
Bounded rationality of identity thieves: Using offender-based research to inform policy*

Heith Copes

University of Alabama at Birmingham

Lynne M. Vieraitis

University of Texas at Dallas

Research Summary

Data for this study were collected in semistructured interviews with 59 individuals serving time in federal prisons for identity theft. We explore how offenders' experiences and life circumstances affected their subjective assessments of risks and rewards and thus facilitated the decision to engage in identity theft. Our findings suggest that offenders perceive identity theft as an easy, rewarding, and relatively risk-free way to fund their chosen lifestyles.

Policy Implications

The findings suggest that several situational crime-prevention measures may be effective at curbing identity theft. Crime-prevention programs that are geared toward removing excuses and advertising consequences may be effective in deterring potential offenders. We also recommend that rehabilitation programs for convicted identity thieves be cognitive-based interventions aimed at changing the way offenders think about their crimes.

Keywords: identity thieves, identity theft, offender decision making

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Since the passage of the Identity Theft Assumption and Deterrence Act in 1998 (18 U.S.C. § 1028), media attention to and public concern with identity theft have risen dramatically and lawmakers have responded by passing state and federal legislation to curtail the offense. Much of this legislation has focused on creating or strengthening existing consumer protection laws. Justification for these laws is based on the assumption that potential offenders will be deterred by increased guardianship over targets or the threat of steeper penalties when apprehended. However, similar to other policymaking efforts to control crime, this legislation has been crafted largely in the absence of empirical evidence as to the nature of identity theft and the characteristics of those who commit it. Although reports from public and private agencies that collect data on identity theft indicate that it is a growing and costly crime, researchers have devoted little attention to understanding those who engage in this crime. Much has been written on victim characteristics, prevention techniques, and emerging legislation; yet no systematic examination of offenders has occurred. By assessing the perspectives of offenders, such research could help produce a comprehensive picture of identity theft and how it might be controlled more effectively.

Some have suggested that “there can be no more critical element in understanding and ultimately preventing crime than understanding the criminal’s perceptions, opportunities, and risks associated with [the type of crime in question]” (Rengert and Wasilchick, 1989: 1). In fact, the narratives of offenders obtained from ethnographies have provided rich details about the motivations and causes of crime, the nature of the criminal calculus, and the situational dynamics of criminal events. This body of research has contributed to a deeper understanding of the decision-making processes of street offenders engaged in burglary, motor vehicle theft, street-corner crack markets, and robbery to name a few (Brookman, Mullins, Bennett, and Wright, 2007; Cherbonneau and Copes, 2006; Cromwell and Olson, 2004; Jacobs, 1999; Shover and Honaker, 1992; Wright and Decker, 1994). Less attention has been devoted to modeling the decisions made by offenders engaged in economic crimes, especially emerging ones such as identity theft.

One benefit of seeking the offender’s perspective is that it gives scholars a glimpse into the lived experiences of offenders and thereby offers insights into why they chose to engage in illicit behaviors. Ethnographic research with offenders suggests that the assessment of risks and rewards is not a static, objective process. Instead, it is an interpretive process in which offenders make sense of and explain crimes by constructing their decisions as part of a rational sequence, or as an attractive option given the context. The goals of the research reported here are to examine those factors that contribute to the perception by identity thieves that their

crimes are rational and to offer potential crime-prevention policy recommendations based on these findings. Specifically, we use rational choice theory as a framework to understand the cognitive factors that allow identity thieves to perceive, interpret, and describe their criminal decisions as rewarding and relatively risk free. To this end, we begin with an overview of the extent of identity theft and the legislation directed toward controlling it. We then situate the study and its findings within contemporary rational choice theory. Next, we discuss the strategy employed to locate and interview identity thieves. After describing how offenders' experiences and life circumstances affect their subjective assessment of risks and rewards and thus motivate them to engage in identity theft, we conclude with a discussion of the policy implications of our findings.

Identity Theft in Context

Despite widespread attention given to identity theft, "there is no one universally accepted definition of [it] as the term describes a variety of illegal acts involving theft or misuse of personal information" (Bureau of Justice Statistics [BJS], 2006: 2). In fact, the term "identity theft" has been used to describe a variety of offenses that include checking account fraud, counterfeiting, forgery, auto theft using false documentation, trafficking in human beings, and terrorism. Although no definitive definition of the crime exists, a common theme in these definitions is the idea that identity theft is "the misuse of another individual's personal information to commit fraud" (President's Identity Theft Task Force, 2007: 2).

The definitional problem makes it difficult to gauge the extent and distribution of identity theft with currently available data. Nevertheless, it is possible to determine a general pattern in identity theft by examining the various attempts to measure it by public and private agencies. In 2007, the Federal Trade Commission (FTC) released a report on estimates of the incidence and costs of identity theft. According to the report, approximately eight million people experienced identity theft in 2005, with total financial losses nearing \$16 billion (Synovate, 2007). According to the National Crime Victimization Survey (NCVS), which added questions about identity theft to the 2004 survey, 6.4 million households, which represents 5.5% of U.S. households, discovered that at least one member of the household had been the victim of identity theft during the previous 6 months. The estimated financial loss reported by these victimized households is about \$3.2 billion (BJS, 2006).

Perhaps driven by the high financial and emotional costs of the crime, identity theft has captured the attention of lawmakers. The first federal law to prevent identity theft was enacted in 1998 and is called the Identity Theft Assumption and Deterrence Act. This act made identity theft a separate crime against the person whose identity was stolen, broadened the scope of the offense to include the misuse of information and documents, and provided punishment of up to 15 years of imprisonment and a maximum fine of \$250,000. Under U.S. Sentencing Commission guidelines, a sentence of 10 to 16 months of incarceration can be imposed even if there is no monetary loss and the perpetrator has no prior criminal convictions (U.S. General Accounting Office, 2002).

In 2004, the Identity Theft Penalty Enhancement Act established a new federal crime called aggravated identity theft. This act prohibits the knowing and unlawful transfer, possession, or use of a means of identification of another person during and in relation to any of more than 100 felony offenses, which includes mail, bank, and wire fraud; immigration and passport fraud; and any unlawful use of a Social Security number. The law mandates a minimum of 2 years in prison consecutive to the sentence for the underlying felony. In addition, if the offense is committed during and in relation to one of the more than 40 federal terrorism-related felonies, the penalty is a mandatory minimum of 5 years in prison consecutive to the sentence for the underlying felony.

In an effort to protect consumers from identity thieves and to assist those who have been victimized, Congress passed the Fair and Accurate Credit Transactions Act (FACTA) in 2003. The act grants consumers the right to one free credit report every year; requires merchants to leave all but the last five digits of a credit card number off store receipts; requires a national system of fraud detection to increase the likelihood that thieves will be caught; requires a nationwide system of fraud alerts to be placed on credit files; requires regulators to create a list of red flag indicators of identity theft drawn from patterns and practices of identity thieves; and requires lenders and credit agencies to take action before a victim knows a crime has occurred.

In addition, FACTA created a National Fraud Alert system, which allows consumers to place three types of fraud alerts on their credit files. Individuals who suspect they are, or are about to become, victims of identity theft can place an "initial alert" in their file. If an individual has been a victim of identity theft and has filed a report with a law-enforcement agency, he or she can then request an "extended alert." After an extended alert is activated, it will stay in place for 7 years and the victim may order

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two free credit reports within 12 months. For the next 5 years, credit agencies must exclude the consumer's name from lists used to make prescreened credit or insurance offers. Finally, military personnel can place an "active duty alert" when they are on active duty or are assigned to service away from their usual duty station.

States have also passed laws in efforts to deter potential offenders and to protect consumers and victims of identity theft. To date, all but two states have laws specifically designed to counter identity theft. In 2009, states continued to strengthen laws in an effort to deter offenders by increasing penalties and expanding law enforcement's role in investigating cases. Laws also were enacted to assist victims of identity theft, including prohibiting discrimination against an identity theft victim, allowing the records related to the theft to be expunged, and creating programs to help victims in clearing their names and financial records.¹ Thirty-nine states and the District of Columbia have enacted laws that allow consumers to freeze their credit files. In addition, as of November 1, 2007, the three major credit bureaus (i.e., Equifax, Experian, and TransUnion) offer the security freeze to consumers living in the 11 states that have not adopted security freeze laws and to all consumers in the four states that limit the option to victims of identity theft.

Most current legislation is directed toward creating or strengthening existing consumer protection laws and is based on the assumption that potential offenders will be deterred by increased guardianship over targets or the threat of steeper penalties when apprehended. Success of this legislation is highly dependent on the vigilance of potential victims in exercising their rights and actively taking steps to protect their personal identifying information. Although the research presented here does not answer the question of whether current legislation is effective or likely to be effective at reducing identity theft, it does provide a starting point for developing policy based on understanding the factors that influence the decision-making processes of identity thieves. By gaining the offender's perspective and interpreting it through a rational choice framework, we offer a richer understanding of identity theft than currently exists, which can assist policymakers in crafting future legislation.

1. See ncsl.org for each state's laws.

Rational Choice and Decision Making

Understanding the process by which offenders choose crime has important implications for both theory and policy. The bulk of research on criminal decision making is grounded in rational choice theory and assumes that offenders evaluate the potential penalties of crime against its anticipated rewards before choosing a course of action. Individuals are said to pursue goals that reflect their self-interest and purposively choose to commit crime if the expected benefits of illegal behavior exceed the benefits of engaging in legitimate activity. Conversely, the decision to forgo criminal behavior may be based on the individual's perception that the benefits are too low or the risk of detection and subsequent costs are too great. In other words, individuals explore their options and choose the alternative that provides the highest expected return. Economists, cognitive psychologists, and many others in the criminological mainstream offered models of criminal decision making grounded in these assumptions (e.g., Becker, 1968; Cornish and Clarke, 1986).

Early rational choice theorists borrowed from economic theories of expected utility and proposed models of criminal decision making that could be expressed mathematically (e.g., Becker, 1968; Reynolds, 1985). These theories depict offenders as "pure" rational calculators; that is, individuals are assumed to choose courses of action that produce optimal rewards from limited effort. Thus, offenders are imagined to be self-maximizing decision makers who carefully calculate their advantages. This portrayal of offenders as "pure" economic calculators has been criticized on several grounds. Perhaps the most detrimental criticism is that this self-maximizing model of criminal behavior "does not fit the opportunistic and reckless nature of much crime" (Clarke, 1997: 9). Therefore, to improve the understanding of the decision-making process of offenders, investigators began to examine the ways offenders evaluate their options and choose crime within a sociocultural context. This line of research eschewed the quantitative methods that characterized earlier rational choice studies for qualitative ones, thereby allowing an understanding of criminal decision making from the perspective of the offender. These studies examined the components of criminal decisions, which include the decision to offend instead of pursuing legitimate alternatives, the target selection process, and individuals' perceptions of various rewards and costs of illegality. This growing empirical emphasis on understanding the decision-making process led to more cautious and subjective theoretical understandings of criminal choice, or what has been termed limited or bounded rationality (Clarke and Cornish, 1985; Cornish and Clarke, 1986; Opp, 1997; Shover and Honaker, 1992).

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Bounded models of criminal decision making take into account the social, physical, and situational context in which criminal decisions, are made as well as offenders' perceptions of the world around them. This model implies that costs and benefits are subjectively assessed and that these assessments are fluid. Under the right circumstances, risks that once deterred criminals become manageable, and rewards that were previously overlooked become powerful lures. Consequently, the reverse is true as rewards can lose their luster and risks can grow more looming, leading to desistance. Thus, to understand the decision-making process of offenders, it is necessary to situate their decisions within the principal lifestyle that frames their choices (Jacobs and Wright, 1999; Shover, 1996). Interviews with persistent street offenders suggest that many of them emphasize the enjoyment of good times at the expense of almost everything else. They live in a social world that emphasizes "partying" and fast living where they are frequently "caught up in a cycle of expensive, self-indulgent habits" (Jacobs and Wright, 1999: 163). The paltry financial rewards of most street crimes would not encourage most members of the middle class to pursue this life. Yet, these rewards—when coupled with other intrinsic rewards of crime, such as status, autonomy, and action—are enough to turn the heads of many toward street crime.

It is not just those from the lower rungs who are constrained by their lifestyles. The indulgence of middle-class lifestyles also can foster the perception that crime is necessary and worthwhile. Financial crises brought on by gambling, debt, or overconsumption are powerful pushes toward crime (Shover, Coffey, and Hobbs, 2003). Regardless of whether they hail from the working or middle class, it is apparent that lifestyle constrains individuals' subjective assessments of the risks and rewards of crime.

The changing assessments of risks and rewards suggest that these subjectively weighed options are instrumental in determining whether offenders continue on a criminal track or desist in part or all together. Such a bounded model of rationality has implications that differ markedly from the "pure" rationality models. Most notable is the idea that altering the severity of punishments will not likely lead to deterrence because experience, feelings of desperation, drug use, and co-offenders act in concert to negate such effects (Shover, 1996). This statement should not be taken to mean that all deterrence-based policies are ineffective—many examples can be found to counter this claim. Instead, policymakers should take into account the lives and experiences of those who commit the bulk of crime if they are to craft effective policy. It is for this reason that we examine the risks and rewards that identity thieves associate with their crimes.

Data and Methods

Data for this investigation were gathered in semistructured interviews with 59 individuals who were serving time in federal prisons for identity theft. The interviews were conducted from March 2006 to February 2007. To locate offenders, we employed a purposive sampling strategy similar to that used in Shover, Coffey, and Sanders' (2004) study of telemarketing fraud. We located federally convicted identity thieves by examining newspapers (via Lexis-Nexis using the search term "identity theft") and legal documents (via Lexis-Nexis and Westlaw using "18 U.S.C. § 1028," which is the federal statute for identity theft) from across the country and by searching press releases from each U.S. Attorney's Web site for the 93 U.S. districts.

Once we generated a list of names from our search of newspaper articles and legal documents, we used the Federal Bureau of Prisons Inmate Locator to determine whether they were being housed in the federal prison system. Our search yielded the names of 470 individuals who had been sentenced to federal prison for identity theft. Of these individuals, 117 had been released, 297 were housed in federal prisons, and the remaining 56 individuals were classified as "In Transit" or "Not in BOP Custody." After determining where these 297 individuals were housed, we selected the facilities with the largest number of inmates on our list and solicited their cooperation. In addition, some of these facilities were located near other federal prisons, and when this was the case, we also went to these nearby facilities to interview offenders. We interviewed 65 individuals incarcerated for identity theft from 14 correctional facilities of various levels of security (camps, low, medium, and high) throughout the United States. Six interviews were excluded from the analysis because the offenders denied taking part in or having knowledge of the identity theft (if they had a codefendant) or because they committed fraud without stealing the victims' identities.

We used semistructured interviews to explore offenders' life circumstances at the time of their crimes, their reasons for becoming involved in and continuing with identity theft, and the techniques they used to secure information to commit fraud and convert it into cash or goods. Our goal was to have the participants tell their own stories. The interviews took place in private rooms in the correctional facilities, such as offices, visiting rooms, and attorney-client rooms. For most interviews, the authors interviewed as a pair, with one who acted as lead and the other who took notes and ensured that important questions were not left out. One constant in the interview settings was that we were alone with participants during the

interview. Although correctional officers were nearby, they could not listen in on the conversations. This factor is important because we wanted participants to speak freely without the worry of staff overhearing the details of their lives and crimes. All names and identifying information have been changed to protect the privacy of the participants.

When possible, we audiorecorded interviews and then transcribed them verbatim. However, some wardens denied us permission to bring recording devices into their facilities, and some offenders agreed to the interview only if it was not recorded. All but nine interviews were recorded. Detailed notes were taken during the interviews that were not recorded. The transcribed interviews and detailed notes taken from nonrecorded interviews were analyzed with QSR NVivo 7 (QSR International, Cambridge, MA) (Richards, 1999). To ensure interrater reliability, we independently read each transcript to identify common themes. We then convened to determine the overarching themes that had been identified.

The final sample of 59 inmates consisted of 23 men and 36 women, composed of 18 white females, 16 African-American females, 2 Asian females, 8 white males, and 15 African-American males. Offenders in the sample ranged in age from 23 to 60 years, with a mean age of 38 years. Most offenders reported that at some point in their life, they held a legitimate job; however, only half of them were employed at the time of their crimes and 21 inmates used their employment for their crimes. Most offenders reported growing up either in working-class or in middle/upper-middle-class homes. Offenders' marital histories indicated that most were currently or had been married in their lifetimes, and approximately 75% had children. With respect to educational achievement, most offenders had at least some college education. Two thirds of the participants had been arrested previously. Of those who disclosed a prior arrest record, most individuals had been arrested for fraud or identity theft. A sizeable number, however, also reported arrests for drug use/sales and property crimes.

Perceptions of the Rewards of Identity Theft

The primary motivation for instigating identity theft was the desire for money. One offender (Lawrence) probably best articulated this idea; he said, "It's all about the money. That's all it's about. It's all about the money. If there ain't no money, it don't make sense." Indeed, identity theft can be richly rewarding. The amount of profit gained from each identity theft varied depending on the method an offender employed to convert a victim's information into cash and/or goods and the financial status of the victim. Offenders used a variety of methods to profit from the stolen identities, which include applying for credit cards in the victims'

names (including major credit cards and department store credit cards), opening new bank accounts and depositing counterfeit checks, withdrawing money from existing bank accounts, applying for loans, and applying for public assistance programs. Lawrence, who used stolen identities to cash counterfeit checks, explained, "I'll put it to you like this, forging checks, counterfeiting checks in an hour, depending on the proximity of the banks—the banks that you're working—I have made \$7,000 in 1 hour." Gladys, who used victims' information to access existing bank accounts or open new accounts, estimated that she could make "\$2,000 in 3 days." The most lucrative form of identity theft typically involved mortgage loans. For example, some who were mortgage brokers used stolen identities to apply for mortgages on homes whose values had been inflated by an appraiser (who was in on the scheme). They would then pay a "straw" borrower to get the loan using the stolen information. Homes that may have been worth \$150,000 were being appraised for \$400,000, which yielded profits of hundreds of thousands of dollars. These claims are consistent with those given by other offenders in the sample and with estimates in previous research (BJS, 2006).

Although claims regarding how much they profited from their crimes vary widely among respondents, most brought in incomes greater than they could have earned from the types of legitimate work for which they were qualified or from other types of illegal enterprises. In fact, several of them described how they gave up other criminal endeavors because they could make more money through identity theft. When asked why she stopped selling drugs, Bridgette answered, "[Selling drugs is] not the answer. That's not where the money is." Dale, who switched from burglaries to identity theft, claimed that, "[Identity theft] is easier and you get the money, you know. You get a lot of money."

It should surprise few that money is the most commonly given reason for engaging in identity theft. Money is, after all, what drives most economic crime (Shover, 1996; Shover et al., 2004; Wright and Decker, 1994). What offenders do with the money is more relevant to theory and crime control. The identity thieves we spoke with vary in the lifestyle they maintained and in how they spent their stolen money. Slightly less than half led self-indulgent lifestyles that were characterized by the mentality of "desperate partying" found among persistent street thieves (Jacobs and Wright, 1999). The indulgent lifestyles that many identity thieves lived emphasized "partying" and fast living where they were frequently "caught up in a cycle of expensive, self-indulgent habits" (Jacobs and Wright, 1999: 163). For these offenders, proceeds gained through illicit activities were seldom saved for long-term plans or to pay bills. Instead, identity theft was a way of "getting money and getting high" (Bridgette). This lifestyle was also described by Lawrence: "I made a lot of money and lost a lot of

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money. It comes in and you throw it out [on] partying and females. I gave a lot of money away. I bought a lot of things. . . . I mean it's a party." The ease with which money was made and spent is also reflected in the words of Carlos: "We're spending it pretty much as fast as we can get it, you know?" For these identity thieves, money was not something to be guarded and saved; it was to be spent immediately and frivolously. In this respect, they mirrored the lifestyles of persistent street thieves (Brookman et al., 2007; Cromwell and Olson, 2004; Shover, 1996).

Many who led this lifestyle of desperate partying were addicted to alcohol or other drugs. Their addictions led them to devote increasing time and energy to the quest for monies to fund their habits. Shover's (1996: 100) description of persistent thieves is applicable here: "Confronted by crisis and preoccupied increasingly with relieving immediate distress, the offender may experience and define himself as propelled by forces beyond his control." For identity thieves, as for other offenders, the inability to draw on legitimate resources eventually precipitated a crisis that they believed could only be relieved through crime. Penni explained, "I started smoking meth, then I stopped working, and then I started doing this for money." Heidi claimed that her drug relapse precipitated her crimes. In her words, "I was clean for three and a half years before I relapsed on methamphetamines, and that's what brought me back into [identity theft]." With the looming effects of drug withdrawal, the risks associated with identity theft are attenuated.

However, this lifestyle was not as uniform among the sample as it seems to be among other persistent thieves (Jacobs and Wright, 1999). Nearly half of those interviewed hailed from middle-class backgrounds and sought to support and sustain lifestyles of the affluent. Their background characteristics and motivations for engaging in identity theft are similar to those of the white-collar offenders examined by Weisburd, Wheeler, Waring, and Bode (1991). The offenders in our sample made efforts to conceal their misdeeds from their friends and families and to present a law-abiding front to outsiders. They used the proceeds of identity theft to finance comfortable middle-class lives, which included paying rent or mortgages, buying expensive vehicles, and splurging on the latest technological gadgets. When asked what he did with the money, Jake, who is a middle-class fraudster, answered, "Nothing more than living off it, putting it away, saving it. Nothing flashy. Just living off it." Bruce claimed to engage in identity theft "to maintain an upper-class lifestyle. To be able to ride in first class, the best hotels, the best everything." This is not to say that these individuals did not indulge in the trappings of drugs and excess, as many did, but their spending was more consistent with the typical debt-ridden suburbanite than with the average prodigal street thief.

Even those who tried to maintain middle-class lifestyles were confronted with a perceived need for quick cash. Increasing debt, looming financial problems, and/or fear of losing streams of income led to a sense of urgency in choosing a means to get money. For people who experienced these situations, "ordinary expenditure behaviors. . .took on a desperate kind of meaning" (Lemert, 1953: 306). Sylvia described the situations that led her to start offending: "I had a mortgage company that went under. My partner embezzled a bunch of money. Certain events happened and you find yourself out there almost to be homeless and I knew people that did this but they never went to jail." These mounting sources of crisis came to represent for the individual "threats to status-seeking and status-maintaining behavior" (Cressey, 1953: 75). Thus, they believed that identity theft would offer relief, even if only temporarily, to their growing financial difficulties. These identity thieves had much in common with those white-collar offenders who claim that their crimes were motivated more by a "fear of falling" than by the desire to get more (Weisburd et al., 1991). Similar to the white-collar criminals classified as "crisis responders" in Weisburd, Waring, and Chayet (2001), these offenders' identity thefts often seemed to be "situational responses to real stress or crisis in their professional or personal lives" (p. 58).

Although the financial benefits of their crimes are important, offenders must be able to make sense of their actions and maintain a positive self-image when violating the law. Consequently, participants claimed that they would not engage in just any crime. Nearly all agreed that physically hurting someone for money was beyond their capacity, as it was perceived to be morally wrong. This idea is consistent with Sykes and Matza's (1957) contention that, when offenders contemplate committing criminal acts, they find ways to neutralize the guilt associated with their actions. To do this, offenders use linguistic devices that blunt the moral force of the law and neutralize the guilt of criminal participation. Those who commit white-collar offenses frequently invoke neutralizations when explaining their crimes, perhaps more than any other type of offender. Numerous ethnographic studies of fraudsters illustrate this point (e.g., Benson, 1985; Cressey, 1953; Jesilow, Pontell, and Geis, 1993).

Although offenders can justify or excuse their crimes in many ways, identity thieves rely primarily on denial of injury, appeal to higher loyalties, denial of victim, and denial of responsibility (Copes, Vieraitis, and Jochum, 2007). The most common justification they used is to deny that they caused any real harm to actual individuals. It is not uncommon for identity thieves to make statements such as Fran's: "I always thought that just because it was white-collar crime it didn't hurt nobody," and Joel's: "Everything that I did was based on grabbing the identity and then opening separate accounts. It didn't, it affected them, but it was different."

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Many of them were secure in their belief that stealing identities is only a minor hassle to victims and that no real harm comes to them because, with a few calls, victims can repair any credit damage and consequently not suffer any direct financial loss.

When identity thieves in our sample did acknowledge victims, they described them as large, faceless organizations that deserved victimization because of unsavory business practices (i.e., denial of the victim and condemnation of the condemners). Identity thieves argued that the only people who actually lost from their crimes were banks, corporations, or other victims who were thought not to deserve sympathy. Dustin explained confidently:

I mean, like real identity theft, man I can't do that. Intentionally screw someone over—it's not right to me. So I couldn't do it. But corporations, banks, police departments, government—oh, yeah, let's go get 'em. Because that's the way they treat you, you know what I'm saying. If they done screwed me over, screw them!

When asked why he did not feel bad about his crimes, Bruce replied, “Well, it's plastic. . . . No one was being hurt. You didn't confront anybody in a negative way, usually. I had to get snotty with a clerk and that's about it. . . . There was never anything bad that really happened.” Portraying victims as faceless or “plastic” allowed offenders to distance themselves from their crimes with ease.

Individuals who worked within an organization to carry out their crimes relied on the diffusion of responsibility to excuse themselves. Although large amounts of money were eventually appropriated, many self-proclaimed low-level organizational members in our sample claimed that they only played a minimal role in the crime. For example, in cases that involved mortgage fraud, the occupational status of participants ranged from administrative assistant to attorney. Although the entire scheme may have involved millions of dollars, the administrative assistant who knowingly notarized fraudulent documents likely earned a “bonus” of a few hundred dollars, whereas the closing attorneys and mortgage brokers gained hundreds of thousands of dollars. Thus by comparison, low-level employees claimed that they should not be judged like other “real” thieves. Additionally, these individuals pointed to the small amount of money they made as evidence that they “really didn't do anything.” According to Lillian:

I never believed that I would be listed on the indictment. . . . I didn't go into it saying okay, I'm going to make a ton of money off of this, you know. . . . When I saw the indictments and some of the amounts of the money that these folks were making, I mean 1.2 million dollars, you know. And I'm a struggling

just-out-of-school student. I lived in an apartment that was barely big enough for me, you know. My car was still owned by Mazda, you know what I mean? . . . Everybody I knew that worked in real estate as an attorney, that's the kind of money they were making.

While employed at a billing agency, Jacob gave lists of customers' names to a fellow employee who in turn passed the information to a friend. He used a similar excuse: "I'm an outside guy. I'm not really involved. I don't know what's going on. I'm not making no transactions. None of this money is coming into any of my bank accounts. So I don't have nothing to do with it."

Many identity thieves also sought to make sense of and justify their crimes by pointing out that their actions were done to help people. They set aside their better judgment because they thought their loyalties to friends and families were more important at that time. Betty and Abbey explained:

It's like I tell the judge, I regret what I had put my family through, but I don't regret at all what I did because everything that I did was for the safety of my kids. And I don't regret it. As a mother, I think you do whatever needs to [be done] to keep your kids safe (Betty).

I did it for my son. I thought if I had money and I was able to live, have a nice place to live, and not have to worry about a car payment, I could just start a new life and that life is for him because when I left [my ex-husband], we argued a lot and I just wanted my son to be happy and loved (Abbey).

This technique was also common for those who facilitated identity theft by providing friends or family with access to information or government documents. By using this technique, identity thieves neutralized internal and external controls by claiming that their behaviors are consistent with the moral obligations of a specific group, usually their families. They did not claim to reject the norms they violated, as many experienced mental turmoil about their crimes; instead, they perceived their families' and friends' needs to be more pressing at that time.

Perceptions of the Risks of Identity Theft

Regardless of what motivates them, interviews with persistent street offenders indicate that, for the most part, they do not dwell on the potential risks of their enterprises, and identity thieves seem to be no different (Shover and Honaker, 1992). This ability to ignore the long-term consequences of their crimes was exhibited by more than half of the identity thieves we interviewed. When asked whether he ever thought about getting caught, Bradley's response typifies this belief: "Not really. I mean, I knew there was always a possibility, but that wasn't really on my mind." Bradley and others like him believed that dwelling on the risks of crime is

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detrimental to their success. Instead, they preferred to think positively and maintain an optimistic outlook. For instance, Bruce defined himself as “super optimistic” when he entered banks and stores for illicit purposes. In describing her experience with crime, Mindi explained, “It’s just like you get a superpower. You don’t think you’re going to get caught.” Negative thoughts unnecessarily made their tasks more difficult by introducing self-doubt and uncertainty.

Many claimed that if thoughts of getting caught emerged, they pushed these negative ideas aside. One technique for doing this is by uttering simple phrases, such as “fuck it” or “to hell with it,” and by forcing themselves to plunge into a criminal event. These simple but powerful phrases “rapidly purge one’s mind of the type of concerns that normally prevent the individual from engaging in such [criminal] activity” (Walters, 1990: 134). Often, offenders explained that these expressions were an indication of the mental state required to spur on crime and were used to eliminate any lingering concerns about uncertainties and risks.

In addition, identity thieves thought they had advanced skills, their crimes were easy, and law enforcement was incompetent—which allowed them to minimize the risks posed by law enforcement. Identity thieves claimed that they had developed a portfolio of skills that allowed them to appropriate funds and to avoid unwanted attention successfully. By relying on their skills—including enhanced social skills, intuition, and technical knowledge—they believed they could stay one step ahead of the law. According to Dustin, “It was calculated risk. Before the feds actually got me the first time, I never worried about getting caught. And that’s the truth. I never worried about getting caught. Because that’s how quick and good I was.” When asked whether he considered the risks, Carlos added, “everything that we did was thought out very, very, very well and nothing was done cheaply.” In addition, these skills fostered the idea that identity theft was easy, which allowed them to avoid thinking about getting caught. Alisha’s comment is typical: “I guess cause we were always up (from drug use), we never really thought too much about getting caught because we just knew it was easy.”

Not all individuals ignored the possibility of formal consequences. Slightly less than half acknowledged that they would eventually lose their freedom because of their crimes. However, consistent with prior evaluations of street offenders, they did not think they would be caught for this particular crime (Feeney, 1986). Betty acknowledged that “[I knew] someday I was going to get caught.” Sheila explained, “I looked at it like I’m not gonna get caught today, you know. I’m gonna make it through this one today.”

Even though many knew they eventually were going to get caught, this belief did little to deter them. Those we spoke with were quick to mention the relatively low risk of detection and minimal expectations of punishment associated with identity theft. When asked whether she thought about getting caught, Fran responded, "I did, but as I said, my mind frame was that it's white-collar crime. At that point in time, back then, everyone that was getting [convicted of] white-collar crime was getting a slap on the wrist." She was not alone in this belief. Anita thought that she would just be "fired from my job. Yeah, that's the worse I thought I'd get." Similarly, Mindi, who emigrated from South America, replied:

I thought I was going to get caught. I did, but I didn't think it was going to be this big. I thought I was going to go to jail for a couple of months or something, not 71 months. . . . [I thought] I would just pay for it for a little while and get out. Never in a million years would I think that all of them (my family) would be deported and we lose everything, the cars, the houses. Nothing like this ever, ever crossed my mind. Which is stupid because what happens when you walk the crooked line? Somebody's going to pay for it, but I didn't think I was going to get 71 months.

Lawrence, who was sentenced to 3 years, stated, "I ain't knew they'd give me this much time. I thought because of a white-collar crime I'd get a slap on the wrist and like probation or something."

Such beliefs about sanctioning were based on stereotypes regarding the perceived lenient punishment of white-collar criminals who are more likely to be of higher class status, have legitimate occupations, and may thus have greater resources brought to bear on their legal defense. Therefore, many identity thieves in our sample failed to realize that their own "illusion of invulnerability" (Rosoff, Pontell, and Tillman, 2007) was based on a faulty comparison. That is, they were calculating their risk of sanctions by comparing their crimes with the crimes committed by those who are truly powerful (e.g., Martha Stewart or Richard Scrushy) and who have the resources to sidestep prosecution and lengthy sentences. Identity thieves who perceived the consequences of their acts in this light underestimated severely their potential punishments. Thus, when identity thieves conducted a mental cost/benefit analysis of the crime, the belief that little harm would come to them coupled with the perceived high financial and intrinsic payoffs of the crime made it an attractive choice.

Even the minor threat posed by possible arrest and imprisonment, however, was overlooked by identity thieves, as many reported living lives that they defined as desperate and out of control. Thus, their eventual arrest was perceived to be a relief as they could now begin to regain a sense of normalcy in their lives (Shover and Copes, in press). In response to the question about what it was like being arrested, Jo said, "In a way it's kind of a sad, sick thing because it was kind of like a relief. I was like finally this

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will be over with.” Similarly, Ed answered, “Oh it was a relief. It was! It was over. I’m glad, you know. I didn’t even put up trouble.” The number of participants who expressed this emotion when finally confronted by law enforcement is remarkably high.

Although many entertained the thought of giving up the lifestyle, they simply lacked the willpower to do so. In these circumstances, the threat of punishment did little to persuade them, especially when punishment was perceived to carry little weight or was thought to be a better alternative to their current life. Indeed, the enticements of identity theft were strong. In fact, nearly all of them claimed that they would have continued offending, at least in the short term, if they had not been apprehended.

Our analysis has focused on the factors that contributed to identity thieves’ perception of crime as more attractive and less risky, which ultimately encouraged them to continue offending. The mental calculation of the costs and benefits of crime is a subjective process, and the relevant variables are constantly being reassessed. With experience and cognitive reinterpretations, risks that once seemed insurmountable were overlooked. Correspondingly, rewards that once were thought negligible eventually turned their heads in light of new circumstances. Lifestyles that were cash-intensive, reliance on neutralization techniques, and perceptions of identity theft as easy and relatively free of risk acted in concert to foster images of the crime as being a rational solution to a current life situation. The subjective assessment of risks and rewards found among those we interviewed has implications for how policymakers and crime-control experts can craft effective policy.

Policy Implications

Ideally, crime-control programs should be offense and offender specific and based on systematic data collection and analysis of offenders’ accounts (Clarke and Cornish, 1985). In the following section, a set of policy suggestions for preventative efforts to reduce identity theft is outlined based on how identity thieves have discussed their crimes. These suggestions incorporate several well-known situational crime prevention techniques that focus on deterring potential offenders by removing excuses that may be used to justify their crime and by changing offenders’ perceptions of punishment. In addition, we outline several cognitive-based interventions designed to rehabilitate convicted offenders and thus decrease the likelihood of recidivism.

Stimulate Conscience

Situational crime prevention programs have been developed to counteract the neutralization techniques of potential offenders. The theory is that, by learning the linguistic devices that offenders use to make their crimes palatable to themselves, program designers can attack these belief systems. By neutralizing the neutralizations, offenders are less able to define their actions as acceptable, and thus will have a harder time persisting with criminal behavior (Clarke, 1997; Clarke and Homel, 1997). True to the roots of situational crime prevention, removing excuses and stimulating conscience in this way do not entail making long-term changes in prospective offenders' personal dispositions, as cognitive-based programs in correctional settings do. Instead, situational crime prevention theorists argue that programs geared toward removing excuses should focus on highly specific forms of crime and should be presented at the time criminal decisions are being made. The idea is to "stimulate feelings of conscience at the point of contemplating the commission of a specific kind of offense" (Clarke, 1997: 24).

Researchers have suggested numerous programs to reduce crime based on the premise of removing excuses. Thurman, St. John, and Riggs (1984) found that neutralizations used to justify tax evasion can block the potential inhibiting effects of guilt. They suggest that campaigns designed to make tax cheaters feel guilty about their behaviors can reduce the prevalence of tax fraud. These principles can be applied to identity theft. For this approach to work, it is necessary to present the anti-neutralization message at the immediate time of the crime. Although this strategy may prove difficult for identity theft, it can be accomplished successfully in many ways. A large proportion of the identity thefts described by participants required them to go into banks to cash checks or to withdraw funds (for a full discussion of the techniques used by offenders to acquire and convert information, see Copes and Vieraitis, 2009; Gordon, Rebovich, Choo, and Gordon, 2007). It is here that messages could be placed to remind offenders that their actions harm individuals. Publicity campaigns similar to those used to deter movie piracy and cable theft could be implemented for identity theft. The best locations for these campaigns are banks, retail stores, or any other location where thieves must go to convert stolen identities into cash or merchandise.

Most commonly, however, these interventions aimed at blocking neutralizations are targeted to stop deviant behavior that occurs within formal organizations, such as workplaces and schools (Greenberg, 1990; Lim, 2002; Pelfrey, 1984). For instance, organizational managers are encouraged to discuss openly the neutralizations used by wayward employees. Bringing these neutralizations into the open is thought to force employees

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to consider their actions consciously when stealing from the company (Cressey, 1953). A large percentage of identity thieves also obtain the information they needed to carry out their crimes from people who had legitimate access to this information (see Copes and Vieraitis, 2009). Thus, dishonest employees play a large role in the prevalence of identity theft. A “remove excuses” campaign in workplaces could also serve to educate those employees who might be tempted to misuse their position to illegally sell sensitive information to others (Lim, 2002; Pelfrey, 1984).

Advertise Consequences

Identity thieves repeatedly made reference to their expectations of lenient punishment if they did happen to be apprehended. But the actual punishments these offenders received typically exceeded their expectations. Instead of receiving probation or a year of incarceration as many thought, they were given sentences that ranged from 12 to 360 months. These underestimates of potential sentences likely contributed to their decision to commit identity theft. It is therefore likely that educating potential thieves about the true consequences of being convicted, at least at the federal level, could persuade them to desist. It is always a difficult task to educate target populations about the costs of crime, but it is possible. Evidence shows that significant reductions in homicide and gun violence were achieved by implementing a “lever-pulling” strategy that involves face-to-face communication of a deterrence message (Kennedy, 1998; McGarrell, Chermak, Wilson, and Corsaro, 2006). Similar programs could be implemented to target both chronic identity thieves and the larger population. Following principles of situational crime prevention, these deterrent messages could also be delivered at the scene of the crime.

Decades of deterrence research has shown that perceived punishments have a greater deterrent effect than actual punishments (Wright, Caspi, Moffitt, and Paternoster, 2004). Thus, changing the perceptions of punishment held by identity thieves may prove effective. Campaigns designed to create the impression that law-enforcement agencies consider identity theft to be a serious crime and that cases will be prosecuted to their fullest extent may go a long way in changing perceptions about this offense. Although not all agree on the effectiveness of publicity campaigns, “publicity campaigns may represent a powerful yet cost-effective tool in crime prevention” if planned properly (Johnson and Bowers, 2003: 497; for a review, see Mazerolle, 2003).

Rehabilitation Efforts (Remove Excuses)

Advocates of rational choice interpretations of offending often question the effectiveness of rehabilitation efforts because of the purported difficulty in changing people's values and beliefs (Cullen, Pratt, Miceli, and Moon, 2002; Wilson, 1974). Rational choice perspectives lend themselves most easily to state policies that adjust the costs of crime and that are distant from perspectives focusing on what is wrong with offenders. Our investigation into identity thieves and their decisions to engage in fraud questions these biases. It takes considerable mental preparation to commit identity theft, and most costs associated with the crime can be minimized in the offender's mind if there is a reasonable chance of success, which is almost always the case. This suggests that criminal confidence in the face of fear and guilt is not the result of some deep-seated preference for risk, and it may be an area of vulnerability for identity thieves.

The use of linguistic devices allows offenders, such as identity thieves, to free themselves from the guilt or negative self-image that may be associated with their crimes. By holding on to these justifications and bringing them to the foreground when needed, thieves can continue their behavior without the corresponding guilt. Consequently, if the acceptance of neutralizations is important for persisting at crime, then the rejection of these neutralizations should be associated with the process of desistance from such behavior (Copes and Williams, 2007; Maruna and Copes, 2005). This theory is certainly behind the countless cognitive correctional interventions that promote the removal of neutralizations to end criminal behavior. Indeed, nowhere is the impact of removing neutralizations more pronounced than in the psychological treatment of offenders. Nearly every form of offender treatment—from the "12 Steps" model of Alcoholics Anonymous to the confrontational techniques of therapeutic communities—involves strategies for "overcoming denial" and for challenging offender rationalizations. Reports by Gendreau et al. (2000) and the National Research Council (2007) conclude that cognitive-behavioral programs should be included among the best practices for reducing recidivism and enhancing desistance because of their effectiveness.

Through training and exercises, offender rehabilitation programs are often designed to teach offenders how to recognize their past mistakes and errors in thinking, such as justifying their misdeeds. The hope is that, through changes in thinking and simple cognitive training, offenders will recognize their responsibilities and apply these lessons when confronting a criminal opportunity after release. This method has been shown to be effective in helping offenders who are prepared to make a change in their lives (Maruna, 2001; Ward and Marshall, 2007). Offenders can be taught

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lessons that change their thinking, and these lessons help them avoid situations that lead to crime. They can be taught other things to recognize in their own thinking, which include the linguistic devices that enable crime. Thus, cognitive restructuring programs based on what we have learned from interviews with identity thieves may prove effective in transforming them into ex-identity thieves.

Restorative Justice Programs

The idea of cognitive restructuring is consistent with some restorative justice interventions in which offenders sit down with family members, community elders, and their victims in a reintegrative shaming process that often has the explicit aim of undermining offender neutralizations. John Braithwaite (1999), for instance, explained the social psychological basis behind restorative justice. He contended that it is difficult for offenders to sustain the denial of victim or denial of injury during victim-offender mediation when the offender must acknowledge the victim directly. Similarly, condemnation of condemners is difficult to maintain when the condemners are respectful in their conversations with offenders. For many of the identity thieves we spoke with, confronting their victims or hearing stories of other victims is what changed their thoughts on how they “see” their crimes. When asked whether he felt bad for engaging in identity theft, Bruce said:

I would say not until after about a year in my conviction when one of the agents was talking to me about the identity theft. . . . She brought up some of the actual victims to me. And because I thought that they repair their credit and [then they] go on with what they're doing it's not that big of a deal. She was saying that people had gotten fired for what I'd done. Employees of banks had gotten fired, retail establishment people had gotten fired for what I'd done. The victims themselves said you don't get it fixed. There's been victims that have lost homes because they couldn't get their credit back up. They were going into bad times because of what I'd done. Anyway, yeah. She had explained to me a lot about what goes on that I didn't either care about or didn't want to hear or whatever. And then I was kind of assessing that it was not just a financial crime on institutions. That the people actually take the loss. She was telling me that people who are trying to repair their credit, it costs them hours of what they could not do in their lifestyle, going skiing, boating, whatever, and also the, just being violated, like she said. They feel like they were being stolen from personally, although I thought that I just entered their mailbox.

Echoing this statement, Fran stated:

I always thought that just because it was white-collar crime it didn't hurt nobody, but at our sentencing. . . we had victims that actually gave statements. I'll never forget this one victim—and I've been sentenced over 5 years now. She said we raped her mentally and that hurt me. That kind of stuck because I always thought that it's just white-collar crime. It ain't hurting nobody. They

can file and get their identity back and prove it wasn't them, but she was like she couldn't even give her son a birthday party. I value family and that hurt me when I felt like we took a part in that. She's like, I'm still fighting to get my own identity back and that was something that I chose right then and there right before we even got sentenced, this is just a time going to court, that I didn't want to do it no more.

Thus, requiring or encouraging convicted identity thieves to attend restorative justice and cognitive-based programs geared toward removing excuses is likely to produce positive deterrent effects. Similarly, having victims confront offenders and tell their stories is an important step in removing offender excuses.

Conclusion

The policy implications suggested here are based on the accounts of identity thieves. Like others, we think that much can be gained in the way of policy by learning the perspectives of those who engage in crime. However, we should note that our study does have limitations that may temper our suggestions. First, our data were collected from offenders charged and convicted at the federal level and may therefore be applicable only to this group. It is possible that the accounts provided from federally convicted offenders may differ from those processed at the state level. In particular, the policy suggestions may not apply to offenders who are more professional, have different belief systems, or who engage in different types of identity theft. Although the extent to which this group of offenders represents either identity thieves or the phenomenon of identity theft is unknown, we do think that they represent some or possibly most of them. In addition, some argue that interviews with active, free-ranging offenders offer more advantages than those with incarcerated offenders (e.g., Jacobs and Wright, 2006). In brief, findings based on inmate interviews may be biased because the participants are "unsuccessful," fearful of further legal sanctions, and/or likely to reconstruct their offenses in an overly rational manner. Others argue that offenders seem to report similar patterns of behavior regardless of whether they are incarcerated or not, and as such, the differences between active and incarcerated offenders may not be as great as some claim (for a discussion, see Copes and Hochstetler, in press; Nee and Taylor, 2000).

Research on criminal decision making makes clear that state crime-control policies grounded in notions of deterrence take insufficient account of factors and conditions that affect the subjective risk and reward assessments made by persistent thieves. Even though identity thieves engage in seemingly rational decisions, the process is bounded by their

desired lifestyles, the process of justifying their crimes, and their perceptions of the (in)effectiveness of law enforcement. Thus, when they make decisions to steal identities, they are not often attuned to nuances of threatened penalties. Although identity thieves commit a form of crime generally considered to be white collar, they share characteristics with street-level property offenders in that they make “hurried, almost haphazard, decisions to offend while in a state of emotional turmoil” (Wright and Decker, 1994: 211). What is known about the criminal calculus suggests that we should be wary of crime-control proposals that promise significant reductions in crime by increasing threat and repression. Nonetheless, we do not suggest that legal threats have no deterrent effect, only that “tinkering with them on the assumption that offenders are aware of and behaviorally sensitive to the changes is naive or even disingenuous” (Shover and Copes, in press). Finding effective ways to prevent crime, in general, and identity theft, in particular, may be a hard row to hoe. But heeding the accounts of offenders may make this task a little easier.

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Heith Copes is an associate professor in the Department of Justice Sciences at the University of Alabama at Birmingham. His primary research interest is understanding the criminal decision-making process. His recent publications appear in *Social Problems*, *British Journal of Criminology*, and *Crime and Justice: A Review of Research*.

Lynne M. Vieraitis is an associate professor in the criminology program at the University of Texas at Dallas. She conducts research in the areas of criminal justice policy, identity theft, and inequality and violent crime. She received her Ph.D. in criminology from Florida State University in 1999.