The Pursuit

"You are to appoint judges and officers for all your gates [in the cities] your G-d is giving you, tribe by tribe; and they are to judge the people with righteous judgment. You are not to distort justice or show favoritism, and you are not to accept a bribe, for a gift blinds the eyes of the wise and twists the words of even the upright. Justice, only justice, you must pursue; so that you will live and inherit the land your G-d is giving you."
Deuteronomy 16:18 – 16:20

About *The Pursuit* Journal

The Pursuit, a publication of the Criminal Justice Association of Georgia (CJAG) is a peer-reviewed journal that focuses on the broad field criminal justice. *The Pursuit* publishes scholarly articles relevant to crime, law enforcement, law, corrections, juvenile justice, comparative criminal justice systems and cross-cultural research. Articles in *The Pursuit* include theoretical and empirically-based analyses of practice and policy, utilizing a broad range of methodologies. Topics cross the spectrum of policing, criminal law and procedure, sentencing and corrections, ethics, juvenile justice and more, both in the United States and abroad.

Authors interested in submitting manuscripts for consideration should use the link on the CJAG website (http://cjag.us) or email the Editor of *The Pursuit* at cjagjournal@gmail.com

Acknowledgments

The concept for a Criminal Justice Association of Georgia journal was first proposed by Fred Knowles, Ph.D., Valdosta State University, many years ago. We are thankful for his suggestion and his continued encouragement in the creation of *The Pursuit*.

The Pursuit gratefully acknowledges the assistance of the Criminal Justice Association of Georgia's membership, as well as that of all authors who have submitted manuscripts for consideration and publication, and members who have reviewed these manuscripts.

<div align="right">

Michael B. Shapiro, J.D.
Georgia State University
Editor, *The Pursuit*

Steven Hougland, Ph.D.
Florida Sheriff's Association
Associate Editor, *The Pursuit*

Patrice A. Kerner, D.P.A.
Columbus State University
Associate Editor, *The Pursuit*

Jon Hager, Psy.D.
University of North Georgia
Associate Editor, *The Pursuit*

</div>

About the Criminal Justice Association of Georgia

The Criminal Justice Association of Georgia is a not-for-profit organization of criminal justice faculty, students and professionals. It exists to promote professionalism and academic advancement in all areas of inquiry related to the Criminal Justice field.

The Association holds its annual meeting in October. Those interested in presenting at the conference should contact Professor Lorna Alvarez-Rivera (llalvarezrivera@valdosta.edu).

Readers are encouraged to follow us on Twitter (https://twitter.com/cjag_of) and "like" us on Facebook (https://www.facebook.com/CriminalJusticeAssociationofGeorgia/) and visit our website (http://cjag.us).

President	**Vice President**	**Communications Director**
Jason Armstrong	Leatha Cyprian	Lorna Alvarez-Rivera
Albany State University	Columbus Technical College	Valdosta State University

Asst. Comm. Director	**Treasurer**	**Immediate Past President**
Valerie Cochran	Gary Killam	John Stuart Batchelder
University of North Georgia	Shorter University	University of North Georgia

Criminal Justice Association of Georgia
Post Office Box 681834
Marietta, Georgia 30068

Table of Contents

The Academic Minor for Criminal Justice Degree Students

Andy Altizer

Emergency Management Coordinator, Westminster Schools, &
Part-Time Criminal Justice Instructor, Georgia State University

Stan Crowder

Associate Professor of Criminal Justice, Kennesaw State University

Missy Cusack

Vice President of Student Affairs, Chattahoochee Technical College

Most university undergraduate programs encourage students to obtain a minor. Depending on the program, the requirement typically includes approximately 15 hours of credit. The value of an academic minor can be debated and is likely influenced by the academic advisor. Depending on the difficulty of the classes needed to earn the minor, the value may also be subject to peer influence. If required, students may seek a minor to complement their undergraduate major or to explore an entirely different field of study. In an article by Hilary L. Link, the President of Allegheny College, noted, "Our problems demand solutions that integrate different perspectives and disciplines, which is precisely why minors matter more today than ever before" (para 2). Furthermore, students may choose a minor to customize their bachelor's program in such a way that that it reflects their personal ambitions and interests (van Dueren, & Santema, 2012).

While many students want to broaden their employment scope, Claybourn (2023) suggests that employment prospects aren't the only reason for carefully selecting a minor. Experts say that a minor can also deepen a student's thinking and allow the student to forge a

broader worldview by tapping into interdisciplinary connections. A minor that provides skills less directly associated with a typical criminal justice profession may seem especially appealing considering that police officer attrition and burnout continue to pose a major concern; moreover, one could argue that, indeed, a minor degree may provide a back-up plan.

When considering a minor degree, the student should ideally focus on a long-range plan for a career in criminal justice. The problem is that most students do not yet have the knowledge and understanding of all the various possible career opportunities in criminal justice. So perhaps another consideration should be a subject that they think they are passionate about (that passion may change once they learn all of the challenges in the arena). The recommendations that follow are based on decades of teaching and mentoring college students as well as insight provided by professionals in criminal justice careers. While this listing is not all-inclusive, it represents our minor course recommendations.

- Anthropology - Developing an understanding of the effects of culture on human behavior by rituals and social structures is important, but many CJ majors want to work with law enforcement on the identification of human remains. The popular television show "Bones" (2005-2017) exposed many links between the science of anthropology and law enforcement.
- Business Administration – Sound business practices are important for nearly all professions, including police officers, corrections workers, and court professionals, and there are more jobs available in the business sector than any other.
- Computer Science – The power of computers, technology, and information systems impacts every facet of the criminal justice system. These ever-expanding fields include the following minors:

  Computer Science – Develops proficiency in programming, software, and architecture designs using algorithms, data communication, and operating systems.

  Cybersecurity – Develops information systems control skills in defending networks and systems to detect and combat system threats.

Data Science and Analytics – Develops skills for translating data into information for decision-making.

Information Security and Assurance – Combines the interest in information security and application necessary to protect and inspect systems.

- Criminology – Often more theoretical than traditional criminal justice courses, the minor examines the causes and measures of crime as well as the possible prevention, and changes in criminal behavior.

- Emergency Preparedness – This minor focuses on leadership development, specifically how to respond to crisis situations involving weather and other natural disasters, pandemics, and terrorism.

- Leadership Studies – Examining the history, theory, and application of leadership skills, this minor offers an integrative focus on leadership.

- Legal Studies – By examining the court system, trials, and the appellate legal process as well as Constitutional law, the minor is not limited to legal research. This minor also examines negotiation, media law, and criminal law.

- Organizational and/or Professional Communication – All professions require strong communication skills. This minor equips students with interpersonal and intercultural communication skills, in addition to project and leadership communication within a team.

- Public Relations – This minor covers effective communication methods within organizations as well as strategies for conveying information to the public, such as persuasion and crisis management.

Regardless of a student's major, a minor can lead to new interests, personal satisfaction, or alternative career ambitions. In a study by Stock and Stock (2019), survey participants often chose some type of minor in Business (Accounting, Business Administration, Economics, Finance, International Business, Management, Marketing and Multimedia Information Technology), which may indicate the value of such a minor in a wide array of future professions.

And lastly, the authors encourage a minor in foreign language. If the student is considering any criminal justice career path in state or federal government, nothing distinguishes the student better than a second language proficiency. Any additional language to English is attractive to agency human resource managers; although today there are so many native Spanish speakers that the student might consider other languages. One author's (Crowder) first successful candidate to the Federal Bureau of Investigation was fluent in Farsi (Persian), written and spoken, which she learned during her U.S. Air Force tenure. Clearly, the chosen language will set the applicant up for success in the native country. In short, the State Department is going to send you where you can communicate.

One might argue that any minor is beneficial, and we agree. "Never before has there been such a need for the coming together of science, art, technology, and social science in higher education" (para 13), Dr. Hilary Link advised. However, based on decades of working with local, state, and federal law enforcement as well as professionals from the courts, forensic scientists, and correctional system leadership, we have offered options for serious consideration. International scholars agree; Khazim Khazam, proffered in the Turkish Online Journal of Qualitative Inquiry (2021), "Selecting a minor can be as important as selecting a major for many students. It's a step that determines the type of work they will do for most of their lives" (p.1129).

Likely the biggest concern for students who must pursue, or at least consider, a minor is the prospect of extending their academic tenure – both from a time and financial perspective. The trouble that students encounter is when the minor extends the time to graduation and/or deepens their debt (Cohen, 2023). Other schools simply do not require students seeking a bachelor's degree to have a minor. Another concern is for students who transfer from a community college because they may be at a disadvantage; meeting transfer requirements and transitioning to a new institution may be the priority for these students. Many community college transfers would be intent on finishing their degree with little to no extra time or financial commitment that a minor could require. With the rising costs of higher education, institutions should consider requirements and their impact on all types of students.

Andy Altizer is the Emergency Manager at Westminster Schools in Atlanta. He previously served as the director of emergency management at Kennesaw State University for seven years, director of emergency preparedness at the Georgia Institute of Technology for eight years, and the critical infrastructure protection manager at Georgia Emergency Management for more than four years. Altizer also served in the U.S. Army as an active-duty artillery officer, and various positions in the reserve component, including returning to active duty in 2002 and serving in Afghanistan as an inspector general.

Stan Crowder is a retired U.S. Army Military Police Colonel having served as a Military Police Commander, Chief of Investigations for the Inspector General of Georgia, Counterdrug Commander, Battalion Commander, and Chief of Personnel. He worked seven years as a civilian police officer. He is an Associate Professor of Criminal Justice at Kennesaw State University. He has a Ph.D., M.B.A., and B.S. Dr. Crowder is an advisory member of the Georgia Peace Officer Standards and Training Council. He has written three textbooks with Dr. Brent Turvey: *Ethical Justice: Applied Issues for Criminal Justice Students and Professionals*, *Anabolic Steroid Abuse in Public Safety Personnel*, and *Forensic Investigations: An Introduction* published by Elsevier. His latest book, *Forensic Criminologist Meets Career Criminal: Failure in the American Justice System*, was published by Kendall Hunt Publishers.

Missy Cusack is the Vice President of Student Affairs at Chattahoochee Technical College. She previously served as the Executive Director of Admissions and Records at the college. She is active in the Paulding County Chamber of Commerce, where she serves on the Board of Directors and in the Paulding County Rotary. She also serves on Russom Elementary's Local School Council.

References

Claybourn, C. (2023, online). What a minor is and why it may (or may not) matter. *U.S. News & World Report*, https://www.usnews.com/education/best-colleges/what-is-a-college-minor

Cohen, J. (2023, online). How Important Is a Minor in College? *Psychology Today*, https://www.psychologytoday.com/us/blog/social-lights/202306/how-important-is-a-minor-in-college

Link, H.L. (2021, online). Minors matter: how interdisciplinary solutions benefit institutions and students. *Academic Impressions.* https://www.academicimpressions.com/minors-matter/

Khazam, K. (2021, online). Mass communication minor selection gap. Why are students choosing public relations over advertising or journalism? *Turkish Online Journal of Qualitative Inquiry (TOJQI)*, Vol 12, Issue 4. Pp. 1122-1130.

Stock, P., & Stock, E. (2018), Factors that influence a college student's choice of an academic major and minor, *Center for Scholastic Inquiry*, (1), 56-78, ISSN: 2330-6807.

Van Deuren, R. & Santema (2012). How to choose your minor? Decision making variables used in the selection of a minor by undergraduate students from a Dutch university of applied sciences, Paper presented at the UK and Ireland Higher Education Institutional Research Network – conference HEIR 12 – 13 July 2012 Liverpool.

The "Bulimic Over-Criminalization" of "Social Junk"

Origin and Function of the Berkeley County, West Virginia Panhandling Law

Scott K. Turner, J.D., Ph.D.

West Virginia University & Wayne County New York Public Defender Office

Evaristus Obinyan, Ph.D.

Middle Georgia State University

Abstract

Berkeley County, West Virginia's was amid a revitalization effort that was "threatened" by panhandlers. In response, the Berkeley County Council (BCC) enacted the "Ordinance Facilitating the Free Flow of Motor Vehicle Traffic on Streets and Roadways in the County and Promoting the Health, Safety, and Welfare of Pedestrians" (BCC Instrument # 5832 2016). We argue that the BCC law was designed to criminalize panhandlers to further Berkeley's revitalization efforts and serve the interests of investors, property owners, and some residents while suppressing the liberty interests of paupers and controlling their movements. We also situate Berkeley on the Index of Relative Rurality (IRR) to give greater context to its rural/urban spheres (Waldorf 2006; 2007). This paper builds upon William Chambliss (1964) seminal study of the history of vagrancy and advances a theory proposed by Steven Spitzer (1975) that deviants and deviance are structurally generated in capitalistic societies and persons who are unable or unwilling to contribute to capitalistic modes of production become "social junk." It also incorporates Valeria

Vegh Weis (2017) concept of the "bulimic over-criminalization" of social junk supporting the central thesis. A content analysis was used to complete the study and included an examination of the BCC revitalization plan, identification of the private/public interests in revitalization, census & socio-economic data, a High Intensity Drug Trafficking Area report, minutes from BCC public meetings, and video interviews of BCC council members with local media.

Key words: social junk, bulimic over-criminalization, conflict theory, social control, socio-legal, panhandling, vagrancy, capitalism

I.   INTRODUCTION

"There is a unique contribution to the study of law that is sociological."

Mathieu Deflem, 2008

Historically, vagrants and vagrancy have been policed to serve the interests of capitalism (Chambliss, 1964). In his seminal paper on vagrancy, Chambliss detailed how the state used social controls to curtail, manage, and even punish vagrants. The 1274 A.D. forerunner to vagrancy laws in England relieved houses of worship of the burden of caring for vagrants (p.73). The first complete vagrancy law, 1349 A.D., made it a crime to give charity to vagrants (p.70). By 1360 A.D., violators of the vagrancy laws were imprisoned (p. 70). The motivation behind many of these laws was to serve the interests of landowners by providing them with a source of cheap labor (p. 70). Over the millennia, vagrancy laws became more restrictive and increasingly harsh in their punishment, including a 1495 A.D. statute that provided, "vagrants shall be set in stocks, there to remain by the space of three days and three nights, and there to have none other sustenance but bread and water; and after the said three days and nights, to be had out and set at large, and then to be commanded to avoid the town." (Chambliss, 1964). The tendency to criminalize vagrancy in 14th century England mirrors Berkeley's criminalization and order maintenance efforts today.

In the March 1982 edition of *The Atlantic,* criminologists George L. Kelling and James Q. Wilson published their findings of a foot patrol experiment in Newark, New Jersey. The article titled, *Broken Windows, The Police and Neighborhood Safety* has dominated the literature on policing ever since and can be detected in Berkeley's panhandling ordinance. The foot patrol experiment was, "designed to improve the quality of community life" and it did for property owners and residents with homes. However, it has long been criticized by some researchers because of its failure to reduce crime and perceived heavy-handedness on marginalized

populations. The study proved, though, that while crime rates did not fall, residents in areas with foot patrols, "felt more secure." Thus, the "fear of crime" was reduced even if actual crime was not. This is a key point because the "fear of crime" is a dependent variable in community oriented and problem-oriented policing strategy and research nationwide (Kelling and Wilson, 1982).

Broken Windows is relevant to this study because "fear" of crime; fear of panhandlers is at issue in Berkeley. Some residents have reported a genuine fear of panhandlers and homeless people in public places. Kelling and Wilson's (1982) work demonstrated that criminals were only one source of fear of crime. Being "bothered" by disorderly people was a second "overlooked source of fear." They found, "it was not violent people, nor necessarily criminals, but disreputable or obstreperous or unpredictable people: panhandlers, drunks, addicts, rowdy teenagers, prostitutes, loiterers, the mentally disturbed" that caused fear. Foot patrol officers addressed this source of fear informally and street people helped to maintain order among themselves. They argued, there is a link between "disorder and crime" at the "community level" and when disorder is allowed to persist, it is a kind of developmental sequence that leads to crime (Kelling and Wilson, 1982). Thus, Broken Windows theory posits that crime can be reduced by reducing disorder. The challenge for communities like Berkeley is to avoid the temptation to treat its paupers as if they are synonymous with disorder by enacting punitive laws that will cause police to engage in crime fighting rather than helping to promote social order.

Street people are part of the social order in Berkeley, but a reordering of the social relations in the community is the net effect and purpose of the ordinance. Today's panhandlers, just like the vagrants of 1274, subsist on alms. The BCC ordinance, like the criminalization of vagrants in 1360, is a means of social control that uses punitive measures rather than welfare for problem solving. Now, as then, panhandling laws are being enacted to serve the interests of capital.

Stephen Spitzer (1975, p.640) posited that, "capitalism produces both patterns of activity and types of people that are defined and managed as deviant." Spitzer placed these deviants in two groups; "social junk" and "social dynamite." "Social junk," from the view of the dominant class, was a "relatively harmless burden to society" and included the "aged, handicapped, and mentally ill." They are the members of our communities who have fallen through the cracks in our economic and social systems. Whereas "social dynamite" is a more volatile group who call into question the "established relationships, especially relations of production and domination." Social junk was usually disposed of by the welfare state. Whereas social dynamite was administered by the criminal justice system (Spitzer, 1975). In Berkeley, social junk is treated like social dynamite for the purpose of managing panhandlers and subjecting them to the force of law.

Valeria Vegh Weis (2017, p.220) offered an expanded view of social junk to include, "all those who, facing a highly competitive labor market and imbued by class, racial, cultural, political, gender, and geographical conditionings, who can only survive on charity, the scarce remnants of social assistance, sporadic jobs, and subsistence self-employment" (Id. at p.220). She added that, "social junk represents the 'true' and 'good' poor; the 'non-working' sectors that accepted governmental aid and the permission to beg." But Weis goes even further to explain that, "essentially, the social junk has been the target of bulimic over-criminalization as a result of the perpetration of minimum harmful behaviors; mostly criminalized survival strategies and the absorption of social assistance into a criminal logic that turns it into what may be called 'punitive welfare'" (p. 220). She explained that social junk has been the target of "bulimic over-criminalization" (p. 226). She added, "overcriminalization of such activities may suggest that the

state's failure to provide health and social rights, far from being challenged, is translated in the over-criminalization of those whose rights have been neglected" (Van Weis, 2017, p. 227).

a. Ordinance

The BCC is the governing body of Berkeley County, West Virginia and is responsible for regional planning and the county's revitalization efforts. It also has the authority to enact county ordinances pursuant to West Virginia Code § 7-1-3kk, 1931 as amended. Once an ordinance is enacted, municipal governments in the county have the option, but are not required, to adopt the ordinance. The Martinsburg City Council is the governing body of the City of Martinsburg and has the authority to enact its own ordinances. The city council "works in tandem with an extremely active Chamber of Commerce, including more than 500 members, business and industries, Berkeley County Development Authority, Eastern West Virginia Regional Airport Authority and Main Street Martinsburg Authority, coupled with the Berkeley County Development Authority" to encourage investment in the area" (City of Martinsburg, 2018). In addition, the "City of Martinsburg created the Martinsburg Downtown Development District creating economic and tax incentives for business and property owners."

On February 23, 2017, the BCC enacted the "Ordinance to Facilitate the Free Flow of Motor Vehicle Traffic on Streets and Roadways in the County and Promoting the Health, Safety and Welfare of Pedestrians" (BCC, 2017, Instrument #5832). The general intent of the statute is stated, "to promote the health, safety and welfare of all persons traveling by vehicle or on foot in this county." However, the language is intentionally misleading; its real intent is to control or punish people engaged in panhandling by criminalizing their behavior with a $1,000.00 fine and 20 hours of community service. The ordinance may be adopted by any municipality within Berkeley County and enforced by police at the state, county, or local level. Yet, the ordinance has

not been adopted by the City of Martinsburg, the urban core, and the area most affected by panhandlers (McConville, 2017). As a consequence, an interesting dynamic has been created, panhandlers can be contained within the city boundaries where police do not enforce the ordinance, or they can venture out into the rural communities and risk being charged or arrested. If they are already in the rural areas of the county, they can find safe harbor and migrate into the urban core. In effect, the ordinance, wittingly or not, controls the movement and location of panhandlers within Berkeley County.

b. Geography, Location, and Change

Berkeley County is located in the eastern panhandle of West Virginia about two hours north and west of Washington D.C., in an area known as the Valley and Ridge Province of the Appalachian Mountains, named for its mountains and plateaus in between (U.S. National Park Service, 2018). Situated along the I-81 corridor, Berkeley has a land area of 324 mi² and is surrounded by millions of acres of farmland, lakes, rivers, mountains, and open country. Berkeley is a rural county in transition as the population shifts, its economy grows, and investment into the region expands.

Change breeds conflict and Berkeley is no different. The county is part of the Hagerstown-Martinsburg Metropolitan region, an area that has experienced dramatic growth and expansion in recent years with more being planned. There are plans to modernize the regional airport and renew the downtown area in the City of Martinsburg. Martinsburg has a population of 17,000 residents and it is a virtual urban island near the center of the county with a land are of 6.65 mi² (U.S. Census, 2010). It also serves as the county seat to Berkeley. Although Martinsburg officials have not adopted the panhandling law, city officials have instituted new measures to limit access to city

parks and public spaces for the homeless. Because Martinsburg serves as the center for county delivered social services, this problem population has increased in recent years.

c. Rural, Rurality, and Migration

Whether Berkey is rural based on its urban center is an important consideration addressed in this study because there is other similarly situated counties across the nation that can benefit by comparison. Rural or Rurality is a general concept based on our own individual perceptions most of which are driven by the idyllic countryside. For the purposes of this paper, rurality is defined along a continuum to help us see the interconnectedness of rural and urban within a single county. Here, the City of Martinsburg serves as an urban island surrounded by Berkeley's more rural towns. It is a distinction of mammoth consequences when considering the application of Berkeley's panhandling law.

There are, "diverse patterns of crime and violence in rural settings as illustrative of the ways localised forms of social structure, social norms and related cultural patterns define people's experience with crime as both offenders and victims (Dekeseredy and Donnermeyer, 2014). While there is no universal definition of a rural community (Dekeseredy and Donnermeyer, et. al., 2007), there are four things that rural areas generally have in common (Dekeseredy and Schwartz, 2009). First, rural communities tend to have smaller and lower population densities than their urban counterparts. In Berkeley, the population density has a range of 165 to 405 p/mi² which is relatively low as compared to large cities. Second, residents living in rural communities tend to know each other. Berkeley seems to fit this description too with its small villages like Gerrardstown or Leetown. Third, rural communities have become less autonomous (Scott et al., 2007). This loss of autonomy is due, in part, to suburban sprawl and greater access to technology and highway systems. Berkeley's transition and growth is evident as one travels along the I-81

corridor that dissects the county. A fourth factor commonly associated with rurality is rural culture that is becoming less distinct as the standardization of rural education spreads (Dekeseredy and Schwartz, 2009, citing Fisher, 1995; Krannich and Luloff, 2002; Ritzer, 2008; Rogers et al., 1998). Here too, the metropolis is invading the country making it less distinct.

Migration is another factor worthy of consideration when evaluating Berkeley's rurality and the social problems that have taken place there. In the past decade, residents have left the less densely populated areas in Berkeley while the population density at its urban core has increased (See Figure 2). Migration was driven by a host of broad social factors like poverty, joblessness, opioid abuse, and a lack of social services in rural communities. It is a migration trend that has taken place across America, from eastern Texas to Appalachia to upstate New York (Cromarti,2017).
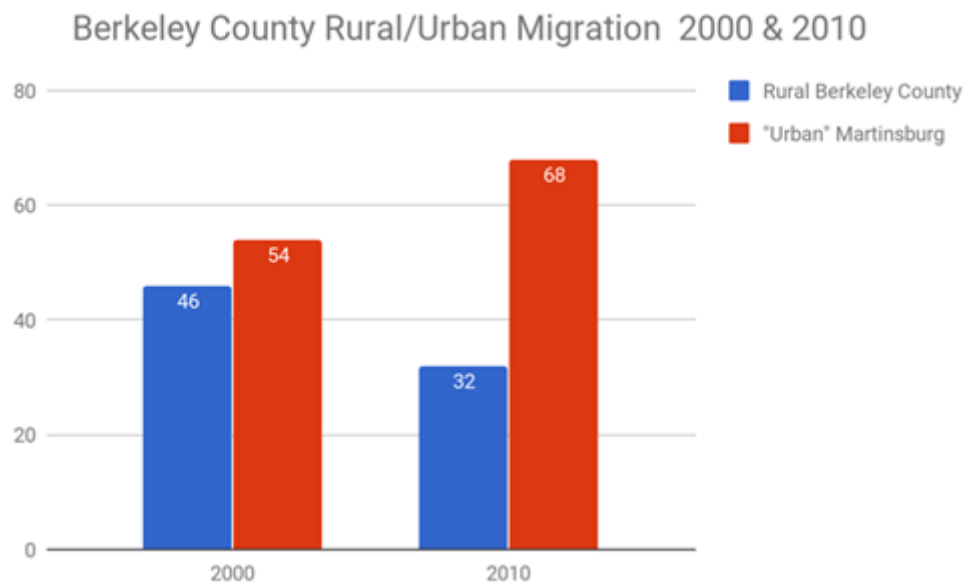

Source: U.S. Census Bureau

The City of Martinsburg has changed Berkeley's landscape with its growing economy, population, and a revitalization plan that was designed to breathe new life into the region. The city has its own police department, schools, services, and social problems, but it is very much

tied to the county. In terms of its population by race, Martinsburg is 77% White, 14% Black, 6% Latino, the remainder being mixed or Asian (Suburban Stats, Martinsburg & Berkeley County, 2018). Berkeley County is not much different at 87% White, 7% Black, and 3% Latino. What is different is their range in terms of rurality.

Not all rural communities are alike and defining the concept rural is subject to much debate (Websdale, 1998; Wendt, 2009; Donnermeyer, 2012). Rurality refers to the "internal features of a community such as its culture, history and traditions that are reinforced by a unifying structure, either institutional or economic in nature that continue to tie the community together" (Mormont, 1990). Berkeley shares those characteristics; steeped in colonial, abolitionist, and civil war history, a unified county government empowered to enact law, county law enforcement, country roads, and agricultural traditions that includes apple orchards, farms, and small-town life. Berkeley is rural, but to what degree?

The Index of Relative Rurality (IRR) is an effective means to assess rurality in a place like Berkeley County (Waldorf, 2006). The IRR is based on four criteria: population size, population density, percentage of urban residents, and distance to the closest metropolitan area. Counties are placed on a continuous scale from 0 (most urban) to 1 (most rural) (Id.). Using the scale, rurality becomes a "relative attribute," which allows a researcher to examine "trajectories of rurality" over time or "sensitivity to small changes in one of the defining" features. Berkeley lands at $0.3 \leq$ IRR < 0.4 rurality which places it where the metropolitan sphere meets the rural sphere (Id.) (See Figure 3) And, it was at this measure the Berkeley responded to a perceived threat (panhandling) and produced a new class of deviants.
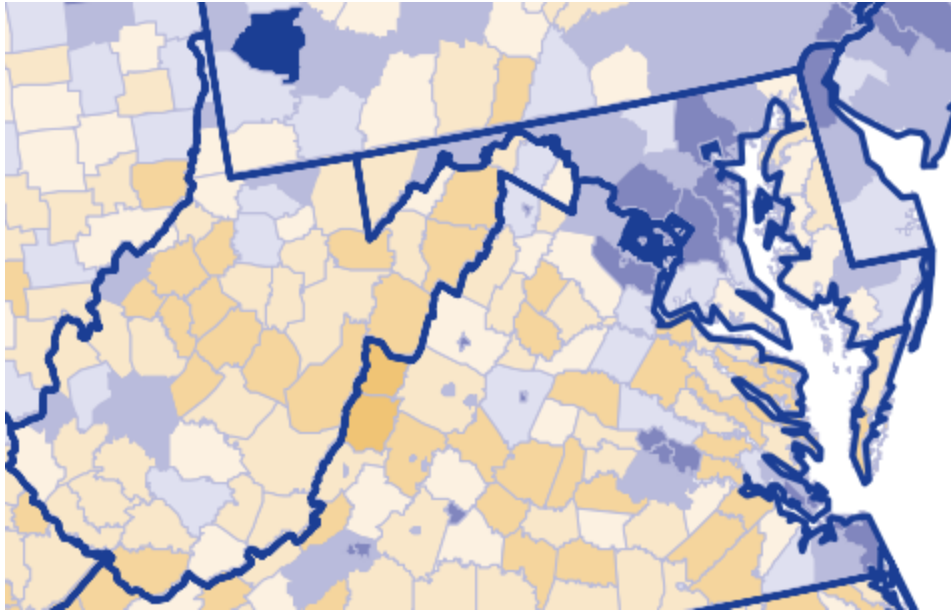
Figure 2, Source: Purdue University Department of Agriculture Economics

www.incontext.edu

d.   Policing Berkeley County

The Berkeley County Sheriff's Department and West Virginia State Police provide police protection to the residents of the county (Berkeley County Comprehensive Plan Update, 2016). The Sheriff's Department has 61 deputies who are responsible to, "provide general police duties to the county of Berkeley, respond to complaints, investigate traffic collisions, enforce traffic laws, patrol for intoxicated drivers, conduct traffic safety checkpoints, conduct criminal investigation, serve criminal arrest warrants, provide crime prevention patrols, perform security checks, and police large events such as ball games, county fairs, community events, etc. Deputies are also responsible for the service of court subpoenas, domestic violence orders and civil process. The West Virginia State Police has approximately eighteen troopers with general police powers stationed in the county. The City of Martinsburg has about forty-seven police officers within its boundaries. In total, the county has 125 sworn officers for a population of 104,000 residents in a

land area of 324mi². In the words of the Berkeley County Council President, "It's no good to have an ordinance without enforcement (McConville, 2017).

e. Population Density, Land Mass, Income, Employment

Berkeley County has a land mass of approximately 321 miles² and a population density of 324 (U.S. Census Bureau, 2010). The county population density range is 165 to 408 (WV Bureau of Vital Statistics, 2014). Washington D.C. by comparison has a population density of 13,038 (U.S. Census Bureau, 2010). The December 2017 unemployment rate for Berkeley County was 3.6% as compared to the state average of 5.3% (Workforce WV, 2018). The labor participation rate was 60% (WVU, 2018). In 2015, Berkeley had a per capita personal income (PCPI) of $36,950; 101 percent of the state average ($36,758), and 77 percent of the national average ($48,112). Overall, the county's economic outlook was good.

f.   Social Issues: disability, homelessness, heroin

Berkeley County, like any county in America, has economic liabilities in the form of social issues. Disabled people make up about 14% of the population or 15,000 people. Among that group, 8,668 fall in the 18 to 64 age range with another 5,158 over the age of sixty-five. Nearly 11% of Berkeley residents do not have health insurance and 14% live in poverty. The highest number of people living in poverty was in Martinsburg. There the poverty rate in 2000 ranged from 19% to 36%. More recent data on poverty in Martinsburg was not available. County data on homelessness is less uncertain because it is collected on a statewide rather than on a county basis.

Heroin is another significant problem in Berkeley County. A 2015 needs assessment conducted by the Washington/Baltimore High Intensity Drug Trafficking Area task force revealed an overdose rate on par with the City of Baltimore (HIDTA, 2015).

Berkeley County: Heroin Overdose 2010 - 2014
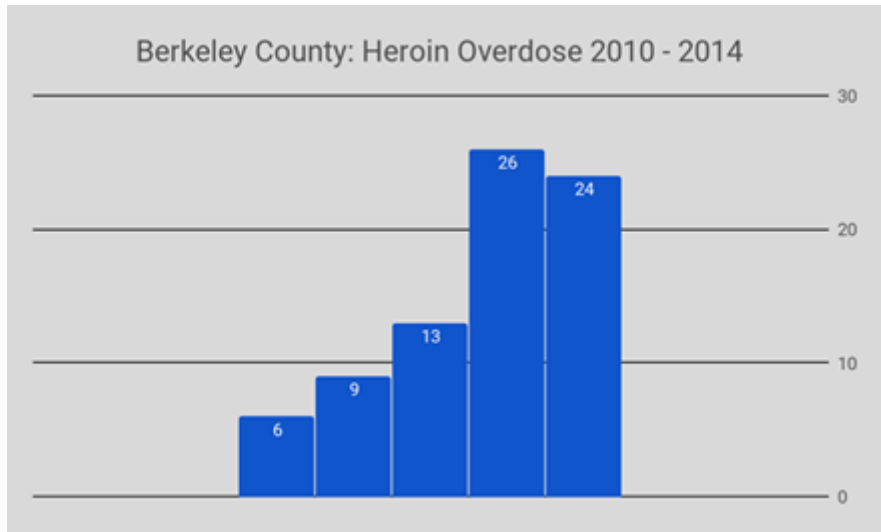
Source: HIDTA

According to the HIDTA report, arrests for Heroin use by the Berkeley County sheriff's Office had a marked increase between 2010 and 2015. In 2010, there were only eight arrests, by 2014 the number had grown to thirty-two and within the first six months of 2015 it had already reached 19 (HIDTA, 2015, p. 6). Despite having one of the strongest economies in West Virginia, Berkeley did not have a Drug Court as late as 2015. However, it became part of a three-county drug court by 2017.

g. Council minutes and newspapers

An analysis of Berkeley County Council minutes for the period July 14, 2016, to July 27, 2017, revealed a county in growth mode. Council meetings were often consumed with discussions about airport and downtown revitalization as well as hiring and retiring county employees (BCC, 2016). Social ills were also discussed frequently, Opioids, the homeless, and panhandlers. On or about August 15, 2017, the parks department sent a letter to the police to express concerns about homeless people sleeping in the park at night (BCC, 2017). In addition, the council became aware of people coming into the county from out of state in July 2016 soliciting money to help the homeless (BCC, 2016). At that same meeting, panhandlers were cited as a "hazard" by stopping

traffic and leaving trash behind on a public roadway. One business owner expressed concerns about panhandlers scaring customers away from his establishment. One council member indicated that he wanted to work with the City of Martinsburg to craft an ordinance that could be used by the county and the city to address the panhandling problem (BCC, 2016). In August 2016, BCC's Legal Director presented a proposed panhandling ordinance to the council. The director noted that he changed the name of the law from "Panhandling" to "Solicitation Requesting Immediate Donation of Money" (BCC, 2016). On January 19, 2017, at a subsequent council meeting, the BCC Vice President proclaimed, "panhandling was criminal activity" (BCC, 2017). Then on February 23rd, 2017, the BCC Legal Director presented an "Ordinance Facilitating the Free Flow of Motor Vehicle Traffic on Streets and Roadways" noting that the ordinance affects pedestrians and vehicle drivers alike (BCC, 2017). The BCC also frequently addressed the issue of Opioid abuse, exotic dance clubs, fireworks, and public health (BCC, 2016; 2017). Interestingly, on the issue of fireworks and exotic dance clubs, the council made clear declarations of the necessity to comply with Constitutional safeguards. However, on the issue of panhandling, those concerns were nearly absent.

The legislative history of the "Ordinance Facilitating the Free Flow of Motor Vehicle Traffic on Streets and Roadways," provides unmistakable evidence of its real intent. The BCC Vice President explained it like this, "It (panhandling) misrepresents what the community is all about. I think the community needs to be on board so that this is not what we want to be. We want to be a family-oriented community" (Miller, 2018). The council leader also said, "It's against the law, it's a misdemeanor to put up a sign and say you are a veteran if you're not a veteran. it is a misdemeanor if someone comes up to you and asks for money and you say no and you start to walk away--if they follow you, it is called aggressive panhandling and it is against the law" (Miller,

2018). However, the behavior the council claimed it sought to control with the ordinance is absent from the statute and void of any mention of "aggressive panhandling" or "stolen valor."

In another news article, titled, "Berkeley County adopts panhandling ordinance that emphasizes safety," the BCC legal counsel indicated, "that the ordinance aims to keep traffic flowing and promotes pedestrian safety" (Umstead, 2017). He explained, "I think this will help. It may not solve the problem, but I think it will help," describing his frustration with being stopped in traffic due to "an interaction between a motorist and a bystander (Umstead 2017). He added, "It's an effort to get at a problem that exists not only in Berkeley County, but all over the country" (Umstead, 2017). Thus, Berkeley's ordinance may be a national model for communities within the rural/urban sphere. But what problem was the council referring to? The answer was revealed in another interview by the BCC Vice President (VP), panhandling. There, the VP said, "Panhandlers usually have substance abuse problems, so we are increasing the problem by allowing this to take place" (McConville, 2017). Adding, "This is a problem that affects the city (of Martinsburg) as much as it does Berkeley County." He added, "A lot of ladies won't go downtown because they feel threatened by that." The President of the BCC also weighed in on the issue by concluding, "It's no good to have an ordinance without enforcement" McConville, 2017). The VP responded by saying, "These people (panhandlers) don't want a confrontation at all." It is clear that the legislative intent of the ordinance has little to do with traffic and pedestrian safety. Instead, the "Ordinance to Facilitate the Free Flow of Traffic…and pedestrian safety...." is a "bulimic overcriminalization" (Weis, 2017) of survival behavior and a thinly veiled effort to reorder and restructure Berkeley's social arrangements using punitive law against a vulnerable population.

II.   LIBERTY, SPEECH, PANHANDLING, & SURVIVAL

The "Ordinance Facilitating the Free Flow of Motor Vehicle Traffic on Streets and Roadways in the County and Promoting the Health, Safety, and Welfare of Pedestrians," finds that any person who distributes any item to, receives any item from or exchanges any item with the occupant of a motor vehicle upon a roadway, street, avenue, lane, or other venue for the passage of vehicular traffic within Berkeley County presents a <u>threat</u> to the free and safe flow of motor vehicles therein and, thereby introduces a <u>nuisance</u> which shall be regulated pursuant to authority granted to the Council by West Virginia Code§ 7-1-3kk, 1931, as amended." It is remarkably reminiscent of the law of England, circa, 1274 - 1495 A.D. (Chambliss, 1964).

Panhandling can be defined as the solicitation of alms on behalf on oneself (*Speet v. Schuette,* 726 F.3d 867, 873-74 (6th Cir. 2013) (defining "begging" according to the "standard dictionary definition" of "soliciting alms."). Although the U.S. Supreme Court has not ruled, specifically on the issue of whether panhandling, per se, is protected under the First Amendment to the U.S. Constitution (Freedom of Speech), the Court has provided ample direction to conclude as much. In *Village of Schaumburg v. Citizens for a Better Environment*, 444 U.S. 620, the Court concluded that, "charitable appeals for funds, on the street or door to door, involve a variety of speech interests, communication of information, the dissemination and propagation of views and ideas, and the advocacy of causes-that are within the protection of the First Amendment." Here, the court amplified its understanding that the mere presence of paupers communicated a message to the community or about the community.

In the context of speech, whether panhandling can be regulated is not a simple question to answer. It depends, in large part, on whether the regulation is content-neutral or content-based. If the purpose of a law is content based, that is, designed to suppress or approve of certain speech or

certain messages, it is presumed to be unconstitutional. Content-based laws are subject to strict scrutiny and will only survive if the law is the least restrictive means to achieve a compelling government interest (See *United States v. Playboy Entm't Grp., Inc.,* 529 U.S. 803, 813 [2000]). If the regulation is content-neutral then the law need only be narrowly tailored to meet a significant governmental interest and allow for alternative channels of communication (*McCullen v. Coakley*, 134 S. Ct. 2518, 2531 [2014] (quoting *Renton v. Playtime Theaters, Inc.*, 475 U.S. 41, 48 [1986]). Nationwide, the courts split on whether panhandling laws were content-neutral or content-based, leaving towns and counties with much greater latitude to legislate. However, in 2015, all of that changed when the U.S. Supreme Court addressed a case about a sign ordinance that ultimately changed everything we thought about panhandling.

In *Reed v. Town of Gilbert,* 135 S. Ct. 2218 (2015) the Town of Gilbert "Sign Code" came into conflict with the right of Good News Community Church and its pastor, Clyde Reed, to post temporary directional signs telling parishioners how to get to worship services on Sunday. The "Sign Code" prohibited the display of outdoor signs without a permit but exempted twenty-three categories of signs. The U.S. Supreme Court held that the "Sign Code" was a content-based restriction on speech that did not survive strict scrutiny. Thus, it is unconstitutional! The court added that the town had ample content-neutral options available to resolve problems with safety and aesthetics, including regulating size, building materials, lighting, moving parts, and portability. Also, the town may be able to forbid postings on public property, so long as it does so in an even-handed, content-neutral manner, Importantly, the court explained: "An ordinance narrowly tailored to the challenges of protecting the safety of pedestrians, drivers, and passengers—e.g., warning signs marking hazards on private property or signs directing traffic—might also survive

strict scrutiny." Berkeley's effort to reduce its perceived disorder may pose an even greater risk to revitalization in light of *Reed*: the potential for costly litigation.

III. THEORETICAL FRAMEWORK

Sociology of law helps us to understand the interactions of legislators, police, judges, and legal institutions (Greenburg, 1983, p.345). This paper furthers Stephen Spitzer's (1975) "Marxian Theory of Deviance" by examining the process, relationships, and structures at the core of Berkeley's new panhandling law in the context of a capitalistic society. It provides a historical review of Berkeley's history, population, geography, and revitalization efforts; factors relevant to the enactment of a panhandling law.

In "class societies the superstructure preserves the hegemony of the ruling class through a system of social controls" (Spitzer, 1975). Those controls may come in many forms, but most notably in the form of social services, law, or charity. The superstructure and controls are designed to serve the interests of property owners, political leaders, and the vast network of development and investment authorities in the region are being preserved. However, there is an independent variable that can constrain the interests that are served by the superstructure and individual liberty. In Berkeley, individual liberty is at odds with the economic forces that are shaping the county ergo with its superstructure.

Deviance production is a central tenet of Spitzer's (1975) critical theory of deviance. He argued that "deviance production involves all aspects of the process through which populations are structurally generated, as well as shaped, channeled into, and manipulated within social categories defined as deviant" (p. 640). The process included, "the development of and changes in; 1) deviant definitions, 2) problem populations, and 3) control systems". He added that deviance production was part of a "broader social conflict" between groups within society (p. 639).

Deviance production involves the structural and ideological features of the community along with the development of problem populations as they come into conflict with capitalistic modes of labor.

Drawing upon Marx, "General Law of Capitalist Accumulation," Spitzer (1975) explained, "In its most limited sense, production of a relative surplus-population involves the creation of a class which is economically redundant. But, as far as the conditions of economic existence determine social existence, this process helps explain the emergence of groups who become both threatening and vulnerable at the same time." Yet, the surplus population that makes wealth accumulation possible can also impair wealth if it becomes too costly or expensive. Berkeley panhandlers have become too costly, expensive, and a nuisance.

Spitzer went on to say that once a problem population becomes the object of the superstructure. It is defined "in terms of the threat and costs to capitalists' relations of productions." If the deviant group, viewed from the point of view of the dominant class is a costly yet harmless burden to society, it is seen as "social junk" and controlled through the welfare states. Social junk is a relatively passive group that comes into existence through an inability to compete and its withdrawal from the social order. The welfare state controls this group are designed to regulate and contact rather than suppress or eliminate the group.

Weis (2017) offered an expanded view of social junk to include, "all those who, facing a highly competitive labor market and imbued by class, racial, cultural, political, gender, and geographical conditionings, who can only survive on charity, the scarce remnants of social assistance, sporadic jobs, and subsistence self-employment" (p. 220). She added that, "social junk represents the 'true' and 'good' poor; the 'non-working' sectors that accepted governmental aid and the permission to beg" (p. 220). Her assessment of these social relations depicts what has taken

place in Berkeley. Weis explained that, "essentially, the social junk has been the target of bulimic over-criminalization as a result of the perpetration of minimum harmful behaviors; mostly criminalized survival strategies and the absorption of social assistance into a criminal logic that turns it into what may be called 'punitive welfare'" (p.220). She added, "overcriminalization of such activities may suggest that the state's failure to provide health and social rights, far from being challenged, is translated in the over-criminalization of those whose rights have been neglected" (p.227).

Here, the central argument is that panhandlers were perceived as social junk and a threat to the capitalist interests that were being served by the revitalization efforts. Thus, the BCC enacted a panhandling law to give them punitive control of panhandlers to be administered by the criminal justice system, despite their passive, survival behavior. The study includes a secondary component to examine Berkeley's rurality because the county crosses the rural/urban divide, and the observations cited here are relevant to similarly situated communities. This is particularly true because the Berkeley law was not enacted in its urban core, which has the effect of exiling panhandlers from rural parts of the county, while simultaneously containing them in the urban core.

The Index of Relative Rurality (IRR), developed by Brigette S. Waldorf (2006) at Purdue University is a multi-dimensional view of rurality that addresses the question, "What is a county's degree of rurality?". This is a particularly important question in this study, because at the core of Berkeley County lies the small city of Martinsburg, an urban island that is surrounded by rural communities. How does the urban affect the rural or the rural the urban? Moreover, is it fair to say that Berkeley is a rural county, despite its urban core? The IRR helps us to answer these questions by examining the county as a whole. It includes four dimensions of rurality in herindex; population

size, population density, extent of urban (built up) area, and remoteness. Those measures provide the advantages of representing; (1) dimensions of rurality, (2) measurable variables that adequately represent each dimension, (3) the ability to re-scale and compare factors, (4) a function that links the re-scaled variables into a single dimension (Waldorf, 2006). That framework placed Berkeley at $0.3 \leq IRR < 0.4$ on a scale of 0 (urban) to 1 (rural).

IV.   METHODS

Informed by law, sociology, and critical criminology, this paper presents a case study of Berkeley County's panhandling ordinance that was used to transform paupers into deviants. In doing the liberty interests of panhandlers were suppressed in favor of the capitalistic interests that were represented during revitalization efforts. A content analysis examined Berkeley County Council minutes to evaluate the scope of the problem and potential alternatives to law that were discussed. Video interviews of Berkeley officials with local media were reviewed to gain an understanding of the lawmaker's attitudes and the intent of the law. The Berkeley County Government and City of Martinsburg websites were examined to help understand the revitalization and to identify private/public stakeholders. Census and socio-economic data, a report from the High Intensity Drug Trafficking Area task force were used to gain context of the social issues affecting the county. Lastly, these factors are situated within the body of first amendment jurisprudence and the rural/urban spheres of the county.

V.   DISCUSSION

The Berkeley County Council criminalized panhandling to further its revitalization efforts and serve the interests of investors, property owners, and some residents while suppressing the liberty interests of paupers. The ordinance also created a means to regulate the movement of panhandlers throughout the county. In rural areas of the county, they can be charged or arrested

for violating the ordinance creating an exiling effect from rural communities. In the urban core, where the law has not been adopted by city leaders, panhandlers can be contained. Whether the containment or exiling effect was intended, or an unintended consequence is not known. However, it raises a novel legal issue, whether the BCC has selectively chosen to interfere with panhandlers' constitutionally protected freedom of movement.

Liepins (2000), explained, "all communities are the product of the interplay of spaces-structures, practices, and the behavior of the people who live contiguously and the meanings they assign to those structures. In Berkeley, that interplay is observable by analyzing the interests that the ordinance serves, the deviants and deviance it produces, the relations between the dominant and marginalized groups, and the resulting conflict.

The ordinance was enacted to control panhandlers' access and movement in the community. However, the ordinance seems to be aimed at a much larger problem, the county's social junk. In recent years, Berkeley has been challenged by a myriad of economic and social forces relating to its problem populations. Economic and social forces like migration, suburban sprawl, and the Opioid pandemic placed an inordinate amount of pressure on county resources overwhelming the welfare system. Increased population density may have also played a role, helping to bring the dominant and marginalized groups into greater contact and competition for public spaces and resources. Berkeley's unemployment rate is excellent at just 3.6%, but its labor participation rate is just 60% indicating that a substantial number of people may have fallen through the cracks to subsist on social services. Coupled with a 14% disabled population and 11% of the population who have no healthcare, it becomes clear that Berkeley's problem populations require the aid of county resources bringing them into conflict and competition with mainstream society.

The revitalization plan is the impetus behind the ordinance to regulate panhandlers. It helps to explain the conflict between Berkeley's dominant and marginalized groups from an economic perspective. The revitalization plan will likely bring jobs, investment, and increased revenue into the county. However, it serves the interests of those who are able to take advantage of the opportunities that revitalization brings. Social junk: people with disabilities, migrants, and addicted people are likely to continue falling through the cracks in society as they are marginalized by the law.

The revitalization plan also explains the social forces behind the ordinance. County officials and some residents perceive panhandlers to be a nuisance, threat, addicts, and criminals. However, panhandling by its very nature is non-threatening, non-criminal, subsistence behavior. Still, county officials determined to administer the group through the criminal justice rather than welfare process. Using the criminal justice process may be more beneficial to controlling the panhandler population because paupers have limited access to justice and in the words of one council member, "these people don't want a confrontation" (McConville, 2017). In the event of confrontation with police, the county is not obligated to provide legal counsel to panhandlers and their experience with the courts is their own.

The ordinance illuminates the social structure in Berkeley and the relations among its people. It also reveals the attitudes of county officials by the means of social control they selected. Constitutionally, panhandling is almost certain to be protected survival activity, although behavior that exceeds the passive, non-threatening request for alms is not. Regardless, the law at present is what the BCC says it is and any challenge to their power would likely take years to resolve.

This study is limited by its methodology and does not include an assessment of Berkeley's welfare expenditures, or the alternatives taken by BCC officials exclusive of the ordinance.

However, its strengths include the organic nature of council interviews, BCC public minutes, and supporting data.

VI.   CONCLUSION

The title of this study suggests the conclusion; the Berkeley ordinance represents the bulimic over-criminalization of social junk. This paper attempts to offer a broader understanding of the social relations and reordering of a community during periods of transition using Berkeley County, West Virginia as a case study. Although the paper may seem critical of Berkeley public policy, it is not intended to pass judgment on the citizens or public officials in Berkeley. Instead, I hope to offer insight, a deeper perspective, of Berkeley's social relations, and illuminate how the law serves the interests of capitalism within the superstructure that does suppress the liberty interests of paupers. Berkeley's treatment of social junk follows a decades old trend of order maintenance nationwide that may indeed contradict community values and pit the police against one group in the community in favor of another. The recommendation of this paper is similar to the guidance offered by our courts in recent years; seek alternatives to the criminal justice system and the use of punitive laws to address social issues. This research has important implications for small cities and rural communities alike, suggesting that alternatives to law in responding to problem populations are more efficient, just, and consistent with community values.

VII. ACKNOWLEDGEMENTS

Scott K. Turner earned his Juris Doctor at New York Law School, Master of Arts in Criminal Justice at Rutgers University, and BA at Thomas Edison State College. His research draws upon

his professional experiences as a New Jersey State Police trooper, Assistant Professor at Southern University New Orleans and West Virginia University Parkersburg, and current role as an Assistant Public Defender in rural New York State. Scott's dissertation work examines the sociology of bail reform and its impact in rurality.

Evaristus Obinyan earned his Bachelor's degree in liberal arts and science with a concentration in criminal justice from the University of Illinois at Chicago; Masters of Science degree in corrections and criminal justice from Chicago State University and Ph. D. in Criminology and Criminal Justice from the University of South Florida, Tampa. He was Director of the Fort Valley State University's Georgia Center for Juvenile Justice for five years and he developed the Homeland Security Academic Program at Benedict College, Albany State University and proposed a Center for Intelligence and Security Studies.

References

Journals, Books, Media, Public Records

ACLU (2018). Panhandling and the Constitution. Retrieved from

http://acluwv.org/panhandling-and-the-constitution/

Berkeley County Council (2016;2017) Agenda and Minutes.

Agendas and Minutes | Berkeley County, WV

Berkeley County Council (2016). Berkeley County Comprehensive Plan Update, 2016.

Retrieved from http://berkeleywv.org/ComprehensivePlan/2016%20Comp%20Plan.pdf

Berkeley County Council (2016). Instrument #5832, the Ordinance Facilitating the Free Flow of

Motor Vehicle Traffic on Streets and Roadways in the County and Promoting the Health,

Safety, and Welfare of Pedestrians. Retrieved from

http://www.berkeleycountycomm.org/sharedimg/library/104.pdf

Carrington, K., Donnermeyer, J.F. & DeKeseredy, W.S. (2014). Intersectionality, Rural

Criminology, and Re-imaging the Boundaries of Critical Criminology. *Critical*

Criminology, 22: 463, https://doi.org/10.1007/s10612-014-9257-0

Chambliss, William J. (1964). A Sociological Analysis of the Law of Vagrancy. *Social*

Problems, Vol. 12, No. 1 (Summer, 1964), pp. 67-77

Chambliss, William J. (1968). *Crime and the Legal Process.* McGraw Hill

City of Martinsburg (2018). Economic Development.

http://cityofmartinsburg.org/economic-development/. Accessed on 4-17-2018.

Cromarti, John (2017). Rural Populations Decline, Regional Patterns Shift. WV Public Radio,

Sep. 14, 2017. Retrieved from

http://wvpublic.org/post/rural-populations-decline-regional-patterns-shift#stream/0

DeKeseredy, W. S., J.F. Donnermeyer, M.D. Schwartz, K. Tunnell, and M. Hall (2007). Thinking critically about rural gender relations: Toward a rural masculinity crisis/male peer support model of separation/divorce sexual assault. *Critical Criminology* 15:295-311

DeKeseredy, W. S., Martin D. Schwartz (2009). *Dangerous Exits*. Rutgers University Press, Piscataway, N.J.

Dinklespiel, Frances (2015). Berkeley imposes new laws on homeless behavior. Retrieved from http://www.berkeleyside.com/2015/11/18/berkeley-imposes-new-laws-on-homeless-behavior/

Greenburg, David F. (1983). Donald Black's Sociology of Law: A Critique. *Journal of Law & Society Review*, 17:337

HITDA (2015). Heroin Treatment Needs Assessment for Berkeley County, West Virginia. Retrieved from http://s3.amazonaws.com/nxsglobal/your4state/document_dev/2015/10/05/Heroin%20Treatment%20%20Needs%20Assessment%20for%20%20Berkeley%20County_5069055_ver1.0.pdf

Kelling, George and James Q. Wilson (1982). Broken Windows. The police and neighborhood safety. *The Atlantic*. Retrieved from https://www.theatlantic.com/magazine/archive/1982/03/broken-windows/304465/

Liepins, R. (2000). New Energies for an Old Idea. Reworking Approaches to community in rural studies. *Journal of Rural Studies,* 16, 23-35

Miller, Erin (2018). Berkeley County Officials take steps towards creating a panhandling. ordinance: Officials try to control panhandling in Martinsburg. Retrieved from

http://www.localdvm.com/news/west-virginia/berkeley-county-officials-take-steps-towards-creating-a-panhandling-ordinance/513378199

Mormont, M. (1990). Who is rural? Or, how to be rural: towards a sociology of the rural, in Rural Restructuring: *Global Processes and their Local Responses*, edited by Marsden, T., Lower, P. and Whatmore, S. Long: Fulton, 21-44

National Coalition for the Homeless & National Law Center on Homelessness and Poverty (2006). A Dream Denied: The Criminalization of Homelessness in U.S. Cities. Retrieved from www.nationalhomeless.org/publications/crimreport/report.pdf

Scott, J., R. Hogg, E. Barclay, and J.F. Donnermeyer (2007). *There's crime out there, but not as we know it: Rural criminology-the last frontier. In Crime in rural Australia*, ed. E. Barclay, J. F. Donnermeyer, J. Scott, and R. Hogg, 1-12. Sydney, Aus: Federation Press.

Spitzer, Stephen (1975). Towards a Marxian Theory of Deviance. *Social Problems*, 22:5, pp.628-651

Suburban Stats, Martinsburg, and Berkeley County (2018). Retrieved from https://suburbanstats.org/population/west-virginia/how-many-people-live-in-berkeley-county

Umstead, Matthew (2017). Berkeley County adopts panhandling ordinance that emphasizes Safety. Retrieved from https://www.heraldmailmedia.com/news/tri_state/west_virginia/berkeley-county-adopts-panhandling-ordinance-that-emphasizes-safety/article_bd125660-fa32-11e6-a53d-d781a7559822.html

U.S. Census Bureau (2018). American Factfinder. Community Facts. Accessed 2/3/2018, Retrieved from https://factfinder.census.gov/faces/nav/jsf/pages/community_facts.xhtml

U.S. National Park Service (2018). Series: Physiographic Provinces. Valley and Ridge Province.

Retrieved from https://www.nps.gov/articles/valleyandridgeprovince.htm

Waldorf, Brigette S. (2006). A Continuous Multi-Dimensional Measure of Rurality: Moving

Beyond Threshold Measures. Selected Paper prepared for presentation at the American

Agricultural Economics Association, Annual Meeting, Long Island, California, July 24-

27, 2006

Waldorf, Brigitte S. (2007). Measuring Rurality. *In Context,* 8:1. Retrieved from

https://pcrd.purdue.edu/files/media/Measuring-Rurality.pdf

Weis, Valeria Vegh (2017). *Marxism and Criminology: A History of Criminal Selectivity.*

Boston: Brill Series 2017: Studies in Critical Social Sciences, vol. 104.

Workforce West Virginia (2018). County Data Release 1/23/18. Retrieved from

http://lmi.workforcewv.org/DataRelease/CountyRelease.html

WVU Bureau of Business and Economic Research (2018). Berkeley County. Retrieved from

https://business.wvu.edu/files/d/13725445-903f-4d55-9147-ca7f44cc4d62/berkeley.pdf

<u>Statutory & Case Law</u>

Berkeley County Council (2016). Instrument #5832, the Ordinance Facilitating the Free Flow of

Motor Vehicle Traffic on Streets and Roadways in the County and Promoting the Health,

Safety, and Welfare of Pedestrians. Retrieved from

http://www.berkeleycountycomm.org/sharedimg/library/104.pdf

Arizona Free Enterprise Club's Freedom Club PAC v. *Bennett*, 564 U. S. 721 (2011)

McCullen v. Coakley, 134 S. Ct. 2518, 2531 (2014)

Members of City Council of Los Angeles v. *Taxpayers for Vincent*, 466 U. S. 789 (1984)

Speet v. Schuette, 726 F.3d 867, 873-74 (6th Cir. 2013)

Reed v. Town of Gilbert, 135 S. Ct. 2218 (2015)

Village of Schaumburg v. Citizens for a Better Environment, 444 U.S. 620 (1980)

United States v. Playboy Entm't Grp., Inc., 529 U.S. 803, 813 (2000)

Preventing and Countering Violent Extremism

Lessons from Global Strategies and Local Engagement

Johannes P. Oosthuizen

University of North Georgia

Abstract

This paper will examine how violent extremism (VE) continues to pose a significant global threat, driven by complex socio-political, economic, and ideological factors. The review of literature will examine strategies for preventing and countering violent extremism (P/CVE), with a focus on multi-agency work (MAW) and lessons from international counter-terrorism efforts. The discussion will examine Western models, as well as the challenges faced in the Middle East and North Africa (MENA) region, where political instability and socio-economic inequality often hinder progress. Case studies, including Saudi Arabia's rehabilitation programs and the Dutch "broad approach," highlight the importance of balancing hard security measures with softer efforts like education, economic development, and community engagement. The paper will highlight the need to address root causes of radicalization, such as marginalization and grievances, while fostering trust between governments and communities. Despite the challenges, integrating local communities, improving socio-economic conditions, and promoting inclusive narratives are critical to mitigating VE.

Keywords: Extremism, radicalization, violent extremism, counterterrorism, community engagement

1. Introduction

The phenomenon of violent extremism (VE) presents a complex and evolving threat to global security, deeply rooted in socio-political, economic, and ideological factors. Due to variety of factors, violent extremism often lacks a clear transferable solution which complicates efforts to address and counter its manifestations. While some scholars view VE as a process leading to violence, others argue that it encompasses the mere acceptance of ideas justifying such actions. Recent global events, such as the fall of the Assad regime in Syria in 2024 and the devastating conflict in Palestine, have underscored the urgency of understanding and addressing this issue.

Violent extremists not only aim to destabilize democratic institutions, but also to disrupt social cohesion and promote exclusionary ideologies. Governments and international organizations have implemented various strategies to combat VE, ranging from "hard" security measures to "soft" approaches like community engagement and education. Notably, the integration of Preventing and Countering Violent Extremism (P/CVE) initiatives reflects the growing recognition of multi-faceted approaches. This literature review will explore some global efforts to prevent and counter VE, focusing on the impact of multi-agency collaboration and lessons that can be learned from international counter-terrorism strategies. By examining diverse contexts, the paper aims to highlight innovative and integrated approaches, to mitigate the growing threat of violent extremism.

2. The Shifting Sands of Extremism: A Quest for Definition

According to the British Government, extremism can be defined as the 'opposition to fundamental British values, including democracy, the rule of law, individual liberty and mutual respect and tolerance of different faiths and beliefs' (Home Office, 2015). The term "violent extremism" or "violent radicalization" was coined after the Madrid bombing of 11 March 2004 and can be misleading because it refers to a process of socializing which does not have to be "violent" (European Commission's Expert Group on Violent Radicalisation, 2008, p. 5). Some experts use to the term to describe a path that inherently involves violent behavior, whilst others qualify the mere acceptance of certain ideas which condone or justify violence as an indicator of violent radicalization. While other "isms" (terrorism, imperialism, racism, antisemitism, fascism, communism, and more) have a semantic core which at least in part explains the use of a concept, extremism has no such kernel which could offer guidance as to its meaning (Schmid, 2013, p. 11).

US government agencies addressing terrorism and extremist violence have offered definitional guidance and in the USA, the Department of Homeland Security (DOHS) Report (2023, p. 4), drafted in collaboration with the Federal Bureau of Investigation (FBI) on Domestic Terrorism (DT), distinguished between speech or belief, and action. The FBI/DOHS report stated that these agencies use the words "violent extremism" to define DT threats because the mere advocacy of political or social positions, political activism, use of strong rhetoric, or generalized philosophic embrace of violent tactics may not constitute violent extremism and may be constitutionally protected. The report also distinguished between hate violence relative to domestic terrorism, by positioning hate violence with greater linkage to bias regarding a person's or group's actual or perceive attributes. According to Mayer et al. (2024, p. 3), domestic terrorism is seen more as a criminal act connected to some type of social/political goal.

There are similarities between terrorist violence and radicalization and according to Grigoryan et al. (2023, p. 1441), terrorist violence is situated as the end point of a narrowing "staircase to terrorism" and is a six-step process that takes an individual from dissatisfaction with the material conditions of the group to the terrorist act itself. In discussing the process of radicalization, a similar metaphor is used by McCauley & Moskalenko (2008) who compare the process of radicalization to a pyramid. They propose that all people sympathetic to a particular cause are at the base and that the apex is occupied by people who are willing to perform terrorist acts. Schmid (2013) expands the discussion further by stating that the history of political ideas since the late eighteenth century has caused the concept of radicalism to be differentiated from the concept of extremism – even though both radicals and extremists are, at a given time and place and in each context, by definition, situated outside the mainstream political thinking of a given society. Bartlett et al. (2010, pp. 13, 14) explain this concept by stating that being radical is not always the first step on the path to violence and that radicalization which leads to violence can be distinguished by different indicators from those that indicate purely "religious", non-violent radicalization.

The acts committed by violent extremists aim not only to kill but also to destabilize democracy and its key institutions (Alexander, 2006). Additionally, violent extremists also seek to disrupt social networks, sow fear, and create and exacerbate polarization through their violent acts and according to McSwiney et al. (2024, p. 3), this public sphere is an often-overlooked target of these acts. While radicalism does pose a threat, extremism ought to be of more concern since it involves the active subversion of democratic values and the rule of law (European Commission's Expert

Group on Violent Radicalisation, 2008, p. 7). As McSwiney et al. (2024, p. 4) elaborate, the damage to the public sphere can be seen in three ways, namely hindering the prospect of an inclusive collective identity by creating division and mistrust; distorting the processes of deliberation and opinion formation; and finally, advancing the spread of exclusionary and anti-democratic ideals.

In determining what lengths extremists would go to and how they would travel to do it, Wippell & Towers (2024, p. 1) argue that the January 6th Insurrection at the United States Capitol in 2021, for example, fundamentally reframed public perceptions of the scale and reach of right-wing extremism in America. Pape (2022) added that the insurrectionists came from across the country, with many traveling substantial distances to collectively contest the 2020 Presidential election results. Their research, aligned with previous research studies by Hirama et al. (2023, p. 3), confirmed that for both insurrectionists and violent extremists, there was a general propensity for engaging in activities closer to home, but insurrectionists were significantly more likely to travel farther to carry out their activities and were significantly more likely to travel longer distances to perpetrate plots or engage in insurrection (Wippell & Towers, 2024, p. 12).

According to Tucker et al. (2008), the precise cause of extremism generates strong opinions that challenge the nature of individual identity and are likely to bring about defensive and sometimes hostile responses. Bastani (2024, p. 1) has also suggested that extremism is rooted in a lack of critical thinking and that proponents of educational approaches to counter-extremism are correct in suggesting that critical thinking skills naturally lead to the adoption of shared "peaceful" values of the liberal international order (p. 4). For this reason, an awareness of perceptions is vital as is the understanding that violent extremism (VE) is a complex phenomenon, motivated by a range of factors and manifesting itself in various forms, depending on the prevailing social, political, and economic conditions.

The European Commission (2017) made steps to addressing this by bringing together the notions of Preventing Violent Extremism (PVE) and Countering Violent Extremism (CVE) under a single banner of Preventing and Countering Violent Extremism (P/CVE). However, defining PVE and preventing radicalization can be challenging in part due to the breadth of literature drawing on these terms and in part due to ambiguities around the definition of both VE and radicalization (Neumann P. R., 2013). The FBI, for example, have used five threat categories since 2019 to classify various forms of domestic threats, namely racially or ethnically motivated, anti-

government or anti-authority, animal rights or environmental, abortion-related and all other domestic terrorism threats, in order to better understand the criminal actors they pursue (Federal Bureau of Investigation, 2024, p. 5).

3. The European Experience with Violent Extremism

Many European nations have a long history of dealing with the challenges of extremist violence. While countries like France, the UK, and Spain have faced persistent threats, Denmark has been a notable exception in avoiding large-scale extremist violence by devoting significant assets to counter-terrorism (CT) and CVE programs (US Department of State, 2022). However, in recent years, Denmark has grown increasingly concerned about the potential threats posed by returnees from Syria and Iraq, online radicalization and recruitment into terrorism, and the crime-extremism nexus. In response, the Danish government has adopted a comprehensive, multilayered, and integrated system of multi-agency working (MAW) to address these concerns. This system builds upon Denmark's extensive experience in cross-sectoral crime prevention, which has translated effectively into efforts to counter violent extremism (Sarma, 2019, p. 6).

The UK Government implemented its first holistic counter terrorism strategy based on an assessment of the current and probable threat to the UK in 2002. The strategy was known as CONTEST (Skoczylis, 2013, pp. 1,2) and was divided into four strands, namely PREVENT, PERSUE, PROTECT and PREPARE which were specifically designed to reduce the risk from international terrorism so that people can go about their daily lives freely and with confidence. CONTEST, updated in March 2023, was originally intended to cover a flexible three to five year time span and continues to be the UK's prime strategic policy to counter radicalization and prevent recruitment into terrorism, in order to strengthen the United Kingdom's overarching national security and international strategy (HM Government, 2023, p. 4). The PREVENT strand specifically gained greater prominence because of the 7th of July 2005 London bombers being British born, leading to officials being concerned about "home-grown terrorism." (Spalek, 2010, p. 792).

Despite its prominence in PVE efforts in the UK, PREVENT has generated significant criticism. The program has been accused of alienating Muslim communities, fostering stigmatization, creating perceptions of state surveillance and practitioners have expressed skepticism regarding its fairness and effectiveness (O'Toole, Meer, DeHanas, Jones, &

Modood, 2016). According to Bastani (2024, p. 4), the PREVENT strategy also appears to be more concerned with enforcement than the "advancement of knowledge", and educationalists are expected to refer students who seem "vulnerable" to such extremism to PREVENT. These referrals are triaged by the police and those who are deemed alarmingly "vulnerable" are handled through Channel, a multi-agency process, which can involve psychiatrists, counsellors, or religious leaders (Home Office, 2019).

The threat posed globally by religiously inspired acts of terrorism, carried out mainly by violent extremists, must be taken seriously. The place and target chosen by these terrorists is less predictable than ever before (Ministry of Internal Affairs, 2001, p. 13) and as Tucker et al. (2008) propose, the resultant violence is likely to be unconventional in nature and committed by non-state actors. Existing cross-border contacts within transnational networks of like-minded persons enable them to strike in the most unsuspecting places and the susceptibility of migrants to radical ideologies will undoubtedly create a breeding ground for new terrorist eruptions.

The four attacks on the USA on 11th September 2001 caused extremists within the UK to substantially increase the tempo and range of their activities connected to terrorism and amongst those already radicalized, it has increased the intensity of their radicalization and widened the pool of those who are willing to become willing converts of terrorism (Clutterbuck, 2007, p. 71). Combating terrorism by addressing radicalization and VE has become a ubiquitous feature of most governments and as Stephens et al. (2021) noted, has resulted in the emergence of many policies and practices directed toward countering and preventing violent extremism.

Terrorism has become a global phenomenon, thanks in part to the internet, as has the fight against terrorism and radicalization. Many countries all over the world, including the United Kingdom, have experienced terrorism and research has indicated that terrorists are radicalized prior to carrying out violent terrorist attacks, making it crucial to identify the processes that lead to violent radicalization (The National Coordinator for Counterterrorism, 2007). Law enforcement agencies have identified that the most vital tasks required to continually update and modernize an effective counter terrorism strategy are those focused on stopping, containing, and reversing the process of radicalization.

The challenges this presents are enormous due to the influence of the internet and globalization, which has made communication more instantaneous than ever before. Consequently, it has become necessary to counter attempts at radicalization on a global basis, as well as nationally and locally (Clutterbuck, 2007, p. 82) and it has become important not to underestimate the power of charismatic and motivated individuals who influence those who are predisposed to listen to them and act out on their words.

The Dutch Experience

Following the 2004 murder of filmmaker Theo van Gogh, the Dutch government intensified its efforts to counter radicalization and VE through various measures targeting psychological, social, and political factors (Vermeulen & Visser, 2021, p. 132). The Dutch "broad approach" emphasizes early detection of radicalization and addresses its root causes, such as socio-economic and ideological issues and the strategy involves coordination between national and local governments, civil society organizations, and community leaders. Key elements include community engagement, preventive programs in schools, and individualized interventions for at-risk individuals (known as the person-centered approach or PGA) (Nationaal Coördinator Terrorismebestrijding en Veiligheid - NCTV, 2019).

Their four-phase model guides intervention, starting from addressing underlying grievances to preventing the transition to violence. Community engagement, particularly with moderate voices in at-risk communities, plays a critical role, although it also raises challenges like avoiding the creation of "suspect communities." In recent years, initiatives like the Social Stability Expertise Unit (ESS) and the Internet Referral Unit (IRU) were established to support local governments and counter extremist content online and this approach reflects the principle that "prevention is better than cure," aiming to curb extremism by addressing its social roots and promoting a cohesive society (Expertise-unit Sociale Stabiliteit - ESS, 2018).

The Dutch intelligence services have identified three broad categories of people from which actual and would-be terrorists could be profiled: recent arrivals, converts and second-generation members of immigrant communities (Neumann & Rogers, 2007, p. 49). This is based on research by Archick et al. (2005, p. 3) who suggest that some second and third generation European Muslim youth may feel disenfranchised in a society that does not fully accept them and then turn to Islam

as a badge of honor before they are radicalized by extremist Muslim clerics. As a result, the notion of community engagement appears in a wide range of Dutch Police PVE literature (Ellis & Abdi, 2017) and as Murray et al. (2015) point out, is often used in the context of community policing where partnerships between community organizations and the government are cultivated.

4. Violent Extremism in the MENA region

The threat of violent extremism in the Middle East and North Africa (MENA) remains highly significant, particularly in the Syrian and Palestinian contexts due to recent events in 2024. According to a 2020 report (Skare, et al., 2021, p. 3), the Islamic State (IS), while losing its territorial foothold in Syria and Iraq, continues to pose a threat throughout the region. Additionally, other Salafi-jihadi groups, such as Hay'at Tahrir al-Sham and Hurras al-Din in Syria, have experienced considerable growth, functioning both as guerrilla forces and global terrorist actors. These observations are consistent with earlier findings by Lia (2016, p. 74), underscoring the persistent and evolving nature of the threat. The spill-over effects of instability in Syria and Iraq have also created significant challenges for neighboring countries like Jordan and Lebanon and both nations are grappling with the influx of Syrian refugees and the broader destabilizing impacts of regional conflicts.

Moreover, the rising influence of Iraqi Shiite militias, which have entrenched themselves in the Iraqi political system through alliances, parliament members, and government officials, poses an additional layer of concern (Skare, et al., 2021). Violent extremism in the MENA region is closely tied to systemic issues such as political instability, authoritarian governance, socio-economic inequality, and the legacy of foreign interventions. Historically, MENA countries have relied predominantly on hard measures, including military operations, surveillance, and counterterrorism legislation to combat VE. While these approaches address immediate security threats, they have been widely criticized for exacerbating grievances and failing to tackle the root causes of radicalization. Consequently, soft alternatives in the MENA regions are becoming more attractive as Saudi Arabia has been able to demonstrate.

Saudi Arabia

After the attacks of 9/11, the Kingdom of Saudi Arabia escalated their counter-terrorism operations and conducted widespread arrests and interrogations as well as executing several al-Qaeda leaders (Casptack, 2015). In retaliation, al-Qaeda members attacked three residential compounds in Riyadh in 2003, killing 27 people (Hegghammer, 2014) and this led directly to the Saudi government deciding to augment its traditional counter-extremism efforts with a new "softer" approach, focusing on the deradicalization of convicted jihadist militants. These de-radicalization efforts in prisons involved detainees explaining their ideological motivations to Islamic clerics, who were employed by the program, before then embarking on a religious "academic course of study" (Leary, 2009).

The main objective of the course was to persuade the inmates that their jihadist interpretation of the Qur'an is incorrect, and it appears to have produced the required results. According to Saudi authorities, by 2008 about 80 to 90 percent of the 3,000 prisoners who participated in the rehabilitation campaign did not re-offend and only 35 individuals were rearrested for security offences (Boucek, 2008).

Syria

For nearly quarter of a century, Bashar al-Assad was in power in Syria providing an authoritarian rule under the Ba'ath Party, with strong ties to Russia and Iran and suspected of widespread human rights abuses and repression (Civil Rights Defenders, n.d.) The fall of Assad's regime in December 2024 (Center for Preventative Action, 2024) has created conditions that could potentially lead to an increase in violent extremism and radicalization, due to several factors. Firstly, the collapse of the Assad regime has left a significant power vacuum in Syria and historically, such power vacuums have often been exploited by extremist groups to gain influence and territory.

Secondly, the fall of the regime has led to instability and a governance crisis in many parts of Syria and this environment has been conducive to the resurgence of extremist groups. For instance, ISIS has been able to launch attacks in the Raqqa-Homs-Deir Ezzor triangle, exploiting the political instability and local governance crises (Fahmy, 2024). Finally, the collapse of the Assad regime is expected to have significant regional repercussions for Syria and the broader

MENA region, and this type of regional instability often provides opportunities for extremist groups to expand their influence across borders (Gowayed, et al., 2024).

Palestine

The ongoing conflict in Palestine, particularly the recent escalation in Gaza, has also contributed to the potential increase in violent extremism and radicalization and as with the Syrian context, there are several issues that must be considered in the debate of whether this has or will lead to increased radicalization. What is certain is that since Operation Al-Aqsa Flood (attack by Hamas on Israel on 7 October 2023), many terrorist organizations in the region have sought to capitalize on the situation in the occupied Palestinian territories to advance their own goals, and groups like Al-Qaeda have issued calls for increased violence and attacks in the region, exploiting the Palestinian cause to recruit and radicalize individuals (Fahmy, 2024). Most importantly, the reported death toll of 46,000 Palestinians (United Nations Office for the Coordination of Humanitarian Affairs, 2025) (British Red Cross, 2025), together with the severe humanitarian crisis and infrastructure destruction (International Rescue Committee, 2025) the war has produced, have created conditions of desperation and resentment that extremist groups, such as Hamas, can exploit via the Internet for recruitment and radicalization (Binder & Kenyon, 2022).

5. The Challenges of de-Radicalization Strategies

The deradicalization programs instituted by Saudi Arabia in 2004 (Casptack, 2015) had immediate results in the subsequent ten years and they developed what some have called, the best funded and longest continuously running counter-radicalization program in existence (Boucek, 2008). Despite the remarkable figures of the deradicalization program (Ansary, 2008), the Saudi Government was unable to rehabilitate the most radical and dangerous militants (Casptack, 2015).

Similarly, the UK government believes it faces a current threat from extremists and therefore considers it is essential to take steps to prevent the radicalization of their citizens (Cabinet Office, 2006, p. 5). They believe the current threat will continue to be one of Britain's most important challenges for many years to come and sees CONTEST as their long-term approach (Mason, 2008, p. 23) which will enable them to tackle the radicalization of individuals (Cabinet Office, 2006, p. 10). This approach is widely supported by experts such as Tucker et al. (2008), who believe that solutions to such problems are likely to be long-term in nature,

requiring a consistent level of engagement and resolve over a sustained period of time, due to issues such as identity and VE being deeply embedded in the fabric of a particular community and integral to the way of life of those individuals.

Although it is impossible to identify one single root cause of the radicalization process that leads to terrorism (European Commission's Expert Group on Violent Radicalisation, 2008, p. 10), it is accepted that there is no set formula for creating a terrorist group (Miller, 2006, p. 127). According to Dyer et al. (2007, p. 8) the key in countering violent Islamic extremism, for example, lies in identifying patterns and trends of extremist behavior in its early stages. There appears to be little doubt that the influence of "radical clerics" such as Omar Bakri Mohammed and Al-Muhajiroun in London between 1998 and 2007 played a significant role in the radicalization of individuals that came into their sphere of influence and that a number of these individuals then went on to commit acts of terrorism (Clutterbuck, 2007, p. 79). Even though their activities were curtailed by law enforcement agencies, the volume of material posted on the Internet and designed to spread the message of violent jihad and encourage violent Islamic extremism increased dramatically and resulted in the first conviction in 2007 in the UK, of three individuals, for incitement to murder because of the Internet.

However, as Dyer et al. (2007, p. 4) remind us, conversion to Islam does not always lead to radicalization and nationals aligning their beliefs with Al-Qaeda or radical Islam is not unique to Europe. Archick et al. (2005, p. 2) argue that numerous American citizens have also been identified during the fight against terrorism and Jensen et al. (2024, p. 1) probe deeper into the issue by revealing that criminal extremism within the US military has been identified as a growing concern, particularly among veterans. This makes the concern for radicalization a far-reaching and global one.

Vermeulen (2014) suggest that openness to extremist groups or ideas occurs when there is a sense of threat or marginalization of one's group identity and this is often addressed in relation to Muslim youth experiencing a conflict between their religious and national identities. From this perspective, Heath-Kelly (2013) further argues that a social context in which certain group identities are demonized, marginalized, or lack status, create openness to extremist groups or ideas as a source of social identity. It is important to note that most Muslims oppose the teachings of radicals who support violent extremism and contrary to many misconceptions, conversion to Islam

should not be seen as a precursor to radicalization and that most Muslims and their leaders are opposed to violent extremism. UK Government strategies have also been subject to criticism and drawn extensive criticism for extending the security-agenda into the realms of care, social work, and education (Davies, 2016).

Additional criticism has been directed toward the impact these approaches have had in stigmatizing Muslim communities and rendering them both a source of risk, and as a "vulnerable group" at risk of "radicalization" (Heath-Kelly C. , 2013). What can probably be deduced, particularly from the Saudi Arabian example, is that successful approaches to PVE in any region require a balanced mix of soft measures - such as education, community engagement, and economic development - and hard security measures. So, as Jonathan et al. (2021, p. 75) and others argue, if there is to be an ideal 'war on terrorism', then it would be one that focuses on the socio-economic causes of terrorism, such as injustice, oppression and marginalization and engages moderate Muslims, in order to drain the waters in which Muslim extremists can so easily swim (The Economist, 2005, p. 26).

6. Methodology

This literature review has focused on three core research questions, namely:

- What are the most effective indicators for identifying early signs of radicalization, and how can they be standardized across diverse regions?
- What lessons can global counter-terrorism strategies provide for addressing violent extremism in underperforming regions, such as the MENA region?
- How does multi-agency collaboration (MAW) contribute to countering and preventing violent extremism in different socio-political contexts?

The questions raised by these categories were divided further into sub-questions which produced several key words for which a search of literature and information could be derived. These keywords focused on terms such as multi-agency efforts/work/initiatives, extremism, violent extremism (VE), radicalization, counterterrorism, Preventing Violent Extremism (PVE), community policing, reassurance policing, CONTEST Strategy, Problem-Orientated Policing (POP), indicators of radicalization and community engagement. They were placed into several different search engines such as Google, Google Scholar, Journal databases, EBSCO Information

Services databases (such as the Howard Journal of Communications), provided by the University of North Georgia (UNG). In addition to the Internet being used, additional academic literature held by government bodies such as the UK Home Office, HMIC, National Security Council, FBI and DOHs were used. Research material was also obtained from other federal or law enforcement agencies, such as the National Consortium for the Study of Terrorism and Responses to Terrorism (START) under the Department of Homeland Security (DOHS) and the National Institute of Justice (NIJ). This search for relevant literature on violent extremism, radicalization and de-radicalization strategies produced a large amount of material that needed to be integrated and collated together into a coherent thematically based review.

7. Opportunities for Multi-Agency Work (MAW)

Research has identified multi-agency collaboration as a key strategy for early intervention in violent extremism (Bonsoms, 2025). However, the data supporting these findings primarily comes from Western or European contexts, where institutions are generally stronger, civil society is more developed, and there is greater experience with multi-agency collaboration. These factors significantly enhance the effectiveness of counter-violent extremism (CVE) strategies in the West.

The United States Government, for example, requires domestic CVE efforts to adopt a multi-tiered approach, with activities at the national, local, and individual levels (National Security Council, 2016, p. 3). At the national level, Federal departments, and agencies, in coordination with the CVE Task Force, focus on advancing initiatives that enable CVE programming and include funding research, disseminating best practices, issuing grants, and building partnerships with non-government stakeholders.

In contrast, efforts to incorporate soft strategies in the MENA region have been limited but are gradually gaining traction. In contrast, some MENA countries face a variety of challenges that hinder the successful implementation of multi-agency approaches (Abed & Davoodi, 2003). These include under-performing economies, weak civil society institutions, limited political freedoms, and a lack of trust between governments and communities. Consequently, governments in the region often prioritize immediate security concerns over addressing the underlying drivers of radicalization, such as socio-economic inequality and political grievances.

No matter which side of the equator a country may be on, multi-agency work appears to either a significant indicator of success in reducing violent extremism, or at the very least, to be the potential savior in areas where civil society and political freedoms are not a high priority. Within any multi-agency partnership, effective working systems and collaborative culture will emerge over time and create the conditions for information-sharing and as result, those seeking to develop multi-agency partnerships in dealing with violent extremism can learn lessons not only from existing approaches in the violent extremism space, but also from services put in place to respond to other complex problems (Sarma, 2019, p. 18).

However, efforts to achieve success may often be more elusive than thought, as the Belgian and British context has reported (Brion & Guittet, 2018) (McKendrick & Finch, 2017), but what is crucial in the discussion about what works in dealing with VE is to acknowledge that radicalization is a complex process influenced by multiple factors, including socio-economic conditions, political grievances, and individual psychological factors (United Nations Office on Drugs and Crime, 2018) and working across a number of sectors provides the best chance of success.

The United States Government, in an attempt to adopt this principle, requires domestic CVE efforts to adopt a multi-tiered approach, with activities at the national, local, and individual levels that focus on advancing initiatives that enable CVE programming and includes funding research, disseminating best practices, issuing grants, and building partnerships with non-government stakeholders (National Security Council, 2016, p. 3). This results in the coordinating efforts between various governmental and non-governmental organizations aiming to provide a comprehensive approach to addressing radicalization risks.

What should not be ignored is the importance of engaging local communities in dialogue and peacebuilding activities, to address grievances and prevent the spread of extremist ideologies (Department of Homeland Security, 2018, p. 12). Community-based programs are highly effective in identifying at-risk individuals, as the PREVENT initiative in the UK (Bastani, 2024), FBI programs in communities, schools and workplaces in the USA (Federal Bureau of Investigation, 2024), and the Dutch 'broad approach' have shown (Nationaal Coördinator Terrorismebestrijding en Veiligheid - NCTV, 2019). Collectively, these initiatives provide local communities with support and alternatives to radicalization and by fostering open communication and addressing

local concerns, can help mitigate the appeal of extremist narratives and create a more stable social environment.

Conclusion

Addressing violent extremism (VE) requires a nuanced and multi-faceted approach due to its deep roots in socio-economic, political, and ideological grievances and whilst "hard" security measures have attracted considerable attention, the importance of "soft" strategies, such as education, community engagement, and socio-economic development, is increasingly valued in countering radicalization. Multi-agency collaboration (MAW) exemplifies the potential for success, as seen in European initiatives like the UK's PREVENT strategy and the Dutch "broad approach."

However, these approaches are not without challenges, including criticisms of stigmatization and alienation of certain communities. In the MENA region, persistent instability and governance crises hinder the implementation of such strategies, however, Saudi Arabia's rehabilitation programs demonstrate the potential of softer approaches. Despite these challenges, international cooperation, knowledge sharing, and integration of collaborative partners into counter-terrorism frameworks remain critical. By addressing underlying grievances, fostering trust, and promoting inclusive narratives, the appeal of extremist ideologies can be reduced and building resilient communities that are able to challenge VE narratives will have a positive impact on and fostering long-term global security and stability.

Johannes ("JP") Oosthuizen is an Assistant Professor in the Department of Criminal Justice at the University of North Georgia. He earned his BS.c, Policing & Police Studies at the University of Portsmouth, where he also earned his M.Sc in Criminology & Criminal Justice and his DProf in Criminal Justice. His research interests lie primarily in the field of policing and criminal justice, particularly in areas of police leadership and the importance of tactical leadership positions, such as that of the police sergeant. He also has a strong developing research interest in the discipline of intelligence studies, its history, application, ethics, and importance to the intelligence agencies of the USA.

References

Abed, G. T., & Davoodi, H. R. (2003). Challenges of Growth and Globalization in the Middle East and North Africa. Retrieved from International Monetary Fund: https://www.imf.org/external/pubs/ft/med/2003/eng/abed.htm

Alexander, J. C. (2006). From the depths of despair: Performance, counter-performance, and "September 11". In J. C. Alexander, B. Giesen, & J. L. Mast, Social Performance: Symbolic action, cultural pragmatics, and ritual (pp. 91-114). Cambridge: Cambridge University Press.

Ansary, A. (2008). Combating Extremism: A Brief Overview of Saudi Arabia's Approach. Middle East Policy, 15(2), 111-142.

Archick, K., Rollins, J., & Woehrel, S. (2005). Islamist Extremism in Europe. Washington: Congressional Research Service.

Bartlett, J., Birdwell, J., & King, M. (2010). The Edge of Violence. London: Demos.

Bastani, N. (2024). Counter-Extremism and 'Critical Thinking' as a Measure of the Human. Theory, Culture & Society, 1-18. doi: https://doi.org/10.1177/02632764241267916

Binder, J. F., & Kenyon, J. (2022). Terrorism and the internet: How dangerous is online radicalization? Frontiers in Psychology, 13.

Bonsoms, A. (2025). Power, governance, and coordination in the prevention of violent extremism and terrorism: towards multi-agency counterterrorism? European Security, 1-19.

Boucek, C. (2008). Saudi Arabia's "Soft" Counterterrorism Strategy: Prevention, Rehabilitation, and Aftercare. Middle East Program, Carnegie Endowment for International Peace.

Bourekba, M. (2016). Countering Violent Extremism in the MENA Region: Time to Rethink Approaches and Strategies. Retrieved from EUROMESCO: https://www.euromesco.net/publication/countering-violent-extremism-in-the-mena-region-time-to-rethink-approaches-and-strategies/

Brion, F., & Guittet, E.-P. (2018). Prevention of Radicalisation in Molenbeek. An Overview. Loucain-La-Neuve, Belgium: Université Catholique de Louvain.

British Red Cross. (2025, February 3). What is happening in Gaza? 96 per cent of the population do not have enough food. Retrieved from British Red Cross: https://www.redcross.org.uk/stories/disasters-and-emergencies/world/whats-happening-in-gaza-humanitarian-crisis-grows#:~:text=%2D%20The%20healthcare%20system,families%20have%20been%20torn

Brynjar, L. (2016). Jihadism in the Arab World After 2011: Explaining its Expansion. Middle East Policy, 23(4).

Cabinet Office. (2006). Countering International Terrorism: The United Kingdom's Strategy. London: HM Government.

Casptack, A. (2015, June 10). Deradicalization Programs in Saudi Arabia: A Case Study. Retrieved from Middle East Institute: https://www.mei.edu/publications/deradicalization-programs-saudi-arabia-case-study#_ftn7

Center for Preventative Action. (2024, December 11). Conflict in Syria. Retrieved from Global Conflict Tracker: https://www.cfr.org/global-conflict-tracker/conflict/conflict-syria#:~:text=On%20December%208%2C%202024%2C,rebels%27%20seizure%20of%20Aleppo

Civil Rights Defenders. (n.d.). Al-Assad: The Presidency That Never Ends. Retrieved from Civil Rights Defenders: https://crd.org/al-assad/

Clutterbuck, L. (2007). Radicalisation and Extremism in the UK: the Role of the 'Radical Clerics'. In T. N. Counterterrorism, Radicalisation in a broader perspective (pp. 71-83). Breda, The Netherlands: The National Coordinator for Counterterrorism (NCTb).

Davies, L. (2016). Security, Extremism and Education: Safeguarding or Surveillance? British Journal of Educational Studies, 64(1), 1-19.

Department of Homeland Security. (2018). Department of Homeland Security Strategic Framework for Countering Terrorism and Targeted Violence. Washington D.C. : US Department of Homeland Security.

Dyer, C., McCoy, R., Rodriguez, J., & Van Duyn, D. (2007). Countering Violent Extremism: A Community Responsibility. FBI Law Enforcement Bulletin, 76(12), 3-9.

Ellis, B. H., & Abdi, S. (2017). Building community resilience to violent extremism through genuine partnerships. American Psychologist, 72(3).

European Commission. (2017). Operational Guidelines on the Preparation and Implementation of EU Financed Actions Specific to Countering Terrorism and Violent Extremism in Third Countries. Luxembourg: European Commission.

European Commission's Expert Group on Violent Radicalisation. (2008). Radicalisation Processes leading to Acts of Terrorism. Brussels: The Expert Group.

Expertise-unit Sociale Stabiliteit - ESS. (2018). Handreiking lokaal netwerk van sleutelfiguren. Retrieved from https://www.socialestabiliteit.nl/documenten/publicaties/2018/06/18/handreiking-lokaal-netwerk-van-sleutelfiguren

Fahmy, S. (2024, January 25). The Gaza War and the Danger of Extremism. Retrieved from Sada: https://carnegieendowment.org/sada/2024/01/the-gaza-war-and-the-danger-of-extremism?lang=en

Federal Bureau of Investigation. (2024, September 18). FBI. Retrieved from Programs: https://www.fbi.gov/how-we-can-help-you/outreach?__cf_chl_tk=7RDdcxuh2imwJExbV8tOsrDQh_jw7U8VV3NH09IpkYQ-1726692623-0.0.1.1-5247#The-Outreach

Federal Bureau of Investigation. (2024, November 4). How Can We Help You. Retrieved November 4, 2024, from FBI: https://www.fbi.gov/how-we-can-help-you/outreach

Federal Bureau of Investigation: Department of Homeland Security. (2023). Strategic
Intelligence Assessment and Data on Domestic Terrorism . Washington D.C.: Federal
Bureau of Investigation: Department of Homeland Security.

Gowayed, H., Hard, I. K., Hijazi, B., Janshan, K. E., Karam, P., & Sheline, A. (2024, December
10). Implications of Assad's Fall for Syria and the Region. Retrieved from Arab Center
Washington D.C.: https://arabcenterdc.org/resource/implications-of-assads-fall-for-syria-
and-the-
region/#:~:text=The%20collapse%20of%20the,Mediterranean%2C%20and%20the%20
Middle

Grigoryan, L., Ponizovskiy, V., & Schwartz, S. (2023). Motivations for violent extremism:
Evidence from lone offenders' manifestos. Journal of Social Issues, 79, 1440-1455.

Heath-Kelly, C. (2013). Counter-Terrorism and the Counterfactual: Producing the
'Radicalisation' Discourse and the UK Prevent Strategy. British Journal of Politics and
International Relations, 15(3), 394-415.

Heath-Kelly, C. (2013). Counter-Terrorism and the Counterfactual: Producing the
'Radicalisation' Discourse and the UK PREVENT Strategy. The British Journal of
Politics and International Relations, 15(3), 394-415.

Hegghammer, T. (2014). 23. The 2003 Riyadh and 2008 Sanaa Bombings. In B. Hoffman, & F.
Reinares, The Evolution of the Global Terrorist Threat: From 9/11 to Osama bin Laden's
Death (pp. 545-570). New York Chichester, West Sussex: Columbia University Press.

Hirama, K., Yokota, K., Otsuka, Y., Watanabe, K., Yabe, N., Yokota, R., & Hawai, Y. (2023).
Geographical profiling incorporating neighbourhood-level factors using spatial
interaction modelling. Journal of Investigative Psychology and Offender Profiling, 20(2),
135-150. doi: https://doi.org/10.1002/jip.1611

HM Government. (2023). The United Kingdom's Strategy for Countering Terrorism 2023.
London: His Majesty's Stationery Office.

Home Office. (2015). Prevent duty guidance: for higher education institutions in England and Wales (2015). London: Home Office.

Home Office. (2019, February 12). Counter-Terrorism and Border Security Act 2019: Prevent and Channel Panel Measures Fact Sheet. Retrieved from Home Office: https://assets.publishing.service.gov.uk/media/5f463b5dd3bf7f699b486d08/2019-02-12_Channel_Panel_Fact_Sheet_RA.pdf

International Rescue Committee. (2025, January 9). Crisis in the Middle East: What is happening? Retrieved from Rescue.org: https://www.rescue.org/article/crisis-middle-east-what-happening#:~:text=According%20to%20the%20United,over%2046%2C000%20Palestinians%20across

Jensen, M. A., Kane, S., Doody, S., & Akers, E. (2024). Radicalization in the Ranks An Assessment of the Scope and Nature of Criminal Extremism in the United States Military. Baltimore: University of Maryland.

Jonathan, O. E., Olusola, A. J., Bernadin, T. C., & Inoussa, T. M. (2021). Impacts of Crime on Socio-Economic Development . Mediterranean Journal of Social Sciences, 71-81.

Leary, K. (2009). Engaging Extremists: Diplomacy through Deradicalization. Kennedy School Review, 9, 115.

Mason, L. (2008). Islamic Extremism and the role of the police. Police Professional, pp. 20-24.

Mayer, M. J., Horgan, J., Herrenkohl, T. I., & Osher, D. (2024). Violent extremism in the U.S.: Causes and consequences for youth, families, schools, and communities . Journal of School Psychology, 1-11.

McCauley, C., & Moskalenko, S. (2008). Mechanisms of political radicalization: Pathways to terrorism. Terrorism and Political Violence, 20(3), 415-433. Retrieved from https://doi.org/10.1080/09546550802073367

McEnroe, P. (2015, January 29). Minneapolis FBI refused to use Somali outreach for spying. Retrieved from The Minnesota Start Tribune: https://www.startribune.com/minneapolis-fbi-refused-to-use-somali-outreach-for-spying/290150151

McKendrick, D., & Finch, J. (2017). Downpressor Man: Securitisation, Safeguarding and Social Work. Critical and Radical Social Work, 5(3), 287-300.

McSwiney, J., Ercan, S. A., Dryzek, J. S., & Balint, P. (2024). Building Democratic Resilience: Protecting the Public Sphere from Violent Extremism. Crime & Delinquency, 1-26. doi: https://doi.org/10.1177/00111287241271209

Metropolitan Police. (2024). Met diversity and inclusion strategy (STRIDE). Retrieved from Metropolitan Police: About the Met: https://www.met.police.uk/police-forces/metropolitan-police/areas/about-us/about-the-met/met-diversity-and-inclusion-strategy-stride/

Miller, L. (2006). The Terrorist Mind: A Psychological and Political Analysis. International Journal of Offender Therapy and Comparative Criminology, 50(2), 121-138.

Ministry of Internal Affairs. (2001). Terrorism at the start of the 21st century; current threat and positioning of the Netherlands National Security Service (BVD). Leidschendam: Internal Security Services.

Murphy, C. (2005). Securitizing Community Policing: Towards a Canadian Public Policing Model. The Canadian Review of Policing Research(1), 1-25.

Murray, A., Mueller-Johnson, K., & Sherman, L. W. (2015). Evidence-Based Policing of U.K. Muslim Communities: Linking Confidence in the Police With Area Vulnerability to Violent Extremism. International Criminal Justice Review, 25(1), 64-79.

Nationaal Coördinator Terrorismebestrijding en Veiligheid - NCTV. (2019). Rapportage Integrale aanpak terrorisme december 2017 - april 2019. Retrieved from NCTV: https://www.nctv.nl/onderwerpen/integrale-aanpak-terrorisme/documenten/rapporten/2019/04/18/rapportage-integrale-aanpak-terrorisme

Nationaal Coördinator Terrorismebestrijding en Veiligheid - NCTV. (2019). Rapportage
Integrale aanpak terrorisme December 2017 - April 2019. Retrieved from
https://www.nctv.nl/onderwerpen/integrale-aanpak-
terrorisme/documenten/rapporten/2019/04/18/rapportage-integrale-aanpak-terrorisme

National Community Tension Team. (2009). About NCTT. Retrieved 2009-16-June, from
http://www.acpo.police.uk/NCTT/welcome.asp

National Security Council. (2016). Strategic Implementation Plan for Empowering Local
Partners to Prevent Violent Extremism in the United States. Washington, D.C.: National
Security Council.

Neumann, P. R. (2013). The Trouble with Radicalization. International Affairs, 89(4).

Neumann, P., & Rogers, B. (2007). Recruitment and Mobilisation for the Islamist Militant
Movement in Europe. London: Kings College .

Oosthuizen, J. P. (2009). Countering terrorism and violent extremism: investigating the approach
of selected law enforcement agencies and how they deal with Islamic radicalisation and
recruitment: recommendations on how their approach may benefit Dorset Police.
Winfrith: Dorset Police.

O'Toole, T., Meer, N., DeHanas, D., Jones, S., & Modood, T. (2016). Governing through
Prevent? Regulation and Contested Practice in State–Muslim Engagement. Sociology,
50(1), 160-177.

Owens, H. (2008, June 13). Population Estimates by Ethnic Group. Retrieved June 2009, from
Office for National Statistics:
http://209.85.229.132/search?q=cache:qvw9zTIv7d4J:www.dorsetrec.org.uk/Static/Stats/
Etnnicity%2520Estimates,%2520Bmouth,%2520Dorset%2520%26%2520Poole.doc+eth
nic+minority+increase+in+dorset&cd=3&hl=en&ct=clnk&gl=uk

Pape, R. (2022). American face of insurrection: Analysis of individuals charged for storming the
US capitol on January 6, 2021. Retrieved from Chicago Project on Security and Threats
(CPOST): https://cpost.uchicago.edu/publications/american_face_of_insurrection/

Sarma, K. (2019). Multi-Agency Working and preventing violent extremism: Paper 2. Galway: Radicalisation Awareness Network's Health and Social Care (RAN H&SC).

Schmid, A. P. (2013). Radicalisation, De-Radicalisation and Counter-Radicalisation: A Conceptual Discussion and Literature Review. The Hague: International Centre for Counter-Terrorism.

Skare, E., Palani, K., Lacroix, S., Gade, T., Ala'Aldeen, D., Selvik, K., & Roy, O. (2021). Preventing Violent Extremism in the Balkans and the Mena: Strengthening Resilience in Enabling Environment. Brussels: European Union 2020 Horizon Project.

Skoczylis, J. J. (2013). The local prevention of terrorism in strategy and practice: 'Contest' a new era in the fight against terrorism . Leeds: The University of Leeds.

Spalek, B. (2010). Community Policing, Trust, and Muslim Communities in Relation to "New Terrorism". Politics and Policy, 38(4), 719-815.

Stephens, W., Sieckelinck, S., & Boutellier, H. (2021). Preventing Violent Extremism: A Review of the Literature. Studies in Conflict & Terrorism, 44(4), 346-361.

The Economist. (2005, July 16). The enemy within. Special Report: Muslim Extremism in Europe, pp. 24-26.

The Guardian. (2003, January 20). Weapons discovered during London mosque raid. Retrieved from The Guardian.com: https://www.theguardian.com/world/2003/jan/20/terrorism.uk

The National Coordinator for Counterterrorism. (2007). Radicalisation in a broader perspective. Breda, The Netherlands: The National Coordinator for Counterterrorism (NCTb).

Tucker, D., Harvey, M., Lynch, C., & Miller, J. (2008). WSC 5: Protecting People, Economies and Infrastructure. New York: The East West Institute.

United Nations Office for the Coordination of Humanitarian Affairs. (2025, February 6). Data on Casualties. Retrieved from OCHA: https://www.ochaopt.org/data/casualties

United Nations Office on Drugs and Crime. (2018, July). Drivers of violent extremism. Retrieved from UNODC: https://www.unodc.org/e4j/en/terrorism/module-2/key-issues/drivers-of-violent-extremism.html#:~:text=with%20economic%20exclusion%2C%20unemployment,2017%2C%20p.%205%29.%20It

US Department of State. (2022). Country Reports on Terrorism 2022: Denmark. Retrieved from U.S. Department of State: https://www.state.gov/reports/country-reports-on-terrorism-2022/denmark/

Vermeulen, F. (2014). Suspect Communities—Targeting Violent Extremism at the Local Level: Policies of Engagement in Amsterdam, Berlin, and London. Terrorism and Political Violence, 26(2), 286-306.

Vermeulen, F., & Visser, K. (2021). Preventing violent extremism in the Netherlands: overview of its broad approach. Revista CIDOB d'Afers Internacionals(128), 131-151.

Weine, S. M., & Horgan, J. G. (2014, April 8). Building Resilience to Violent Extremism: One Community's Perspective. Retrieved from FBI Law Enforcement Bulletin - Articles: https://leb.fbi.gov/articles/featured-articles/building-resilience-to-violent-extremism-one-communitys-perspective#:~:text=Paul.&text=Through%20a%20government%2Dacademic%20community,delay%2C%20or%20diminish%20such%20opportunities.&text=The%20study%20sugge

Wippell, J. G., & Towers, S. (2024). Mobilizing extremism: an examination of the travel patterns of right-wing extremists in the United States. Behavioral Sciences of Terrorism and Political Aggression, 1-19. doi: https://doi.org/10.1080/19434472.2024.2419386

The Three Death Sentences of Clarence Henderson: A Book Review

Mai Naito Mills

University of West Georgia

Joyner, C. (2022). *The Three Death Sentences of Clarence Henderson*. New York: Abrams.

The Three Death Sentences of Clarence Henderson by Chris Joyner is a historical crime narrative that allow readers to time-travel back to the Deep South of the 1950s in Carrollton, Georgia. In this era of post-World War II, Jim Crow laws, and Communist influence, Joyner tells an important story of Clarence Henderson through investigative journalism to raise awareness about an injustice that permeates 75 years later. He begins by introducing the audience to the 1948 murder of Carl "Buddy" Stevens Jr., then unravel relevant historical facts and figures surrounding the case that ultimately lands Henderson in jail. Joyner is talented at painting a portrait of a time in American history before rights of the accused were interpreted as a constitutional right and institutional racism was rampant across the criminal justice system.

Henderson endures three criminal trials: the first lasting one day with a conviction, the second with a better defense team led to another conviction. The third and final trial focuses on raising doubts about the connection between Henderson and the evidence, specifically the ballistics and photos, yet the verdict led to a conviction. In short, Henderson escapes the electric chair three times after the Georgia Supreme Court remands the case on appeal for insufficient evidence, which an African American has never done in the Deep South.

In the 18 total chapters, readers join Joyner in walking through what is known about the shooting of Buddy, then painted the societal portrait of important people in the courtroom like Judge Samuel J. Boykin Jr. serving as the judge, and his older brother, Shirley Boykin, who was the prosecuting attorney in Henderson's trial. While such conflict-of-interest would have elicited

a violation if Henderson was tried today, but such rights and protections were not yet available. Through the book, the readers are transported back to understand the tone of the community after Buddy's murder, and reactions of the community through newspaper headlines, city council meetings, and trials. The audience can envision themselves in the jury box of each of Henderson's trials to determine if enough evidence supports proof beyond a reasonable doubt that Henderson is criminally responsible for the death of Buddy Stevens.

Book Summary

The story of Clarence Henderson opens with recreating the shooting of Buddy Stevens, a twenty-two-year-old Army veteran and college sophomore at Georgia Tech University. Stevens and his family moved to Carrollton in 1929, and Buddy was visiting for the weekend to see Nan Turner, an eighteen-year-old former Miss Carrollton (Joyner, 2022). On Halloween night in 1948, Buddy and Nan were sitting in a parked car outside of what is currently known as Sunset Hills Country Club developments when they were ordered out of the vehicle at gunpoint. Buddy and Nan were forced to walk half an hour to a secluded field where the assailant attempted to rape Nan. To save her life, Buddy lunged at the assailant who then shot Buddy while Nan was able to escape (Joyner, 2022). Although Buddy's body was recovered, the assailant escapes and the search for the suspect begins.

The inclusion of the journalism world as a backdrop to Henderson's murder trial is pivotal during a time of civil unrest in the United States where what information is being printed into publication was solely at the discretion of publishers who were often influenced by various sources. Readers are able to see what newspapers were printing at the time in comparison to what was known to law enforcement. In the very first chapter, Joyner introduces Stanley Parkman, a young publisher for the *Carroll County Georgian*, and how residents of Carrollton persuaded him to publish "newspaper with a disposition more favorable to their interests" (Joyner, 2022, p. 7). Although an arrest to Buddy's death is priority, the heightened fear amongst the community and botched investigations by law enforcement impacts how Henderson's case is shared. During his tenure, Parkman endures assault by Carrollton police:

> In a column headlined "Error Made in Judgment," Parkman revealed what few knew: A masked man had been stalking couples and raping women in lovers' lane attacks for

months. Moreover, Parkman said he knew about the attacks and covered them up at the request of Carrollton police chief Rada Threadgill. (Joyner, 2022, p. 6)

Similar to Parkman, Joyner introduces people who played key roles in Henderson's case to construct the community and courtroom of that era to the audience.

Word about Henderson's first trial being remanded for a second reaches the National Association for the Advancement of Colored People (NAACP) and Thurgood Marshall while he serves as their top attorney before becoming the first African-American justice of the U.S. Supreme Court. Lawrence D. Duke, Sr., or David Duke was called upon by NAACP to represent Henderson in his second and subsequent third trial. Joyner rightfully dedicated a chapter to Duke as an influential legal crusader in fighting against dangerous extremist organizations in the wake of the Civil Rights Movement. Duke's success in defeating the Ku Klux Klan and its delinquent offspring organization as an assistant state attorney did not come without a cost as he "at times spent nights at the local sheriff's lock up, changing cells during the night for his own safety" (Saxon, 1999, p. 11). Despite the threats, Duke advocated for clients like Henderson and continued his legal work as a judge after Governor Sanders appointed him to the bench of the State Court of Fulton County up to his retirement in 1981 (Saxon, 1999).

The only link between the death of Buddy Stevens and Clarence Henderson is that the alleged murder weapon is previously registered under Henderson's name. The defense casts doubt on whether the bullet recovered from Buddy's body was fired from Henderson's gun in his trials. Discussion about ballistics in the 1950s, and its introduction into the courtroom during that era is explained that is relevant to criminal justice students and practitioners of the West Georgia area. The beginning chapters heavily discussed how police initially investigated the crime and how the evidence is handled, explicitly focusing on the early period of forensic ballistics being introduced into criminal trials. Several people testified alleging their falsified ballistics as expertise to the jury. Herman Jones is head of research in the crime lab, and his second-in-command is George Cornett. Jones describes the bullet that had killed Buddy as a 9mm but recovered a .38 gun. Cornett testifies that the 9mm bullet matches to alleged murder weapon, but questions about how that size bullet could fit in a .38 gun. The science behind the gun became the primary focus by the defense in the third trial (Joyner, 2022).

Joyner (2022) did an excellent job portraying how science and ballistics were introduced in the courtroom in the first trial, then the defense is able to show by the third trial that even in

1951, self-identified "experts" of junk science can sway the jury enough to vote in favor of the death penalty of an innocent person three separate times:

> In the first trial, the comparison microscope and the accompanying scientific evidence were presented to the jury as proof of the magic of modern criminology. By the third trial, Duke had pulled the robes off of the magicians, portraying them as poorly self-educated rubes playing with science they barely understood. (p. 244)

Despite the best efforts by the defense for the jury to consider the reliability of the presented ballistics testimonies, Henderson received the guilty verdict three separate times.

About halfway into the book, the plot adds more key players that truly depicts the realities of that era with racism as well as how journalism was often influenced by politics and the Red Scare. During Henderson's trials in the early 1950s, a right-wing Republican senator from Wisconsin launched fear-mongering campaigns to denounce Communism and identify people affiliated with the Communist Party in positions within the federal government. Locally in the West Georgia area, Homer Chase was leading the invasion of the Community Party by recruiting members in Carrollton during Henderson's trials. Chase had extensive and unique military experience served as a paratrooper and staff sergeant in the U.S. Army that fought in the Battle of the Bulge in World War II. Upon his return, Chase was heavily involved in the Communist Party so much so that the FBI had declassified reports of his attendance to various meetings by prominent organizations to recruit members such as the NAACP. While defenders and protections for African-Americans from injustice is crucial, the support coming from the Communist Party affected the courtroom actors and Henderson's defense directly.

With the second and third trials in the second half of the book, most of the story is how the witnesses and ballistics evidence is presented in each trial. Joyner is able to take trial transcripts and convert it into a story that can be followed by a wide audience. Henderson's involvement with the justice system ended after multiple appeals to the Georgia Supreme Court alleging insufficient evidence. After three years in jail, Henderson's case is "dead docketed" where the case is no longer being prosecuted, yet the charges remained. Henderson is released from jail, and he survives lynch mobs and the criminal justice system without the constitutional protections that are available to criminal defendants today during a tumultuous era in American history.

Post-Warren Court in Criminal Justice

Landmark decisions by the Warren Court era in 1953 provided clarifications of criminal procedures that afforded constitutional protections to the accused that were not available to Henderson during his three trials. The U.S. Supreme Court decided on major cases such as appointment and presence of legal counsel in pre-trial stages, and notification of rights are constitutional rights that were interpreted by the Warren Court. The case of Clarence Henderson allowed readers to transport to a time where rights of the accused that are commonly known and respected today were not available during his three trials. Henderson's involvement with the Georgia criminal justice system in the 1950s highlighted the unjust realities of those accused of a crime were not afforded the same protections as those in the following decade.

Justice Earl Warren presided as chief justice of the U.S. Supreme Court from 1953 to 1969, and oftentimes regarded as the most liberal Court as its decisions expanded civil rights and liberties (Luban, 1999). The Warren Court is most notable for decisions that largely impacted American society, specifically on racial segregation and miscegenation with landmark cases such as *Brown v. Board of Education* (1954) and *Loving v. Virginia* (1967), but also made other impactful decisions on issues related to law and society such as, free speech, privacy, and cruel and unusual punishment.

The Warren Court heavily impacted the American criminal justice system with multiple cases that immediately affected law enforcement, prosecution, defense, and the American people. For example, since *Miranda v. Arizona* (1964), law enforcement was required to change their procedures overnight to remind people of their constitutional right if they are detained for custodial interrogations. Other rules that affected law enforcement focused on searches and seizures with *Katz v. United States* (1967), and constitutionality of stop-and-frisk for weapons under reasonable suspicion in *Terry v. Ohio* (1968). In conjunction with law enforcement and prosecutors, the Warren Court decided in *Mapp v. Ohio* (1961) that the exclusionary rule applies where evidence is obtained in violation of the Fourth Amendment must be excluded from criminal prosecution. Additionally, legal representation was expanded to indigent individuals for both misdemeanor and felony crimes in *Gideon v. Wainwright* (1963), and exculpatory evidence or evidence that shows that the accused is innocent of the alleged crimes must be turned over to the defense in *Brady v. Maryland* (1963). Again, it is important to note that a large portion of

American history include many people like Henderson who were wrongfully accused of a crime and forced to fare criminal prosecution without the same constitutional protections afforded by the Warren Court.

Comparison with *Flowers v. Mississippi* (2019)

The multiple trials of Clarence Henderson may remind readers of the case of Curtis Flowers who was sentenced to death and spent 20 years in prison after six trials, most in modern U.S. history. Flowers was a suspect in the quadruple murder at a furniture store in Winona, Mississippi in 1993. With prior employment at the furniture store, Flowers became the prime suspect with circumstantial evidence and unreliable jailhouse informants who later recanted. Although Flowers' case was not wrought with institutional racism like in the case of Henderson, racial discrimination by the prosecuting attorney played a key role in why Flowers had to endure six separate trials.

The Mississippi Supreme Court ruled on three different occasions that the district attorney violated Flowers' constitutional rights with *Batson* violations. A violation by the prosecution where they did not use peremptory strikes in a race-neutral manner is called a *Batson* violation. After the fourth and fifth trials ended in a mistrial, the state committed prosecutorial misconduct by removing all African American jurors (*Flowers*, 2019). The sixth trial concluded with Flowers receiving the death penalty and the Mississippi Supreme Court affirmed the conviction. The only avenue left for Flowers was to appeal to the highest court in the land.

In a rare instance, the U.S. Supreme Court decided to hear Flowers' case in 2019. It is important to understand that among the 7,000 cases that are petitioned to the Supreme Court each year, only 1-2% or 100-150 cases are selected (About the Supreme Court). In a 7-2 ruling, the highest court of our country found that Flowers did not receive a fair trial due to discriminatory practices in jury selection. The majority opinion by Justice Kavanaugh opined support for Flowers and highlighting the prosecuting attorney's egregious misconduct:

> Stretching across Flowers' first four trials, the State employed its peremptory strikes to remove as many black prospective jurors as possible. The State appeared to proceed as if *Batson* had never been decided. The State's relentless, determined effort to rid the jury of black individuals strongly suggests that the State wanted to try Flowers before a jury with as few black jurors as possible, and ideally before an all-white jury. (p. 306)

Since the ruling, the case was remanded back to the same court for a possibility of a seventh trial; however, the new attorney general dismissed the charges and exonerated Flowers in 2021 after 24 years of incarceration. Both Flowers and Henderson cases are similar in that the true perpetrator was never brought to justice

Author's Approach & Critique

Chris Joyner is an investigative reporter with the *Atlanta Journal-Constitution* who has numerous years of experience in newspaper reporting. Several high-profile wrongful conviction cases such as Adnan Syad, Stephen Avery, and Dennis Perry with the assistance of investigative journalism. The investigative podcast Serial told millions of listeners about how the American justice system can make errors where innocent people may be wrongfully convicted. Since then, the public is more aware of wrongful convictions with other popular media such as the Steven Avery case (Stratton, 2019). Joyner used a similar voice in his investigative writing of *Three Death Sentences of Clarence Henderson*, and his research and advocacy in telling Henderson's story is commendable since such stories would have otherwise been lost without dedicated hours to collect all of the information to tell a complete story. Many of the popular wrongful conviction cases are centered on people who are currently incarcerated; therefore, the posthumous telling of Henderson's story is important to repeat and remember.

The target audience is anyone who is interested in true crime and American history as both intersect to tell a gripping story that educates readers today to understand that blatant injustices used to be common practice. It is suitable for all criminal justice students and practitioners, but specifically those residing in Georgia. Today, laws and culture have evolved since the Civil Rights era and landmark decisions of the Warren Court. Readers can experience a time before such rights existed through Joyner's investigative journalism and storytelling. It is important for readers to understand that Henderson's trials were before constitutional protections to criminal defendants. While the book is written for laypeople to understand, legal professionals, academics, and enthusiasts will find this case of particular interest due to its time period, location, severity of the crime, defendant's race, victim's race, and Henderson ultimately escaping death at the hands of the system. Whether the audience is a student or an expert, readers of all backgrounds are educated about criminal trials, police procedures prior to the Warren Court, and influential people who were courageous enough to stand for what is right.

It is the hope that readers will walk away from this book feeling hopeful and inspired to become upstanding citizens, scholars, and practitioners like Duke and Joyner who each did their jobs in influential ways to stand up for justice and tell the truth. America in 2025 has some unfortunate resemblance to the 1950s with distrust in law enforcement, negative foreign influence, covert racism, and misinformation. It was reported that most Americans (73%) saw inaccurate news coverage about the election, and about half (52%) found it difficult to ascertain true information from misinformation as many Americans are inundated with constant information on a daily basis (Shearer et al, 2024). Long reports that "lack of news literacy…is a threat to our democracy" (2024).

Conclusion

Henderson endures excessive and unnecessary involvement in the criminal justice system, and luckily survives the electric chair and lynch mobs as an African-American male accused of murder during the Jim Crow era. Joyner's contribution educates us all about Clarence's story, but also served as a catalyst in finally clearing his name. Coweta county district attorney filed a motion to dismiss the charges against Henderson, and "Judge Erica Tisinger officially dismissed the charges against Henderson in the same courtroom where those three juries found him guilty of murdering Carl 'Buddy' Stevens in 1948" (King, 2023). Clarence Henderson served In March 2023, 75 years after Buddy was gunned down, charges against Clarence Henderson were posthumously dismissed. After the release of The Three Death Sentences of Clarence Henderson in 2022, the family of Clarence were finally able to see justice as his charges cleared. Joyner is lauded for bringing such story to light as Henderson's trials shows the history of western Georgia, the presence of prejudice in criminal courtrooms, and how flimsy forensic evidence can be used to sentence a man to death three times.

The end to this book does not mean that the societal issues have dissipated, but rather those issues have evolved to where readers may feel compelled to promote awareness and advocate today. To start, here are three areas that readers can advocate for and begin discussions in their own communities:

> 1) Improved training for law enforcement and effective internal affairs to combat corruption. Upon losing her only son, one of Mrs. Stevens' desire is that the case "would spark 'keen interest' in providing the force with proper training" (Joyner, 2022, p. 24);

2) Emphasize importance of media literacy education and understand the detrimental impacts of misinformation on social and political issues; and

3) Recognition of valiant courtroom heroes like Duke and writers like Joyner to inspire future generations to stand up against hate and all its forms.

Stories like Henderson allow readers to reflect on a time before to make better decisions about the future. Such reflections allow readers to see that progress in the criminal-legal arena has been made in the last century with fair trials, legal representation, and criminal procedure, but more work is yet to be done. This book is multifaceted and informative, offering an exploration of racial discrimination with social and political issues against the backdrop of the 1950s criminal justice system in West Georgia.

Mai Naito Mills joined the Criminology faculty in the Department of Civic Engagement & Public Service in August 2014 after earning her Ph.D. in Criminal Justice from Sam Houston State University. She has a Bachelor's in Criminal Justice from the University of West Florida and a Master's from Indiana University of Pennsylvania. Her research focuses on wrongful convictions, particularly the legal aspects of eyewitness identification, sentencing, and official misconduct. She is also passionate about teaching subjects like criminal courts, procedures, law, and wrongful convictions.

References

About the Supreme Court. United States Courts. (n.d.). https://www.uscourts.gov/about-federal-courts/educational-resources/about-educational-outreach/activity-resources/about#:~:text=The%20Supreme%20Court%20agrees%20to,asked%20to%20review%20each%20year

Batson v. Kentucky, 476 U.S. 79 (1986).

Brown v. Board of Education, 347 U.S. 483 (1954).

Brady v. Maryland, 373 U.S. 83 (1963).

Flowers v. Mississippi, 588 U.S. 284 (2019).

Gideon v. Wainwright, 372 U.S. 335 (1963).

Joyner, C. (2022). The three death sentences of Clarence Henderson: A battle for racial justice at the dawn of the Civil Rights era. Adams Press: New York, NY.

Katz v. United States, 389 U.S. 347 (1967).

King, C. (2023, March 3). *Georgia man wrongfully convicted of murder finally cleared after 73 years*. FOX 5 Atlanta. https://www.fox5atlanta.com/news/clarence-henderson-carroll-county-murder-charges-dismissed

Loving v. Virginia, 388 U.S. 1 (1967).

Luban, D. (1999). The Warren Court and the concept of right. *Harvard Civil Rights-Civil Liberties Law Review, 34(1),* 7-38.

Mapp v. Ohio, 367 U.S. 643 (1961).

Miranda v. Arizona, 384 U.S. 436 (1966).

National Registry of Exonerations. (2024, December 5). About. https://www.law.umich.edu/special/exoneration/Pages/about.aspx

Saxon, W. (1999, April 1). Lawrence D. Duke Sr., 86; Fought the Klan in Georgia. *The New York Times*. https://www.nytimes.com/1999/04/01/us/lawrence-d-duke-sr-86-fought-the-klan-in-georgia.html

Shearer, E., Lipka, M., Naseer, S., Tomasik, E., & Jurkowitz, M. (2024, October 10). Americans' Views of 2024 Election News. *Pew Research Center*.

https://www.pewresearch.org/journalism/2024/10/10/americans-views-of-2024-election-news/

Stratton, G. (2019). Wrongful Conviction, Pop Culture, and Achieving Justice in the Digital Age. In: Akrivos, D., Antoniou, A.K. (eds) *Crime, Deviance and Popular Culture*. Palgrave Studies in Crime, Media and Culture. Palgrave Macmillan, Cham. https://doi.org/10.1007/978-3-030-04912-6_8

Terry v. Ohio, 392 U.S. 1 (1968).

The Pursuit

The Journal of the Criminal Justice Association of Georgia