



NIJ

National Institute of Justice

JOURNAL



Responding to Transnational Organized Crime — Supporting Research, Improving Practice

- Reconsidering the Project Greenlight Intervention: Why Thinking About Risk Matters
- Strengthening NIJ: Mission, Science and Process
- Final Findings From the Expert Panel on the Safety of Conducted Energy Devices
- Beyond the Prison Bubble

Also in this issue

NIJ's Peer Review Process: The Scientific Review Panel Pilot Project

Indigent Defense: International Perspectives and Research Needs



Building
Knowledge to
Meet the Challenge of
Crime and Justice

National Institute of Justice

John H. Laub
Director, National Institute of Justice

The *NIJ Journal* is published by the National Institute of Justice to announce the Institute's policy-relevant research results and initiatives. The Attorney General has determined that publication of this periodical is necessary in transacting the public business of the U.S. Department of Justice as required by law.

Findings and conclusions of the research reported here are those of the authors and do not necessarily reflect the official position or policies of the U.S. Department of Justice.

All products, manufacturers and organizations cited in this publication are presented for informational purposes only, and their discussion does not constitute product approval or endorsement by the U.S. Department of Justice.

Subscription Information

Online <https://puborder.ncjrs.gov/Listservs/nij/reg.asp>
Phone 301-519-5500
800-851-3420
Mail NCJRS
P.O. Box 6000
Rockville, MD 20849-6000

World Wide Web Address

<http://www.nij.gov/journals/welcome.htm>

Contact NIJ

National Institute of Justice
810 Seventh St. N.W., Washington, DC 20531, USA
<http://www.nij.gov/contact/welcome.htm>

NIJ Journal Editorial Board

Thomas E. Feucht
Lee Mockensturm
Angela Moore
Marilyn Moses
Nancy Ritter
Kristina Rose
George Tillery
Cheryl Crawford Watson

Editor-in-Chief

Jolene Hernon

Contact the Managing Editor

sberson@palladianpartners.com

Production

Palladian Partners, Inc.
Sarah B. Berson, *Managing Editor*
Jennifer M. Walsh, *Consulting Editor*
Shelby Hays, *Production Coordinator*
Aaron Auyeung, *Designer*
Maureen Berg, *Designer*

**U.S. Department of Justice
Office of Justice Programs**

810 Seventh St. N.W.
Washington, DC 20531

Eric H. Holder, Jr.
Attorney General

Laurie O. Robinson
Assistant Attorney General

John H. Laub
Director, National Institute of Justice

This and other publications and products of the National Institute of Justice can be found at:

National Institute of Justice
<http://www.nij.gov>

Office of Justice Programs
Innovation • Partnerships • Safer Neighborhoods
<http://www.ojp.usdoj.gov>

Director's Message



This issue of the *NIJ Journal* features articles on a diverse collection of topics, but they all reflect how research can be transformative in shaping policy and practice.

Two articles address corrections, rehabilitation and reentry — topics for which the conventional wisdom is often “nothing works.” In “Beyond the Prison Bubble,” Dr. Joan Petersilia argues that we in fact know a great deal about what works in corrections and that we fail to put serious effort into implementing programs that work at our peril, given the costs of incarceration. The other article is about Project Greenlight

— a reentry program that was created based on current knowledge of “what works” in reentry. It turned out that Greenlight did not actually work; failure of that sort gives us the opportunity to find out *why* it did not work. The authors of “Reconsidering the Project Greenlight Intervention: Why Thinking About Risk Matters” offer a new look at the evaluation and paint a more nuanced picture of why, perhaps, Greenlight failed and what lessons we can learn from it for designing and implementing programs in the future.

This issue’s cover story on transnational organized crime and an article on an indigent defense workshop highlight the value of sharing knowledge with domestic and international partners and inviting both researchers and practitioners to the table. Working with international partners not only allows the U.S. to showcase its most innovative and successful practices, it also helps identify solutions that have been shown to be effective in other countries and that might be transferable to the U.S. Transnational organized crime, by its nature, requires collaboration among research and law enforcement agencies at home and abroad. Indigent defense is a problem that nations all over the world grapple with — the need to ensure justice for those among us who have the least. NIJ partnered with the Justice Department’s Access to Justice Initiative to bring researchers, practitioners and advocates together for a discussion on best practices in indigent defense from around the world.

“Final Findings From the Expert Panel on the Safety of Conducted Energy Devices” presents the fruits of another successful collaboration. NIJ sponsored an expert panel, along with the College of American Pathologists, the Centers for Disease Control and Prevention, and the National Association of Medical Examiners, to study whether conducted energy devices (CEDs), such as the Taser, can contribute to or be the primary cause of death. CEDs are used by more than 12,000 law enforcement agencies in the U.S. Their safety has sometimes been called into question, particularly when deaths have occurred after their use. The expert panel concluded that, in general, there is little risk of death or serious injury when CEDs are used on healthy adults.

Finally, two articles in this issue discuss changes coming to the Institute. In the first article, I discuss NIJ’s response to the National Research Council’s evaluation. The second focuses on a specific part of that response — changes to how NIJ conducts peer review. The National Research Council’s report made it clear that the status quo for peer review at NIJ was no longer acceptable. NIJ took its recommendation to reform peer review to heart and will pilot a process in fiscal year 2012 based on the “standing panels” model used by a number of other federal science agencies. Watch the “Director’s Corner” on NIJ.gov for additional updates about NIJ’s response to the National Research Council’s evaluation.

John H. Laub

John H. Laub
Director, National Institute of Justice

Contents

NIJ Bulletin	2
Responding to Transnational Organized Crime — Supporting Research, Improving Practice <i>by John T. Picarelli</i>	4
Reconsidering the Project Greenlight Intervention: Why Thinking About Risk Matters <i>by James A. Wilson and Christine Zozula</i>	10
Strengthening NIJ: Mission, Science and Process <i>by John H. Laub</i>	16
Improving NIJ's Peer Review Process: The Scientific Review Panel Pilot Project <i>by Thomas E. Feucht and Phyllis Newton</i>	22
Beyond the Prison Bubble <i>by Joan Petersilia</i>	26
Final Findings From the Expert Panel on the Safety of Conducted Energy Devices <i>by Brian Higgins</i>	32
Indigent Defense: International Perspectives and Research Needs <i>by Maureen McGough</i>	36



Visit the NIJ Director's page at <http://www.nij.gov/about/director>.



Publications IN BRIEF

Research Report Digest

Do you want to stay on top of the most recent research developments, but don't have enough time? NIJ's new *Research Report Digest* can help.

Recognizing the need for information about recently completed research in short, easy-to-access formats, NIJ launched the *Digest*, which summarizes research reports that have been entered into the database of publications

available at NCJRS.gov. Issues 1, 2 and 3 are now online.

► Read the *Digest* on NIJ.gov.
Keyword: Digest.

Strategic Cutback Management: Law Enforcement Leadership for Lean Times

As the U.S. struggles through another period of economic decline, law enforcement agencies can learn from previous financial crises. A new report, *Strategic Cutback Management: Law Enforcement Leadership for Lean Times*, contains suggestions for weathering the current challenging economic climate.

The report discusses strategies that have worked in the past, such as avoiding across-the-board budget cuts because they cause disproportionate harm; using targeted layoffs rather than hiring freezes; and looking for opportunities to generate revenue in addition to cutting costs.

► Read the report on NIJ.gov. Keyword: Strategic Cutback.

Electronic Monitoring Reduces Recidivism

Results of a large study of electronic monitoring of released offenders in Florida showed that failure rates of monitored offenders under community supervision were substantially lower than those of

their peers who were not monitored electronically.

A summary of the research can be found in *Electronic Monitoring Reduces Recidivism* available on NIJ.gov. (Keyword: Electronic Monitoring.) The researchers noted that lower recidivism rates, combined with lower costs (compared to incarceration) may make electronic monitoring more attractive to policymakers.

Researchers also reported on a variety of experiences related to the monitoring devices, including the effects on personal relationships and employment.

► Read the full report, *Quantitative and Qualitative Assessment of Electronic Monitoring*, on NCJRS.gov. Keyword: NCJ 230530.

News & Notes

NIJ Director Receives International Criminology Award

NIJ Director John Laub and his long-time colleague Robert Sampson of Harvard University were the joint recipients of the 2011 Stockholm Prize in Criminology for their research on desistance from crime (how and why criminals stop offending). The Stockholm Prize, which recognizes outstanding achievements in criminological research, was presented June 14, 2011, in Stockholm, Sweden.

Laub and Sampson's work is the longest life-course study of criminal behavior ever conducted. They began by reconstructing data collected by researchers Sheldon and Eleanor

Glueck on 500 boys sent to reform school in Boston in the 1930s and 1940s. Then they followed-up with the "delinquent boys" — by then in their late 60s. Using the reconstructed data and the data they collected on the men's lives since the end of the Glueck's studies, including interviews with surviving participants from the original study, Laub and Sampson found that the men often stopped committing crimes as they encountered "turning points" — significant changes in their lives, such as marriage, military service and

employment, that broke their social ties with offending peers and offered some form of on-going support.

They reported their findings in two books published by Harvard University Press, *Crime in the Making: Pathways and Turning Points Through Life* (1993) and *Shared Beginnings, Divergent Lives: Delinquent Boys to Age 70* (2003), as well as many academic articles.

► Watch John Laub and Robert Sampson discuss their research on the NIJ Director's Corner at NIJ.gov.

Newest Research Findings

.gov

Improving Efficiency in Crime Laboratories

Laboratories across the nation are having a hard time keeping up with increased demand for DNA analysis. At the Louisiana State Police Crime Laboratory, for example, new DNA requests increased from 843 in 2006 to 1,501 in 2009, time to complete a case and return it to the submitting agency increased from 476 to 676 days, and year-end backlogs went from 876 DNA cases to 910 .

To improve the efficiency of its work, Louisiana applied for and received funding from NIJ to:

- Hire experts to conduct two Lean Six Sigma projects that identified previously unexplored efficiencies.
- Purchase additional equipment to increase throughput.
- Validate robotics to improve the laboratory's automated activities.
- Add tools that helped create a paperless environment as a way to increase efficiency.

As a result of the changes, in 2010 the laboratory reported that it received 1,317 new DNA case requests and completed 1,771 DNA requests, which means that it lowered its backlog of cases from 910 requests in 2009 to 286 by the end of 2010. Turnaround time fell from 676 days in 2009 to 287 days in 2010.

The laboratory also reported that the improved processes had a positive impact on employee attitude toward and engagement in their work that has resulted in even more operational efficiencies. The project has been selected as a finalist for the 2011 International Association of Chiefs of Police/Motorola Webber Seavey Award for Quality in Law Enforcement.

▶ Read the full report on NCJRS.gov. Keyword: NCJ 235190.

Sexual Assault of Women at Historically Black Colleges and Universities

Researchers from RTI International collaborated with four Historically Black Colleges and Universities (HBCUs) to study sexual assault on HBCU campuses.

Approximately 15 percent of the 4,000 women who participated reported an attempted or completed sexual assault before entering college, and 14 percent reported experiencing an attempted or completed sexual assault since entering college. The research is further confirmation that misuse of alcohol on campus increases the risk of sexual assault. The finding suggests that universities need to more vigorously address the dangers of alcohol misuse.

The most common university policies and practices at the four HBCUs included having an official sexual assault protocol; campus police regularly referring sexual assault victims to university health or crisis centers; campus law enforcement maintaining a daily crime log available to the public; and campus police providing annual records of reported crime to the institution. Researchers discuss implications for effective policies and programming.

▶ Read the full report on NCJRS.gov. Keyword: NCJ 233614. The researchers also published several papers in academic journals, including most recently in the *Journal of Interpersonal Violence*.

Look for multimedia links throughout this issue of the *NIJ Journal*. On the NIJ website, look for the following new content:

- ▶ Interviews with researchers and practitioners from the 2011 NIJ Conference
- ▶ Jens Ludwig and Roseanna Ander discussing benefit-cost analysis for crime policy
- ▶ Greg Berman discussing community corrections courts and learning from failure
- ▶ Updates to John Laub's "Director's Corner"
- ▶ The most recent issue of the *Geography and Public Safety Bulletin*
- ▶ Grant solicitation announcements and information about past awards
- ▶ Current training opportunities
- ▶ The archive of *NIJ Journal* back issues

<http://www.nij.gov>

NIJ



Go to NIJ.gov and subscribe to our email alerts to receive the latest information on funding, publications, trainings, events and topical pages.



Responding to Transnational Organized Crime — Supporting Research, Improving Practice

by John T. Picarelli

The U.S. government looks to research from home and abroad as it reformulates its law enforcement response to transnational organized crime.

On July 13, 2010, some 3,000 police officers fanned out across Italy. In one day, the dragnet conducted 55 searches, made 305 arrests and seized \$75 million in illegal assets. The target of this nationwide sweep was the Calabrian organized crime group known as the 'Ndrangheta. While not as well known as other transnational organized crime (TOC) groups, the 'Ndrangheta nonetheless had grown to become one of the most powerful and aggressive criminal organizations in Europe. In preparation for their sweep, Italian authorities spent two years collecting 64,000 hours of videotaped surveillance of 'Ndrangheta meetings and transcribed more than 1 million phone conversations.

Nevertheless, as the activities of July 13 drew to a close, Italian authorities discovered that some of their long-held beliefs about the organization and operations of the 'Ndrangheta were wrong. For example, they learned the 'Ndrangheta had dual power bases in Italy, not one, as was previously assumed. They also discovered that, contrary to their expectations, the group did in fact have a central, hierarchical organization that maintained order among 'Ndrangheta groups.

One lesson stands out from this episode: A focused and sustained research program on TOC is needed to inform and shape anti-organized crime policies and programs. Many countries, including Italy and the

United States, are retooling their TOC policies and programs, and they are looking to the research community to provide them with the best methods for assessing TOC threats and improving threat assessments.

With this in mind, the National Institute of Justice (NIJ) has revitalized its TOC research portfolio and affirmed its role in the U.S. government's efforts against TOC.

The U.S. Government's Response to TOC Recalibrated

In the 1980s and 1990s, the U.S. government began to recognize the threat TOC posed. During this period, criminal organizations leveraged the burgeoning globalization movement and the end of the Cold War to expand across borders and garner ever-larger profits from smuggling and other global criminal activities. By 1995, the U.S. identified TOC as a national security threat and authorized new tools to address it. For example, recognizing the need for global cooperation to dismantle these criminal enterprises, the U.S. embraced efforts that culminated in the United Nations Convention Against Transnational Organized Crime in 2000. The U.S. also adopted new economic sanctions that targeted drug trafficking organizations and their leadership.

The U.S. government's focus on TOC as a national security threat changed after Sept. 11, 2001. The terrorist attacks forced the U.S. to direct its energies toward preventing future attacks. Understandably, many of those who had experience identifying, investigating, analyzing and prosecuting clandestine groups — including transnational criminal organizations — switched their focus to international terrorist threats full time.

A focused and sustained research program on transnational organized crime is needed to inform and shape anti-organized crime policies and programs.

The threat from TOC continued to evolve in the 2000s. For example, TOC groups increasingly focused attention on capturing legitimate businesses and penetrating global financial, commodity and other markets. Terrorist organizations sought the assistance of TOC groups and the global expansion of TOC destabilized new regions of the globe, such as western Africa.

By the late 2000s, the Department of Justice (DOJ) took steps to address the significant gap in U.S. efforts against international criminal syndicates. In 2008, DOJ released *The Law Enforcement Strategy to Combat International Organized Crime*, which outlined steps to promote a more robust law enforcement effort against TOC. In order to coordinate this effort across federal law enforcement agencies, the Attorney General reconvened the Organized Crime Council (AGOCC). Prior to 2008, the AGOCC had not met for some 15 years.

The U.S. government continued rebuilding its capacity to counter TOC as the decade drew to a close. In 2009, DOJ formed the International Organized Crime Intelligence and Operations Center, through which it and other federal agencies could marshal the resources and information of nine

U.S. law enforcement agencies and numerous federal prosecutor offices nationwide. The National Intelligence Council also completed work on a National Intelligence Estimate (NIE). The NIE, which was published in 2010, is a classified review of all intelligence on TOC and provided the best estimate of its trajectory for the next five years. Soon after the completion of the NIE, President Obama tasked the National Security Staff with forming a government-wide strategy to counter TOC.

In July 2011, the U.S. government released a White House strategy on TOC. This is the first strategy in more than 15 years.

NIJ and TOC Research

Research on TOC is nothing new for NIJ. Since the late 1990s, NIJ has sponsored research projects, hosted working groups and evaluated programs related to TOC. NIJ-funded researchers have mapped transnational criminal groups operating in the U.S. from Russia, Ukraine, China, the Philippines, Japan and a number of other countries. NIJ's grants have provided surveys of local law enforcement to pinpoint the impact of TOC in their communities and NIJ-funded research has explored the linkage between TOC and terrorism.

NIJ's TOC research portfolio covers four broad areas. Specific topics handled under each area are:

- Measurement and assessment issues that focus on the nature and types of organized crime by market and jurisdiction, the impact of law enforcement efforts, and the assessment of harms.
- Risk assessment and other methods for targeting enforcement

The Evolution of Transnational Organized Crime

Many people are familiar with traditional forms of organized crime thanks to films like *The Godfather* and *Goodfellas*. In 1968, the Omnibus Crime Control and Safe Streets Act defined organized crime as “the unlawful activities of the members of a highly organized, disciplined association engaged in supplying illegal goods and services, including but not limited to gambling, prostitution, loan sharking, narcotics, labor racketeering, and other unlawful activities of members of such organizations.” Organized crime was primarily a domestic concern, comprised of groups that rarely looked beyond their own city for profits and power.

Starting in the 1970s, but accelerating in the early 1990s, a new form of organized crime took hold. The combination of a new geopolitical climate, a globalized world economy and resulting softer borders, and a revolution in information technology available to crime groups hastened a shift. Crime groups changed from domestic organized crime groups that were regional in scope and hierarchically structured to criminal organizations that are global and transnational in nature, increasingly networked

with other criminal groups, and often flatter in structure. The U.S. Department of Justice defines transnational organized crime in part as “self-perpetuating associations of individuals that operate internationally for the purpose of obtaining power, influence, monetary, and/or commercial gains, wholly or in part by illegal means, while protecting their activities through a pattern of corruption and/or violence, or while protecting their illegal activities through an international organizational structure and the exploitation of international commerce or communication mechanisms.”

In short, organized crime is no longer only a domestic concern — it is an international problem. Today, crime groups manifest themselves in multiple countries simultaneously in order to leverage global criminal and licit markets. The ‘Ndrangheta is an excellent example of this evolution. The original ‘Ndrangheta clans arose in Calabria (the region that

makes up the toe of Italy’s boot) in the late 1800s. Until the 1970s, the ‘Ndrangheta rarely operated outside Calabria. Yet by the 1990s, the ‘Ndrangheta was looking to global criminal markets for new opportunities. For example, the ‘Ndrangheta began to enter into contracts with Colombian drug trafficking organizations in the 1990s, importing cocaine for a growing European market. Currently, the ‘Ndrangheta has a significant presence in more than a dozen countries, ranging as far as Australia and Canada.



efforts, including the identification of markets or jurisdictions at high risk for TOC penetration and practical tools for allocating enforcement resources.

- Illicit groups and products, focusing on the types of TOC groups and how they operate based on product and opportunity.

- Identification, prevention and anticipation of new trends.

In January 2010, NIJ hosted an expert working group of 50 international academicians and practitioners to discuss the current state of knowledge and how research can inform policy and practice. The group

concluded that research on TOC was uneven — robust in some areas, scant in others (for example, it felt that research on TOC actors and organizations was particularly strong, but research on the links between TOC and terror groups was lacking). Nonetheless, the group believed that the existing

research at least provided a level of information that could guide future research and practice.

The working group concluded that three topics required more focused attention in the future. The first was the need to develop reliable estimates of the harm TOC inflicts on society, markets, the economy and individual citizens. The second was the need for more evaluations of existing programs and policies to ensure that they are indeed the “best practices” for investigating and prosecuting TOC. The third was the need for more comparative research that uses observations and data from multiple countries to better identify how TOC forms, organizes and operates across borders.

NIJ and the Fight Against TOC

Although the NIJ working group meeting was in part a step toward embedding research in the larger interagency effort to recalibrate the U.S. government’s efforts against TOC, NIJ has also initiated some independent activities based on the group’s findings. As a result, NIJ is focusing on five ways that it can assist the Administration’s efforts against TOC and meet its goal of facilitating increased research among the U.S. and its international partners:

1. Sponsoring TOC research that will have value to all of its stakeholders, whether they are researchers, practitioners or policymakers.
2. Evaluating programs and tools to identify and validate best practices against TOC.
3. Conducting outreach efforts that promote discussion between researchers and practitioners.
4. Working with NIJ’s partners in all levels of government to provide research support and other services.¹
5. Publishing research and providing a platform for dissemination of U.S. government information to inform and educate the general public and the private sector about TOC.

Sponsoring research on TOC topics of interest to practitioners is the primary tool that NIJ can deploy in supporting the effort against TOC. To that end, NIJ solicited research proposals on this subject in 2010. The goal of the solicitation was not only to sponsor research that could inform practitioners about the nature of TOC, but also to garner knowledge about TOC that could educate the public about the threat it poses. The solicitation welcomed a wide array of research. It also singled out an interest in having researchers evaluate current practices to validate them as “best practices.” Awards were made to the University of California – Los Angeles and Michigan State University. Applications for the fiscal year 2011 TOC research solicitation are currently under review.

NIJ also supports evaluations of innovative foreign criminal justice programs to assess their effectiveness and determine their viability for use in the U.S. criminal justice system. As part of this program, NIJ has commissioned a transferability study of the use of unexplained wealth orders in foreign countries. An unexplained wealth order is the result of a legal process that identifies individuals who live beyond their discernible means and requires them to justify the legitimacy of their financial circumstances or

Research and evaluation are essential to understanding TOC, but their full value is realized only when the stakeholders involved in policy and practice are made aware of the results and can determine how the findings relate to their work.

face seizure of that wealth. The transferability study will help determine whether these programs are effective and, if they are, how they might be adapted for use in the U.S. criminal justice system.

Research and evaluation are essential to understanding TOC, but their full value is realized only when the stakeholders involved in policy and practice are made aware of the results and can determine how the findings relate to their work. NIJ strives to ensure that results from the research it sponsors reach the broadest possible audience, including practitioners. In 2010 and 2011, for example, NIJ sponsored panels at major conferences, such as the American Society of Criminology conference, that focused on how TOC research can inform practice. Likewise, NIJ has convened

NIJ's Transnational Organized Crime Research Portfolio

The National Institute of Justice's portfolio of research on transnational organized crime (TOC) dates back to 1998. Since then, NIJ has funded 25 projects in four focus areas: the measurement and assessment of TOC, risk assessment and its use in targeting counter-TOC programs, the deconstruction of TOC groups and their illicit operations, and the prevention of TOC. The portfolio has produced vital information for practitioners and stakeholders in this field, including:

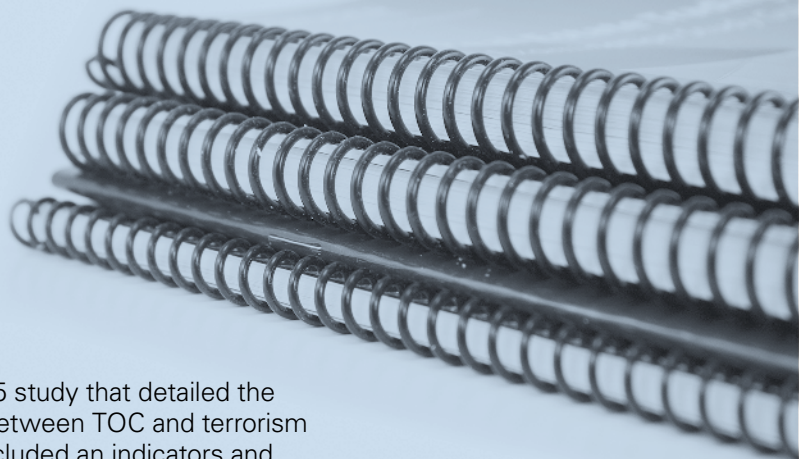
- A 2003 survey of state and local law enforcement officials that pinpointed perceptions of the threat from TOC and the most significant challenges for addressing TOC at the local level.
- A 2003 project that developed a TOC risk assessment tool that law enforcement officials can employ to improve their targeting of TOC.
- A 2004 survey of practitioners in six Asian countries that found, among other things, that TOC groups in these countries were highly specialized and only collaborated when smuggling goods or people through or outside the region.

- A 2005 study that detailed the links between TOC and terrorism and included an indicators and warning model that law enforcement practitioners can use to identify future linkages.
- Numerous studies of TOC's links to intellectual property theft and the smuggling of natural resources, which developed more accurate estimates of the size and scope of these forms of TOC.

To read these and other studies, visit NIJ's topical collection on transnational organized crime on NIJ.gov > Publications and Multimedia > Topical Collections > Transnational Organized Crime.

In 2010, NIJ funded two projects in this area — one at the University of California – Los Angeles, and the other at Michigan State University. The University of California project

will employ an innovative methodology to estimate the size of an illicit market and to pinpoint the social networks that allow the market to function, a necessary step toward improving law enforcement targeting of TOC groups and those that facilitate them. The Michigan State project will detail the organization and operations of online credit card fraud with the goal of improving the field's understanding of how TOC groups are exploiting cybercrime. In 2010, NIJ also sponsored an evaluation of how foreign countries use unexplained wealth orders as a tool against TOC with an eye toward how the U.S. might employ this tool in the future.



additional expert working groups that focus on particular topics of interest to specific segments of the stakeholder community. NIJ hosted one such group in November 2010, when it brought together a small panel of academic experts and

TOC practitioners from the U.S. and the United Kingdom to discuss how the research community might help practitioners think more strategically — that is, long term — about TOC.

It is not enough, however, for researchers to share their findings with practitioners. It is also important that practitioners hear from researchers about researchers' concerns — and vice versa — and

the obstacles and pitfalls they face when conducting TOC research. To address this need, NIJ continues to meet with practitioners and discuss how to construct a research portfolio that is useful to practitioners and researchers alike.

NIJ works closely with federal partners to transfer knowledge from research to practice. For example, NIJ works with its sister agency, the Bureau of Justice Statistics, to provide stakeholders more robust statistics on the impact of TOC. NIJ also has a strong working relationship with the State Department, supporting its diplomatic efforts to foster regional and multilateral responses to TOC. NIJ continues to attend inter-agency and international meetings on this topic to promote its research findings and discuss potential partnerships to meet future research requirements.

Just as the U.S. government continues to refine its response to the threat of TOC, so too will NIJ grow its efforts to provide its diverse stakeholders with the information they need. NIJ will continue to coordinate with a range of domestic and international agencies to ensure that its research program on TOC benefits practitioners and researchers. It will work with the research community to provide researchers with the tools and resources they need to produce high-quality research in this field. By joining research to practice, NIJ will help practitioners, the public and policymakers better understand the nature of TOC and the threat it poses.

About the author: John T. Picarelli is a Social Science Analyst in the National Institute of Justice's Office of Research Partnerships.

NCJ 235889

It is not enough, however, for researchers to share their findings with practitioners. It is also important that practitioners hear from researchers about researchers' concerns — and vice versa — and the obstacles and pitfalls they face when conducting TOC research.



Listen to a discussion of policy and research on international organized crime from the 2010 NIJ Conference: <http://nij.ncjrs.gov/multimedia/audio-nijconf2010-organized-crime.htm>.



Check out the transnational organized crime topic page on NIJ's website: <http://www.nij.gov/topics/crime/transnational-organized-crime/welcome.htm>.

Learn more about NIJ's International Working Group on Transnational Organized Crime and read a summary of its recommendations: <http://www.nij.gov/topics/crime/transnational-organized-crime/working-group.htm>.

Read Connecting International Organized Crime Research to Policy and Practice: The Strategic Context in the U.S. and the U.K.: <http://www.nij.gov/topics/crime/transnational-organized-crime/expert-working-group-report.htm>.

Read an overview of The Law Enforcement Strategy to Combat International Organized Crime: <http://www.justice.gov/ag/speeches/2008/ioc-strategy-public-overview.pdf>.

Note

1. NIJ is working closely with the Organized Crime and Gang Section and the Asset Forfeiture and Money Laundering Section of DOJ's Criminal Division; the State Department; the National Security Council; the Office of National Drug Control Policy; and others in the U.S. government. It is also working with partners in Australia, Germany, the U.K., Italy and a host of other countries, as well as the United Nations Office on Drugs and Crime.



Reconsidering the Project Greenlight Intervention: Why Thinking About Risk Matters

by James A. Wilson and Christine Zozula

Project Greenlight's negative outcomes disappointed stakeholders and puzzled researchers. A reexamination of Greenlight's data suggests that the intensity of the program may not have been well-suited for medium- and high-risk offenders.

The landscape of American corrections is littered with the bones of rehabilitative efforts that failed. This is certainly no surprise, given some of the novel efforts at rehabilitating criminal offenders, some of which, unfortunately, remain part of corrections even today.

In a 2008 seminar at the Institute for Excellence in Justice at the Ohio State University Criminal Justice Research Center, Ed Latessa of the University of Cincinnati reviewed several high profile programs that claimed to be rehabilitative.¹ These included such efforts as dance instruction for juveniles, drum circles for parolees, yoga for probationers, gardening, dog sledding and Handwriting Formation Therapy. To

be clear, we have nothing against dance instruction, drum circles, yoga, gardening, dog sledding or handwriting, but their rehabilitative efficacy seems questionable. Although such programs are clearly not the norm, one has to wonder how well the concept of "evidence-based practice" has truly filtered down to inform correctional practice.

We have moved forward a great deal over the last decade in what we know about intervening with criminal offenders. The bulk of the research evidence clearly indicates that the programs most likely to produce robust results in reducing criminal recidivism have cognitive-behavioral foundations that target behaviors related to offending

The new results suggest a mismatch between the structure of the Greenlight program and the population to which it was delivered.

and amenable to change, and that use social learning strategies.² In addition, the principles of correctional interventions suggest that programs should target medium- and high-risk offenders and that program implementation should be a key consideration for any new program.

However, even interventions with substantial empirical support do not always produce consistent results and may even be associated with negative outcomes.³ One of the more prominent interventions recently linked to negative outcomes was Project Greenlight.⁴ The original evaluation of Project Greenlight examined its effect on the recidivism rates of participants at 12 months compared with offenders who received standard prerelease programming and offenders who received no prerelease programming. It found that Greenlight participants had *higher* rates of arrests and parole revocations.

We reassessed Project Greenlight by analyzing data over a 30-month period. In this reanalysis, we specifically examined differences by the level of offender risk. Although the longer-term assessment confirmed the original evaluation findings, we also found that outcomes varied by risk level — low-risk offenders appeared to benefit most from the program, whereas medium- and high-risk offenders were harmed the most.

An Overview of Project Greenlight

The Greenlight program was developed and operated by the Vera Institute of Justice in conjunction with the New York State Department of Correctional Services and the Division of Parole. The program was built on the Reasoning and Rehabilitation (R & R) cognitive-behavioral program model. The

literature on correctional interventions shows that cognitive-behavioral approaches, such as R & R, are associated with reductions in recidivism rates. Cognitive-behavioral programs typically address attributes most related to criminal behavior and most amenable to change. These include such factors as impulsivity, maladaptive patterns of thinking, antisocial peers and attitudes, poor social skills, and drug use. In addition to the cognitive-behavioral foundation, the program also incorporated a number of other program elements with empirical or anecdotal support in reducing recidivism, including employment assistance, housing assistance, drug education and relapse prevention, development of a release plan, practical skills training, and release documentation that included identification and insurance coverage.

For the Greenlight intervention, the R & R program was modified in three important ways:

- The intervention period was shortened to eight weeks from four to six months.
- Class sizes were increased to 26 participants from the recommended eight to 10.
- Additional modules were incorporated, as outlined above.

As a result, the program can be considered more intensive than the standard formulation, and the compressed time frame and increased class sizes likely make it more diffi-

cult to deliver effectively. However, the restructured program's appeal should be obvious: more individuals can participate with the potential for sizeable reductions in cost.

The original assessment of Greenlight's effectiveness evaluated the combined rate of arrests and parole revocations 12 months after subjects were released from a correctional facility. In our re-assessment, we looked at a longer follow-up period of 30 months, and reanalyzed the outcomes by the risk of the study participants. Principles of correctional intervention suggest that programming should be reserved for medium- and high-risk inmates, so it is plausible to think that the intervention might have differential effects by the risk level of the participants, with medium- or high-risk individuals showing some benefits.

Evaluation Design

The treatment group consisted of the 345 individuals transferred to the pilot facility and participating in the Greenlight intervention before release (GL). A second group of 278, who were also transferred to the pilot facility but assigned to the N.Y. Department of Corrections Transitional Services Program (TSP), constituted our primary control group. A third group met the criteria for participation, but these inmates were not transferred to the pilot facility due to space limitations. They were released directly from upstate facilities (UPS) and received no prerelease programming. The assignment process constitutes a relatively rigorous research design but has been described extensively elsewhere, so we do not discuss it here.⁵

Because both the GL and TSP groups were transferred to the pilot facility and had similar experiences with the

exception of the programming, we largely expected the intervention to account for any differences in outcomes. However, the UPS group deserves a short discussion because we can speculate that the effects could run in two different directions. To the degree that prerelease programming has net positive benefits, and UPS received no programming, we might expect the GL group (and to some degree, the TSP group) to do better. However, to the degree that the forced transfer and coerced participation in the program right before release might be disruptive and otherwise negatively experienced without achieving a therapeutic effect, we might expect the UPS group to do better than both GL and TSP.

Reconsidering the Evidence

The evaluation of Project Greenlight followed-up with inmates one year after they were released. At that time, the investigators' analysis found significant negative outcomes associated with the intervention — the GL participants had more arrests and parole revocations than either the TSP and UPS groups. In this reanalysis, we look at outcomes at 30 months and examine them by the participants' risk level. (See sidebar: Developing the Risk Instrument.)

Results by Risk Level

In Exhibit 1, we show the percentage of participants who were living in the community at 30 months and had not been rearrested.⁶ Within each group, we examine the percentages by risk level. The data for the full sample, shown on the first row of the table, are consistent with the results of the one-year evaluation. Participants in the GL group had the highest recidivism rate, with less than half (47.5 percent with no rearrest) still in the community at 30 months. The difference of nearly 20 percentage points between it and

Developing the Risk Instrument

We developed our risk instrument from data on individual attributes that have been strongly associated with criminal recidivism.¹ Our data include numerous measures of criminal history such as current offense; numbers of misdemeanor and felony arrests and convictions; bench warrants; and database indicators for drugs, weapons and firearm offenses. Standard demographic data such as age, race/ethnicity and educational level, as well as some information on substance use were contained in the data files originally provided by the New York State Department of Correctional Services. We estimated a number of different models for constructing a risk scale. In doing so, we paid special attention to the literature on the predictors of offender recidivism, but we also tested all of the variables available to us and considered their potential meaning for respondent outcomes.

Following Gottfredson and Snyder, we used logistic regression to

obtain unstandardized coefficients for variables that predicted new arrests.² Variables that were statistically associated included prior parole revocations, prior felony arrests, bench warrant indicators, substance use measures, release age and borough of release.³ We included borough of release because it could potentially indicate opportunities and networks available to individuals recently released from prison. Given the lack of dynamic risk predictors (i.e., predictors amenable to change, such as antisocial attitudes and peer associations, substance use, poor social control/impulsivity, family environment, and education/employment), geographic location may be the next best thing because it suggests neighborhood characteristics such as employment opportunities, living arrangements and exposure to pro-social peers. Once our scale was constructed, we defined three risk levels for sample size reasons, but rather than simply dividing the scale into thirds, we selected the bottom 30 percent as "low risk," the top 30 percent as "high risk," and the middle 40 percent as "medium risk."⁴

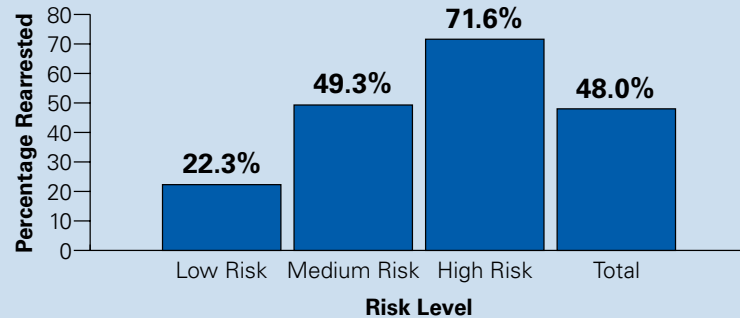
Exhibit 1. Percent of Participants Without a Rearrest After 30 Months

	Greenlight	TSP	UPS
Risk Level	(N = 345)	(N = 278)	(N = 113)
Total Sample	47.5	51.8	66.4**
Low-Risk	80.4	70.0^	86.4
Medium-Risk	44.0	51.7	69.0**
High-Risk	23.7	33.8*	32.1

Note: All comparisons of statistical significance are with the GL group.
 ^ p < .10; * p < .05; ** p < .01

Figure 1 is a very basic illustration of how well our risk instrument discriminates between those classified as low, medium and high risk. A 27 percentage point difference distinguishes the difference between low and medium risk, and a 22.3 percentage point difference exists between medium and high risk. The degree of discrimination across risk categories for any arrest is statistically significant. To our knowledge, no one has established specific criteria for what constitutes low-, medium- and high-risk offenders, but we believe our scale represents, to a reasonable degree, these conceptual categories.

Figure 1: Assessing the Risk Scale: Rearrest by Risk Level of Study Participants



Note: Drawn from Figure 1b in Wilson and Zozula, "Risk, Recidivism and (Re)Habilitation: Another Look at Project Greenlight," *The Prison Journal* (forthcoming, 2012).

Notes

1. See, e.g., Andrews, D.A., Ivan Zinger, Robert D. Hoge, James Bonta, Paul Gendreau, and Francis T. Cullen, "Does Correctional Treatment Work? A Clinically Relevant and Psychologically Informed Meta-Analysis," *Criminology* 28 (1990): 369-404. Andrews, D.A., and James Bonta, *The Psychology of Criminal Conduct*, 4th Edition, Cincinnati, OH: Anderson Publishing (2006). Gendreau, Paul, Tracy Little, and Claire Goggin, "A Meta-Analysis of the Predictors of Adult Offender

Recidivism: What Works!" *Criminology* 34 (1996): 575-608.

2. Gottfredson, Don M., and Howard M. Snyder, *The Mathematics of Risk Classification: Changing Data into Valid Instruments for Juvenile Courts*, OJJDP Report, Washington, D.C.: Office of Juvenile Justice and Delinquency Prevention, July 2005, NCJ 209158, available at <https://www.ncjrs.gov/pdffiles1/ojjdp/209158.pdf>.
3. Educational level and race/ethnicity were not included because they

were not predictive in any of the models tested and because the use of race/ethnicity variables in such scales raises ethical concerns.

4. As one might expect, whether we divided our risk levels into thirds, quartiles or some other grouping made little difference. We ultimately decided on the 30-40-30 distribution in order to capture those who were at slightly lower and slightly higher risk, but in practical terms, other divisions did not yield different results.

the UPS group (66.4 percent with no rearrest) is statistically significant.

However, recidivism rates vary depending on risk level. The "risk principle" suggests that the most intensive programming should be reserved for medium- and high-risk offenders, but it is the low-risk offenders who appear to benefit most from the GL program. In contrast, high-risk TSP participants were more likely to avoid rearrest than high-risk GL participants.

Individuals in the UPS group were less likely to be arrested again

compared with either GL or TSP participants for every risk level except high, in which results for UPS and TSP participants were similar. Further, despite the lack of statistical significance (largely due to inadequate statistical power due to small sample sizes), most of the contrasts suggest reasonable reductions in recidivism. The 25 percentage point difference between medium-risk GL and UPS (44 percent to 69 percent) offenders is substantial. The question is, how do we explain these differences and what are the implications for correctional programming?

Making Sense of the Results

A number of explanations are possible for the results we present here. The most obvious is that the research design was flawed and that individuals who are more prone to crime were differentially assigned to each of the three groups — in short, the GL group has more high-risk participants than the TSP group, which has more than the UPS group. Although some differences in risk levels are evident, the strength of the research design and multivariate analyses with controls suggest that demographic and criminal history

differences don't account for the differences in recidivism rates. We also affirm that attrition is not at issue: All individuals assigned to the treatment group completed the mandatory GL programming and were followed for the full period after release.

In the initial evaluation, discussions about the negative effects associated with the GL program centered on program design and implementation. The new results suggest a mismatch between the structure of the GL program and the population to which it was delivered.

Several factors support this conclusion. First, speculation about poor program implementation was bolstered by evidence that certain GL case managers accounted for nearly all of the negative program effects reflected in the original one-year follow-up figures. Such differences would suggest problems with the delivery of the program. However, in the most recent assessment of the data, variation among case managers shows much smaller differences across the board.

In addition, if the program were poorly structured or poorly delivered, it seems reasonable to think that the negative effects of the program due to problems with implementation would apply to all risk levels. At the very least, one might expect the lowest risk individuals to be most negatively affected if the program had been poorly structured or poorly delivered. However, in this case, the lowest risk individuals don't exhibit the same negative effects as the medium- and high-risk offenders when the comparison is between GL and TSP.

So what can explain our findings? We would argue that the 30-month findings show low-risk individuals are the most amenable to the inten-

sity of the Greenlight intervention. By definition, low-risk individuals are likely to be less impulsive, have better attention spans, better cognitive skills, better social skills and better verbal ability — in short, they are more likely to have the skills that serve one best in a classroom environment. Thus, it seems reasonable to think they would be better situated to process the more intensive and more compressed intervention that Project Greenlight provided.

Why would the medium- and high-risk individuals do so much more poorly with Greenlight? Perhaps, just as low-risk individuals possess the attributes that make them more suited for such intensive and compressed programming, medium- and high-risk individuals are more likely to possess traits that make them less suitable. The risk principle holds that the most intensive programming should be reserved for those who are at medium-to-high risk. However, treatment programs should be delivered in a style and mode consistent with the ability and learning style of the offender (the responsivity principle). As we have already noted, the GL intervention might be considered "very" intensive given its compressed delivery time, increased class sizes and additional program elements. This intensive programming, however, may not have been clinically appropriate. With high-risk offenders, programming can initially engender more resistance, creating anger, resentment and frustration at being forced to participate.⁷ Wilson and Davis⁸ noted that "if the intervention is not of sufficient length for a therapeutic effect to be realized, offenders may be released directly to the community still suffering the ill effects of coerced programming" rather than its intended therapeutic effects. In other words, the program might just be too short for intervening with high-risk offenders.

The other major question is why the UPS group, released directly from prison with no prerelease programming whatsoever, did so well, compared not only with the TSP group, but also to the GL group. For lack of a more plausible explanation at this point, one must consider the possibility that transferring individuals right at the end of their incarceration and coerced programming might be detrimental to their well-being. To the degree that inmates form social bonds and networks, are embedded within a specific community and a stable institutional life, and have some semblance of control over their lives, an involuntary transfer to another facility, with coerced programming to follow, may be disruptive and counterproductive. A diverse literature suggests that situations and events that create stress, especially those that generate a sense of powerlessness such as involuntary moves, can negatively impact a host of life outcomes, including recidivism. GL program designers assumed that transferring individuals to an institution in their home community right before release would help them in the prerelease planning process, especially in connecting participants to community-based service providers. Our data suggest that prison transfers or coerced programming just before release, or some combination of the two, might be counterproductive in significant ways.

Lessons for the Future

We believe the patterns of success between the three different groups across the different risk levels suggest important considerations for correctional program developers. It seems clear in hindsight that the GL developers failed to consider several important principles of effective correctional programming despite drawing from that literature.

One of the most important failures was to ignore participants' risk levels. Despite the notion that the most intensive interventions should be reserved for medium- and high-risk individuals, a notion that is intuitively and theoretically sound, our analysis suggests that some intensive interventions, especially those that are compressed into a very short time frame, may not be suitable for such offenders. They simply may not be capable of processing large amounts of material in such a compressed period of time. The structure of the GL program seems to have been much more suitable for the abilities of those at lowest risk. The positive performance of the low-risk group also suggests that such condensed programming has potential for rehabilitative efforts with such individuals.

We also note that our findings may not be too disparate from other segments of the literature regarding correctional interventions. At least one meta-analytic review reports that results from evaluations of the R & R program show positive effects for both low- and high-risk offenders, with slightly stronger effects for low-risk offenders, although differences between the two groups are not statistically significant.⁹ In this case, the more condensed "intensive" program might still have yielded positive effects for low-risk inmates, but exceeded the tipping point for what is suitable for medium- and high-risk individuals.

Our analysis also raises questions about the wisdom of forced transfers and coerced programming

immediately before release. Despite the potential benefits of connecting offenders to local service providers, disrupting social networks and existing routines, and creating or heightening any number of negative emotional states may be counterproductive, especially if sufficient time isn't allotted to counteract the more negative effects. At the very least, we think this explanation for the worse outcomes of the GL and TSP groups compared with the group that was not transferred is plausible and that these issues warrant a harder look.

About the authors: James A. Wilson is the senior program officer at the Russell Sage Foundation. Christine Zozula is a graduate student of sociology at the University of Connecticut.

NCJ 235890

Notes

- Latessa, Edward J., "Improving the Effectiveness of Correctional Programs Through Research," *Institute for Excellence in Justice Seminar* (2008). http://www.drc.state.oh.us/web/iej_seminars.htm (accessed August 4, 2011).
- Andrews, Don A., "Enhancing Adherence to Risk-Need-Responsivity: Making Quality a Matter of Policy," *Criminology and Public Policy* 5 (2006): 595-602. Cullen, Francis T., and Paul Gendreau, "Assessing Correctional Rehabilitation: Policy, Practice, and Prospects," in *Policies, Processes, and Decisions of the Criminal Justice System*, vol. 3, ed. J. Horney, Washington, DC: U.S. Department of Justice, 2000, NCJ 185530.
- Barnoski, Robert, *Outcome Evaluation of Washington State's Research-Based Programs for Juvenile Offenders*, Olympia, WA: Washington State Institute for Public Policy, 2004. <http://www.wsipp.wa.gov/pub.asp?docid=04-01-1201> (accessed August 8, 2011). Lowenkamp, Christopher T., Edward J. Latessa, and Paula Smith, "Does Correctional Program Quality Really Matter? The Impact of Adhering to the Principles of Effective Intervention," *Criminology and Public Policy* 5 (2006): 575-594.
- Ritter, Nancy, "No Shortcuts to Successful Reentry: The Failings of Project Greenlight," *Corrections Today* 94 (December 2006): 94-97. Wilson, James A., "Habilitation or Harm: Project Greenlight and the Potential Consequences of Correctional Programming," *NIJ Journal* 257 (2006): 2-7. Wilson, James A., and Robert C. Davis, "Good Intentions Meet Hard Realities: An Evaluation of the Project Greenlight Reentry Program," *Criminology and Public Policy* 5 (2006): 303-338.
- Brown, Brenner, Robin Campbell, James A. Wilson, Yury Cheryachukin, Robert C. Davis, Jean Dauphinee, Robert Hope, and Kajal Gehi, *Smoothing the Path From Prison to Home*, Final report to the National Institute of Justice, grant number 2002-RT-BX-1001, April 2006, NCJ 213714, available at <https://www.ncjrs.gov/pdffiles1/nij/grants/213714.pdf>.
- Simple percentages like this may be complicated by the differences in time spent at risk in the community. If one group has more time at risk, it might have higher percentages of rearrest. All participants had at least 30 months at risk and we censored all cases at 30 months. In doing so, we essentially controlled for differences in time at risk in the community that might account for differences in rearrests.
- Porporino, Frank, and Elizabeth Fabiano, *Reasoning and Rehabilitation Revised: Theory and Application*, Ottawa, Ontario, Canada: T3 Associates (2000).
- Wilson and Davis, "Good Intentions Meet Hard Realities: An Evaluation of the Project Greenlight Reentry Program," *Criminology and Public Policy* 5 (2006): 303-338.
- Tong, L. S. Joy, and David P. Farrington, "How Effective Is the 'Reasoning and Rehabilitation' Programme in Reducing Reoffending? A Meta-Analysis of Evaluations in Four Countries," *Psychology, Crime and Law* 12 (2006): 3-24.



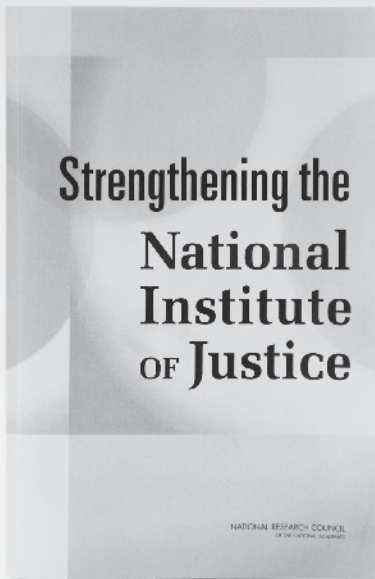
Learn more about Project Greenlight and its evaluation at <http://www.nij.gov/journals/257/habilitation-or-harm.html>.



Listen to Edward Latessa talk about evidence-based knowledge in corrections: <http://www.nij.gov/multimedia/presenter/presenter-latessa>.



Read about cognitive-behavioral therapy at <http://www.nij.gov/journals/265/therapy.htm>.



Strengthening NIJ: Mission, Science and Process

by John H. Laub

NIJ endorses the basic principles laid out in the National Research Council's evaluation of the Institute and has already started to implement policies and procedures that address many of the recommendations.

On June 20, 2011 — the first day of our annual conference — the National Institute of Justice (NIJ) released its response to recommendations made by the National Academy of Sciences' National Research Council ("NRC report"). Our response serves as NIJ's blueprint for ensuring that we remain the nation's leader in crime and justice research.

I have been at NIJ's helm since July 2010, and during my brief tenure, I have tried to reinvigorate the Institute's dual mission: to generate knowledge through research that is scientifically rigorous and to disseminate that knowledge in ways that are useful to policymakers and practitioners, such as police, prosecutors, judges, correctional officials and

victim advocates. Indeed, one of the ways that NIJ will meet its mission is through "translational criminology," which was the theme of this year's annual conference. (See sidebar, *What Is Translational Criminology?*)

The NRC report, *Strengthening the National Institute of Justice*, offered recommendations for NIJ's continued improvement and growth. In its response, NIJ agreed with the basic principles that underlie the NRC recommendations:

- Enhance independence and self-governance.
- Cultivate elements that are essential for a science agency.
- Bolster the nation's research infrastructure.

- Foster scientific integrity and transparency.
- Achieve a culture of self-assessment.

There is no doubt that NIJ must develop an integrated, cutting-edge research agenda that brings together the agency's three bedrock sciences — the social, forensic and physical sciences. But achieving this will require a more visionary understanding of the issues that are going to be most important in the future. NIJ simply cannot fund research on every public safety and justice issue that our country faces. Rather, we must focus on building a cumulative know-

ledge base that is of the greatest value to our key stakeholders in the research and practitioner communities, to our federal partners, and to Congress.

Independence and Governance

One of the issues that NRC explored in its report is whether NIJ can maintain its independence as a science agency while residing within the Justice Department's Office of Justice Programs (OJP).

In our response, NIJ, without reservation, affirmed the importance of securing and sustaining the independence and authority necessary to

We must focus on building a cumulative knowledge base that is of the greatest value to our key stakeholders in the research and practitioner communities, to our federal partners, and to Congress.

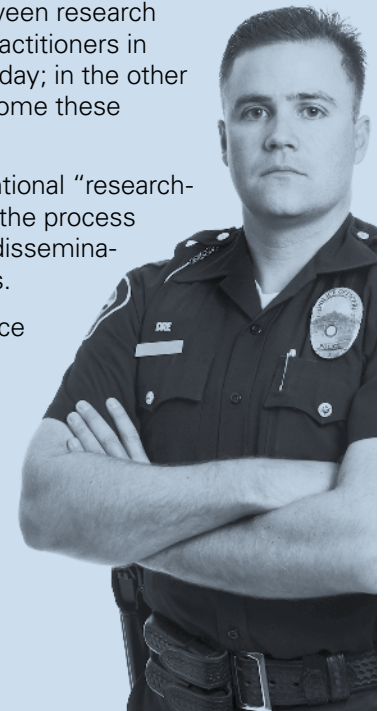
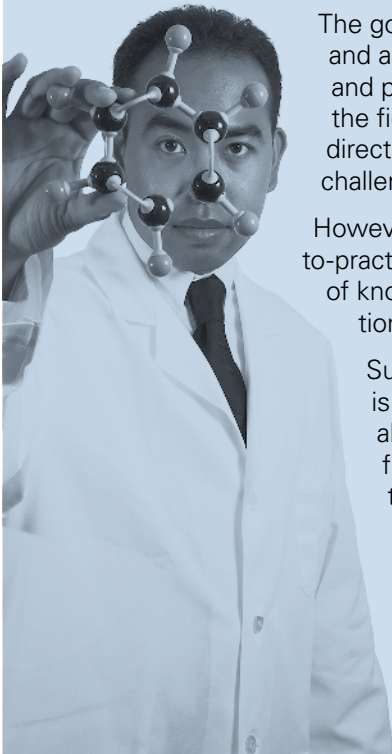
What Is Translational Criminology?

The theme of this year's National Institute of Justice (NIJ) annual conference was "Translational Criminology: Shaping Policy and Practice With Research." The idea of translational criminology is simple, yet powerful: If we want to prevent, reduce and manage crime, we must be able to translate scientific discoveries into policy and practice. Indeed, this guiding principle lies at the heart of NIJ's response to a number of the National Research Council's recommendations.

The goal of translational criminology is to break down barriers between basic and applied research by creating a dynamic interface between research and practice. This is a two-way street: In one direction, practitioners in the field describe challenges they face in their jobs every day; in the other direction, scientists discover new tools and ideas to overcome these challenges and evaluate their impact.

However, translational criminology goes beyond the conventional "research-to-practice" idea. It does this through a systematic study of the process of knowledge dissemination, recognizing that successful dissemination of research findings may require multiple strategies.

Successful dissemination also requires that the evidence is implemented correctly. In other words, it is not just about finding evidence that something works; it is figuring out why it works and how to implement the evidence in real-world settings. Moreover, this facet of translational criminology places a priority on applicability — that is, on research with the potential for real-world implementation, something that is especially attractive in an era of limited resources.



NIJ is committed to making investments in the “infrastructure” of the criminal justice research community.

fulfill its mission. NIJ currently supports NRC’s recommendation that the agency remain within OJP, but, as we stated in our response, we intend to revisit this position in a few years if the independence and authority that we require to be a premiere science agency is not forthcoming.

In the meantime, NIJ is pursuing important statutory and policy changes in four areas: appropriations and budget, grant-making and acquisitions, publication and dissemination, and functional support operations. We are currently drafting language to change NIJ’s governing statute to:

- Establish qualifications for the NIJ Director’s science and research experience.
- Make the appointment of the NIJ Director a six-year term.
- Clarify “independence” in key aspects of NIJ’s work, particularly commissioning research and publishing and disseminating research findings.

NIJ is also re-examining its peer review process to ensure a level of independence that reflects the best interests of science, including, where appropriate, departing from OJP policies on peer review.

Strengthening the Science Mission

The NRC report argues that a successful research enterprise depends on a multi-year strategic plan that establishes research priorities and articulates a path for developing a body of cumulative knowledge.

Strategic planning should clearly describe how individual research programs are initiated, sustained and culminated, and should include the commitment of resources to make the plan work. A strategic plan for research should clearly convey the agency’s priority areas for funding and should have several essential components: generating knowledge, building and sustaining the research infrastructure, supporting the adoption of research evidence in practice and policy, and disseminating knowledge through innovative communication channels.

To strengthen NIJ’s science mission, each division within NIJ’s Office of Research and Evaluation (ORE) is engaged in a planning process that focuses on high-priority research areas that the agency could pursue over the next three to five years. To support this effort, ORE has already convened topical working groups of leading experts on crime prevention (Oct. 2010), gangs (Feb. 2011) and neighborhoods and crime (April 2011). Summaries of these meetings will be posted on our website, NIJ.gov.

After recent strategic planning sessions, NIJ’s Office of Investigative

Death Investigation: A Guide for the Scene Investigator, Technical Update

Death investigators are the eyes and ears of the forensic pathologist at the scene. NIJ has recently updated the classic 1999 edition of *Death Investigation: A Guide for the Scene Investigator*.

The technical update, released in June 2011, reflects changes in technology since the *Guide* was originally published, such as GPS use and advances in technology for identifying decedents.

- ▶ Publication is currently available on NIJ.gov. Keyword: Death Scene.



and Forensic Sciences issued a basic research solicitation for fiscal year 2011 to supplement our applied research program. We also added “new investigator” qualifications to encourage proposals from researchers in the life and physical sciences, and incorporated a component to evaluate the effectiveness of training in the forensic sciences.

To further strengthen its science mission, NIJ’s Office of Science and Technology has restructured the National Law Enforcement and Corrections Technology Center (NLECTC) system to better align it with NIJ’s physical and forensic sciences programs. This was accomplished principally through the establishment of competitively awarded technology centers of excellence (COEs), each of which is directly aligned with one or more of NIJ’s technology investment portfolios, such as forensics, communications and corrections technology.

These are NIJ’s first steps — with more coming — to ensure that the NLECTC system better supports NIJ’s science mission.

Illustrations of Processes to Strengthen Science

In an effort to strengthen science across the Department of Justice and to avoid duplication, NIJ recently launched partnerships with:

- The Bureau of Justice Statistics, to explore mining police data for statistical and research purposes, an issue that is crucial to developing and evaluating innovative policing practices.
- The Bureau of Justice Assistance, to collaborate on a multi-site field test of Hawaii Opportunity Probation with Enforcement (HOPE), an innovative strategy that emphasizes “swift-and-sure”

sanctions for probation violations and has shown promising decreases in recidivism.

- The Office for Victims of Crime and the Office on Violence Against Women, to examine issues surrounding untested evidence in sexual assaults.

NIJ’s online repository of final research reports and its support of the world’s largest archive of computer-readable social science data continue to be well-respected.

- The Justice Department’s Access to Justice Initiative, to explore a wide range of issues regarding indigent defense.
- The Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking, to do research on sex offending.

Another move to strengthen science in the agency concerns the new OJP-wide Science Advisory Board (SAB). After its first meeting in January 2011, the SAB created an NIJ subcommittee, which will provide independent guidance as NIJ works to strengthen its science mission. The subcommittee will help prevent duplication and encourage the pooling of resources and expertise.

After its initial review of the subcommittee’s composition, NIJ suggested the addition of three members to represent the physical and forensic sciences. In a few years, we plan to revisit the issue of whether or not NIJ should have its own, separate advisory board.

NIJ’s Capacity-Building Programs

The NRC report said that NIJ’s capacity-building programs — those designed to increase the productivity of our nation’s public crime laboratories — are not consistent with a science mission. Although the NRC specifically cites only the forensic capacity-building program, NIJ understands that the critique also extends to all of the agency’s technical assistance programs that operate through the NLECTC system.

Upon releasing its response to the NRC recommendations, NIJ began negotiations to transfer management of the Paul Coverdell Forensic Science Improvement Grants Program to the Bureau of Justice Assistance. In the meantime, NIJ has also begun a review of other capacity-building activities in forensics and technology; I expect that decisions on whether these programs should continue to be managed by NIJ will be made later this year.

It is important to note that, beyond the Coverdell program in particular, the link between building a stronger science mission and managing capacity-building programs is ambiguous. On the one hand, for example, if a science agency supports capacity-building or technical assistance programs that have not been rigorously evaluated or are not a part of ongoing research or evaluation, the agency’s commitment to scientific principles and the integrity of its scientific processes may be called into question. An example

of this would be awarding capacity-building funds to forensic laboratory practitioners who adopt practices or policies that have not been evaluated or are not the subject of an ongoing, rigorous research or evaluation effort.

However, there are synergies between the Institute's research and development mission and its capacity-building and technical assistance programs. Having these programs located in a single agency allows research to inform decisions about the expenditure of capacity-building funds more seamlessly through a scientific identification of the field's most pressing needs and the development of evidence-based responses.

NIJ is currently examining all of the ramifications of this issue and will lay out a strategy in the near future.

Bolstering the Research Infrastructure

Despite decreasing fiscal resources, NIJ is committed to making investments in the "infrastructure" of the criminal justice research community. A few examples include fellowship grants, awards to young scholars, and the agency's data archive and secondary data analysis program.

NIJ plans to expand the Graduate Research Fellowship program to encompass a wider range of social, physical and forensic sciences and to re-establish our outreach to graduate programs at colleges and universities, including a focus on minority students and Historically Black Colleges and Universities. And I'm excited to report that NIJ's Visiting Fellows program will now include short-term residencies for senior criminal justice practitioners and policymakers, and the possibility of shared fellowships with other federal science agencies. In July

and August 2011, NIJ hosted Jim Bueermann, who recently retired after serving as police chief for many years in Redlands, Calif., as its first Executive Fellow.¹

NIJ will continue to provide important social, physical and forensic science research to help our stakeholders make the best decisions possible about criminal justice policies and practices.

NIJ's online repository of final research reports and its support of the world's largest archive of computer-readable social science data continue to be well-respected. Archiving data and making them available to other scientists contribute to increased transparency and extending research to the field so that findings can be replicated.

Enhancing Transparency and a Culture of Self-Assessment

Increasing scientific integrity and the transparency of operations is an ongoing challenge for any science agency. In June, NIJ announced the inauguration of standing peer review panels. These panels (with rolling, multi-year appointments of reviewers) will provide a stronger review of grant proposals, including greater consistency of solicitation reviews over successive years. And, as at

the National Institutes of Health and other federal science agencies, the membership on the panels will be a matter of public record, which increases transparency and safeguards against bias and conflicts of interest. (See "Improving NIJ's Peer Review Process: The Scientific Review Panel Pilot Project," page 22.)

The Institute is also taking steps to strengthen its data-archiving system, including the partial withholding of grant funds to encourage submission of final reports and other deliverables and adding a requirement that all grant applications include a data-archiving strategy.

The NRC report recommended that NIJ better measure the influence of its research on its stakeholders' practices — determining how NIJ-funded research affects the nation's police departments and crime laboratories, its corrections professionals and prosecutors and crime-victim advocates, for example. I agree. And, because I believe that such a culture of self-assessment begins with a willingness to measure return-on-investment in terms of clearly established goals, NIJ is developing new processes for routine program reviews of each of its research portfolios.

In the end, however, it is important to understand that NIJ's current level of funding allows the agency to fulfill only a small portion of its congressionally mandated mission. Funding realities have, in essence, led to the sacrifice of long-term, cumulative knowledge-building in the interest of a broad "buffet" of research and other projects. NIJ aspires to the model envisioned by NRC for a more ambitious agency, but we, like every other public-sector agency, must be mindful of our fiscal reality — a reality in which funding for

criminal justice research fails to match the widespread and persistent challenges of preventing crime, managing offenders and enhancing justice. That said, NIJ will continue to provide important social, physical and forensic science research to help our stakeholders make the best decisions possible about criminal justice policies and practices.

About the author: John H. Laub is the Director of the National Institute of Justice.

NCJ 235891



Read NIJ's response to NRC's recommendations at <http://ncjrs.gov/pdffiles1/nij/234630.pdf>.

Visit NIJ's repository of final research reports and other publications at <http://www.ncjrs.gov>.

Visit the data archive at <http://www.icpsr.umich.edu>.

Note

1. Visiting fellows who received funding from the fiscal year 2011 solicitation were not announced as this issue goes to press. Check the Funding pages at NIJ.gov for the lists of awards.

NamUs Receives Public Service Award

The National Missing and Unidentified Persons System (NamUs) team was awarded a 2011 Samuel J. Heyman Service to America Medal ("Sammie") by the nonprofit and nonpartisan Partnership for Public Service. NamUs received the award in the Justice and Law Enforcement category.

The Partnership for Public Service presents Sammies annually to America's devoted federal workers to honor their commitment and innovation, as well as the impact of their work on addressing the needs of the nation.

Honorees are recognized for contributions that improve the health, safety and well-being of Americans.

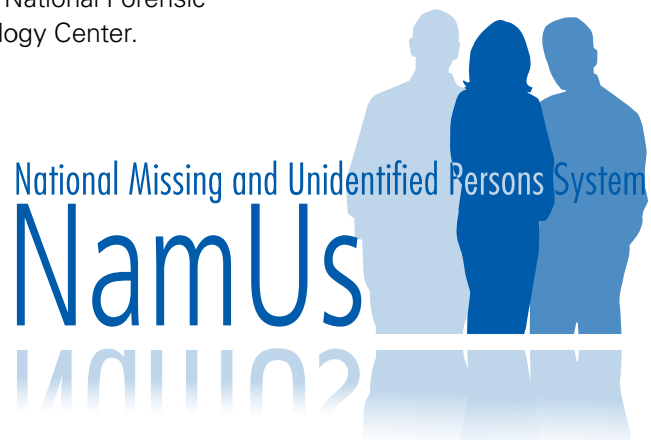
Launched in 2009, NamUs is an online repository for missing persons and unidentified decedent records. It offers searchable databases to medical examiners, coroners, law enforcement officials and the general public.

NamUs is funded by NIJ and operated by the National Forensic Science Technology Center.

► To learn more about NamUs, visit <http://www.namus.gov>.

► For additional information about the Samuel J. Heyman Service to America Medals, go to <http://servicetoamericamedals.org/SAM/index.shtml>.

► Read about how NamUs has helped agencies solve cases at <http://www.nij.gov/journals/264/solving.htm>.





Improving NIJ's Peer Review Process: The Scientific Review Panel Pilot Project

by Thomas E. Feucht and Phyllis Newton

NIJ is piloting a new grant application peer review process with standing panels designed to improve the consistency, fairness and transparency of peer review at the Institute.

Two key events in the “life course” of the National Institute of Justice occurred in 2010. In June, the National Research Council (NRC) released its evaluation of NIJ, *Strengthening the National Institute of Justice*; and in July, John Laub became the Director of NIJ — the first NIJ director to have a Ph.D. in criminal justice.

The release of the evaluation and Laub's appointment put NIJ in a good position to reinvigorate its science mission, one of NRC's core recommendations.¹

NRC noted the need for NIJ to do a better job in its research program development and planning and to

put in place more rigorous processes and policies related to research. Perhaps no operational issue drew more attention than the peer review of applications for research grant awards. Citing serious concerns about NIJ's current peer review processes, NRC's evaluation called for significant improvements in how peer review is conducted in order to safeguard the science and to ensure a fair, transparent and competitive process for making research grants.

Peer review lies at the heart of grantmaking. It guarantees an independent assessment of the scientific merit of the proposed research. Rigorous, fair and

transparent reviews by external scientific reviewers help ensure that the competitive grant process works as it should, that the best science gets funded, and that standards of scientific excellence are consistently applied to all grant applications.

Peer Review in the Past at NIJ

For more than two decades, NIJ's peer review process involved assembling small committees (usually three or four reviewers) for each review cycle — a typical way to conduct anonymous peer reviews. But because the panels were selected anew each year, problems could arise with consistency from one year to the next. Applicants who were offered an opportunity to revise and resubmit, for example, had their applications reviewed the second time by a completely different panel. In addition, assembling a committee could be challenging when deadlines were short.

The NRC's evaluation characterized NIJ's peer review as "very weak," and urged the Institute to look to other science agencies, like the National Science Foundation and the National Institutes of Health, for good peer review models.

NIJ took the recommendation to heart and has begun a pilot program to strengthen its review processes.

Peer Review in the Future at NIJ

Starting in the review cycle for fiscal year 2012, NIJ will establish a total of five Scientific Review Panels in the following topic categories:

- Criminal justice systems
- Violence and victimization

- Forensics (two panels)
- Science and technology

Each panel will consist of 12 scientists and six practitioners. Scientific members will serve for overlapping three-year terms to provide continuity, consistency and experience. Practitioner members will serve one-year terms. The panelists, recognized authorities in their field, will be nominated by other researchers and practitioners. Final selection will be made by the appropriate NIJ Office director. The names of the panelists will be posted following the announcement of grant awards on NIJ.gov.

Rigorous, fair and transparent reviews by external scientific reviewers help ensure that the competitive grant process works as it should.

NIJ anticipates the need to include ad hoc panelists who can review applications that require specialized expertise. Some solicitations, for example, are likely to generate proposals for research in narrowly defined areas of study, such as some engineering and biological sciences. In such cases, NIJ will invite ad hoc members with applicable expertise to serve on the Scientific Review Panels. In most cases, ad hoc members will serve for a single review cycle.

Steps in the Review Process

NIJ's grant application review process can be summarized into four major steps. The members of NIJ's pilot Scientific Review Panels will be involved in two of the four steps:

Step 1. NIJ staff will verify that applications meet the basic minimum requirements (BMR) as stated in the solicitation. BMR verification is conducted to ensure that the documents necessary for effective scientific review are included in the application. As a rule, an application that includes a program narrative, a budget narrative, a budget detail worksheet and curriculum vitae for key personnel will meet BMR.

Step 2. Each application will be read by three members of a Scientific Review Panel (the lead and two co-leads) who will assess the application's technical merit and write narratives of their reviews. They will give each application a response of "forward to the full panel" or "do not forward to the full panel" based on scientific merit, including such factors as statement of problem, project design and implementation, capabilities/competencies, budget, impact/outcomes and evaluation, and dissemination strategies.

Step 3. All 18 members of a Scientific Review Panel will have the opportunity to review every application and participate in the consensus review. Panels will meet for two or three days once a year, during the same week every year. For each forwarded application, the lead and co-lead reviewers will give a brief overview, present their scores, outline the strengths and weaknesses, and lead the discussion. Following the discussion, each panelist will score the applications using a written ballot.

Step 4. NIJ staff will receive and review the scores and narrative written by the lead and co-leads. The staff will then make recommendations to the Director, who will make final decisions based on the scores as judged by the reviewers, how the proposed projects fit into NIJ’s priorities and research agendas, and the availability of funding.

Scoring the Applications

At the meeting of the full panel, each panelist will have an opportunity to discuss the application and the lead and co-leads’ narrative before giving the application an overall score for quality.

Scores will be based on a 5-point scale from 5 (excellent) to 0 (poor), in which intermediate values are treated as equal intervals on the scale.

Score Range	Adjectival Equivalent
4.5 to 5.0	Excellent
3.5 to 4.0	Good
2.5 to 3.0	Acceptable
1.5 to 2.0	Minimally Acceptable
0 to 1.0	Poor

The Scientific Review Panel’s overall score for each application will be a consensus. The panel therefore must resolve disparities that arise among reviewers’ overall scores. If a difference of opinion remains, a minority report will be written and submitted to NIJ.

Avoiding Conflicts of Interest

To ensure that reviews of applications for grants are fair and unbiased, both NIJ staff and members of the Scientific Review Panel must give written assurance that their reviews are free of real or perceived conflicts of interest. NIJ staff and members of review panels must declare real or potential conflicts of interest that may arise with respect to specific applications. They will then be recused from discussions associated with those applications.

To ensure transparency of the review process and to aid applicants in developing effective applications, applicants will receive their final scores and written technical reviews.

As Director Laub stated in his response to the NRC report, “At the core of a strong science agency is a rigorous and fair peer review process. All grants, for instance, must be awarded as the result of a fair, open, and competitive peer review process.” NIJ’s new Scientific Review Panels are an important

step toward ensuring that NIJ’s precious research resources are invested in only the best research proposals and that each proposal submitted to NIJ receives a fair and scientifically sound review.

About the authors: Thomas E. Feucht is NIJ’s Executive Senior Science Advisor. Phyllis Newton is the Director of NIJ’s Office of Research and Evaluation.

NCJ 235892

Notes

1. Visit the Director’s Corner on NIJ.gov. Read John Laub’s vision for NIJ in which he emphasizes the need for NIJ to respond fully to the findings and recommendations of the National Research Council’s evaluation of NIJ, <http://www.nij.gov/about/director/strengthening-nij.htm>.

For more information:

- Contact Thomas Feucht, Executive Senior Science Advisor, thomas.feucht@usdoj.gov, 202-307-2949.
- Learn how to nominate a panelist at <http://www.nij.gov/funding/reviews/scientific-review-panels.htm>.

The Fingerprint Sourcebook

The Fingerprint Sourcebook, a comprehensive examination of the science behind fingerprint identification, is quickly becoming the definitive fingerprint resource.

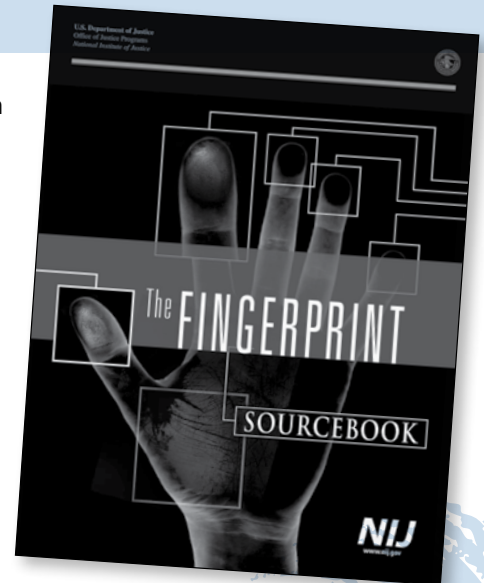
Created by NIJ in cooperation with the International Association for Identification (IAI), *The Fingerprint Sourcebook* consists of 15 chapters covering a wide range of topics including:

- Anatomy and Physiology of Adult Friction-Ridge Skin
- Techniques for Recording Exemplars From Both Living and Deceased Subjects
- The FBI's Automated Fingerprint Identification System
- Latent Print Development
- Preservation and Documentation
- Equipment and Laboratory Quality Assurance
- Perceptual, Cognitive and Psychological Factors in Expert Identifications

Advancing forensic disciplines through quantification and education are top priorities for both NIJ and the IAI, a professional organization founded in 1915 with more than 6,000 members in the United States and abroad.

More than 50 law enforcement and forensic experts worldwide contributed to *The Fingerprint Sourcebook*.

► Publication available in PDF form at NIJ.gov. Keyword: Fingerprint.





Beyond the Prison Bubble

by Joan Petersilia

For decades, America's chief answer to crime has been to put more criminals behind bars for longer. That expensive strategy is yielding diminishing returns. It's time for a closer look at ways of helping ex-offenders steer away from crime.

The announcement last summer that the number of Americans behind bars had increased for the 37th consecutive year in 2009 provoked a fresh round of grim editorializing and national soul-searching. With its prisons and jails now holding more than 2.4 million inmates — roughly one in every 100 adults — the United States has the highest incarceration rate of any free nation. As a proportion of its population, the United States incarcerates five times more people than Britain, nine times more than Germany, and 12 times more than Japan. “No other rich country is nearly as punitive as the Land of the Free,” *The Economist* has declared.

But a highly significant fact went largely unremarked amid the

hubbub: The population of the nation's state prisons, which house all but a relative handful of convicted felons, decreased by nearly 3,000. Although the drop was slight in percentage terms, it was the first since 1972. (State prisons held 1.4 million inmates at the end of 2009 and federal prisons more than 200,000, while the number held in local jails, mostly for minor crimes, averaged about 770,000 over the course of the year, and the majority had yet to face trial.) In California, which has the nation's largest state prison system, with nearly 170,000 men and women behind bars, the prison population fell for the first time in 38 years. The national prison population — including those held in federal facilities — grew by less than one percent, the slowest rate in the last

decade. These changes mean it is very likely that we are seeing the beginning of the end of America's long commitment to what some critics call "mass incarceration."

If that shift does occur, it will not be because the United States has solved its crime problem. In fact, if there were a close correlation between crime rates and incarceration, the prisons would have begun emptying out in the late 1990s, when crime in most of its forms began to decrease.

How did we get here? Soaring crime rates, especially in the inner cities, are the most obvious part of the explanation. From 1960 to 1990, the overall U.S. crime rate increased more than fivefold, the frequency of violent crime nearly quadrupled, and the murder rate doubled. Drug use increased. The upsurge was widely blamed on lenient punishment, particularly for violent repeat offenders. Legislatures responded by passing "get tough" measures, including sentencing guidelines (which required prison sentences for some offenders who in the past might have been put on probation), so-called three-strikes-and-you're-out laws (which mandated prison terms for repeat offenders), mandatory minimum sentences (forcing judges to impose fixed sentences regardless of mitigating factors), and truth-in-sentencing measures (requiring inmates to serve a greater proportion of their imposed sentence before becoming eligible for parole). These policy changes increased both the probability of going to prison if convicted and the length of prison terms.

Many liberal critics, pointing out that two-thirds of those imprisoned in federal and state facilities are African Americans and Hispanics, contended that "mass incarceration" is little more than a reworked

form of racial and social domination — "the new Jim Crow," as Michelle Alexander, a law professor at Ohio State University, put it in the title of her recent book.

But virtually all those who study the matter now agree that imprisonment has reached often counterproductive levels, particularly in the case of drug possession and other nonviolent crimes. The prominent conservative scholar James Q. Wilson, whose book *Thinking About Crime* (1975)

It is very likely that we are seeing the beginning of the end of America's long commitment to what some critics call "mass incarceration."

set the national crime control agenda during the 1980s, recently wrote, "This country imprisons too many people on drug charges with little observable effect." In my travels around the country I have conducted an unscientific survey of prison administrators, and nearly all of them say that 10 to 15 percent of their inmates could be safely released.

What we are seeing today is a growing recognition that our approach to dealing with convicted criminals is simply too costly. Not only is the price too high, but the benefits are too low. The states now spend an estimated \$50 billion on corrections annually, and the growth of these outlays over the past 20 years has outpaced budget increases for nearly all other essential government

services, including transportation, higher education, and public assistance.

California, where I was involved in the corrections system in various capacities under reform-minded governor Arnold Schwarzenegger, pours 10 percent of its massive state budget into correctional facilities. Between 1985 and 2005, it built 21 new prisons — more than one a year. The state's prison population surged, and so did costs: The state spent nearly \$10 billion on corrections last year, or about \$50,000 per prisoner. (The national average is \$23,000.) Now that California is grappling with a budget crisis, it is clear that it cannot continue on this course. The evidence for the rest of the country may be less dramatic, but it is no less clear.

These vast sums are not buying as much as many people think. Mass imprisonment has helped reduce crime rates, but most specialists agree that the effects have been considerably smaller than proponents claim and that we are now well past the point of diminishing returns. Confinement behind bars accounted for at most about a quarter of the substantial decline in crime that occurred during the 1990s (mainly, most researchers believe, by preventing imprisoned offenders from committing fresh crimes against the general public rather than by promoting a deterrent effect).

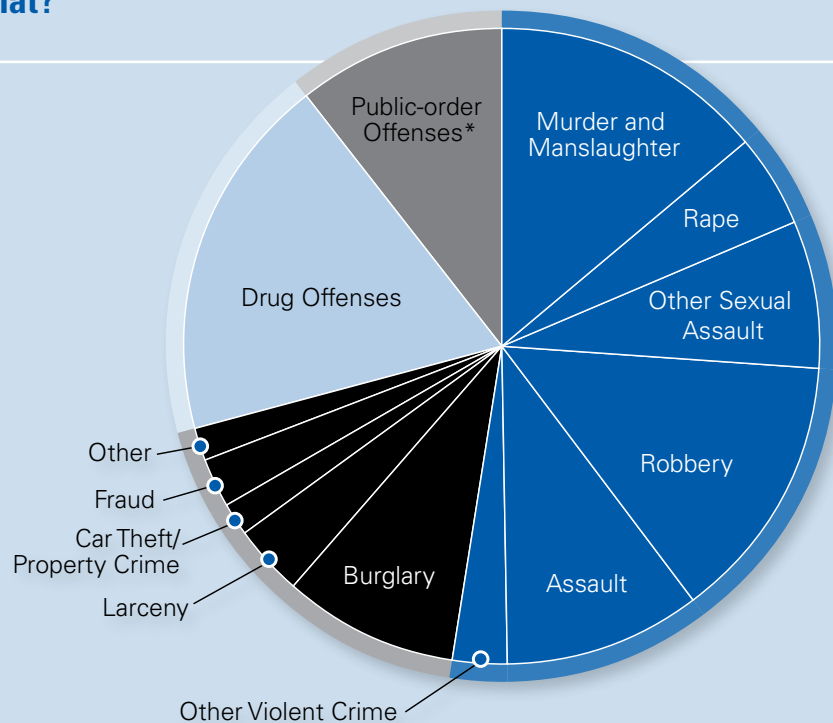
More important, that decline may well be reversed if we don't do a better job of planning for the reentry of prisoners who have finished their sentences. There is a very simple and immutable "iron law of imprisonment": Almost everyone who goes to prison ultimately returns home — about 93 percent of all offenders. (A relative handful die in jail; the rest have life sentences or are on

Who's in Prison, and For What?

Drug offenders now account for about 20 percent of all state prison inmates, up from only 6 percent in 1980. The average prisoner serves 2.5 years. About 38 percent are African-American and 20 percent are Hispanic. About two-thirds lack a high school diploma or possess only a GED. Women are still a small minority (seven percent) of those behind bars but their numbers have grown rapidly.

Source: U.S. Bureau of Justice Statistics

*Includes drunk driving, vice, weapons, and other offenses.



Offenders leaving prison now are more likely to have fairly long criminal records, lengthy histories of alcohol and drug abuse, significant periods of unemployment and homelessness, and a physical or mental disability.

death row.) Although the average offender now spends 2.5 years behind bars, many terms are shorter, with the result that 44 percent of all those now housed in state prisons

are expected to be released within the year. This year, some 750,000 men and women will go home. Many — if not most — will be no better equipped to make successful, law-abiding lives for themselves than they were before they landed in prison.

Today's offenders are different from those of the past. They are still overwhelmingly male (though the female proportion of the population has climbed to 9 percent), African American or Hispanic, and unskilled. But the offenders leaving prison now are more likely to have fairly long criminal records, lengthy histories of alcohol and drug abuse, significant periods of unemployment and homelessness, and a physical or mental disability. Their records are more likely to include gang activities and drug dealing. In short, the average offender today leaves prison at

a greater disadvantage (and more primed for trouble) than his predecessors did. Yet fewer participate in prison rehabilitation and work programs than a decade ago. When I was cochair of California's Expert Panel on Rehabilitation in 2007, the panel found that California spent less than \$3,000 per year, per inmate, on rehabilitation programs, and that 50 percent of all prisoners released the year before had not participated in a single program.

Even as the states were cutting back in-house prison programs most severely, in the decade from 1985 to 1995, Congress and state legislatures were passing dozens of laws closing off many job opportunities to ex-offenders and restricting their access to welfare benefits and housing subsidies. Former inmates are now commonly barred from working in some of the economy's fastest-

growing fields, including education, childcare, private security, and nursing and home health care. Such legal barriers sometimes protect us from dangerous felons, but they also make it hard for men and women who want to go straight to get their feet on the ground.

It should not come as a surprise to learn that we have a corrections system that does not correct. The U.S. Bureau of Justice Statistics reports that two-thirds of released prisoners are rearrested for at least one serious new crime, and more than half are re-incarcerated within three years of release. The two-thirds rearrest rate has remained virtually unchanged since the first recidivism study was conducted more than 40 years ago. Former prisoners account for an estimated 15 to 20 percent of all arrests among adults. That means that thousands of Americans are being victimized every year by criminals who have already done time without experiencing "correction."

At the same time, we are beginning to recognize that our overreliance on locking people up has an especially malign effect on poor urban neighborhoods, where up to 20 percent of the adult male population may be behind bars at any given time. Not only do the men come home with diminished prospects that hurt the whole community, but as criminologist Todd Clear shows in *Imprisoning Communities* (2007), their absence weakens the family and social networks they need when they come home and hurts those left behind. It is no accident that the sons and brothers of men who go to prison are more likely to follow the same path. These trends help cause crime rather than prevent it.

Prison is where some people belong, many for long periods of time. But we need policies that do not produce more crime in the long run.

Budget cutters may rejoice at the chance to gut corrections budgets, and liberal critics of "mass incarceration" may celebrate any policy that brings prison populations down, but it will prove hugely counterproductive if we act without giving serious thought to how we will deal with the offenders who are released. Until recently, for example, Kansas

**To avoid throwing away
much of the progress
we have made in
reducing crime, it is more
imperative than ever that
we pursue alternatives
to prison and new ways
to ease inmates' reentry
into civilian life.**

was a model of forward-thinking prison policy. In 2007 the state legislature funded a range of programs — involving education, drug treatment, and subsidized housing — to help former inmates reintegrate. The approach appeared to work: The number of ex-offenders returning to prison dropped by 16 percent between 2007 and 2009. But then came the economic crisis and cutbacks. According to state legislator Pat Colloton, recidivism rates quickly spiked. Kansas is back where it was in 2007.

To avoid throwing away much of the progress we have made in reducing crime, it is more imperative than ever that we pursue alternatives to prison and new ways to ease inmates' reentry into civilian life. The good news

is that after decades of false starts, researchers have finally begun to zero in on the things that can make a difference in at least some cases. The news was good enough to help persuade the conservative Bush administration to push through the \$330 million Second Chance Act in 2007, giving government agencies and nonprofits the tools to get some of these efforts off the ground. The money was to be doled out over time. The bad news is that amid today's intensified financial strains, Congress may be reluctant to continue funding this effort to enhance prisoner reentry programs.

Rehabilitation programs reduce recidivism if they incorporate proven principles and are targeted to specific offenders. Research demonstrates that offenders who earn a high school equivalency diploma while behind bars are more likely to get jobs after release. Those who receive vocational skills training are more likely to get jobs and higher wages after release. And those who go through intensive drug treatment programs in prison are less likely to relapse outside of it. If we could implement effective programs, we could expect to reduce recidivism by 15 to 20 percent. To put it in concrete terms: About 495,000 of the 750,000 prisoners who will be released this year are likely to be rearrested within three years. With effective programs, we could reduce the number of repeat offenders by nearly 100,000. We could do even better if these efforts were linked to improved services in the community upon release. Such efforts would pay for themselves by reducing future criminal justice and corrections costs. Economist Mark A. Cohen and criminologist Alex Piquero found in a recent study that a high-risk youth who becomes a chronic offender costs society between \$4.2 and \$7.2 million, principally in police and court

outlays, property losses, and medical care. You either pay now or pay later — and you pay a lot more later.

Advocates of rehabilitation constantly struggle against the widespread view that “nothing works.” In part, this view grows out of an experience that began in the 1980s, when horrendous prison crowding in southern prisons, economic woes, and court rulings spurred some unusual experiments. When federal courts ordered states either to build new facilities or find some other way to punish offenders, the states began experimenting with alternative sanctions. Georgia, for example, developed an intensive supervision program (ISP) for probationers that yielded some evidence that it reduced recidivism rates — and also appeared to save the state the cost of building two new prisons. By the mid-1990s, virtually every state had passed some kind of legislation for intermediate sanctions.

Probation and parole departments across the country implemented a variety of ISP programs, including boot camps, intensive supervision, day reporting centers, and electronic monitoring. The hope was that some offenders who normally would have been bound for prison could be “diverted” from expensive prison cells to intensive community programs that could keep a closer watch on them and offer more support services. Other offenders could be released early into community programs. But as I discovered as codirector of the RAND Corporation’s national evaluation of ISPs in the early 1990s, despite all the good intentions, most of the ISP dollars wound up being used to fund more drug testing, parole agent contacts, and electronic monitoring rather than enhanced social services. The main result was that offenders who vio-

lated court conditions by using drugs, for example, were identified more quickly and sent into custody.

Within a decade, ISPs went from being “the future of American corrections,” as one probation officer enthused in *The Washington Post* in 1985, to what seemed to be a failed social experiment. Most of

Offenders who participated in drug or alcohol treatment, community service, and employment programs had recidivism rates 10 to 20 percent below those of nonparticipating offenders.

the programs were dismantled by the late 1990s. Some advocates of the prison buildup pronounced that alternatives to prison had been tried and did not work. But the RAND study found that in places where efforts were actually implemented according to the original design, they were rather effective. Offenders who participated in drug or alcohol treatment, community service, and employment programs had recidivism rates 10 to 20 percent below those of nonparticipating offenders.

Today, we have even more refined knowledge of what works. The most popular approach involves using something akin to a medical

technique, focusing on individual cases. Called the risk-need-responsivity (RNR) model, it uses risk assessment tools to size up each person and match him or her to the right program. The treatment efforts are behavioral in nature (with rewards and punishments) and geared to place the sharpest focus on higher-risk offenders. There is a heavy emphasis on cognitive behavioral and “social learning” techniques — ranging from anger management training to sessions devoted to weaning offenders away from their negative and antisocial attitudes. All of these efforts use peers and family members to reinforce their messages. And, as several studies show, they work. Criminologist Edward J. Latessa of the University of Cincinnati studied the results of RNR efforts in Ohio’s 38 halfway house programs and found that they cut the recidivism of high-risk offenders by as much as 20 percent. Several states, including Maine, Illinois, and Oregon, are now using the RNR model.

Community partnerships are another approach that hold great promise. An excellent example is the Boston Reentry Initiative (BRI), a city inter-agency program that brings together law enforcement, social service agencies, and religious institutions to start working with inmates while they are still incarcerated. On the day the prison doors swing open, a family member or mentor is on hand to meet each released prisoner, and social service agencies are prepared to begin working to help the former inmate get a fresh start. The BRI focuses only on the highest-risk offenders leaving prison. They are offered opportunities for work and treatment, but for those who fail to take advantage of them and slip back into crime, the program calls for swift arrest and fast-track prosecution. In a

sense, the BRI is the ISP experiment all over again — but this time backed with treatment resources, mentorship, and community collaboration. The results have been impressive. Harvard researchers found that participants had a rearrest rate 30 percent lower than that of a matched comparison group.

It is no longer justifiable to say that nothing works. There is scientific evidence that prison and parole programs can reduce recidivism. It is not easy and it is not inexpensive, but it is possible. To retreat now would be to pull the rug out from under hundreds of programs that are contributing to the decades-long war against crime, which, whatever its shortcomings, has been one of the nation's great success stories, vastly improving the lives of ordinary citizens and the vitality of cities. One of the surest ways we know to keep crime down is to prevent those who

have committed crimes in the past from doing so again.

That is not to say that criminality is a problem that can always be solved. People go to prison for a reason, and in many cases there is very little or nothing that anyone can do to change the choices they will make in the future. Rehabilitation programs are not for every prisoner, and we should not waste money on those who lack motivation. But it would be foolish not to help those who wish to

change. Effective rehabilitation and reentry programs that help offenders go home to stay are good for them, and good for the rest of us, too.

About the author: Joan Petersilia is the Adelbert H. Sweet Professor of Law at Stanford University and co-director of the Stanford Criminal Justice Center. This article was originally published in *The Wilson Quarterly*, Winter 2011.

NCJ 235893



Watch an interview of Edward Latessa on key principles of reducing recidivism: <http://nij.ncjrs.gov/multimedia/video-latessa.htm>.



Listen to Edward Latessa discuss lessons learned and examples of states that are trying to use evidence-based knowledge to improve correctional programs and watch his presentation: <http://www.nij.gov/nij/multimedia/presenter/presenter-latessa>.

Anniversary of 9/11

NIJ has compiled a collection of research and evaluation accomplishments related to the tragedy of 9/11. The items in the collection fall into several categories related to NIJ's three bedrock sciences: forensic science, social science, and physical science and technology.

- DNA identification in mass disasters
- Improving the criminal justice response to terrorism
- Assessing potential high-risk targets
- Terrorist links to other crimes
- Terrorism's organization, structure and culture
- Barriers to interagency coordination when responding to terrorist threats and incidents
- Analyzing terrorism databases

In addition, this year's annual NIJ Conference featured a special plenary session: "The 10-Year Anniversary of 9/11: Advances in Science From Tragedy." Panelists discussed how the event affected and changed the focus of their science.

► Read more at NIJ.gov. Keyword: 9/11.



Final Findings From the Expert Panel on the Safety of Conducted Energy Devices

by Brian Higgins

In its final report, an expert panel of medical professionals concludes that the use of conducted energy devices by police officers on healthy adults does not present a high risk of death or serious injury.

Today, more than 12,000 law enforcement agencies in the United States use conducted energy devices (CEDs) as an alternative to conventional physical control tactics or other means of subdual. An NIJ-sponsored expert panel, convened to evaluate the safety and effectiveness of CEDs, issued its final report in May 2011. The panel concluded that law enforcement officers need not refrain from using CEDs to place uncooperative and combative subjects in custody provided that the CEDs are used in accordance with accepted national guidelines and an appropriate use-of-force policy. In its report, the panel concluded that field use of CEDs is safe in the vast majority of cases

and creates less risk of injury — to officers and suspects alike — than other options of subduing uncooperative persons.

In addition to investigating the effects of CEDs, the panel issued recommendations for their use. Among these were to apply CEDs for no longer than 15 seconds at a time and to limit the number of discharges to the fewest needed to control the suspect. The panel also said that, regardless of how long the CED exposure lasts, some form of medical screening and ongoing observation of individuals exposed to CEDs is crucial. Screening should start at the scene and individuals should continue to be monitored in

custody for abnormal physical and behavioral changes.

CEDs, such as Tasers, generate 50,000 volts of electricity. The electricity stuns and temporarily incapacitates people by causing involuntary muscle contractions. This makes people easier to arrest or subdue. Widespread police adoption of CEDs has been driven by two major beliefs: that CEDs facilitate arrests when suspects actively resist and that they are safer than other use-of-force options. Independent researchers studying law enforcement agencies that deploy CEDs have concluded that, when used appropriately by properly trained officers, CEDs have reduced injuries to officers and suspects in use-of-force encounters and reduced use of deadly force.¹

Nonetheless, a number of individuals have died after exposure to a CED. Some were healthy adults; many were chemically intoxicated or had some underlying medical condition. These deaths have caused law enforcement personnel and the public to ask questions about the safety of CEDs.

To answer these questions, NIJ, in cooperation with the College of American Pathologists, the Centers for Disease Control and Prevention, and the National Association of Medical Examiners, conducted a study to address whether CEDs can contribute to or be the primary cause of death and, if so, how.

To support the study, an expert medical panel was formed, composed of forensic pathologists, medical examiners and specialists in cardiology, emergency medicine, epidemiology and toxicology. The panel reviewed 300 subdual cases in which a CED was used and later the person died.

The panel concluded that, in general, the stress of receiving a CED discharge is comparable to the stress from otherwise being physically restrained or subdued.

In the vast majority of these cases, the original medicolegal investigations concluded that CED exposure was not the cause of death. The panel conducted in-depth reviews of 22 of those 300 cases and reviewed approximately 175 peer-reviewed articles on the physiological effects of CEDs. The panel's report provides findings concerning death investigation, CED use, CED-related health effects and medical response to the use of CEDs. The panel determined that there is no conclusive medical evidence in the current body of research literature that indicates a high risk of serious injury or death to humans from the direct or indirect cardiovascular or metabolic effects of short-term CED exposure in healthy, non-stressed, non-intoxicated persons.

Field experience with CED use indicates that short-term exposure is safe in the vast majority of cases. According to the final report, the risk of death in a CED-related use-of-force incident in the general population is less than 0.25 percent (one in 400). The report notes that, based on the panel's review and confirmation of the findings of the original death investigations of 300 deaths following CED exposure, it is reasonable to conclude that CEDs do not cause or contribute to death in the large majority of cases.

The panel concluded that, in general, the stress of receiving a CED discharge is comparable to the stress from otherwise being physically restrained or subdued. Verbal altercation, physical struggle and physical restraint all generate stress that may heighten the risk of sudden death in individuals who have a pre-existing cardiac condition or certain other diseases.

Unlike the risk of secondary injury (e.g., injuries due to falling as a result of CED exposure, discussed below), the risk of death directly or primarily due to the electrical effects of CED application has not been conclusively demonstrated. The literature suggests a substantial safety margin with respect to the use of CEDs when they are used according to the manufacturer's instructions. The possibility that the effects of a CED can be directly lethal in some cases, however, cannot be excluded — though not conclusively demonstrated, plausible mechanisms of injury exist. There are anecdotal cases in which no other significant risk factor for death is known and the timing of death provides circumstantial evidence that the CED's application was the cause of death. As such, there remains at least a theoretical possibility that in rare cases, CED application could be directly or primarily responsible for death due to a confluence of unlikely circumstances.

The report states that the risk of significant injury from CEDs is also low (0.5-0.7 percent). Significant injuries associated with CED use documented in the studies reviewed by the panel included puncture wounds from CED darts (including wounds to the eye, throat and skull resulting in loss of vision, unconsciousness and seizures requiring medical care) and falls related to muscular incapacitation or intense muscle contraction.

How CEDs Work

Most conducted-energy devices (CEDs) carried by law enforcement officers in the U.S. can operate in two modes: a drive-stun mode and a probe mode. In both modes, CEDs work by sending energy down two electrical contacts. If the contacts are touching an object, a conduit, the electricity will flow from one contact to the other through that object, closing the circuit.

An open circuit (when there is no conduit) on a CED can generate up to 50,000 volts (the peak open circuit arcing voltage). When the circuit is closed, such as when the probes are embedded in someone's torso, a CED may produce approximately 5,000 volts (the amount will depend on the model). For comparison, the standard U.S. wall outlet generates 120 volts. It is, of course, extremely dangerous to receive a shock from a wall outlet. So, how is it possible for a human body to safely receive 5,000 volts from a CED?

To answer that question, we need to look at another measure of energy: current. If we think of electricity as water flowing through a pipe, rather than

electrons traveling along a wire, then voltage is the pressure it takes to push water through the pipe, while current is the rate at which the water flows. Electrical outlets have a high, continuous current — after all, we expect them to supply us with a high, steady stream of energy so our lights, appliances and electronics work without interruption.

CEDs, on the other hand, have a low, pulsed current. After the probes are attached to skin or clothing, the trigger activates a five-second series of low-current pulses. It may, for example, activate 19 low-current pulses per second that last for 30 microseconds (30 millionths of a second) each. It should be noted that some versions of CEDs in use can deliver multiple discharges if the trigger is pressed again after the first cycle or prolonged and uninterrupted discharges if the trigger is held down continuously.

CEDs will have different effects on people depending on which mode they are in and officers may use them for different purposes (incapacitation versus deterrence).

In probe mode, CEDs use compressed nitrogen to fire two barbed

probes (sometimes called darts) at a target, imbedding themselves in the target's skin or clothing. Unlike in drive-stun mode, the probes are not directly next to one another and the electrical current is spread out across more tissue. When the trigger is pulled, electricity travels along thin wires attached to the probes. In addition to causing pain, the electrical current interferes with the target's neuromuscular system. The interference causes involuntary muscle contractions, temporarily incapacitating the target and making him or her easier to arrest or subdue.

In drive-stun mode, when a CED's contacts are applied directly to a target, CEDs do not have the same incapacitating effect that they usually do in probe mode. Because the electrical contacts are closer together, they do not engage or electrically excite as much tissue and, consequently, do not temporarily interfere with a person's neuromuscular system. They do, however, cause pain, which may deter an individual from continuing his or her behavior.

The panel highlighted the possibility of secondary injuries resulting from the use of CEDs on tall structures or steep slopes, where individuals exposed to a CED could fall; near flammable materials (including gasoline, explosives, aerosols and propellants) that a spark from a CED

could ignite; and in water, where submersion could lead to drowning. The use of CEDs also presents a risk of interfering with implantable cardiac devices, such as pacemakers, although no bad outcomes have been reported. Furthermore, the physiological effects of prolonged or

repeated CED exposure are not fully understood.

The panel acknowledged that there may be circumstances in the field that require repeated or continuous exposure to a CED discharge. They

emphasized that law enforcement personnel must be made aware that the associated risks are unknown and most deaths associated with CED use involved multiple or prolonged discharges. The report states that it is critical that law enforcement officers minimize or avoid multiple or prolonged activations of CEDs as a means of subduing an individual.

The report also states that the safety margins of CED use in healthy adults may not apply to everyone. The effects of CED exposure on small children, those with diseased hearts, the elderly, pregnant women and other potentially at-risk individuals are not clearly understood, and more data are needed. Law enforcement personnel should minimize or avoid use of a CED on members of these populations.

In addition to recommendations governing the use of CEDs, the panel issued advice in the event a death occurs following the use of a CED. The panel recommended that all deaths following deployment of a CED should be subject to a complete medicolegal investigation. This

investigation should include an autopsy by a forensic pathologist and a medically objective investigation independent of law enforcement. In addition to the conventional information collected in a death investigation, investigators should collect information specific to the CED-related death, such as the manner in which CED darts or prongs were applied and where they were applied.

Finally, the panel recommended that law enforcement personnel maintain an ongoing dialogue with medical examiners or coroners and emergency physicians to discuss effects of all use-of-force applications, including those involving CEDs, and evaluate procedures involving life preservation, injury prevention and evidence collection.

About the author: Brian Higgins is a writer and editor at Lockheed Martin Corporation, which has a communications support contract with the Office of Justice Programs.

NCJ 235894

The report states that it is critical that law enforcement officers minimize or avoid multiple or prolonged activations of CEDs as a means of subduing an individual.

Notes

1. Smith, Michael R., Robert J. Kaminski, Geoffrey P. Alpert, Lorie A. Fridell, John MacDonald, and Bruce Kubu, *A Multi-Method Evaluation of Police Use of Force Outcomes*, Final report to the National Institute of Justice, grant number 2005-IJ-CX-0056, July 2010, NCJ 231176, available at <https://www.ncjrs.gov/pdffiles1/nij/grants/231176.pdf>.

For more information:

- Read the final report, *Study of Deaths Following Electro Muscular Disruption*, at <https://www.ncjrs.gov/pdffiles1/nij/233432.pdf>.
- Read the NIJ Research in Brief, *Police Use of Force, Tasers and Other Less-Lethal Weapons*, at <https://www.ncjrs.gov/pdffiles1/nij/232215.pdf>.
- Visit NIJ's Web topic page (<http://www.nij.gov/topics/technology/less-lethal/conducted-energy-devices.htm>) and read an article in the *NIJ Journal*, "Police Use of Force: The Impact of Less-Lethal Weapons and Tactics" (<http://www.nij.gov/journals/267/use-of-force.htm>).



Indigent Defense: International Perspectives and Research Needs

by Maureen McGough

Domestic and international researchers, policymakers, practitioners and advocates explore promising international programs and identify research priorities in the hopes of improving of indigent defense in the United States.

The U.S. Constitution guarantees all criminal defendants the right to be represented by counsel. Those defendants who cannot afford a lawyer have the right to have counsel appointed free of charge.¹ A considerable majority of criminal defendants in the United States fall into this category; yet, there are insufficient resources to meet their legal needs.

The American Bar Association (ABA) has characterized the funding for indigent defense services as “shamefully inadequate” and found that the system “lacks fundamental fairness and places poor persons at constant risk for wrongful conviction.”² Public defenders represent the majority of indigent defendants

in nonfederal cases,³ but public defender offices are significantly understaffed and underfunded. In 2007, the Bureau of Justice Statistics examined caseloads in public defender offices and found that the majority of offices exceeded the recommended number of cases per attorney under the National Advisory Commission on Criminal Justice’s Standards and Goals and employed insufficient numbers of support staff.

Simply put, indigent defense in America is in crisis.⁴ Given shortages in funding and staffing for public defender offices, there is a critical need to develop evidence-based practices that help guarantee every person’s fundamental right to counsel and due process.

A Crucial Collaboration

In 2010, the Department of Justice (DOJ) launched the Access to Justice Initiative (ATJ) to improve access to justice for all Americans, regardless of their means. NIJ and ATJ came together in January 2011 to sponsor a two-day workshop to identify domestic and international best practices for representing low-income defendants and to devise a research agenda on criminal indigent defense in the United States. This collaboration highlighted the importance of using the study of international practices to advise reform of the American justice system.

Though America has developed a legacy of ensuring that indigent defendants are represented in court, the system is far from perfect.⁵ The ABA cites, among other things, the lack of adequate funds for public defender offices, the lack of oversight and standards, the lack of independence from political and judicial pressure, and the lack of formal, systematic training for indigent defense attorneys as posing threats to the quality of indigent defense in the U.S.⁶

Several jurisdictions outside of the U.S. have developed successful approaches to provide high-quality, accessible indigent defense despite financial constraints. One of the primary goals of the workshop was to determine if any of these practices might be transferable to the United States.

Understanding how other countries have approached indigent defense — the research they have conducted, the policies they have developed, the practices they have instituted, and the political and financial challenges they have overcome — can help practitioners and researchers in the

U.S. reflect upon their own policies and practices, offer new directions for research, and inspire innovative suggestions for replacing, modifying or complementing components of the current system.

The workshop's 40 attendees included domestic and international public defense practitioners, researchers, advocates and government officials. In addition to the participants from the United States, attendees hailed from Canada, China, Colombia, Finland, Hungary, the Netherlands, Sweden and the United Kingdom.

**Though America
has developed a legacy
of ensuring that
indigent defendants
are represented in
court, the system is
far from perfect.**

America's Legacy of Indigent Defense

The workshop coincided with DOJ's celebration of Robert F. Kennedy's achievements and enduring legacy, which commemorated the 50th anniversary of Kennedy's swearing-in as U.S. Attorney General. In welcoming remarks, Associate Attorney General Thomas Perrelli reminded participants of Kennedy's commitment to developing quality public defense systems and safeguarding the rights of indigent defendants. Perrelli reaffirmed, through the words of Kennedy himself, that

indigent defense is a moral imperative: "The poor man charged with crime has no lobby. Ensuring fairness and equal treatment in criminal trials is the responsibility of us all."

Perrelli noted that identifying gaps in research, addressing those gaps and disseminating findings about best practices was critical to solving problems in indigent defense. "Only by having that robust research agenda and asking the right questions about public safety and justice can we most effectively protect the public and ensure that our courts mete out true justice," Perrelli stated.

In her introduction of the workshop's keynote speaker, recently retired Chief Justice Margaret H. Marshall of the Massachusetts Supreme Judicial Court, Assistant Attorney General Laurie Robinson emphasized that the issue of indigent defense is a crucial one for Attorney General Eric Holder and she welcomed Chief Justice Marshall as "a champion of the poor and disenfranchised."

Born and raised in South Africa, Chief Justice Marshall was a leader in student-led anti-apartheid efforts. Appointed as the first female Chief Justice of the Supreme Judicial Court in 1999, she led the court in making significant progress in guaranteeing adequate representation for indigent defendants. In her remarks, she challenged participants to work together to identify ways to improve the circumstances faced by indigent defendants. She emphasized the importance of judicial leadership, oversight and independence of public defender offices, active participation from the private bar in indigent defense, and early assignment of counsel in raising the quality of public defense to the caliber of the defense a defendant with means receives.

Workshop Topics and Discussions

Concerns about public defenders' heavy case loads, the lack of time they are able to devote to each case and the lack of money for public defender offices to hire more attorneys were raised by the first panel and were echoed throughout the conference. Participants stressed the need for increased resources for public defenders and several advocated for increased participation in indigent defense by the private bar. They identified a number of other factors compounding the indigent defense crisis, including racial disparities in effective representation and a lack of state or federal entities to enforce defense standards such as the DOJ's *Compendium of Standards for Indigent Defense Systems*.⁷

Panelists discussed the costs borne by indigent defendants in the U.S. criminal defense system and the high costs of death penalty defense. Participants discussed the value of experience in representing indigent clients and the U.K.'s recently implemented experience-based accreditation system requiring that lawyers attain a minimum certification before defending more serious crimes.

The intersection of indigent defense and immigration can be particularly difficult for public defenders to navigate. Panelists discussed the need for public defenders to receive training regarding pleas and verdicts that could affect a defendant's immigration status. Participants also noted that public defenders should be encouraged to consult with immigration lawyers because of the complexity of immigration law. In addition to the participants who discussed working with experts from

external agencies, several also spoke about good outcomes and increased efficiency from bringing experts in-house.

Several panelists gave presentations on protecting the rights of juveniles in the court system. Common concerns about juvenile defense in the U.S. included lack of resources, lack

“Only by having that robust research agenda and asking the right questions about public safety and justice can we most effectively protect the public and ensure that our courts mete out true justice.”

of due process for juveniles (particularly unrepresented juveniles⁸) and the over-institutionalization of youth. Participants discussed international human rights standards for juvenile defense, namely the United Nations Convention on the Rights of the Child (which the U.S. has not ratified), and European alternatives to the court system for juveniles.

Participants also discussed the state of indigent defense in indigenous communities. Indigenous communities have distinct needs and there can be tension between preserva-

tion of culture and administration of justice. Panelists highlighted effective indigenous justice programs in Canada as possible best practices, including the Gladue court (which trains court personnel, judges, prosecutors and defense attorneys on the history and unique needs of Canada's Aboriginal communities) and using restorative measures, such as sentencing circles, whenever possible.

Near the end of the meeting, participants broke into groups based on individual expertise. Each group prioritized specific, actionable measures aimed at improving indigent defense in the United States. They provided detailed recommendations to NIJ and ATJ on the main issues affecting indigent defense and suggestions for drawing on practices from other countries.

The research priorities identified by participants included:

- Studying the cost of implementing national indigent defense standards and the potential cost savings that could result from that implementation.
- Researching how competition, particularly the involvement of the private bar and paralegals in the provision of services, might improve the system.
- Looking at systems of partnerships between tribal and federal systems, especially in the pretrial and post adjudication services areas.
- Comparing places in the juvenile justice system where counsel is waived to places where it is not to study the cost effectiveness of providing counsel and to determine whether providing counsel produces benefits for public safety.

Among participants' suggestions for international programs and practices to assess for transferability were Canada's Gladue court and adoption of the Convention on the Rights of the Child as well as other international treaties having to do with the rights of children and human rights.

The report that will be generated from the workshop, due to be released in 2011, will be used to inform ATJ's priorities and NIJ's

future research agenda on indigent defense, including which international practices may be ripe for a transferability assessment to determine the domestic viability of the practice.

About the author: Maureen McGough is an attorney and the National Institute of Justice's outreach coordinator.

NCJ 235895

Notes

1. Different jurisdictions fulfill the mandate to provide counsel in different ways. Indigent defendants in the U.S. might be defended by public defenders, assigned counsel or contracted private attorneys, depending on the jurisdiction.
2. American Bar Association (2004), *Gideon's Broken Promise: America's Continuing Quest for Equal Justice*, American Bar Association Standing Committee on Legal Aid and Indigent Defendants, available at http://www.americanbar.org/groups/legal_aid_indigent_defendants/initiatives/indigent_defense_systems_improvement/gideons_broken_promise.html. (Hereinafter ABA (2004))
3. In 1998, approximately two-thirds of felony federal defendants and more than 80 percent of felony defendants in the country's 75 largest counties were represented by publicly-funded counsel. Specifically, in federal court, 30.1 percent of all defendants were represented by counsel from a public defender organization and 36.3 percent were represented by a panel attorney. In the large state courts, 68.3 percent were represented by public defenders and 13.7 percent were represented by assigned counsel. See: Harlow, Caroline Wolf (2000), *Defense Counsel in Criminal Cases 1*, U.S. Department of Justice, Bureau of Justice Statistics, available at <http://bjs.ojp.usdoj.gov/content/pub/pdf/dccc.pdf>.
4. See, e.g., Eric H. Holder, Jr., U.S. Attorney General, Remarks at the American Council of Chief Defenders Conference (June 24, 2009), available at: <http://www.justice.gov/ag/speeches/2009/ag-speech-090624.html>.
5. For further discussion, see National Right to Counsel Committee (2009), *The Constitution Project, Justice Denied: America's Continuing Neglect of Our Constitutional Right to Counsel*, available at <http://www.constitutionproject.org/manage/file/139.pdf>.
6. ABA (2004).
7. *Compendium of Standards for Indigent Defense Systems: A Resource Guide for Practitioners and Policymakers* (2000), available at http://www.nlada.org/Defender/Defender_Standards/Defender_Standards_Comp.
8. Juveniles have a right to counsel in the U.S. In some jurisdictions, they also have the right to waive counsel (the specific requirements for waiving the right to counsel vary from jurisdiction to jurisdiction). There is debate in the U.S. over whether or not every child should have an unwaivable right to counsel and, if not, what the requirements for waiving counsel should be.



Read the report from the International Perspectives on Indigent Defense workshop on NCJRS.gov. Keyword: NCJ 236022.

To learn more about public defender offices in the United States, see the Bureau of Justice Statistics' Census of Public Defender Offices, 2007:

- **County-based and Local Public Defender Offices:** <http://bjs.ojp.usdoj.gov/content/pub/pdf/clpdo07.pdf>.
- **State Public Defender Programs:** <http://bjs.ojp.usdoj.gov/content/pub/pdf/spdp07.pdf>.

Keeping Your Identity Safe Online – Wi-Fi Hotspots

You can get online from almost anywhere these days, but that does not mean that your personal information is always secure. Before clicking the button to buy a book while you're relaxing at your favorite café, consider who else might be able to see the personal information you're about to transmit. Most Wi-Fi hotspots are not secure, and information sent on a Wi-Fi network without encryption, such as your name, address and credit card number, may be seen by others on the network.

Recognizing the threat posed by identity theft, the Office of Justice Programs (OJP) convened an ID theft working group from its component departments, including NIJ. Through this working group, OJP has partnered with external agencies — such as the Federal Trade Commission (FTC) — in the fight against cybercrime.

The FTC maintains OnGuardOnline.gov, which provides information about staying



safe from Internet fraud, securing your computer and protecting your personal information. Recently released tips for safely using Wi-Fi hotspots — including tips for identifying whether a hotspot is secure — include the following points:

- A hotspot that doesn't require a password is not secure.
- If a hotspot asks for a password simply to grant access, it's best to treat the hotspot as if it were unsecured.

- You can be confident that a hotspot that asks you to provide a Wi-Fi Protected Access (WPA) password is secure.
- ▶ Learn more about using public wireless networks safely at <http://www.onguardonline.gov/topics/hotspots.aspx>.
- ▶ Learn about identity theft at NIJ.gov. Keyword: Identity Theft.

The National Institute of Justice is the research, development and evaluation agency of the U.S. Department of Justice. NIJ's mission is to advance scientific research, development and evaluation to enhance the administration of justice and public safety.

The National Institute of Justice is a component of the Office of Justice Programs, which also includes the Bureau of Justice Assistance; the Bureau of Justice Statistics; the Community Capacity Development Office; the Office for Victims of Crime; the Office of Juvenile Justice and Delinquency Prevention; and the Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking (SMART).

*Photo Source: iStock and Mike Danko,
Palladian Partners, Inc.*

U.S. Department of Justice
Office of Justice Programs
National Institute of Justice

Washington, DC 20531

Official Business
Penalty for Private Use \$300



PRESORTED STANDARD
POSTAGE & FEES PAID
DOJ/NIJ
PERMIT NO. G-91

NIJ

