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# Data Science and Criminal Justice:
# An Invitation and Cautionary Note

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In the United States, academic and applied criminal justice have entered the age of data science with a burgeoning supply of data sources of varying degrees of utility, an uncertain toolkit for analysis, and a series of ethical and methodological concerns that overlay the first two. This paper is an exploratory discourse primarily focused on recognizing the immense promise of criminal justice as informed by data science and tempering that optimism with the realities, ethics, and data quality that may generate.

Criminal justice is a discipline born from systems analysis (Blumstein, 1967) and heavily reliant on the understanding of how cases are processed from arrest to conviction and punishment in a classic flowchart of decision points (Bureau of Justice

Statistics, 2017). This should be contrasted with criminology, which is the study of crime and

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criminality, often with questions of the extent and nature of crime and why individuals commit crime at the core (Duffee, 2017). Criminal justice, in simplified terms, is interested in why decision makers took particular actions; for example, why in some cases a juvenile might be arrested for vandalism and in others might be let go with a warning by police or why a defendant might have bail set at a particular level compared to similarly situated defendants in a judge's courtroom. This review uses criminal justice and criminology with those key distinctions in mind.

## Data Sources: A Thumbnail Sketch

*Official Data: National, State, Local*

Criminal justice and crime data come in myriad forms and from a variety of governmental levels. Some data have a moderately long history, while others have only begun to be collected more recently and reflect new technology. In the United States, the Uniform Crime Reports have been collected voluntarily since the 1930s. They are produced at the local level by police departments, then filtered, aggregated, standardized, and reported out as national crime statistics. Most frequently, they detail reports and arrests for eight offenses: Part I crimes against persons or violent crime (homicide, rape, robbery, aggravated assault) and crimes against property (burglary, motor vehicle theft, larceny, arson). Put differently, there is a national picture of crime, arrest, and homicides recorded by police, but it relies on Chicago, New York, Los Angeles, and 18,000 other local, state, county, university, federal, and tribal police forces

that report data to form this national picture, akin to a photomosaic of crime and arrest. One can access Uniform Crime Report data, which are compiled at the national level and indicate that there were 1,197,987 violent crimes recorded in 2014 (Federal Bureau of Investigation, 2017). However, that number reflects a series of processes whereby local agencies, for example the Rochester, NY police department, report their data to the State of New York's Department of Criminal Justice Services, which in turn reports aggregate New York and local data to the Federal Bureau of Investigation, for inclusion in the F.B.I.'s UCR. Inevitably, this reporting leads to variations in local, state, and national totals reported out from agencies as "year-end" data get processed and redefined. More specifically, aggravated assaults turn to homicides as victims succumb to injuries, crimes are "unfounded" when police determine that a crime did not occur, and so on. This dynamic stretches across reporting years, yielding some errors in these measures. By way of illustration, we examined data from a familiar agency for 2014 and found its year-end totals for homicides and robberies (34 and 708, respectively) to differ from those reported in the UCR (32 and 698, respectively).

At the local level (e.g., Detroit, MI/Wayne County and Los Angeles/LA County), one can find great variations in how and what data are collected, stored, arrayed, and connected across the criminal justice system. Much of the variation depends upon local Record Management Systems (RMS) and whether case flow in the local system is linked together by common identifiers. For example, a 911 call for service (CFS) for a robbery could be

fielded, a car dispatched, a crime report taken, an investigation launched, and an arrest made all within the same police bureaucracy. Linking elements of all related reports together, however, is not always possible as RMS identifiers may be lacking. This is even more evident as criminal justice decision making is traced into adjudication processes (prosecution, court RMS, and so on) where case linking is heavily dependent upon a common identification element that can track back from the court to police records. The disjointed data flow is, at its heart, a "case linkage" problem that would benefit from data science efforts. It also cautions the prospective analyst that much time and effort must be spent on understanding the nuances and idiosyncrasies of local practice that yield the data inside the local RMS as arrests, clearance (cases closed or cleared), and crime definitions *across* jurisdictions are not necessarily comparable. More important, administrative changes within any system can yield longitudinal, *within*-agency data that are similarly incompatible; for example, when definitions or forms change, historical data are rarely revisited and corrected.

The standardization of RMS by vendors does augur prospective convergence; however, this is a slow and iterative process. Recent proposals to enhance the National Incident-Based Reporting System, which is an enhancement of the UCR program, draw on the possibility of such convergence (Bierie, 2015). The promise of this approach is developing more comprehensive data on cases and individuals from police contact to prosecution, adjudication, correctional treatment and punishment, and release. Ethical issues also accompany such a compilation of data and are addressed below.

*Emerging Data: Cameras and Sensors*

Besides these common crime data sources, new passive collection platforms are proliferating that do offer data scientists tantalizing possibilities, especially when integrated with geographic, social, and other new data sources. License plate readers, social media data, GPS data from devices used to track offenders, automatic vehicle locator data, public CCTV data, and body-worn camera data are just a sampling of information being gathered and archived by criminal justice agencies and, primarily, police departments. We briefly discuss two of these data sources specifically as opening avenues for analysis—body-worn cameras (BWC) and automatic vehicle locator (AVL) data—but we recognize that each platform will need in-depth study and consideration by data scientists and criminal justice researchers.

The BWC is relatively new, but a growing literature has examined effects on complaints and use of force in experimental and quasi-experimental designs typically measuring whether camera presence yields changes in those measures (Ariel et al., 2016). Research using the camera video to measure what police do in encounters with citizens has, thus far, relied upon human review. Mell (2016) reviewed 500 cases of officer footage from campus police to measure procedural justice. Willits and Makin (2017) examined time-sequenced footage of use of force incidents via manual coding to examine the time to use of force by officers when encountering suspects. Finally, Voigt and colleagues (2017) recently published research on the exchanges

between police and motorists in traffic stops in Oakland, CA, again by manually coding verbal exchanges captured in the BWC audio files. These initial uses of BWC are labor intensive (second-by-second review) and are similar to criminal justice organizations' use of camera footage. Put differently, the manual review of all video is cost prohibitive and difficult to scale up to current video accumulation. For example, in the first full month of operation, the Rochester, NY Police Department (RPD) logged 12,000 hours of video from the BWC, which would require 75 persons reviewing video 8 hours per work day to watch (Sharp, 2017). This disjuncture between data and resources for review is only greater in the largest departments adopting BWC, such as Los Angeles Police Department, which has more than 10 times the sworn officers of the RPD. Thus, automated analysis of audio and video data is an emerging area where data science and criminal justice can make a large impact in identifying problematic police-citizen encounters, assessing BWC as evidence in cases, and overall management and review of the enormous video libraries that are accumulating. Creating automated scans of video/audio for discourtesy, use of force, and exemplary handling of difficult encounters would be among the most promising starting points.

The second data source example comes from AVL data, which is essentially a sensor that signals the location, speed, direction, and time stamp of police vehicles, very similar to the mechanism that allows one to track a cell phone location. These data are transmitted to databases, which are most often used for officer safety (last known location of cars is

discoverable) and also as evidence to confirm or deny the presence of an officer at a particular location. This case-based usage of AVL could be supplemented by using the system to dynamically examine the relationship between police presence and crime. However, this is a big data problem, as researchers who have taken a foray into AVL analysis (Kringen, Cancino, McCluskey, & Ghosh, 2014) note that millions of data points accrue rapidly from the transponder data in departments with even a modest number of patrol vehicles. Weisburd and colleagues (2015) have used AVL data to successfully track dosages in patrol beats and hot spots for the purposes of an experiment in patrol allocation in Dallas, but to our knowledge there has not been a systematic integration of these data into everyday police allocation or into research in criminal justice. Its utility, once routines for analysis can be established, would be for a micro-level assessment of the effect of police presence in time and geography on crime. Further, it might suggest allocation of resources in a more dynamic fashion than is currently practiced.

These sketches barely scratch the surface of what the AVL and BWC data may promise in the future; however, it is clear that team-based solutions with practitioner input represent a necessary coalition to build capacity in these and other areas. The complexity and reality of data (sorting through cars, determining in service/out of service, understanding beat boundaries, etc.) is something that will require ride-alongs, observations, and feedback from end users and police to ensure that data from these systems are adequately checked for idiosyncrasies, patterns generated by local usage conditions and

policies, and so on.

*Emerging Data: Crowdsourcing*

In addition to the examples noted above, innovative approaches to data collection have led to the emergence of criminal justice data sources from non–criminal justice entities. These sources offer a cornucopia of research possibilities to data scientists and criminal justice researchers. Although examples abound, we use crowdsourcing of criminal justice data as an example here.

Crowdsourcing is the process of outsourcing some task (in this case, collection of crime data) to an undefined network of individuals (Howe, 2006). It is an innovative problem-solving approach that leverages technology to solve problems (Brabham, 2008). Crowdsourcing has the potential to enhance what we understand about crime and criminal justice. In recent years, crowdsourcing has been used to gather information on police shootings (*The Washington Post; Guardian*), mass shootings (www.shootingtracker.com; Follman, Aronsen, & Pan, 2018), suspicious activity (SketchFactor.com), and border security (Koskela, 2011). Crowdsourcing approaches have the advantage of providing real-time data on criminal justice processes without the costs and bureaucratic challenges associated with official data. These sources can also serve as a check on the validity and reliability of existing sources. These approaches, however, also have some important drawbacks: they may draw from incomplete sources, are dependent on nonrandom samples of data, and may be unable to filter out user bias. Below we examine two recent examples of crowdsourcing to highlight the promise and perils of this new approach.

In 2015, *The Washington Post* began using crowdsourcing to examine fatal police shootings. The approach was simple: utilize news reports, public records, and internet databases to count the number of people who were shot and killed by the police in the United States each year. The results were startling: *The Washington Post* reported nearly double the number of police shooting fatalities that the FBI reported. We now know that most of the officer-involved homicides were concealed from the official US measure and that the FBI does not provide oversight or auditing of the data. The findings of *The Washington Post* raise important questions about the process by which government crime statistics are collected. For researchers, this raises a strong concern that all data be critically considered before use.

The development of *The Washington Post*'s database and the continued reporting on analysis of findings has impacted society in three important ways. First, it has demonstrated the value that crowdsourcing approaches to data collection can have. The fact that a small group of professionals at one of the nation's most esteemed media outlets could better collect data on police shootings than the federal bureaucracy is a testament to the power of this approach. Second, the analysis of this database has shed light on the causes and correlates of police violence (Kindly, 2015) . The identification of these factors has been important for understanding what can be done to reduce lethal police shootings. Third, it has led to calls for an overhaul of the current system of collecting official

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statistics on police use of lethal force. Former FBI Director James Comey, when questioned about the *Washington Post* data on police shootings at a September 2016 congressional hearing, promised to establish a new FBI database that more accurately tracks police shootings by 2018.

Although examples like the *Washington Post* data on police shootings provide a glimpse of the promise of crowdsourcing of crime data, the example of SketchFactor provides a less flattering view. SketchFactor was a mobile application released in August 2014 with the intent of empowering users to identify and avoid neighborhoods that were deemed to be "sketchy" (McEnery, 2014). Critics of the application pointed out that terms such as *sketchy* are highly subjective and raised the possibility that notions of sketchiness could be driven by user bias. For example, users of the app could act on stereotypes about minorities to conclude that the presence of large numbers of blacks or Latinos means that a neighborhood is sketchy. One reporter went to one of the neighborhoods that had a high sketch factor and found that most people in the neighborhood did not feel that their lives were in danger (Marantz, 2015), thereby elucidating the subjective nature of terms like *sketchiness.* Although the publishers denied that the app was racist, criticism of the app by several high-profile media outlets and the subsequent Twitter fire storm eventually caused the publisher to abandon it.

The SketchFactor fiasco points to some serious challenges that could emerge when crowdsourcing is used to provide information about crime. First, individual views about crime often are generated by individual bias and stereotypes. Second, crowdsourcing has the potential to reinforce bias and inequality. To the extent that apps such as SketchFactor label whole neighborhoods as dangerous, it can decrease the willingness of visitors and investors to do business in such communities, thereby depressing economic activity. Third, data from mobile crowdsourcing apps such as SketchFactor are not drawn from random samples, so attempts to draw inferences using such data will be flawed. Thus, it is imperative for criminal justice researchers and data scientists to develop strategies to address the challenges associated with crowdsourcing criminal justice data.

*Big Data: Machine Learning and Decisions*

There is skepticism in some corners about the utility of data science and machine learning contributing to criminal justice systems and their processing of individuals and cases (Chan & Bennett-Moses, 2016). Because criminal justice, as outlined initially, is conceptualized as a series of decisions, a business intelligence approach to the work of the system seems consistent with the proliferation of data (Chen, Chiang, & Story, 2012). At least three areas, again exemplars and not exhaustive, have demonstrated interesting results in applications of data science to the practice of criminal justice: predictive policing, bail decision making, and parole decision making.

With regard to predictive policing, a variety of programs such as Los Angeles Strategic Extraction and Restoration (LASER) and Predictive Policing (PredPol) in Los Angeles are used to target areas and individuals for increased police attention, presence, and action. The LASER project drew on

analysis of geographic gun violence patterns in LAPD's Newton division, along with a data and intelligence combination focused on chronic offenders, thus putting data science to work in identifying targets (Uchida & Swatt, 2013). PredPol uses ideas drawn from seismology to model risk in small (150 m x 150 m) boxes tuned to daily rhythms and calculations. Evaluation of PredPol in the UK and US indicates that the algorithm provided prediction and crime reduction superior to traditional crime analysis and hotspot policing (Mohler et al., 2015).

Extending machine learning beyond policing, Kleinberg and colleagues (2017) applied machine learning to bail decision making of judges. Their simulation, based on 758,027 New York City arrestees from 2008 to 2013, found that judges' decision making was often affected more by noise than by signal of risk. Put differently, judges treated offenders whom the algorithm predicted to be high-risk offenders as if they were low risk, suggesting that machine-aided decisions might have valuable public safety benefits. Similarly, Richard Berk's (2017) work with the Pennsylvania Board of Probation and Parole applied machine learning techniques to forecast parole release decisions, commencing with a data set of 12,252 observations and about two dozen variables. Application of random forest techniques yielded a forecast model that was shared with the Board in addition to their typical risk and classification materials. Berk argues that follow-up analysis indicates the Board changed the mix of persons granted parole when given the aid of the machine-learning forecast. Further, there was no effect on public safety; instead, it appears

there was at least a moderate reduction in parolee re-arrest. In sum, the idea of data-guided and machine-aided decision making is growing in its adoption and its appeal.

Each of the examples above applied tools of analysis to data as examples of what might be valuable and exposed judges' decision making to scrutiny that has helped explore how actors arrive at decisions and whether they are attending to signal or noise in assessing risk. Thus, the big data approaches offer important feedback to humans and probably ought to be considered part of human/computer decision making as the computer models become an assistive technology. However, the ethical issues that accompany such approaches, like other data science applications in justice, are raising notes of caution. For example, data from criminal justice has built-in, hidden biases, and these implicit biases may become institutionalized in machine-learning assistance for decisions (Lum & Isaac, 2016).

**Ethics and Reality**

A need for critical reflection stems from the variety of ethical questions raised by data science, big data, algorithm-aided decision making, and new collection mechanisms that are related to criminal justice. An exhaustive treatment, again, is not possible, but establishing core issues that have emerged is essential in preparing data scientists for critical application of their skills in this field. Put simply, criminal justice, in the end, is aimed at declaring and applying labels of victim and offender, allocating public safety resources, depriving liberty, and in extreme cases, depriving

citizens of life. Decisions regarding the rectitude of practice are recognized to hold crime control (arguably utilitarian in nature) and due process (arguably deontological in nature) in tension and trade them off with one another (Packer, 1968). This appears to be an apt metaphor for the tensions involving data in criminal justice as well. Criminal justice researchers—whose findings are often cited to justify particular policies—must ensure that their research findings are generated using the highest levels of ethical research standards (Weisburd, 2003). In light of this fact, consideration is in order of the ethical framework that guides criminal justice research using these types of technologies.

Criminal justice research is guided by several key ethical standards, including causing no harm to participants, anonymity and confidentiality, and ethical analysis and reporting (Chalmers, 2003; Maxfield & Babbie, 2018). While few researchers would disagree with these principles, their practical application provides special challenges in the areas of big data and criminal justice. Although advanced statistical analysis of criminal justice data provides great promise, there are important ethical pitfalls that must be avoided. The misapplication of advanced statistical techniques to large criminal justice data sets has the potential to harm individuals and communities, violate principles of anonymity and confidentiality, and violate standards of ethical analysis and reporting. Guided by our discussion above, we present three areas in which issues around data science and ethics of use have been raised.

First, the accuracy of crowdsourced data and any official data is something that requires investigation and questioning. This is especially true in making any comparison of data across departments or even across geographic spaces within a department. Internal processing, routines, and traditions may artificially clump data in places (intersections coded for geography) or time (all cases processed on a particular day of the month or month of a year), and the impact on annual or city-wide reporting will be negligible, but the data coding will create a "false fact" that will propagate into other data systems.

Second, predictive policing and the underlying algorithms have been criticized on two fronts: first, a lack of transparency as to what goes into the algorithm and second, the possibility of data driving a self-fulfilling prophecy focusing on deviant places. Stated differently, if crime, calls for service, and arrest data are used to generate hot spots, LASER targets, and predictive policing "boxes," and police direct their activities in and around these areas, the subsequent analyses of these algorithms will tend to keep hot spots hot and cold spots cold, due to the police activities captured in hot spots. These are not random errors but instead will likely be correlated with race, class, and other biases that accompany police practices (Lum & Isaac, 2016; O'Neill, 2016).

New York City's now infamous stop and frisk strategy serves as a compelling case study that further illustrate some of the challenges associated with predictive policing. Using data on crime hotspots, NYPD officials identified "impact zones" that would receive extra attention. These zones were disproportionately in predominantly black or Latino neighborhoods, and some research suggests that selection of such impact zones was more closely

associated with neighborhood demographics than crime rates (Fagan et al., 2009). Approximately five million people were stopped and interrogated by NYPD between 2002 and 2016. A New York Civil Liberties Union (2018) analysis found that nearly 90% of all people stopped were black or Latino and that 90% of all people stopped were found to be completely innocent. Based partly on these facts, on August 12, 2013, U.S. District Court Judge Shira A. Scheindlin ruled the controversial police tactic unconstitutional. The debate about the utility of stop and frisk still rages, but few challenge this central point: statistical analysis was used to buttress a policy that involved unconstitutional searches of 4 million Americans.

A third area in which issues around data science and ethics has been raised involves the prediction of future dangerousness and flight risk. This is a more immediate and salient problem involving individuals who may be punished for crimes or actions not yet committed. Machine learning and biased predictions may directly result in the denial of liberty. ProPublica recently published a critique of the COMPAS prediction instrument and software as racially biased, but that assertion was rebutted by Flores and colleagues (2016) who demonstrated no such distinction in their reanalysis (see also Spielkamp, 2017 for a discussion). The correlation of race and class with prediction items is of particular concern across individual assessments of risk (Barry-Jester, Casselman, & Goldstein, 2015), and the contradictory findings raise questions about the social desirability of these assessment tools.

In each of the examples noted above, there is a potential for such techniques to cause harm to both individuals and communities. The misapplication of predictive policing models can cause harm to those communities where police are directed. False predictions about dangerousness and flight risk could lead to the unjustified incapacitation of nondangerous citizens or the unwarranted release of inmates who pose a risk to society. Invalid data collection can misinform politicians about the nature of a problem, thereby reducing the likelihood that adequate policing solutions are developed to address it.

The examples noted above also present challenges for maintaining anonymity and confidentiality. The emergence of big data in criminal justice has led to the collection of millions of data points—some with information that allows for the direct identification of individuals. The pace of data collection, however, has not been matched by the necessary institutionalization of policies and practices that adequately protect and maintain confidentiality and anonymity. There is a natural tension between the way that criminal justice agencies collect information and the ethical standards associated with maintaining confidentiality and anonymity. Everyday police work requires identification of individuals, so recording names and personal identifiers is essential for good policing. But the collection of large amounts of data without a clear set of criteria to protect privacy opens up the possibility that the standards of confidentially and anonymity will be violated. Additionally, record linkage algorithms represent an expanding avenue through which the promise of confidentiality may be further eroded. Recent news of the use of familial DNA test matching in an investigation of a

homicide suspect serves as a cautionary illustration (Balsamo, 2018).

Finally, the examples listed above present a challenge for ethical analysis and reporting of findings. We have an obligation to provide answers to questions about important criminal justice issues (Weisburd, 2003). This means that we must apply the highest scientific standards possible to our research. The complex nature of data science can make meeting this obligation difficult. Adequate analysis of big data in criminal justice will require thorough knowledge of the criminal justice processes that lead to data generation, an understanding of the challenges associated with creating and managing large complex datasets, and an ability to grasp sophisticated statistical techniques. Few people have expertise in all of these areas, so criminal justice researchers and data scientists will need to form teams for research collaboration. These teams will be tasked with developing a common language and agreed-upon processes for collecting and analyzing big data. Because this is a new era, data scientists and criminal justice researchers should be cautious in the interpretation of findings. We should all remember that we are entering a new frontier with new blind spots, measurement error, and data gaps. Replication of findings from alternative data sources will be necessary before definitive statements about the nature of relationships between variables of interest are made.

The unique challenges associated with analysis of big data in criminal justice will require researchers to think critically about dissemination strategies. The complex nature of the analysis virtually guarantees that most people in society will not understand the findings. Thus, researchers have an ethical obligation to ensure that their findings are disseminated in a way that reduces the chances that findings will be misconstrued to support policy or practice that is not supported by evidence.

## Conclusion

We are entering an unprecedented era. We now have the tools to collect and analyze terabytes of criminal justice data. This new era has the potential to open up new vistas and greatly expand knowledge generation in the fields of criminology and criminal justice. We should be excited about the new possibilities, but the challenges and ethical considerations require significant introspection among members of the scientific community. While opportunity abounds, the perils of this new era should not be ignored but, instead, confronted openly and transparently. Ideally, a balanced examination of both the benefits and perils of this new era will generate a healthy tension that will yield better science.

## References

Ariel, B., Sutherland, A., Henstock, D., Young, J., Drover, P., Sykes, J., ... & Henderson, R. (2016). Report: Increases in police use of force in the presence of body-worn cameras are driven by officer discretion: A protocol-based subgroup analysis of ten randomized experiments. *Journal of Experimental Criminology*, *12*(3), 453–463.

Balsamo, M. (2018, April 27). A look at DNA testing that ID'd a suspected serial killer. *The*

*Washington Post.* Retrieved from https://www.washingtonpost.com/national/health-science/a-look-at-dna-testing-that-idd-a-suspected-serial-killer/2018/04/27/f661b42e-49e6-11e8-8082-105a446d19b8_story.html

Barry-Jester, A. M., Casselman, B., & Goldstein, D. (2015). Should prison sentences be based on crimes that haven't been committed yet? *FiveThirtyEight.* Retrieved from https://fivethirtyeight.com/features/prison-reform-risk-assessment/

Berk, R. (2017). An impact assessment of machine learning risk forecasts on parole board decisions and recidivism. *Journal of Experimental Criminology*, *13*(2), 193–216.

Bierie, D. M. (2015). Enhancing the National Incident–Based Reporting System: A policy proposal. *International Journal of Offender Therapy and Comparative Criminology*, *59*(10), 1125–1143.

Blumstein, A. (1967). Systems analysis and the criminal justice system. *The Annals of the American Academy of Political and Social Science*, *374*(1), 92–100.

Brabham, D. C. (2008). Crowdsourcing as a model for problem solving: An introduction and cases. *Convergence*, *14*(1), 75–90.

Bureau of Justice Statistics. (n.d.). *Criminal justice system flowchart.* Retrieved from http://www.bjs.gov/content/largechart.cfm

Chalmers, I. (2003). Trying to do more good than harm in policy and practice: The role of rigorous, transparent, up-to-date evaluations. *The Annals of the American Academy of Political and Social Science*, *589*(1), 22–40.

Chan, J., & Bennett Moses, L. (2016). Is big data challenging criminology? *Theoretical Criminology*, *20*(1), 21–39.

Chen, H., Chiang, R. H., & Storey, V. C. (2012). Business intelligence and analytics: From big data to big impact. *MIS Quarterly*, 1165–1188.

Fagan, J., Geller, A., Davies, G., & West, V. (2010). Street stops and broken windows revisited. *Race, Ethnicity, and Policing*, 309–348.

Federal Bureau of Investigation. (2017). *Welcome to a new way to access UCR statistics.* Retrieved from https://www.ucrdatatool.gov/

Flores, A. W., Bechtel, K., & Lowenkamp, C. T. (2016). False positives, false negatives, and false analyses: A rejoinder to machine bias: There's software used across the country to predict future criminals. And it's biased against blacks. *Fed. Probation*, *80*, 38.

Follman, M., Aronsen, G. & Pan, D. (2018). US mass shootings, 1982–2018: Data from *Mother Jones'* investigation. *Mother Jones.* Retrieved from https://www.motherjones.com/politics/2012/12/mass-shootings-mother-jones-full-data/

Howe, J. (2018, January 25). The rise of crowdsourcing. *Wired.* Retrieved from https://www.wired.com/2006/06/crowds/

Kindy, K. (2015, May 30). Fatal police shootings in 2015 approaching 400 nationwide. *The Washington Post.* Retrieved from https://www.washingtonpost.com/national/fatal-police-shootings-in-2015-approaching-400-nationwide/2015/05/30/d322256a-058e-11e5-

a428-c984eb077d4e_story.html

Kleinberg, J., Lakkaraju, H., Leskovec, J., Ludwig, J., & Mullainathan, S. (2017). Human decisions and machine predictions. *The Quarterly Journal of Economics*, *133*(1), 237–293.

Koskela, H. (2011). 'Don't mess with Texas!' Texas Virtual Border Watch Program and the (botched) politics of responsibilization. *Crime, Media, Culture*, *7*(1), 49–65.

Kringen, J., Allen, Cancino, J., McCluskey, J., & Ghosh, A. (2014). *Hotspots and AVL data.* Paper presented at the American Society of Criminology, San Francisco, CA.

Lum, K., & Isaac, W. (2016). To predict and serve? *Significance*, *13*(5), 14–19.

Marantz, A. (2015, July 29). When an app is called racist. *New Yorker.* Retrieved from https://www.newyorker.com/business/currency/what-to-do-when-your-app-is-racist

McEnery, T. (2014, August 07). New app will keep you away from 'sketchy' areas. *Crain's New York Business.* Retrieved from http://www.crainsnewyork.com/article/201408 07/TECHNOLOGY/140809904/new-app-will-keep-you-away-from-sketchy-areas

Mell, S. M. (2016). The role of procedural justice within police-citizen contacts in explaining citizen behaviors and other outcomes (Doctoral dissertation). Retrieved from https://scholarscompass.vcu.edu

Maguire, E. R., & Duffee, D. E. (Eds.). (2015). *Criminal justice theory: Explaining the nature and behavior of criminal justice*. New York, NY: Routledge.

Mohler, G. O., Short, M. B., Malinowski, S., Johnson, M., Tita, G. E., Bertozzi, A. L., & Brantingham, P. J. (2015). Randomized controlled field trials of predictive policing. *Journal of the American Statistical Association*, *110*(512), 1399–1411.

New York Civil Liberties Union. (2018, July 25). *Stop-and-frisk data.* Retrieved from https://www.nyclu.org/en/stop-and-frisk-data

O'Neil, C. (2016). *Weapons of math destruction: How big data increases inequality and threatens democracy*. New York, NY: Broadway Books.

Packer, H. (1968). *The limits of the criminal sanction*. Palo Alto, CA: Stanford University Press.

Sharp, B. (2017, April 24). Police body cams generating massive amount of video. *Democrat and Chronicle*. Retrieved from http://www.democratandchronicle.com/story/n ews/2017/04/24/police-body-cams-generating-massive-amount-video/100621862/

Spielkamp, M. (2017). Inspecting algorithms for bias. *Technology Review, 120*(4), 96–98.

Uchida, C. D., & Swatt, M. L. (2013). Operation LASER and the effectiveness of hotspot patrol: A panel analysis. *Police Quarterly, 16*(3), 287–304.

Voigt, R., Camp, N. P., Prabhakaran, V., Hamilton, W. L., Hetey, R. C., Griffiths, C. M., ... & Eberhardt, J. L. (2017). Language from police body camera footage shows racial disparities in officer respect. *Proceedings of the National Academy of Sciences, 114*(25), 6521–6526.

The Washington Post. (2017). *Fatal force: Police shootings database.* Retrieved from http://www.washingtonpost.com/graphics/national/police-shootings-2017/

Weisburd, D. (2003). Ethical practice and evaluation of interventions in crime and justice: The moral imperative for randomized trials. *Evaluation Review, 27*(3), 336–354.

Weisburd, D., Groff, E. R., Jones, G., Cave, B., Amendola, K. L., Yang, S. M., & Emison, R. F. (2015). The Dallas patrol management experiment: Can AVL technologies be used to harness unallocated patrol time for crime prevention? *Journal of Experimental Criminology, 11*(3), 367–391.

Willits, D. W., & Makin, D. A. (2018). Show me what happened: Analyzing use of force through analysis of body-worn camera footage. *Journal of Research in Crime and Delinquency, 55*(1), 51–77.

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# Whither Goest Deterrence?

Kenneth J. Grossberger, MS, MPhil *

## Introduction

The theory of deterrence is considered a cornerstone of criminal justice but remains problematic in testing and proof. It is simply difficult to discern why people do not commit crime. A variety of propositions have been tested over the years, with some success, but much of what has resulted is either inconclusive or moderate in effect at best.

This article provides a brief review of deterrence theory and comments about its future. I examine the key components of the theory as well as its classical origin and review some newer propositions as well.

## Literature Review

Deterrence theory is preeminent in the field of criminal justice and, according to classic theory, has three components: certainty of punishment, severity of punishment, and swiftness (the time delay from offense to punishment), propositions originally formulated by philosopher Cesare Beccaria (Paternoster, 2010). The relevant literature indicates that the empirical testing of the certainty of punishment provides moderate results, severity of punishment has weak results at best, and swiftness has had little empirical testing (Paternoster, 2010). The premise of swiftness, the time lag between crime and punishment, mitigates the deterrent effect of certainty and severity, as "whatever sanctions the criminal justice system may have available…. their effectiveness in deterring crime is naturally diminished by their lack of temporal proximity to the offending decision" and that "people have a tendency to discount future events" (Paternoster, 2010, p. 822). However, this hypothesis is difficult to prove because "it is very difficult to state with any precision how strong a deterrent effect the criminal justice system provides" (Paternoster, 2010, p. 765).

## The Empirical Problem of Deterrence Theory

Deterrence theory has not always tested well over the years. But it has remained a critical component of jurisprudential thinking, and whatever the empirical results, the theory has remained one of the prime constructs for prosecutors and lawmakers. Paternoster (2010) underscored the argument: "it is reasonable to argue that a belief or expectation that sanction threats can deter crime is at the very heart of the criminal justice system." Confidence in the utility of deterrence may be one thing, but its effect is another as its empirical efficacy lags, which "seems to confirm the deterrence literature which shows that deterrence tests moderately or weakly at best" (Paternoster, 2010). Thus, for example, the theory of deterrence posits that more punishment may deter such criminal behavior, even if it tests weakly on an empirical basis. The criminal justice literature shows that punishment only moderately or weakly provides any deterrence for would-be offenders (as in general deterrence; Pratt et al., 2009, pp. 368, 370; Von Hirsch et al., 1999, p. 26;

Paternoster, 2010, p. 766). Paternoster, in his meta-analysis of deterrence, stated that "we do not have very solid and credible empirical evidence that deterrence through the imposition of criminal sanctions works very well" (Paternoster, 2010, p. 766).

These results essentially confirm what has been found in prior studies, that deterrence provides a weak to moderate correlation to criminal behavior. Thus, while deterrence is considered a "linchpin of the criminal justice system," Paternoster (2010) concludes that "there is not much empirical evidence to prove that deterrence works."

**General vs. Specific Deterrence**

Specific deterrence is meant to dissuade a punished individual, and general deterrence discourages others from perpetrating the same crime as those being punished. As stated by Paternoster and Piquero (1995), "specific deterrence referred to the effect of the actual impositions of sanction on the subsequent behavior of the one punished" and "general deterrence…referred to the effect of the punishment on the potential or would-be offenders." The literature notes the difference between the impact on an offender and the vicarious effect on potential offenders.

Stafford and Warr (1993), in their work on the reconceptualization of deterrence, concluded that "deterrence is due to a mixture of both personal and vicarious experiences" and that people are affected by both. Keeping in mind the difference between general deterrence (for all members of a certain population) and specific deterrence (for one individual), the goal of prosecuting authorities for

such cases was to punish the individual and to set an example for the rest of a particular population (Katzman, 2009, p. 355). Katzmann referred to the statement made by US Attorney Thomas Puccio, prosecutor in the bribery case of Senator Harrison Williams, at the sentencing hearing, when Puccio said that the court must impose an "appropriate sentence, which is helpful to deter others who might wish to engage in similar conduct" (Katzmann, 2009, p. 355).

The basis for increasing sanctions is to discourage the offender, as well as others, from committing similar transgressions (Williams & Hawkins, 1986, pp. 545–546). But specific deterrence, punishing one person, may not deter others from crime, and the threat of punishment may not deter people from committing more crime, a counter to the rational actor theory (Cullen & Agnew, 2011).

**Instrumental Crime vs. Expressive Crime**

A major consideration for deterrence theory is they type of crimes that are being deterred. The offenses are divided into two areas: instrumental crime, based on financial or material gain, and expressive crime, motivated by desire or emotion resulting in, for example, violence or sex. Instrumental crime refers to a property crime and expressive crime describes violence, or some other crime of passion made "in the heat of the moment or under intense social pressure" (Krohn, Lizotte, & Hall, 2010). Therefore "instrumental crime is generally dispassionate, whereas expressive crime is more emotional, impulsive and less reasoned" (Krohn et al., 2010). Criminals, acting on the basis of their feelings, are more apt to commit an expressive

crime whereas the "search for a particular overt reward" may lead to an instrumental crime (Canter, 2000). The difference between the two types of crimes are essentially the difference between an illicit action to "make a statement" and not to "make a living" (Leroch, 2014). Instrumental crimes are usually committed by more rational actors, and they can be more affected by "increasing the costs to perpetrators" as they are "motivated by the desire to gain material objects," but more emotional actors are more likely to commit expressive crimes as they are "motivated by the desire to communicate personal attitudes to others" (Leroch, 2014). Consequently, deterrence should be more effective with instrumental crime.

## Classic Theory: Beccaria and Bentham

Nagin (2013) observed that "the origins of most modern theories of deterrence can be traced to the work of the Enlightenment-era legal philosophers Beccaria…and Bentham." These two thinkers believed that the purpose of deterrence was crime prevention as it was cheaper to "prevent crimes than punish them." Beccaria and Bentham argued that "there are three key ingredients to the deterrence process—the severity, certainty, and celerity of punishment." This conceptual trio, especially certainty and punitive severity, became the basis "of nearly all contemporary theories of deterrence" (Nagin, 2013). The "sanctioning regimes" of "probability (certainty), speed (celerity), and amount (severity)" of legal sanctions became the "likely predictors" of illegal actions (Pickett, Roche, & Pogarsky, 2018).

Beccaria believed that there was a correlation "between the harm produced by the crime and the amount of punishment visited upon the offender," a proposition that has been axiomatic in deterrence theory ever since. He postulated that "certain punishment is a much more effective deterrent than severe punishment" and that if the offender received "punishments that are certain, severe enough to sufficiently offset the anticipated gains of crime and arrive immediately after the crime," the potential for deterrence would be significantly enhanced. Beccaria proposed that a reasonable person's "self-interest" in the gain to be realized by an illicit act required "legal punishment that is certain, proportional, and swift" in order to be deterred (Paternoster, 2010).

Jeremy Bentham's elucidations on human crime provided a basis for Rational Choice Theory, which is directly related to deterrence. Paternoster (2010) observed said that "it is in Bentham where one finds the notion of utility as the weighted balance between two opposing considerations—pleasure (benefits) and pain (costs)." Bentham's idea was that it was human rationality that caused people to be motivated to seek gain, even from crime, but was also the rational person to be demotivated by the potential costs (punishment). This calculation of utility was one of the underpinnings of Rational Choice Theory.

## Certainty

The certainty of punishment (the perception of the probability of punishment) provides for the general deterrence of a population. But it is very difficult to know why people do not commit crime, and major researchers suggest that certainty and severity are

likely the more effective constructs. There are certainty measures in arrest rates in various studies (Cullen & Agnew, 2011), but severity is measured by time in prison terms. It is more probable that increasing certainty may reduce crime by a moderate amount, in some circumstances (Cullen & Agnew, 2011).

## Swiftness

Swiftness (or celerity) is described as the time differential between the criminal act and the punishment. But this construct has little tested effectiveness as "swift punishments do not reduce subsequent offending more than delayed punishments" (Cullen & Agnew (2011).

However, Loughran, Paternoster, and Weiss (2012) conducted a study on the "phenomena of intertemporal decision making," which considered "decisions involving costs and benefits that occur at different points in time." Their work suggests that individuals make choices based on the utility of the reward or penalty depending on the presumed time the benefit is obtained, usually affected by delays in such rewards and punishments. Their models of this discount function are exponential (consistent preferences, a rational construct) and hyperbolic (higher discount rate in the near term and lower discount rate in the future, an inconsistent or non-rational construct). The discounted delayed outcomes (positive and negative) thus may be exponential or hyperbolic. Their work involves an individual's calculus of the "tradeoff costs and benefits at two different points in time," or what they call an "intertemporal choice." Their conclusion is that the driving factor in a person's

decision to commit an offense may depend on "one's time preference for immediate versus delayed outcomes." The psychology of such intertemporal choices is based on the premise that a delayed cost has less risk and a delayed reward has less utility. The conclusion of this work is that "the value of a future (outcome) is degraded by its delay," thus affecting the decision of the offender to act or not.

## Severity

The literature on the severity of punishment confirms that there is little or no efficacy to increasing punishment as a means of deterring illegal acts. The amount of punishment, studies show, makes little or no difference in deterring criminal behavior. The general conclusion is that "when the justice system punishes someone or punishes them more severely, that does not reduce their subsequent crime" (Cullen & Agnew, 2011). Paternoster (2010) concurred in his meta-analysis that "severity of punishment has weak results at best." Therefore the "marginal deterrent effects of sentencing policy" (Von Hirsch et al., 1999) reveal that the amount of prison assessed makes little difference to the would-be offenders in their calculus.

## Rational Choice Theory

Rational Choice Theory (RCT) is thought to be the basis of deterrence. Loughran et al. (2016) conclude that "offending behavior is consistent with rational responses to changes in the perceived costs and benefits of crime." A rational actor is one who is motivated by gain and makes decisions based on

reason and not emotion. This is a deterministic view of crime, in consideration of the calculus of the costs (Loughran et al., 2016). While recent work suggests that RCT is a general theory of crime, "many criminologists harbor great skepticism about it" and decry its "rationalist assumption" (Loughran et al., 2016). The argument is that any theoretical consideration of criminal behavior is limited to instrumental crimes, not expressive crimes, thus the construct is constrained and cannot be a general theory (Loughran et al., 2016).

As stated by Beccaria and Bentham, deterrence is based on the belief that "people are rational and pursue theory own interests, attempting to maximize their pleasure and minimize their pain" (Cullen & Agnew, 2011). The rational choice theory operates on the assumption that the transgressor makes a thinking choice to offend based on a consideration of the costs and benefits. Thus RCT "adopts a utilitarian belief that man is a reasoning actor who weighs means and ends, costs and benefits, and makes a rational choice," possibly resulting in the consideration of situational crime prevention as a means by which rational actors may be deterred (Clarke, 1997). Becker (1968) stated that a rational person decides to offend when "the expected utility from committing the crime is greater than the expected utility from refraining from committing the crime."

**Fear**

Pickett et al. (2018) posit that "since Hobbes…. and Beccaria … scholars have theorized that the emotion of fear is critical for deterrence." These scholars believe, however, that modern work on deterrence has largely "overlooked the distinction" between punishment and fear. Some scholars agree in that the correlation between "the level of risk" and the "feelings of dread or worry that it induces" to a large extent "has been lost in the contemporary literature on deterrence" (Cusson, 1993).

Picket et al. (2018) state that "perceived risk is a cognitive judgment, fear involves visceral feelings of anxiety or dread." Other researchers agree. Cusson (1993) argued that "fear is obviously at the heart of deterrence…but is not a calculated risk," and additionally that risk is a calculation, but fear entails strong emotions (Farrall, Jackson, & Gray, 2009; Warr, 2000). The consensus is that fear affects or overwhelms calculus.

Fear is counterposed to the consideration of risk or cognition and planning. In this process, the perpetrator is afraid of apprehension and the consequences resulting therefrom. Hence, the proposition is that fear relates more to expressive crime than to instrumental crime. Warr (2000) suggests this by stating "perceived risk is a proximate cause of fear," as the emotion may provide a deterrence to a potential offender. This risk, or the fear of being caught, is the "plausible result of the intersection of…the certainty of apprehension, severity of punishment, [and the] personal efficacy to manage consequences" (Pickett et al., 2018)

**Discussion**

The belief that deterrence theory is a cornerstone of the criminal justice system may be more corner than stone, as it has been difficult to envision in an effective and comprehensive way. The test results

have been moderate at best and elusive at worst. Paternoster (2010) states that there is little "precision" to the findings, and Agnew (2009) suggests that the likelihood of punishment must be over 20% deterrence to be effective. That has been a difficult figure to achieve. Although prevention is more economical than prosecution, as suggested by Beccaria and Bentham, can we prove that deterrence prevents much crime?

We certainly know that specific deterrence is effective, as the incarcerated offender is incapacitated. But the notion of general deterrence itself begs the question whether we can truly know why people do not commit crime, despite the best criminological theorists and sound methodology.

Perhaps the effect of deterrence on situational crime prevention, where the environment is managed in such a way as to reduce the probability of offending, can prove that deterrence works in a measurable way. Or is crime merely displaced by "opportunity reduction" (Clarke, 1997) by means of removing "suitable targets" and adding "capable guardians" (Cohen & Felson, 1979)? Have we increased the certainty of apprehension by these methods and therefore increased fear in the minds of the criminally inclined?

Then comes the comparison of certainty, severity, and swiftness, a difficult task which relies on as much supposition as empirical support. It may seem logical that a reasonable person would consider more enhanced punishment as dissuasion, but that's not the case, according to the research. Certainty tests better, and "the evidence in support of the deterrent effect of the certainty of punishment is far more consistent than that for the severity of

punishment" (Nagin, 2013). Thus, the matchup of certainty and severity yields seemingly useful results in that the "certainty of apprehension, not the severity of the ensuing legal consequence, is the more effective deterrent" (Nagin, 2013). But does a *moderate* finding provide that much more utility than a *weak* one without actually knowing why people do not commit crimes?

Perhaps we may conclude that the emotion of fear is more comprehensible as the rational person should be afraid of being punished. We may reasonably assume that fear is a primary driver in the consideration of risk and that sufficient anxiety will increase the probability that people are less likely to offend. Certainly, those who plan will be better able to devise methods to avoid penalties than those who act impulsively. Or do intelligent people and professional criminals simply figure out better ways to evade law enforcement? Should intelligence be the next variable to consider, and how would we measure that construct? It is reasonable to assume, from the literature to date, that the gains of instrumental crime are more readily susceptible to the methods of deterrence testing than the impulsiveness and emotions of expressive offenses.

The rational choice model is more indicative of instrumental crime, especially considering the research on the effects of celerity. Loughran and Paternoster (2016) argued that "a rational choice calculus of offending involves weighing trade-offs between crime gains and crime losses which rarely occur in the same time period and thus require some sort of intertemporal choice framing." So, in the end, does the theory of deterrence devolve to a rational choice construct that is time dependent with

a sufficient certainty of punishment? If so, then we may eliminate expressive crimes from the calculation, thereby mitigating the consideration that deterrence, or rational choice, are general theories.

**The Future of Deterrence Theory**

How can we empirically and significantly measure deterrent effects on human behavior? Is there a possibility of constructing a comprehensive empirical basis? The methods used thus far have been helpful at explaining the problems inherent in the theory, but not much has come of the testing in helping us understand the effective utility of deterrence. Criminal justice practitioners seem to feel that by punishing one, others are necessarily discouraged, without the proof needed to know if they are right. The methodology implies extension, but such extrapolatory concepts may be as much neurosis as science, embedded in mystery as much as method.

Deterrence, despite all the research and testing, continues to be elusive, and the future of deterrence theory remains problematic.

**References**

Agnew, R. (2009). *Juvenile delinquency: Causes and control*. New York: Oxford University Press.

Becker, G. (1968). Crime and punishment: An economic analysis. *Journal of Political Economy, 78,* 169–217.

Canter, D. (2000). Offender profiling and criminal differentiation. *Legal and Criminological Psychology*, 5(1), 23–46.

Clarke, R. V. G. (Ed.). (1997). *Situational crime prevention*. Monsey, NY: Criminal Justice Press.

Cohen, L. E., & Felson, M. (2016). Social change and crime rate trends: A routine activity approach (1979). In *Classics in environmental criminology* (pp. 203–232). New York: CRC Press.

Cullen, F. T., & Agnew, R. (Eds.). (2011). *Criminological theory: Past to present.* New York: Oxford University Press.

Cusson, M. (1993). Situational deterrence: Fear during the criminal event. In R. V. Clarke (Ed.), *Crime prevention studies* (vol. I). Monsey, NY: Criminal Justice Press.

Farrall, S., Jackson, J., & Gray, E. (2009). *Social order and the fear of crime in contemporary times.* New York: Oxford University Press.

Katzmann, G. S. (1991). *Inside the criminal process*. New York: W.W. Norton & Company.

Krohn, M. D., Lizotte, A. J., & Hall, G. P. (Eds.). (2010). *Handbook on crime and deviance*. Berlin: Springer Science & Business Media.

Leroch, M. A. (2014). Crime (expressive) and the law. *Encyclopedia of Law and Economics*. Retrieved from http://link.springer.com/referenceworkentry/10.1007/978-1-4614-7883-6_59-1

Loughran, T. A., Paternoster, R., Chalfin, A., & Wilson, T. (2016). Can rational choice be considered a general theory of crime? Evidence from individual-level panel data. *Criminology*, *54*(1), 86–112.

Loughran, T. A., Paternoster, R., & Weiss, D. (2012). Hyperbolic time discounting, offender time preferences and deterrence. *Journal of Quantitative Criminology*, 28(4), 607–628.

Nagin, D. S. (1978). General deterrence: A review of the empirical evidence. In A. Blumstein, J. Cohen, & D. Nagin (Eds.), *Deterrence and incapacitation: Estimating the effects of criminal sanctions on crime rates*. Washington,

DC: National Academy of Sciences.

Nagin, D. S. (2013). Deterrence in the twenty-first century. *Crime and Justice*, *42*(1), 199–263.

Paternoster, R. (2010). How much do we really know about criminal deterrence? *The Journal of Criminal Law and Criminology*, 765–824.

Paternoster, R., & Piquero, A. (1995). Reconceptualizing deterrence: An empirical test of personal and vicarious experiences. *Journal of Research in Crime and Delinquency, 32*(3), 251–286.

Pickett, J. T., Roche, S., & Polansky, G. (2018). Toward a bifurcated theory of emotional deterrence. *Criminology, 56*(1), 25–78.

Pratt, T., Cullen, F. T., Blevins, K. R., Daigle, L. E., & Madensen, T. D. (2009). The empirical status of deterrence theory: A meta-analysis. In F. T. Cullen, J. P. Wright, & K. R. Blevins (Eds.), *Taking stock: The status of criminological theory (Advances in criminological theory,* vol. 15, pp. 367–395). New Brunswick, NJ: Transaction.

Stafford, M., & Warr, M. (2011). Reconceptualizing deterrence theory. In F. T. Cullen & R. Agnew (Eds.), *Criminological theory: Past to present.* New York: Oxford University Press. Also, the introduction to the chapter by Cullen and Agnew, pages 381–393.

Van Gelder, J.-L., & de Vries, R. E. (2012). Traits and states: Integrating personality and affect into a model of criminal decision making. *Criminology, 50*, 637–672.

Van Gelder, J.-L., & DeVries, R. E. (2014). Rational misbehavior? Evaluating an integrated dual-process model of criminal decision making. *Journal of Quantitative Criminology, 30,* 1–27.

Von Hirsch, A., Bottoms, A. E., Burney, E., & Wikstrom, P. (1999). *Criminal deterrence and sentence severity.* Portland OR: Hart.

Warr, M. (2000). Fear of crime in the United States: Avenues for research and policy. In D. Duffee (Ed.), *Criminal justice 2000: Measurement and analysis of crime and justice* (vol. 4). Washington, DC: U.S. Department of Justice.

Williams, K. R., & Hawkins, R. (1986). Perceptual research on general deterrence: A critical review. *Law & Society Review, 20*(4), 545–572.

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# Book Review: M. L. Hesse, C. J. Przemieniecki, & C. F. Smith, *Gangs*.
## Kendall Hunt, 2016.
## ISBN-10978-1-4652-8653-6 (ebook), US $30.00.

Reviewed by Stacia Pottorff *

Gangs are an increasingly prevalent problem in the world of criminal justice, located on a continuum of organized crime between basic social deviants and true organized groups, such as the Russkaya Mafiya. The earliest gangs date back to the 1600s in Europe, though, as Hesse, Przemieniecki, and Smith state in the text, these groups were known as highway robbers. The United States has a huge and varied gang culture that is believed to have begun as early as the 1780s. These authors, all professors of criminal justice with experience with the National Gang Crime Research Center, have been published numerous times in the Journal of Gang Research and worked in criminal justice for years. The text makes an often difficult-to-understand topic approachable for both those just beginning to study the subject of gangs and those with more experience studying these groups.

Gangs covers the topic of this unit of the population in several manners: historical significance, police interactions, gangs in court and legislation related to gangs, corrections gangs—better known as security threat groups, military-trained gang members, and the effects of social media and the internet on gangs as a unit. Each of the 6 chapters begins with 3–5 objectives that should be met after reviewing the chapter and ends with 4–5 discussion questions to help facilitate constructive thought about the material covered. Each chapter also contains full citations for the materials covered and web links to relevant websites where readers can gain more information about similar topics. Designed for the classroom setting, this text has a logical progression that would make it very accessible for entry-level classes while covering material enough to make it useful for a more advanced class when used in conjunction with other materials.

The first chapter covers the history of gangs within the United States and the similarities and differences between regional gangs and the gang trends of more recent years. The overview allows beginning students to gain basic knowledge relevant to the study of gangs while more advanced students can use the material to learn historical information about gangs they may be familiar with while familiarizing themselves with gang trends that they may be unversed in, such as hybrid gangs that utilize bits and pieces of more traditional gang culture while not following most traditional features such as a traditional gang color or maintaining a single gang affiliation. This chapter can provide a new outlook to those more knowledgeable about gang culture and behavior.

Chapter 2 begins by covering police interactions with gang members—the beginnings and growth of police gang units, strategies for combating gangs,

anti-gang units and their problems, and gang education resources, as well as the growth of gang databases. It begins with a brief overview of a 2015 case dealing with the investigation of 71 defendants who were charged as members of the Grape Street Crips. The text covers the beginning of gang units within police forces who are trained to recognize symbols, colors, tattoos, and codes that are frequently used by gangs. These units can be very reactive or proactive depending on the departmental policy. This chapter also covers the diverse approaches the federal government takes when combating gang activity. Programs like the National Gang Task Force, the Violent Gang Task Force, the Central American Intelligence Program Initiative, and the Central American Fingerprint Exploitation database are all discussed in some detail. The final topic within this chapter is the resources available for police gang units such as conferences hosted by organizations like the National Gang Crime Research Center and the National Alliance of Gang Investigators, as well as online resources and databases related to gangs, like the CAL-Gang system.

The third chapter covers gang-related legislation and injunctions. Subjects covered include gang-related enhancements to existing sentencing guidelines, gang injunctions or anti-gang loitering laws that have been used or attempted across the United States, state and federal legislation that is anti-gang, and juvenile gang courts. This chapter provides an explanation of how "gang" is defined in legislation. It discusses the different definitions used to describe gangs in the United States, as well

as reactive measures taken by legislation. One of these measures is gang injunctions, used in Southern California with moderate success. The state and federal governments have many legislative reactions to gang activity. Forty-three states and DC have legislation to define gangs, with 14 having legislation to specifically define what it is to be a gang member. Legislation such as California's Street Terrorism and Prevention Act of 1988 is also covered in this chapter.

Chapter 4 covers the history of prison gangs, current prison gang estimates, prominent prison gangs, and the violence perpetrated by gang members in prison. The Mexican Mafia (La Eme) is covered as one of the best-known prison gangs from America. This chapter discusses the shift in terminology related to prison gangs, from "prison gang" to "security threat group" (STG). A list of the most common STGs is provided, and discussion of prison violence and misconduct is given. There is a detailed section about the classification of gang members within prisons/jails and the activities that can occur when gang members are improperly classified or monitored within a facility. Notable STGs covered in this text include the Aryan Brotherhood, the Black Guerrilla Family, La Nuestra Familia, and Public Enemy Number One.

The fifth chapter of this text covers an under-researched topic: military-trained gang members and gangs in the military of the United States. The history of this topic is covered, as well as how gang members end up joining the military and what military training can provide to groups like this after they leave the military. This chapter discusses street

gang members who receive military training and return to their groups to share their knowledge, causing issues for local law enforcement; outlaw motorcycle gangs and what military training can do within those units who travel on a much larger scale; and domestic extremists who receive military training.

The final chapter of this text looks at mass media portrayal of gangs, as well as social media usage by gang members and how the internet and social media have contributed to gang violence, from pop culture representations such as the DC comic Gangbusters or the autobiography My Bloody Life: the Making of a Latin King written in 2000 by Sanchez; to musical references and artists like Snoop Dogg, who associates with the Rolling 20s, and Tupac Shakur, who was associated with the Bloods; then on to video games such as Grand Theft Auto: San Andreas and others. This text covers the use of social media to coordinate gang activity and presence and to perpetrate violence or recruit new members to the gang.

This text is set up so that each chapter can be used as a standalone study or as a single unit within a larger study. The chapters flow—history followed by more recent police interactions, then courts, which is reasonably followed by corrections issues with gangs, then more specially trained gang members who have been in the military, and finally the impact of social media and the internet on gang activity. The authors intended for this book to be used within classrooms, but even current law enforcement officers can gain new information from this text. This is an easy to understand and easy to read text that is geared to a classroom setting, allowing students to gain new insights through discussion after reading, while helping officers already in law enforcement who may be facing a growing gang problem with the building blocks to help their communities.

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# Poverty to PhD: An Insider Account of Structural Barriers That Affect Impoverished Students of Color

Dr. Charles Bell *

Among the many issues that concern criminal justice and criminology scholars, increasing minority representation within graduate programs remains a challenging endeavor. Data featured in the 2017 Association of Doctoral Programs in Criminology and Criminal Justice survey shows black (7.94%) and Latino (8.61%) students are underrepresented in doctoral programs. As criminal justice and criminology programs develop strategies to recruit underrepresented minorities, it is important to understand the challenges people of color from impoverished backgrounds experience. The purpose of this essay is to share my experiences as an African American scholar from an impoverished background to aid in the recruitment of racial minorities.

As a Detroit, Michigan native and first-generation college graduate, I consider myself to be a nontraditional criminal justice scholar. Much of my childhood and early adult life was shaped by a residence in which drug trafficking, community violence, and extreme poverty were extensive. I recall near daily drive-by shootings during my childhood, and despite my best intentions, it was difficult to believe I would live long enough to benefit from my education. Researchers who study the experiences of low-income urban youth have found my experience with community violence to be common. In a study that explored adverse childhood experiences, participants ranked community stressors (i.e., neighborhood violence,

crime, and death) as the second most stressful experience in their lives (Wade et al., 2014). Considering the lived experiences of many urban youth who navigate community violence, criminal justice and criminology programs are in a strong position to recruit students from impoverished urban backgrounds and provide a unique opportunity to study such issues. I firmly believe if more urban students were aware of criminal justice scholars that are engaged in research on community violence issues, those students would gravitate toward the criminal justice sciences much sooner in their education.

In addition to community stressors, many impoverished urban students may not be aware of the dynamics associated with pursuing an advanced education. Besides my K–12 teachers, I did not know anyone who had successfully navigated the higher education environment, and my circumstances made it seem unrealistic that I would be the first. During the later portion of high school, unfortunate circumstances necessitated that I leave home and establish my independence. At the age of 17, I found myself in a dire situation; I was torn between pursing higher education and making the necessary adjustments to solidify my survival. After receiving the Detroit Compact Scholarship, I was recruited into the Initiative for Maximizing Student Development (IMSD) program at Wayne State University and informed about the doctorate degree. While simultaneously maintaining two low-paying

jobs throughout my undergraduate career and working more than 60 hours per week, I was stunned when I learned that doctoral students can receive stipends to focus wholeheartedly on their studies. Moreover, the promise of health insurance, a tuition fee waiver, and guaranteed support throughout the doctoral program proved to be very appealing. As an undergraduate student, I yearned for the opportunity to focus exclusively on my studies without disruption from outside work required for my survival. Bearing in mind the unique opportunities doctoral programs provide, such as allowing students to receive advanced instruction, conduct research in a specific area of interest, and receive some financial support, more urban students would pursue advanced degrees in the criminal justice sciences if they were recruited into the discipline during the early stages of their careers.

While some strategies have been employed to recruit underrepresented students into higher education programs, criminal justice and criminology scholars should recognize that studies show undergraduate research opportunities are very effective. According to Hirsch et al. (2012), students report overwhelmingly favorable assessments of working with faculty members on research projects. As program directors consider novel strategies to recruit minorities from impoverished backgrounds, they should consider the cumulative disadvantages that affect this population and the impact research opportunities have on student development. The IMSD program and the Alliance for Graduate Education in the Professoriate (AGEP) played a key role in providing the opportunities necessary to build my research skills. Specifically, the opportunity to conduct research under the guidance of an established scholar, participate in the manuscript development process, and present findings at national conferences undoubtedly contributed to my ability to matriculate through a doctoral program. It would be very exciting to see criminal justice and criminology programs develop stronger partnerships with existing undergraduate research organizations or replicate such models at a departmental level, to show a commitment to the recruitment of underrepresented students.

Currently, I am an assistant professor in the Criminal Justice Sciences department at Illinois State University. My research focuses on race, school discipline, policing, and incarceration. I am a recipient of the 2017 American Society of Criminology Ruth Peterson fellowship and I was featured in a Detroit Public Television documentary titled "Pathways to Prison." In addition to my research, I created a vibrant community engagement series in Detroit that includes panelists from diverse backgrounds who explore criminal justice issues in a solution-oriented manner. My community engagement series has included Detroit public school students, educators, formerly incarcerated individuals, law enforcement officers, and district court judges. In light of my academic and community engagement endeavors, I fear we are missing out on the potential contributions of urban students from impoverished backgrounds because of deficiencies in graduate program recruitment strategies.

## References

Association of Doctoral Programs in Criminology and Criminal Justice. (2017). *2017 Survey Report.* Retrieved July 1, 2018 from http://www.adpccj.com/documents/2017survey.pdf

Hirsch, L. S., Perna, A., Carpinelli, J., & Kimmel, H. (2012, October). The effectiveness of undergraduate research programs: A follow-up study. In *2012 Frontiers in Education Conference Proceedings* (pp. 1–4). Piscataway, NJ: Institute of Electrical and Electronics Engineers.

Wade, R., Shea, J. A., Rubin, D., & Wood, J. (2014). Adverse childhood experiences of low-income urban youth. *Pediatrics, 134*(1). doi:10.1542/peds.2013-2475.

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# Book Review: William R. Kelly, *The Future of Crime and Punishment: Smart Policies for Reducing Crime and Saving Money*.

## Lanham, MD: Rowman & Littlefield, 2016. ISBN: 978-1-442-26481-6. 258 Pages. $38.00

### Reviewed by Robert M. Worley * and Lucy K. Tsado **

*Note: This book review will appear in a forthcoming issue of Theory in Action. Permission was granted to publish the review in ACJS Today.*

In his book, *The Future of Crime and Punishment*, criminologist William Kelly provides policymakers with detailed suggestions to reduce crime and enhance public safety while simultaneously scaling down criminal justice expenditures. According to Kelly, American taxpayers spend more than $260 billion per year apprehending, prosecuting, and punishing offenders; however, this does little to keep us safe. He writes that 77% of inmates who are released from correctional facilities will be rearrested within a few years. Most of these offenders will, again, go through the adjudication process only to be reincarcerated, which, in turn, costs taxpayers more money. Indeed, he notes that the United States currently has an imprisonment rate of 716 incarcerations per 100,000 residents, which even exceeds the most punitive countries, such as China, Russia, Iran, Saudi Arabia, Pakistan, and South Africa. Kelly describes the mass incarceration movement as a colossal failure, an "experiment that bet the farm on punishment," and as he states emphatically in his book, "We lost the farm" (p. 51).

It is noteworthy that the expansion of the prison population, as described by Kelly, is unprecedented, not only in the history of the U.S., but in the history of virtually every other country in the world (see Alexander, 2012). As Wacquant (2009) reminds us, the United States has not always been hell-bent on punishment. In 1960, for instance, there were roughly 117 inmates per 100,000 U.S. residents. By 1970, following President Lyndon B. Johnson's War on Poverty, and against a backdrop of Keynesian economics, America's prison population declined an additional 8%. It was during this time that some scholars, such as David Rothman (1971) and Norval Morris (1974), even went so far as to speculate that correctional facilities were in a perpetual state of decline.

While we know now that the above prediction (unfortunately) did not come true, only a handful of researchers have systemically examined why courtrooms across the United States transitioned (almost overnight, it would seem) from doling out benevolent to malevolent punishments (see Clear, 2009; Worley & Mann, 2017). Kelly, in his book, contends that this radical transformation can be traced to a political strategy employed by Richard Nixon during the 1968 presidential campaign. He opines that Nixon, always the acute politician, played upon the racial anxieties of working-class whites who were suspicious of both the Civil Rights

Movement and the judicial liberalism of the Warren Court. To illustrate this point, Kelly refers to a statement made by Nixon during the campaign: "Doubling the conviction rate in this country would do more to cure crime in America than quadrupling the funds for Humphrey's war on poverty" (p. 18). Hubert Humphrey was, of course, the Democratic presidential candidate, and he was handily defeated, thanks in part to the popularity of Nixon's "tough on crime" rhetoric.

Even though Kelly demonstrates (quite convincingly) that Republican presidents, such as Ronald Reagan and George H. W. Bush, would follow Nixon's strategy of politicizing crime, he maintains that after the election of President Bill Clinton, "Republicans no longer held the monopoly on *tough on crime*" (p. 21, italics added). As the author illustrates in his book, Bill Clinton campaigned for more police and more prison expansion. He reminds readers that it was none other than President Clinton who signed into law the Violent Crime Control and Law Enforcement Act of 1994, which is regarded as the largest crime bill in the history of the United States. As Kelly notes, this bipartisan piece of legislation provided $7 billion for crime prevention and a combined $14 billion for state and local law enforcement. It also resulted in unheard-of incarceration rates for young African American men (Hattery & Smith, 2018; Wacquant, 2009). According to Kelly, "Today, one out of every nine young (twenty to thirty-four) black males is incarcerated; one in three black men can expect to be incarcerated at some point in their lives" (p. 12).

Kelly observes that the prison population escalated by 430% over the last four decades. He states that there were 80 federal lawsuits filed over allegations of prison overcrowding between 1969 to 1996. Inmate plaintiffs prevailed 87.5% of the time. One can imagine the rapid prison expansion has not only depleted precious tax resources but also made it virtually impossible for correctional administrators to provide prisoners with any truly meaningful opportunities for rehabilitation. It is also likely that prison overcrowding has contributed to the proliferation of inmate gangs and chaotic behavior behind the prison walls (Goodman, 2008; Lopez-Aguado, 2016; Worrall & Morris, 2012). Yet, in spite of the obvious caveats of mass incarceration, Kelly asserts that prosecutors have become more aggressive in their quest toward punishment. Prosecutors are more likely today to file felony charges (66% of the time they received a case in 2008); they also engage in *charge stacking* and commit Brady violations (not providing exculpatory evidence to the defense). On top of this, lobbyists with private-sector financial ties to the prison-industrial complex make significant campaign contributions to policymakers who, in turn, advocate for more punishment and harsher sentences. After reading the first half of Kelly's book, it is no wonder that the United States has what Worley and Worley (2013) refer to as "the dubious distinction of incarcerating over 25% of the world's prisoners, despite comprising only 5% of the world population" (p. 336).

In his book, Kelly debunks the popular theory that mass incarceration resulted in the crime decline of the 1990s in the United States. He argues that countries such as Canada, Australia, England, the

Netherlands, Spain, Sweden, Switzerland, as well as many other Western democracies also experienced similar crime dips without necessarily raising incarceration rates. As the author points out, during the 1990s, Canada had a significantly lower violent crime rate than the United States (as it continues to have today). Kelly opines that Americans are two to four times more likely to be locked up than Canadians. Moreover, Kelly notes that it is disconcerting that America's high incarceration rates have not had a significant impact on recidivism. He cites a 2012 study which found that two-thirds of prisoners released from California correctional facilities between 2002 and 2008 were reincarcerated within three years. Kelly declares that going to jail is not an effective deterrent; in fact, it may even be a badge of honor, as some scholars have argued (see Anderson, 2000; Decker & Van Winkle, 1996). Aside from the fact that serving a stint in prison may provide some criminals with "street cred," Kelly argues that roughly 35–40% of offenders have mental illnesses, as well as neurodevelopmental impairments, which prevent them from viewing a prison sentence as a meaningful deterrent. There is also a substitution or replacement effect. For example, there is literature that suggests that every time police arrest a drug dealer, there is someone else who is only too eager to take his place (Venkatesh, 1997).

The author spends a considerable amount of time discussing diversion programs that provide alternatives to incarceration. He correctly credits the Memphis, Tennessee police department as one of the first agencies to develop a crisis intervention team, which pairs law enforcement officers with mental health professionals. He notes that other police departments throughout the country have followed suit and initiated similar programs. Kelly also writes that the Affordable Care Act provides resources for mental health treatment. While both of these developments may signal a retreat from the criminalization of mental illness, we believe it is still too early to tell for sure (and Professor Kelly would most likely concur with us). We know that the city jail is the largest inpatient mental health facility in any given locality (Johnson, 2011). And, even though we wholeheartedly agree with Kelly that mental health interventions should be provided in a community setting (rather than a correctional facility), there are still social and political forces that may prevent this from occurring for many years to come. Drug courts are also tools that have the potential to decongest prisons. In general, they are highly effective and, depending on the jurisdiction, can reduce recidivism by up to 35% and prevent individuals from going to jail. Yet, as Kelly observes, drug courts are often "largely symbolic," and "the total capacity of these courts is able to meet about 10 percent of the need" (p. 97). In any case, we strongly support the author's notion that those involved in the administration of justice should have not only legal but also clinical expertise. As the author eloquently writes in his book,

> We would not want a hospital administrator diagnosing what is wrong with us when we walk into the emergency department. Why would we want a judge or a prosecutor doing that for a criminal offender? (p. 100)

Inconsistent verdicts and judgments due to changing

sentencing policies in criminal cases have led to varied sentencing outcomes, sometimes unnecessarily harsher, just to satisfy "tough on crime" policies. Prosecutors who represent the government, in most cases, are elected officials. They, therefore, want to appear tough on crime and base their decisions on the punishment philosophies such as retribution and incapacitation that appear to be tough on crime (Clear, 2009; Tonry & Farrington, 2005). Meanwhile, current sentencing guideline changes have given prosecutors a considerable amount of discretion and power. Kelly contends that while police, judges, and correctional officials have discretion, those actors who represent the government in prosecuting criminal cases wield the greatest amount of power over other people's lives.

As Kelly further opines, the removal of discretion from judges and the introduction of mandatory minimum requirements have led to prosecutors having more power than judges and parole boards. Prosecutorial power often precludes judges from using mitigating factors in deciding cases and parole boards from making early release decisions. Furthermore, determinate and mandatory sentencing structures give prosecutors the power to choose which cases will be pursued, what charges to bring against the defendant, and what sentence to propose to the judges. Considering that 95% of cases are decided by a plea deal offered by a prosecutor, only about 5% of cases are decided by a judge or jury.

As Kelly states in his book, *problem-solving prosecution* must be introduced, involving other professionals and experts in the fields of psychology, social work, psychiatry, and drugs and alcohol addiction treatment. Kelly is not suggesting that the issue of reoffending and community safety be abandoned. But, a collaborative effort going forward is needed, to ensure smart policies on crime are introduced that will reduce both recidivism and the risk of reoffending on the part of convicted persons. Kelly argues these changes must take place at the local level, and district attorneys must "muster the initiative, political courage and leadership skills necessary to implement *problem-solving prosecution*" (p. 115, italics added).

It is evident from reading this book that the author also strongly supports evidence-based sentencing (EBS) over risk-based sentencing (RBS). He asserts that RBS focuses on specific risk factors, which are determined based on prior criminal history, unemployment, family background, neighborhood where the offender lives, financial status, education, and criminal associates. Throughout the book, Kelly demonstrates how sentencing outcomes based on these risk factors are often discriminatory and punish the poor. He proposes that EBS, which is broader in definition, should be utilized because it includes factors such as effective treatment, intervention, and rehabilitative programs, using experts with skills to help with sentencing outcomes. EBS also aligns with smart initiatives for crime reduction proposed by Kelly because it includes considerations of intervention, treatment, and rehabilitation, the application of which have been shown to reduce recidivism up to 30% (see Warren, 2007). Of course, as Kelly points out, EBS is complex; it requires a collaborative effort to address sentencing outcomes based on mental health, substance abuse, neurocognitive

deficiencies, and other social factors, which are outside the crime and harm done. He further opines the collaborative effort must be effective in identifying criminogenic problems, as well as which problems should be tackled first to ensure that criminogenic issues are addressed to reduce recidivism. It is evident from reading this book that there is a need to reach outside the criminal justice field to find the skills set that is lacking in making decisions on sentencing outcomes that will ultimately reduce recidivism.

Kelly also addresses the issue of drugs, guns, and gangs, calling them the three greatest crime challenges of the current criminal justice system. Failure of the war on drugs coupled with the interconnected implication of guns and gangs makes these issues more complicated. The war on drugs as a response to the drug problem was ineffective, as it did not address the underlying causes of drug dependence. Drug and alcohol dependence have since been identified as medical disorders. The introduction of the war on drugs made a medical problem a crime. Kelly suggests that since incarceration does nothing to change behavior, there is a pressing need to move the drug issue out of the criminal justice arena to public health solutions. Kelly points us to the success of the Portuguese experiment where the use of drugs was decriminalized, and the usage of illicit substances did not skyrocket.

The author also connects the issue of gangs, cartels, and organized crime syndicates to drug sales. He states that the FBI has identified more than 27,000 violent street gangs with 850,000 members in the United States. Most of these gang members are armed; yet, the National Rifle Association (NRA) continues to lobby Congress to pass laws that expand gun ownership. Kelly argues the political will to change the status quo is currently unclear, even after a noticeable uptick in active shooter incidents in the United States since 2014. He suggests that the American public is generally in favor of stricter gun laws, yet legislators perceive that getting tough on guns is "political suicide" in upcoming elections.

Next, the author turns his attention to America's juvenile justice system and argues that it has transformed from a rehabilitation model to a more adversarial one, perhaps due to a series of Supreme Court decisions (*Kent*, *Gault*, and *Winship*) that formalized the adjudication process. Turning the juvenile justice system into a "just desserts" model criminalizes the actions of children. In addition, Kelly argues (quite convincingly) that mandatory minimums, harsher sentences, zero-tolerance in schools, and the transfer of children to adult courts have had negative consequences for young people. According to the author, in 2013, 113,000 truant juveniles in Texas had adult criminal charges filed against them for failure to attend school. Kelly warns his reader that unless Americans reexamine how to conduct juvenile justice, they will continue to see children thrust into the criminal justice juggernaut or "school-to-prison pipeline," as it is often referred to. We support the author's suggestion intervention and diversion of children through early detection and treatment of the various factors that lead to delinquent behavior is needed. The challenge will be finding the funds and skilled personnel to tackle the myriad factors needed to

create the "treatment infrastructure," as Kelly calls it.

Throughout *The Future of Crime and Punishment*, William Kelly demonstrates that the American justice system is broken and is in dire need of repair. As the author points out in the book, more than two-thirds of people we incarcerate are rearrested within three years of release. And, as he emphatically states, "these are the ones we catch" (p. 217). To make matters worse, criminal justice policies often put up barriers that limit employment opportunities for ex-cons. These restrictions damage the U.S. economy, erode the social fabric of communities, and increase criminal justice expenditures (Clear, 2009; Worley & Mann, 2016). Incarceration is rarely used in most European countries; however, it is apparent from reading Kelly's book that, in the U.S., incarceration is "as American as apple pie." Kelly opines that policymakers must make more of a meaningful effort to divert offenders to mental health clinics and drug and alcohol treatment centers, as is done in other countries, such as Germany and the Netherlands. More effort should also be made to resocialize and rehabilitate those who reside behind the prison walls. While there are some indications that criminal justice reforms are being advocated by both Democrats and Republicans, Kelly argues that much more needs to be done to end the crisis of overcriminalization. We wholeheartedly agree with the author that ending mass incarceration is a very important goal. The implementation of smart policies will save money and allow for social services, which will result in a safer, more egalitarian, and humane society. We strongly recommend this book!

## References

Alexander, M. (2012). *The new Jim Crow: Mass incarceration in the age of colorblindness*. New York: The New Press.

Anderson, E. (2000). *The code of the street: Decency, violence, and the moral life of the inner city*. New York: W. W. Norton and Company.

Clear, T. R. (2009). *Imprisoning communities: How mass incarceration makes disadvantaged neighborhoods worse*. Williamsburg, VA: Oxford University Press.

Decker, S. H. & Van Winkle, B. (1996). *Life in the gang: Family, friends, and violence*. Cambridge, UK: Cambridge University Press.

Goodman, P. (2008). It's just black, white or Hispanic: An observational study of racializing moves in California's segregated prison reception centers. *Law & Society Review, 42*(4), 735–770.

Hattery, A. J. & Smith, E. (2018). *Policing black bodies: How black lives are surveilled and how to work for change*. Lanham, MD: Rowman & Littlefield.

Johnson, W. W. (2011). Rethinking the interface between mental illness, criminal justice and academia. *Justice Quarterly, 28*(1), 15–22.

Lopez-Aguado, P. (2016). "I would be a bulldog": Tracing the spillover of carceral identity. *Social Problems, 63,* 203–221.

Morris, N. (1974). *The future of imprisonment*. Chicago: University of Chicago Press.

Perkinson, R. (2010). *Texas tough: The rise of America's prison empire*. New York: Picador.

Rothman, D. (1971). *The discovery of the asylum: Social order and disorder in the new republic*. Boston: Little, Brown.

Tonry, M. & Farrington, D. (2005). Punishment and crime across space and time. *Crime and Justice, 3*, 1–39.

Wacquant, L. (2009). *Punishing the poor: The neoliberal government of social insecurity*. Durham, NC: Duke University Press.

Warren, R. K. (2007). Evidence-based practices and state sentencing policy: Ten policy initiatives to reduce recidivism. *Indiana Law Journal, 82*, 1307–1318.

Worley, R. M. & Mann, J. P. (2017). The case for co-ed prisons: Why thinking outside the box may be the key to rehabilitation. *ACJS Today*, *42*(3), 53–60.

Worley, R. M. & Worley, V. B. (2013). The sex offender next door: Deconstructing the United States' obsession with sex offenders in an age of neoliberalism. *International Review of Law, Computers, and Technology*, *27*(3), 335–344.

Worrall, J. L. & Morris, R. G. (2012). Prison gang integration and inmate violence. *Journal of Criminal Justice, 40*(5), 425–432.

Venkatesh, S. A. (1997). The social organization of street gang activity in an urban ghetto. *American Journal of Sociology, 103*(1), 82–111.

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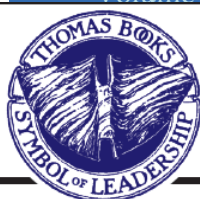
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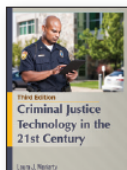
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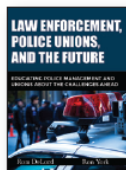
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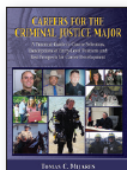
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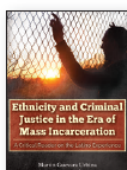
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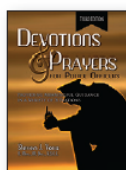
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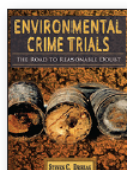
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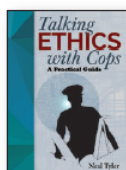
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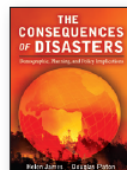
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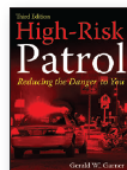
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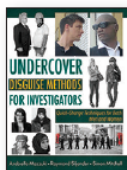
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**-Alex R. Piquero, PhD**
**Editor of *Justice Evaluation Journal***
Ashbel Smith Professor of Criminology
University of Texas at Dallas

# tandfonline.com/ RJEJ

# WESTERN SOCIETY OF CRIMINOLOGY
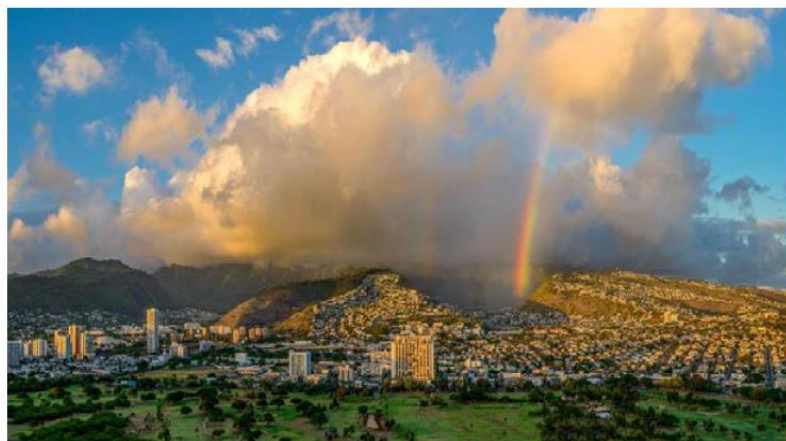


## 2019 Annual Conference
## Honolulu, Hawai'i

**February 7th – 9th, 2019**

**Hilton Waikiki Beach**
**2500 Kuhio Avenue**
**Honolulu, HI 96815 USA**
**(808) 922-0811**

People wishing to present at the conference will be able to submit proposals through our online abstract submission system between August 15th and October 5th, 2018.

## PANEL TOPICS

- COURTS AND JUDICIAL PROCESSES (INCLUDING SENTENCING)
- CORRECTIONS
- CRIME ANALYSIS (INCLUDING GEOGRAPHY & CRIME AND SOCIAL NETWORKS & CRIME)
- CRIMINOLOGICAL THEORY
- CYBERCRIME
- DRUGS/SUBSTANCE ABUSE & CRIME
- FORENSIC SCIENCE
- GENDER, SEXUALITY, & CRIME

- JUVENILE JUSTICE
- LEGAL ISSUES IN CRIMINAL JUSTICE (CRIMINAL LAW, CRIMINAL PROCEDURE, & EVIDENCE)
- ORGANIZED CRIME & GANGS
- PEACEMAKING CRIMINOLOGY
- POLICING
- SEX CRIMES
- TEACHING (PEDAGOGY & ASSESSMENT IN JUSTICE EDUCATION)
- TERRORISM
- WHITE COLLAR CRIME

*All proposals must be electronically submitted through the WSC's online Abstract Submission System*
http://westerncriminology.org/conference-3/abstract-submission-gateway/
*between August 15th and October 5th, 2018.*

In deciding the most appropriate topic area for your abstract, think about the main focus of your paper or presentation and how it might fit within a panel organized around a larger topical theme. For example, if your paper examines both race and juvenile issues, think about whether you would like to be placed on a panel with other papers discussing race issues or other papers dealing with juvenile issues and then submit it to the topic area in which you think it fits best.

All presenters are asked to submit an abstract of 1,100 characters or fewer to only one of the panel topics listed above. In addition to the abstract, please include the name, mailing address, email address, and phone number for all authors on the submission for the participant directory.

Please note that all presenters are required to preregister and prepay the nonrefundable conference fees no later than Monday, January 7, 2019. Failure to do so will result in presentations being removed from the final program.
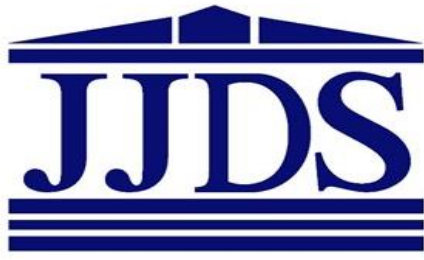
## Juvenile Justice & Delinquency Section
## Tory J. Caeti Memorial Award
## Deadline for Nominations: October 15, 2018

The ACJS Juvenile Justice & Delinquency Section is seeking nominations for the Tory J. Caeti Memorial Award. This $500 award, sponsored by the faculty in the Department of Criminal Justice at University of North Texas, recognizes the contributions of young scholars to the field of juvenile justice.

Eligible candidates are young academics, who have been out of school for no more than seven years, and who have made significant contributions to the field of juvenile justice.

A letter of nomination and the candidate's resume should be emailed to:

Marika Dawkins, Chair, Juvenile Justice & Delinquency Section
The University of Texas Rio Grande Valley
marika.dawkins@utrgv.edu

# *ACJS Today*

## ACJS Today
## Publication Schedule

January
March
May
September
November

## Submission Deadlines

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

*The editor will use his 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.**

# ACJS 2018 – 2019 Executive Board