

ACJS *today*

Academy of Criminal Justice Sciences Newsletter



Article

25 Things I Wish I'd Known as a Graduate Student

By David May

In the early 21st century (I believe it was 2010 or 2011), I was asked to return to my alma mater, Mississippi State University (MSU), to serve as the keynote speaker for the Department of Sociology's Alpha Kappa Delta banquet. One of my former thesis students who had enrolled in the PhD program at MSU was responsible for making the arrangements, so I asked him what topic I should address in my keynote speech. He said that the audience would be largely graduate students, so it might make sense to talk about something that would be beneficial to their professional career.

In the decade prior to that keynote speech, I had witnessed several unprofessional/unethical acts by both graduate students and faculty members at both the university and professional association levels. It was one of those "if I'd known then what I know now, I might have done things differently" moments. In that moment, the accompanying list was born. I have used the list in various venues (e.g., graduate student professionalization seminars, McNair Scholars Research classes) and it always sparks discussion and questions, so it appears it is just as relevant today as it was 15 years or more ago when I first created the list. I'm sure it's not comprehensive, and professors who have been in this business two or three decades likely have other items they could add to the list. Nevertheless, I hope the items that I did

Table of Contents

- 1** **ARTICLE:** 25 Things I Wish I'd Known as a Graduate Student
- 3** **ACJS Membership Accomplishments**
- 5** **BOOK REVIEW:** When Rape Goes Viral: Youth and Sexual Assault in the Digital Age
- 7** **ARTICLE:** A Revolutionary Case Study in Contemporary Theoretical Context
- 12** **ARTICLE:** Holding Juvenile Correctional Staff Accountable: A Spotlight on Excessive Force
- 16** **ACJS Journal Articles:** *Journal of Criminal Justice Education, Justice Quarterly, and Justice Evaluation Journal New Articles*
- 18** **ARTICLE:** Navigating the Intersection of Immigration Policy and Human Trafficking
- 26** **ARTICLE:** Suggestions for Crafting an Effective Tribal Crime Research Policy Prioritizing Implementation
- 31** **BOOK CHAPTER REVIEW:** The Routledge International Handbook of Online Deviance
- 36** **Regional Information**

include in the list save at least one student some time/embarrassment/stress in their academic career. Enjoy.

1: The choice of an advisor, and to some extent your committee, is sometimes more important than your choice for a spouse. Choose an advisor that fits you.

2: Choose a thesis topic early.

3: Three to five signatures is the most important part of your thesis or dissertation.

4: Treat the administrative staff with respect; you will almost always find a time when you need their help.

5: Even if you disagree with your professors, it's probably a good idea to respect them. They worked hard to be where they are and when you leave, they will probably still be there.

6: Start an exercise program and never stop.

7: Find a hobby.

8: Learn to say no.

9: Things normally occur for a reason. Whenever something happens that doesn't make sense, give it some time. It probably will make sense eventually.

10: Use conferences for deadlines and networking. Go cheaply if you have to, but go.

11: Control your behavior at conferences.

12: If you ever reach a point in your career when if you had two weeks of no interruptions, you could finish everything, you are as close as you will ever be to catching up.

13: \$1,000 spent on applying for a number of jobs is money well spent.

14: You can overcome your pedigree if you need to.

15: Your first job probably won't be your last job, but you should treat it like it is.

16: Keep your vita strong, throughout your career. Tenure doesn't mean vacation.

17: Never turn down an opportunity to coauthor; always turn down a second one if the first one doesn't work out. Always look for people to coauthor with. Those who work well keep writing. Those who don't, bail out.

18: Establish authorship order on anything you do before you start.

19: Learn citizenship while in graduate school; practice citizenship when you leave.

20: Your research subjects are not subjects; they are human, too. Treat them like they are.

21: Our field is still largely quantitative. Don't make that fact change you or your research.

22: Dropping out of graduate school does not make you a failure as a human being. You can graduate with a PhD and still be a failure as a human being.

23: The most meaningful work you do in your career you will not get paid for.

24: Always do your best.

25: At the end of the day, the most important thing is what you think of yourself. Always be a person of character; there are so few in academics that

you will shine.

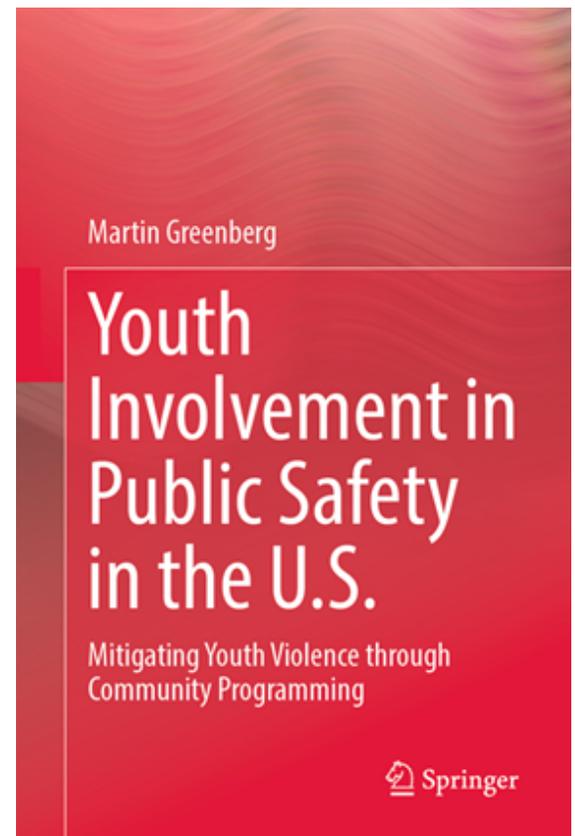
David C. May is a Professor in the Department of Sociology at Mississippi State University. David has taught at both the undergraduate and graduate levels at three universities over the past three decades, and has authored or coauthored six books and over 130 articles and book chapters around his research interests of fear of crime, school safety, cybercrime, policing, corrections, and military sociology.



ACJS Member Accomplishments

Martin Allen Greenberg, J.D., Ph.D., C.P.P. published a book titled *Youth Involvement in Public Safety in the United States: Mitigating Youth Violence through Community Programming* for Springer. --- His book should help spark public discussion by revealing that a variety of structured youth programs have been successful in advancing positive youth development since the early 1900s. The author takes pages from history to demonstrate how youth have undertaken productive roles and engaged in various types of harm reduction activities through a process of community empowerment. In this way, Greenberg presents the origins of a robust group of public safety initiatives involving the youth of yesterday and today, revealing the untold story of when and how law enforcement agencies and school districts have sought out youth as a means of reducing crime and promoting public safety. Significantly, such youth programs may provide a key to unlocking the mystery of how to overcome the current warrior culture of police as well as serving as a powerful proposal for curtailing crime in America. Young people represent the future and as they mature, they grow their social relationships, develop their personalities, and begin their vocations--ultimately defining the next generation.

Samantha M. Gavin, Ph.D. & Shavonne Arthurs, Ph.D. published a special issue on gender-based violence in *Crime & Delinquency*.





Prepare for a Career As a Crime Analyst

A Marquette University master's in criminal justice data analytics prepares professionals to positively impact their field immediately:

- Students explore ethical/social implications of data-driven decision-making.
- Practicums offer hands-on experience with local agencies.
- Faculty include data science and computer science scholars.
- Full- and part-time options available, with some courses online.

**For more information, visit
marquette.edu/cjda**



MARQUETTE
UNIVERSITY

BE THE DIFFERENCE.

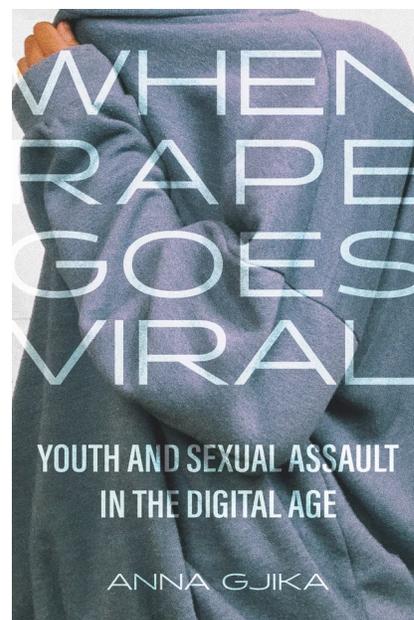
Anna Gjika's

When Rape Goes Viral: Youth and Sexual Assault in the Digital Age

University of California Press
ISBN:9780520391048

Review by Jasmine Hadnot
Lamar University

In the book, *When Rape Goes Viral: Youth and Sexual Assault in the Digital Age*, Anna Gjika, an assistant professor of sociology at the State University of New York at New Paltz, discusses the epidemic of sexting and digital media among youth and adolescents. The book centers on three cases of adolescent rape and digital media: the Steubenville case, Daisy Coleman, and Audrie Potts. The Steubenville case involved a 16-year-old girl who attended a party in a neighboring town and was sexually assaulted by a group of boys, with each instance being recorded and uploaded on social media. The second case involved 14-year-old Daisy Coleman. Daisy and her friend went to a house party and became intoxicated. She was allegedly assaulted by a 17-year-old boy while a friend of his recorded the assault on his cell phone. Lastly, Audrie Pott, a 15-year-old girl, went to a house party and was assaulted by three young men that she knew who dragged her upstairs, wrote on her body, and assaulted her. They took pictures of her that circulated among their peers and on social media. After being bullied because of the assault, Audrie committed suicide. Gjika interviewed 35 young adults between the ages of 16 and 18 and gave a crucial look at what each of the cases says about the digital activity of younger people. She also exposed how digital evidence in those cases played a role in the response to the assaults, for the survivors and the offenders. The analysis of the text



conveys that teenagers record and upload activities on social media, even negative behaviors, for peer approval and validation.

This text dives into how the digital trail matters in cases such as these. Particularly, it was incredibly noteworthy how much evidence was produced from social and digital media in the Steubenville case. This digital evidence was crucial in garnering public interest in all three cases, which forced the hand of local law enforcement agencies to act on the allegations. However, scholars are still hesitant to investigate the role that modern technologies have in “investigating and prosecuting sexual violence, including juvenile assault” (Gjika, 2024, p. 201).

In Chapter 1, Gjika discussed understanding the youth, identity, and technology nexus. The text explains how in the three cases, the role social media and digital technology played in the trials overshadowed the underlying problem of youth sexual violence. Some articles about the cases referred to the disturbing text messages grotesquely by using adjectives like “repugnant, revolting, and callous” while neglecting to describe the physical assault similarly. However, the media discourse on the cases forced adults to caution teens on using social media rather than explain healthy and safe

safe social media habits.

Chapter 2 discusses missing cultures of consent. The text acknowledges that it is regressive to reduce teens' blame for sexual violence by using alcohol and ignorance as excuses for violent behavior. This action ignores toxic masculinity, gender bias, privilege, and rape culture. Chapter 2 includes Adrienne Rich's analysis of compulsory heterosexuality. Rich's analysis shows that compulsory heterosexuality is not exclusively about physical attraction and sexual behaviors with the opposite sex but that it is a prevalent system that defines male and female relationships. It is a political system that was created to serve the wants and needs of men in patriarchy by using gender norms and ideals that purport male dominance and female subordination. The current gender roles and rape culture normalize sexual assault and violence against women and girls, and expanding digital customs of embarrassment reinforce male entitlement and dehumanize women.

Chapter 3 discusses the gold mine of information in the three highlighted cases. In this chapter, Gjika explains that digital media is valuable in criminal justice settings including those focusing on sexual violence. This chapter lists different types of data that can be used in criminal sexual assault cases: "text messages, social media postings, friend lists, photos and videos from our smartphones, GPS locations, chat logs, 'likes'—and more information" (Gjika, 2004, p. 152). She further explains that because technology is rapidly evolving, law enforcement cannot always keep up with the required skills to comb through the platforms for evidence.

In Chapter 4, Gjika explains how to navigate justice. One central theme of this chapter is how the media did not cover the trials and tribulations the survivors faced when dealing with the legal process. Roughly 23% of victims report sexual assault incidents to law enforcement. For those under the age of 18, the

number is significantly lower. Teens comprise 15% of the total number of sexual assault victims, placing the percentage for girls at 20%. Reporting in this category is 8% to 19%. Unfortunately, the laws have not caught up to consider everything that adolescent victims experience and do not account for the widespread damage caused by digital evidence of sexual assaults. There is also no sufficient evidence to support that the use of digital evidence will overpower racial, socioeconomic, and sexual biases that continue to pervade the responses to sexual violence.

Chapter 5 goes beyond the law. The chapter discusses methods of informal justice via social media. For instance, online movements such as the feminist movement may decrease the effects of sexual violence by confronting rape culture within responses to the issue at the public and political level. However, it is still more difficult for some survivors to battle with the possibility of negative outcomes from social media, which limits its potential. Lastly, Chapter 6 talks about harm reduction and prevention. This requires a pliable and multiple-sided approach that includes legal, educational, technological, and social interventions that require a collaborative effort of different actors across multiple institutions.

This text has several implications for the criminal justice system. Most important, there is a need for more scholarly research to analyze the relationship between technology and youth sexual violence. Understanding the root of youth sexual violence will assist academics and criminal justice actors in taking steps to eradicate the epidemic. Although it is great that social media can provide ample evidence for cases, it is not enough and it does nothing to eradicate gender bias. A majority of media coverage in the cases studied for this text focused on the brazen audacity of the offenders to use social media and not on the severity or grotesque nature of the actual crime. Additionally,

there is no protection from revictimization when using digital evidence. The case of Audrie Potts conveyed the heightened risk of revictimization. The laws need to catch up to the times to protect the youth in all aspects when considering youth rape and sexual assault. The last implication for youth sexual violence and the criminal justice system surrounds what constitutes child pornography. Sexting (or sending nudes) cannot be constitutionally banned as a method of child pornography (Wastler, 2010, p. 701). This precedent leaves many situations and victims unprotected.

References

Gjika, A. (2024). *When rape goes viral: Youth and sexual assault in the digital age*. University of California Press.
Wastler, S. (2010). The harm in "sexting"?: Analyzing the constitutionality of child pornography statutes that prohibit the voluntary production, possession, and dissemination of sexually explicit images by teenagers. *Harvard Journal of Law & Gender*, 33(2), 687–702.



Jasmine V. Hadnot is a first-year doctoral student at the University of Houston political science department. She received a bachelor’s degree in political science from the University of Houston-Downtown and a master’s degree in criminal justice from Lamar University. In her doctoral program, she is concentrating in American Politics and Public Policy. She is interested in criminal justice reform, racial equity, and higher education amongst minorities.

 **Article**

A Revolutionary Case Study in Contemporary Theoretical Context

By Carter F. Smith

Introduction

As the United States approaches the 250th anniversary of the Revolutionary War, the commemoration offers a moment to reflect on the complex intersection of law, justice, and governance in the nation’s formative years. Sam Mason, a Revolutionary War militia captain turned infamous river pirate, provides a compelling lens through which to examine the challenges of establishing legal order in early America. His life illustrates how societal instability, jurisdictional fragmentation, and evolving legal frameworks shaped frontier justice—

issues that remain relevant to contemporary criminal justice.

The Rise of River Piracy in America

While piracy on the high seas has been well-documented, river piracy in America during the 18th and early 19th centuries is a lesser known but significant chapter in American history. River piracy flourished as westward expansion increased the use of rivers like the Ohio and Mississippi for trade and transportation. Several key factors contributed to this surge in piracy. The vastness and isolation of the frontier made law enforcement efforts difficult, creating opportunities for criminal enterprises to thrive. The rivers themselves—with their winding paths and secluded inlets—offered ideal locations for ambushes, enabling pirates like Mason and his gang to attack and disappear quickly.

Economic growth and the increase in river trade further exacerbated the problem. As trade routes expanded, more boats traveled the rivers, carrying goods ranging from furs and tobacco to slaves and whiskey. The slow-moving nature of flatboats and keelboats made them easy targets. Pirates took advantage of the government's weak control over the new territories, where local law enforcement was either missing or inadequate. That allowed piracy to become a profitable and relatively low-risk criminal venture.

Post-Revolutionary Veteran Issues

Like many veterans of the Revolution, Mason found post-war life fraught with economic hardship and uncertainty. As westward expansion pushed settlement boundaries, the Mississippi River became a vital artery for trade—and a ripe target for criminal enterprise. By the late 1780s, Mason had transitioned from war hero to criminal mastermind, leading a notorious gang of river pirates who preyed on merchants, settlers, and travelers along the Ohio and Mississippi Rivers. Operating in contested regions stretching from Pennsylvania to Louisiana, Mason exploited the era's fragmented legal and political systems to avoid capture. His activities included ambushes, robberies, and the fencing of stolen goods, making him a figure of both fear and fascination on the frontier ("Mason (Samuel) Trial Records," 1803). Mason's ability to evade capture for years underscores the challenges of coordinating law enforcement across such a fractured system.

Contemporary Theoretical Perspectives

Contemporary researchers would identify the behavior of river pirates through various lenses, integrating historical context, the evolution of legal definitions, and the socioeconomic factors influencing piracy. Modern analysts would likely categorize piracy as organized crime characterized

by violent, illegal, and often transnational activities. Historically known for robbing river travelers, river pirates would be examined as part of the more extensive economic disparity in the fledgling 18th-century United States.

However, we are looking more toward the question that both historians and descendants are asking: How did Sam Mason turn out that way in a family of law-abiding citizens?

River piracy can be analyzed through various contemporary criminological theories, each offering a unique lens to understand the phenomenon. The most applicable theories in this context are Cultural Deviance, Social Disorganization, Environmental Criminology, and Life Course Theory.

Cultural Deviance Theory

Cultural Deviance Theory suggests that individuals who grow up in specific environments are more likely to engage in criminal behavior due to the cultural norms and values they have been exposed to (Anderson, 1999; Warner & Pierce, 1993). Cultural Deviance Theory posits that individuals engage in criminal behavior when they are socialized into subcultures where deviance is normalized. The isolated and lawless environment of the frontier created subcultures where violence and theft were not only accepted but seen as necessary for survival. Pirates like Mason operated within these subcultures, where traditional societal norms held little influence. Mason's descent into piracy can be viewed as a rational response to the socioeconomic pressures of the frontier, where limited resources and weak governance made criminality an appealing alternative to traditional labor.

Social Disorganization Theory

Social Disorganization Theory (Shaw & McKay, 1942) explains how crime flourishes in communities with weak social institutions and little social cohesion. Along the Ohio and Mississippi Rivers, settlements were small and isolated, with little formal governance. These conditions created a "disorganized" environment where criminal enterprises like river piracy could operate with impunity. The absence of strong legal institutions and community controls allowed criminality to become entrenched in those areas, perpetuating the cycle of lawlessness.

Environmental Criminology

Environmental Criminology focuses on the spatial and environmental factors that facilitate criminal behavior, emphasizing how the physical environment influences the likelihood of crime (Brantingham & Brantingham, 1991). Environmental Criminology provides further insight into how the geography of the rivers contributed to the success of pirate activities. The rivers' physical characteristics—broad, winding paths with numerous secluded coves—offered strategic advantages for river pirates. The environment became a tool for criminals, allowing them to hide, ambush, and escape without detection.

Life Course Theory

Life Course Theory delves into how significant life events and transitions can drastically alter one's trajectory (Elder, 1998; Sampson & Laub, 1993). Life Course Theory offers a multidimensional understanding of how individual experiences and social factors influence behavior over time. In the case of Samuel Mason, his life trajectory is critical to understanding his transformation from a Revolutionary War captain to a judge, counterfeiter, and then a notorious river pirate. Life Course Theory suggests that criminal behavior is not static but

develops and evolves in response to life events and changing circumstances.

Mason's involvement in the French and Indian War and later the American Revolution exposed him to violence, hardship, and survival strategies, which may have normalized deviant behavior. As Mason transitioned from military life to the unsettled frontier, the lack of formal authority and economic opportunity likely pushed him toward criminal activity. His gradual escalation from small-time theft to organized piracy can be seen as the result of the interaction between his military background, exposure to frontier lawlessness, and a lack of alternative economic opportunities.

Life Course Theory emphasizes that significant turning points, such as changes in employment or relationships, can alter an individual's trajectory. However, for Mason, there were few positive turning points available on the frontier, and his criminal behavior intensified with age, reflecting the theory's assertion that without intervention or new social roles, deviant behavior may persist and escalate over time. The theory explains how Mason's life experiences and environment combined to sustain his involvement in piracy, even into his later years.

Analysis

One historian (Rothert, 1924) attributed Mason's criminal actions to the influence of frontier life, and "not the family from which he sprang." Pioneer times, Rothert observed, "produced a variety of characters, and Samuel Mason rapidly developed into a product quite distinct from most men of the day." This is a solid attempt to explain Cultural Deviance Theory, suggesting individuals who grow up in specific environments are more likely to engage in criminal behavior, not because of individual pathology but due to the cultural norms and values they have been exposed to.

However, it does little to explain how Sam and his siblings differed. Mason's brothers Thomas and Joseph accompanied George Rogers Clark on his 1778 campaign to secure the Illinois territory and prevent the British from gaining control of the region, and a sister of Sam's married John Fell, a Methodist preacher. Sam's brother Isaac made a fortune in the iron industry and was connected by marriage to some of Pennsylvania's wealthiest and most influential members. Isaac also was involved in early American politics, serving with Ben Franklin on the Supreme Executive Council of Pennsylvania under the Articles of Confederation.

I prefer the Life Course Theory, which suggests that criminal behavior is a dynamic process influenced by many individual and social factors throughout a person's life. Life Course Theory is multidimensional, incorporating insights from sociology, psychology, and criminology to explain how one's criminal behavior develops and changes over time. It offers a framework for understanding why individuals might engage in criminal activity and how and why their involvement in crime may change or persist across different stages of life.

Sam Mason exemplified how these theories converge. Although raised in a law-abiding family, Mason's choice to pursue a life of crime can be best understood through both Cultural Deviance Theory and Life Course Theory. The harsh realities of frontier life and the lack of social control likely influenced Mason's decision to turn to piracy. For Mason, early military experiences and exposure to the lawlessness of the frontier may have normalized violence and deviance as viable means of survival. Over time, his criminal activities escalated, reflecting the increasingly violent nature of his environment.

Conclusion

Sam Mason's capture and execution in 1803

marked the end of his reign of terror but not the end of his legacy. By examining Mason's story, we gain a deeper understanding of the roots of contemporary issues, from jurisdictional coordination to the reintegration of veterans into society. The frontier's lawlessness, the strategic advantages of river geography, and the lack of formal governance created fertile ground for piracy. This analysis identifies a lesser-known chapter in American history and offers enduring lessons on the nature of crime in contexts of weak governance and economic instability.

Applying contemporary theories to historical phenomena like river piracy enriches our (and our students') comprehension of the past by offering enduring lessons on the nature of crime and its roots in the human experience. As the 250th anniversary of the American Revolution approaches, Mason's life invites us to reflect on how past challenges inform the present. His story is not merely a tale of crime and punishment but a case study of the complexities of justice in a nation still defining itself.

References

- Anderson, E. (1999). *Code of the street: Decency, violence, and the moral life of the inner city*. W.W. Norton & Company.
- Brantingham, P. J., & Brantingham, P. L. (1991). *Environmental criminology*. Waveland Press.
- Elder, G. H., Jr. (1998). The life course as developmental theory. *Child Development, 69*(1), 1–12.
<https://doi.org/10.1111/j.1467-8624.1998.tb06128.x>
- Mason (Samuel) trial records. (1803). Z/0273.000, *Mississippi Department of Archives and History, Jackson, MS*.
<http://opac2.mdah.state.ms.us/phpmanuscripts/z0273.php>
- Rothert, O. (1924). *The outlaws of Cave-in-Rock: Historical accounts of the famous highwaymen and river pirates who operated in pioneer days upon the Ohio and Mississippi Rivers and over the old Natchez trace*. Arthur H. Clark.
- Sampson, R. J., & Laub, J. H. (1993). *Crime in the making: Pathways and turning points through life*. Harvard University Press.
- Shaw, C. R., & McKay, H. D. (1942). *Juvenile delinquency and urban areas: A study of rates of delinquency in relation to differential characteristics of local communities in American cities*. University of Chicago Press.
- Warner, B. D., & Pierce, G. L. (1993). Reexamining social disorganization theory using calls to the police as a measure of crime. *Criminology, 31*(4), 493–517.
<https://doi.org/10.1111/j.1745-9125.1993.tb01139.x>



Carter F. Smith, Ph.D. has taught classes and sessions for many Gang Investigators Associations, the Academy of Criminal Justice Sciences, the National Crime Prevention Council, the Regional Organized Crime Information Center, the National Gang Crime Research Center, the Southern Criminal Justice Association, the U.S. Department of Justice and the U.S. Army. Dr. Smith is a retired U.S. Army Criminal Investigations Division (CID) Command Special Agent. He worked in the CID for over twenty-two years, with fifteen of those at Fort Campbell, KY, where he identified the growing gang problem in the early 1990s and later started the Army's first Gang & Extremist investigations team.

He provided and directed the security of several U.S. Army bases, supervised multi-national fraud and theft investigations, and conducted various criminal and cyber-crime investigations in Germany, Korea, Panama, and the United States. He has been interviewed by several national, regional and local television, print, internet and radio news sources, and has appeared twice in the History Channel's Gangland series. He is a member of the Academy of Criminal Justice Sciences (ACJS), The American Society of Criminology, the Southern Criminal Justice Association, the American Criminal Justice Association, the Fraternal Order of Police, Infragard, and ASIS International. He was a founding (and still serving) board member of the Tennessee Gang Investigators Association, and is a three-time recipient of the Frederic Milton Thrasher Award of the National Gang Crime Research Center.



Holding Juvenile Correctional Staff Accountable: A Spotlight on Excessive Force

By Deneil D. Christian

Every year, thousands of young people are placed in juvenile detention centers across the United States. This level of adolescent incarceration represents the highest among any country in the world (Sattler, 2017). These institutions are supposed to ensure the safety, rehabilitation, and care of youth in their custody. The use of excessive force in correctional facilities remains a critical issue in the U.S. justice system, especially when juveniles are involved. Youth in detention often occupy a uniquely vulnerable position: they are minors under state care, separated from familial protection, and dependent on correctional staff for safety. When those entrusted with their welfare violate their rights, the consequences are profound, both for the victims and for public trust in the justice system.

Under the Eighth Amendment, correctional officers are prohibited from using cruel and unusual punishment, which includes excessive force. However, legal recourse for justice-involved youth remains a murky terrain, as the courts have not explicitly clarified these protections for juveniles. This article examines the legal frameworks that guide cases of excessive force and highlights judicial decisions in which juvenile correctional staff were held accountable for their actions under Section 1983 of the Civil Rights Act.

Understanding Excessive Force in Juvenile Detention

Excessive force refers to any action by correctional officers that exceeds the reasonable amount

necessary to maintain order or discipline. Courts have long debated what constitutes “excessive” force, often weighing factors such as the severity of injuries sustained and the officer’s intent (Worley, 2010). Two pivotal Supreme Court cases—*Whitley v. Albers* (1986) and *Hudson v. McMillan* (1992)—established the standards for determining whether correctional staff violated the Eighth Amendment. In *Whitley*, the Court held that force used maliciously or sadistically to cause harm is unconstitutional, emphasizing the need to evaluate whether the action was taken in good faith to restore order. *Hudson* further clarified that significant physical injuries are not required for a claim of excessive force to succeed; the focus should instead be on whether the force was unnecessarily applied to inflict harm.

While these decisions primarily addressed adult offenders, courts have applied similar standards to juvenile cases. In addition, *McReynolds v. Alabama Department of Youth* (2008) offers valuable insight into the application of excessive force laws to juvenile offenders. While the decision was unpublished and, therefore, not binding precedent, the Eleventh Circuit Court in *D.L. v. Youth Services International, Inc.* (2011) acknowledged that such opinions can still serve as persuasive authority in legal arguments. Juvenile cases present unique challenges. Justice-involved youth are more susceptible to psychological and physical harm, and their custodial environment should prioritize rehabilitation over punishment. This context underscores the urgency of ensuring that correctional staff are held accountable for using excessive force.

The Role of Section 1983 in Holding Staff Accountable

Section 1983 of the Civil Rights Act provides a pathway for individuals to seek redress for violations of constitutional rights by government officials, including correctional staff. This statute allows victims—or their representatives—to file civil suits when officers act “under color of law” to infringe upon federally protected rights. In the context of juvenile detention, Section 1983 cases typically center on whether the use of force was necessary to maintain discipline or whether it was applied with malicious intent. Legal liability under this statute can have significant consequences for correctional institutions, including financial penalties and reputational damage.

Examining Key Cases of Juvenile Correctional Staff Liability

Scholarly analyses of correctional officers’ use of excessive force against adult offenders are limited (Rembert & Henderson, 2014). Similarly, there is a noticeable gap in the current literature related to the use of force against juvenile offenders by correctional staff. However, several cases highlight how courts have navigated the issue of excessive force against juveniles. The following four cases provide valuable insights into judicial reasoning and the standards applied to assess correctional staff liability.

1. *Thompson v. Montemuro* (1974)

In this case, Renee Thompson, a minor, alleged that she was mistreated while confined in the Youth Center on a runaway charge. Staff members reportedly assaulted her with objects, denied her medical treatment, and placed her in solitary confinement. The U.S. District Court for the Eastern District of Pennsylvania emphasized that individuals

in custody have a constitutional right to be free from physical abuse and maltreatment. While the court dismissed claims against certain officials, it upheld the plaintiff’s right to seek redress for her injuries, signaling that such abuses cannot go unchecked.

2. *Jackson v. Johnson* (2000)

This case involved a 14-year-old boy who was restrained for 30 minutes by correctional staff until he became unconscious. The court applied the Fourth Amendment, which protects against unreasonable bodily restraint, to assess whether the force used was excessive. The decision noted the severe injuries sustained by the plaintiff and questioned whether such prolonged restraint was necessary. The court ultimately denied the defendants’ motions for summary judgment, allowing the case to proceed to trial.

3. *McReynolds v. Alabama Department of Youth Services* (2008)

McReynolds centered on D.M., a 15-year-old with a history of mental health issues. After refusing to comply with a request to remove his clothes, D.M. was beaten with a nightstick by multiple guards. The court found that the force used was not intended to restore order but was instead maliciously applied to cause harm. This case reaffirmed the principle that force must be applied in good faith and emphasized the need for correctional staff to consider the specific vulnerabilities of juvenile detainees.

4. *Gregg v. Ohio Department of Youth Services* (2009)

James M. Gregg alleged that correctional staff used excessive force against him while he was handcuffed. The court noted that lifting a restrained youth and throwing him to the ground could be

construed as unnecessary and excessive. The findings highlighted the importance of evaluating the proportionality of force used in relation to the situation, particularly when the individual involved poses no immediate threat.

Balancing Discipline and Protection: Key Legal Standards

In assessing claims of excessive force, courts consider several factors. These factors serve as benchmarks for determining whether an officer's actions were reasonable or whether they violated the Eighth Amendment:

- 1: **The necessity of force:** Was the force applied to address an immediate threat?
- 2: **The proportionality of force:** Did the level of force match the situation's severity?
- 3: **The extent of the injury:** Were the injuries consistent with the need for force, or did it suggest malicious intent?
- 4: **The perceived threat:** Was the threat to safety enough to justify the response?
- 5: **Efforts to temper the response:** Were alternative methods attempted before resorting to physical force?

The Broader Implications of Excessive Force

Excessive force in juvenile facilities has far-reaching consequences. Beyond the immediate harm to victims, such incidents erode public trust in the justice system and undermine efforts to rehabilitate young offenders. Correctional staff who resort to violence not only jeopardize the well-being of detainees but also expose institutions to costly lawsuits and reputational damage (Rembert & Henderson,

2014). Moreover, these cases highlight systemic issues within juvenile detention facilities, including inadequate training, insufficient oversight, and a lack of accountability mechanisms. Addressing these shortcomings requires a multifaceted approach that prioritizes the safety and rights of incarcerated youth.

Recommendations for Reform

To prevent excessive force and ensure accountability, correctional institutions must implement robust reforms:

- 1: **Enhanced training:** Staff should receive comprehensive training on de-escalation techniques and the specific needs of juveniles, including those with mental health challenges. Research indicates that a substantial proportion of youth entering the juvenile justice system experience mental health challenges (Christian, 2023).
- 2: **Independent oversight:** Independent monitoring bodies can help identify and address abuses before they escalate, ensuring greater accountability in juvenile detention facilities. These entities can provide oversight by conducting regular audits, investigating complaints, and recommending policy changes to prevent excessive force. Additionally, independent monitors can act as a safeguard for juveniles, ensuring that correctional staff adhere to professional standards and that incidents of abuse are transparently addressed.
- 3: **Clear guidelines:** Developing clear policies on the appropriate use of force can provide staff with the tools they need to navigate complex situations, reducing the likelihood of unnecessary or excessive actions. These guidelines should include specific protocols for de-escalation, age-

appropriate interventions, and responses tailored to juveniles with mental health or behavioral challenges.

4: Transparency and reporting: Institutions should maintain transparent reporting systems for incidents involving force, ensuring accountability at all levels and fostering trust among staff, juveniles, and the public. These systems should include detailed documentation of incidents, routine audits, and mechanisms for independent review to identify patterns of misuse and implement corrective actions.

5: Focus on rehabilitation: Facilities should prioritize programs that support rehabilitation and reduce the likelihood of recidivism, shifting the focus from punishment to growth. This includes offering education, vocational training, and mental health services tailored to the needs of juveniles, equipping them with the skills and support necessary to successfully reintegrate into society. By fostering personal development and addressing the root causes of delinquent behavior, these programs can break the cycle of reoffending (Christian, 2021).

Conclusion

The issue of excessive force in juvenile detention is a stark reminder of the responsibilities that come with authority. Correctional staff are entrusted not only with maintaining order but also with safeguarding the rights and well-being of the youth in their care. The cases discussed in this article underscore the urgent need for systemic reform to prevent abuses and hold perpetrators accountable. As a society, we must demand better for justice-involved youth. By implementing meaningful changes, we can create an environment where rehabilitation takes precedence over harm, ensuring that juvenile detention facilities uphold the principles of justice and human dignity.

References

- Christian, D. D. (2021). Exploring the dangers of youth confinement in the United States. *Safety & Emergency Services Journal*.
<https://cesjournal.columbiasouthern.edu/>
- Christian, D. D. (2023). Mandatory mental health screening for justice-involved youth: A national priority. *Youth Justice*, 23(1), 49–57.
<https://doi.org/10.1177/14732254211052334>
- Civil Rights Act, 42 U.S.C. § 1983 (1871).
- D. L. v. Youth Services International, Inc.*, WL 13214123 (S.D. FL. 2011).
- Gregg v. Ohio Dept. of Youth Services*, 661 F.Supp.2d 842 (2009).
- Hudson v. McMillian*, 503 U.S. 1 (1992).
- Jackson v. Johnson*, 118 F.Supp.2d 278 (2000).
- McReynolds v. Alabama Department of Youth*, WL 1927373 (M.D. AL. 2008).
- Rembert, D. A., & Henderson, H. (2014). Correctional officer excessive use of force: Civil liability under Section 1983. *The Prison Journal*, 94(2), 198–219. <https://doi.org/10.1177/0032885514524731>
- Sattler, A. (2017). Treating youths in the juvenile justice system. *Pediatric Clinics of North America*, 64(2), 451–462.
<https://doi.org/10.1016/j.pcl.2016.11.012>
- Thompson v. Montemuro*, 383 F.Supp. 1200 (1974).
- Whitley v. Albers*, 475 U.S. 312 (1986).
- Worley, V. B. (2010). “Don’t tase me, bro”: Civil liabilities for use of ECDs by jail and prison officers. *Criminal Law Bulletin*, 46(3), 638–663.



Dr. Deneil Christian is an adjunct graduate faculty member at Texas A&M International University and a faculty associate at Arizona State University. He previously served as an assistant professor at Tennessee State University and the University of the Virgin Islands. Dr. Christian’s research explores various juvenile justice issues and the use of video cameras in synchronous online courses. His research has been published in *Youth Justice*, the *Journal of Qualitative Criminology & Criminal Justice*, the *Safety & Emergency Services Journal*, and *Interactive Learning Environments*.



Journal of Criminal Justice Education

Does Educating Students Influence Their Views About a Sensational Criminal Justice Event? An Experiment on the Chokehold Death of Mr. Eric Garner

John A. Eterno & Arvind Verma

Published Online: September 29, 2024

<https://doi.org/10.1080/10511253.2024.2418571>

Book Review - Rick Brown, Eliminating Online Child Sexual Abuse Material

Edited by Richard Wortley, UCL, Routledge

ISBN: 9781003327264

Mahmud Nasrul Habibi, Endah Mastuti, & Fitri Andriani

Published Online: November 6, 2024

<https://doi.org/10.1080/10511253.2024.2424305>

Teacher Reflections on Assessing Indigenous Cultural Competency in a Criminal Justice Subject Through Interactive Oral Assessment

Emma Colvin & Jennifer Hartley

Published Online: November 7, 2024

<https://doi.org/10.1080/10511253.2024.2422314>

Critical Criminology, Canadian Edition

Mitra Mokhtari & Philip Goodman

Published Online: November 9, 2024

<https://doi.org/10.1080/10511253.2024.2424302>

Introducing Ethics: An Examination of the Coverage of Ethics in Introductory Criminal Justice Textbooks

Cory R. Lepage & Kate Luther

Published Online: November 18, 2024

<https://doi.org/10.1080/10511253.2024.2425032>

Improving Mental Health Literacy Among Law Enforcement: A Pilot Study on Mental Health First Aid for Public Safety

Michael P. Krusinsky

Published Online: November 22, 2024

<https://doi.org/10.1080/10511253.2024.2431275>

The Educational Background of the Most-Cited Scholars in Criminology and Criminal Justice

Ellen G. Cohn & Gabriella Zelaya

Published Online: November 26, 2024

<https://doi.org/10.1080/10511253.2024.2428657>

Book Review - Southernising Criminology: Challenges, Horizons, and Praxis

Edited by Luiz Dal Santo and Carla Andrea Sepúlveda Penna, Routledge

ISBN: 9781003349761

Callysta Emily Asterina, Teguh Ahmad Asparill, & Gabriel Durah Langoday

Published Online: December 12, 2024

<https://doi.org/10.1080/10511253.2024.2440535>

JUSTICE QUARTERLY

Has Postponed Entry into Adult Roles Modified U.S. Age-Crime Curves? Age-Arrest Patterns of Teens, Emerging Adults and Adult Age Groups, 1980-2029

Darrell Steffensmeier, Jessie Slepicka, Jennifer Schwartz, & Yunmei Lu

Published Online: October 31, 2024

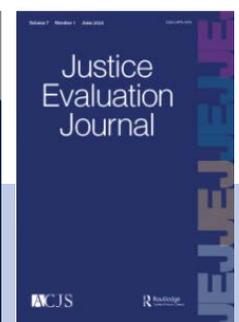
<https://doi.org/10.1080/07418825.2024.2410260>

Hidden in Plain Sight: Improving the Measurement of Sex Trafficking Victimization in a National Sample of Adults

Teresa C. Kulig & Leah C. Butler

Published Online: October 31, 2024

<https://doi.org/10.1080/07418825.2024.2414826>





Contextualizing Attitudes About Violence from the Vantage Point of Street-Identified Black Make Youth: The Role of the Perceived Neighborhood and Bypassing Adolescence in the Development of Black Masculinity

Nadia Bounoua, Brooklynn K. Hitchens, Yasser A. Payne, & Naomi Sadeh

Published Online: November 1, 2024

<https://doi.org/10.1080/07418825.2024.2417947>

Underlying Dimensions of Racial Residential Segregation and Police-Cased Homicide of Blacks: A Cross-Sectional Analysis of Core Based Statistical Areas

Sylwia J. Piatkowska, Aidalis A. Santana, & Steven F. Messner

Published Online: November 1, 2024

<https://doi.org/10.1080/07418825.2024.2418908>

How Long is Long Enough: Using Abbreviated Criminal Histories for Pretrial Assessment Instruments?

Matthew DeMichele, Christopher Inkpen, Ian Silver, & Jason Walker

Published Online: November 8, 2024

<https://doi.org/10.1080/07418825.2024.2422834>

Advancing Measurement of Correctional Officer Health and Wellness: A Pilot Study of Wearable Biometric Sensor Devices

Ryan M. Labrecque, Christine Lindquist, Stephen Tueller, Wesley Tucker, & Amy Maniola Allen

Published Online: November 8, 2024

<https://doi.org/10.1080/07418825.2024.2425671>

Recorded Justice or Procedural Justice? A Randomized Controlled Experiment of the Influence of Body Worn Cameras and Officer Behavior on Citizen Attitudes

Mustafa Demir & Robert Apel

Published Online: November 9, 2024

<https://doi.org/10.1080/07418825.2024.2425676>

Religion, Race, and Place in Early 20th Century Debates About Juvenile Delinquency

Rachel Ellis, Melissa J. Wilde, & Gabrielle Wy

Published Online: November 18, 2024

<https://doi.org/10.1080/07418825.2024.2422836>

Beyond the Dichotomy: Understanding the Masking Effect of Binary Measures of "Status" on Foreign Nationals' Lifetime Victimization Outcomes

Krystlelynn Caraballo

Published Online: November 22, 2024

<https://doi.org/10.1080/07418825.2024.2430280>

Economic Inequality, Relative Deprivation, and Crime: An Individual-Level Examination

Eran Itskovich

Published Online: December 4, 2024

<https://doi.org/10.1080/07418825.2024.2435859>

Does Pretrial Status Explain Racial Disparity in Sentencing Outcomes? A Decomposition Analysis

Miranda A. Galvin, Phys Hester, & Matthew Kleiman

Published Online: December 13, 2024

<https://doi.org/10.1080/07418825.2024.2438791>

Testing Systems-Level Theories and Impacts of Supermax Prisons: A Macrolevel Longitudinal Analysis

Claudia N. Anderson, Joshua C. Cochran, & John Wooldredge

Published Online: December 17, 2024

<https://doi.org/10.1080/07418825.2024.2435857>

French Judges' Beliefs About Addiction: Divided on Causes, Aligned on Individual Responsibility

Vanessa De Luca, Maria Alejandra Erazo Diaz, & Nicolas Nayfeld

Published Online: December 19, 2024

<https://doi.org/10.1080/07418825.2024.2436568>



An Examination of Differential Item Functioning in a Measure of Self-Reported Offending Across Race and Ethnicity Among a Sample of Justice-Involved Youth

James V. Ray, Thomas Backer, & Jennifer H. Peck

Published Online: December 19, 2024

<https://doi.org/10.1080/07418825.2024.2439518>

JUSTICE EVALUATION JOURNAL

The Long-Run Effect of Police on Crime and Arrests

Steve Yeong

Published Online: December 1, 2024

<https://doi.org/10.1080/24751979.2024.2433291>

Recent Publications:

October 29, 2024 - December 19, 2024



Article

Navigating the Intersection of Immigration Policy and Human Trafficking: Balancing Border Security With Human Rights in the U.S.

By Carlos Filho

Abstract: The complexities of immigration management at U.S. borders have increasingly intersected with the pervasive issue of human trafficking, presenting unique challenges to policymakers, law enforcement, and humanitarian organizations. This article explores the dual necessity of enforcing robust border security while safeguarding the human rights of vulnerable migrant populations who are often exploited by trafficking networks. Through an interdisciplinary lens, the study examines the socioeconomic, legal, and systemic factors driving this crisis and evaluates the effectiveness of current policies. By proposing innovative solutions—such as enhanced international collaboration, the integration of artificial intelligence for trafficking detection, and victim-centered

approaches—this article seeks to contribute to a more sustainable and ethical immigration framework. Addressing the tension between crime prevention and the protection of fundamental rights, the research highlights the importance of aligning immigration enforcement with global human rights standards to dismantle trafficking networks and provide justice for survivors.

Keywords: immigration policy, human trafficking, U.S. borders, border security, human rights, Dublin Regulation, victim-centered policy, Mexico, artificial intelligence, foreign policy

Introduction: A Closer Look at Immigration and Human Trafficking at U.S. Borders

The intersection of immigration and human trafficking poses significant challenges at U.S. borders. In fiscal year 2023, U.S. Customs and Border Protection (CBP) reported more than 2.4 million migrant encounters at the southwest border, reflecting a sharp increase in migration flows driven by economic hardship, conflict, and climate change impacts. The complexity of these dynamics often

creates vulnerabilities for individuals targeted by human trafficking networks, particularly for labor and sexual exploitation (CBP, 2024; DHS, 2024).

Human trafficking prosecutions have also escalated in the United States. Between 2012 and 2022, cases referred for prosecution more than doubled, increasing from 805 to 1,656, with corresponding convictions rising from 578 to 1,118. Victims of trafficking are often coerced under dire circumstances, reflecting an urgent need for enhanced cross-agency collaboration and victim-centered approaches (Bureau of Justice Statistics, 2024).

These trends underscore the necessity of integrated strategies that address both migration management and trafficking prevention while protecting human rights. This article proposes innovative, AI-driven approaches and enhanced international cooperation to mitigate these challenges, emphasizing the balance between border security and safeguarding fundamental freedoms.

International Agency Contributions to Data Collection on Human Trafficking at U.S. Borders

International agencies play a crucial role in addressing human trafficking through data collection and analysis. Organizations like the International Organization for Migration (IOM) and the United Nations Office on Drugs and Crime (UNODC) gather comprehensive data on human trafficking globally, including insights relevant to U.S. borders.

The Counter-Trafficking Data Collaborative (CTDC), a platform managed by IOM, compiles detailed, anonymized datasets on human trafficking cases worldwide. CTDC hosts the largest dataset on trafficking, with more than 206,000 individual cases recorded since its inception. It provides actionable

insights to help align efforts across jurisdictions, including the U.S. border regions, where trafficking activities are prevalent (IOM, 2024; UNODC, 2022).

In the same path, UNODC's Global Report on Trafficking in Persons (2022) provides an additional layer of insight. By aggregating data from national governments and law enforcement agencies, UNODC compiles information on trafficking trends, including those at U.S. borders. For instance, from 2003 to 2021, their reports documented more than 450,000 identified victims globally, highlighting regional trends that correlate with cross-border trafficking in North America (UNODC, 2022).

These international efforts not only underscore the importance of collaboration between U.S. authorities and global organizations but also emphasize the need for integrated strategies to combat trafficking effectively at its roots and transit points, as validated later in the current study.

Legal Framework Binding U.S. Foreign and Immigration Policies to International Law Commitments

When reviewing the United States' foreign and immigration policies, it's quite important to highlight that the policies are intricately bound by a legal framework that interweaves domestic legislation with international human rights obligations. These commitments are grounded in treaties, customary international law, and principles enshrined in the U.S. Constitution, which together shape the nation's responsibilities to protect fundamental rights and adhere to international standards.

Domestic Law and International Obligations

Under the Supremacy Clause of the U.S. Constitution (Article VI, Clause 2), treaties ratified by the United States become part of the “supreme law of the land.” This establishes a binding relationship between U.S. domestic policies and its international commitments. Key treaties influencing U.S. immigration and human rights policies include the 1967 Protocol Relating to the Status of Refugees, which obligates signatories to protect individuals fleeing persecution, and the International Covenant on Civil and Political Rights (ICCPR), ratified by the U.S. in 1992, which ensures the protection of civil liberties without discrimination.

In the context of human trafficking, the United States is a signatory to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Palermo Protocol), adopted in 2000. This treaty mandates states to criminalize human trafficking, protect victims, and strengthen international cooperation. Domestically, these obligations are implemented through the Trafficking Victims Protection Act (TVPA) of 2000, which provides a comprehensive legal framework for combating trafficking through prevention, prosecution, and victim protection measures (UNODC, 2022; U.S. Department of State, 2024).

Balancing Sovereignty and International Commitments

Despite these obligations, the United States faces challenges in balancing sovereignty with adherence to international law. Immigration policies, particularly enforcement at borders, are shaped by domestic priorities such as national security and economic stability, occasionally clashing with international norms. For example, the practice of family detention and asylum restrictions has drawn criticism from the United Nations High Commissioner for Refugees (UNHCR) for potentially violating the principle of non-refoulement, a cornerstone of refugee law

prohibiting the return of individuals to places where they face threats to life or freedom (UNHCR, 2023).

The *Flores Settlement Agreement*,¹ a domestic legal precedent, underscores the tension between international human rights standards and U.S. immigration enforcement. While the agreement requires the humane treatment of detained minors, including limitations on detention periods, its implementation has been challenged by shifting administrative policies and resource constraints.

Intersection With Human Rights Law

International human rights law obligates the U.S. to prioritize the protection of fundamental rights in its immigration policies. The Universal Declaration of Human Rights (UDHR), though nonbinding, serves as a moral compass. Articles 13 and 14 emphasize the right to seek asylum and freedom of movement, principles echoed in binding instruments like the ICCPR and regional agreements such as the American Declaration on the Rights and Duties of Man.

In practice, the U.S. has demonstrated a mixed record of compliance. While initiatives like the U.S. Refugee Admissions Program align with international standards, restrictive border policies and the use of Title 42—a public health statute to expedite migrant expulsions during the COVID-19 pandemic—have raised questions about proportionality and due process under international law (Human Rights Watch, 2024).

As a preliminary outcome note, the U.S. legal

¹ The *Flores Settlement Agreement* (FSA) was entered as a consent decree in the U.S. District Court for the Central District of California in 1997, after more than 10 years of litigation in a class action lawsuit challenging the procedures for the detention and release of alien minors by immigration authorities. The “specific body of law [which includes federal statutes and regulations] mainly governs the care and custody of alien minors who seek to enter and be admitted to the United States” (Santamaria, 2024).

framework on immigration exemplifies the interplay between national sovereignty and international law obligations. By upholding its commitments under treaties like the ICCPR, Palermo Protocol, and the Refugee Convention, the U.S. can take the lead in promoting global human rights standards. However, aligning domestic policies with these principles requires continuous reassessment to ensure adherence to the rule of law and protection of vulnerable populations.

Addressing Family Detention, Non-Refoulement, and Humanitarian Reforms at U.S. Borders

The principle of non-refoulement, enshrined in Article 33 of the 1951 Refugee Convention, prohibits the expulsion or return of individuals to territories where their life or freedom would be threatened. Despite its foundational role in international refugee law, the United States has faced significant criticism for practices that undermine this principle, particularly under the administration of President Donald Trump. Policies like the “zero-tolerance” approach, which led to family separations, and the Migrant Protection Protocols (MPP; commonly known as “Remain in Mexico”), illustrate systemic challenges in aligning U.S. immigration enforcement with international obligations.

Family Detention and Asylum Restrictions: Violations of Non-Refoulement

Under the Trump administration, the “zero-tolerance” policy implemented in 2018 mandated criminal prosecution for all unauthorized border crossings, resulting in the separation of thousands of families. This approach not only inflicted severe psychological trauma on vulnerable populations but also contravened international human rights standards by creating barriers to asylum claims. Asylum seekers, many fleeing from violence and

persecution, were often subjected to prolonged detention or expedited removal without adequate due process—a clear violation of non-refoulement (Human Rights Watch, 2020; UNHCR, 2023).

Additionally, the MPP required asylum seekers to wait in Mexico while their claims were processed, exposing them to significant dangers, including kidnapping, trafficking, and violence.² Reports documented more than 1,500 cases of abuse against migrants enrolled in MPP between 2019 and 2021, emphasizing the policy’s incompatibility with the Refugee Convention’s protective intent (American Immigration Council, 2021).

Adopting Dublin Regulation Principles for Humanitarian Reform

In Europe, the Dublin Regulation, which governs asylum applications in the European Union (EU), primarily aims to establish a clear and efficient system for determining the member state responsible for examining an asylum application. Its primary goal is to prevent “asylum shopping” and reduce the burden on certain member states by creating mechanisms for orderly processing of applications. However, the regulation faces significant challenges in addressing human trafficking and border surveillance. By design, it does not explicitly focus on human trafficking; instead, it operates within the broader framework of EU asylum and migration policies (e.g., closely comparable to the federal level in the U.S.). This

² It’s also known that the same immigrants are, in a great proportion, victims from human trafficking due to the poor conditions in their country of origin (e.g., México, but not only). As a practical example, slavery is reaching concerning levels in Texas due to the increase of human trafficking at the U.S. south border (Rodriguez, 2022). Furthermore, the complex nature of “human trafficking entangles victims in a nearly impenetrable web, for a number of reasons . . . victims are typically impoverished and financially dependent on their captors . . . the crime takes place in plain view (e.g., in a restaurant, worksite, or private home) and is not immediately apparent to observers [or] victims can be exploited for labor, sex, or both, particularly in private homes” (U.S. Customs and Border Protection, 2024).

oversight has led to criticisms regarding its effectiveness in identifying and protecting trafficking victims, as member states are often more focused on administrative responsibility than individual vulnerabilities (Guild et al., 2015), as we similarly have seen in the U.S.

Even though the Dublin Regulation still lacks some integration between member states' border surveillance and the effective detection of human trafficking activities, it offers valuable insights for reforming U.S. immigration and internal surveillance practices. One key principle involves prioritizing family unity and focusing on the vulnerability of specific groups, such as victims of trafficking, women, and children. Implementing similar measures at U.S. borders could enhance humanitarian protections while maintaining security objectives.

In terms of border surveillance, the Dublin Regulation system interacts with broader EU mechanisms, such as Frontex, to manage external borders. These efforts aim to enhance security while maintaining commitments to fundamental rights. Yet, operational challenges persist, such as balancing robust surveillance with safeguarding the rights of individuals, including potential trafficking victims (European Commission, 2020). Strengthening cooperation between Dublin Regulation procedures and anti-trafficking measures remains critical to addressing these intersecting issues effectively.

By applying the Dublin Regulation to the U.S. context, we could create specialized units trained to identify trafficking victims and provide immediate support services that would also serve to align U.S. practices with both international standards and the trauma-informed approaches embedded in the Dublin Regulation. Establishing secure pathways for family reunification and expediting asylum applications for high-risk individuals would also ensure a more humane response to border

management (European Union Agency for Asylum [EUAA], 2023).

U.S. Law Enforcement Practices: Pushing Back Immigrants

We shall not forget the enforcement of Title 42 during the COVID-19 pandemic, on which illustrates a pushback mechanism at the Mexico-U.S. border. Invoking public health justifications, U.S. authorities expelled more than 2.4 million migrants without offering opportunities to seek asylum, raising concerns about violations of international law. Many individuals, including trafficking victims, were sent back to dangerous situations in Mexico or their countries of origin, disregarding the principle of non-refoulement (Human Rights First, 2022).

Examples of pushback practices further underscore the need for comprehensive reforms. In 2019, reports surfaced of U.S. border officials instructing Mexican authorities to detain asylum seekers on the Mexican side of the border, effectively outsourcing responsibilities without regard for humanitarian risks. These actions illustrate systemic failures to uphold international obligations, particularly concerning the protection of trafficking victims and vulnerable populations (UNODC, 2022).

AI-Driven Mechanisms as a Revolving Door to Balance Security and Human Rights

The integration of innovative solutions, such as enhanced international collaboration, artificial intelligence (AI) for trafficking detection, and victim-centered approaches, presents a promising avenue for addressing the complex challenges at the U.S.-Mexico border. As mentioned above, these measures aim to reconcile the dual

imperatives of border security and the protection of fundamental human rights, fostering a more sustainable and ethical immigration framework.

Enhanced International Collaboration

Cross-border trafficking and illegal immigration are transnational issues that demand a cooperative international response. Bilateral agreements between the United States and Mexico, as well as multilateral engagements with neighboring countries in Central America, should prioritize intelligence sharing, joint operations, and harmonized policies. For instance, the Mérida Initiative serves as a precedent for such collaboration, though its impact has been limited by inconsistent implementation and political will (Seelke & Finklea, 2011; Williams, 2019). A revised framework focusing on humanitarian outcomes and victim support, alongside security measures, is essential.

Collaborative approaches can also be supported by regional organizations such as the Organization of American States (OAS), which can mediate agreements and foster compliance through accountability mechanisms. This international synergy ensures that migration policies remain holistic and adaptable to evolving challenges.

Artificial Intelligence for Trafficking Detection

Furthermore, AI technology provides an unprecedented opportunity to enhance surveillance systems while respecting individual rights. Machine learning algorithms can be employed to identify patterns indicative of trafficking or illegal activities by analyzing large datasets from various sources, such as social media, border checkpoints, and law enforcement reports. One practical example is the deployment of predictive analytics to anticipate trafficking routes, enabling proactive intervention

(Taslima et al., 2022; European Commission, 2020).

However, the implementation of AI must be accompanied by robust oversight mechanisms to prevent misuse or bias. Ethical AI frameworks, such as those proposed by the Institute of Electrical and Electronics Engineers (IEEE), emphasize transparency, accountability, and inclusivity in system design (IEEE, 2021). These principles are crucial to ensure that AI applications enhance border security without infringing on the rights of migrants and asylum seekers.

Victim-Centered Approaches

As it is being developed and sustained in the present analysis, a sustainable immigration framework must prioritize the welfare of trafficking victims. Victim-centered strategies include comprehensive support services, such as legal aid, healthcare, and psychological counseling, alongside safe pathways for reporting trafficking crimes. The U.S. Trafficking Victims Protection Act (TVPA) provides a strong legislative basis for these initiatives, though its enforcement remains deeply inconsistent (Krieger et al., 2020; Ecker, 2023).

Integrating victim support into border policies (e.g., community-based strategies) can also strengthen trust between vulnerable populations and authorities, encouraging greater cooperation in combating trafficking networks. Training programs for border patrol agents that focus on trauma-informed care and cultural sensitivity further enhance the effectiveness of victim-centered approaches.

Importance of the Dublin Regulation and Its Applications

The Dublin Regulation offers valuable insights for

fostering a victim-centered immigration policy in U.S. border control. While the regulation's primary aim is to determine the member state responsible for processing an asylum application, its emphasis on streamlining asylum procedures and avoiding duplication has significant implications for addressing the needs of vulnerable populations (Guild et al., 2015).

Adopting similar principles in U.S. southern border policies could enhance the identification and protection of trafficking victims. For example, centralized asylum processing systems modelled on the Dublin Regulation could reduce delays and ensure that victims receive timely assistance. Furthermore, such systems can prioritize cases involving individuals fleeing extreme conditions in their home countries, including political persecution, high levels of criminality, and poor living standards (Smith, 2022).

In practice, incorporating elements of the Dublin Regulation could mitigate the risks associated with fragmented border policies. Coordinated efforts between federal and state authorities, alongside international cooperation, can ensure that asylum seekers are not retraumatized by protracted or inequitable processes. This approach aligns with trauma-informed care principles and promotes a humane response to migration challenges.

Balancing Theory and Practice

Theoretically, these innovations align with the principles of human security and sustainable development, emphasizing the interconnectedness of safety, dignity, and opportunity (United Nations, 2015). Practically, case studies from the U.S.-Mexico border demonstrate the potential for AI and international collaboration to reduce trafficking incidents while upholding human rights (Tyler, 2022; Morley, 2024). For example, pilot programs

integrating AI into surveillance systems in Arizona have shown promise in identifying trafficking patterns without disproportionately targeting specific ethnic groups.

A preliminary outcome is that to achieve a balanced immigration framework, policymakers must bridge the gap between theoretical ideals and operational realities. This requires ongoing evaluation, community engagement, and the flexibility to adapt strategies in response to emerging trends and technologies.

Conclusion

Reforming U.S. immigration policies requires a concerted effort to reconcile security priorities with international human rights standards. By drawing on best practices from frameworks like the Dublin Regulation and addressing systemic violations such as family detention and unlawful pushbacks, the U.S. can strengthen its border policies while adhering to the principle of non-refoulement. A balanced approach rooted in humanitarian values not only fulfills international commitments but also reinforces the ethical foundation of American immigration law.

The intersection of AI, international collaboration, and victim-centered approaches offers a transformative pathway to address the dual imperatives of security and human rights at the U.S.-Mexico border. Grounded in both theory and practice, these innovations underscore the potential for a sustainable immigration framework that safeguards human dignity while ensuring effective border management.

Transparency in Public Policy and International Accountability

Transparency in U.S. public policy reporting on

immigration and human trafficking is critical to fostering trust and cooperation with the international community. Detailed, open reports on enforcement practices, asylum processing, and victim protection efforts would not only improve accountability but also provide a basis for identifying gaps that may require international intervention. For example, reports produced under the Trafficking Victims Protection Act (TVPA) could be expanded to include detailed accounts of U.S.-Mexico border practices, facilitating engagement with organizations such as the United Nations High Commissioner for Refugees (UNHCR) and the International Organization for Migration (IOM) to offer technical and operational support. Such transparency ensures that policies align with both domestic standards and international law commitments, strengthening the legitimacy of U.S. actions on the global stage (UNHCR, 2023; Human Rights First, 2022).

Leveraging International Aid and Promoting Inclusive Policies

Addressing the root causes of migration requires collaboration with Latin American nations, particularly Mexico, Guatemala, Honduras, and El Salvador. These countries often bear the brunt of migration pressures due to economic instability, violence, and human trafficking networks. International aid missions focused on economic development, security reform, and trafficking prevention can reduce push factors driving migration. Collaborative programs under frameworks like the Global Compact for Safe, Orderly and Regular Migration (GCM) could be tailored to improve local opportunities, strengthen border infrastructure, and enhance protections for vulnerable populations (UNODC, 2022).

Simultaneously, U.S. domestic policies must adopt a more socially inclusive approach to immigrants, recognizing the economic potential they bring.

Immigrants fill critical labor shortages in sectors such as agriculture, hospitality, and general services, contributing to economic stability and growth. Developing pathways for legal migration and integrating social inclusion measures—such as access to education, healthcare, and language training—aligns with both humanitarian values and economic pragmatism. Such measures could include expanding visa programs like the H-2B Temporary Non-Agricultural Worker Program or creating localized partnerships with industries that directly benefit from immigrant labor (American Immigration Council, 2023).

References

- American Immigration Council. (2021). *Migrant protection protocols: A failed policy*. <https://www.americanimmigrationcouncil.org>
- American Immigration Council. (2023). *The role of immigrants in the U.S. labor market*. <https://www.americanimmigrationcouncil.org>
- Bureau of Justice Statistics. (2024). *Human trafficking data collection activities, 2024*. <https://www.ojp.gov>
- Department of Homeland Security (DHS). (2024). *Immigration enforcement and lawful processes monthly report*. <https://www.dhs.gov>
- Ecker, E. (2023, January 12). *Successes and failures of the 2022 Trafficking Victims Protection Act Reauthorization*. <https://freedomnetworkusa.org/2023/01/12/successes-and-failures-of-the-2022-trafficking-victims-protection-act-reauthorization/>
- European Commission. (2020). *A new pact on migration and asylum*. <https://ec.europa.eu>
- European Commission: Directorate-General for Migration and Home Affairs. (2020). *Opportunities and challenges for the use of artificial intelligence in border control, migration and security: Management summary*. https://www.ospi.es/export/sites/ospi/documents/documentos/Tecnologias-habilitantesEC_Opportunities_AI_Border_Control.pdf
- European Union Agency for Asylum. (2023). *Dublin Regulation and its role in EU asylum systems*. <https://euaa.europa.eu>
- Guild, E., Costello, C., Garlick, M., & Moreno-Lax, V. (2015). *The 2015 refugee crisis in the European Union*. CEPS. <https://www.ceps.eu>
- Guild, E., Costello, C., & Moreno-Lax, V. (2015). *The Dublin Regulation: A cornerstone of the Common European Asylum System*. Oxford University Press.
- Human Rights First. (2022). *Public health or pretext? Title 42 and its consequences for asylum seekers*. <https://www.humanrightsfirst.org>
- Human Rights Watch. (2020). *Family separation and its lasting impact*. <https://www.hrw.org>
- Human Rights Watch. (2024). *Title 42 and its impact on asylum seekers*. <https://www.hrw.org>
- Institute of Electrical and Electronics Engineers. (2021). *Ethical AI design principles*. <https://www.ieee.org/standards/ethics>
- International Organization for Migration. (2024). *Counter-trafficking data collaborative (CTDC)*. <https://www.migrationdataportal.org>
- Krieger, K. E., Gibbs, D. A., & Cutbush, S. L. (2020). Evaluating human trafficking service programs: What can be learned from domestic violence service program evaluations. *Journal of Human Trafficking*, 8(2), 157–183.

<https://doi.org/10.1080/23322705.2020.1784686>

Morley, P. (2024, June 28). AI at the border: Racialized impacts and implications. *Just Security*. <https://www.justsecurity.org/97172/ai-at-the-border/>

Rodriguez, S. (2022, January 11). How porous borders fuel human trafficking in the United States. *Texas Public Policy Foundation*. <https://www.texaspolicy.com/how-porous-borders-fuel-human-trafficking-in-the-united-states/>

Santamaria, K. Y. (2024, December 3). Child migrants at the border: The Flores Settlement Agreement and other legal developments. *Congressional Research Services*, 2. <https://crsreports.congress.gov/product/pdf/IF/IF11799>

Seelke, C. R., & Finklea, K. M. (2011). US-Mexican security cooperation: The Mérida Initiative and beyond. <https://www.crs.gov>

Smith, S. (2022). *The regulation on asylum and migration management in the EU: A step toward solidarity*. <http://law.stanford.edu/wp-content/uploads/2022/08/EU-Law-WP-66-Smith.pdf>

Taslina, N., Islam, M., Rahman, S., Islam, S., & Islam, M. (2022). Information system integrated border security program: A quantitative assessment of AI-driven surveillance solutions in U.S. immigration control. *Journal of Business Insight and Innovation*, 1(2), 47–60.

Tyler, H. (2022). *The increasing use of artificial intelligence in border zones prompts privacy questions*. <https://www.migrationpolicy.org/article/artificial-intelligence-border-zones-privacy>

United Nations. (2015). *Transforming our world: The 2030 agenda for sustainable development*. <https://sustainabledevelopment.un.org>

United Nations High Commissioner for Refugees. (2023). *Guidance on international refugee law*. <https://www.unhcr.org>

United Nations High Commissioner for Refugees. (2023). *Principles of non-refoulement: A guide*. <https://www.unhcr.org>

United Nations Office on Drugs and Crime. (2022). *Global report on trafficking in persons*. <https://www.unodc.org>

United Nations Office on Drugs and Crime. (2022). *Global Report on Trafficking in Persons*. <https://www.unodc.org>

U.S. Customs and Border Protection. (2024). *Human trafficking: A complex crime*. <https://www.cbp.gov/border-security/human-trafficking>

U.S. Customs and Border Protection. (2024). *Southwest border migration FY 2023*. <https://www.cbp.gov>

U.S. Department of State. (2024). *Trafficking in persons report 2024*. <https://www.state.gov>

Williams, J. M. (2019). Affecting migration: Public information campaigns and the intimate spatialities of border enforcement. *Environment and Planning C: Politics and Space*, 38(7–8), 1198–1215. <https://doi.org/10.1177/2399654419833384>



Carlos Imbrosio Filho is a Legal Researcher and Consultant, Professor, and PhD candidate in Law at the Universidade Autónoma de Lisboa, Lisbon, Portugal. He is a Legal researcher at Ratio Legis, Research Centre in Lisbon, Portugal. Carlos is a member of the Academy of Criminal Justice Sciences (ACJS) and an Associate Member of Latina/o/x Criminology (LC) in U.S.



Article

Suggestions for Crafting an Effective Tribal Crime Research Policy Prioritizing Implementation

Julie C. Abril

Recently, I was invited by the National Institute of Justice (NIJ) to attend a public seminar of the National Academy of Sciences Committee on Law and Justice called Advancing the Federal Research Agenda on Tribal Crime, Justice, and Safety with Feedback from the Field. Many areas of concern were well-evident to me and were addressed privately to the panelists and NIJ staff. I will address

here what I have learned from my own work in the field to help guide future pursuits in this area. In this essay, I outline a few key considerations for crafting an effective crime, violence, and justice research policy for Indian Country focused primarily on implementation fidelity. I borrow heavily from Anne Schneider and Helen Ingram's (1997) Policy Design for Democracy and knowledge from Joan Petersilia's four decades of work in crime control policy and empirical research—in addition to my own work conducting field research with Native American Indian tribes located across the United States.

Politicization of Indian Country Crime

It should not be surprising that most issues related to American Indians and their tribes have been subjected to politicization. As Alfred Blumstein (2009, p. 3) cautioned, “Given the largely political environment in which crime policy is developed, it is easy to see where those responsible for the policies would try to manipulate the research to be supportive of their policies.” There is evidence of this practice in the current Missing and Murdered Indigenous Persons (MMIP) phenomenon, for example. Recently, when Native groups were asked by the FBI to provide identifying information for missing individuals, they were unable to provide these data (Wild, 2024).¹ This does not negate the fact that these events do indeed occur, but at what level do they exist? Do they rise to the level of the crime control policy expenditures now being made in such responses as establishing new federal laws (e.g., Not Invisible Act and Savanna’s Act of 2020), presidential Executive Order 14053 and its requisite responses (e.g., hiring personnel, reassignment of Asst. U.S. Attorneys to investigate these cases, public messaging within gubernatorial proclamations, on billboards and bumper stickers), and the generation of many news articles often part of other similar public awareness campaigns? The data that are available to examine MMIP do not necessarily support such increased crime control expenditures (Wild, 2024). This is but one example where a very real crime and victimization issue has been subjected to potentially overestimated politicization. My own empirical research, too, has been misinterpreted by

¹ During the July 2024 online Tribal Justice, Safety, and Wellness Summit hosted by the U.S. Departments of Justice and the Interior, which focused on MMIP, the FBI revealed it had only 42 active cases of murdered American Indians/Alaska Natives across the nation, while there were about 1,500 missing Native persons, most of whom were juveniles under the age of 18 years. The National Crime Information Center database, also maintained by the DOJ, indicated that of the 5,801 missing and unidentified persons cases, 4,844 are aged 12–17. Moreover, of the approximately 25,000 missing children in the United States, only about 400 were identified as American Indian/Alaskan Native. It must be noted that these cases are cumulative and not stratified by year of reporting.

others to support flawed arguments about the level and rate of violent victimization occurring within Indian Country (see, e.g., National Sexual Violence Resource Center, 2020; Perry, 2003).

When crafting a crime research policy response for Indian Country crime, violence, and justice—which the DOJ has certainly been tasked to do in response to the Tribal Law and Order Act of 2010, since affirmed by the Supreme Court—researchers should take into consideration the susceptibility to politicization of any crime “problem” with which we are tasked, whether by direct policy design or through our own research endeavors. With this and the acute needs of Indian Country well-evidenced in other scientific domains in mind, it might be helpful to have some guiding principles when crafting an effective tribal crime research policy.

Need for Interdisciplinarity to Respond to Complex Co-Occurring Crimes

The unique history and characteristics of Indian Country demands interdisciplinary research models be employed. Mixed methodological and analytical tools such as qualitative, quantitative, and photographic analysis, for example, are necessary elements of any research project. Multidisciplinary research teams spanning theoretical disciplines such as psychology, criminology, Native American studies, substance abuse treatment, and other salient areas must be developed and fostered to minimally address the myriad and complex needs faced by individuals residing in Indian Country. Complex co-occurring psychological pathologies and other maladaptive behaviors are common among young and old Natives alike. While many Native people believe former public policies, such as the Indian boarding school policy and failure by the federal government to fulfill historic treaty obligations, are largely to blame for such social

pathologies as domestic violence, child maltreatment, substance abuse, and other forms of social deviance, the causal links between past social policies have yet to be firmly established with strong social scientific methodologies—if it is at all possible to even link these. Regardless of what various stakeholders perceive to be the cause of such extreme maladaptive behaviors within this ethnic group, the fact remains these behaviors and the harms caused by them must remain the foci of future investigations as well as preventive efforts to guard against repeating past mistakes.

Need for Privacy

Native American tribes and their people have suffered greatly for more than 500 years, from being referred to as “savages” (Prucha, 1990, p. 1) in the past to modern neglect by the federal government. Adding extended or heightened publicity to criminogenic problems occurring in these tribes should not be one more negative mark Native people should have to bear. When criminological studies in Indian Country focus only on the negative aspects of tribal communities the generalized misperceptions (stereotypes) of tribes and their members are reenforced. Researchers must not facilitate further stereotypes. Great care must be taken to balance the needs of the tribe to ameliorate crime and violence with the needs of the DOJ to know precisely at what level each tribe’s crime problem exists to design an effective crime control strategy for each individual tribe.² Moreover, the acute needs of crime victims themselves must remain the priority concern for researchers, as it was the needs of crime victims that accelerated the current federal attention to this matter.

It is possible to anonymize research studies at the

² Federally recognized tribes are small entities ranging in population size from n = 7 to about n = 400,000, with many within these populations being under the age of 18.

funder level while still abiding by legal requirements to accurately identify which tribe is benefiting from criminological consideration, so as not to over-saturate any singular tribe with research attention while ignoring the other 574 federally recognized, and nearly 60 state-recognized, tribes.

Data Ownership

During and after the National Academy of Sciences seminar, it became evident that many tribes feel they have complete ownership of all data derived from tribal members residing on their reservations. As of this writing, all data collected using DOJ funds are property of the United States. However, this matter is currently being researched by intellectual property rights experts and may likely be addressed by the Supreme Court. Specifically, because tribes feel they have data sovereignty, the issue of who owns the data derived from tribal populations—the adult tribal members who freely provided it or the U.S. taxpayers who paid for it—can only be resolved by the Supreme Court. In any event, it should be made clear to each tribe and written clearly within each tribal research authorization letter that for now, the United States owns the data—if collected using federal grant funds.

To prevent issues arising from concerns about data ownership, it is imperative that researchers negotiate a clear, well-articulated, legally binding contract between the research group and each tribe. Any tribal confidentiality agreement entered into by a university or researcher and tribe must state—in clear, unambiguous, plain English language—what will happen with the data collected during and after the study, as well as how the identities of study participants will be protected from future disclosure. To do any less, or to highly intellectualize this critical step of the

research process, is to invite future troubles. Be wary of confidentiality agreements in which details of future publications are addressed. Often, tribes will want to exert pre-publication authority over manuscripts. That is, tribes will want to authorize any manuscript prior to publication. The inherent risk to scientific integrity is too great to succumb to this type of outrageous demand. Literature exists concerning how this minefield was navigated by non-tribal researchers, should criminologists need further clarification.

IRB Issues

Recently, a tribe made an IRB violation allegation about a study I conducted nearly 25 years ago, a first for myself. During the investigation of this allegation, the university in which the study was housed was unable to locate any research filings from this work, such as an approved protocol, privacy certificate, assurances, or other necessary paperwork required to be filed for university IRB authorization of the study. Fortunately, these documents were maintained elsewhere. The lesson to be learned here is to always maintain records of all tribal research projects indefinitely. As tribes gain more political power to assert their inherent rights to sovereignty as domestic dependent nations, these issues will no doubt become more prevalent far into the distant future. It is not inconceivable that hundreds of years from now, as current tribal cultures rapidly diminish, legal claims based on cultural preservation will be made to now-historic tribal crime datasets.

Aid Tribal Governments to Become Self-Sufficient

Moving forward, it is incumbent upon researchers to aid tribes to become more self-sufficient (the legal concept of self-determination). This might include outlining ways the tribe could develop their own

research capabilities and competencies, educating tribes about the move to data-based social science research evidence to respond to crime problems, and other such similar currencies within public crime control policy debates. Educating tribal leaders about their future criminological needs to avoid the current situation is critical. Myriad times I heard from my own study participants the sentiment, "The tribe has done hundreds of studies! What has come from those?" Indeed, researchers must continually educate tribal members on the varied functions of each research project.

This is a unique population. Tribal leadership changes often, sometimes not for the better. What is explained to one leader or Tribal Council must often be re-explained to new leadership and often to each tribal member, as well. Education efforts must reflect the reality that many tribal people lack an adequate educational foundation to understand basic knowledge, let alone scientific matters that need to be explained by researchers, such as types and quality of "evidence" used in crime control policy responses. Issues of conflation, over-sampling, and other actions that distort the reality of crime and violence are common features within data derived from Indian Country.

Needs of Scientific Researchers

The United States government has both a legal responsibility and a Supreme Court mandate to respond to crime and violence occurring on Indian reservations. NIJ will likely request universities and their researchers to help respond to these commands. Researchers, too, have needs that should be addressed in this respect. Any publications that will certainly result from these future research efforts should include clear opportunities for the researchers to receive full scientific credit for their additional labors. Conducting crime research with tribes is unlike any

other type of crime research because the political machinations require researchers to both (1) obtain tribal governmental authorization and (2) adequately compensate community participation, whether it be (i) financially, (ii) through exclusive publication rights, or (iii) a rewards structure maintained by professional or scientific organizations. The highest quality researchers will not participate in this more laborious, time-consuming, personally draining type of criminological research without some form of just compensation for doing so.

Working directly with tribal members requires extremely well-refined interpersonal skills, as well as knowledge of tribal history within the United States. Send only the best interpersonal communicators to address tribal leadership and to collect in-person data from members of this politically powerful ethnic group. Ignoring this advice is to invite problems that will jeopardize the entire research endeavor. During the recent National Academy of Sciences seminar, for example, I witnessed two individuals who—on paper—appeared to be highly qualified to address tribal crime and violence. Yet each on their own accord, by their appalling interpersonal exchanges with representatives of Indian Country, caused enormous problems for those currently conducting Indian Country research. Ongoing research efforts across the United States have been halted until the harm caused by these two individuals is adequately addressed—likely decades worth of damage to advancements made in the federal/tribal scientific enterprise. This area of research may not be suitable for all. Maintaining scientific objectivity and intellectual independence requires skills not often found in junior researchers, especially those unaccustomed to conducting field-based research.

The future of tribal crime, violence, and justice research is now. Criminologists should prepare themselves and their research teams to begin to

embark on this exciting, demanding, and long-overdue area of criminological inquiry. NIJ staff are fast at work to comply with their mandates to address crime and violence using the most empirically strong and scientifically sound methods. Tribes are preparing their legal arguments for research independence and data sovereignty. Crime victims can no longer wait for the protections to which they are Constitutionally entitled.

References

- Blumstein, A. (2009). What role should the ASC take in policy advocacy? *The Criminologist*, 34(3), 1-3.
- Department of the Interior/Bureau of Indian Affairs. (2024). *Missing and murdered indigenous persons*. <https://www.bia.gov/service/mmu>
- Exec. Order No. 14053, 86 F.R. 64337 (2021).
- Nelson, H. (2020). *The importance of data collection for violence against Native American/Alaska Native women*. <https://www.nsvrc.org/blogs/importance-data-collection-violence-against-native-americanalaska-native-women>
- Not Invisible Act of 2019, Pub. L. No. 116-166.
- Perry, S. W. (2003). *Native Americans and crime*. USDOJ/BJS.
- Savanna's Act of 2020, Pub. L. No. 116-165.
- Schneider, A. L., & Ingram, H. (1997). *Policy design for democracy*. University of Oklahoma Press.
- Tribal Law and Order Act of 2010, Pub. L. No. 111-211.
- Wild, E. (2024). FBI MMIP data collection project on Wind River Reservation falls short, advocate says. *Native News Online*. <https://nativenewsonline.net/health/fbi-mmip-data-collection-project-on-wind-river-reservation-falls-short-advocate-says>



Dr. Abril is an independent social scientist. In 2017, she received the Bonnie S. Fisher Victimology Career Achievement Award from the Division of Victimology, ASC. Her latest books are *Yaqui Woman: A Native American Indian Cultural View of Identity Power and Evil* (2nd ed., 2024);

Bad Spirits: A Cultural Explanation for Intimate Family Violence: Inside One American Indian Family (3rd ed., 2024); and *Cultural Values: The Strength and Power of a Modern Native American Indian Tribal Nation* (2nd ed., 2024). She is currently writing her next book, *Cultural Efficacy: An Emerging Paradigm for Criminology*.



Roderick S. Graham, Stephan G. Humer, Claire S. Lee, & Veronika Nagy's

The Routledge International Handbook of Online Deviance

Chapter: Moving from Risk Factors to Positive Online Behaviors: An Integrated Behavioral

Change Approach

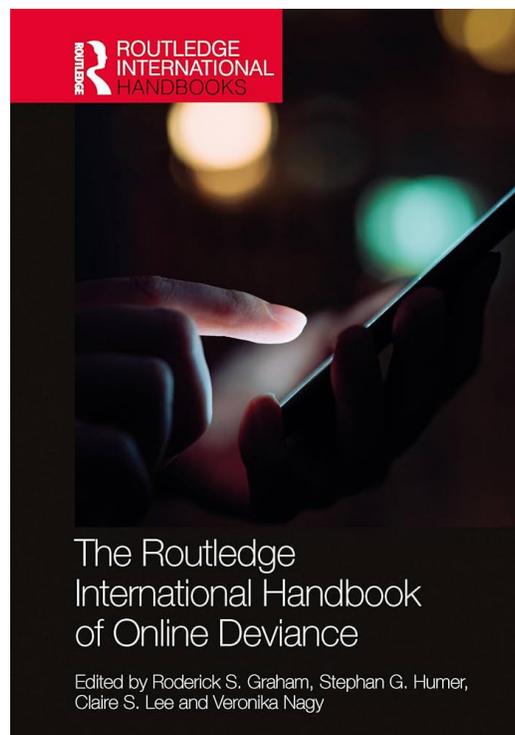
University of California Press
ISBN:9780520391048

Review by Troy Smith
Lamar University

Introduction

As the digital landscape continues to expand and become an integral part of everyday life, online deviant behavior—actions that are either criminal or violate societal norms—has emerged as a significant concern for criminologists, policymakers, and practitioners alike. Traditionally, the focus of research and policy efforts has been on identifying and mitigating the risk factors that contribute to online victimization. This risk-centric approach, however, has its limitations. As cybercrimes continue to evolve and grow in complexity, it has become increasingly evident that addressing these risk factors alone is insufficient to safeguard individuals in the online environment.

In response to these challenges, a paradigm shift is emerging in the field of criminology, one that moves away from solely focusing on risk factors and instead emphasizes the promotion of positive online behaviors. The chapter "Moving from Risk Factors to Positive Online Behaviors: An Integrated Behavioral



Change Approach," authored by Troy Smith, Eric Rutger Leukfeldt, and Steve van de Weijer and published in the Routledge International Handbook of Online Deviance, introduces a fresh and innovative perspective on this challenge. Rather than merely concentrating on behaviors that increase the likelihood of victimization, the authors advocate for a shift toward promoting protective online behaviors. This approach is grounded in a person-centric model that considers the psychological, social, and environmental factors influencing individuals' decisions to engage in safe online practices.

This article provides a comprehensive review of the chapter's key insights, exploring the implications of this paradigm shift for researchers, policymakers, and practitioners. By emphasizing the importance of fostering positive online behaviors, the chapter opens new avenues for enhancing cybersecurity and reducing the risks associated with online activities.

Traditional Approaches and Their Limitations

For decades, the study of online deviance has been dominated by efforts to identify and mitigate behaviors that increase the likelihood of victimization. These risky behaviors, such as sharing passwords, clicking on unknown links, or engaging with strangers online, have been the focus of much research and policy intervention. The underlying assumption has been that by reducing these behaviors, the overall risk of online victimization can be minimized.

However, as noted in the chapter by Smith, Leukfeldt, and van de Weijer, this risk-centric approach is fraught with challenges. One of the primary issues is the sheer breadth of behaviors that can be classified as “risky.” For instance, activities such as online banking, shopping, and even routine use of social media have all been identified as potential risk factors for various types of cybercrimes. The problem is further compounded by the fact that the significance of these risky behaviors varies greatly between different types of cybercrimes. What might be considered risky in one context may be relatively harmless in another, leading to inconsistencies in understanding and predicting victimization.

Moreover, the focus on risk factors often overlooks the broader context in which these behaviors occur. The range of behaviors considered “risky” is extensive and often overlaps with routine, necessary activities in modern life, making it difficult to create a clear and actionable profile of what constitutes risky behavior. This variability limits the effectiveness of traditional preventative strategies, as they may not account for the complexities of real-world online interactions.

Considering these challenges, the chapter argues for a shift in focus toward understanding and promoting

protective online behaviors. Rather than solely attempting to avoid risk, this approach emphasizes the importance of fostering behaviors that actively reduce the likelihood of victimization. The decision to engage in such protective behaviors, according to the authors, is influenced by a combination of psychological and social factors. These factors include an individual’s awareness of threats, past experiences, social norms, and their capability and opportunity to perform safe online practices.

Introducing a New Paradigm: The Integrated Behavioral Change Model

Central to the chapter’s argument is the introduction of an integrated behavioral change model that combines elements from several established theoretical frameworks. This model draws on the Protection Motivation Theory (PMT), the Capability Opportunity Motivation-Behavior Framework (COM-B), and the Reasoned-Action Approach (RAA). By integrating these theories, the authors provide a comprehensive framework for understanding the factors that drive protective online behavior, offering a more nuanced and actionable perspective than traditional risk-centric models.

The Protection Motivation Theory (PMT) explains how individuals are motivated to protect themselves based on their perception of threats and their ability to cope with these threats. It suggests that people are more likely to engage in protective behaviors if they perceive a high level of threat severity and vulnerability, coupled with a strong belief in their ability to effectively mitigate the threat. The Capability Opportunity Motivation-Behavior Framework (COM-B) highlights the importance of both individual capabilities and environmental opportunities in enabling protective behaviors. It posits that for a person to engage in a particular behavior, they must not only be

motivated but also have the capability and opportunity to do so.

The Reasoned-Action Approach (RAA) further enriches the model by explaining how attitudes, social norms, and perceived control influence behavioral intentions, which in turn affect actual behavior. By integrating these theories, the chapter presents a holistic view of protective online behavior, emphasizing that such behavior is not merely the absence of risk-taking, but a proactive choice influenced by a variety of factors.

Bridging the Gap Between Intent and Behavior

A significant contribution of the chapter is its focus on the critical gap between behavioral intent and actual behavior. Even when individuals recognize the importance of engaging in protective behaviors and intend to do so, various constraints can prevent them from following through. These constraints may include a lack of resources such as time or knowledge, or external pressures that make it difficult to act on their intentions.

The integrated model proposed in the chapter acknowledges these challenges and emphasizes the need to address them in order to translate intentions into actual protective actions. This focus on bridging the gap between intent and behavior is crucial for developing interventions that not only encourage individuals to adopt safe practices but also support them in maintaining these behaviors over time.

For example, the chapter discusses how the use of strong, regularly updated passwords is a common recommendation for online safety. However, despite widespread awareness of this recommendation, many individuals continue to use weak passwords or reuse the same password across multiple platforms. This discrepancy between knowledge and action

highlights the need for strategies that not only inform users of best practices but also make it easier for them to implement these practices in their daily lives.

Applications and Implications for Criminology and Cybersecurity

The insights presented in this chapter have far-reaching implications for various fields, particularly in the design of policies, educational programs, public awareness campaigns, and corporate security strategies. By shifting the focus from merely avoiding risky behaviors to actively promoting protective ones, the chapter provides a framework that can be applied across different contexts to enhance online safety and reduce the risk of victimization.

Policy Design

In the realm of policy design, the integrated behavioral change model proposed in the chapter offers valuable guidance for developing more effective cybersecurity policies. Policymakers can use this model to understand the psychological and social factors that influence individuals' online behaviors, allowing for the creation of regulations and initiatives that encourage protective practices.

For example, policies that mandate the use of strong, regularly updated passwords or the implementation of two-factor authentication can be designed to address the motivational and capability-related factors highlighted in the chapter. By considering the full spectrum of influences on behavior from individual attitudes to environmental constraints, policies can be tailored to effectively support safer online practices.

Educational Programs

Educational programs also stand to benefit significantly from the chapter's findings. Traditional cybersecurity education often focuses on warning students about the dangers of certain online behaviors. However, the chapter suggests that a more effective approach involves teaching students how to engage in protective behaviors and why these behaviors are essential.

Educational institutions and training programs can integrate the insights from the chapter into their curricula, helping students to not only understand the risks of online deviance but also to develop the skills and habits necessary to protect themselves. This approach is particularly important for younger audiences who are frequent users of digital platforms and may be more susceptible to online risks.

Public Awareness Campaigns

Public awareness campaigns can also be enhanced by the chapter's emphasis on promoting positive online behaviors. Campaigns that focus on the benefits of protective practices, such as using strong passwords, being cautious with personal information on social media, and avoiding public Wi-Fi for sensitive transactions can be more effective in changing public attitudes and behaviors.

By framing these behaviors in a positive light and highlighting the tangible benefits of engaging in them, such campaigns can foster a culture of cybersecurity awareness and responsibility among the public. This proactive approach can lead to a more informed and vigilant user base, which is better equipped to handle the challenges of the digital age.

Corporate Security Strategies

For businesses, the chapter's insights can inform the

development of internal security policies and training programs. Understanding the factors that influence employees' online behaviors allows companies to design policies that not only mandate certain security practices but also encourage employees to adopt these practices willingly and consistently.

Corporate training programs can be structured to address both the psychological and environmental factors that affect behavior, ensuring that employees are not only aware of the risks but also equipped with the necessary tools and motivation to act securely. This comprehensive approach can help organizations reduce the risk of cyber threats, protect sensitive data, and maintain a strong cybersecurity posture.

Conclusion

The chapter "Moving from Risk Factors to Positive Online Behaviors: An Integrated Behavioral Change Approach" represents a significant shift in the study of online deviance. By moving away from traditional risk-centric approaches and toward a more holistic understanding of protective online behavior, the chapter offers valuable insights for enhancing cybersecurity and reducing the risks associated with online activities.

This paradigm shift, as articulated by Smith, Leukfeldt, and van de Weijer, emphasizes the importance of promoting positive behaviors rather than merely avoiding risks. By framing protective behaviors within an integrated behavioral change model, the chapter provides a comprehensive understanding of how to foster and sustain these behaviors online.

The implications of this approach are far-reaching, offering actionable insights that can be applied in policy, education, public awareness, and

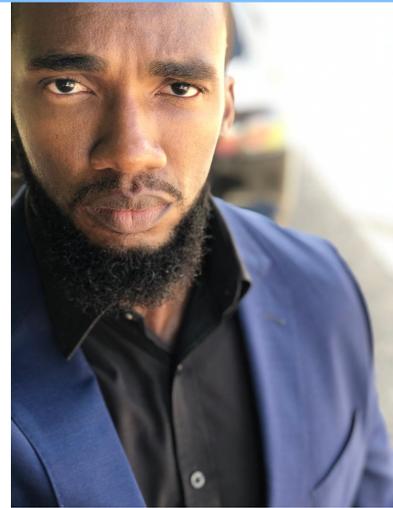
corporate security strategies. By focusing on the factors that influence protective behaviors and addressing the gap between intent and action, the chapter opens new avenues for research and practical interventions in the field of criminology.

As the digital world continues to evolve, the need for effective strategies to combat online deviance and enhance cybersecurity will only grow. The integrated behavioral change approach advanced in this chapter provides a robust foundation for these efforts, encouraging a shift in focus from risk avoidance to the promotion of positive online behaviors.

For criminologists, scholars, and policymakers, this chapter offers a valuable resource for understanding the complexities of online behavior and developing more effective strategies to safeguard individuals in the digital age. By encouraging further research and the application of these insights in practice, the chapter contributes to a deeper understanding of how to effectively combat online deviance and reduce the risk of victimization in an increasingly interconnected world.

References

Smith, T., Leukfeldt, E. R., & van de Weijer, S. (2024). Moving from risk factors to positive online behaviors: An integrated behavioral change approach. In R. Graham, S. Humer, C. Lee, & V. Nagy (Eds.), *Routledge International Handbook of Online Deviance*. Routledge Taylor & Francis Group.



Troy E. Smith, PhD is a seasoned professional in national security, blending academic excellence and practical experience to address pressing challenges in cybersecurity, cybercrime, and online behavior. A published author, his work has appeared in leading journals and books, with research focusing on cybercrime, online addictions, and their connections to risky online behaviors. Dr. Smith actively contributes to global initiatives such as the EU's CYBERSPACE and EU-LAC Digital Alliance Projects, assisting with policy development and legislative frameworks. He has recently completed advanced training in cyber operations and international law with the British Institute of International and Comparative Law, further enhancing his expertise. With extensive certifications and memberships in cybersecurity and program development, Dr. Smith continues to make valuable contributions to the field.



Region One - Northeastern Association of Criminal Justice Sciences (NEACJS)

www.neacjs.org

Like on Facebook @ <https://www.facebook.com/NEACJS18/>

Follow us on X/Twitter @ https://twitter.com/_NEACJS_

Check us out on Instagram @ <https://instagram.com/NEACJS>

Conference: June 4th - 7th, 2025 in Prince Edward Island, Canada

Theme: Cross Border Connections: Improving Criminal Justice Systems

Conference Submissions due April 2025

Award Submissions due April 2025

Student Membership = \$20.50

Student Conference Registration = TBD

Regular Membership = \$51.30

Member Conference Registration = TBD

Awards: Founders Award, Regional Fellow Award, Roslyn Muraskin Emerging Scholar Award, Gerhard O. W. Mueller Innovator Award, Faculty Teaching Award, Graduate Student Teaching Award, The Michael Israel Graduate Student Scholarship, Gerhard O. W. Mueller and Freda Adler Undergraduate Student Scholarship, Patrick J. Ryan Community College Student Scholarship, Undergraduate and Graduate Paper Competitions, and the CJPR-NEACJS Policy Paper Award

Region Two - Southern Criminal Justice Association (SCJA)

www.southerncj.org

Follow us on X/Twitter @ southerncrim

Conference: September 9th - 12th, 2025 @ Charleston, SC

Hotel: Francis Marion Hotel

Theme: Bridging the Gap: Advancing Research to Practice

Abstract Deadline: June 15, 2025

Award Submissions: Roughly July 1, 2025

Awards: Outstanding Education Award, Outstanding Professional Award, The Tom Barker Outstanding Undergraduate Award, Outstanding Masters Student Award, Outstanding Doctoral Student Award, and Outstanding Student Poster Awards

Student Membership = \$15/year

Student Conference Registration = \$5

Regular Membership = \$50

Member Conference Registration = \$49

*** SJCA manages the American Journal of Criminal Justice, which now has a top tier impact factor!!!**



Join us in scenic
Charleston, SC
September 9-12, 2025 for
our annual meeting!

Southern CJ is known for
great research, splendid
venues, and hospitality.

southerncj.org
@southernkrim



“Bridging the Gap: Advancing Research to Practice”

Julie Baldwin, President
American University

Shaun Thomas, 1st VP and Program Chair
University of Arkansas

Deadline for abstracts is June 15, 2025.

****Due to planning requirements, there will not be a submission extension.****

Please email questions to Shaun Thomas at: shaun@uark.edu



Region Three - Midwestern Criminal Justice Association (MCJA)

<https://www.mcja.org/#/>

Conference: September 25th & 26th, 2025 @ Chicago, IL

Hotel: Aloft Hotels Magnificent Mile

Abstract Deadline: July 15, 2025

Award Submissions: July 15, 2025

Awards: Student Travel Scholarships, Student Paper Competitions, Poster Competitions, Practitioner Award, Tom Castellano Award

To have regional information included in *ACJS* today, please email sgavin@sbu.edu by the provided deadline for each issue.

2024-2025 Executive Board

PRESIDENT

Bitna Kim

Sam Houston State University

FIRST VICE PRESIDENT

Stephanie Mizrahi

California State University, California

SECOND VICE PRESIDENT

David Myers

University of New Haven

IMMEDIATE PAST PRESIDENT

Anthony Peguero

Arizona State University

TREASURER

Leah E. Daigle

Georgia State University

SECRETARY

Aimée X. Delaney

Worcester State University

TRUSTEES-AT-LARGE

Jodi Lane

University of Florida

Melissa W. Burek

Bowling Green State University

Cassandra L. Reyes

West Chester State University

REGIONAL TRUSTEES

Michele P. Bratina, Region One

West Chester University

John Stogner, Region Two

The University of North Carolina at
Charlotte

Ming-Li Hsieh, Region Three

University of Wisconsin-Eau Claire

Erin A. Orrick, Region Four

Sam Houston State University

Alison S. Burke Region Five

Southern Oregon University

ACJS *today*

Academy of Criminal Justice Sciences Newsletter

EDITOR

Samantha M. Gavin, Ph.D.

Assistant Professor
Department of Sociology and
Criminology

St. Bonaventure University

Plassmann Hall 330

3261 W. State St.

St. Bonaventure NY 14778

sgavin@sbu.edu

NATIONAL OFFICE EXECUTIVE DIRECTOR

John L. Worrall

acjsexecutivedirector@acjs.org

ASSOCIATION MANAGER

Letiscia Perrin

manager@acjs.org

MAILING ADDRESS

ACJS

P. O. Box 960 Greenbelt

Maryland 20770

OFFICE LOCATION

7339 Hanover Parkway, Suite A

Greenbelt, MD 20768-0960

301-446-63

800-757-ACJS (2257)

Fax: 301-446-2819

ONLINE

www.acjs.org

Publication Schedule

- January
- March
- May
- September
- November

Distributed to current ACJS members.

Submissions

DEADLINES

- December 15th
- February 15th
- April 15th
- August 15th
- October 15th

The editor will use her discretion to accept, reject or postpone manuscripts.

ARTICLE GUIDELINES

Articles may vary in writing style (i.e., tone) and length. Articles should be relevant to the field of criminal justice, criminology, law, sociology, or related curriculum and interesting to our readership. Please include your name, affiliation, and e-mail address, which will be used as your biographical information. Submission of an article to the editor of ACJS Today implies that the article has not been published elsewhere nor is it currently under submission to another publication.