

CRIMINAL JUSTICE RESEARCH AT RAND: A PROSPECTUS

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## I. BACKGROUND

For many years the crime issue was preempted by philosophers, civil libertarians and opportunistic politicians who each pursued their own ideological themes with absolute faith in the validity of their positions. More recently, a respectable body of analytic work has begun to appear which casts new light on important policy issues and calls into question many of the basic assumptions on which current criminal justice practices are based.

The problems of crime and justice are important public policy issues because they touch so many lives and because they involve such fundamental values--personal safety, property rights, privacy, due process and punishment. In 1975 there were more than 11 million serious crimes reported to police agencies and 9 million arrests for non-traffic offenses. Public expenditures for criminal justice functions exceeded 15 billion dollars, 60 percent of which was spent at the local government level. At any one time in this country there are more than 400,000 persons confined in jails or other correctional facilities.

Within the criminal justice field the topics for debate are many and varied. One area concerns the appropriate governmental role or objectives in curbing crime. Should the penalties for those who are caught be increased to deter others? Should the government require that buildings and public facilities be designed to minimize crime risks? Should citizens be encouraged to stay off the streets and avoid carrying valuables? Should they be organized to protect themselves?

Another area concerns the individual offender and what should be done with him. How should the conflicting aims of punishment and rehabilitation be resolved? Should offenders be incarcerated on the basis of crime they might commit in the future? What types of rehabilitation effort should be made? What efforts should be made on the offender's behalf when he returns to society to help him find productive employment?

Still another area concerns the appropriate goals and practices for criminal justice agencies. Should the police handle non-crime problems? How aggressive should they be in attempting to identify suspected offenders? Should the prosecutor accept pleas to lower charges in order to avoid the costs of a trial? Should he reject weak cases or give the victim his day in court? What factors should guide judicial sentencing? Should sentences be rigidly prescribed by the legislature?

Underlying all of these questions is a need to learn about the impact of criminal justice practices on crime rates and public safety and about interrelationships between different policies and operating practices.



## II. RAND'S CRIMINAL JUSTICE PROGRAM

### HISTORICAL PERSPECTIVE

During the past decade Rand has conducted a number of major studies focusing on the primary agencies of the criminal justice system, namely, police,<sup>1</sup> prosecutors,<sup>2</sup> courts,<sup>3</sup> and corrections.<sup>4</sup> It recently completed a study of citizen crime prevention activities<sup>5</sup> and is currently engaged in research about serious habitual offenders.<sup>6</sup> Furthermore,

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<sup>1</sup>J. Kakalik and S. Wildhorn, *Aids to Decisionmaking in Police Patrol*, The Rand Corporation, R-593-HUD/RC, February 1971.

J. Kakalik and S. Wildhorn, *The Private Police: Security and Danger*, Crane, Russak and Co., New York 1977.

B. Cohen and J. Chaiken, *Police Background Characteristics and Performance*, D. C. Heath and Company, Lexington, Mass., 182 p., 1973.

J. Chaiken, et al., *The Impact of Police on The New York City Subway System*, The Rand Corp., R-1424-NYC, 1974.

S. J. Press, *Some Effects of an Increase in Police Manpower in the 20th Precinct of New York City*, The Rand Corp., R-704-NYC, October 1971

P. W. Greenwood, et al., *The Criminal Investigation Process*, D. C. Heath and Company, Lexington, Mass., 1977.

<sup>2</sup>Peter W. Greenwood, et al., *Prosecution of Adult Felony Defendants; A Policy Perspective*, D. C. Heath and Company, Lexington, Mass., 171 p., 1976.

<sup>3</sup>S. Wildhorn, et al., *Indicators of Justice: Measuring the Performance of Prosecution, Defense, and Court Agencies Involved in Felony Proceedings*, D. C. Heath, Lexington, Mass., 1977.

<sup>4</sup>Dale Mann, *Intervening with Dangerous Juvenile Offenders*, The Rand Corporation, R-1930-DOJ, July 1976.

<sup>5</sup>R. K. Yin, et al., *Patrolling the Neighborhood Beat: Residents and Residential Security*, The Rand Corporation, R-1912-DOJ, March 1976.

<sup>6</sup>Joan Petersilia, "Developing Programs for The Habitual Offender; New Directions in Research," edited by James Inciardi, *Issues in Contemporary Corrections: Social Control and Conflict*, Sage Publications, Inc., Beverly Hills, California, 1977 (in process).

Rand staff members have performed studies of the research and development process in criminal justice and its effect on policy.<sup>1</sup>

Our work has created an experienced interdisciplinary research team whose professional training includes criminology, psychology, law, operations research, statistics, economics and policy science. Many of these individuals have prior or continuing research involvement in such related fields as education, health, welfare, and labor market performance.

We shall present in the following pages our specific research objectives in four broad research sectors: (1) offenders -- their characteristics, motivations for crime, and patterns of criminal activities; (2) the criminal justice system -- its performance in dealing with specified types of criminal behavior and its response to specific policy reforms. (3) potential crime victims -- the impact of crime on their lives and their responses to the risk of victimization; and (4) long-term crime trends in specified jurisdictions -- changes in crime rates and factors that account for such changes.

#### OFFENDER STUDIES

Our primary concern is with the serious habitual offender, as opposed to the occasional, novice, or petty criminal. This focus was prompted by several considerations. First, it appears to us that this class of lawbreaker accounts for a substantial portion of the predatory crime committed (robbery, burglary, serious theft, etc.) -- an amount of serious crime disproportionate to the size of the class. Second, we infer that the criminal justice system has more opportunities to remedy their unlawful conduct because of the continual contacts they have with the system. Third, we believe that persistent criminal behavior is more amenable to explanation and prediction than occasional criminal acts. And finally, the issue of what

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<sup>1</sup> J. Chaiken, et al., *Criminal Justice Models: An Overview*, The Rand Corporation, R-1895-DOJ, October 1975

Robert K. Yin, *R&D Utilization by Local Services: Problems and Proposals for Future Research*, The Rand Corporation, R-2020-DOJ, December 1976.

Bernard Cohen, *Research on Criminal Justice Organizations: The Sentencing Process*, The Rand Corporation, R-2018-DOJ, December 1976.

to do about career criminals has recently become the subject of extensive experimentation, reform and debate.

The central question for the criminal justice system in dealing with serious habitual offenders concerns the nature and severity of the sentence that should be imposed upon them. In particular, does their persistent criminal behavior justify relatively lengthy incarceration and upon what rationale? A secondary question is how particular changes in case dispositions can be brought about. Mandatory sentencing laws, special prosecution units, changes in juvenile laws, judge-watching, and changes in plea bargaining practices are all options currently being considered.

There is general agreement that the system may seek to accomplish four types of effects upon actual or potential offenders, namely, *deterrence*, *incapacitation* (or isolation), *rehabilitation*, and *retribution* (punishment or deserts).

Deterrence effects are intended to forestall the commission of future crimes, either by the offender being processed or by other actual or potential criminals. Rehabilitation is directed to changing the future behavior of convicted criminals through the mechanism of their correctional experiences. Incapacitation (by means of incarceration) strives to deny opportunities for the offender to further prey on society. And retribution or punishment expresses society's displeasure with aberrant conduct that violates criminal laws. A sentence may reflect these aims with differing weights, either in its entirety or by separate (additive) elements.

Recent synthesis of research findings about deterrence and rehabilitation effects have come to the distressing conclusion that neither have been consistently demonstrated by empirical data. There is now vigorous debate in the area of rehabilitation about whether treatment programs have been ineffectual because they were poorly administered, poorly designed, or fundamentally incapable of changing offender behavior in the intended ways. In the area of deterrence the inability to demonstrate significant effects may signify more a measurement problem than the actual absence of such effects. Studies of deterrence effects, which usually rely on cross-sectional data to analyze relationships between the severity of criminal sanctions and crime rates, have disclosed relationships that are not inconsistent with the hypothesis that deterrence operates. Unfortunately these relationships can

be equally well explained by other effects, including measurement error. Studies of cross-sectional data have thus far proved inadequate to distinguish among these competing hypotheses.

Research attention to incapacitation effects is relatively recent. It too suffers from methodological difficulties, but the main barrier at the moment is a lack of solid data on key parameters of incapacitation models, specifically, the distribution of offense and arrest rates among the population of offenders.

Rand's ongoing habitual offender work has a number of distinct components -- a major one of which is the development of empirical estimates of offense and arrest rates for various offender types, categorized by age, prior criminal record, employment, drug use, attitudes toward a criminal lifestyle and its consequences, etc. Our efforts to date have relied upon anonymous surveys and interviews with incarcerated offenders. This work has generated a rich data base that serves as a source not only of estimates of incapacitation model parameters but also of fresh hypotheses about deterrence and rehabilitation effects on specified types of offenders. During the coming two years this work will be expanded to include prisoners in several other states and in jails as well as prisons.

We shall also be collecting system records that bear on prior criminality and social adjustment and follow-up recidivism data. These greater data resources will enable us to ascertain the distribution of habitual offender characteristics across a wider and more representative criminal population. We shall also be able to move ahead in determining how well self-reported offender characteristics can be perceived from official records alone and how validly self-reported information predicts future behavior.

Beyond this planned work, we shall seek other opportunities to apply this research to the evaluation of novel treatment programs or to the illumination of special offender types such as drug addicts or sex offenders. Ultimately, we hope to arrive at improved theories of criminal behavior, its development over time, and its relationship to employment, drug use, and other societal factors -- theories that will serve in the evaluation of public policy alternatives.

THE CRIMINAL JUSTICE SYSTEM: PERFORMANCE AND RESPONSES

Expressed in broadest terms, Rand's criminal justice program addresses the system in terms of its performance in dealing with specified criminal behavior and its responses to policy reforms intended to change the outcomes of that performance. At the present time we are especially focused on the sentencing function of the system. We seek to assess the performance of this function by its impact on crime in the community.

As mentioned above, sentencing is usually rationalized by means of four types of effects that the system may strive to achieve: deterrence, rehabilitation, incapacitation and retribution. It is natural to measure sentencing performance in terms of how these effects impact on crime in the community. How strong these effects are surely depends on the nature of the sentence (which is a product of legislative policy and judicial discretion) and its implementation by the corrections system. But the rest of the system is involved as well. Who is arrested for what crimes and how well the evidence is gathered is controlled by the police. Who is prosecuted and on what charges is the domain of the prosecutor. Who is found legally guilty and of what crime is a complex intermixture of prosecutorial, defense, and judicial functions. The point is that all of the agencies of the system are involved in the implementation of sentencing policy and each pursues a somewhat independent course of action. It is widely observed that they sometimes work at cross-purposes. Police arrest policies may contend with prosecutorial screening and diversion policies. Judicial sentencing decisions may be in counteraction to prosecutorial plea bargaining practices; the exercise of judicial discretion may frustrate legislative intent, and so on.

As a result it is exceedingly difficult to anticipate how the criminal justice system will respond to a specific policy change and to

predict the consequences of the change relative to those intended. Indeed, it is difficult even after the fact to interpret what has happened in the community and to attribute these events properly to various effects of the policy change. All these are suitable matters for research.

Specifically, our program will examine a variety of newly enacted sentencing statutes in a number of jurisdictions -- statutes that directly concern the treatment of habitual offenders. We seek to understand the rationale of these measures and to assess how the major agencies of the system interpret and apply them. Finally, we hope to identify and measure consequences of sentencing changes.

Two special interests that will help shape our program are the role of the police in identifying habitual offenders for selective prosecution and preparing cases against them; and the impact of determinate sentencing on the correctional process, particularly as to selective handling of serious persistent offenders.

Thus far our work has relied on empirical studies of case dispositions to infer agency policies. In the future we aspire to include direct studies of police, prosecutorial, and judicial policies in order to reveal whether internal inconsistencies are a result of policy conflicts or administrative exigencies. A key question is whether these agencies view specified offender types differently or are able to treat them differentially. And, given the sometimes loosely coupled nature of the criminal justice system, it will be useful to learn more about ways in which each component agency reacts to the policies of the others.

A final area of interest is the process of innovation and change. We would like to study how criminal justice practitioners absorb and respond to research findings and what factors impede responsiveness. This question is most pressing in the instance of the police but applies to others as well.

POTENTIAL CRIME VICTIMS: CITIZEN CRIME PREVENTION

The criminal justice system is but one avenue for dealing with crime. Another is self-help by potential crime victims; in other words, citizen crime prevention. Our program embodies an interest in public action at the neighborhood level to reduce the risk of victimization.

One area of interest to us involves the public-minded activities or private citizens to assist the police, to provide citizen patrols, and to participate in other activities that help curtail crime in their neighborhood. R. Yin's earlier studies of citizen patrols<sup>1</sup> and neighborhood services<sup>2</sup> are a point of departure for further research, especially to appraise the effectiveness of self-help approaches and their effect on public attitudes toward criminal justice. And we believe that much remains to be learned about the dynamics of citizen anti-crime programs and their wider effects on neighborhood cohesiveness.

Another area of private efforts (that has public aspects as well) is architectural design and construction to help forestall crime. We are interested in whether modern theories of "defensible" building space can be implemented to provide residential, commercial, and governmental facilities that are significantly more crime-free. Research in this area should include analysis of the effects of such measures on both offender and citizen behavior and on law enforcement responses. A specific issue is whether protective design actually affects the amount of criminal activity or only causes a shift in crime targets.

LONG-TERM CRIME TRENDS

When we speak of the nation as a whole, it is accurate to say that serious crime is prevalent. Equally pervasive is the lack of confidence in explanations offered for the unacceptably high incidence of serious criminal acts.

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<sup>1</sup>R. Yin, et al., *Patrolling the Neighborhood Beat: Residents and Residential Security*, R-1912-DOJ, The Rand Corporation, March 1976.

<sup>2</sup>R. Yin, *Street-Level Governments: Assessing Decentralization and Urban Services*, Lexington Books, Lexington, Mass., 1975.

At the same time, however, we observe that this distressing crime phenomenon is markedly uneven -- both in time and location and type of offense. Some have attributed the variations among communities and over time to inadequate data collection and reporting. The FBI Uniform Crime Reports have, with considerable justification, been widely criticized, among other reasons because their data sources (the individual police departments) followed such diverse reporting practices.

Many others, on the other hand, feel that these crime disparities among cities transcend measurement problems; and that they are both real and significant. This view finds support in recent victimization surveys. It would be tremendously useful to understand why crime rates change over time within a community, why they sometimes move oppositely among different cities, why they move differently for different offense types, etc. Although at present we observe these differences, we simply cannot confidently account for them -- in terms of changes in what presumably are the relevant factors, viz., population, targets, sanctions, drug supply, employment and other economic elements, etc.

Unquestionably more studies of long-term (several years) crime trends in individual communities, in order to reveal their causes and effects, are justified. We would like to initiate a modest effort with a sample of cities for which there is victimization data. Indeed, by collecting data on factors that may be affecting the true crime rates in these communities, we should also improve our ability to assess deterrent effects of certain criminal sanctions.



III. CONCLUDING REMARKS ON CRIMINAL JUSTICE RESEARCH CLIENTS

The field of criminal justice is much less centralized and integrated than many others. One does not find individual decisionmakers or agencies with responsibilities for reducing crime, rehabilitating or incapacitating criminals, redressing victims, or providing other expected system outputs. In fact, these outputs are seldom measured. Criminal justice policies are a collective and cumulative product of many autonomous or semi-autonomous agencies (police, prosecutorial, judicial, legislative) whose concerns and responses can markedly differ.

Given the loose couplings within these systems, the federal government has slight direct influence on local policy. At most, it can provide recognition of local achievements, fund studies, disseminate research findings, and provide technical assistance for local change. Local officials are the key to criminal justice reform. It is they who must be influenced by research findings.

Typically, local criminal justice officials are neither frequent nor avid readers of research reports or attendees at research meetings. They are seldom directly affected by research results, no matter how well presented. Impetus for change comes mainly from a wide consensus that change is necessary or desirable. Such a consensus can be facilitated by the well-planned dissemination of research results in both academic and popular media and by the publicizing that respected commentators and officials give to key findings.

The measure of an effective study is not how well any single client or agency receives and embraces it. Their reaction is likely to be governed by how others view the work. Therefore, it follows that our research products should not be oriented to a single official or organization. We will instead aim at a wide readership of interested academic commentators, public officials, system practitioners, who will collectively influence the direction in which the criminal justice system moves.

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