

ACJS Today

Academy of Criminal Justice Sciences

Advocacy and Objectivity: A Time-Tested Method to Disciplinary Self-Destruction

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“The first postwar social scientists,” historian Mary Furner (1975, p. 18) tells us, “were concerned citizens from various walks of life, brought together by a common interest in helping people.” These “amateur” social scientists were clergy, teachers, philanthropists, citizens, and politicians. Collectively, these social reformers had been vocal advocates for the abolition of slavery, an “experience that united the . . . founders in common enthusiasm for specific, practical reforms accomplished through direct involvement.” With the carnage of the American Civil War (1860–1864) still resonating, reformers created the American Social Science Association (ASSA). Members of the fledgling ASSA quickly turned their attention to the apparent deleterious consequences associated with rapid industrialization, urbanization, and widespread criminal behavior.

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President's Message



Brandon K. Applegate, President,

Greetings, ACJS colleagues! I hope that all of you enjoyed a relaxing and productive summer and those who are in academe are excited about the start of a new academic year and the opportunities it presents. As we ease toward autumn, I would like to reflect on some of the activities ACJS has been involved with over the summer and look ahead to what is to come.

As many of you already know, one of the responsibilities of the President of ACJS is to represent the Academy—either personally or through a designee—at all of our regional affiliate organizations as well as brother and sister academic societies and professionally-oriented organizations. Although no one who knows me well would accuse me of being a social butterfly, I can say that I have truly enjoyed this opportunity to meet and talk with new colleagues and to expand the outreach of ACJS. In June, I attended the annual meeting of the Northeastern Association of Criminal Justice Sciences and had a wonderful time. NEACJS President Dean

Champion (Slippery Rock University) and Vice President Steve Morreale (Worcester State University) and the rest of the Executive Board put on a great conference, featuring rigorous research, insightful discussions of contemporary issues in criminal justice and CJ education, and fun social activities. They were a warm and welcoming group, and I strongly encourage anyone to join this convivial crowd at their next conference.

I also had the opportunity to represent ACJS at two international meetings—the British Society of Criminology (BSC) and European Society of Criminology (ESC) annual conferences. The BSC held its meetings in June on the southern coast of England at Plymouth, while the ESC meetings were held in Porto, Portugal at the beginning of September. Both cities and organizations were wonderful hosts for invigorating conferences. As an ACJS representative, Jihong Solomon Zhao (Sam Houston State University) was able to attend the Asian Society of Criminology conference in Hong Kong, and First Vice President Lorenzo Boyd (University of Massachusetts-Lowell) will attend the Australian and New Zealand Society of Criminology meeting. The goal of forging these relationships is to expand the presence of ACJS as an international organization concerned globally with crime and criminal justice issues. We, and in particular ACJS Executive Director Mary Stohr, have been working to arrange formalized partnerships with our international counterpart organizations. A memorandum of agreement is in place with the British Society of Criminology, and we are close to securing similar arrangements with the Canadian Criminal Justice Association and the European Society of Criminology. These

affiliations allow us to share advertising, newsletters, and so forth. The agreement with the BSC even provides that all ACJS members can register for the British conference at the BSC member rate, rather than the higher non-member registration rate!

Similar strides are being made to partner with organizations that traditionally serve practitioner and policymaker groups. Hugh Potter (University of Central Florida) and Brett Garland (Missouri State University) met, respectively, with leaders of the American Correctional Association and the American Probation and Parole Association. Lorenzo Boyd attended and presented at the National Sheriff's Association conference, and Brad Smith (Wayne State University) will continue our work to connect with the International Association of Chiefs of Police when he attends their conference in late October. These relationships promise greater opportunities for partnerships, understanding of each other's needs and strengths, and expansion of ACJS linkages to criminal justice system innovation and improvement.

Looking to our own conference, members of the Program Committee and Local Arrangements Committee have been hard at work planning for our annual meeting, which will be held March 29 to April 2 at the Sheraton Downtown Hotel in Denver, Colorado. We will, of course, have the usual panels, roundtables, research and pictorial showcase, and receptions. Karaoke was a hit last year, so we are planning it again—start practicing (please). Also continuing for the coming year will be the Open Seminar presentation format. Some of these events will continue to focus on professional development for academics, but we are experimenting with others that will enhance exposure to and understanding of criminal justice practice. The venue and local

area also promise an invigorating experience, and we are working to arrange a number of unique opportunities for conference attendees to connect with Denver-area criminal justice agencies. Hopefully, I will be able to share details in the next *ACJS Today*. Please make plans to join us in Denver, and remember to submit your abstracts right away...the final submission deadline is September 30, 2015.

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The zeal of these reformers was mirrored by their belief that the emerging social sciences would eventually remedy the multitude of social ills that captured their attention. The ASSA and the social sciences would “produce an earthly paradise—an enchanted ground” (Furner, 1975, p. 21). “All advance from barbarism,” wrote George William Curtis, would be due to “the development of social science.” Even more enthusiastic was Carroll D. Wright. Social science would “attract the attention of men of benevolence, of broad charity, and of philanthropic motives—men and women who were willing to aid in the cause of humanity for the sake of humanity” (Furner, 1975, p. 21).

Simultaneously, Furner (1975, p. 2) documented that another group of men set out to create a social science that prioritized and reinforced “the creation of new knowledge above all else.” Unlike the passion flowing from the reformers, these early scholars prioritized pragmatic, deliberate, and objective evaluations of social and economic relationships. They imposed an intellectual order to the pursuit of knowledge and tolerated, to varying degrees, the impulse to reform. Technical capability, political neutrality, methodological rigor, and logical thinking would be harnessed to understand the vexing problems of the day.

The ensuing years brought various attempts to elevate the status of the social sciences. To those trained in universities, advocates for reform detracted from their efforts to institute budding fields, such as economics, into college and university circles. Over time, after repeated and often highly personal conflicts between those who wanted to reward advocacy and those who wanted to reward objectivity, the term *reformer* morphed into a pejorative slight.

Furner (1975) documents in detail the personalities, situations, and historical context that gelled into a broader intellectual conflict about the respective roles of “advocacy and objectivity” in the social sciences. Eventually, the ASSA collapsed and along with it went the unfettered impulse to equate social science with socialism and other political ideologies and policies that challenged prevailing narratives, social institutions, and government priorities. What emerged was an intellectual culture that allowed a limited range and scope of advocacy while still prioritizing technical competence and scientific objectivity.

The period between 1865 and 1905, when the social sciences emerged, is now relegated to history. The names of then-prominent social scientists are no longer remembered; their contributions, their arguments, their conflicts, their motives, and their scholarship no longer given credence. Yet the basic conflict between scholarly objectivity and scholarly advocacy has continued to dog the social sciences. Almost like clockwork, the debate emerges, recedes, and then emerges again. By the late 1960s and throughout the 1970s, social advocacy regained prominence in intellectual circles. The Vietnam War, the Civil Rights Movement, the deinstitutionalization movement, women’s rights, and criminal justice reforms became the hue and cry of academics, many of whom made their careers advocating for various causes. The new breed of intellectuals who populated the university during these tumultuous years had learned from their historical counterparts. Instead of seeking a common ground where advocacy and objectivity could peacefully coexist, neoliberal and radical professors took absolute control of many social

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ACJS 2016 Annual Conference

“Advancing Justice on All Fronts”

March 29th – April 2, 2016
Sheraton Denver Downtown Hotel
Denver, Colorado

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science disciplines. Disciplinary priorities were reshuffled and new programs emerged that blurred the lines between objective scholarship and political advertisement.

The hue and cry is again being sounded, generating momentum toward increasing social advocacy in criminology. The Academy of Criminal Justice Sciences (ACJS) and the American Society of Criminology (ASC) have decided, for example, to join efforts to increase scholarly influence on the collection of crime data and on the formation of federal and state crime policy. The ASC is once again debating taking policy positions on complex and politically charged topics and is considering the development of white papers on specific issues. Moreover, the recent president of the ASC issued a “call to action” for criminologists to engage in direct political activism and to advocate for social and legal justice (Belknap, 2015). Advocating for social justice, she argued, was not merely a responsibility of criminologists but a professional mandate. The language of “social justice” was also made evident in the proposed ethical guidelines offered by the ASC. Criminologists are not only “to avoid incompetent, unethical, or unscrupulous use of criminological knowledge,” they are also charged with “enhancing the general well-being of societies and of the groups and individuals within them.” Members, moreover, will “have an obligation not to recreate forms of social injustice, such as discrimination, oppression, or harassment, in their own work.”

Proponents of increased social and political advocacy tell us that our academic societies should be used to exert influence on everything from policy to challenging social traditions. Our collective scientific knowledge, they argue, should be put to good use. Other

disciplines engage in activism, they note. Why not us?

These are all reasonable, even seductive, claims. Like the reformers of the past, they promise that our discipline will be elevated in status and importance. And like the reformers of the past, current advocates similarly believe that academic knowledge can and should inform a broad range of legislative, criminal justice, and social policies. We admit that these are powerful inducements and that, in some instances, criminological knowledge may be helpful to policymakers. However, before the rush to lead our academic organizations into the breach of public policy debates is complete, a broader discussion of the potential pitfalls should be had and a more complete vetting of the potential negative consequences should be understood. If history is any teacher, then the movement to increase social and political advocacy may not come without a series of costs—costs that could bring serious consequences for our organizations and the legitimacy of our discipline.

The Negative Consequences of SAPA

An important distinction needs to be made between types of advocacy and the scale of advocacy. We distinguish among three types of advocacy: advocacy for science, advocacy for the use of tested methods to improve the operation of the criminal justice system, and the more amorphous and politically driven type of advocacy that we label “social and political advocacy” (SAPA). We also note that advocacy can occur along a continuum from narrow-range efforts to broad-range efforts. We discuss each briefly. First, any academic organization can rightfully petition government agencies and legislative bodies on behalf of its

members to garner increased resources for scientific pursuits, including the collection of data and funding for scientific institutions, such as the Bureau of Justice Statistics (BJS) or the National Science Foundation (NSF). Few professional criminologists would find fault with these aims. Government funding for crime research remains miniscule despite advances in methods and practical utility.

Second, advocacy can be described along a continuum from narrow-range advocacy goals to broad-range advocacy goals. Narrow advocacy involves highly focused pursuits of limited duration and scope that are often aimed at improving criminal justice system operations. By contrast, broad-range advocacy goals involve far-reaching efforts to sway legislatures, public opinion, and national policy on issues sometimes tangentially related to crime and justice. For example, emerging evidence from quasi-experimental and randomized experiments into the effects of focused deterrence efforts by police is strongly suggestive that increasing police presence in crime hotspots, in targeting known high-rate offenders, and in swiftly arresting individuals reduces crime without symmetrical displacement (Braga, Welsh, & Schnell, 2015). A narrow-range advocacy position to improve the operation of the criminal justice system would encourage police departments to use these methods and to assess their impact. Narrow-range advocacy efforts have also been demonstrated in corrections, where the evidence-based movement has encouraged a broad range of correctional systems to employ locally validated offender risk assessment instruments.

Contrast these narrow-range efforts against the broad-range advocacy efforts that would be involved in swaying votes and public opinion about issues of social importance. Abolitionist

positions against the death penalty and drug prohibition are clear examples. So, too, is advocating for gun control, advocating for reducing “mass incarceration,” or advocating for “social justice” concerns. As should be clear, broad-scale advocacy often mimics SAPA and can easily deviate from the narrow concerns of bettering the operation of the criminal justice system.

Similar to most of our colleagues, we support the continual efforts of the ACJS and the ASC to engage in scientific advocacy. We are also strongly supportive of scholars getting out in the field and working with criminal justice system officials. These efforts have increased experimentation in criminology, and they are creating a useable knowledge base on how best to fine-tune local approaches to crime control. A carefully tailored narrow-range advocacy goal of helping criminal justice organizations become more scientific in their pursuits and operations is clearly advisable. And for those who believe doing so is tantamount to “selling out,” we want to advocate (narrow-range pun intended) that academics go out into the field. There is no substitute for studying crime and criminal justice firsthand.

Seeking to elevate funding for criminological science and seeking to employ a “best practices” approach within criminal justice are likely uncontroversial. However, engaging in broad-range SAPA is something else entirely and will, we believe, generate a host of undesirable effects. The problems associated with SAPA are multifaceted, correlated, and cascading—one leading to another to another. Although these problems vary in magnitude, they will eventually function to collectively alter the internal scientific dynamics of a field. The end result, we believe, will be a tilting of the field away from science and

toward increasing political polarization. We discuss these problems below.

SAPA Is About Political-Moral Values

SAPA obviously requires a decision to be made to support one position over another, to prefer one narrative or causal explanation over another, and to make a choice to expend time and resources in pursuit of social, legal, and cultural changes. Clearly, these choices are sometimes driven by data. However, it would be naïve to believe that in the realm of public advocacy data alone drive scholarly organizations to support certain viewpoints over others. These decisions are as much political as they are scientific. Should we advocate for a ban on child spanking or advocate for gun control or advocate for closing prisons? Conversely, who in our intellectual society *would* advocate publicly for expanding prisons, increasing gun ownership rates, or for spanking children?

Unlike our republican system of government, in which elected individuals represent constituent values and interests, no such system exists in academic organizations. Who would get to yield the power to direct broad-scale disciplinary advocacy? How would that power be used? We suspect that, as in other disciplines, a committee would be charged with developing an advocacy position. Who gets to charge that committee and who will be placed on that committee? Will intellectually diverse views be represented on that committee? Again, our point is that the decisions necessary to support a disciplinary system of SAPA will always involve political calculations, calculations made by unaccountable representatives of the field.

We saw a glimpse of this recently when the ASC policy committee elected to respond to an

editorial on the “Ferguson Effect” written by Heather MacDonald of the conservative-leaning Manhattan Institute. Against the backdrop of literally hundreds of op-ed pieces published since the Ferguson riots—most of which were demonstrably wrong—the ASC committee took offense to MacDonald’s article that the costs associated with enforcing the law had caused police to reduce their efforts to control crime. As a result, she argued, crime increased. MacDonald’s *editorial*, the committee said in an unprecedented e-mail sent to all ASC members, was receiving considerable attention, and that attention coincided with hearings to be held on criminal justice reform. The implication was clear: MacDonald’s editorial could, from their viewpoint, decrease the likelihood of future criminal sentencing reforms now being considered by Congress.

The ASC policy committee made a deliberate decision to recruit and to harness the critical forces of criminologists in an effort to delegitimize a conservative scholar whose work likely conflicted with their collective goals. The committee assumed that the body of the ASC would agree with their intentions, motives, and efforts and would agree to help delegitimize MacDonald. Perhaps that assumption was warranted for a large number of ASC members, but several members, including us, were deeply disturbed. After the 2001 riots in Cincinnati, Ohio, for example, the police did pull back. Shi’s (2009) analysis of police enforcement efforts after the riots clearly showed that police responded to increased public and legal scrutiny by reducing their enforcement practices, especially in black communities. In return, crime exploded, primarily in black communities. Record violent crime rates and record homicide rates followed, much like what we have seen in Ferguson and in Baltimore.

Political decisions are, by their very nature, conflictual. They involve selectively framing issues, developing intellectual lines of attack and defense, isolating and delegitimizing opponents, and an allegiance to goal achievement. Politics is not about rational policymaking as much as it is about employing reason to obtain a desired outcome. Unfortunately, political scientists tell us that support for certain policies is tied more directly to our emotional desires than it is to our reasoned assessment of policy implications. The language contained within the proposed ASC ethical guidelines is clearly value laden, and it opens the door to the enforcement of violations of these values. What, for example, does not “recreat[ing] forms of social injustice” mean? If, for example, individual scholars disagree with affirmative action, are they recreating social injustice? If scholars find that groups of people vary significantly on some measured trait, say IQ, are they now guilty of an ethical violation? If scholars argue for increases in incarceration, for the application of the death penalty, or for any other type of intervention those in charge regard as improper, can they be charged with an ethical violation? The experiences of other disciplines, namely the American Sociological Association (Burawoy, 2005), the American Anthropological Association (Chagnon, 2013), and the American Psychological Association (Marks, 2012), suggest that the possibilities we enumerate are not unlikely.

Inviting political dynamics into an academic organization all but guarantees the dividing consequences of in-group loyalty, out-group hostility, and the repression of dissent. These dynamics should not be courted by scholars and are anathema to objective scholarship. Academic organizations who have gone down this road have encountered any number of

problems—problems that have created divisive interpersonal conflict, that have tainted the production of knowledge, and that have unfairly tarnished reputations and even ended careers. In the end, political decisions to advance broad-based advocacy positions will necessarily mean that certain scholarly views will be embraced and enshrined and others will be shunned. There are clear winners and losers in politics, and there will be clear winners and losers in the rush to SAPA.

Motivated Reasoning and Trust in the Evidence

Political values are moral values, and values often distort social scientific evidence. This process, known as “politically motivated reasoning,” involves a natural tendency for people to hold views consistent with their emotive understanding of the world. Motivated reasoning is present when scholars seek evidence that confirms their views, known as “biased information searching”; it is present when scholars asymmetrically assimilate evidence, giving less scrutiny to evidence that supports their views while highly scrutinizing evidence that does not; and it is present when scholars simply dismiss information that would force a reevaluation of their position.

Motivated reasoning is not the property of untrained minds, conservatives, or the dimwitted. Research instead tells us that motivated reasoning is strongly associated with *higher*, not lower, levels of education, with higher levels of numeracy, and with higher levels of political ideology. Motivated reasoning involves a continual confirmation of one ideology and the continual disconfirmation of a competing ideology. Liberals, conservatives, and scholars appear equally motivated. Indeed, we believe it likely that motivated reasoning was deeply implicated in the failed history of SAPA in

sociology and criminology. In the 1960s and through much of the 1970s, for example, scholarly consensus was that blocked opportunities, anomic social conditions, and unemployment caused crime. Broad-scale advocacy resulted in trillions of taxpayer dollars being poured into a diverse array of social welfare programs, including public housing, employment and skill-building programs, and income maintenance (welfare). Although definitive statements are difficult to make, a reasonable argument can be made that these broad interventions did not reduce crime, that in some instances they have increased crime, and that they stimulated a host of collateral and offsetting consequences. Moreover, these decades saw the rise of “radical nonintervention” approaches, an increasing presumption that the police had no impact on crime, and the belief that no rehabilitation program worked. In the following decades, all of these beliefs have been contravened by data. Clearly, society may have been better off had it ignored the broad-based advocacy of sociologists and criminologists.

Allow us to take a moment to draw attention to very real consequences of faulty SAPA. Criminal justice policies affect the lives of millions of people. They may impact victims of crime and their offenders, the administration of justice, and they may not work as intended. Criminal justice policy is serious business, and getting it wrong can have disastrous consequences. Getting it wrong, however, exacts no personal or professional cost from the advocates. With no “skin in the game,” those who engage in SAPA have little to lose if their estimates are incorrect, their arguments wrong, or if their baseline assumptions were unrealistic. No system of accountability exists for academics who wager public resources and sometimes lives on the turn of their regression models, on the cleverness

of their pen, or on their persuasive rhetoric.

Nonetheless, the consequences of motivated reasoning are far-reaching and lead us to ask, Can we trust the criminological evidence? We will be direct in our answer: No. We do not have sufficient faith in the criminological evidence to engage in SAPA. This is not a criticism of our criminologist colleagues but is instead a reflection of the empirical evidence on, well, the empirical evidence. Here we turn to psychology and to an unlikely chain of events. These events started with Diederik Stapel, a highly successful research psychologist. He published consistently in the world’s top journals, including *Science*. Unfortunately, many of the experiments conducted by Stapel were fabricated. In the mess that ensued, many asked how reviewers and editors could have been so easily duped. According to Stapel, however, it was fairly easy. All he had to do was tell people what they wanted to hear. Soon thereafter, famed research psychologist Daryl Bem (2011) published the results of an experiment showing that humans had extra-sensory perception (ESP). Three resulting experiments carried out by other scholars failed to confirm Bem’s claims of ESP.

The shock waves from the Stapel incident and the Bem publication did not simply dissipate into oblivion. Instead, these incidents served as a springboard for psychologists to examine the reliability of their findings and to examine their research practices. In a worldwide study on the reproducibility of psychology experiments, the Open Science Collaborative (2015) found that most experiments could not be replicated; only 25% of experiments in social psychology replicated and about 50% in cognitive psychology. Initial findings, moreover, were almost always larger than the findings of any follow-up studies

that were conducted. Analyses of psychological journals find that journals publish studies that confirmed hypotheses at a rate that far exceeded chance (Francis, Tanzman, & Matthews, 2014), that journals give undo weight to novel findings (Nosek, Spies, & Motyl, 2012), and that the social sciences produced significantly more positive findings than the natural sciences (Fanelli, 2010).

The take-away message from these findings is that publication bias is rampant and results in a fundamentally flawed body of research findings (Ferguson & Heene, 2012). Psychologists, however, have also evaluated the source of publication bias. In a study of over 2,000 psychologists (John, Loewenstein, & Prelec, 2012), the authors reported that about 10% of psychologists had “introduced false data into the scientific record” (p. 526) and that a remarkable number of psychologists admitted to “questionable research practices,” such as rounding down *p*-values, selectively reporting studies, and excluding data after knowing the impact. Although we have no concrete information on the practices of criminologists, there is sufficient reason to suspect that these biasing processes influence our knowledge base as much as they influence studies in psychology.

A cursory review of the journals *Criminology* and *Justice Quarterly*, for example, finds almost uniform confirmation of the research hypothesis. Although detailed analyses are needed, this is the same pattern detected in psychology. Similar to psychology journals, criminology journals are likely publishing findings drawn from an artificially limited range of studies. Null findings appear largely absent in our journals, even though the likelihood of rejecting a null hypothesis is allegedly lower than the probability of not rejecting the null. The end result of these various biasing factors is

not simply that most published research findings are false, as Ioannidis (2005) argues, but that entire bodies of criminological evidence are at worst illusory and at best suggestive. This should give us reason to pause and to investigate our research and publishing practices. Moreover, these issues should curb any disciplinary enthusiasm for SAPA.

What Color Is the Dress?

Recently, an interesting debate emerged worldwide about the color of a dress. After a woman posted a picture of the dress on a social networking site and asked what color it was, a fierce debate erupted. One camp saw the dress as blue and black, while another camp said the color of the dress was gold and white. Each camp was incredulous that anyone could see a different color—after all, were people looking at the same dress?

Without going into the complex world of color wavelengths, retinas, and optical nerves, scientists ultimately explained how different sets of eyes could see different colors on the same dress. We use this debate to highlight a simple fact: Some people see the world one way, while others see it another. Regardless of how they see the world, however, each group believes in the accuracy of their perceptions and each group believes in the inaccuracy of the other group’s perceptions. So how does this affect criminology and the rest of the social sciences? Several studies tell us that social scientists are politically liberal—indeed, that social scientists are far more liberal than the average liberal American. Although some undoubtedly are gleeful that their political ideology is shared by the majority of their colleagues, we note that this same body of evidence tells us that political ideology substantively shapes how we perceive the world

(Wright & DeLisi, in press). Using the dress as an analogy, we essentially have only those who see the dress as black and blue looking at our science. Those who see gold and white are absent and often ridiculed.

As evidence, consider the fact that every credible study shows that social scientists overwhelmingly belong to the Democratic party, that they donate their time and money almost exclusively to liberal causes and to Democratic party candidates, and that there is remarkably little diversity in their views concerning a broad range of issues, such as abortion rights, gun control, and the minimum wage. Consider, too, that Democrat-to-Republican ratios in sociology range from 20 to 40:1; in criminology that ratio is roughly 10 to 15:1; in economics it is 1 to 3:1. To put this in perspective, of the more than 13,000 members of the American Sociological Association, only about 600 are center right or politically conservative. Data on criminologists provided by Cooper and Walsh (2012) show that no more than 6% to 10% of criminologists identify as center right to conservative, and most of these individuals work in community colleges or four-year programs.

Political conservatives apparently no longer find issues related to crime, justice, and sociocultural trends of intellectual interest because they are close to extinction. Most criminology and criminal justice programs are without a single conservative, especially Ph.D.-granting programs. This is not without consequence. Cooper and Walsh's (2012) data show that criminologists' support for various theories of crime can be almost perfectly predicted simply by knowing the direction and intensity of their political loyalties (Wright & DeLisi, in press). Liberals believe that social

disadvantage causes crime and that the criminal justice system is plagued by discrimination. Conservatives point to a lack of morals and poor parental supervision.

The lack of a full range of intellectual diversity will open the discipline to charges by the political right of left-wing bias—charges that will become more numerous and more intense if criminology engages in SAPA. The ASA and the APA have been roundly criticized for their obviously left-wing policy positions, and if ASC's policy committee's call to arms against Heather MacDonald is any indicator, we suspect that the ASC and the ACJS will eventually follow suit. After all, the *Wall Street Journal* wrote a fairly stinging criticism of the ASC's call to arms against MacDonald ("The crime of disagreement," 2015). Others, too, have recognized the problem of scientists aligning themselves to the interests of one political party. "This is dangerous for science" stated Sarewitz (2013, p. 7) in a recent editorial published in the journal *Nature*. According to Sarewitz, "Conservatives...have long been hostile to social sciences, which they believe tilts towards liberal political agendas," and that consequently, "the social sciences have remained poorly funded and politically vulnerable." Ultimately, he notes, "the U.S. scientific community must decide if it wants to be a Democratic interest group or if it wants to reassert its value as an independent national asset."

Will those who see social justice advocacy as a mandate be willing to dislodge their political loyalties in the name of science? Will those who remain silent to the propaganda surrounding Ferguson and Baltimore be willing to admit that maybe conservatives have a point when they argue that delegitimizing our police could lead to increased social disorder, or will they again find that single conservative editorial to attack? Will

those who see the dress as blue and black understand why others see the dress as gold and white and why they, too, are correct? If the broader political debate in our nation is any indication, we suspect that the ideological hegemony found in our discipline may not be conducive to impartial scientific, social, and political advocacy.

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***Kevin M. Beaver** is a Professor of Criminology and Criminal Justice at Florida State University. Beaver has published more than 150 articles and more than 25 book chapters and is the author/editor of 10 books, including *Biosocial Criminology: A Primer*, 2nd Edition (Kendall/Huent, 2009). Beaver's research examines the biosocial underpinnings to

antisocial behaviors. He has employed behavioral genetic and molecular genetic methodologies to unpack the gene environmental basis to a range of criminal and delinquent outcomes. He is the past recipient of the American Society of Criminology Ruth Shonle Cavan Young Scholar Award and the National Institute of Justice's graduate research fellowship. Beaver has published more than 150 articles and more than 25 book chapters and is the author/editor of 10 books. His research has appeared in journals as diverse as *Justice Quarterly*, *American Journal of Public Health*, *Biological Psychiatry*, *Criminology*, *Developmental Psychology*, and *Sexual Abuse*, among others.

Editor's Note: I'd like to thank John and Kevin for writing such an interesting and insightful article and providing us with their unique perspective. As a reminder, all articles published in *ACJS Today* do not necessarily reflect the views of the Editor or the Organization.

Fishing for Favors: How Inmates Lure Prison Staffers

FROM THE EDITOR'S DESK



*Robert M. Worley**

Over the summer, New York Clinton Correctional Facility employee Joyce Mitchell – who engaged in a sexual relationship with an inmate and helped him and a second prisoner stage a dramatic escape – pled guilty to promoting prison contraband and criminal facilitation.

Before this gripping story made national headlines, the idea of correctional employees smuggling dangerous contraband into prisons or having sexual relationships with inmates may have seemed more grounded in the world of fiction than in reality. However, inappropriate relationships occur with surprising regularity in day-to-day prison operations – a fact supported by research and also acknowledged by those who work within correctional facilities. These types of interactions between inmates and prison employees are consensual, almost always illegal and usually involve some sort of economic or sexual transaction.

In an attempt to ameliorate the problem of inappropriate staff-inmate relationships, virtually every employee who is hired to work in a prison or jail must go through some type of pre-service training which is intended to legitimize and enforce boundaries between prisoners and employees. Nevertheless, in spite of this training, not all correctional employees respect boundaries; some repeatedly cross the line with the very inmates they're paid to supervise.

Over the past several years, I've gone to great lengths to ascertain how inappropriate staff-inmate relationships unfold: I've interviewed inmates who have been successful in establishing these relationships, and I've also administered anonymous self-report surveys to both inmates and correctional employees. It's evident that some inmates are extremely adept at being able to identify vulnerable prison staffers. After subtly feeling out a target, they're often relentless in their pursuit of inappropriate relationships with these employees. With nothing but time to pass, a skilled inmate manipulator will make every attempt to turn even the most dedicated correctional employee into a deviant one.

Homing in on a target

I once interviewed Tommy, an inmate incarcerated at a prison facility in the southwestern United States. He told me he preferred to target female correctional employees who were sexually frustrated or in an unhappy relationship. He also pursued women who'd been victims of domestic violence. For roughly two years, Tommy had a series of inappropriate relationships with female

staff members that went undetected. He was able to convince multiple female staff members to smuggle tobacco into the facility, which he would then sell to other inmates at a hefty profit. He also admitted to having had a number of sexual trysts with at least two female correctional officers. However, his luck ran out when another inmate reported that Tommy was having sex with a female kitchen employee. Asked how this relationship began, Tommy explained: "I was the one who broke the ice. I just started talking to this female kitchen boss and acting real friendly like. She was married but said her husband didn't have sex with her and was always cheating on her. It started out just like when you go to a bar. She talked, and I just listened. Soon we began flirting more and more. We'd go to the storeroom where she could lock the doors to give us privacy."

Some inmates have told me that they prefer to establish inappropriate relationships with staff members who they perceive as unattractive, overweight or sexually frustrated. One inmate, Oscar, explained to me that these types of employees are easy to control and manipulate. He stated: "We like single, older women who are basically tossed out and nasty," he said, before claiming that women who are neglected in the "free world" will be "worshiped" by inmates.

I remember several years ago speaking with Philip, an inmate who casually described how he had sexual relations with a female correctional employee on several occasions. Philip, who was HIV positive, claimed to have had unprotected sex with the employee. And, according to Philip, the staff member was fully aware of his HIV status. Philip explained that she had recently gone through a nasty divorce and was lonely and vulnerable. He even bragged that she would have brought in a weapon for him if he'd requested one.

Money to be made

Approximately 93% of the inmates who are incarcerated within the United States are males. In male facilities, when inappropriate relationships occur, it's often the inmate who initiates the inappropriate relationship. While the majority of the inmates whom I've interviewed established inappropriate relationships with female correctional employees, it should be noted that some male prison staff also cross the line with inmates.

One inmate, Richard, gleefully told me that tobacco-free prison policies create the opportunity for a black market, with correctional officers playing a key role. Richard expressed himself in the following manner: "There's a lot of money for bosses [correctional officers] to make," he said. "Bosses can get rich if they deal tobacco and nothing else. Some bosses make more money from selling cigarettes than they do from their monthly paycheck."

Time on their side

To help people truly understand the dynamics of inappropriate relationships, I find the metaphor of fishing is often quite useful. Inmates will use a lot of different lures and types of bait to entice staff members into having inappropriate relationships. Often nothing comes of it. But sometimes, it works. I once had an inmate named Felix tell me how he liked to give correctional employees little gifts like food, in an attempt to cultivate a relationship that could possibly lead to "all kinds of things." "Sometimes they take it and sometimes they don't," he continued. "When they do, it's like a fish on a hook. You just got to reel them in slow. It takes patience. Hey, all I got is time, man, so time is on my side."

Over the course of months – even years – many inmates learn the habits, mannerisms, likes and dislikes of the staff. And skilled inmate manipulators are extraordinarily adept at convincing correctional employees that they're in no physical danger and won't be endangering anyone else by having sex or sneaking in contraband. At the same time, staff members – especially those who become romantically involved with inmates – may, over time, begin to view inmates as legitimate sexual partners. There's a normalizing effect that takes place. With the right amount of inmate encouragement, coupled with lax supervision, some correctional employees may come to see their work environment as nightclubs or places to flirt with members of the opposite sex, rather than facilities that warehouse dangerous criminals.

'I was caught up in the fantasy'

It's extremely unlikely that Joyce Mitchell took up employment in the Clinton Correctional Facility in order to have sexual liaisons with inmates, help them escape and use them as pawns in a murder plot. Rather, the inmates she helped – Richard Matt and David Sweat – were adept inmate manipulators who were able to play the roles of puppet and puppet master simultaneously.

In her confession, Mitchell stated, "I was caught up in the fantasy...I enjoyed the attention, the feeling both of them gave me, and the thought of a different life." Clearly, both men perceived that Mitchell was lonely and unhappy in her personal life. They used both charm and flattery to convince her to cross over that sacrosanct border between correctional employee and inmate. It's amazing that Mitchell even considered abandoning her husband to go on the

lam with two violent convicted murderers. This, indeed, illustrates the power that some inmates hold over their captors.

Even though our nation's prisons are filled with inmate manipulators, this in no way excuses the behavior of deviant correctional employees, such as Joyce Mitchell. It does, however, help us understand how inappropriate relationships are able to flourish, in spite of strong, organizational cultural norms that discourage familiarity between staff and offenders.

The above article was previously published in The Conversation (<https://theconversation.com/us>). Permission was granted to republish the article in ACJS Today.

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ACJS Summer Highlights



Dr. Solomon Zhao represented ACJS at the Asian Criminological Society. ACJS sponsored the Ice Cream Social, and a good time was had by all!

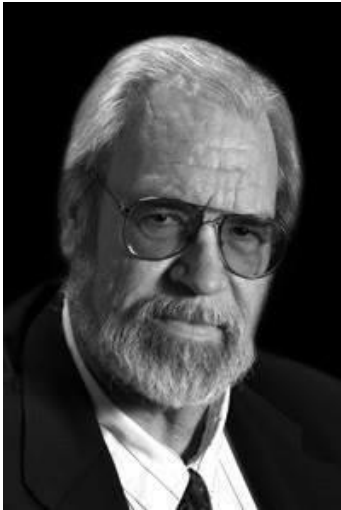


ACJS President, Brandon Applegate and Lorenzo Boyd with NEACJS President, Dean Champion.



ACJS Vice-President Dr. Lorenzo Boyd represented the Academy at the National Sheriff's Association Meeting. He is pictured here (on the left) with the President of the NSA, Sheriff Danny Glick (on the right) from Laramie County, Wyoming.

In Memoriam: Charles Chastain



Dr. Charles Chastain

The field of criminal justice has lost another of its founding greats. Charles Chastain was diagnosed with multiple cancers the first week of June and died just two days later. Charles served the Department of Criminal Justice at the University of Arkansas at Little Rock from his arrival as an assistant professor to retirement, serving over 20 years as chair. Charles was one of the very earliest adoptees of the LEAA effort to develop criminal justice degrees and provide an education for police, corrections and others in the criminal justice system. He was a very vocal supporter of criminal justice studies as a liberal arts education that had the potential to transform people, both within and outside the justice system, through a broader understanding of the workings of crime, justice, and politics in the U.S. Through his efforts, he established the criminal justice bachelor of arts at the University of Arkansas at Little Rock in 1972. Soon thereafter, he established the master of arts program in criminal justice. In both of these, he insisted on an arts designation rather

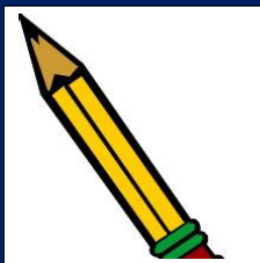
than the more popular science designation because he felt criminal justice students should be exposed to the arts, languages, and philosophies of a liberal arts education.

The number of people Charles touched and changed through interaction with him is immeasurable. He helped form the philosophies of several heads of the Arkansas Department of Correction, and many police chiefs, police officers, probation officers, and others. He touched the early academic lives of many people who are now lawyers and professors, including offering an adjunct teaching position to a young Bill Clinton. Charles was also a strong supporter of people in prison. He started a program to collect books from people to build libraries in prisons throughout Arkansas. He was one of the first people to become involved in the Inside-Out program in prisons because he wanted to show students that those in prison were much the same as them with some different life experiences and to show those in prison the potential for future success through education. Charles was also a believer in the academic associations, having been President of the Southwestern Association of Criminal Justice and a board member of the Academy of Criminal Justice Sciences. For me, Charles believed in me when many graduate schools would not. He was a mentor, confident, and friend for over 25 years. I feel as I have lost a father. I am sure all those Charles touched feel the same. We have lost one of the greats.

Written on June 4, 2015 by Jeff Walker.

UPCOMING ASSESSMENT WORKSHOP: SAVE THE DATE FOR DENVER!

If you have not heard the term assessment, you soon will. If you are wondering what assessment is, how it works, or just want to exchange ideas on best practices, the ACJS Assessment Committee and Peregrine Academics is proud to announce an Assessment Workshop to be held at the Denver Annual Meeting in March 2016. This workshop will be held from 1:30-5:30 on Tuesday, March 29. Topics will include an introduction to assessment, creating assessment at the course and program levels, new tools available for assessment, the relationship between assessment and accreditation, and many others. Time will be available to share best practices and ideas with your fellow attendees. Space is limited, so please register by sending an email by December 1, 2015 to Stephanie Mizrahi at smizrahi@csus.edu. Food will be available thanks to the generosity of our sponsor, Peregrine Academics.



Which Is Bigger—Criminology or Criminal Justice?

PAST PRESIDENT'S COLUMN



*Craig Hemmens**

The academic study of criminal behavior and society's response to crime has a relatively short history as a distinct discipline. The discipline is interdisciplinary in its origins, with important contributions coming from sociology, psychology, law, and public administration, among other disciplines. While the academic study of crime dates back to the 19th century, it was not until the 1970s and the influx of Law Enforcement Assistance Administration (LEAA) money that colleges and universities began to pay serious attention to the academic study of crime and the criminal justice system. The result was a tremendous increase in the number of courses, faculty, and departments with a focus on the study of crime.

The academic study of crime and the societal response to criminal activity was

originally treated as either (1) a subset of another discipline (such as sociology or political science) or (2) as a quasi-academic "professional" program intended to train police officers. Consequently, during its early years and, indeed, well into the 1980s, the discipline was frequently derided as a "cop shop" that did little more than provide training for future police officers. Criminal justice programs were frequently housed within other, related departments, and often those departments treated the discipline as little more than a "cash cow," enjoying the benefits of additional resources associated with high student enrollments, which subsidized falling enrollments in related disciplines, such as sociology.

Throughout the 1980s and 1990s, undergraduate and graduate criminal justice enrollments soared, and the discipline began to create its own identity, separating from sociology and political science (Clear, 2001; Finckenaer, 2005). Today, we stand at a crossroads. Now that the discipline has been generally successful in creating a unique identity and, at most institutions, its own stand-alone department, we are faced with the question *Who are we now?* We have demonstrated that we are not a mere subcategory of sociology, public administration, or any other discipline. We have our own Ph.D. programs, our own undergraduate majors, our own departments, and our own name. And it is the name that seems to give some of us pause. Are we criminology or are we criminal justice? Which term best fits what the discipline covers today? Does the use of both

criminal justice and *criminology* create confusion within and without our discipline? And does the name matter?

Is It Criminology or Criminal Justice?

Is there any difference between *criminology* and *criminal justice*? Is one term a better, more inclusive descriptor of the discipline as it exists today? I argue that those of us who study crime and the criminal justice system are best described by the term *criminal justice*. Criminal justice is a more inclusive, all-encompassing term than criminology, and thus it better describes what we do on a daily basis in our home departments. Here are two examples to support my assertion.

Academic Organization Titles

The names of two major academic organizations for the study of crime exemplify the different approaches to describing the discipline. There is the American Society of Criminology (ASC) and the Academy of Criminal Justice Sciences (ACJS). ACJS was formed in 1963 by a group of faculty who felt that ASC did not adequately address the concerns of those interested in the study and training of the police. Interestingly, ASC was formed by some of these same individuals, in 1941, and was originally called the National Association of College Police Training Officials. The organization's name was changed to the Society for the Advancement of Criminology in 1948 and to the American Society of Criminology in 1957 (Oliver, 2013).

As a regular attendee of both conferences for the past 20 years, I fail to see any significant substantive difference between the two organizations. The types of papers presented at each conference are similar. Both organizations seek to influence crime policy and are, in fact,

working together to raise awareness of research in criminal justice. Some differences that existed in the past seem to be disappearing. For instance, until recently, ACJS had a Policing section and a Corrections section, but ASC did not. ASC has added these sections. ACJS used to offer a greater emphasis on curriculum development (i.e., the ACJS Certification Standards), pedagogy, and professional development—but ASC now offers a number of teaching-related workshops and panels and has taken steps to increase the attention paid to pedagogy in its newsletter. Indeed, it appears ASC has been hell-bent in recent years on trying to become more like ACJS. As a loyal member and past president of ACJS, I think the folks at ASC are doing the right thing.

During my term as ACJS president, I attended the regional conferences and chaired panels on the topic “Should ASC and ACJS Merge?” It was my contention that having two organizations that are similar in so many ways was unnecessarily duplicative and that the effect weakened the discipline in the eyes of other disciplines that have only one major national academic organization. The message I received at these panels was a resounding *No, we do not want to merge!* Interestingly, the opposition to merger was not based on differences in what the two organizations cover but in how the two organizations operate. ASC was seen as too big, too impersonal, and not as inclusive in its treatment of academics from different types of institutions. ACJS was seen as more welcoming to academics regardless of their institutional affiliation and to practitioners—the very people many of us are trying to reach with our research.

What all of this suggests to me is that the names of the two organizations mislead us—there is little substantive difference in the work done by

either. There remains the perception that one organization has a different approach to people, but this does not affect the substance of what is discussed at our conferences and in our journals.

Course Names

The academic study of crime and the societal response to criminal activity, whether it is housed in a department of criminology, criminal justice, or some other department, invariably includes courses on policing, courts, corrections, and juvenile justice—the main components of the criminal justice system. Other courses found in virtually every department, regardless of its name, include criminological theory and juvenile delinquency. I have worked in a Department of Criminal Justice, a Department of Criminology and Criminal Justice, and a Department of Criminal Justice and Criminology. Each department has offered similar courses and had faculty engaged in similar research areas. The same textbooks and monographs are used for teaching, the same journals are read and published in, and the students all act the same (they want to be crime scene investigators—until we tell them they will need to take biology and chemistry courses).

Regardless of the name of the department, the names of our courses are the same. The courses that are offered are also very similar. Although some departments have more required courses, this appears to be a function of size more than emphasis on criminology rather than criminal justice, and vice versa. We all teach courses on policing, corrections, courts, juvenile justice, research methods, and statistics. A comparison of the courses mandated in the ACJS Certification Standards and the sample syllabi posted on the ASC website reveal no discernible differences in course name or content.

Does Size Matter?

So if there is no meaningful substantive difference between criminal justice and criminology, why do we continue to use both terms? Is one perhaps a better fit than the other? I believe *criminal justice* is the better term to use to describe our discipline. I believe this is the case because it is more inclusive and, therefore, better covers all the things that we do in the discipline.

Criminology is defined variously as “the scientific study of crime as a social phenomenon, of criminals, and of penal treatment” (Merriam Webster Dictionary, 2015), “the scientific study of crime, criminals, criminal behavior, and corrections” (The Free Dictionary, 2015), and “the scientific study of the nature, extent, management, causes, control, consequences, and prevention of criminal behavior, both on the individual and social levels” (Wikipedia, 2015). Clearly none of these definitions covers the full range of what we do on a daily basis. Criminology, according to these widely accepted definitions, focuses primarily on the study of criminal behavior. Although two of these definitions specifically mention corrections, none mentions policing, courts, juvenile justice, or any of the other aspects of the criminal justice system that are taught and studied by us. And, I contend, few of us think of all the various aspects of the criminal justice system when we think of criminology.

The term *criminal justice* is broader in scope, and as a result it is a more accurate description of the discipline. The term *criminal justice* covers the causes of crime as well as the variety of societal responses to crime—including policing, the juvenile justice system, courts, and corrections.

Conclusion

The academic study of the criminal justice system has come a long way since the Italians began to study it and coined the term *criminology* from two Latin words. It has moved beyond a professional training program and now has all of the hallmarks of a social science. Our credibility has risen tremendously over the past quarter century, as we have adopted the conventions of other social science disciplines and worked to prove ourselves to be more than just a cop shop and/or cash cow. We have strong national organizations (even if having only one might still be better), well-respected journals, a number of strong Ph.D. programs turning out well-trained graduates every year, and we have strength in student major numbers.

We need to do everything we can to increase the credibility and prestige of our discipline within academe and to promote our work to those outside academe. One small step we can take on this journey is to clarify who we are by uniting around one name for our discipline. That name should be *criminal justice* because it is a more accurate and inclusive descriptor. One discipline, one name—an idea whose time has come.

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- *Craig Hemmens** is chair and professor in the Department of Criminal Justice & Criminology at Washington State University. He holds a J.D. from North Carolina Central University School of Law and a Ph.D. in criminal justice from Sam Houston State University. He has served as ACJS President (2012–2013), ACJS Program Chair (Seattle, 2007), and editor of the *Journal of Criminal Justice Education* (2002–2005).

A Conversation with Barry Feld, Author of *Kids, Cops, and Confessions*



Barry C. Feld*

Barry C. Feld's book Kids, Cops, and Confessions: Inside the Interrogation Room (NYU Press, 2013) received the 2015 ACJS Outstanding Book Award. In the book, he analyzes 307 interrogation recordings and transcripts of 16- and 17-year-old delinquents charged with felony offenses. The book examines Supreme Court decisions governing interrogation, reviews developmental psychological research on adolescents' competence to exercise procedural rights, and empirically analyzes how police question serious young offenders. I recently had the opportunity to catch up with Barry and ask him a few questions.

RW: The Supreme Court has decided more cases about interrogating youths than any other aspect of juvenile justice. Why do you suppose this is?

BF: The Fifth Amendment is the bulwark of the adversary system and fosters equality

between the individual and the state. The Court's confessions cases attempt to strike a balance between the state's need for information and preserving individual autonomy, preventing coercion, and the like. Finding the proper balance for youth is especially problematic because of their immaturity, vulnerability, and susceptibility to coercive pressures.

RW: Even though the Supreme Court has acknowledged that youthfulness adversely affects juveniles' ability to exercise their *Miranda* rights, it has not required special procedures to protect young suspects. Why is this?

BF: *Miranda* is primarily a symbolic decision—it affirms that suspects have rights—but its protections only come into play when a suspect is in custody and subject to the coercive pressures of custodial interrogation that impair his/her ability to invoke the privilege against self-incrimination. That is why the vast majority of suspects—adults and juveniles—waive their only procedural safeguard. Ultimately, we want to feel good about having rights, but not to the extent that it would interfere with police ability to solve crimes. In *Fare v. Michael C.*, the Court adopted the adult waiver standard—knowing, intelligent, and voluntary under the totality of the circumstances—to gauge the validity of juveniles' waivers. The Court recognized that to provide additional safeguards for youths to offset their immaturity and vulnerability, such as the presence of counsel, would adversely affect the ability of police to obtain confessions. So, we treat juveniles just like adults when formal

equality results in practical inequality.

RW: I was surprised that four county attorneys in Minnesota gave you unrestricted access to recordings and transcripts of 307 juvenile felony interrogations. I know that safeguards were taken to obviate some confidentiality concerns. But, I was still amazed that you were able to gain access to these files. How were you able to do this?

BF: I have taught at the University of Minnesota law school for more than four decades. Several of the county attorneys were former students, and others have served on state law reform committees with me. They knew me, they trusted me, and they knew the quality of my research. Still, they took a considerable risk because neither they nor I knew what I would find when I started the project because no one had ever conducted this type of study before.

RW: And, there were no significant obstacles to getting IRB approval?

BF: My examination of the interrogation records, police reports, and juvenile court documents only involved closed cases, so for IRB purposes it was primarily archival research for which I obtained expedited review. I also obtained court orders authorizing access to the materials with various confidentiality stipulations that addressed any privacy concerns. Similarly, my interviews with police, prosecutors, defense lawyers, and judges did not involve vulnerable populations or raise any human subject issues.

RW: What advice would you give to scholars who might like to replicate your study and employ a methodology similar to yours?

BF: About a dozen states now require police to record some or all custodial interrogations of suspects, so the types of data I analyzed increasingly exist in other states. I would encourage other researchers to contact police, prosecutors, or defense lawyers to obtain access to their files and to replicate my research. I would be very happy to share my codebook and interview protocols so that we could begin to develop a standardized template for this type of research. When I conducted my research, Minnesota police already had been conducting interrogations “on the record” for about a decade, and their practices likely had adapted to the knowledge that everything they said or did could be subject to later review by other justice system professionals. It would be especially interesting to analyze interrogation recordings in jurisdictions that only recently adopted such requirements.

RW: Did you notice any discernable differences in the way that males and females were interrogated?

BF: Females comprise about 10% of all delinquents arrested for felonies, so my sample was consistent with that general pattern. There were very few differences in the ways in which police questioned the boys and girls. In a recent article, I conclude that police are trained to question suspects one way, and they question all suspects that way—adults and juveniles, blacks and whites, boys and girls.¹

RW: Ninety percent of the juveniles in your study waived their *Miranda* rights. However,

as you write in your book, about 80% of adults also waive. Should we be alarmed by this figure as well?

BF: As I noted above, *Miranda* is primarily a symbolic decision; it affirms that we have rights but not in a way that significantly interferes with police ability to solve crimes. The only significant variable that affects rates of waivers is whether a person has a prior felony arrest—more sophisticated suspects are less likely to waive. Ultimately, I conclude that despite our constitutional framework and claims of an adversary system, the reality of criminal/juvenile justice is Herbert Packer’s “Crime Control Model.” In the early stages of the process, we have an inquisitorial system—the real trial occurs in the interrogation room, and once suspects confess they will ultimately plead guilty. Because the real trial occurs in the interrogation room, we should require recording of all police-suspect interactions to have an objective, independent record to review what happened. One of *Miranda*’s fundamental shortcomings was the Court’s assumption that police—who have no incentive to prevent a suspect from confessing—would deliver the warning in a way that alerts a suspect to the significance of the waiver decision. I analyze the various techniques police have developed to finesse the limited protection that *Miranda* affords, so I did not find the high rates of waivers surprising.

RW: It’s understandable that police want to solve crimes. And many people would probably say that as long as police are not doing anything illegal, they should be free to use some of the maximization and minimization techniques that you describe in your book. Some might even suggest that it is fine for police officers to use

deceptive interrogation tactics. What are your thoughts on this?

BF: Interrogation is a form of psychological manipulation to get someone to do something that is not in his or her self-interest. The real issue is what types of limits the law should place on police officers’ ability to manipulate people. Police in the U.S. are trained in the Reid Method, which is a confrontational approach primarily designed to elicit a confession. By contrast, in the UK and other European countries, police rely on Investigative Interview techniques, which are designed to elicit information and to enable suspects to give their version of events. The Europeans also prohibit lying to suspects about the evidence and restrict other forms of manipulation. And, they do so without any adverse impact on police ability to solve crimes.

RW: Of all the cases you analyzed, more than three-quarters of the interviews were completed in less than 15 minutes and 90% in less than half an hour. Were you surprised that they were so short?

BF: I was initially surprised by how brief interrogations were, but when I went back to the literature on interrogation in the U.S. and UK, it turns out that police conclude the vast majority of interrogations quickly. There are many reasons why most interrogations are short: the coercive pressures of interrogations, the power differential between police and suspects, people’s naïve honesty, and suspects’ desire to “tell their story” and to justify their behavior. In addition, in most cases, police had strong evidence of suspects’ guilt and

probably could have obtained a conviction even without a confession. I surmise that most suspects already had decided whether or not they were going to talk before the interview began, and very few changed from denial to admission during the course of questioning.

RW: I was surprised that you came across some cases where police made explicit quid pro quo promises of leniency to juveniles in exchange for admitting culpability. I know you are a former prosecutor. From a legal standpoint, is the prosecutor under any obligation to honor any promises that a police officer makes during the interrogation?

BF: Of the 307 felony interrogations I analyzed, only two were constitutionally problematic (i.e., the police made explicit quid pro quo promises of leniency to try a youth as a juvenile rather than as an adult). Significantly, both of those interrogations involved police efforts to recover guns that the juveniles had used in their crimes. As a matter of constitutional law, police are prohibited from making threats, promises, or inducements to elicit a confession, and a prosecutor would not be bound by any offers they made. Suppression of evidence is the only sanction for an unconstitutional confession. In both of these cases, although the confessions probably could have been suppressed, the youths could have been convicted based on other evidence, and their defense attorneys likely concluded that a guilty plea as a juvenile was probably preferable to the risks of trial as an adult.

RW: I am a huge fan of your book *Juvenile Justice Administration*.² My graduate students also love it. We were surprised to learn that Texas used to have a law that prohibited juveniles from

waiving rights without the assistance and concurrence of counsel. To me, this type of law makes a lot of sense, especially if we are truly worried about juveniles giving false confessions or not taking advantage of their constitutional right to remain silent. Do you ever think we are likely to see states implement these types of laws?

BF: As I noted above, *Miranda* does not adequately protect suspects when they are subject to the inherent coercion of custodial interrogation. However, any alternative procedural protections, such as the assistance of counsel, would greatly limit police ability to obtain incriminating information from a suspect. So, *Miranda* allows us to have our cake and eat it, too—to believe we have rights, despite most people's inability to exercise them.

RW: You are one of only a few scholars who has received the ACJS Outstanding Book award twice. You won this award in 2001 for your book *Bad Kids: Race and the Transformation of the Juvenile Court* (OUP, 1999) and also received the award for *Kids, Cops, and Confessions: Inside the Interrogation Room* (NYU Press, 2013) at the ACJS conference in Orlando. What was it like to win this prestigious award twice?

BF: Most of what we do as scholars is a very solitary enterprise—reading, analyzing data, thinking, writing, etc.—and we seldom receive feedback on what we do. It is especially flattering and gratifying when a committee of your peers and a professional organization singles out a particular work as an “extraordinary contribution to the study of crime and criminal justice.” I am deeply honored and grateful that ACJS has deemed two of my books worthy of such recognition.

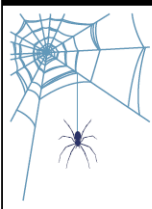
RW: What are some of your future research plans?

BF: After more than four decades of teaching and scholarship in the field of juvenile justice, I will finish one more book before I retire: *Kids Are Different: Competence, Culpability, and the Juvenile Court* (NYU Press). *Kids Are Different* is a sequel to *Bad Kids* but with a primary focus on changes in the juvenile justice system over the past two decades—developmental psychology, neuroscience, Court decisions like *Roper*, *Graham*, and *Miller* on adolescent criminal responsibility, and the like. It will be my swan song to the field in which I survey all of the changes in juvenile justice that have occurred during the span of my career—*Gault* and the due process revolution, the Get Tough Era, and the rediscovery that children are different.

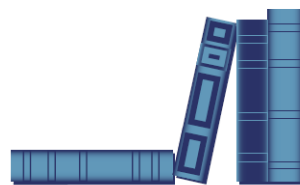
Notes

1. Feld, Barry C. (2014). Questioning gender: Police interrogation of delinquent girls. *Wake Forest Law Review*, 49, 1059–1105.
2. Feld, Barry C. (2014). *Juvenile Justice Administration in a Nutshell*, 3rd ed. St. Paul MN: West Academic Publishing:

**Professor Barry C. Feld is a one of the nation's leading scholars of juvenile justice. He currently teaches criminal procedure, juvenile law, torts. In 1990, Professor Feld was named the Law School's first Centennial Professor of Law. He was the Julius E. Davis Professor of Law for 1981-82. In 2008, he received the American Bar Association's Livingston Hall Award which recognizes "lawyers practicing in the juvenile delinquency field who have demonstrated a high degree of skill, commitment, and professionalism in representing their young clients." Professor Feld's book, *Kids, Cops, and Confessions* is only the second empirical study of police interrogation since the Supreme Court decided *Miranda* and the first to examine juveniles. The book reviews have been extremely positive: "A terrific book...A rich blend of top-notch empirical scholarship and doctrinal analysis." (Crime, Law, & Social Change); "A significant contribution to research about what happens in the interrogation room with juveniles...An invaluable exploration into how the criminal justice system really works." (Journal of Youth & Adolescence); "A well written and concise account that contributes to literature related to juvenile justice, police practices, and juvenile criminal law." (International Criminal Justice Review). Professor Feld he has been a Visiting Fellow at the Department of Criminology, University of Melbourne, and the Netherlands Institute for Study of Crime and Law Enforcement (NSCR), Amsterdam, Netherlands.*



Historian's Corner



Willard M. Oliver*

GREETINGS!

If you ever find yourself in Washington, D.C. (say, this November?), take the time to visit the 400 block of E Street in northwest D.C., Judiciary Square. There, tucked neatly in the

center of the block, is the National Law Enforcement Officers Memorial, a sobering monument to the more than 20,000 police officers who have died in the line of duty (<http://www.nleomf.org/memorial>).

Across the street, in an underground facility, is the future home of the National Law Enforcement Museum. Scheduled to open sometime in 2016, the 55,000-square-foot museum will house a display telling the story of federal, state, and local police officers and the job they do (<http://www.nleomf.org/museum>).

In the lead up to the grand opening, the National Law Enforcement Museum is busy collecting archival material and publishing an e-mail newsletter called the *National Law Enforcement Museum Insider*. Each issue presents some of the archive's stories, pictures, and memorabilia, as well as interviews and updates on the museum. (To receive the *Insider*, go to <http://www.nleomf.org/museum/news/newsletters/receive-the-museum-insider.html>.)













In the most recent issue, Volume VII, Issue 6, the *Insider* led with an article titled, "Testing for Alcohol: A Timeline of Breath Analysis." The article detailed the evolution of the breathalyzer from 1927 to the modern day, and it included a poster graphic that was a visual timeline. In that timeline, under "Breathalyzer 1954," there is a picture of a man holding up the breathalyzer he had invented. That man was Robert F. Borkenstein, the Academy of Criminal Justice Sciences' 6th president (1968–1969).

Born and raised in Indiana, Robert Borkenstein became interested in technology, in particularly cameras and the polygraph. He worked with the Indiana State Police on the former and alongside John Larson, one of the co-inventors of the modern polygraph, on the latter. He then became interested in developing a "Drunkometer," which, thankfully, became known as the "breathalyzer." In 1954, Borkenstein revealed his invention to the world, which was then commercially produced.

In 1958, Borkenstein joined the faculty at Indiana University as the chairman of the Department of Police Administration. Through John Larson, Borkenstein met V. A. Leonard at Washington State University. When Leonard retired in 1963 and ACJS was created at his retirement party (then called the International Association of Police Professors), Borkenstein was there and became part of the new association.

Although Borkenstein died on August 10, 2002 at the age of 89, he is still remembered through the National Safety Council's annual Robert F. Borkenstein Award. And he is also remembered on the ACJS website under the Past Presidents list, where a slightly longer biography of his can be read (<http://www.acjs.org/pubs/uploads/ACJS-6th-pres.pdf>).

**Willard M. Oliver, Ph.D., is a Professor of Criminal Justice at Sam Houston State University and ACJS Historian. He is a Past President and Regional Trustee of the Southwestern Association of Criminal Justice. He is currently working on a biography of August Vollmer for Carolina Academic Press.*

					
Breath Test 1927	Breath Analyzer 1927	Drunkometer 1931	Intoximeter 1937	Alcometer 1941	Breathalyzer 1954
<ul style="list-style-type: none"> - Performed in lab, not available to public - Blow into football bladder containing chemicals - Alcohol in breath makes chemicals change color 	<ul style="list-style-type: none"> - Handheld device - Advertised for wives to use to test their husbands - Blow into tube - Alcohol in breath makes chemicals change color 	<ul style="list-style-type: none"> - Intended for law enforcement use - Blow into balloon - Balloon air released into chemical solution - Alcohol makes chemicals appear darker 	<ul style="list-style-type: none"> - Blow into balloon - Breath reacts with chemical solution - Destroys chemical color if alcohol present 	<ul style="list-style-type: none"> - Blow into tube - Alcohol in breath reacts with chemicals - Color fades if alcohol present - Requires 110-volt AC current to operate 	<ul style="list-style-type: none"> - Becomes the industry standard - More user friendly, durable and portable - Gives instant reading - Improved chemistry provides more accurate readings of alcohol levels
					
Sober-meter Test 1967	Breathalyzer Model 900a 1969	Breathalyzer Model 2000 1981	Alcotest Kit® c. 1981	Alco-Sensor® IV 1994	Intoximeter EC/IR® II.t 2012
<ul style="list-style-type: none"> - Smaller, cheaper version of balloon air mixing with chemical solution method 	<ul style="list-style-type: none"> - Improved version of Initial Breathalyzers - Made by Smith & Wesson until 1984 then sold to the National Dräger Corporation - Manufactured until 1997 	<ul style="list-style-type: none"> - Uses infrared absorption to measure alcohol in breath - Microprocessor-controlled 	<ul style="list-style-type: none"> - Improved version of balloon air tests - Blow through chemical tube into "bag" - Discoloration in the tube indicates how much alcohol is present 	<ul style="list-style-type: none"> - According to Intoximeters, Inc. It is "the most widely used breath testing instrument today" - Screen displays step by step instructions 	<ul style="list-style-type: none"> - Multiple processes measure alcohol in breath - Immune to radio frequency interference to ensure accuracy - Also measures CO₂ in breath for medical purposes

Editor's Note: The NLEOM gave us permission to publish the above images of early breathalyzers in *ACJS Today*.

ACJS Today

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Articles may vary in writing style (i.e. tone) and
 length. Articles should be relevant to the field of
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 curriculum and interesting to our readership. Please
 include your name, affiliation and email address,
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