critical criminology suggests that we look for an alternative to capitalism which is seen as oppressive to the poor or working class, while the dominant class seeks to perpetuate itself.³

The type of arson that might be explained by this theory is welfare fraud.

1. Senna and Siegal, Introduction to Criminal Justice, p. 62.

2. Ibid.

3. Quinney and Wilderman, The Problem of Crime, p. 12.

The Welfare Fraud Firesetter

This firesetter is described by Pisani (1981) as a welfare recipient, almost always female, who sets fire to her own apartment (usually after she removes her valuables) in order to be relocated to a better housing unit. In addition, she is seeking to receive emergency benefits and new furnishings.¹

Case No. 5

Wanda (female, Hispanic, age 23) lived in a multiple dwelling with her husband whom "welfare" did not know about. One day, they decided they would burn their apartment in order to get out of the rat infested building they lived in. Late one night they poured some flammable liquid on the sheet which was lying on the floor in the bedroom, and ignited it. The apartment building was occupied with many families, but, fortunately, no one was injured. The apartment was destroyed, along with their belongings. They were both arrested for arson.²

The Critical School and the Welfare Fraud Firesetter

Critical theorists who take the conflict approach would argue that the criminal justice system, which is an instrument of the powerful, had utilized the criminal law here to suppress a poor person, yet it does not address the wealthy owner of the building who collects rents but does

1. Pisani, "Adult Firesetting Behavior: A Typology," p. 86-87.

2. Ibid., p. 87.

not supply the bare essentials while allowing the building to deteriorate. This criminologist would ask, "What is the crime here? Who is labelled the criminal, and why?"

Critical criminology might answer that both have violated the law but "[t]he less successful criminals are more likely to be . . . punished. . . . the powerless, the poor, the unintelligent."¹ Critical criminology is limited by its lack of empirical validation.² The argument that, "most people commit crimes," is misleading since as Sykes notes, "not all people commit serious crimes."³ If critical criminology forces us to reexamine our ideals of equality before the law" perhaps it will prove a valuable contribution. However, as it presently stands "one cannot confirm or deny its position because of its circular arguments.⁴ Crime is both a cause and a consequence of capitalism."

Summary

Certain criminological theories seem to explain certain types of criminal behavior, but the important question which remains unanswered is how will this body of

1.E. Doleschal and N. Klapmuts, "Toward a New Criminology," Crime and Delinquency, 5:607 December, 1973.

2.Senna and Siegal, Introduction to Criminal Justice, p. 146.

3.Ibid., p. 147.

4.Ibid., pp. 147-148.

diverse theory help to reduce the incidence of arson, or can it?

Radzinowicz would probably answer in the negative, reminding us that:

[T]he failures of criminology and criminal justice are found in such facts as (a) we have more people in custody in the United States than any other country reporting, (b) we have more people in custody than at any time in history, (c) we are experiencing a 60% - 70% recidivism rate, (d) we have no evidence that punishment and deterrence are solutions to the crime problem, and (e) we have no theory of behavior in criminology that stands close scrutiny.¹

Jeffery would discourage us from expecting help from the psychological model of treatment developed by Freud, which he says "resulted in the failure of psychology and psychiatry to help the crime problem."² He does, however,³ recommend we move to a biosocial criminology.

Cressey admits, "[w]e are still very far from an understanding which would make it possible to control⁴ crime" and he advises the criminologist "to take up low paying posts in ivory towers, monasteries, and similar think

1.Radzinowicz, p.109.

2.Jeffery, Criminology New Concerns, p. 21.

3.Ibid.

4.Donald R. Cressey, "Criminological Theory, Social Science and the Repression of Crime," Criminology New Concerns, (California: Sage Publications, 1979), p. 46.

tanks."¹

Dinitz observes that "[i]n the absence of a verified body of knowledge, criminology has consisted of one etiological and correctional band wagon after another. Most such theories, chiefly the organic, have mercifully departed the scene quietly after a rapid rise and slow burn-out."²

Newman has stated that, "[m]ore often than not," scholarly criminological works "neither advance our understanding of causation nor provide any guidelines for action which can be utilized in dealing with offender groups."³

Newman believes, unlike Cressey, that the criminologist, in this era, can ill afford the luxury of monastic inquiry for the sole purpose of accumulating criminological knowledge as a legitimate end in itself, and he suggests, "a partnership must be attained between criminological researchers and criminal justice practitioners."⁴

Sagarin and Karmen state that one of the primary concerns of criminology is "rooted in the discipline, the fashions and fads it has entertained, the theories once

1. Ibid., p. 76.

2. Simon Dinitz, "Nothing Fails Like a Little Success," Criminology New Concerns, California: Sage Publications, 1979), pp. 109-110.

3. Charles L. Newman, "Criminology and Criminal Justice in America," Criminology New Concerns, (California: Sage Publications, 1979) p. 127.

4. Ibid.

embraced only to later be abandoned, and the frustration...of specialists who cannot agree on a set of principles, rules, explanations, theoretical orientations."¹ They conclude only that "the necessary response to crime is justice."²

Wilson would probably ask, "Why theorize?" His thinking is that, "we cannot do much about the 'root' causes of crime, nor can government at any level. . .legislate love or affect the rate of broken homes."³

Rennie suggests criminologists declare "a truce in the ideological wars that have too long bloodied the pages in academic journals."⁴ Perhaps, she suggests, "the battle of the academic disciplines over the causes of criminal behavior, in which so much ink has been spilled and paper consumed, is ultimately an exercise in futility."⁵

Presently, we have compiled much knowledge about crime. "The real question we face is how to make intelli-

1. Edward Sagarin and Andrew Karmen, Criminology and the Reaffirmation of Humanistic Ideas, Criminology New Concerns, (California: Sage Publications, 1979), pp. 139-140.

2. Ibid., p. 153.

3. Marvin E. Wolfgang, "Real and Perceived Changes of Crime and Punishment," New Paths in Criminology, edited by Sarnoff A. Mednick and Gloria Shoham (Lexington Mass.: Lexington Books, 1979), p. 12.

4. Rennie, The Search for Criminal Man, p. 266.

5. Ibid.

gent use of the knowledge we have...to take measures that are neither futile nor self-defeating and which do not violate the ethical standards of a decent moral society. If we can achieve that, then perhaps the long search for Criminal Man will not have been in vain."¹

Conclusion

While I believe that the study of human behavior is a worthwhile endeavor, I am uncertain as to whether we can gain useful knowledge through the study of the causes of criminal behavior primarily because criminal is such a complex, diverse and nebulous term that is defined by a variety of factors. One of the unfortunate aspects of criminological findings is that even if we were clear on the causes of sociological and psychiatric causes of crime, as Wilson points out there would be little we could do about it. Therefore, I propose that policy makers focus on the breakdown of the "social contract" which is rapidly losing its credibility. I agree with Sagarin and Karmen. The necessary response to crime, is justice. Justice is not being served in very well in our large cities.

1. Ibid.

CHAPTER III
REVIEW OF THE LITERATURE

A Brief Survey

Prior to the 1970's, most of the literature pertaining to arson had been characterized by an emphasis on psychological and psychoanalytic research that sought to learn more about the etiology of arson by focusing on the offender. Despite a long history of research, there is a growing consensus, spurred by several recent critical reviews of the empirical data gathered to date, that our previous conceptions of arsonists are inadequate, and may even be misleading. In short, criminologists who have focused on individual arsonists have failed to see the forest for the trees. Researchers who believed that "arsonists" formed a unique, separate group sought to discover what psychological or social factors differentiated them from other criminals or deviants. In many ways this fascination with firesetters' personalities presupposed that the very use of fire was the central signpost to some underlying personality disorder that, once understood, would explain all. In retrospect, the fascination with this subject was undoubtedly spurred by a growing belief, in the first decades of this century, that psycho-social factors explained most deviant behavior and

arson afforded a most dramatic opportunity to illustrate this "positivist" world view.

In the end, however, the body of literature that was created was characterized more by confusion than enlightenment:

Theories advanced concerning the behavior of arsonists, their purportive motives, personality characteristics, etiological factors, and taxonomies or classification systems are many and varied. As a result, the researcher or investigator attempting to gain a clear understanding of firesetting behavior is often overwhelmed and frustrated by the myriad assembly of conflicting data.¹

Sampling

A major defect in previous arson studies has been their lack of universality: they concentrated on arsonists, but in most cases examined an unrepresentative sample of offenders (usually those committed a some mental health institution) and then extrapolated the findings to the entire universe of "arsonists." Contemporary clinical research, invariably based on examinations of only a few maladjusted adolescents or adult psychotics, continues to reinforce the Freudian image.² In no other criminological field of endeavor has this confusion between the identified

1. Anthony Olin Rider, The Firesetter: A Psychological Profile, (Washington, D.C.: U.S. Department of Justice, Federal Bureau of Investigation, 1980), p. 18.

2. James Brady, "Arson, Urban Economy, and Organized Crime: The Case of Boston," Social Problems, Vol. 30, No. 4, April, 1983, p. 10.

criminal and the reported crime persisted for so long with such unsalutary results. Some reasons for this lie in the procedural and institutional vagaries between the disparate fields of fire suppression and law enforcement; the reliance on conjecture supported by some physical evidence as to whether a crime was in fact committed; and on low clearance rates for arson.

Thus, Marvin Wolfgang's seminal study of homicide, which took for its sample homicide arrests for a five year period in Philadelphia,¹ was methodologically sound because of the very high clearance rate for murder (which usually fluctuates between 75 and 90 percent) and because of the high correlation between the number of homicides reported to the police and the true incidence of homicide, although some under-reporting undoubtedly occurs. As Thorsten Sellin observed:

...such is the social value placed on human life and so relatively rare the deaths that pass unnoticed that we may assume that most deaths due to crime are identified as such; they have a high reportability. Recorded criminal homicides, then, probably represent a very large sample of such deaths.²

It follows, therefore, that a study of the incidence of murder based on the demographics of arrested murderers,

1. Marvin Wolfgang, "A Sociological Analysis of Criminal Homicide," Federal Probation, 23 (1961), pp. 48-55.

2. Thorsten Sellin, "The Significance of Records of Crime," The Law Quarterly Review, 67 (October 1951), p. 489.

given the usual research methodological caveats such as sample size, geographical distribution, etc., would have a higher degree of validity and reliability than most of the work done on arson. Unfortunately, the same type of study of arrested arsonists would have an extremely low degree of validity and reliability because of a clearance rate which fluctuates between 5 and 20 percent and because of questionable reporting practices (whether a fire is accurately determined to be a crime or an accident depends on a number of factors, discussed at greater length below).

According to Vreeland and Waller, "The literature on firesetting contains a paucity of systematic, well controlled studies which present reliable data. Instead most studies have been rather conjectural, based on the authors' experiences with firesetters over a number of years, and presenting case examples with incomplete data."¹

The data used in studies of arsonists has come from a wide variety of dissimilar sources, therefore making it difficult, if not impossible, to establish a reliable empirical base. These empirical studies are characterized by samples drawn from very selective populations, most fre-

1. Robert G. Vreeland and Marcus B. Waller, The Psychology of Firesetting: A Review and Appraisal (Washington, D.C.: U.S. Government Printing Office, 1979), p. 2.

quently, children,¹ adolescents,² adults,³ females,⁴ convicted offenders,⁵ and hospitalized patients,⁶ with the result that "conclusions have often been contradictory and comparisons between groups extremely difficult. Writers have too often paid scant attention to methodological details and have ignored large portions of the literature."⁷

1. Helen Yarnell, "Firesetting Children," American Journal of Orthopsychiatry, Vol. 10, 1940, pp. 262-286; Kanner, Child Psychiatry, (Springfield, Ill.: Charles C. Thomas, 1957); B. Nurcombe, "Children Who Set Fires," The Medical Journal of Australia, April 18, 1964, pp. 579-584; Thorton A. Vandersall and Jerry M. Wiener, "Children ho Set Fires," Archives of General Psychiatry, vol. 22, January 1970, pp. 63-71; J.H. Magee, "Pathological Arson," Scientific Monthly, vol. 37, 1933, pp. 358-361; and Laretta Bender, "Children and Adolescents Who Have Killed," American Journal of Psychiatry, vol. 116, 1959, pp. 510-513.

2. Nolan Lewis and Helen Yarnell, Pathological Firesetting; and Macht and John Mack, "The Firesetter Syndrome" Psychiatry, vol. 31, 968, pp. 277-288.

3. James A. Inciardi, "The Adult Firesetter: A Typology," Criminology, vol. 8, August 1970, pp. 145-155; and Michael Wolford, "Some Attitudinal, Psychological and Sociological Characteristics of Incarcerated Arsonists," 1971.

4. T.G. Tennent et al., "Female Arsonists," British Journal of Psychiatry, vol. 119, (November 1971): pp. 497-502; and Lewis and Yarnell, Ibid.

5. James A. Inciardi, "The Adult Firesetter: A Typology," Criminology 8 (August, 1970): 145-155.

6. D.W. McKerracher and J.I. Dacre, "A Study of Arsonists in a Special Security Hospital," British Journal of Psychiatry, vol. 112, 1966, pp. 1151-1154.

7. Robert G. Vreeland and Marcus B. Waller, The Psychology of Firesetting: A Review and Appraisal, p. 3.

Classification

Besides sampling, another major factor inhibiting researchers' ability to have confidence in their findings and compare their findings has been that of classification. The problem of classification includes the inherent defects of legal classification discussed in the previous chapter and also encompasses other arbitrary groupings.

As noted by Vreeland and Waller:

Classification systems both reflect and shape the distinctions which researchers make within their field of study. While most writers on the psychology of firesetting have operated under at least some implicitly stated classification system, classification as a subject of study has received very little attention. Consequently, categories of firesetters are often arbitrarily defined, and there is often a great deal of inconsistency in classification. Firesetters have probably most often been typed in terms of their motive for the firesetting act (insurance fraud, revenge, jealousy, etc.). In other cases, classification is likely to be according to some overriding characteristic of the sample being studied: children, adolescents, females, psychotics, and prisoners, for example. In the few studies which have attempted more or less formal classification systems, some combination of these methods has been employed.¹

As a result, data from these studies have tended to confuse and contradict the findings of others. "Firesetters have been labeled, classified, and grouped at the researcher's discretion. Unfortunately, the multiplicity of systems² which have evolved frequently confuse the investigator."

1. Ibid.

2. Rider, The Firesetter: A Psychological Profile, pp. 18-19.

Along the same lines, Wolford observed in his review of the literature that "...different authors have presented different symptomatic characteristics and markedly different etiological hypotheses for the arsonist. In general, there is considerable overlap of concepts and terminology within these hypotheses, and sharp contradictions are evident in clinical diagnosis."¹

Contemporary reviews of the literature display a common frustration in this regard. Perhaps it is more than a little surprising that we still know comparatively little about the etiology of firesetting and even less about its treatment: "...if the current state of knowledge were likened to the history of aviation, then we are just barely past the Wright brothers. We may have a few facts and some strong hunches, but a solid well refined body of facts with adequate theories are yet to come."²

Wolford observes that, "there is a noticeable lack of systematic, empirical research; what does exist is contradictory in nature."³ "As a result, the determinants of

1. Michael R. Wolford, "Some Attitudinal, Psychological and Sociological Characteristics of Incarcerated Arsonists," p.5.

2. Walter J. Moretz, "Psychology's Understanding of Arson: What Do We Know, and What Do We Need to Know?, Fire and Arson Investigator, 28 (1) (1977): 45-52.

3. Michael R. Wolford, "Some Attitudinal, Psychological and Sociological Characteristics of Incarcerated Arsonists," p. 4.

arson still remain largely unknown,"¹ and the "...solutions to the prevention and control of psychologically motivated incendiarism are far from being resolved."² The researcher who is seeking a systematic, coherent data base for a sound theory regarding the personality of the firesetter, will be disappointed because hard, solid, extensive scientific knowledge in this area is lacking.

Psychological and Psychoanalytic Studies

Lewis and Yarnell reported that prior to 1890, some one hundred and thirty contributors on the subject of "pyromania" were listed in the Index Catalog of the Surgeon Generals Office (not counting the lengthy dissertations to be found in the medical dictionaries and textbooks of the period).³ Most of the early literature came from France and Germany, with English and American works following. Nineteenth century writers were first attracted to the subject of firesetting as part of a general humanitarian movement, dating from the French Revolution, which focused

1. Robert G. Vreeland and Marcus B. Waller, The Psychology of Firesetting: A Review and Appraisal, p. 1.

2. Report to the Congress: Arson and the Federal Role in Arson Prevention and Control, Washington D.C.: Office of Planning and Evaluation, United States Fire Administration, Federal Emergency Management Agency, August 1979 p. 9.

3. Nolan Lewis and Helen Yarnell, Pathological Firesetting (Pyromania), p.8.

upon the mistreatment of the insane. As a result of his work to ameliorate the severe punishment imposed by the courts of his time upon the mentally infirm, Marc acquired the somewhat dubious distinction of being labeled the "father of pyromania."¹ As a result of Marc's efforts, the testimony of a "court specialist" eventually became sufficient to prove defendants "insane" (i.e., one who acted out of "irresistible impulse"), thereby rendering the offender not culpable under the law. Such a finding usually meant the difference between incarceration and death for the accused.²

Although much has been written about arsonists from a psychological perspective, we still know comparatively little about the etiology of most arson, since the focus has been on "pyromaniacs." "Research tends to have been confined to special security hospitals and institutions for the mentally ill, focusing on the most psychiatrically disturbed offenders."³ This focus has helped perpetuate in the literature an overemphasis on arson as a symptom of mental illness. "Most of the literature on firesetting has been

1. Ibid. p. 9.

2. Ibid.

3. R.J. Sapsford, Charlotte Banks and D.D. Smith, "Arsonists in Prison," p. 247.

psychologically or psychoanalytically oriented."¹ However, "intensive psychopathological studies of individual cases are rare..."²

The image many have of arsonists is that of the "pyromaniac"--one who cannot fight off a compulsion to start fires. While this portrayal recently has been expanded to include the "juvenile vandal," arson is still widely viewed as a crime of mental disorder. This perception of arsonists can be attributed to a large extent to the dubious contributions of Sigmund Freud. He wrote extensively on the subject, despite the fact that he actually examined only a few arsonists. He described them as "sexually immature and homosexually inclined psychotics or adolescents."³ Freud wrote: "In order to possess himself of fire it was necessary for man to renounce the homosexually-tinged desire to extinguish it by a stream of urine" and that "firesetting is symbolic of sexual activity and it is the result of repressed sexual impulses."⁴ Although Freud based his work

1. Anthony Olin Rider, "The Firesetter: A Psychological Profile," p. 17.

2. John M. MacDonald, "Many Motives are Behind the Acts of the Arsonist," FBI Law Enforcement Bulletin, 29 (No. 7, 1960): 3.

3. Sigmund Freud, "The Acquisition of Power Over Fire," International Journal of Psychoanalysis, 13(4) (1932), pp. 406-409.

4. Ibid., pp. 406-409.

largely on speculation and a reading of mythology,¹ his ideas formed the basis of much of the succeeding psychiatric and criminological research on pyromania.² Freud's psychoanalytic theory lent an aura of scientific authority to a centuries-old association between fire and human sexuality,³ and helped to insure that the predominant focus of future research would be psychoanalytic in nature.

An early example is provided by Magee who classified arsonists into two groups--pathological and non-pathological. He saw the pathological group as those who were afflicted with some form of mental derangement. The most serious form of pathological firesetter is the "pyromaniac" who is recognized by the presence of persistent ideas within the cognitive process. Here, an "...idea rises into consciousness, and the patient is powerless to overcome it."⁴ This idea eventually "crowds out" all other ideas and combines with the pyromaniac's "morbid propensity," to create an irresistible impulse to perform an act, against which self restraint seems impossible. He found that firesetters

1. Ibid., p. 405.

2. Lee Macht and John Mack, "The Firesetter Syndrome," Psychiatry, 31(3) (1968), pp. 277-278; and Helen Yarnell, "Firesetting in Children," pp. 262-286.

3. D.O. Topp, "Fire as a Symbol and Weapon of Death." Medicine, Science and the Law, 13(2) (1973), pp. 79-86.

4. J.H. Magee, "Pathological Arson," Scientific Monthly, 37 (1933), p. 358.

of this type are often young men, age 14 to 16, who are characterized by a lack of emotion or affection, and who evidenced no noticeable sorrow for their acts, even when loss of human life occurred. Magee viewed the non-pathological as those whose "...deliberate destruction of property arises out of a desire to defraud insurance carriers."¹

Another form of pathological arson, identified fairly early in the psychoanalytic literature, is attributed to individuals who resort to fire as a means of relieving stress. The causative factors here are said to be unmanageable feelings of revenge, homesickness and extreme despondency.² A number of clinicians support this contention with case studies, and Warner and Gerson have both elaborated on this relationship. Warner notes: "The impulse to set fires is observed most frequently among young people who find themselves in an unbearable situation. In some cases the unbearable situation lies in a sexual affair or in ungratified sexual cravings"³ Similarly, Gerson states: "arson is most frequently related to mental deficiency, where revenge

1. Ibid., p. 361.

2. E. Freidersdorff, "Arson Conditioned by Psychological and Pathological Factors," Krim. Montash., Psychological Abstracts, 4 (1930), pp. 271-273; and K. Zimmerlien, "Repulsed Lesbian Love as a Motive for Arson," Psychological Abstracts, 7 (1933), pp. 112-113.

3. G.L. Warner, "A Few representative Cases of Pyromania," Psychiatric Quarterly, 6 (1932) p. 676.

or homesickness may be the cause, or to pyromania, where the firesetting is compulsive."¹

The Freudian influence is particularly evident in the Lewis and Yarnell study in which almost all firesetting is attributed to pathological causation. Probably the most frequently cited work on arsonists, Pathological Firesetting (Pyromania) is empirically unsound. The authors do not make it very clear just where their data originates. They refer to their sample as an "ill sorted group of cases" and offer the caveat that "no complete intensive analysis can be made of such a group and, in attempting the analysis, we have had to restrict ourselves to the relatively few records where we were able to obtain complete information."² Another deficiency in this research is that no control group was utilized, leaving the reader to wonder if the characteristics found are peculiar to those who committed arson or are common to other types of criminal offenders. Contemporary clinical research continues to reinforce the Freudian image, primarily because much of it is based on examinations of only a few maladjusted adolescents or adult psychotics.

Schmideberg, in typical psychoanalytic fashion, disagrees with Lewis and Yarnell and Magee and questions the

1.W. Gerson and W. Schwidder, "A Juvenile Arsonist," Prax. Kinder Psychological Abstracts, 2 (1953) p. 202.

2.Nolan D. C. Lewis and Helen Yarnell, "Pathological Firesetting (Pyromania)," Nervous and Mental Disease Monographs, 82 (1951) p. 30.

existence of non-pathological arson motives. It is her belief that the mere choice of fire, regardless of the motivation, is a form of acting-out, which displays serious psychological imbalance.

There is a certain redundancy in the term pathological firesetter, because in effect all fire setting must be considered pathological. If, however, we are to deal intelligently with the problem we must recognize the various finer shades of meaning. It may or may not be argued that a person who sets fire to a premises for the purpose of collecting insurance is not as pathological as one who starts a blaze for the purpose of gratifying strong sexual impulses...only rarely will we find that an incendiary who sets fires for "understandable reasons" is not as unbalanced as one who sets them for more obscure reasons.¹

Schmideberg also believes that arsonists have sadistic traits, coupled with a lack of "...real emotion or feeling of guilt relating to the crime."² Warner and Schmideberg both linked arson to sexual deviancy. Warner reports that many subjects experience direct sexual excitement through setting or watching the fire³ and Schmideberg suggests strong similarity between the arsonist and the sex offender, both etiologically and sympathetically.⁴

1.M. Schmidberg, "Pathological Firesetter," Journal of Criminal Law, Criminology and Police Science, 44 (1953) p. 37.

2.Ibid., p. 33.

3.G.L. Warner, "A Few Representative Cases of Pyromania," p. 676.

4.M. Schmideberg, "Pathological Firesetter," p. 31.

Hurley states that "arson is a manifestation of mental abnormality...the result of unconscious sexual conflict or an obsessive-compulsive or passive-aggressive behavior."¹ Scott sees arson "committed by psychotics, alcoholics, homosexuals and maladjusted children..."²

Levin characterizes "most arsonists...as psychopaths, or as having psychopathic personalities."³ MacDonald depicts "arsonists as compulsive pyromaniacs, sexually excited by fire, but otherwise impotent, prone to bed-wetting, transvestite behavior, and collecting obscene magazines."⁴ Von Hentig noted the relationship between the firesetting urge, sexual drive and sense of perception. "Of the senses which, at a fire, lead the stimulus into the sexual sphere, the optical is foremost, but the cutaneous and auditory stimuli also play a part."⁵ Warner also suggests a number of etiological sex-fire relationships among which are substitutions for masturbation, frustrated efforts

1.W. Hurley and T. Monohan, "Arson: The Criminal and the Crime," British Journal of Criminology, 9(1) (1969, pp. 4-13.

2.Donald Scott, Fire and Fire Raisers, (Bristol, England: Duckworth, 1974).

3.Bernard Levin, Psychological Characteristics of Firesetters," Fire Journal, 70(2) (1976): 45.

4.John MacDonald, Bombers and Firesetters, (Springfield, Illinois: Charles C. Thomas, 1977).

5.H. Von Hentig, "The Pyro-path," Ges. Strafrechtswiss (Psych. Abstrcts), 2 (1964) pp. 238-249).

to lead a normal heterosexual life, compulsion bound up with an unadjusted Oedipal complex, and homosexual cravings.¹

McKerracher and Dacre, in one of the few methodologically adequate, controlled studies on this subject, compared thirty male patients in a British special security hospital who had committed arson (and other crimes) to a group of 147 men (also patients) who had committed a variety of crimes (but not arson) and found that 56 percent of the non-arsonists had committed sex offenses, while only 30 percent of the arsonists had a record of sexual offenses, thus refuting some of the principal claims associated with the psychoanalytic literature cited above. Among McKerracher and Dacre's findings were:

No significant differences in age or intelligence were found between these groups. Discounting the damage caused by fire, the arsonists were still more destructive to property in other ways (e.g., malicious damage) than non-arsonists. It is possible therefore that arson is partly a channeling of aggression against property. There may be some special feeling involved in the destroying of property by fire that is specific to the method of destruction. Fewer of the A group [arsonists] had histories of interpersonal aggression expressed physically. Fewer arsonists committed sexual offenses; the bulk of their crimes were heterosexual, and there was no tendency to perpetrate more homosexual offenses than in the non A group.²

1.G.L. Warner, "A Few Representative Cases of Pyromania," p. 676.

2.D.W. McKerraccher and I.J. Dacre, "A Study of Arsonists in a Special Security Hospital," British Journal of Psychiatry 112 (1966): 1151-1154.

Unfortunately, this study also suffers some major shortcomings. First, the offenders under study once again were psychiatric patients with severe behavioral disorders, thus limiting the general applicability of the findings, since the percentage of arson offenders believed to have such severe mental problems is small. Second, the authors cautioned that their conclusions are based on a relatively small number of subnormal arsonists (30).

Hurley and Monahan--in another study of "subnormal arsonists"--found no significant sexual maladjustment differences between arsonists and non-arsonists in a British psychiatric hospital for criminal offenders (Grendon), concluding that "the correlation between social failure, criminality and psychiatric disorder is common to the arsonists and other Grendon patients"¹ It is interesting to note, however, Hurley's finding that "for the 23 repeat arsonists, who would have once been called pyromaniacs, motivation was varied and often bizarre, and they had learned that fire solved their problems more efficiently and more often more pleasurably than any other available means."² This conclusion supports the concept that although the psychological problems may have caused them to act out

1.W.M. Hurley and T. Monahan, "The Criminal and the Crime," British Journal of Criminology 9 (1969): p. 19.

2.W.M. Hurley and T. Monahan, "The Criminal and the Crime," British Journal of Criminology 9 (1969): p. 19.

their aggressions in a criminal manner, fire may have merely been the most accessible weapon/instrument available to accomplish the behavior intended.

Additionally, the relationship between firesetting and enuresis found by Yarnell (1940); Hellman and Blackman (1966); Kaufman, Heims, and Reiser (1961); and Vandersall and Wiener (1970), et al.,¹ has not been confirmed by more current research. Oppel, Harper and Rider (1968) found that the rate of enuresis among children who set fires is no² higher than in the general population.

Psychoanalytic explanations of firesetting have predominated in the literature, perhaps because this approach relies heavily on an analysis of the symbolic nature of behavior. Indeed, fire has played such an important role in the development of civilization that myths of its origin are found in nearly every culture. Fire is also often employed both as a symbolic outlet for sexual passion and for extremely destructive impulses. (A listing of popular

1. Helen Yarnell, Firesetting in Children, "American Journal of Orthopsychiatry 10 (1940): 272-287; Daniel S. Hellman and Nathan Blackman, "Enuresis, Firesetting and Cruelty to Animals: A Triad Predictive of Adult Crime," American Journal of Psychiatry 122 (1966): 1431-1435; Irving Kaufman, L.W. Heims and D. Resler, "A Re-evaluation of the Psychodynamic of Firesetting," American Journal of Orthopsychiatry 31 (1961): 123-137; Thornton A. Vandersall and Jerry M. Wiener, "Children Who Set Fires," Archives of General Psychiatry 22 (1970): 63-71.

2. W.C. Oppel, P.A. Harper and R.V. Rider, "Social, Psychological and Neurological Factors Associated with Nocturnal Enuresis," Pediatrics 42 (1968): p. 627.

songs in the twentieth century that have utilized the image of fire to express sexual longing would be a very long list indeed.)

It is perhaps reasonable, then, that many theorists should have so readily embraced the notion that firesetting is symbolic of sexual activity, and that it is a result of repressed sexual impulses, or that it sometimes occurs during periods of self enforced sexual abstinence. But this intuitive association has been advanced by the psychoanalytic school without convincing validation. In this connection, Vreeland and Waller observed that "one difficulty with the psychoanalytic explanation of firesetting is a lack of empirical support."¹ They also found, based on their critical analysis of the empirical data offered by such proponents, that, "neither the data on sexual behavior nor the enuresis data supported the conclusion that there was any special relationship between firesetting and sexual deviance, or that firesetting could be considered a urethral-erotic trait."² Furthermore, common sense dictated that sexual problems alone could not explain firesetting behavior, since "surely the incidence of sexual conflicts must

1. Robert G. Vreeland and Marcus B. Waller, The Psychology of Firesetting: A Review and Appraisal (Washington, D.C.: U.S. Government Printing Office, January 1979), p. 32.

2. Ibid.

far outstrip the incidence of firesetting."¹ Gold, himself a psychoanalyst, perhaps stated the argument most elegantly: "Quite obviously, it isn't sexual tension alone which has become blocked from normal release that draws people to set fires. If this were the case no city would be left standing."²

Empirical Studies

Inciardi (1970) set out to "type" arsonists and their behavior systems in an effort to gain a useful tool in systematizing knowledge of this offender. Of 138 arsonists released on parole from New York State prisons between 1961 to 1966, six motives were found most prevalent among this group (revenge, excitement, mental defect, insurance fraud, vandalism and arson associated with another crime). Inciardi's sample consisted of primarily white males with a median age of 27 and a median IQ of 89.7. The offenders were usually residents of urban slums, having been reared in mother-dominated homes where one parental figure deserted the family, causing parental dependency on public monetary assistance. They had no marital ties, and were laborers, mostly unskilled. The arsonists began antisocial activities at a young age, having had police contacts prior to their

1. Ibid.

2. L. Gold, "Psychiatric Profile of a Firesetter," Journal of Forensic Sciences 7 (1962), p. 407.

eighteenth birthdays. They were not often committed as juveniles. Additionally, Inciardi found that the use of alcohol was extensive in this group but that sexual perversion was not particularly common.¹

The central idea of this thesis--that arsonists are actually offenders committing a variety of crimes--has been suggested by Inciardi's finding that the behavioral and early life characteristics of firesetters are very similar to those found in studies of other criminals. The dominant characteristics of the typical arsonist in Inciardi's sample were: "no marital ties, problem drinking, irregular work habits, and a nomadic way of life..."² It is not clear from the data offered by Inciardi how prevalent some characteristics such as "irregular work habits" and "a nomadic way of life", were among his sample. But in any event, most parolees--arsonist or not--are single and unemployed and experience a significant history of substance abuse. Unfortunately, although Inciardi compared his findings to prior studies of other criminals, he did not use a control group of non-arsonists, nor did he compare them to other criminal types. Also, his research appeared to pay little attention to the findings of previous studies.

1.J.A. Inciardi, "The Adult Firesetter: A Typology," p. 145-155.

2.Ibid., p. 153.

Wolford (1971) also worked with a relatively small sample (68 male arsonists incarcerated in Florida, South Carolina and North Carolina prisons) which he compared to a control group of prisoners who had not been convicted of arson from the same institutions. He examined social, demographic, criminal and psychological characteristics of arsonists in an effort to develop a database to describe incarcerated arsonists. He hypothesized that there would be no significant difference between the arson group and the control group. Wolford found "the incarcerated male arsonist to be very similar to non-arsonist counterparts on a number of parameters, suggesting the arsonist offender is not markedly different from incarcerated non-arsonists in the states under investigation."¹ His work lends further support to the idea that arsonists do not form a homogeneous group and that the legalistic classification system is not valid in the case of arson. Another interesting finding was the lack of significant differences alleged by psychodynamicists to characterize arsonists. Noting that some psychologists and psychiatrists argue that arsonists are heterosexually abnormal, Wolford found that "arsonists are almost identical to non-arsonists in their sexual identification."²

1. Michael R. Wolford, "Some Attitudinal, Psychological and Sociological Characteristics of Incarcerated Arsonists," Fire and Arson Investigator 22 (1972): p. 8.

2. Ibid., p. 6.

Wolford also failed to find support for "the professional folklore concerning the sociopathic etiology of arsonists" and concluded that "whatever etiological factors may be at work to 'cause' arson, those alleging psychopathology have not been supported in this study with this incarcerated group of arsonists."¹ This study also demonstrated the lack of recidivist firesetting among convicted arsonists since only three of the 68 studied had previous arson² convictions.

In the same vein, contrary to the expectations raised by studies of arsonists in prisons and hospitals, Soothill and Pope (1973), conducted a twenty year cohort study of 67 people convicted of arson in England and Wales. They found "the vast majority of those convicted of arson³ are not reconvicted for that offense again." In the twenty years following their initial conviction for arson, only three of the 67 men and women repeated the offense. Other findings included the following: only one person in the sample had a previous arson conviction; a little more than half the sample were reconvicted within 20 years of their

1. Ibid., p. 8.

2. Ibid., p. 3.

3. K.L. Soothill and P.J. Pope, "Arson: A Twenty Year Cohort Study," Medicine, Science and the Law 13 (1973): 127-138.

1951 conviction--30 percent within five years of it--but mostly for theft and similar crimes; less than one offender in ten committed a violent offense during the twenty years, fewer than one in 20 a sex offense, and only three had committed arson. The types of subsequent convictions parallels very closely the types of previous convictions, except for an increase in the incidence of common property offenses.¹

From this evidence one might conclude that "arsonists" are offenders who have committed a variety of criminal acts, one of which involved the selection of fire as a weapon/instrument. It has been my experience that while pathological firesetters do exist, their incidence is decidedly less frequent than that suggested by the psychoanalytic and psychological literature. It is interesting to note that of the 67 arsonists in Soothill and Pope's sample, only two were found "unfit to plead," and six were committed to a psychiatric hospital.² If these abnormal arsonists indeed represent only a small percentage of the entire population of arsonists, then it is no wonder that there is so much confusion about the etiology of arson, since these psychiatrically disturbed firesetters were those most often studied.

1. Ibid.

2. Ibid.

In 1978, Sapsford, Banks and Smith published a study which compared 23 arsonists in prison serving life sentences with two other samples of 96 arsonists who were serving or had served determinate sentences of 18 months or more. They found that there was little similarity between the lifers and men serving short fixed terms. The lifers were found to have had significantly more previous convictions for arson, a higher incidence of prior abnormality, and were more likely to have been diagnosed as "psychopathic" or as suffering from some personality disorder. Like Wolford, Soothill and Pope, this study found very few of the released men--about six per cent--were reconvicted of the offense of arson within three years of release. They also found that the best single predictor of recidivism (for arson) was the number of previous convictions for arson, i.e., the previous history of the specific offense, rather than general criminality, appeared to be the best predictor. Once again, however, the lack of similarities among the three separate groups of arsonists studied by Sapsford, et al, suggests that it would be extremely dangerous to view firesetters as one monolithic category.

In a 1981 study which attempted to develop a typology based on 138 offenders who had been arrested for arson in

1.R.J. Sapsford, C. Banks and D.D. Smith, "Arsonists in Prison," Medicine, Science and the Law 18 (1978): p. 247-254.

New York City, I found that people with different motivations for setting arson fires behave in predictable ways with regard to their modus operandi. While this information may be useful to the criminal investigator, it does little to explain the etiology of this crime. However, I observed that arson was a heterogeneous crime category and that an incendiary fire "should be viewed as the malicious use of an instrument/weapon, and suggested that an investigation should be initiated to determine what crime was intended. To do otherwise, is to ignore the actual variation in the intent of the firesetter."¹

Schiller and Jacobson (1984) introduced the concept of stress induced arson in seeking to develop "an adequate conceptual framework in which to place the study of arson."² Joining their review of the literature on stress related crime with case studies of 23 arsonists serving sentences in New York State prison during 1981-1982, the researchers found that the broader category of stress induced crime helps explain the etiology of some arsonists. Such individuals find it difficult to cope with stress, have low self esteem, face a multitude of difficult life conditions and

1. Angelo L. Pisani, Jr., "Adult Firesetting Behavior: A Typology," Unpublished Master's Thesis, (1981) John Jay College of Criminal Justice, New York: pp. 4-5.

2. Nina Glick Schiller and Michael Jacobson, "Stress Induced Arson: An Example of Stress Induced Crime," Prepared by the New York City Arson Strike Force, New York: (1984), p. 2.

experience severe contradictions in their limited interpersonal relationships. As to why they choose violence in reaction to this stress, the authors suggest that this behavior is learned within a family and compared stress induced arson to certain types of assault, child abuse and homicide. The question that remains unanswered is: why did these individuals choose fire rather than a gun, fist, knife or other weapon? According to Vreeland and Waller:

One answer, of course, is that firesetting is only one behavior among many maladaptive behaviors seen in these individuals. In fact it might be said that the major difference between firesetters and other criminals is that firesetters set fires. But beyond that trite statement, two major reasons for firesetting may be stated. First, firesetting offers immediate consequences which may be rewarding to the individual. These include the sensory stimulation of the fire itself, the commotion of the crowds, sirens and bells, and the praise and recognition derived from the community if the firesetter turns in the alarm or helps put out the fire. Second, an avoidance mechanism is likely to be involved. If the individual is lacking in self-confidence and has been unsuccessful at interactions with other individuals in the past, then such social interactions are likely to be aversive. When problems with other people arise, he is not likely to solve them in a direct or socially acceptable manner. Instead, he is likely to respond in a destructive way which avoids confrontation with other people.¹

Unfortunately, despite the studies cited above, which suggest that most arsonist samples fail to accurately reflect the heterogeneity of this population, principally because of an ill-founded reliance on legal classifications

1. Robert G. Vreeland and Marcus Waller, The Psychology of Firesetting: A Review and Appraisal, p. 33.

for determining samples, researchers continue to search for the etiology of arson by studying convicted arsonists as a distinct and separate group!

Wooden and Berkey (1984) provide a telling demonstration of the erroneous methodology which continues to reign in this field. They documented the behavioral characteristics of 69 juvenile arsonists apprehended in San Bernardino County, California between 1979 and 1983 and compared them to 78 non-delinquent juveniles selected randomly from the same community. Questionnaires were administered to the parents of the children in both groups and contained a checklist of 84 behavioral characteristics. The diagnostic instrument was developed by a team of six clinical psychologists and fire service personnel in the State of California. The researchers found that the parents of the firesetters experienced over twice the number of recent disruptive family changes (i.e., divorce, remarriage, death of a relative or new baby) than did the parents of non-firesetters (61 percent versus 28 percent).¹ Like Schiller and Jacobson, they found that "stress factors appear to play an important part in the etiology of arson."² Of the 84 characteristics studied, close to forty percent (33 items) statistically differentiated the two groups. The most

1. Wayne S. Wooden and Martha Lou Berkey, Children and Arson.

2. Ibid.

distinguishing characteristics peculiar to the firesetters were stealing and truancy, followed by learning problems in school, poor academic performance, easily led by children of their own age, and less significantly, lying, playing alone, impulsiveness, fighting with siblings or peers, impatient, out of touch with reality, jealousy, shyness, hyperactivity, stuttering, expressing anger, violent, and being a poor loser. Wooden and Berkey did not find bedwetting and cruelty to animals to be associated with the firesetters, as did Hellman and Blackman (1966).¹

The value of Wooden and Berkey's findings is extremely questionable. While they found significant differences between the juvenile firesetters and the non-delinquent juvenile control group; however, had they compared the group of firesetting juveniles to juvenile delinquents who had not set fires (the researchers stated that they had to abandon this path because they could not secure such a sample), they may well have found what Wolford (1971) found with adults--little difference between groups.² Thus, the most crucial question, "How do the problems displayed by

1. Daniel S. Hellman and Nathan Blackman, "Enuresis, Firesetting and Cruelty to Animals: A Triad Predictive of Adult Crime," American Journal of Psychiatry (122): pp. 1431-1435.

2. Michael R. Wolford, "Some Attitudinal, Psychological and Sociological Characteristics of Incarcerated arsonists," 1971.

these firesetters differ from other juvenile offenders?" was neither addressed, nor answered. The study which follows anticipates that the characteristics of both arsonists and non-arsonist offenders are virtually identical.

CHAPTER IV

RESEARCH DESIGN AND METHODOLOGY

Hypotheses

A growing number of criminological studies have demonstrated that legal classification is not particularly useful for the etiological study of arson. Yet many researchers and practitioners continue to use legal categorization in selecting samples, and thereby continue to perpetuate the belief that arsonists are victims of some pathological ailment.¹

The first objective of this study will be to demonstrate through cluster analysis that the use of legal classification does not sort offenders into homogeneous groups. Thus the first hypothesis:

$H_0 =$ When subjected to cluster analysis, offenders will not fall into groups based on the instant offense committed.

In addition, the literature suggests that for the most part arsonists are people who are mentally troubled. Therefore, it was believed that studying "arsonists" should yield some insights as to what "causes" arsonists to set

1. The latest example is the Wooden and Berkey work discussed in Chapter Two.

fires. The review of the literature indicated that little progress has been made in this area. Besides the sampling, methodological and legal classification issues, the study of arson is, I believe, further complicated by the multiplicity of motives, prompting researchers to study a group of offenders--who have intended to commit a variety of crimes through the use of fire--as though they were a homogeneous group. Arsonists are homogeneous only to the extent that they selected the same weapon or instrument to facilitate the crime they actually intended. Thus, attempting to understand arsonists as a group is akin to studying offenders who used a knife or a gun to commit a variety of crimes.

Another objective of this research is to determine if arsonists can be differentiated from offenders who committed other crimes or if they are similar. It was my experience as a New York City police officer, fire fighter, fire marshal and arson control administrator, that arsonists encountered did not form a homogeneous group at all and in most cases were not driven to arson because of some psychological or pathological abnormality. Rather, they were a heterogeneous group of offenders (similar to other offenders) who for some reason chose to use the weapon/instrument fire to commit a crime (i.e. homicide, larceny, extortion, fraud, etc).

Therefore, the underlying question which needs to be addressed is: Are people who commit the crime of arson

somehow different than those who commit other crimes or are they merely people who decided to use fire--for the most part because of its easy access--to facilitate the underlying offense? This study's objective is to empirically demonstrate that the latter premise is true.

Therefore, even if the first hypothesis is not supported, and the legal classification systems do not form homogeneous groups, it will also be necessary to determine whether homogeneity holds true for legally classified arsonists and non-arsonists. Hence, the second hypothesis anticipates that arson offenders will indeed be found to be less homogeneous than other offenders:

$H_0 =$ Arson offenders are less homogeneous as a group than those who committed assault, murder, rape, burglary, grand larceny, robbery, drug and weapons offenses.

Methodology

The study sample is comprised of convicted offenders who were sentenced to probation in New York City adult courts. Because I have set out to uphold the null hypotheses (and am vulnerable to type II error) I must use at least 30 cases per variable. Since I am interested in using 43 variables, I needed to gather at least 1,290 cases. Fortunately, we were able to obtain information from 1,507 probationer's cases (out of a total population of approximately 75,000). I requested that approximately 200 cases from nine

offense categories (I excluded misdemeanor offenses) be randomly selected from the database. In cases where less than 200 existed for a particular offense category, we extracted the entire population. Based on my formal request (Appendix A) the data was supplied to me by the New York City Department of Probation (Appendix B). The cases were randomly selected from the Department's "Differential Supervision Program" (DSP) database. The sample is broken down as follows: assault (207); homicide (73); rape (57); burglary (206); arson (109); grand larceny (221); robbery (207); drugs (211); weapons (207). All offenders in this sample were convicted (or pled guilty) and were sentenced to probation between the years of 1981 and 1986.

My study seeks to build on Wolford's findings (i.e., that there was little observed difference between arsonists and non-arsonists in a prison setting) by using more sophisticated statistical tests. It also addresses a data set which "escaped" inclusion in Wolford's prison sample:

A third point in the criminal justice system at which arsonists may have escaped this target group is at the sentencing phase. It is possible that the first offender arsonists could have been placed on probation, or received the benefits of "shock parole." At both points the arsonist group under study could have been "purified." However, inasmuch as these would represent a more favorable offender, it is highly unlikely that they would decrease the significance of these findings. Nonetheless, these offenders should be investigated as they might shed further light on the larger group of

offenders who perpetrate arson.¹

The data in the Department's database was derived from the following source documents: Probation Registrant System-Differential Supervision Program (PRS-DSP) Case Registration Form (Appendix C), Assessment of Client Risk Form (Appendix D), Assessment of Client Needs (Appendix E) and New York State Probation Management Information--Probation Registrant Modify/Demographic/Violation Form (Appendix F). These forms are filled out by the Probation Officer assigned to the case and later keyed by the Department into its database. The variables extracted for each of the 1,544 cases were as follows: probationer's sex, race, age, conviction code (per New York State Penal Law), and any special conditions of probation imposed by the sentencing judge. The latter consist of: restitution; alcohol treatment; drug treatment; psychiatric treatment; employment assistance; educational program; financial support; training; community service; and "other". Each probationer's "risk score" was also obtained (derived from a weighted instrument which attempts to assess the likelihood of re-offending), as well as a "need score" (derived again from the probation officer applying a weighted instrument to the probationer's background characteristics). The "supervision level" is another

1. Michael R. Wolford, "Some Attitudinal, Psychological and Sociological Characteristics of Incarcerated Arsonists," p.10.

variable selected, which represents a synthesis of the "risk" and "need" score. This determines the frequency of contact between the probation officer and the probationer. If the application of the "risk" and "needs" instruments yields a computed supervision level at variance with the probation officer's professional judgment, the supervision level may be changed accordingly. Therefore, I collected both the computed and the actual supervision levels. Finally, the component variables continued in both the "risk" and "needs" instruments were also extracted from the database. They are as follows: prior arrests (describes whether there was a prior arrest in the past five years or not); prior misdemeanor convictions (describes whether there were three or more prior misdemeanor convictions/adjudications); family members with criminal records; current living situation (favorable/unfavorable); sale of drugs in past or present offense; number of address changes in the last 12 months; percentage of time employed during the last 12 months; problems with alcohol abuse, problems with drug abuse; offender's attitude; age of the offender at his/her first conviction (or juvenile adjudication); number of prior periods of probation/ parole supervision (adult or juvenile); number of prior probation or parole revocations; number of prior felony convictions or juvenile adjudications; conviction or juvenile adjudication for an assaultive offense within the last five years; offender's academic/

vocational skills; employability; financial management; marital/family relations; companions; emotional stability; need for alcohol abuse treatment; drug usage; mental ability; health; sexual behavior; overall needs; marital status; income level; years of school; and the receipt of public assistance. All of these variables were collected and entered on the DSP database within the first month of probation supervision.

The data on all 1,507 records (each record containing 43 fields) were entered into a data file on the City University of New York computer system via magnetic tape. Analysis of the data was achieved by using several multivariate techniques with the aid of the statistical software packages, principally the Statistical Package for the Social Sciences (SPSSX). Factor analysis, a method for determining the number and nature of underlying variables among larger numbers of measures, was used to simplify the analysis by identifying, "what tests or measures belong together, which ones virtually measure the same thing...and how much they do so."¹ This method helped to identify unities or fundamental properties underlying the large number of variables collected.

1. Fred N. Kerlinger, Foundations of Behavioral Research, (New York: Holt, Rinehart and Winston, Inc., 1973), p. 659.

Discriminant analysis was used to treat the "offense committed" as the dependent variable and all other variables as independent variables. The discriminant function will discriminate the subjects of all offense groups and tell us to which group each member probably belongs. If the appropriate subjects fall into the offense groups under study, then it would appear that there are significant differences between groups and that they are in fact homogeneous.

Conversely, multivariate analysis of variance ("MANOVA") will treat the "offense committed" as the independent variable in an effort to learn which subjects belong to which groups.

Finally, the data was analyzed utilizing cluster analysis. "Cluster analysis is a generic name for a variety of mathematical methods, numbering in the hundreds, that can be used to find out which objects in a set are similar [or dissimilar]."¹ If the clusters do not form groups by the offense committed (as we suspect they will not) the argument against the use of this classification method will be strengthened.

1.H. Charles Romesburg, Cluster Analysis for Researchers (California: Lifetime Learning Publications, 1984), p. 2.

CHAPTER V

FINDINGS

The problem of misclassification in criminal justice may be better understood by examining data on adjudicated felons with a variety of methodological techniques. The common principle underlying any classification scheme is the assumption that categories are unique and mutually exclusive--that individuals grouped into one category have more in common with other members of their group than with those grouped into different categories.

The variety of methodological techniques employed approached this problem in a theoretically hierarchical fashion. First, factor analysis was employed to discern the linear relationships among variables describing the characteristics of offenders. Secondly, these factors were used to discriminate between offense categories. A third analysis used a stringent test of the homogeneity of categories by accounting for the proportion of variance explained in offender characteristics by similarities (or dissimilarities) in offense categories.

A final test of homogeneity involves cluster analysis, which reflects structural similarities between variables.

Factor Analysis

Factor analysis, a data reduction technique, attempts to account for an underlying pattern of relationships among a given set of correlations between variables. Factor analysis was performed as a measurement device to construct an index of new variables (offender characteristics) which could be used later in the analysis of charge categories.

Table 1 lists the variable labels used in the analysis.

TABLE 1

VARIABLE LABELS

SEX: 'SEX'
 RACE: 'RACE'
 AGE: 'YEAR OF BIRTH'
 RISKSC: 'RISK SCORE'
 NEEDSC: 'NEED SCORE'
 RISK1: 'PRIOR ARRESTS IN LAST 5 YEARS'
 RISK2: '3 OR MORE PRIOR MISD CONVICTIONS'
 RISK3: 'FAMILY MEMBERS WITH CRIMINAL RECORDS'
 RISK4: 'CURRENT LIVING SITUATION UNFAVORABLE'
 RISK5: 'SALE OF DRUGS PAST OR PRESENT OFFENSE'
 WR1: 'NUMBER OF ADDRESS CHANGES LAST 12 MONTHS'
 WR2: 'PERCENTAGE TIME EMPLOYED LAST 12 MONTHS'
 WR3: 'ALCOHOL ABUSE'
 WR4: 'DRUG ABUSE'
 WR5: 'ATTITUDE PROBLEMS'
 WR6: 'AGE AT FIRST CONVICTION OR JD ADJUD'
 WR7: 'NUMBER OF TIMES ON PROBATION OR PAROLE'
 WR8: 'NUMBER OF PROBATION OR PAROLE REVOCATIONS'
 WR9: 'NUMBER OF PRIOR FELONY CONVICTIONS'
 WR10: 'ASSAULTIVE OFFENSE CONVICTIONS LAST 5 YEARS'
 NEED1: 'ACADEMIC VOCATIONAL SKILLS'
 NEED2: 'EMPLOYABILITY'
 NEED3: 'FINANCIAL MANAGEMENT'
 NEED4: 'MARITAL FAMILY RELATIONSHIPS'
 NEED5: 'COMPANIONS'
 NEED6: 'EMOTIONAL STABILITY'
 NEED7: 'ALCOHOL USAGE'
 NEED8: 'DRUG USAGE'
 NEED9: 'MENTAL ABILITY'
 NEED10: 'CONDITION OF HEALTH'
 NEED11: 'SEXUAL BEHAVIOR'
 NEED12: 'OVERALL NEEDS'
 MARITL: 'MARITAL STATUS'
 INCOME: 'INCOME'
 SCHOOL: 'YEARS OF SCHOOL COMPLETED'
 PASSIS: 'RECEIVING PUBLIC ASSISTANT'
 STABLE: COMBINES: WR1 + WR2 + NEED2
 ABUSE: COMBINES: WR3 + WR4 + NEED7 + NEED8 + RISK5
 CRIMHST: COMBINES: WR6 + WR7 + WR8 + WR9 + RISK1 + RISK2
 PTENTL: COMBINES: WR5 + NEED1 NEED3
 SUPPORT: COMBINES: NEED4 + NEED5
 HEALTH: COMBINES: NEED6 + NEED9 + NEED10
 HSPVSOTH: DUMCODE
 BLKVSOTH: DUMCODE
 WHTVSOTH: DUMCODE

Table 2 lists the value labels used.

TABLE 2

VALUE LABELS

SEX:	1=MALE, 2=FEMALE
RACE:	1=BLACK, 2=WHITE, 3=HISPANIC, 4=CHINESE, 5=JAPANESE, 6=INDIAN, 7=UNKNOWN, 8=OTHER
AGE:	COMPUTE: 89-BIRTH YEAR
CHARGE:	120.=ASSAULT, 125.=MURDER, 130.=RAPE, 140.=BURGLARY, 150.=ARSON, 155.=GRAND LARCENY, 160.=ROBBERY, 220.=DRUGS, 265.=WEAPONS,
RISKSC:	0-7=LOW, 8-14=MEDIUM, 15-50=HIGH
NEEDSC:	0-9=LOW, 10-19=MEDIUM, 20-60=HIGH
RISK1:	1=LOW, 2=YES, 3=UNKNOWN
RISK2:	1=NO, 2=YES, 3=UNKNOWN
RISK3:	1=NO, 2=YES, 3=UNKNOWN
RISK4:	1=NO, 2=YES, 3=UNKNOWN
RISK5:	1=NO, 2=YES, 3=UNKNOWN
WR1:	0=NONE, 2=ONE, 3=TWO OR MORE
WR2:	0=60% OR MORE, 1=40% - 59%, 2=UNDER 40%
WR3:	0=NO APPARENT PROBLEMS, 2=MODERATE PROBLEMS, 4=SERIOUS PROBLEMS
WR4:	0=NO APPARENT PROBLEMS, 1=MODERATE PROBLEMS, 5=NEGATIVE
WR5:	0=RECEPTIVE TO ASSIS, 3=UNWILL TO ACC RESPON, 5=NEGATIVE
WR6:	0=24 OR OLDER, 2=20-23, 4=19 OR YOUNGER,
WR7:	0=NONE, 4=ONE OR MORE
WR8:	0=NONE, 4=ONE OR MORE
WR9:	0=NONE, 2=ONE, 4=TWO OR MORE
WR10:	0=NO, 15=YES
NEED1:	1=SATISFACTORY EMPLOY, 0=SECURE EMPLOY, 2=LOW SKILL LEVEL, 4=MINIMAL SKILL LEVEL
NEED2:	1=SATISFACTORY EMPLOY, 0=SECURE EMPLOY 3=UNSAT EMPLOY, 6=UNEMPLOYABLE
NEED3:	1=SELF SUFFICIENT, 0=NO CURRENT DIFF, 3=MINOR DIFF, 5=SEVERE DIFF
NEED4:	1=EXCEPTIONALLY STRONG, 0=RELATIVELY STABLE 3=SOME STRESS, 5=MAJOR STRESS
NEED5:	1=GOOD SUPPORT, 0=NO ADVERSE RELAT, 2=OCC NEG RESULTS, 4=ASSOC MOSTLY NEG
NEED6:	2=EXCEPT WELL ADJUSTED, 0=NO SYMPTOMS, 4=ADEQ FUNC LIMITED, 7=ADEQ FUNC PROHIBITED
NEED7:	0=NO INTERFER FUNCT, 3=OCCAS ABUSE,

6=FREQUENT ABUSE
 NEED8: 0=NO INTERFER FUCNT, 3=OCCAS ABUSE,
 5=FREQUENT ABUSE
 NEED9: 0=ABLE TO FUNCT INDEP, 3=SOME NEED FOR ASSIST
 5=INDEP FUNC SEVER LIM
 NEED10: 0=SOUND HEALTH, 1=RECUR PROBLEMS, 2=CHRONIC
 PROBLEMS
 NEED11: 0=NO APPARENT DYSFUNCTIONS, 3=MINOR PROBLEMS,
 5=SEVERE PROBLEMS
 NEED12: 1=MINIMUM, 0=LOW, 3=MEDIUM, 5=MAXIMUM
 MARITAL: 1=SINGLE, 2=MARRIED, 3=DIVORCED, 4=SEPARATED,
 5=WIDOWED, 6=OTHER
 PASSIS: 1=YES, 2=NO, 3=UNKNOWN
 PTENTL: COMPUTE: WR5 + NEED1 + NEED3
 STABLE: COMPUTE: WR1 + WR2 + NEED2
 HEALTH: COMPUTE: NEED6 + NEED9 + NEED10
 ABUSE: COMPUTE: WR3 + WR4 + NEED7 + NEED8 + RISK5
 SUPPORT: COMPUTE: NEED4 + NEED5
 INCOME: 0\$=0, GREATER THEN 0\$=1
 CRIMHIST: COMPUTE: WR6 + WR7 + WR8 + WR9 + RISK1 +
 RISK2
 RACE DUMCODE: IF RACE=1 THEN BLKVSOTH=1
 IF RACE=2 THEN BLKVSOTH=0
 IF RACE=3 THEN BLKVSOTH=0
 IF RACE=2 THEN WHTVSOTH=1
 IF RACE=1 THEN WHTVSOTH=0
 IF RACE=3 THEN WHTVSOTH=0
 IF RACE=3 THEN HSPVSOTH=1
 IF RACE=1 THEN HSPVSOTH=0
 IF RACE=2 THEN HSPVSOTH=0
 IF RACE=4,6,8 THEN BLKVSOTH=1
 IF RACE=4,6,8 THEN WHTVSOTH=1
 IF RACE=4,6,8 THEN HSPVSOTH=1

A correlation matrix of the independent variables describing characteristics of offenders was factor analyzed. In Table 3, principal components analysis extracted a set of initial factors which are exact mathematical transformations of the original variables. This is done so that each factor is independent of or orthogonal to every other. Varimax rotation extracted six factors. I named factor 1 "risk" which refers to the risk an offender poses with regards to re-offending, based on the application of a predictive

instrument comprised of demographic/criminal history characteristics associated with probation "failures." This category contains high factor loadings which indicate poor potential, instability, poor support, having many needs, poor income, having a substantial risk rating, poor health, substance abuse problems and having a criminal history. Offenders with a high factor 1 (risk) score are most likely to re-offend while on probation, but there is no common charge category that they share.

TABLE 3

FACTOR ANALYSIS OF 43 VARIABLES

	Fac 1	Fac 2	Fac 3	Fac 4	Fac 5	Fac 6
	<u>Risk</u>	<u>Agg</u>	<u>Blk</u>	<u>Age/ Subs Abus</u>	<u>Wht/ Subs Abus</u>	<u>Age/r Female</u>
Potential	.7768					
Stability	.7588					
Support	.6349					
Need 12	.5632					
Income	-.4441					
WR.10		.9579				
RiskSc	.3266	.8906				
HspVSoth			-.8921			
BlkVSoth			.8154		-.4568	
Need 11				.5837		
NeedSc				.5505		
Health	.4165			.5244		
Age				.4984		.4455
Abuse	.4151			.4287	.3679	
WhtVSoth					.9075	
Crimhist	.3363					-.63064

In contrast, factor 2, which I call "aggression," is clearly marked by assaultive offenses (those charged with assault offenses in the last 5 years) and as being a high risk. In the third group, factor 3, which I named "black," race appears for the first time and is marked by being black. The fourth group, factor 4, is made up of some combination of substance abusers, older age, sexual behavior problems, declining health and a high need score. This factor loading may well contain aging alcoholics or drug abusers and/or AIDS victims since gays and IV drug users are in the high risk category. For lack of a better label I named this factor "age/substance abuse." The fifth group, factor 5, is categorized on the basis of being a white substance abuser and having no criminal history (most likely cocaine users). I called this group "white/substance abuse." The last group, factor 6, is characterized by being an age and being a female and with no criminal history. I named this factor "age/female."

Therefore, the types of crimes committed by racially distinct groups may differ and the age gradient seems to vary, but none of these characteristics is clearly associated with a certain charge category other than the "aggression" group.

Discriminant Analysis

In order to discriminate between offense categories, the factor scores were used in a discriminant analysis.

This procedure uses the factor scores, which are numerical representations of the combinations of offender characteristics to distinguish among different charge categories. The object of the discriminant analysis is to provide a classification rule that minimizes the probability of misclassification.

Five canonical discriminant functions were calculated in the analysis, one less than each of the computed factor groups. The first factor to enter the analysis was factor 1 (aggression). By definition, this and subsequent functions sought to minimize Wilk's Lambda--the ratio between the within groups sum of squares to the total sum of squares. A small value of Lambda would indicate that differences between groups are larger than within-groups differences. Thus, as presented in table 4, a value of .63 for Wilks Lambda identified this group as significantly different, while the other 5 groups, which had values close to one were not significantly discriminated from each other.

TABLE 4

FACTORS IN THE ANALYSIS

<u>Variable</u>	<u>Tolerance</u>	<u>Min. Tol.</u>	<u>F</u>	<u>Wilk's Lambda</u>
Fac1-Risk	1.0	1.0	15.818	.91623
Fac2-Aggres	1.0	1.0	102.250	.62853
Fac3-Black	1.0	1.0	4.009	.97735
Fac4-Age/Abu	1.0	1.0	34.390	.83418
Fac5-Wht/Abu	1.0	1.0	8.466	.95334
Fac6-Age/Fem	.0	1.0	15.861	.91602

When this group was discriminated on step 1 (Table 5), all groups were significantly different from each other ($p < .05$) except assault from murder and rape ($F = .4, 3.5$, respectively), and arson from weapons ($F = 3.7$), although there was a statistical trend for the latter difference. The relative similarity of these groups suggests that arsonists are similar to other criminals who use weapons to commit their crime.

TABLE 5

F STATISTICS AND SIGNIFICANCE BETWEEN PAIRS OF GROUPS AFTER STEP 1

<u>Group</u>	<u>Group</u>							
	1 <u>Aslt</u>	2 <u>Murd</u>	3 <u>Rape</u>	4 <u>Burg</u>	5 <u>Arsn</u>	6 <u>Gr Lr</u>	7 <u>Robb</u>	8 <u>Drug</u>
<u>Group</u>								
Asslt								
2	.4							
Murd								
3	3.5	004.2						
Burg								
4	256.1	112.8	152.3					
Arsn								
5	54.6	25.8	49.5	34.1				
Gr-Lar								
6	187.0	79.1	115.4	6.5	14.3			
Robb								
7	.4	.5	3.4	268.5	56.9	196.6		
Drug								
8	368.0	165.3	207.9	9.8	71.5	33.0	385.2	
Weap								
9	126.0	52.7	84.8	22.1	3.7	4.9	132.5	61.4

In Table 6, further stepwise analysis of the discriminant functions indicated that, at subsequent steps, factors 4, 1, 6, 5, 3, were entered into the model. Sub-

stantively, however, only the first two factors discriminated accounted for most of the variance (63% for Age/Substance Abuse" and 22% for "Risk," respectively).

TABLE 6

CANONICAL DISCRIMINANT FUNCTIONS

<u>Funct</u>	<u>Eigenvalue</u>	<u>%Var</u>	<u>CumPct</u>	<u>Canon. Corr</u>
Fac1-Risk	.7147	62.81	62.81	.6456
Fac2-Aggres	.2502	21.98	84.79	.4473
Fac3-Black	.1086	9.54	94.33	.3130
Fac4-Age/Abu	.0508	4.46	98.80	.2198
Fac5-Wht/Abu	.0085	.75	99.55	.0920
Fac6-Age/Fem	.0051	.45	100.00	.0713

As presented in Table 7, overall, the percent of grouped cases correctly classified according to the discriminant functions was 38% (sum of all the figures on the diagonal). But for arson, the probability of misclassification is very high, with only 9% of the cases correctly classified.

TABLE 7

DISCRIMINANT ANALYSIS
Predicted Group Membership

<u>Actual Group</u>	<u># Of Cases</u>	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	<u>7</u>	<u>8</u>	<u>9</u>
Grp 1 Assault	199	88 44%	10 5%	8 4%	6 3%	6 3%	8 4%	61 30%	6 3%	6 3%
Grp 2 Murdr Mnslg	64	23 36%	13 20%	7 11%	2 2%	0 0%	2 3%	11 17%	2 3%	4 6%
Grp 3 Rape	53	3 5.7%	0 .0%	32 60%	0 .0%	0 .0%	1 2%	12 23%	0 .0%	5 9%
Grp 4 Burgl	187	14 7.5%	0 .0%	0 .0%	79 42%	0 .0%	23 12%	11 6%	49 26%	11 6%
Grp 5 Arson	100	25 25%	3 3%	4 4%	12 12%	9 9%	4 4%	17 17%	19 19%	7 7%
Grp 6 Grand Larceny	200	14 7%	1 .5%	0 .0%	36 18%	3 1.5%	43 21%	40 20%	41 20%	22 11%
Grp 7 Robbery	216	28 13%	2 .9%	2 .9%	16 7%	1 .5%	10 4%	147 68%	8 4%	2 .9%
Grp 8 Drugs	187	6 3%	0 .0%	0 .0%	38 20%	2 1%	31 16%	7 4%	91 49%	12 6%
Grp 9 Weapons	187	37 20%	5 3%	8 4%	21 11%	0 .0%	21 11%	36 19%	31 16%	28 15%

We can conclude that, on the basis of the factors representing characteristics of offenders, the ability to correctly discriminate among charge categories is quite small when considering arson as a charge category.

Cluster Analysis

Due to the results of the discriminant analysis, which showed very little basis for categorizing groups like arsonists according to factor scores, cluster analysis was performed. In cluster analysis, which also tries to classify cases into categories, group membership is considered unknown. The object of the analysis is to identify these groups. This identification is made by the initial choice of variables, which in this analysis were the six factor scores. (Trying to classify the individual subjects algorithmically is inefficient when the number of cases is too high).

Looking at the vertical icicle plot (Diagram 1) you will notice that at the second level, the first group it splits away is the rapist group. Based on the six factor scores it says that they are not like anyone else. This is interesting in that it disagrees with the common wisdom that rape is a crime akin to assault and homicide. At the third level, three groups appear: rapists; crimes against the person (robbery, homicide and assault); and everything else. At level four, it breaks off robbery from homicide and assault, which makes sense because robbery is a property crime as well as a violent crime. At level five, rapists and robbers remain a group; murderers and assaulters remain a group; grand larcenists, burglars and drug offenders form an interesting group in that it estimated that 70-80 percent

of the property crimes committed are drug related. These offenders are most likely being arrested for drug offenses or for committing property crimes to support their drug habit. The next group formed--arsonists and weapon possessors--supports the argument that arson shouldn't be thought of as a type of crime in the usual sense, rather, it is mainly an offenses where the offenders chose the weapon/instrument fire to commit other crimes. Just as weapons possession is a charge associated with many types of crimes, arson is closer to this "unspecialized" crime than any of the others tested. (After five clusters, arson is separated into its own category, as is weapons possession).

DIAGRAM 1

CLUSTER ANALYSIS

VERTICAL ICICLE PLOT USING AVERAGE LINKAGE (BETWEEN GROUPS)

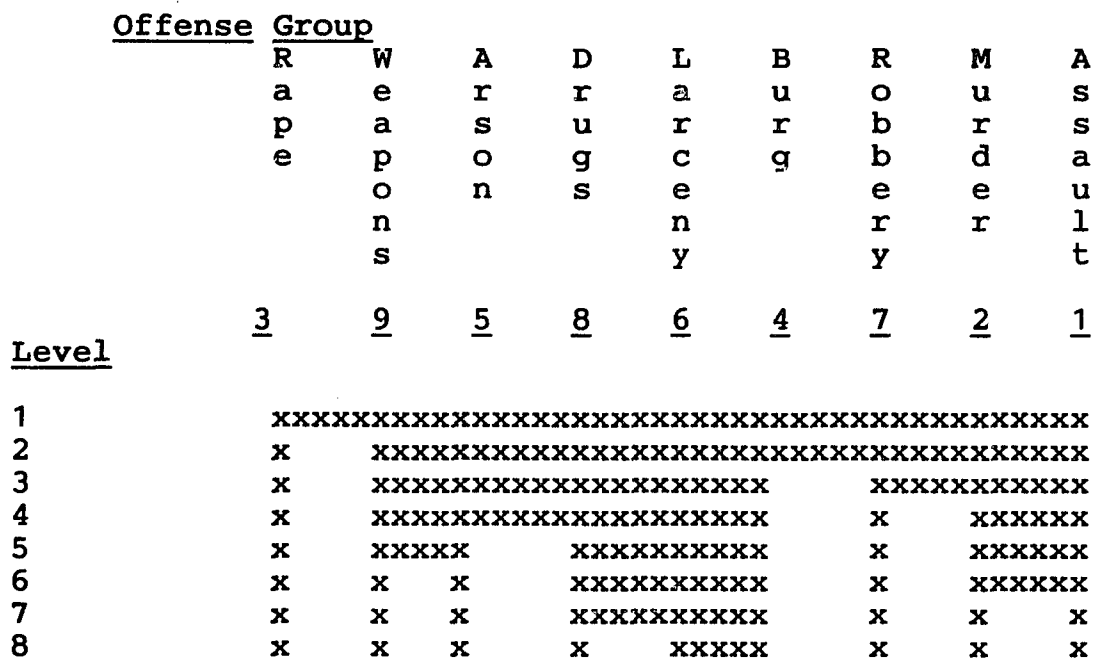


Table 8, suggests that the largest number of arsonists would be classified in the 4th of these 5 clusters (along with weapon possessors) and had a Chi-Square value of 223 with 32 degrees of freedom ($p < .001$).

TABLE 8

GOODNESS OF FIT OF THE CLUSTER MEMBERSHIP TO THE
CHARGE CATEGORY

<u>CHARGE</u>	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>TOTALS</u>
Assault	22	37	11	71	58	199 14.3%
Murder	6	9		21	26	64 4.6%
Rape	24	4	2	21	2	53 3.8%
Burg.	9	27	7	92	52	187 13.4%
Arson	6	18	15	31	30	100 7.2%
Grand Larceny	2	29	10	107	52	200 14.4%
Robbery	13	34	7	93	69	216 15.5%
Drugs	4	19	19	79	66	187 13.4%
Weapons	7	27	6	100	47	187 13.4%
Column Totals	93 7%	204 14%	77 5%	615 44%	404 29%	1393 100%
<u>Chi-Square</u>	<u>D.F.</u>	<u>Sig.</u>	<u>Min-E.F.</u>	<u>Cells w/</u>	<u>E.F.<5</u>	
223.135	32	.0000	2.930	4 of 45	(8.9%)	

MANOVA

Multiple analysis of variance was used on the factor scores computed by the factor analysis. In multivariate MANOVA, the independent variable is the charge category,

with nine values. The dependent variable is the factor scores. In this analysis, MANOVA constructs a vector or set of means of the factor scores upon which hypotheses are tested. Here, I hypothesize that the set of means (of the six factor scores) will equal 0.

To test the hypothesis that the correlation matrix of the dependent variables (factor scores) is an identity matrix (that the diagonal terms are 1 and all off-diagonal terms are 0) Bartlett's test of sphericity was used. Since the determinant has a significant X^2 of 52.54, the hypothesis that the population correlation matrix is an identity matrix was rejected. Once the correlations among the variables were observed, the hypothesis that there is no difference between the population means and the hypothesized values can be tested.

The multivariate significance tests indicate that there is a difference between the sample means of the factored groups according to the charge category (Hotelling's T^2 statistic=1.14, $F=32.7$ with 48 df, $p<0.01$). However, the univariate tests presented in Table 9, give an idea where the differences may be and one can infer that there are two factored groups that are not dissimilar with respect to charge category: Factor 3 (Black) and Factor 5 (White/ Substance Abuse). In the analysis which follows, these factors will be removed.

TABLE 9

ANALYSIS OF VARIANCE: UNIVARIATE TESTS OF SIGNIFICANCE

<u>Variable</u>	Hypoth <u>SS</u>	Error <u>SS</u>	Hypth <u>MS</u>	Error <u>MS</u>	<u>F</u>	Sig. <u>of F</u>
Factor 1 Risk	7.8	1269.9	7.8	.9	8.5*	.0
Factor 2 Aggress	12.2	874.6	12.2	.6	19.3*	.0
Factor 3 Black	.3	1372.4	.3	.9	.3	.5
Factor 4 Age/ Substance Abuse	31.1	1172.3	31.1	.8	36.7*	.0
Factor 5 White/ Substance Abuse	.9	1343.7	.9	.9	.9	.3
Factor 6 Age/ Female	6.4	1328.0	6.4	.9	6.6*	.0

Standardizing The Factor Scores

This analysis (presented in Table 10) took the factor scores originally identified and transformed them to Z-scores (using the means and standard deviations of the original data). This converts their units to a similar metric to enable comparisons across factors. Those with high factor 1 (risk) scores are distinct from rapists (.69), and somewhat higher in terms of drug offenses (.33). The aggressors (factor 2) are high on rape charges (.94) and

very low with regard to drugs offenses (-.85). Factors 3 (Black) and 5 (White/Substance Abusers) were dropped out of this analysis as a result of the MANOVA findings (discussed above). Those with high factor 4 (age/substance abuse) scores were high on rape charges. This unlikely relationship is explained by the fact that factor 4 is made of in part of those with sexual dysfunctions (need11). This group is distinct from robbery. The factor 6 (age/female) group is low on burglary and high on the murder/manslaughter offense.

TABLE 10

RELATIONSHIP BETWEEN FACTOR SCORES AND OFFENSE CATEGORY

<u>Charge</u>	<u>Fac 1 Risk</u>	<u>Factor 2 Aggres</u>	<u>Factor 4 Age/ Substance Abuse</u>	<u>Factor 6 Age/ Female</u>
1-Assault	-.04	.71	.05	.20
2-Murder	-.48	.63	.13	.85
3-Rape	-.69	.94	1.66	-.19
4-Burglary	.18	-.59	-.24	-.40
5-Arson	.26	-.01	.43	.42
6-Grnd Larc	-.02	-.38	-.15	-.03
7-Robbery	.14	.71	-.48	-.27
8-Drugs	.33	-.85	.03	.00
9-Weapons	-.45	-.20	.11	.10

Conclusion

The preceding analysis has presented multiple techniques aimed at identifying differences among adjudicated offenders with various charge characteristics and demographic characteristics. The clustering of arson-charged offenders with weapons possessors lends some support to the position that arson is not a unique crime, as some claim, but has something in common with carrying a weapon. The factoring of characteristics that are associated with arson is somewhat less definitive, further supporting the hypothesis that the characteristics of this charge category are not easily discernible from other categories, i.e., that there is little about arsonists that is significantly different from the characteristics of those charged with other crimes.

CHAPTER VI

CONCLUSION

The major issue this dissertation addresses, classification, is an old problem in criminal justice as well as many other fields. The principal question is, does it make sense to classify criminals in categories based on the offense they committed, in order to learn about the etiology of that offense or for the purposes of treatment. The reasons I have focused my attention on arson are twofold: First, in reviewing the literature on the etiology of arson, which has received much attention from psychologists and psychiatrists over the past 200 years, the literature presents a recurrent assumption, rarely empirically tested, that arsonists are a homogeneous group of offenders who present psychopathic personality disorders. Second, based on this perception, many community-based treatment programs for young "firesetters" are being developed across the nation. Both my own field experience and my research seriously question these findings and trends. Two hypotheses were developed to empirically test my argument that arsonists are a heterogeneous group not dissimilar from other offenders.

The first hypothesis stated that there are no statistically significant differences between offenders (categorized by offense) with respect to the 43 variables used. The second hypothesis proposed that there is no statistically significant difference between those who committed arson and those who committed assault, murder, rape, burglary, grand larceny, robbery, drug offenses and weapons offenses with respect to the 43 variables used. In order to test these hypotheses, I collected data on a sample of 1,507 offenders, aged 16 and over, sentenced to probation in New York City during a five year period. Forty three demographic and legal variables were collected for each of the cases, which were restricted to nine different offense categories, including arson. Multivariate statistical tests were employed to analyze the data. The findings support both hypotheses.

First, discriminant analysis showed that only 38% of the sample was correctly classified by offense category. For arson the probability of misclassification is very high, with only 9% of the cases correctly classified. Therefore, we can conclude that on the basis of factors representing the characteristics of offenders, the ability to correctly discriminate among various charge categories is quite small, and especially when considering arson as a separate category.

While legal charge categories may not form the basis for a sound classification system, cluster analysis did indicate that the sample of probationers studied may be classified into five separate categories: sex offenses, non-violent property offenses, violent property offenses, non-property violent offenses, and offenses in which the use of a weapon is involved.

Second, that arson is even less homogeneous than the other offense categories has been demonstrated by the use of discriminant analysis, which found that only 9% of the arson cases were correctly classified. Here, the relative similarity of arson and weapons possession suggests that arsonists are similar to other criminals who use weapons to commit their crime.

In the cluster analysis, the fact that these two charges cluster together support the argument that arson should be thought of as a crime in which fire is used as a weapon is used to commit other crimes which may be very different in nature. Just as weapons possession is a charge associated with many types of crime, arson is closer to "unspecialized" crime than any of the others tested.

The factoring of characteristics that are associated with arson is somewhat less definitive, further supporting the hypothesis that the characteristics of this charge category are not easily discernible from other categories, i.e., that there is little about arsonists that is signifi-

cantly different from the characteristics of those charged with other crimes.

Now after years of investigation, it is time to accept the fact that most "arsonists" have only one thing in common: they each chose fire to facilitate the commission of a crime. In other words, arson may be seen as an "umbrella" category under which can be grouped a wide variety of criminals who use fire as the instrument of their crime, whether it be murder, assault, fraud, extortion, criminal mischief, etc. This study concludes that criminologists who insist on conducting research on "arsonists" will have no better prospect of learning the etiology of this crime than did their predecessors of the past 200 years. It is hoped that my findings will, at the very least, contribute to the development of researchers in this field, by assisting in their avoiding the methodological errors of the past. These findings can also contribute to the search for the underlying sociological and economic forces that create an environment conducive to incendiary behavior.

Arson and Public Policy

This research should also contribute to the research on juvenile arsonists and the growing movement to treat juvenile "firesetters" in community based programs across the nation. It should now be clear that these programs are based on the false perception that "all" individuals who

have set fires are suffering from some psychopathological disorder. More harm than good can result from such inaccurate labeling. In a recent anthology, Crime and Public Policy, James Q. Wilson points out the importance of careful research and experimental design of crime control strategies, precisely because "we have seen how often things that 'everybody knew' to be true proved to be untrue, or at least questionable."¹ Therefore, it is hoped that the findings of this dissertation will cause policy makers to evaluate the juvenile firesetter treatment programs implemented in their jurisdictions. If arsonists differ from other offenders only by choice of weapon/instrument selected to facilitate the intended crime, then we should be treating juveniles who set fires no different than other juvenile offenders. To do otherwise is to risk wrongfully labeling a youngster (who may thereby be influenced to "live up" to that label), and to waste precious anti-crime resources that might be better used in programs that assist a variety of juvenile offenders.

In addition to the possible negative impact on individuals, municipalities must finally understand that "the acquisition of sound knowledge about the effects of crime control policies, while expensive, is a good deal less

1. Crime and Public Policy, edited by James Q. Wilson, (San Francisco, Cal: ICS Press, 1983), p. 276.

costly than the prolonged commitment to error."¹

1. Ibid., p. 277.

APPENDIX A

January 31, 1984

Howard Yaegerman, General Counsel
New York City Department of
Probation
115 Leonard Street
New York, NY 10017

Dear Sir:

Although I serve as the Deputy Coordinator for the New York City Arson Strike Force, Office of the Mayor, I am making this request as a Ph.D. candidate at John Jay College of Criminal Justice, and not in my official capacity.

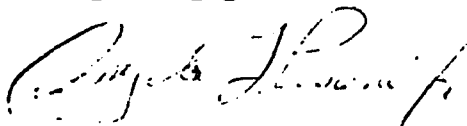
Specifically, I am seeking permission to review your agency's cases of arsonists in order to gain a sample for my dissertation on arson. I will be attempting to prove my hypothesis that "arsonists" are actually no different socially, psychologically or biologically than other offenders who have not committed arson and that rather than have a psychological compulsion towards fire, they, like their counterparts who committed other crimes, have for some reason chosen fire as their instrument or weapon.

Obviously, I am willing to sign any paperwork necessary to ensure all parties that information obtained will be held in the strictest confidence.

I am confident this research will add new knowledge to the field of criminology and it is important to me on a personal level. Your kind attention to this matter will be greatly appreciated and I look forward to your response.

Best regards.

Very truly yours,



Angelo L. Pisani, Jr.

ALP/nf

APPENDIX B



DEPARTMENT OF PROBATION
115 LEONARD STREET, NEW YORK, N. Y. 10013

THOMAS L. JACOBS, *Commissioner*

February 6, 1984

Mr. Angelo L. Pisani, Jr.
14 Remsen Street
Staten Island, N.Y. 10304

Dear Mr. Pisani:

Please be advised that Commissioner Jacobs has approved your research request. Please coordinate your efforts with Assistant Commissioner Carney who will afford you every courtesy. My office will prepare a confidentiality release for you to sign. Additionally I am enclosing the Department's Guideline on Confidentiality for you to review so that you may acquaint yourself with the limited public access of our records.

As soon as you are ready to begin, please contact my office so that we can have you sign the release. If you have any questions please do not hesitate to contact me.

Thank you for your interest in the Department of Probation and we look forward to seeing your finished work product.

Sincerely,

A handwritten signature in cursive script that reads "Howard W. Yagerman".

Howard W. Yagerman
General Counsel

HWY:jd
Enc.

cc: Thomas L. Jacobs, Commissioner
James C. Shine, First Deputy Commissioner
Wilda Chevers, Deputy Commissioner
Alexander Garfinkel, Deputy Commissioner
Robert Carney, Assistant Commissioner

**NEW YORK CITY DEPARTMENT OF PROBATION
PRS-DSP CASE REGISTRATION FORM**

AGENCY CODE (ORI)				NAME (LAST, FIRST, SPACE, MIDDLE - NAM)												SEX		RACE	
																M F			
DATE OF BIRTH (DOB)			INFORMAL SUPV (INS)		NYSID NUMBER (SID)			COURT CONTROL NUMBER (CCN)					P.S. REPORT (PRA)						
Month Day Year			Yes No										Yes No						
DOCKET/INDICTMENT NUMBER (DKT)				PROBATION CASE NUMBER (OCA)				CONVICTION CHARGE CODE (CVC)											
								LAW SECTION SUBDIV. CL OFF ATT DEC											
ADJUDICATED Y.O. (AYO)			CONVICTION DATE (CVD)			PRESENTENCE RECOMMENDATION (PIR)													
Yes No			Month Day Year			COND. FINE PROB. EXTENSI. MONC. COMPL. J/P Y/O N/A													
						1 2 3 4 5 6 7 8 9													
DATE SENTENCE (DOS)			NAME OF SENTENCING JUDGE (SJG)								MAX. EXPIRATION DATE (MED)								
Month Day Year											Month Day Year								
SUPERVISION CATEGORY (SPC)				P.O. IDENT. NO. (EPO)				TRACT CODE (TCD)				CLASS SCORE (CSC)							
INT. ACTIVE SPECIAL ISP																			
1 2 3 4																			

DIFFERENTIAL SUPERVISION INFORMATION															
DATE ASSIGNED			SPECIAL CONDITIONS ORDERED:											STATE OR COUNTY OF ORIGIN	
Month Day Year			Rest	Alch	Drug	Psych	Emp	Edu	Supp	Trn	Comm Serv	Other	(IF NOT LOCAL)		
			1	2	3	4	5	6	7	8	9	0			
RISK SCORE	RISK LEVEL			NEED SCORE	NEED LEVEL			SUPERVISION LEVEL			OVER-RIDE LEVEL				
	15+ 14-8 7-0				20+ 19-10 9-0			I II III			I II III				
	I II III				I II III			(Circle one)			(Circle one)				
OVER-RIDE REASON															
SELECT AND CHECK APPLICABLE REASON OR DESCRIBE REASON FOR OVER-RIDE															
1. Acute problems require attention.(Explain below)					5. Nature of prior criminal history.										
2. Age increases/decreases risk.					6. Restitution: need to stabilize payment record.										
3. Nature of prior probation history.					7. Additional experience desired before reducing level of contact.										
4. Nature of instant offense.					8. More contact not needed; in treatment, etc. (Explain below)										
9. Other			Over-ride explanation (for items 1, 8, or 9):												

Classification Approved: _____ Date: _____
Unit Supervisor

**NEW YORK CITY DEPARTMENT OF PROBATION
ASSESSMENT OF CLIENT RISK**

Probationer: _____ Case #: _____
LAST NAME FIRST NAME MI.

Probation Officer: _____ Date: _____

CATEGORICAL ITEMS

Please mark the answer column for each question below with Y (yes), N (no), or U (unknown)

WEIGHTED ITEMS

Select appropriate answer and enter associated weight in score column. Please total scores at finish.

ANSWER			SCORE
(1) _____	Was assaultive behavior involved in the instant offense?	Number of Address Changes in Last 12 Months:..... 0 None 2 One 3 Two or More	(1) _____
(2) _____	Was a firearm used in the instant offense?	Percentage of Time Employed in Last 12 Months:..... 0 60% or more 1 40% - 59% 2 Under 40% 0 Not applicable	(2) _____
(3) _____	Was there a prior arrest in the past five years?	Alcohol Usage/Problems:..... 0 No apparent problems 2 Moderate problems 4 Serious problems	(3) _____
(4) _____	Are there three or more prior misdemeanor convictions/adjudications?	Other Drug Usage/Problems:..... 0 No apparent problems 1 Moderate problems 2 Serious problems	(4) _____
(5) _____	Do other members of this family have criminal records (JD or Adult)?	Attitude:..... 0 Motivated to change, receptive to assistance 3 Dependent or unwilling to accept responsibility	(5) _____
(6) _____	Are other members of this family presently on probation in NYC?	5 Rationalizes behavior, negative, not motivated to change	(5) _____
(7) _____	Is the current living situation judged to be unfavorable?	Age at First Conviction: (or Juvenile Adjudication) 0 24 or older 2 20 - 23 4 19 or younger	(6) _____
(8) _____	Was the sale of drugs involved in the present or prior offenses?	Number of Prior Periods of Probation/Parole Supervision: (Adult or Juvenile) 0 None 4 One or more	(7) _____
		Number of Prior Probation Parole Revocations:..... 0 None 4 One or more	(8) _____
		Number of Prior Felony Convictions:..... (or Juvenile Adjudications) 0 None 2 One 4 Two or more	(9) _____
		Conviction or Juvenile Adjudications for: (Select all applicable and add for score) 0 None 2 Burglary, Theft 3 Robbery, Auto theft 3 Worthless checks, Forgery	(10) _____
		Conviction or Juvenile Adjudications for Assaultive Offense within past five years. (An offense which involves the use of a weapon, physical force or the threat of force) 0 No 15 Yes	(11) _____

**NEW YORK CITY DEPARTMENT OF PROBATION
ASSESSMENT OF CLIENT NEEDS**

Probationer: _____ Case #: _____
LAST NAME FIRST NAME M.I.

Probation Officer: _____ Date: _____

Select the appropriate answer and enter the associated weight in the score column. Total all scores to arrive at the need assessment score.

				SCORE
ACADEMIC/VOCATIONAL SKILLS				
-1 High school or above skill level	0 Adequate skills; able to handle everyday requirements	2 Low skill level causing minor adjustment problems	4 Minimal skill level causing serious adjustment problems	(1) _____
EMPLOYMENT				
-1 Satisfactory employment for one year or longer	0 Secure employment; no difficulties reported; or homemaker, student or retired	3 Unsatisfactory employment; or unemployed but has adequate job skills	6 Unemployed and virtually unemployable; needs training	(2) _____
FINANCIAL MANAGEMENT				
-1 Long-standing pattern of self-sufficiency; e.g., good credit rating	0 No current difficulties	3 Situational or minor difficulties	5 Severe difficulties; may include garnishment, bad checks or bankruptcy	(3) _____
MARITAL/FAMILY RELATIONSHIPS				
-1 Relationships and support exceptionally strong	0 Relatively stable relationships	3 Some disorganization or stress but potential for improvement	5 Major disorganization or stress	(4) _____
COMPANIONS				
-1 Good support and influence	0 No adverse relationships	2 Associations with occasional negative results	4 Associations almost completely negative	(5) _____
EMOTIONAL STABILITY				
-2 Exceptionally well adjusted; accepts responsibility for actions	0 No symptoms of emotional instability; appropriate emotional responses	4 Symptoms limit but do not prohibit adequate functioning; e.g., excessive anxiety	7 Symptoms prohibit adequate functioning; e.g., lashes out or retreats into self	(6) _____
ALCOHOL USAGE				
	0 No interference with functioning	3 Occasional abuse; some disruption of functioning	6 Frequent abuse; serious disruption; needs treatment	(7) _____
OTHER DRUG USAGE				
	0 No interference with functioning	3 Occasional substance abuse; some disruption of functioning	5 Frequent substance abuse; serious disruption; needs treatment	(8) _____
MENTAL ABILITY				
	0 Able to function independently	3 Some need for assistance; potential for adequate adjustment	6 Deficiencies severely limit independent functioning	(9) _____
HEALTH				
	0 Sound physical health; seldom ill	1 Handicap or illness interferes with functioning on a recurring basis	2 Serious handicap or chronic illness; needs frequent medical care	(10) _____
SEXUAL BEHAVIOR				
	0 No apparent dysfunction	3 Real or perceived situational or minor problems	5 Real or perceived chronic or severe problems	(11) _____
P.O.'s IMPRESSION OF CLIENT'S OVERALL NEEDS				
-1 Minimum	0 Low	3 Medium	5 Maximum	(12) _____
				TOTAL _____

NEW YORK STATE
PROBATION MANAGEMENT INFORMATION SYSTEM
PROBATION REGISTRANT MODIFY/DEMOGRAPHIC/VIOLATION FORM

IDENTIFICATION SECTION
(THE FOLLOWING FIELDS ARE REQUIRED FOR ALL TRANSACTIONS)

REGISTRATION NO. (REG)	AGENCY CODE (ORI)	NAME (LAST, FIRST, SPACE MIDDLE) (NAM)
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MODIFY SECTION
(ENTER DATA TO BE UPDATED NEXT TO THE APPROPRIATE ITEM(S))

MODIFY (MIN)	1. AGENCY CODE (ORI)	12. CONV. CHARGE CODE (CVC)
	2. NAME (NAM)	13. ADJUDICATED Y.O. (AYO)
	3. SEX (SEX)	14. CONVICTION DATE (CVD)
	4. RACE (RAC)	15. PSI RECOMMENDATION (PIR)
	5. DATE OF BIRTH (DOB)	16. DATE OF SENTENCE (DOS)
	6. INTERIM SUPERVISION (INS)	17. SENT. JUDGE (SJC)
	7. NYSID NUMBER (SID)	18. MAX. EXPIRATION DATE (MED)
	8. COURT CONTROL NO. (CCN)	19. SUPERVISION CATEGORY (SPC)
	9. PRESENTENCE REPORT AVAILABLE (PRA)	20. P.O. IDENT NO. (EPO)
	10. DOCKET/IND. NO. (DKT)	21. TRACT CODE (TCD)
	11. PROBATION CASE NO. (OCA)	22. CLASSIFICATION SCORE (CSC)

DEMOGRAPHIC SECTION

DEMOGRAPHIC (MIN)	MARITAL STATUS (MAR)						INCOME LEVEL (ICM)									
	SINGLE	MARRIED	DIV.	SEPF.	WID.	OTHER	ABOVE P.L.	BELOW P.L.	\$3,000 - \$9,000	\$9,000 - \$15,000	\$15,000 - \$27,000	\$27,000 - \$49,000	\$49,000+			
	-1-	2	3	4	5	6	1	2	3	4	5	6	7			
	EMPLOYMENT (EMP)				VETERAN (VET)		ENTRANCE DATE (ENT)			SEPARATION DATE (SEP)			EDUCATION (EDU)		PUB. ASST. (PAS)	
	FULL	PART.	UNEM.	N/A	YES	NO	MO.	DAY	YR.	MO.	DAY	YR.	YEARS COMPLET.	YES	NO	
	1	2	3	4	1	2								1	2	
	PROGRAM NEED (PGN)		EDU/VOC	EMP.	FIN. MGT.	FAM. SERV.	MEN. HLT.	ALC.	DRUG	HEAL.	Other	CONTACT FREQUENCY (FCQ)				
												WEEKLY	BI-WEEKLY	MONTHLY	MONTHLY	
												1	2	3	4	
	PROGRAM PARTICIPATION (PPN)		EDU/VOC	EMPLOY.	FINAN. MGT.	FAM. SERVICES	MENTAL HEALTH	ALCOHOL	DRUG	HEALTH	OTHER					
			1	2	3	4	5	6	7	8	9					

VIOLATION/DECLARATION OF DELINQUENCY SECTION

VIOLATION (MIN)	<input type="checkbox"/> ADD		<input type="checkbox"/> CHANGE		PROB. OFF. LD.													
	TYPE (TYP)			DATE FILED (DFD)			REASON (VRS)			DISPOSITION REC. (DRC)				WAR. REC. (WRC)		WAR. ISS. (WRD)		
	VIO	D.D.	BOTH	MO.	DAY	YR.	Abs.	Tech	Oth.	CONV.	CONT.	Modify	Revoke	DISCH	YES	NO	YES	NO
	1	2	3				1	2	3	1	2	3	4	1	2	1	2	
	VIOLATION CONVICTION CHARGE (VCC)						DISPOSITION DATE (DDT)				DISPOSITION (DSP)							
	LAW		SECTION		Sub/Div	CL	Off	Att	Deg	MO.	DAY	YR.	CONT.	Modify	Revoke	Discharge		
													1	2	3	4		

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