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Enhancing Applied Research Agendas by Including Undergraduate Students

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This article outlines the potential benefits and challenges of pursuing an applied research agenda while enhancing learning opportunities for undergraduate students. We do so by reflecting on the Lycoming College collaboration between Lycoming College's Department of Criminal Justice-Criminology and the Old Lycoming Township Police Department in north-central Pennsylvania that occurred in the summer of 2017. This collaboration purposefully included a role for undergraduate students at a liberal arts institution. Our intention was to expose students to critical thinking, research skills, and career competencies in professional and research settings through an enhanced learning experience with law enforcement.

Enhanced Learning Opportunities (ELOs) with Law Enforcement Agencies

Experiential learning is the process of creating knowledge through transformative experiences in order to view and experience the world in a new way (Kolb & Kolb, 2005; Pugh, 2011). Common undergraduate ELOs include internships, field

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trips/site visits, service learning, research projects, and volunteerism. Assessments of undergraduate experiential learning, in general, has shown that participation is associated with improved discipline knowledge, communication skills, civic and cultural awareness, and professional development (Aldas, Tulin, Crispo, Johnson, & Price, 2010; Simons et al., 2012; Sweitzer & King, 2009). Others have also demonstrated a net benefit of ELOs on student career preparedness (Carpenter, 2018; George, Lim, Lucas, & Meadows, 2015), securing post-graduation employment (Cannon & Arnold, 1998; Cooks, Scharrer, & Paredes, 2004; Rothman & Lampe, 2010), and time management and communication (Bourland-Davis, Graham, & Fulmer, 1997; Scarlett & Bickle, 2005).

Working with local law enforcement agencies is an opportunity to present students with experiential learning opportunities that connect academic learning to “real-world” settings. In a broader sense, it also improves connections between higher education institutions and the surrounding community. It is within this context that the collaboration between the Lycoming College Department of Criminal Justice-Criminology and the Old Lycoming Township Police Department came into existence.

Brief Description of the Lycoming College Collaboration

The Lycoming College collaboration began in the fall of 2016 between a local municipal police agency and a small liberal arts college, after an

increasing issue with local opioid use and sales. Lycoming County was (and still is) struggling with an opioid addiction crisis that was troubling the residents and the police department. The purpose of the collaboration was to understand residents’ attitudes toward the police and assess the need for an additional officer through the US Department of Justice’s COPS Program. Conversations began between the college researcher, police agency, and the college’s career counselor on how best to involve undergraduate students in an applied research project.

Beginning in the spring of 2017, three students were selected based on high academic performance and their interest in law enforcement careers or issues. The students worked directly with the police agency and the researcher. The selected students were two juniors and a senior. All of the students had GPAs over 2.8 at the time (the minimum for participating in an ELO) and were majoring or minoring in criminal justice. Two students were interested in a career in law enforcement, and the third student was interested in community-law enforcement relationships and interactions. All of the students had taken several classes in criminal justice, research methodology, and statistics by the time of their ELO.

The students worked as interns assisting with this applied research and even became stakeholders in the project itself. Through the participatory action research method, the researcher and the Old Lycoming Township Police Department worked together to develop a community survey to administer

to residents, with input from the students. The undergraduate student research assistants were largely responsible for the administration of this survey and database management. All parties maintained open communication throughout the study period and frequently included students in the dialogue. Students frequently made contact with officers and citizens alike until the survey administration concluded at the end of that summer.

Benefits to Students

This type of collaboration benefited undergraduate students in several ways. Students received professional training from police officers and engaged in day-to-day police work, including ride-alongs, assisting in traffic stops, patrolling, observing investigations, and generating reports. The students experienced these professional activities during the collaboration. Along with building professional policing skills, our students were actively interacting with residents and critically assessing the police on an issue that was affecting the community. They were also learning analytic and research skills directly applicable to a liberal education and career.

By their nature, ELOs are a departure from conventional classroom teaching and learning. They require students to apply theory, problem solve, and engage with actual stakeholders. The type of critical reflection inherent in ELOs can push students to engage with powerful and critical dimensions of society, like relationship dynamics, power, struggle, ideology, institutionalization, and social structure

(Swords & Kiely, 2010). This takes on new meaning for students who must reflect on these aspects of society. Students also have the opportunity to interact and communicate with individuals who are different from themselves, increasing empathy and understanding of others. There is not, however, a formulaic approach on incorporating undergraduates into applied research agendas. We were fortunate to have a career coordinator who acted as a link between the institution and the police agency. We encourage teaching scholars interested in enhancing student experiences through ELOs to work with others.

Benefits to the Law Enforcement Agency

The police agency recognized an opportunity to address issues that it may have otherwise been unable to address with available resources. Police agencies benefit from having student workers providing new skills and fresh perspectives. Beck and King (2015) note that interns can energize staff and help promote healthy morale. Further, police agencies who accept interns benefit from qualified workers at little to no cost. In addition, the agency benefited from increased transparency by allowing input and evaluation by an outside party. A collaboration with a researcher is beneficial to the police department because it is relatively inexpensive. Further, agencies can capitalize on researchers who have knowledge of grantmanship to secure additional funding.

Benefits to the Researcher and University

The obvious benefit to researchers is the access to data and the ability to advance a research

agenda. Police agencies collect a wealth of data, including service and official record data that is often going unanalyzed. Beyond questions relating to law enforcement, there is a range of social science questions that can be answered by examining police data. There is also an opportunity to engage in original data collection.

In a broader context, researchers who engage in research with local agencies are part of a recent movement toward creating socially responsible institutions and capacity building. Capacity building is an effort to enhance and coordinate human, technical, scientific, financial, and other organizational resources (Spoth & Greenberg, 2015; Spoth, Greenberg, Bierman, & Redmond, 2004). To do so, universities are increasingly collaborating with private and public entities as part of service-learning programs for undergraduate students that are mutually beneficial. Increasing practitioner and researcher collaborations can enhance community capacity for evidence-based interventions that are less likely to fail. Researchers who position themselves as liaisons between higher education and practitioners are bridging two resource sources to focus on mutual goals and outcomes (Gauntner, 2013).

Ensuring these connections are mutually beneficial to those involved, higher education institutions should have criteria in place for the application process, to increase the likelihood of obtaining high-quality interns. Further, there needs to be expectations for community partners. While there

are benefits, we also note several challenges to overcome.

Challenges and Conclusion

One of the primary challenges is to resist the crisis-driven, piecemeal approach to collaborations, which offers inconsistent solutions and policy. Such an approach is difficult to overcome and can lead to poorly planned solutions to poorly understood problems. It also sets a poor example for undergraduate students who see such an approach as commonplace. One consequence is a lack of stakeholder roles that clearly define what tasks are to be completed, by when, and by whom. This can lead to a host of issues, including the misspecification of problems and misapplication of theory, the collection of unreliable or invalid data, and poorly managed or squandered funding. The Lycoming College collaboration was a needs-based collaboration, but the researcher and police administration took time to carefully create and validate the community survey in order to minimize reliability and validity issues.

Another perception is that higher education is out of touch with real-world issues that most police officers and agencies face. It is challenging for police collaborators and students to see merit in collaborations that produce few immediate beneficial outcomes or problem alleviation. The Lycoming College collaboration overcame some of these issues by closely adhering to the participatory action research methodology, allowing the police agency to participate in the formulation of the research agenda

and questions. There was also increased buy-in from the students and the police agency because they helped create and validate the community survey. In this sense, it was truly a collaborative approach involving the police agency, the research, and the students. The result was a research experience for undergraduate students that highlighted collaboration and community input.

Finally, a police-researcher collaboration that involves undergraduate students may not result in a smooth integration of classroom theory and practice. For some students, it may have been viewed as an interesting way to improve their GPA, without really buying into the process. This can lead to inattentive or careless students. Students may also create legal liability for researchers and the police agency if the student is involved in dangerous situations. Conversely, students may not acquire any

professional or classroom competencies if tasked with menial tasks for little to no compensation. We want to improve on this in the future. We did informally assess students after the internship and their feedback was positive overall, but we need to develop a system of data collection to assess student and agency outcomes.

Applied research can include a meaningful role for undergraduate students. All effective collaborations require a network of capable entities and individuals. Stakeholders must agree upon a set of clearly articulated goals and an agenda for involved students. This involves defining and agreeing upon standards for evidence-based interventions, research questions, outcomes, and a role for students. Undergraduate students should also have a voice in this process to increase their buy-in and positive learning outcomes.

References

- Aldas, T., Crispo, V., Johnson, N., & Price, T. A. (2010). Learning by doing: The Wagner plan from classroom to career. *Peer Review*, 12(4), 24.
- Beck, V., & King, K. (2015, June). Bridging classroom to experiential learning: A review of signature pedagogies in two disciplines. In *1st International Conference on Higher Education Advances (HEAD '15)* (pp. 565–569). Editorial Universitat Politècnica de València.
- Bourland-Davis, P. G., Graham, B. L., & Fulmer, H. W. (1997). Defining a public relations internship through feedback from the field. *Journalism & Mass Communication Educator*, 52(1), 26–33.
- Cannon, J. A., & Arnold, M. J. (1998). Student expectations of collegiate internship programs in business: A 10-year update. *Journal of Education for Business*, 73(4), 202–205.
- Carpenter, H. R. (2018). *Service learning: A look into the real world for criminal justice students*. (Master's thesis, Bridgewater State University).
- Cooks, L., Scharrer, E., & Parades, M. C. (2004). Toward a social approach to learning in community service learning. *Michigan Journal of Community Service Learning*, 10(2), 44–56.
- Gauntner, J. (2013). Boundary spanner role conflict in public urban universities. *ETD Archive. Paper 104*.
- George, M., Lim, H., Lucas, S., & Meadows, R. (2015). Learning by doing: Experiential learning in criminal justice. *Journal of Criminal Justice Education*, 26(4), 471–492.
- Kolb, A. Y., & Kolb, D. A. (2005). Learning styles and learning spaces: Enhancing experiential learning in higher education. *Academy of Management Learning & Education*, 4(2), 193–212.
- Pugh, K. J. (2011). Transformative experience: An integrative construct in the spirit of Deweyan pragmatism. *Educational Psychologist*, 46(2), 107–121.
- Rothman, M., & Lampe, M. (2010). Business school internships: Sources and resources. *Psychological Reports*, 106(2), 548–554.
- Simons, L., Fehr, L., Blank, N., Connell, H., Georganas, D., Fernandez, D., & Peterson, V. (2012). Lessons learned from experiential learning: What do students learn from a practicum/internship? *International Journal of Teaching and Learning in Higher Education*, 24(3), 325–334.
- Spoth, R. L., & Greenberg, M. T. (2005). Toward a comprehensive strategy for the effective practitioner–scientist partnerships and larger-scale community health and well-being. *American Journal of Community Psychology*, 35(3–4), 107–126.
- Spoth, R. L., Greenberg, M. T., Bierman, K., & Redmond, C. (2004). PROSPER community-university partnership model for public education systems: Capacity-building for evidence-based, competence-building prevention. *Prevention Science*, 5(1), 31–39.
- Sweitzer, H. F., & King, M. A. (2009). *The successful internship: Personal, professional, and civic development*. Belmont, CA: Brooks/Cole.
- Swords, A. C., & Kiely, R. (2010). Beyond pedagogy: Service learning as movement building in higher education. *Journal of Community Practice*, 18(2–3), 148–170.



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Where Are We Now? And Where Do We Go from Here?

In what is now commonly referred to as the trilogy of decisions by the U.S. Supreme Court dealing with both life without parole and capital punishment for juveniles, the sentencing impact on juvenile jurisprudence is clear. These types of sentences for a juvenile are violative of the Eighth Amendment's ban on "cruel and unusual" punishment. In the last of these decisions, *Miller v. Alabama*,¹ the Court linked its rationales in all three cases to firmly declare a mandatory life without parole sentence for a juvenile is "akin" to a death penalty sentence. The result of the Court's mandates is a substantive limitation on

In 2012, the U.S. Supreme Court, in *Miller v. Alabama*, held that the Eighth Amendment prohibits sentencing schemes that *mandate* life without parole for juvenile homicide offenders (JLWOP).² The crux of its reasoning was because juvenile homicide offenders are typically *less* culpable than adult homicide offenders, sentencing courts must take youth into account.³ At the time of the *Miller* decision, 28 states had mandatory JLWOP sentencing laws.

Original 28 states with mandatory JLWOP before Miller

States that enacted laws to comply with Miller

States Supreme Court ruled aspects of their laws violated Miller

States not affected by Miller decision

AS GU MP VT PR

MA RI CT NJ DE MD DC

The “Pre-Miller” Law

Two prior juvenile opinions by the Court formed the backdrop and judicial substratum for its holding in *Miller*. In 2005, in *Roper v. Simmons*,⁵ citing several reasons, the Court constitutionally legitimized that, for sentencing purposes, children are *different* from adults. First, certain characteristics, such as a “lack of maturity and an underdeveloped sense of responsibility” make them less culpable and criminally blameworthy than adults.⁶ Second, the Court stated children “are more vulnerable or susceptible to negative influences,” which, in turn, means they have less control over their environments. Third, a child’s character is “less formed and his personality traits are less fixed when compared to adults.”⁷

The Facts in *Miller v. Alabama*

One summer night in 2003, 14-year-old Evan Miller was at home with a friend, Colby Smith, when a neighbor, Cole Cannon, came to make a drug deal with Miller’s mother. The two boys followed Cannon back to his trailer where all three smoked marijuana and played drinking games. When Cannon passed out, Miller stole his wallet, splitting about \$300 with Smith. Miller then tried to put the wallet back in Cannon’s pocket, but Cannon awoke and grabbed Miller by the throat. Smith hit Cannon with a nearby baseball bat, and once released, Miller grabbed the bat and repeatedly struck Cannon with it.

Miller placed a sheet over Cannon’s head, told him, “I am God; I’ve come to take your life,” and delivered one more blow. The boys then retreated to Miller’s trailer but soon decided to return to Cannon’s to cover up evidence of their crime. Once there, they lit two fires. Cannon eventually died from his injuries and smoke inhalation.⁸ After a hearing, the juvenile

court agreed to the transfer of the case to adult court, citing the nature of the crime, Miller’s “mental maturity,” and his prior juvenile offenses (truancy and criminal mischief).

The State charged Miller as an adult with murder in the course of arson. The crime carried a mandatory minimum punishment of life without parole.⁹ Relying in significant part on testimony from Smith, who had pleaded to a lesser offense, a jury found Miller guilty. He was sentenced to life without the possibility of parole. The Alabama Court of Criminal Appeals affirmed, ruling that life without parole was “not overly harsh when compared to the crime.”¹⁰ The Alabama Supreme Court denied review. The United States Supreme Court granted certiorari and reversed.¹¹

The Majority Decision in *Miller*: “Children Are Different”

Writing for the Court, Justice Kagan held that the Eighth Amendment prohibits *mandatory* JLWOP because a sentencing court cannot consider mitigating circumstances.¹² In reversing Miller’s mandatory life without parole sentence, the Court held that a sentencing court must have the *opportunity* to consider mitigating circumstances before imposing the harshest possible penalty for juveniles. In the Court’s view, Miller’s sentence was violative of the *individualized* juvenile sentencing approach it had established in earlier cases, particularly *Graham v. Florida*¹³ and *Roper v. Simmons*.¹⁴ In its opinion, the Court grounded its decision on the complexities of adolescence recognized in these decisions.

For instance, linking the rationales of both *Graham* and *Roper* based on the ever-increasing

findings of science and social science, the Court stated that “children are *constitutionally* different from adults for purposes of sentencing.”¹⁵ It highlighted that juveniles are reckless, impulsive, and more influenced by outside pressures from family and peers. And, it observed juveniles “lack the ability to extricate themselves from horrific, crime-producing settings.”¹⁶ After re-identifying these traits, the Court concluded that “a child’s character is not as well-formed as an adult’s....and his actions less likely to be evidence of irretrievable depravity.”¹⁷

In the final analysis, these differences between juveniles and adults, according to the Court, lessen the sentencing justification of JLWOP sentences, no matter the heinousness or details of the offense. The bottom line for our criminal justice system is when it comes to sentencing juveniles for homicide *and* non-homicide crimes, the U.S. Supreme court has now undeniably established *youth* matters. Very important as well, though, was the Court’s declaration that a sentencing court must consider the “mitigating qualities of youth”.¹⁸ With a mandatory scheme, every juvenile receives the same sentence as every other. A sentencing court does not consider many things about the offender, such as the age, emotional factors, physical characteristics, or history of abuse. In short, consideration of *rehabilitation* is precluded.

In the Court’s view, the constitutional infirmity with mandatory life without parole provisions for juveniles was the lack of any true sentencing *process*. The cardinal holding by the Court is that an *individualized* sentencing is needed in *each* case. This, then, is the real consequential effect of the *Miller* decision going forward in juvenile sentencing,

potentially even *beyond* homicide or seriously grievous crimes committed by a juvenile.

The “Rare” Juvenile

The holding in *Miller* mandates that the juvenile be given a “meaningful” opportunity for release based on “demonstrated maturity and rehabilitation”.¹⁹ It does not guarantee this to every juvenile. In other words, a sentencing court could still, after weighing the appropriate offender characteristics and crime factors, impose a mandatory life without parole sentence. It would be the *rare* juvenile who exhibits, in the Court’s words, “irretrievable depravity that rehabilitation is impossible.”²⁰ Placing weight on juveniles’ diminished culpability, and their greater prospect for rehabilitation, the Court determined such a sentence should be “uncommon,” reserved for “the rare juvenile whose crime reflects irreparable corruption.”²¹ A clear problem for judges and practitioners is that the Court did not define “irreparable corruption” or provide any examples. Going forward, what acts or behavior by a juvenile would meet the criteria are subject to interpretation by courts, prosecutors, and legislators. Presently, then, a life without parole sentence can only be imposed upon a juvenile after a sentencing court concludes the juvenile is “the rare juvenile offender who exhibits such irretrievable depravity that rehabilitation is impossible.”²² These issues became more apparent in the most recent decision by the Court in this juvenile area, which is the case of *Montgomery v. Louisiana*, decided in 2016.

Montgomery v. Louisiana

On January 25, 2016, the U.S. Supreme Court held that its holding in *Miller v. Alabama* should be

retroactively applied.²³ Thus, juveniles sentenced prior to *Miller v. Alabama* are entitled to sentencing relief. This could include a re-sentencing or an opportunity to be considered for parole.²⁴ Either way, this opportunity for release is derived from the Court's fundamental conclusion that juveniles who commit even heinous crimes are capable of change.²⁵ But, without indicating a certain procedure for these situations, courts and states are left to decide their own path. Herein lies the significant issue in applying the *Miller* ruling in either an original sentencing or a re-sentencing; however, the groundbreaking path of these decisions cannot be overstated.

The Impact on Juvenile Waivers... and Beyond

Whether it is an original sentencing or a re-sentencing, there is an unmistakable, collective "force" in the teachings of *Roper*, *Graham*, *Miller*, and *Montgomery*. At sentencing, in an individualized approach the sentencing court must weigh a juvenile's potential for *change*. So, it would now be constitutional error for a sentencing court to just consider the age of the juvenile offender.²⁶ As well, the gruesomeness of a crime is not sufficient to demonstrate that an offender is beyond redemption.²⁷ The individualized sentencing analysis requires a determination of whether the offender is one of the uncommon juveniles whose crimes reflect permanent incorrigibility. In time, the import of these decisions is likely to have far-reaching effects beyond a sentencing for such juveniles, such as in deciding to transfer a juvenile to the adult court system.

In 1966, in *Kent v. United States*,²⁸ the Court listed eight factors a court must consider:

1. seriousness of the offense charge,

2. whether the offense was committed in an aggressive, violent, premeditated, or willful manner,

3. whether it was against person or property,

4. the prospective merits of the case,

5. whether the offense was committed with adult cofactors, and the desirability of disposing of cases together,

6. the sophistication and maturity of the juvenile,

7. the juvenile's prior record, and

8. the prospects for adequate protection of the public and the likelihood of reasonable rehabilitation of the juvenile by the use of procedures, services, and facilities currently available to the juvenile court.²⁹

Based on the rationales and weights of arguments by the Court, supported as well by the cited science, if most juveniles are capable of *change*, then the constitutional logic flows that, in many cases, a transfer of the juvenile into the adult court system may be, likewise, as ill-ordered as life without parole when the *Kent* factors are scrutinized in a particular case. In other words, *any* discretionary transfer determination should be similarly examined and analyzed. An undergirding to the application of the *Kent* factors should now be the lessons of *Roper*, *Graham*, *Miller*, and *Montgomery*. In the author's view, this is the inexorable importance of the recent U.S. Supreme Court jurisprudence for the juvenile justice field in the future because juveniles are different from adults *and* have the potential to change. The Court keeps telling us so. Is the juvenile justice system listening?



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¹ 132 S. Ct. 2455 (2012)

² Id. at 2460.

³ Id.

⁴ National Conference of State Legislatures (2017).

⁵ Roper v. Simmons, 543 U.S. 551 (2005)

⁶ Id. at 570.

⁷ Id.

⁸ 132 S. Ct. at 2462.

⁹ See Ala. Code §§13A-5-40(9), 13A-6-2(c) (1982)

¹⁰ 63 So. 3d 676, 690 (Ala. Crim. App. 2010)

¹¹ 132 S. Ct. at 2475,

¹² Id.

¹³ 130 S. Ct. 2011 (2010)

¹⁴ 543 U.S. 551 (2005)

¹⁵ 132 S. Ct. at 2464.

¹⁶ 543 U.S. at 569.

¹⁷ Id. at 570.

¹⁸ 132 S. Ct. at 2475.

¹⁹ See Graham v. Florida, 560 U.S. 48, 75 (2010)

²⁰ Montgomery v. Louisiana, 136 U.S. 718, 724 (2016)

²¹ Id.

²² Id.

²³ 136 S. Ct. 734 (2016)

²⁴ Miller, *supra* n. 14 at 2034 (2010).

²⁵ Id. at 2027.

²⁶ Montgomery, 136 S. Ct. at 734.

²⁷ Roper v. Simmons, 543 U.S. 551, 570 (2005).

²⁸ U.S. v. Kent, 383 U.S. 541 (1966)

²⁹ Id. at 557.

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Problems with Popular Proposals to Prevent Mass Shootings

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Introduction

The recent mass shooting in Parkland, Florida at the Marjory Stoneman Douglas High School has given rise to a number of differing proposals to reduce or eliminate mass shootings. These may be divided into two general categories. One is a ban or restriction on ownership of assault-type rifles, such as the AR-15, and the other is a ban on the purchase and ownership of weapons by individuals identified with mental illness. The former will be referred to as a weapons-based argument and the latter as a mental illness-based argument.

Although there are additional gun violence policies that are available for examination, this brief commentary focuses on the problems and shortcomings of the two aforementioned proposed solutions. Neither the mental health restriction approach nor the weapons restriction approach is sufficient, in itself, to significantly impact school shootings or other types of mass shootings.

Banning or Restricting Assault Weapons

Schools are convenient targets, as are crowded movie theaters and churches. They are among the targets offering the most possible carnage per square foot. This was demonstrated by the massacres of students in Parkland, Florida; movie theatergoers in Aurora, Colorado; and churchgoers in Charleston,

South Carolina and Pittsburgh, Pennsylvania, among others.

Undeniably, firearms were invented and designed to inflict massive damage to living creatures. Firearms are intended to be the tools of death. Hunters use them to kill, murderers use them to kill, and soldiers, at war, use them to kill. Self-defenders use them to kill or to threaten imminent death.

A distinction must be made between types of firearms based on their lethality. Lethality rises with increases in caliber, clip size, and the speed with which a weapon can deliver its bullets. If the Parkland shooter had entered the school armed with only a large knife, perhaps there would have been no fatalities. An example of this occurred in Murrysville, Pennsylvania in 2014, at the Franklin Regional High School. A teenager entered the school and stabbed 21 people (Routh, 2018). No one died. If the Parkland shooter had used only a knife, perhaps no one would have died. If he had used a 22-caliber revolver, requiring slow manual reloading, it is reasonable to conclude that the number of casualties would have been greatly reduced, and perhaps there would have been no fatalities.

Considering the opposite extreme of lethality, had the shooter entered the school with a fully automatic, larger-caliber weapon, equipped with multiple large-capacity magazines, it is reasonable to conclude that hundreds may have been killed. A fully automatic weapon is capable of firing hundreds of

rounds per minute. It is undeniable that fully automatic weapons are more lethal than semiautomatic weapons, and that semiautomatic weapons are more lethal than single-shot weapons. It is also undeniable that a six-shot clip is less lethal than an extended magazine holding 40, 50, or more cartridges per clip. An experienced shooter can change clips in one to two seconds. Clip size is important in determining a weapon system's potential lethality. The need to reload or change clips will have an effect on the number of victims that can be shot. Any delay in changing clips or reloading provides an opportunity for potential victims to escape or to interrupt the shooter or separate him from his weapon.

That appears to have been the case in a recent shooting at a Waffle House in Tennessee. A mass shooter was tackled by James Shaw, Jr. while the shooter was trying to reload. The gun was knocked out of the shooter's hand. This heroic action during the reloading of the weapon likely saved the lives of many patrons (Fink, 2018).

The consistent argument of gun proponents is that guns do not kill; only people kill. Admittedly, no gun has pulled its own trigger. That is obviously true, but when someone has decided to kill, for whatever reason, the number of possible casualties will be limited by the maximum lethality of the chosen weapon system.

Though every handgun and rifle is capable of killing, each varies in its lethality. A fully automatic machine gun is unarguably more lethal than a single

shot, bolt-action .22 caliber rifle. United States laws recognize a weapon's lethality, and ownership of highly lethal weapons is severely limited or completely prohibited. High-powered weapons allow even inexperienced shooters with poor aim to eviscerate their victims, nearly eliminating any chance of survival (Sher, 2018).

Banning or Restricting Weapons Based on Mental Illness

The argument that all mass murderers are mentally ill is one of attribution. If one presupposes that mass murder is an act of insanity, then by definition all mass murderers must possess the attribute of insanity. However, no mainstream, widely accepted theory assumes that mass murderers are mentally ill (White, 2017).

The *Diagnostic and Statistical Manual of Mental Disorders* (DSM) does not state or imply that mass murderers are mentally ill. People kill for many reasons. They kill in retribution for a perceived grievance, real or not. People kill for political reasons. People kill for terroristic purposes. People kill for personal gain. It is a mistake to believe that all killers or perpetrators of mass murder are mentally ill. Thus, arguing that restricting gun ownership by the mentally ill will prevent or significantly reduce mass shootings is without merit because it addresses only the mentally ill and no other type of mass murderer.

By contrast, restricting access to and ownership of weapons of high lethality addresses all categories of mass murderers. For instance, a 1994

federal law banned 18 specific types of high-powered weapons and high-capacity magazines holding more than 10 bullets. Research indicates that both gun massacre incidents and deaths fell significantly when the ban was in place, and they have increased substantially since its 2004 expiration (Ingraham, 2018).

Legislation aimed at reducing mass shootings by restricting the gun ownership of the mentally ill may be appropriate and commendable, but in actuality would do little to significantly reduce the number of mass shootings. Reducing mass shootings by making it illegal for the mentally ill to possess weapons is no more realistic or achievable than making mental illness, itself, a criminal offense.

Many legislative arguments suggest that the way to reduce mass shootings is by keeping guns out of the hands of the mentally ill. In reality, keeping guns out of the hands of the mentally ill is legislatively an unachievable goal. It is so unlikely as to be realistically impossible. Problems with background check reporting systems limit the effectiveness of all laws. For instance, states are not required to report to the National Instant Criminal Background (NICS) database (Pinals & Anacker, 2016). Current laws prohibit only those who have been adjudicated as “mentally deficient” or involuntarily committed from buying firearms. People in hospitals who have been voluntarily committed or are undergoing observation are not included (Pinals & Anacker, 2016). To further complicate matters, diagnostic labels change. Also,

many people with mental illness have never been diagnosed because they have not voluntarily chosen treatment or been forced to undergo therapeutic evaluation.

Revealing to government agencies those who are diagnosed as mentally ill would face perhaps insurmountable obstacles because of privacy issues (Counts, 2018). Under current law, “underlying diagnoses, treatment records, and other identifiable health information are not provided to or maintained by the NICS” (Federal Register, 2016, p. 4). Even if these obstacles were overcome, there would need to be a general agreement regarding which types of mental illnesses would be reportable to government agencies. Would neuroses or personality disorders be reportable to government agencies? Would only psychoses be reportable? Would only those with psychotic delusions and paranoia be reportable? Would all people who were being treated for depression have their guns removed from their possession? These are all questions whose answers are likely to never be agreed upon.

An important fact that is generally overlooked in mental illness-based arguments is that the diagnosis of mental illness comes after the development of the mental illness—often long after the development of the mental illness. All legislation is meant to be preventative. The diagnosed mentally ill can be prevented from buying new firearms. The mentally ill who have yet to be diagnosed cannot be prevented from buying firearms. One might argue

successfully, with great veracity but not conclusively, that the majority of the mentally ill with whom we should be most concerned will fall into the category of the undiagnosed mentally ill.

There is, however, a theoretical way to keep guns out of the hands of the mentally ill. A mentally ill person could not pick up a gun if there were no guns to pick up. If there were no guns, no one could be shot. If there were no automobiles, no one could be hit by a car. Banning cars would mean that innocent children on bicycles could be saved. Hit and run drivers could be eliminated. Drunken drivers would not exist, and thus innocent lives would be saved. No one would suggest that the lives saved by eliminating automobiles are any less important than would be the lives saved by eliminating firearms. However, no one is suggesting that automobiles be banned in the United States of America. There are legitimate uses for automobiles and great advantages in their ownership and utilization.

There are likewise legitimate uses and great advantages to the ownership and utilization of firearms. Firearms are as much a part of the American culture as are America's highways and the automobiles that travel upon them. There are so many roads and highways in America that their numbers cannot be calculated, only estimated. Likewise, there are so many firearms in America that their number can only be estimated. An estimate is never fully accurate but is a reasonable attempt to approximate an actual count. A reasonable estimate of the number of

firearms in America is between 200 and 300 million (Cook & Gross, 2014). Some estimates are substantially higher, but there are certainly as many firearms in America as there are automobiles. There may be enough to arm every man, woman, and child.

The gun lobby does not speak for American citizens; American citizens speak for themselves. We need not ask anyone or any lobbyist group their estimation of the feelings of Americans when it comes to gun ownership. Americans speak loudly and for themselves, each day, with their continued purchase of firearms and automobiles. People like to own guns as much as they like to own automobiles.

Conclusion

It has long been said, in one way or another, that if guns were banned only criminals would have guns. Implicit in that statement is that there are good, responsible gun owners who follow the law, and then there are gun owners who live outside the law, people that skirt the law or obey only the laws that they agree with: the criminal element.

An appeal must be made and responded to by good, responsible gun owners. They know that some weapons are much more dangerous than others. They believe in the rule of law and fastidiously adhere to every gun and hunting law—the ones they agree with and the ones they don't. They know that not every gun owner is like them. There exists a criminal element. They realize that they, their families, and their neighbors are at risk from this criminal element. They

know that there are weapons that must be kept out of the hands of this criminal element.

Responsible gun owners are not, nor have they ever been, the problem. Responsible gun owners know that there are irresponsible gun owners who

represent a danger to the innocent. It is this criminal element, along with the undiagnosed mentally ill, that must be prevented from picking up weapons of high lethality. Thus, the most common-sense solution, it would seem, is to ban weapons of high lethality.

References

- Cook, P., & Gross, K. (2014). *The gun debate: What everyone needs to know*. New York: Oxford University Press.
- Counts, J. (2018, May 2). How do we keep guns away from the mentally ill? 'Guns: An American conversation.' *Michigan News*. Retrieved from http://www.mlive.com/news/index.ssf/2018/05/how_do_we_keep_guns_away_from.html
- de Jaer, E., Goralnick, E., McCarty, J. C., Hashmi, Z. G., Jarman, M. P., & Haider, A. H. (2018). Lethality of civilian active shooter incidents with and without semiautomatic rifles in the United States. *The Journal of the American Medical Association*, 320(10), 1034-1035. doi:10.1001/jama.2018.11009
- Federal Register. (2016). Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule and the National Instant Criminal Background Check System (NICS). Final rule. *Office of Civil Rights, Department of Health and Human Services*, 81(3), 382-396. Retrieved from <https://www.ncbi.nlm.nih.gov/pubmed/26742185>
- Fink, J. (2018, April 22). 'Saw my opportunity...So I took it'—Waffle house hero saves lives by wrestling AR-15 away from shooter. *Independent Journal Review*. Retrieved from <https://ijr.com/2018/04/1087436-james-shaw-waffle-house-shooter/>
- Ingrahan, C. (2018, Feb 22). The real reason Congress banned assault weapons in 1994—and why it worked. *The Washington Post*. Retrieved from <https://www.washingtonpost.com/news/wonk/wp/2018/02/22/the-real-reason-congress-banned-assault-weapons-in-1994-and-why-it-worked>
- Pinals, D. A., & Anacker, L. (2016). Mental illness and firearms: Legal context and clinical approaches. *Psychiatric Clinics of North America*, 39(4), 611-621. doi:<https://doi.org/10.1016/j.psc.2016.07.013>
- Routh, J. (2018, Jan 22). Alex Hribal sentenced to 23 ½ to 60 years in Franklin Regional stabbings. *Pittsburgh Post-Gazette*. Retrieved from <http://www.post-gazette.com/local/westmoreland/2018/01/22/Alex-Hribal-sentenced-in-Franklin-Regional-stabbings-pittsburgh-school-attack-westmoreland-county/stories/201801220093>

Sher, H. (2018, Feb 22). What I saw treating the victims from Parkland should change the debate on guns. *The Atlantic*. Retrieved from <https://www.theatlantic.com/politics/archive/2018/02/what-i-saw-treating-the-victims-from-parkland-should-change-the-debate-on-guns/553937/>

Journal, 84(3), 1–31. Retrieved from <https://www.iadclaw.org/publications-news/defensecounseljournal/shots-fired---a-rational-assessment-of-mass-shootings-the-alleged-participation-of-the-mentally-ill-and-an-impaired-right-of-privacy/>

White, T. J. (2017). Shots fired—A rational assessment of mass shootings, the alleged participation of the mentally ill, and the impaired right of privacy. *Defense Counsel*

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October 18, 2019

Katharine T. Sullivan
Principal Deputy Assistant Attorney General
Office of Justice Programs
U.S. Department of Justice
810 7th St NW
Washington DC 20001

Dear Deputy AAG Sullivan:

On behalf of the undersigned, we write to express concern about several important BJS data reports that have not been released.

The Crime & Justice Research Alliance (<http://crimeandjusticeresearchalliance.org>) is a collaborative partnership between the nation's two leading criminal justice scholar associations, the Academy of Criminal Justice Sciences (ACJS) and the American Society of Criminology (ASC), which represents more than 5,000 criminal justice practitioners, scholars, and research experts. Formed in 2015, the Alliance is non-partisan and does not take positions on policy, but does advocate for funding to support criminal justice research, and for access to crime and justice data.

COSSA, a nonprofit advocacy organization, works to promote sustainable federal funding for social and behavioral science research and federal policies that positively affect research and its conduct. COSSA serves as a united voice for a broad, diverse network of organizations, institutions, communities, and stakeholders who care about a productive and vibrant social science research enterprise. COSSA membership includes professional and disciplinary associations, scientific societies, research centers and institutes, and U.S. colleges and universities.

Over the past few months, members of our constituencies alerted us to several missing BJS data reports and asked us to look into the issue. We have identified the following BJS reports that appear to be long-overdue or missing.

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1) The 2016 Survey of Prison Inmates - Nearly two years ago, BJS informed the criminal justice community about a forthcoming report on “Parents in Prison and their Minor Children”. This report and several other regular products are based on the 2016 Survey of Prison Inmates (SPI). While a report on the 2016 SPI survey methodology has been released, the survey data itself has yet to be released. One discrete subset of the data focused on firearms was released, but the vast majority of SPI data has not yet been published.

Prior iterations of the SPI were known as the Survey of Inmates in State and Federal Correctional Facilities (SISFCF), which was renamed with the 2016 implementation. The first survey of state prisoners was fielded in 1974 and thereafter in 1979, 1986, 1991, 1997, and 2004. The first survey of federal prisoners was fielded in 1991, along with the survey of state prisoners, and since then both surveys have been conducted at the same time using the same questionnaire and administration. The last publication from this regular data-collection effort was from 2008.

As you know, the SPI includes a host of pertinent data—which have not been released. The full list of SPI data includes demographic characteristics, current offense and sentence, incident characteristics, firearm possession and sources, criminal history, socioeconomic characteristics, family background, drug and alcohol use and treatment, mental and physical health and treatment, and facility programs and rule violations, etc.

We write to inquire about and request release of the various BJS reports associated with the SPI regular data-collection effort, and that the most recent SPI data be released.

2) The BJS Background Checks for Firearms Transfers Report Series - The last edition of the annual “BJS Background Checks for Firearms Transfers” report series released by BJS seems to be from 2015. We’ve been told that the data for 2016 has been gathered and the report is in progress, but the 2016 report has still not been released—though BJS staff have indicated that it is forthcoming at some unspecified point in the future.

Has BJS ceased to produce reports on background checks for firearm transfers, given that the last one published and available on the BJS website dates to 2015?

3) Death in Custody Reporting Program (DCRP) – BJS implemented the DCRP to fulfill the data collection requirements of the Death in Custody Reporting Act of 2000 (DICRA), reauthorized in 2014, and collects data on mortality during arrest and incarceration, providing national information on the deaths of suspects and offenders from the time they come in contact with law enforcement personnel through the time they are incarcerated in jail or prison.

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Regrettably, the most recent national published suicide statistics from BJS date back to 2013/2014. Our understanding is that DOJ is obligated, by law, to report these data per the Deaths in Custody Reporting Act and its reauthorization.

Has BJS ceased to produce reports on deaths in custody through the DCRP? We write to request that you publish the missing reports.

4) The Law Enforcement Management and Administrative Statistics (LEMAS) Survey - The LEMAS survey collects data from a nationally representative sample of state, county, and local law enforcement agencies in the United States. In 2014, the National Commission on Forensic Science approved a recommendation to ask BJS to conduct a survey of police forensic units and the DOJ agreed to commission such a report. Subsequently, BJS presented a plan to the NCFS in January 2017 outlining the planned study, describing it as the 2017 LEMAS Forensic Science Supplement. The study has not been released nor has it been referenced on the BJS page or the LEMAS page.

Have the LEMAS supplemental surveys been discontinued and has BJS decided not to conduct the LEMAS Forensic Science Supplement after all?

In addition, many in the criminal justice research community have heard of an alarming decline in the number of BJS staff as a consequence of hiring freezes, staff attrition, and failure to replace departing staff and experts. We cannot help but wonder if the missing reports mentioned above may be a consequence of such shortages and we urge the Department to determine the extent of workforce shortages in BJS and staff BJS appropriately.

We have outlined four examples of missing or delayed reports or data collections. We make this inquiry to ascertain the status of the specific BJS products identified here, as well as the status of other data reports and data collections that are missing or delayed. Finally, we recognize BJS's critical role as the Nation's primary source of crime and justice data and are concerned about reports of workforce shortages that may impact the Federal government's ability to provide critical crime and justice data in a timely manner.

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We look forward to hearing from you.

Sincerely,

Peter B. Wood, Chair
Crime & Justice Research Alliance

Wendy A. Naus, Executive Director
Consortium of Social Science
Associations

cc: Jeffrey H. Anderson, Director, Bureau of Justice Statistics

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**Q and A with Erich Goode, Author of
*The Taming of New York's
Washington Square: A Wild Civility.*
New York University Press, 2018.
ISBN: 978-1479898213 (paperback).
336 Pages. \$30.00.**

Robert M. Worley, PhD

In his new book, *The Taming of New York's Washington Square*, Erich Goode employs rich and detailed observations, as well as in-depth interviews, in order to study deviance in one of the nation's most famous parks. Recently, ACJS historian Robert M. Worley asked the author a few questions related to this scholarly work.

RW: I really enjoyed this book! One of the things I found interesting is the way that Washington Square is a place that truly celebrates diversity.

EG: Yes, the Greenwich Village neighborhood surrounding Washington Square Park is roughly 98% non-black (mostly white, with a growing Asian population), and largely upper-middle class in income, yet the park welcomes outsiders from all walks of life and unconventional characters, including the

mentally disordered, the homeless, and marijuana sellers.

RW: Why do you suppose this is?

EG: I'm usually suspicious of "Why?" questions. Answers are often tautological, common-sensical, nonsensical, or offer a pile-on of factors, each one of which itself needs explaining. The "how" question is usually my domain. How do social relations work? What's involved in the action-reaction-interaction sequence? Who does what? What direction does the interaction take? I'm a symbolic interactionist, not a positivist, and I generally work and think on the micro level, not the macro level.

RW: That makes sense. I know there are many students who work and live around the park. And some of these students may engage in deviance, right?

EG: Yes, it is true that some of this illicit activity comes from the fact that college students tend to be less conventional than the population at large. But the history of the park also suggests that unconventionality was likely to be nurtured there historically. For a variety of reasons, bohemians, beatniks, and radicals were attracted to the Village generally and the Park specifically.

RW: Interesting. I wonder why.

EG: The reasons are partly demographic, geographic, and economic. Little Italy and Chinatown are just south of the Village, an easy 6 to 8 or so blocks' walk to the Park, so many of their residents were attracted there. During most of the 1800s, there was an African American neighborhood just south and west of the Park, which was dubbed "Little Africa." Washington Square has had a long history of diversity, resistance to authority, dissensus, unconventionality, radicalism, liberalism, bohemianism. Who knows how these things got started? Jack Reed encourages Lincoln Steffens to move to the Village. Mark Twain knew Robert Louis Stevenson, and they sat on a Park bench and fed the pigeons. Eugene O'Neill has an affair with Louise Bryant, and they leave their apartment in the Village and move to Provincetown. Something attracts one person to a place, and chains of associations bring like-minded people together. Before long, there's a network, a community of people who share friends and interests. Artists show one another their work and hang out together; one decides to sponsor an exhibition. One writer moves to the (then) cheap apartments in the Village, then another, then another. A bookstore holds readings and attracts a literary crowd.

RW: And you got one of your first teaching jobs at NYU, right?

EG: In 1965, when I got a job teaching sociology at NYU, I rented an apartment on MacDougal Street, a block and a half from the Park—four tiny rooms comprising a railroad flat, with a tub in the kitchen and a stove that didn't work, for \$70 a month.

RW: Sounds reasonable, even for 1965.

EG: Yeah, and that tells you something about the housing market, which was fluid at that time, and, in pockets of the Village, still inexpensive and hence, attractive to students, artists, writers, bohemians, and beatniks without money.

RW: Interesting.

EG: There's a long history of all this unconventionality. In 1833, a labor riot erupted on the Square when stonecutters objected to NYU's use of Sing Sing convict labor to cut the stones for its buildings. During the Civil War, a draft riot broke out in Astor Place and troops that drilled in Washington Square were called to disperse the crowd. In 1911, after the Triangle Shirtwaist factory fire, which took place in a factory a couple of blocks from the Square (NW corner of Washington Place and Greene St.), 120,000 people gathered in the Park to mourn. In 1915, 25,000 women marched from the Park up Fifth Avenue to campaign for the right of women to vote. In 1933, an anti-Nazi rally was held that marched through the Arch. WSP is a node, a

launching pad, a convenient gathering place. In 1918, I believe, the NYC subway system built a station 6 blocks from WSP, on Christopher St. and Sheridan Square; tourists flocked to the Village to see the beatniks. In 1961, in response to a ban on music being played in public places, thousands rallied in WSP, and the demonstration got out of hand; dozens were arrested. During the '60s, WSP became a focus for folk singers, including Bob Dylan and Joan Baez.

RW: Love Bob Dylan.

EG: Yeah, me too. And in '64, an anti-Vietnam rally was held in the Park. Officials decided that its originally planned locus, Union Square, would have disrupted Christmas shopping along 14th St. In 1959, the City decided to ban all vehicular traffic from the Park. NYU began buying up real estate all around the Square, and artists were evicted from their lofts. There's a lot of fortuitousness to how an area, a neighborhood, evolves. Over time, things happen in shreds and patches, and before you know it, there are informal networks of like-minded people who populate a place.

RW: From reading your book, it seems that some park-goers do occasionally get out of hand and create minor problems; yet, in most cases, no formal social control is exercised.

EG: WSP is an unconventional urban public space; there's a great deal of tolerance for unconventional behavior. There's flexibility and leeway in enforcing park and municipal violations. If formal social control is regarded as overly rigid or repressive, park-goers are likely to complain to authorities about it. PEP (Parks Enforcement Patrol) and NYPD recognize this and observe it. They draw the line at violence and, as I've seen, the consumption of alcoholic beverages and amplification that's too loud. Selling marijuana joints seems not to be as disruptive, and, for the most part, it is semi-tolerated. Most of the time, the owners of off-leash dogs will be warned about it, though usually not issued a citation. Mostly, feeding pigeons and squirrels is tolerated. The police follow a "hands off" policy when they feel that a heavy hand will disrupt the setting and anger park-goers.

RW: You conducted an informal survey of 60 park-goers and found that 67% of your sample reported that it was "wrong" for park-goers to stare at one another. In fact, staring was regarded as being more of an incivility than marijuana smoking or having a dog off a leash. Did this surprise you?

EG: Staring is considered disruptive because it is perceived as threatening. "This man is staring at me. Why? What does he want? What

is he going to do to me?” If it’s a man staring at a woman, she feels there’s a sexual intent, and if it’s unwanted, she’ll want him to stop and won’t invite further staring. At some point, she’ll get up and walk away. If it’s two gay guys and both are interested, chances are, they’ll get together. If it’s two straight guys, there may be a power contest going on. Often, one is wondering whether the other is queer or whether the other thinks he’s queer. There’s a lot of heavy freight involved in staring, both emotionally and logistically. What should I do? What’s he going to do? A woman rarely stares unless she wants to invite the other party to join her. That’s fairly rare.

RW: Staring, I think, is not a violation of park rules.

EG: True, staring is not a violation of *formal* park rules. But it can be a violation of informal rules.

RW: Did you ever have any park-goers stare at you?

EG: Yes, I encountered it when someone engaged in a macho “staring contest” with me. But I was always on the lookout for it when observing others. I did see some gay guys who hooked up as a result of mutual eye contact, but as I say in the book, WSP is no longer the place to go in NYC for gay guy hook-ups.

RW: You witnessed quite a few marijuana sales during the course of your field work. Can you describe a typical transaction?

EG: The sales seemed brief and impersonal. Keep in mind that NYU students usually sell marijuana to one another, so these are, for the most part, not NYU students. Also, keep in mind that if drug sellers are observed selling to youngsters, the police will shut them down. And if they begin selling hard drugs, likewise, they’ll get shut down.

RW: And I remember reading that most of the marijuana sellers were African Americans who sold mainly to Caucasians.

EG: I don’t think race played a role in the marijuana seller-buyer interaction, aside from the forces and factors that propelled the two interacting parties to end up in the role they played as buyer and seller.

RW: Do you think the dealers were competing with one another for customers?

EG: I didn’t see competition in play among marijuana sellers; it’s mainly who knows whom, who is out selling, and where, in a given spot, they are selling—logistical matters—that determined these things. My guess is there were repeat customers, but I didn’t see enough transactions to

track that. Maybe I saw a dozen instances of marijuana and cash changing hands.

RW: In your book, you discuss Elijah Anderson's (2011) notion of a "cosmopolitan canopy." How do you think your field work contributes to our understanding of this concept?

EG: I consider WSP to be a "cosmopolitan canopy," along the lines of Anderson's conceptualization, but with one difference, and that is that the area of Philadelphia that Anderson studied, between the Schuylkill and the Delaware Rivers, is a POPS—a privately owned public space; in other words, it is a commercial space that is owned and operated to make a profit. With WSP, there's no profit involved. Nobody around here has anything to sell except for the marijuana and occasional food truck. (Of course, the buskers want to "sell" their acts.) The area around the park is residential. That's a big difference and it influences behavior that takes place in one versus the other space. Tolerance for diversity in a POPS is limited to profitability; if someone threatens or disrupts the space's capacity to earn money, private guards, hired by the POPS, will hustle the intruder out of there. In WSP, the police and Parks Enforcement Patrol are there to protect the public interest, and that usually means safety and conformance with the park rules. Anderson and I don't disagree about this, it's just that the two places are similar in most respects—in that they are both

cosmopolitan canopies—but differ with respect to the commercial angle.

RW: I thought it was great the way you provided a bit of a law enforcement perspective. What type of officer do you think would be the most effective at Washington Square and why?

EG: An old-fashioned, law-and-order, "lock 'em up and throw away the key" officer would be the *least* effective agent of social control in the situation that prevails in WSP. Someone who's progressive, flexible, liberal, probably college educated would be ideal. A light hand rather than a heavy hand. Law enforcement in an unconventional setting, in which there are many marginally illegal acts taking place, where "broken windows" does not prevail—where minor offenses tend not to escalate into major ones—where looking the other way on minor offenses is the best policy. I did observe an officer give a citation to the man who was drinking vodka out of a Tropicana orange juice bottle, which did surprise me.

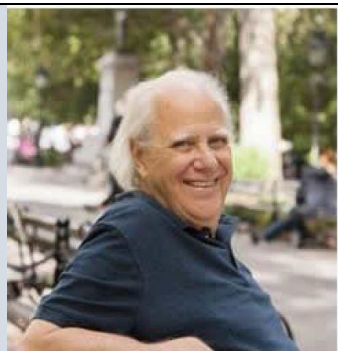
RW: When you accompanied a male park-goer being a little too flirtatious with female park-goers, you discussed with him the appropriateness of coming on to women. It almost seemed like you were temporarily stepping out of the researcher role and offering some sound fatherly advice. Was this a

research strategy? Or, were you merely trying to help the young man—or perhaps a little bit of both?

EG: My “fatherly advice” to Philip (I called him “Justin” in the book) about flirting. Hmm. Well, some sociologists have used such tactics to gather information, to find out what the actor’s interpretation of the rules are, so, yes, it

was partly a research strategy. It’s also an interpersonal thing in the sense that I was a friend who felt that he was engaging in behavior I thought was unacceptable. So, yes, it was a bit of both.

Note: This interview is forthcoming in the journal *Theory in Action*. Permission was granted to publish it in *ACJS Today*.



Erich Goode is professor emeritus of sociology at Stony Brook University. He is the author of numerous books, including *Drugs in American Society*, *Deviant Behavior*, and *Justifiable Conduct*.



Robert M. Worley, Ph.D., is associate professor and director of the Criminal Justice Program at Lamar University. Robert has published extensively on “inappropriate relationships” that occur between inmates and correctional officers. He has been interviewed by Reuters, the *New York Times*, the *Houston Chronicle*, the *Dallas Morning News*, and the Marshall Project, as well as other media outlets. Robert is co-editor (with Vidisha B. Worley) of the *Encyclopedia of American Prisons and Jails* (ABC-Clio). His work has appeared in journals such as *Deviant Behavior*, *Criminal Law Bulletin*, *American Journal of Criminal Justice*, *Security Journal*, and *Criminal Justice Review*, among others. Robert is currently an associate editor of *Deviant Behavior* and the book review editor of *Theory in Action*. In 2019, Robert won the ACJS Historical Mini-Grant Award.

Creating an Open Educational Resource (OER):

Introduction to the American Criminal Justice System

Shanell Sanchez, Ph.D. *

Conversations about college affordability often have centered on rising tuition, especially as the cost of attending college in the United States increased 63% between 2006 and 2016 (Bureau of Labor Statistics, 2016). In addition, the costs of textbooks have similarly increased, with estimates suggesting that students set aside \$1,200 each year for course materials (College Board, 2016). Consequently, access to affordable college textbooks is receiving a great deal of attention and opening doors to explore other options that were not readily available until recently.

Babson Survey Research Group found more than 60% of faculty members believe the high cost of course materials could negatively affect student access to materials, which can influence the overall learning environment (McMurtrie, 2019; Seaman & Seaman, 2018). In order to help minimize costs, professors have encouraged students to buy used textbooks, provided their own copies to students, made sure the library had access to required textbooks, sacrificed quality material for a cheaper text, or created their coursework without the use of a formal textbook (Redden, 2011; McMurtrie, 2019). When asked why students do not have access to textbooks, 52% of faculty said cost is the primary factor, and about 38% believe students do not buy

them because they think they do not need them (McMurtrie, 2019). Although faculty may have the best interests of students in mind when they decide to eliminate textbooks or use cheaper texts that may not be as engaging or detailed, research has not examined the students' perceptions of these decisions. Further research needs to explore the impact our decisions have on student learning and ask students how we can make textbooks more accessible, while also demonstrating the importance of textbooks when they are assigned.

The State of Oregon, along with many other states and communities, has embraced the open educational resources (OER) movement, which is a push to create affordable and dynamic teaching materials. A 2017–2018 survey revealed a steady growth in awareness of OER in U.S. higher education, with almost 50% of faculty at the surveyed institutions now reporting OER awareness (Seaman & Seaman, 2018). Twenty-two percent of people who teach introductory courses use an OER as a required material, which is up from 15% the year before. Perhaps more notable, this study found that multiple factors are in place to continue rapid awareness and use of OERs in the future. A growing number of states, universities, and professors are replacing their traditional textbook with an openly licensed one (Seaman & Seaman, 2018).

In 2017, the Legislative Assembly expanded on House Bill 2871 with the passage of House Bill 2729. They appropriated \$1 million for the

continuation of OER work over 2017–19. Students at universities, including mine, were advocating for themselves by encouraging professors to adopt and help develop free, open source books. Students were also writing their senators in Oregon, which has led to changes such as House Bill 2871 (2015). This bill provided legislative investment in the area of textbook affordability, with a specific focus on open educational resources. Open Oregon Educational Resources, established because of these legislative changes, (<https://openoregon.org>) put out a call to fund faculty for the use, adoption, or creation of OERs.

Although there has been an increased awareness and push toward OERs, faculty members' support for using OERs has slightly decreased in the past year (McMurtrie, 2019). This decline in support may be attributed to misconceptions regarding OERs, such as preferences in textbook medium, content availability, and quality of content. However, individual faculty, their institutions, and students can address these factors via an open dialogue. OERs adhere to the five R's (retain, reuse, revise, remix, and redistribute; Wiley, 2019) and can be made available both in print and online. This flexibility nullifies the fear of poor-quality material, and this fear can be an opportunity for faculty to create quality OERs that can best support their students.

After an exhaustive search of all OERs available, I found there are no high-quality introductory textbooks for criminology and criminal justice

available to students. Rather than eliminate textbooks, I was consistently reviewing books that may be cheaper. However, most of the cheaper alternatives were missing depth, personalization, and engagement. As a result, my department was awarded \$30,000 to create an OER textbook that was as good, if not better, than the two texts currently used in our class. We based our creation of *Introduction to the American Criminal Justice System* (<https://openoregon.pressbooks.pub/ccj230/>) on student feedback regarding the high cost of introductory textbooks. Not only is this OER the textbook for one of our largest introductory courses, but it is also a course that is offered in general education, decreasing the likelihood a student would have a traditional textbook.

We decided to take on this task as a department, having heard little about OERs, and created one that faculty would want to use and students would want to read. This introductory textbook is unique because it was a collaborative effort by all criminology and criminal justice professors at Southern Oregon University (SOU) in Ashland, Oregon. This textbook met the learning objectives outlined by SOU and as a community college transfer course, as well as covered all other topics expected in an introductory course. This book could work on a quarter or semester system, and it covers topics that may be left out of some introductory texts, such as controversial issues in the criminal justice system. Further, we made it as

comprehensive as possible to cover core concepts and areas in the criminal justice system, including theory, policing, courts, corrections, and the juvenile justice system. Additionally, we created examples that will help make difficult concepts or ideas more relatable. Every section provides an overview of key terms, critical thinking questions for course engagement, assignments, and other ancillaries, such as multimedia links, images, activity ideas, and more.

Creating an OER for an introductory course did not come without its challenges. As it took a considerable amount of time, I would encourage anyone wanting to do this to make sure they receive support (financial or course buyouts) from their institutions. However, the process was enjoyable and allowed us to customize our materials. We have 10 chapters dedicated to our OER that cover all major areas in our introductory course. Each faculty member created ancillaries and engaging content for students and faculty. Our goal was to keep students reading the text and encourage faculty at other universities to adopt or remix our text to meet their needs. As a result, our students are no longer stressing about high-cost textbooks for one of the courses, and we are no longer fretting over which text to use. Eventually, we hope to update and expand upon each chapter and see more people adopt and create OERs in our field.

Our field is unique in that there is a scarcity of OERs for criminology and criminal justice. We have an opportunity as faculty in our fields to create high-quality OERs that our students and colleagues can use. We can contribute to a new movement that will benefit students and faculty. Though an introductory textbook is an excellent start for the OER field, we need more in all areas. Instructors can customize their OERs, even if they adopt them, to meet their needs. In addition, print versions are available and are low cost to students. However, students at SOU appear to prefer the online copy, given only seven print versions sold at the bookstore last term.

Given that students have so many assignments out of the OER for homework, we are confident students are reading and using the material in one format or another. This also addresses the common belief that students prefer print, as technology changes the way we prefer to receive our information. OERs allow higher education to be more dynamic and collaborative, while enhancing students' abilities to afford and use textbooks. Though there are misconceptions about OERs, they generate the need for open discussions regarding their use, primarily due to potential benefits on a systemic level.

References

- Bureau of Labor Statistics, U.S. Department of Labor. (2016). College tuition and fees increase 63 percent since January 2006. *The Economics Daily*, Retrieved July 1, 2019, from <https://www.bls.gov/opub/ted/2016/college-tuition-and-fees-increase-63-percent-since-january-2006.htm>
- College Board. (2016). *Average estimated undergraduate budgets, 2018–19*. Retrieved June 30, 2019, from <https://trends.collegeboard.org/college-pricing/figures-tables/average-estimated-undergraduate-budgets-2018-19>
- McMurtrie, B. (2019). Textbooks, but free alternatives pose their own problems. *The Chronicle of Higher Education*. Retrieved June 20, 2010, from <https://www.chronicle.com/article/Professors-Worry-About-the/245435>
- Redden, M. (2011). 7 in 10 students have skipped buying a textbook because of its cost, survey finds. *The Chronicle of Higher Education*. Retrieved June 20, 2019, from <https://www.chronicle.com/article/7-in-10-Students-Have-Skipped/128785/>
- Seaman, J., & Seaman, J. (2018). Freeing the textbook: Educational resources in U.S. higher education. *Babson Survey Research Group*. Retrieved June 28, 2010, from <http://www.onlinelearningsurvey.com/reports/freeingthetextbook2018.pdf>
- Wiley, D. (2019). Defining the “open” in open content and open educational resources. *Open Content*. Retrieved June 30, 2019, from <https://opencontent.org/definition/>



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