



***Breaking It Down:  
Justice, Law, & Society Abstracts for Policymakers and Practitioners***

***Spring 2009***

The Center for Justice, Law, & Society, at George Mason University, links top social scientists with policymakers and practitioners in law, judicial administration, and legal development. CJLS faculty and students are drawn from multiple disciplines, all brought together by a common interest in making academe more useful to practitioners and enriching academic research with the experience of practice. CJLS has three core objectives: a) Advancing research and scholarly debate on questions of law and behavior; b) Bridging the gap between academe and practice so that policy makers and practitioners are better informed by the insights of academic research, and academicians have a better understanding of how the concepts they study behave in practice; c) Assisting policy makers and practitioners by applying empirical research to practical problems in the field.

*Breaking It Down: Justice, Law, & Society Abstracts for Policy Makers and Practitioners* is a regular publication from CJLS, designed to help policymakers and practitioners follow contemporary academic research related to their work. Included articles have been published over the last year and reflect interests we believe to be most relevant to policy makers and practitioners. The journals that have been followed are:

|   |                                    |
|---|------------------------------------|
| American Journal of Sociology           | Journal of Law and Public Policy   |
| American Sociological Review            | Journal of Law and Society         |
| Court Manager                           | Journal of Legal Studies           |
| Court Review                            | Judges Journal                     |
| Crime, Law & Social Change              | Judicature                         |
| Criminology and Public Policy           | Justice Quarterly                  |
| Development Policy Review               | Law and Contemporary Problems      |
| Human Rights Quarterly                  | Law and Human Behavior             |
| Journal of Conflict Resolution          | Law and Policy                     |
| Journal of Criminal Law and Criminology | Law and Social Inquiry             |
| Journal of Development Studies          | Law and Society Review             |
| Journal of Empirical Legal Studies      | Psychology, Public Policy, and Law |
| Journal of Human Rights                 | Punishment and Society             |
| Journal of International Public Affairs |                                    |

For more information about the Center for Justice, Law, and Society, or to learn more about how the CJLS can help advance evidence-based research in your own work, please contact us at [cjls@gmu.edu](mailto:cjls@gmu.edu), or 703-993-8481.

Abstracts have been grouped by subject. The following table of contents outlines these subject groupings and provides direct links to the included abstracts within each group. If there are other subjects you would like to see the CJLS abstracting service include, please contact us at [cjls@gmu.edu](mailto:cjls@gmu.edu).

### **Table of Contents**

|   |    |
|---|----|
| <u>Indigent Defense</u> .....                   | 3  |
| <u>The Legal Profession</u> .....               | 5  |
| <u>Evaluation of Evidence</u> .....             | 8  |
| <u>Victim’s Rights</u> .....                    | 14 |
| <u>Juvenile Justice</u> .....                   | 16 |
| <u>Punishment</u> .....                         | 17 |
| <u>International</u> .....                      | 21 |
| <u>Public Opinion</u> .....                     | 25 |
| <u>Justice</u> .....                            | 30 |
| <u>Criminal Justice Policy Evaluation</u> ..... | 33 |

## **Indigent Defense**

**Davies, A.L.B., & Worden, A.P. (2009). State Politics and the Right to Counsel: A Comparative Analysis. *Law & Society Review*, 43(1): 187-219.**

Davies and Worden seek to explain the variation between state indigent defense systems. More generally, they examine the conditions that produce different indigent defense systems as an attempt to add to our knowledge of variation in criminal justice policies.

The article provides: 1) a historical overview of indigent defense systems at the state-level; 2) places indigent defense systems in the context of the past three decades of criminal justice policy; 3) extends theories of punitive justice policy to varying indigent defense practices; 4) tests hypotheses derived from the above information.

Using survey data from research conducted by The Spangenberg Group,<sup>1</sup> the authors constructed two measures of indigent defense systems: 1) the percentage of costs paid by the state rather than county or local government; 2) total expenditures of indigent defense per capita. A number of independent variables were included in the dataset, including program type, welfare climate, racial threat, party politics, economic capacity, and demand for indigent defense services. A number of the independent variables were constructed using factor scales and include several individual measures. For a complete description of each variable and items contained within see the full article p. 201-204.

### Findings

Overall, the authors find that economic need and capacity as well as racial demographics play a secondary role to state politics and culture in accounting for indigent defense system funding. More detailed findings for each dependant variable are presented below.

### State-Level Funding Responsibility

The authors find little evidence that the amount of state funding is shaped by state welfare climate and no support that racial divisions are related to the percentage of state funding. Specifically, the association between the number of African Americans and state subsidy of indigent defense systems is nil. States with higher levels of illiberality actually provide more state funding than do other states (though the association is quite small).

---

<sup>1</sup> In February 2009, The Spangenberg Group joined George Mason University's Center for Justice, Law and Society to form The Spangenberg Project.

State politics appears to impact the amount of state funding indigent defense systems receive. Republican control of both houses of a state's legislature is associated with a 29% decrease in state funding when compared to Democratic control of both houses. States with a Republican governor also has a negative effect on funding, however, the association is very small.

The authors expected wealthier states to bear a larger proportion of funding indigent defense but the findings suggest this is likely not the case. Further, the authors hypothesized that states with higher poverty rates would fund indigent defense to compensate for the high levels of demand upon these services. Contrary to the authors' expectations, states with higher rates of poverty leave more of the funding to local governments, suggesting, perhaps, that clients of indigent defense systems are not a constituency worthy of state support.

#### Total Expenditures Per Capita

The authors' findings suggest that expenditures on indigent defense are part politics and part structural. There was little evidence that welfare climate determines total expenditures, and while there is evidence for the racial threat thesis, it is small. Specifically, there is a small negative relationship between the number of African Americans and total expenditures per capita.

Illiberality exerts the strongest effect on spending per capita. Expenditures are lower for states whose public holds traditional conservative values (the index includes variables on resistance to racial inclusion and tolerance for diverse ideas).

Authors theorized that statewide public defender systems that provide services for most or all of their jurisdictions would spend more on indigent defense because institutionalized public defenders can become a constituency for better funding. The findings suggest otherwise, but the results do suggest that states that fund indigent defense from state rather than local funds spend more overall. Finally, while there is no association between wealth and crime rate and expenditures per capita, states with higher rates of poverty spend more on indigent defense services.

#### Conclusion

Authors suggest future research should evaluate the politics that produce different indigent defense policy packages and the implications of program type and funding. One particular strand of research the authors advocate are intensive case studies of states that have more subtle variation in the type of political participation, such as interest group activity or public participation in the policy arena. This would allow for research to account for a number of actors' and organizations' activities that are currently missing from the research.

*~ Holly R. Stevens*

## The Legal Profession

**Beckman, C.M. & Phillips, D.J. (2005). Interorganizational Determinants of Promotion: Client Leadership and the Attainment of Women Attorneys. *American Sociological Review*, 70 (August).**

This article contends that corporate women leaders influence the number of female partners in law firms. The authors, Beckman and Phillips, investigate the relationships—interactions between corporate clients and lawyers—that create a social environment where firm partners come to replicate the gender make-up of their corporate clients. This structure may be the result of a desire to work with similar others coupled with the bargaining power of corporate client leadership.

Beckman and Phillips note that while the gap between men and women attending law school has narrowed and women are able to find jobs post-graduation, the number of women partners is still relatively low in law firms. This is a significant deficit for women as promotion to partnership translates into higher pay as well as greater access to social and political resources. The current study draws upon organizational theories noting that law firms adapt to the concerns and actions of their clients. As a result, the makeup of a corporate client's leadership is related to women attorneys' promotion within the law firm representing them.

Using data collected on national law firms from consecutive editions of the *National Directory of Legal Employers for 1996-2001*, the authors use a fixed-effect time series regression analysis to test their predictions. The findings suggest that *interaction* with corporate women clients play a greater role than the *presence* of corporate women clients. Still, the presence of women impacts the gender of law firm partners. Corporate women clients are also important in the growth rate of women partners, which is slowest when corporate women leadership is lacking. In sum, the relationships between corporate women leaders/clients and law firms influences law firm partnership composition which may provide inroads to reducing gender inequality within organizations.

~ Dave McClure

**King, R. (2008). Conservatism, Institutionalism, and the Social Control of Intergroup Conflict. *American Journal of Sociology* 113(5) 1351-93.**

In this article King (2008) examines how prosecutor's offices construct "hate crimes" and how the policies within each office he studied are systematically decoupled (that is, are separated) from enforcement. King notes the importance of this work, mentioning that little empirical work has been conducted on the formal structure of the prosecutor's offices noting how that affects the actual enforcement of charging offenders.

Using a mixed-method approach via a survey and in-depth interviews, King found support for all four of his hypotheses. First, King argues that hate crime prosecutions are less likely where Christian fundamentalism is more prevalent. He concludes that fundamentalists do not want to prosecute hate crimes because they feel it grants special privileges to minority groups. Second, the association between black population size and hate crime prosecution is positive until the black population reaches 20 percent, at which point a negative association emerges. Third, hate crime prosecution increases where district attorney's offices engage in community prosecution. Finally, decoupling (separation) between hate crime policy and prosecution is more likely where political conservatism is higher. In sum, King suggests that future research more precisely examines how hate crimes are defined while also focusing on the ambiguous nature of hate crime legislation as it leaves enormous discretionary power in the hands of prosecutors. Prosecutors are important legal players who not only help define what constitutes a hate crime but they also manage how and when hate crimes should be prosecuted.

~ Julie Gall

**Burns, R., Constable, M., Richland, J., Sullivan, W. (2008). Analyzing the trial: Interdisciplinary methods. *Political and Legal Anthropology Review*, 31(2), pages 303 – 329.**

Over the last several decades there have been significant decreases in the number of cases that are litigated and increases in the number of cases that are settled. This trend is a topic of interest to both researchers and policy makers. In this article, scholars from different disciplinary backgrounds discuss some of the benefits and difficulties involved in conducting in-depth analysis of a small number of trials. Examining the use of the trial as an individual case study can contribute to the development of new strategies by which the relationship between law, culture, and society can be connected to policy. These findings, while not identifying a causal relationship or a direct policy implication, are increasingly salient, especially to scholars attempting to understand the phenomenon of the “vanishing trial.”

The researchers ask all of the participants the same questions concerning the research questions that they are attempting to answer through focusing on trials. One thing that is accomplished by asking questions concerning the methods selected and the limits of the analysis is collecting data on how research can be used to help formulate policy recommendations. The scholars interviewed include a law professor; a scholar in the field of rhetoric; a linguistic anthropologist; and a scholar of religion who is also a law professor. These scholars all conduct in depth and detailed studies of individual trials, but use very different methods.

The data collection consisted of an ongoing collective conversation that occurred over an extended period in several locations and focused on methodological issues. The conversation included questions such as: Why did you think that it was important to study trials? Why did you select the particular methods that you used in your research? How were your choices informed by the discipline(s) in which you work? What did your chosen method(s) allow you to discover that might not have been seen using other approaches? What parts of the picture were omitted because of choices that you made? How do we make connections between an individual trial and larger social or legal issues at stake and Can we? While this study did not attempt to answer any concrete questions or to identify any type of causal relationships, the researchers were able to examine similarities and differences across the disciplines and develop some intriguing questions for further research. They concluded that examining the individual trial as the unit of analysis, instead as a small portion of the relationship between law and society, allows the trial itself to be viewed as an interpretation of normative commitments and analyzed accordingly. This analysis can contribute a valuable resource for policy makers and other practitioners and aid in the development of evidence based policy.

~ Robin Rosenthal

## **Evaluation of Evidence**

**Leach, A-M., Lindsay, R.C.L., Koehler, R., Beaudry, J.L., Bala, N.C., Lee, K., & Talwar, V. (2009). The Reliability of Lie Detection Performance. *Law & Human Behavior*, 33(96-109).**

The authors of this study investigated whether some people have an innate ability to detect lies. Previous research on lie detection has focused on single episodes and has not tracked participants' performance over time, yet many researchers assume performance is reliable. If the study finds that individuals do not have an innate ability to detect lies, it may be that people are, in fact, guessing in the studies that show they can detect lies. The authors believe the results have important implications for law enforcement and participants in the justice system who interact with defendants and witnesses.

The paper covers five separate experiments the authors conducted in an attempt to understand how reliable people are at lie detection. For each experiment, college students came into the lab twice, with one week in between visits. In each experimental session the participants watched video clips of individuals either lying or telling the truth. The videos varied in each experiment; some showed adults while others showed children; in some the target told a narrative and in others s/he answered yes-no questions; and some showed a natural situation while others showed one that was experimentally-manipulated.

Overall, the study showed that most people are not proficient at detecting lies. Participants did not have reliable performance when classifying adults who gave yes-no responses or those who told narratives in either experimental or naturalistic settings. The sole exception was lie detection when children gave yes-no answers in denying an offense. In this situation, people who were fairly accurate at detecting children's lies maintained that accuracy over time, while people who were poor at lie detection were consistently poor at it. Interestingly, participants were unreliable in detecting lies when children told narratives.

The findings from these experiments suggest that peoples' ability to detect lies may be limited to a few, narrow scenarios when children provide yes-no answers. Further, the conditions under which performance is reliable do not occur regularly in the justice system, such as when children present eyewitness testimony. Beyond this, the findings signal that hiring and promotion decisions in law enforcement should not be based on lie detection performance, and that training may not dramatically improve one's ability. The authors note the need to look further at what cues individuals use in lie detection.

*~ Colleen Sheppard*

**National Academy of Sciences. (2009). *Strengthening Forensic Science in the United States: A Path Forward*. Washington, D.C.: National Academies Press.**

Directed by Congress to investigate the state of forensic sciences and to make recommendations for improving and advancing the field, the National Academy of Sciences (NAS) convened a committee composed of members from the forensic science, legal, and greater scientific community. The committee met and heard testimony from a large number of individuals and organizations over a two year period, and then produced a 254 page report entitled “Strengthening Forensic Science in the United States: A Path Forward” to respond to Congress’ directive.

In the NAS report, as the document has come to be called, the committee expressed their impression of the message that was consistently conveyed to them by those invited to testify:

The forensic science system, encompassing both research and practice, has serious problems that can only be addressed by a national commitment to overhaul the current structure that supports the forensic science community in this country. This can only be done with effective leadership at the highest levels of both federal and state governments, pursuant to national standards, and with a significant infusion of federal funds. [p-1]

In other words, the committee found that much of the current state of forensic science needs to be completely overhauled in order to serve its purpose.

Some of the problems specifically mentioned in the NAS report included recognition of the very wide range and variety of forensic science disciplines, with very different standards of practice and levels of scientific rigor. Specifically, the committee noted that forensic DNA had set a new standard for the rigor of forensic science while simultaneously revealing the great weaknesses of the fundamental assumptions of other forensic practices. In a related criticism, the NAS report recognized “a notable dearth of peer-reviewed, published studies establishing the scientific bases and validity of many forensic methods” (S-6). The committee also found that the results of forensic analyses may be much misrepresented or improperly interpreted.

In total, the committee found the current state of the forensic sciences in the United States to be in desperate need of significant change, and that large improvements are necessary for the discipline to more effectively serve its purpose of correctly identifying offenders while simultaneously accurately excluding the innocent, thus avoiding wrongful convictions.

In order to correct the deficiencies they discovered, the committee reached a consensus on 13 specific recommendations for improving forensic science in the United States. The most central component of the committee’s recommendations was their insistence on 1) the establishment of a new federal entity with the proposed title of the National Institute of Forensic Science (NIFS). The committee advised that this agency should

2) standardize the terminology and reporting used in the field; 3) promote more and better research; 4) create best practices and standards; 5) assess the influence of human bias in the process of creating a standard operating procedure for forensic scientists; 6) administer funds with the goal of advancing the development of the discipline; 7) implement and monitor certifications; 8) ensure quality control procedures; 9) create a code of ethics; 10) promote sufficient education and training among forensic scientists; 11) improve the medicolegal death investigation system; 12) create fingerprint and other database interoperability; and, 13) prepare forensic scientists to be part of national emergency response teams.

It has not yet become clear what will be done in response to this report, but it is clear that Congress' request for advice has resulted in a carefully reasoned recommendation to completely overhaul the forensic sciences, which have become a major component of many modern criminal investigations. It appears almost inevitable that any significant effort to follow the recommendations of the NAS report will have an effect on other aspects of the criminal justice system, but it is not yet clear what that effect may be.

*~ Dave McClure*

**Gross, S. R. (2008) Convicting the innocent. *The Annual Review of Law and Social Science* Volume 4, 173-192.**

False convictions have long existed. Over the last few decades, cases that involve false convictions have garnered increasing public interest. The most recent exonerations have been highly influential in moving to reform certain aspects of the criminal justice system, such as eye witness testimony and identification, interrogation procedures, and procedures surrounding physical evidence. This article addresses what little we do know about false convictions, while arguing that there remains a large amount we do not understand to effectively address and prevent their occurrence. Despite this acknowledgment, this paper argues that false convictions will continue to occur.

Based on data from 600 to 700 cases, the paper explores exonerations of false convictions occurring in one of four categories, DNA exonerations (often relevant in rape cases), death row exonerations, other individual exonerations, and mass exonerations. While mass exonerations have occurred when police misconduct is discovered to have resulted in large numbers of innocent people being incarcerated, data cannot be collected on unknown events. The author points to other possible examples, including: eye witness misidentification, false confessions, misleading false forensic evidence, testimony by motivated police informants, perjury in general, prosecutorial misconduct, and ineffective legal counsel as possible ways to lead to false convictions. Almost all exonerations occur primarily in rape and murder crime categories. Based on two studies (Risinger, 2007; Gross & O'Brien, 2008), it appears that 2.3% to 5% of death sentences are based on false convictions. Unfortunately, similar studies have not been conducted for other crime categories. While a lack of comparative evidence exists for other crime categories, the author makes a reasonable assumption that the false conviction rates for robberies are similar to those for rape.

As part of a growing movement to address false convictions, this paper provides salient information about how little is actually known about these cases. While the author notes that changes in procedural or policy could lessen the amount of false convictions; regardless of what changes occur commonplace investigative and bureaucratic errors will occur. In order to overcome false convictions, society must be willing to reconsider the guilt of the convicted when contrary new evidence is presented.

*~ Courtney Defibaugh*

**Piper, A., Lillevik, L., & Kritzer, R. (2008). What's Wrong with Believing in Repression? *Psychology, Public Policy, and Law*, 3: 223-242.**

The authors of this paper seek to inform judges and attorneys that the concepts of repressed and recovered memories are not supported by empirical research. Repressed memories are memories of horrific events that occurred during childhood (such as child abuse) that an individual's consciousness has repressed for many years, thus leaving this individual with no recollection of the events. These memories are recovered when an individual is able to recall them years later, often through the use of psychotherapy. Some mental health professionals believe that the memories are stored with great detail and are extremely accurate, while others discredit their existence. A working group of psychologists, both clinicians and researchers, established by the American Psychological Association to study the state of repressed memory research could not agree enough to compose one final report; rather, the group split by profession and produced two separate pieces.

Repressed-memory legal cases typically involve claims of an inability to recall anything about a trauma due to the fear, horror, or helplessness it evoked at the time. As of 2008, laws have not definitively established whether or not repressed memories are an acceptable theory to bring before a jury, and evidentiary rules vary by state as some rely on the *Frye* standard, others on *Daubert*, while still others have created their own. Thus, some courts permit expert testimony on repressed memories while others do not. Since their legal status is unclear and repressed and recovered memories often come up in court, the authors present a review of the literature in order to aid practitioners in understanding how the psychological and psychiatric communities view them.

The authors note several problems with the study of repressed memories, the first being differences in terminology. They discuss the use of various terms to imply different types of memory failure, including traumatic amnesia, suppression, repression, and psychogenic amnesia. In many of the studies that cite evidence of repression, the subjects actually experienced some type of amnesia, a different memory phenomenon that often results from traumatic injury to the brain. There are also methodological issues with the study of repressed memories, as research is typically done through retrospective studies wherein an individual comments on her own past. In this way, the researchers have no way of knowing if the events actually happened.

Scientific authorities do not generally accept the concepts of repressed and recovered memories, and medical and psychological associations -- as well as individual health professionals -- have often not supported their existence. The authors point to all of these issues to demonstrate the lack of support for repressed memories in the scientific field and the need for further research, and note that courts hurt their credibility when they permit such evidence to be introduced at trial.

~ Colleen Sheppard

**Kassin, S. (2008) The psychology of confessions. *Annual Review of Law and Social Science* 4, 193-217**

Little is known about the number or nature of false confessions. Although occurring all over the world, the number of confessions shown to be false may only be the tip of a very large iceberg. False confessions refer to admissions of guilt by an innocent person often followed by a narrative of what, how and why the crime was committed. In this paper, the author explores what is known about false confessions from research conducted through surveys, interviews, field studies and observations, meta-analyses, individual and aggregated case studies, as well as laboratory experiments.

The author outlines three types of false confessions emerging in the literature: voluntary false confessions, compliant false confessions, and internalized false confessions. Research suggests that innocent suspects are more likely to waive their rights believing their innocence will be uncovered. There is also evidence that police are working around the Miranda warnings to elicit waivers based on prejudgments of guilt that are frequently incorrect. Unsurprisingly vulnerable populations such as juvenile suspects under the age of 15 and the mentally challenged are more susceptible to suggestion and false confession. In addition, situational risk factors, such as length of interrogation, and the use of false or incomplete evidence by police are also relevant. Research has shown that minimization strategies by police often lead suspects to believe leniency will occur if a confession is given.

Despite the myriad of ways in which confessions by innocent persons may be elicited, confessions are more important and have more impact on juries' decisions than other evidence even if the confession appears coerced. A possible solution to lessening the frequency of false confessions is a change in current police practices. A new interrogative process, known as "investigative interviewing", has the primary purpose of fact finding rather than eliciting a confession. Research in Great Britain suggests that when used this technique reduced the number of false confessions while increasing more reliable confessions. This represents best practice in an area of scholarship in which clear lessons have been few and far between. Future research will require a collaborative effort between law enforcement, prosecutors, defense attorneys, judges, social scientists, and policy makers to assess ways to improve the accuracy of confessions as well as the evaluation of confessions within the courtroom.

~ Courtney Defibaugh

## Victim's Rights

**Lind, M.E. (2008). Hearts on their sleeves: Symbolic displays of emotion by spectators in criminal trials. *Journal of Criminal Law and Criminology*, 98(3), 1147.**

What role do courtroom spectators play in trial proceedings? Is their presence influential or insignificant to the outcome of a case? Meghan Lind examines how those who attend trials in support of a victim may affect the fairness of judicial proceedings. She suggests that the clothing and memorabilia they wear in the courtroom convey certain messages which may influence jury members. As a result of these emotional cues, the jury may be unjustly biased against the defendant. Lind bases her argument on court opinions where the issue of clothing and accessories was raised. She concludes that the meanings these items convey may conflict with constitutional provisions for a fair and impartial trial. Her recommendation, then, is to ban meaning-laden clothing and other such items from the courtroom.

Lind begins her analysis with a discussion of victims' right versus defendants' rights in the courtroom. She then develops five reasons that she believes should lead to "expressive clothing and accessories" being banned from court. These reasons are:

1. Their psychological influence on the jury (jurors may respond emotionally to these items affecting the objectivity of their deliberations).
2. The intrinsic prejudicial nature of these items (items are open to interpretation by the jury engendering both intentional sympathy and possibly an unintentional bias in favor of the victim).
3. The suggestion of guilt expressed towards the defendant by these items (spectators in the courtroom make a connection between the loss of their loved one and the defendant on trial).
4. The defendant's Sixth Amendment rights are violated as these items can provide a means for nonverbal communication that is not subject to cross examination.
5. Due process is undermined because these items threaten the impartiality of the trial.

In contrast to Lind, victims' rights advocates generally disagree that these symbolic gestures should be banned. They believe that a victim and his or her family have the right to be involved in the trial process and express how a crime has affected them. Lind however concludes that although these items may serve as a coping mechanism for the victim or the victim's family, they have no place in the courtroom during a trial. She states that a victim's supporters "do not have the right to communicate, implicitly or explicitly, with the jury." Lind argues that only when guilt has been determined and the trial is in the sentencing stage is it appropriate to introduce the emotional impact of the crime. Lind, although not explicitly stated, appears to support the victim and victim's family and friends' right to express their sentiments, except when this expression infringes on a defendant's right to a fair trial.

According to Lind, the purpose of a trial is to provide a forum for justice. Any verdict should be based on evidence and not on emotional cues from spectators. Lind lays out her argument based on case law, but this would also be an area that could benefit from empirical research to determine exactly what effects clothing and accessories have on jury decision-making. Such research could lead to the development of guidelines based on which type of clothing and accessories tend to create the kind of prejudice described by Lind. It may be that certain items, such as small pins and ribbons, are rarely noticed by juries and therefore would not influence the judicial proceedings. Ultimately, it may be possible determine which items are acceptable and which are not such that a defendant's right to a fair trial is balanced against the needs of a victim's families and friends to express their sympathy and support.

*~ Erin Crites*

## Juvenile Justice

**Kupchik, A. (2003). Prosecuting Adolescents in Criminal Courts: Criminal or Juvenile Justice? *Social Problems*, 50(3).**

This article found that the prosecution of juveniles in criminal courts follows a hybrid justice model. Specifically, during the prosecution phase, processing of juvenile cases adheres to a *criminal justice model* similar to that found in the adult criminal justice system. This model emphasizes decision making based on characteristics of the offense and pursuing punishment. On the other hand, during the sentencing phase, processing of juvenile cases abides by a *juvenile justice model* emphasizing the use offender-based information to rehabilitate adolescents.

In the present study, the author observed 290 hearings and two trials while conducting interviews with the court working group consisting of a judge, a supervising prosecutor, and a defense attorney. She found that court workgroup members upheld the criminal justice model during prosecution but imposed sanctions that lined up with their own attitudes and beliefs. These court workgroup members considered juveniles less culpable than adults. As a result, they were often supportive of a rehabilitative model. The major contribution of this work is the classifying of what the author calls a “*sequential justice model*”. This model combines elements of juvenile justice and criminal justice but at different stages of case processing. This new form of justice meets the standards of criminal justice while also sustaining the juvenile justice model.

~ Ajima Olaghere

## Punishment

**Bhati, A. S., & Piquero, A. R. (2007). Estimating the Impact of Incarceration on Subsequent Offending Trajectories: Deterrent, Criminogenic, or Null Effect? *Journal of Criminal Law & Criminology*, 207-253.**

Recognizing the use of incarceration as a large and ever increasing response to crime, authors Avinash Bhati and Alex Piquero sought to assess “the extent to which incapacitation affects individuals generally, and their subsequent criminal activity specifically” (209). In their article, the authors used data collected by the *Bureau of Justice Statistics* for a larger study on recidivism to review arrest histories and to follow a sample of individuals released from state prisons in fifteen states in 1994 to determine the effects of incarceration on each individual’s subsequent offending.

In order to assess how incarceration affects an individual, the authors used each offender’s prior criminal history in a model of offending trajectories to *predict* what each offender’s subsequent offending trajectory would be without incarceration. This predicted offending trajectory was then compared to the *actual* offending trajectory to reveal whether incarceration led to one of three possible outcomes: (1) deterrence – subsequent offending was less than the predicted offending trajectory without incarceration; (2) criminogenesis – subsequent offending was greater than the predicted offending trajectory without incarceration; or, (3) a null effect – subsequent offending was the same as the predicted offending trajectory without incarceration.

After calculating each released individual’s predicted offending trajectory, and comparing the results to the observed offending trajectory, the authors consistently found rates of 4% criminogenesis; 40% deterrence; and, 56% null effect across the fifteen diverse states. The authors concluded that these findings provide positive support for the notion that serving time in prison deters some individuals from future offending. More specifically, they also found “that those with higher numbers of prior arrests were less likely to experience deterrent effects, while those closer to their prior arrest clusters and those released later in life were more likely to experience deterrent effects.” (250) Additionally, these findings suggest that the future offending of a majority of offenders is not affected by incarceration.

The authors also interpreted their findings as providing evidence to refute the widely held labeling theory. Labeling theory is believed that individuals serving time in prison will be more likely to re-offend because the individual’s time in prison has “labeled” him or her as a criminal and the individual is simply living up to what is expected by continuing to offend.

The authors caution that their findings should not be used to support any changes in criminal sanctioning to address the small 4% of individuals who are more likely to re-offend as a consequence of incarceration. Rather, the authors believe their findings should encourage further study of how aspects of an individual's life affect their likelihood of reoffending. Particularly, the authors emphasize the importance of focusing on "facilitat[ing] reconnections for offenders as they reenter society." (253)

This article provides an interesting empirical basis for an understanding of the costs and benefits of incarceration. This article also represents a useful example of research on how significant events in the life of an individual can affect that individual's criminality.

~ Dave McClure

**Hughes, L.A. & Kaleck, C. (2008). Sex offender community notification and community stratification. *Justice Quarterly*, 25 (3), 469-495.**

The authors of this article find that sex offender registries and community notification appear to lead to a disproportionate number of sex offenders living in socially and economically disadvantaged neighborhoods. The finding that public access to sex offender registries and the community protection provided by them varies according to levels of community disadvantage raises questions about equal protection under these laws. To support their claim, the authors examine the dispersion of released sex offenders residing in neighborhoods that possess certain social and economic characteristics. The authors introduce the idea of community notification at the outset of their study in order to provide an example of the practical application of their findings. Their main hypothesis in this study is that sex offenders are disproportionately represented in disadvantaged communities as a result of the processes surrounding offender registration and community notification.

Sex offender registry requirements differ by state. Minimally, convicted offenders must be listed in a publically accessible database that provides information on their current place of residence and their occupation. Registries may also include the crime for which the offender was convicted and any distinguishing physical features that can be used as means of identification. Community notification procedures also vary by state, but may include a written notice posted in a neighborhood where a convicted sex offender intends to reside or a listing on a state or county website. Direct access by community residents to these databases fluctuates according to socio-economic factors, as many registries are most easily accessed via the internet. In addition, some communities, generally those that are affluent, find it easier to mobilize against sex offenders residing in their neighborhoods.

Using census and offender registry data from two Midwestern states (Nebraska and Oklahoma) the authors map the location of sex offenders' residences in major towns, excluding those offenders currently residing in treatment facilities, homeless shelters, and nursing homes. As a measure of the level of neighborhood disadvantage, the authors identified eight variables that are commonly associated with social and economic distress, including percentage of female-headed household and the poverty rate. They also included measures of people on public assistance and housing values.

In both states the authors found evidence that the degree of neighborhood disadvantage is related to the number of sex offenders in residence. Specifically for each unit of disadvantage in a community, the authors found a 35% increase in the expected number of registered sex offenders residing in that community. Conversely they found that neighborhood affluence consistently reduced the number of sex offenders in residence. The differences between Nebraska and Oklahoma were striking: in Nebraska each unit of affluence resulted in an 85% decrease in the number of resident sex offenders while for Oklahoma the decrease was only 25%. This difference is likely due to the greater restrictions placed on the release of sex offender information in Nebraska—only offenders classified as high risk will have their information released.

Based on the finding that those living in disadvantaged areas have an increased proportion of sex offenders in residence, they conclude that sex offender registries and notifications do not bolster public safety, but instead may place already vulnerable populations at greater risk for victimization. Registration and notification procedures provide communities with necessary resources to rally to prevent the offender from moving in to their community and do little to assist those communities that lack these resources. This research, however, does not analyze the effects of community notification on the offenders' choice of where to reside and the effects of this higher representation of sexual offenders on the disadvantaged communities in which they do live.

The authors question the sex offender registration and community notification policies currently in place, suggesting that they may provide "little more than a false sense of security." First, they ask whether these policies increase the risk of victimization for those who live in disadvantaged communities. Second, the authors suggest that resources in these disadvantages areas may be inadequate to provide the treatment and supervision necessary to manage sexual offenders. Finally the findings suggest that research on sex offender registration and community notifications should continue to examine their effect on the concentration of offenders in areas with certain demographic characteristics and whether the offender concentration in these neighborhoods adds additional challenges for the residents in these already disadvantaged communities. Awareness of the specific effects on communities will allow policy makers and practitioners to put their limited resources to use in the most efficacious manner.

*~ Erin Crites*

## **International**

**Gugerty, M.K., and Kremer, M. 2008. Outside Funding and the Dynamics of Participation in Community Organizations. *American Journal of Political Science*, Vol. 52, No. 3: 585-602.**

In “Outside Funding and the Dynamics of Participation in Community Organizations,” Gugerty and Kremer investigate the effect of aid grants to community-based organizations. Governments and aid groups often give grants to organizations serving poor communities, hoping to better their lives. Gugerty and Kremer, studying an agricultural aid program administered to traditional women’s organizations in Kenya, find that these programs may have the opposite effect. Not only did the grants have little effect on group performance, but group composition changed significantly following the grants. Older and poorer women were forced to leave, and replaced by younger, more educated women, and an unusual number of educated men. Ultimately, the grants ended up harming the position of the poorest members of society, the very people they were meant to help.

Moreover, the authors suggest that this sort of outcome may be inevitable whenever grants are made to community organizations: membership in them suddenly becomes more attractive for high-status individuals, who displace the original members. Thus, grant programs may leave the poor worse off, by disrupting their traditional sources of support.

The Kenyan women’s groups being studied have roots that go back long before colonialism. They tend to maintain independence from government authority, allowing them to practice communal leadership. A key function of the Kenyan women’s group is to provide social insurance to its members. Food or services are distributed among members; younger members give up a portion of their produce so that the group will support them when they reach infirmity.

A Dutch NGO, International Child Support, undertook a project in cooperation with the Kenyan government to give leadership and agricultural training and subsidies to women’s groups who met criteria for rate of group activity and relative poverty.

Gugerty and Kremer surveyed participating groups, and found that the grants produced tiny gains in agricultural output. Furthermore, the leadership training had no noticeable impact on group strength or the degree to which groups assisted their neighbors. What did change was relations with the government. Political officials visited participating groups nearly twice as often as before the project began, suggesting greater involvement in patron/client relationships that were previously avoided.

Participating groups received significantly more applications for membership after receiving grants. Groups tended to admit new members who were relatively more advantaged, and many groups began to charge membership

fees. This influx of new members caused friction with existing members who received group support, typically very poor or old women with no other social safety net. These women sometimes left the group or were expelled.

Gugerty and Kremer note that this pattern is not unique to Kenya. Many churches or schools in the West that began as institutions for the poor, like St. Paul's, attracted higher-status members after receiving a generous gift, ultimately becoming highly exclusive institutions and neglecting their original purpose entirely.

How can governments or NGOs avoid transforming the character of community groups? Gugerty and Kremer tentatively suggest several approaches. Aid groups could spread aid more generally and focus on the very weakest recipients, who can better their own condition significantly before risking displacement by higher-status individuals. Or, the aid provided could be in a form that disproportionately benefits lower-status recipients, and would not appeal to elites. Directing aid to religious or cultural communities may also dissuade non-members from benefiting, and allow for more concentrated aid without the risk of disrupting communal institutions.

A general point is that a sudden influx of resources can disrupt traditional patterns of social insurance and behavior, sometimes leading to net harm. This is something to keep in mind for governments and aid groups. An important field of future study would be to understand the structure of community institutions in a target area, the benefits they provide to members, and likely consequences if they were to change.

~ Oren Litwin

**Sharkey, P. (2008). The Intergenerational Transmission of Context. *American Journal of Sociology*, Vol. 113(4): 931-969.**

In “The Intergenerational Transmission of Context” (2008), Patrick Sharkey argues that existing studies of social and economic mobility for individuals do not consider the influence of *place* (i.e. the specific neighborhood one grows up in) and *time* (i.e. the persistence of social disadvantages across generations). The previous survey literature typically focuses on analyses of income, occupation, and educational level. Sharkey argues, on the other hand, that “various forms of inequality are organized or clustered in space, and neighborhoods are often the site of inequality” (2008:933). In particular, poor black neighborhoods have more powerful effects on the futures of their children than do most; and blacks that succeed in moving out of poor neighborhoods have a harder time staying out.

Using data from the Panel Study of Income Dynamics, an ongoing national survey begun in 1968, Sharkey constructs a dynamic measure of the average level of income in a neighborhood over time. He then identifies individuals that were part of a household as children, then built their own households by the age of 26. The parents of such subjects are identified as the “first generation,” while they themselves are the “second generation.”

Sharkey attempts to estimate the tendency of the second generation to live in a neighborhood with a similar income level to the one their parents lived in. He reports two general classes of results: general effects, and effects dependent on race. On a general level, he finds a strong relationship between the neighborhood income level of parents and children: over half of the neighborhood income of the second generation is explained by the neighborhood they grew up in.

However, this relationship was stronger for blacks than for whites. Furthermore, black families were much more likely to move from a better neighborhood to a worse one from one generation to the next (even from the most affluent neighborhoods), or to stay in the worst quartile or decile of neighborhoods, than were whites. Conversely, whites were more likely to retain their position or improve it from one generation to the next.

Separately, Sharkey finds that members of the second generation are less likely to be downwardly mobile if their parents are relatively more affluent, if their parents are more highly educated, if their parents score highly on the *aspiration/ambition* measure, or if they themselves earn a college degree. These findings suggest that such individuals receive from their parents “an orientation toward the future or an outlook that emphasizes upward mobility” (2008:961).

This paper does not explain *why* these effects occur, but it directs our attention to the neighborhood as a profound influence on people’s lives. It does also suggest that the attitudes people receive from their environment can play a role. Future policy might benefit from a lesser emphasis on aggregate-level intervention, and more

concern for the precise dynamics of the neighborhood. Perhaps greater knowledge can allow the development of pinpoint interventions.

~ Oren Litwin

## **Public Opinion**

**Cullen, F.T., Hartman, J.L., Jonson, C.L. (2009). Bad guys: Why the public supports punishing white-collar offenders. *Crime, Law & Social Change*, 51 (1), pages 31-44.**

The authors argue that a series of recent high profile scandals have qualitatively transformed public opinion about white-collar crime and offenders. They further assert that one unanticipated consequence of this evolving narrative may be a decrease in public awareness of our concern about structural sources of illegal activity by corporations. Although there is less criminological research concerning public opinion about white-collar crime than about street crime, the authors state that a synthesis of the criminological research and other attitudinal data allows reasonable conclusions to be drawn. The authors propose that unlike public views concerning street crime and its punishment, about which many key features have remained relatively stable for several decades; important transformations have occurred in public opinion about white-collar offending.

The authors assert that there has been an evolution in the attitude of the American public concerning white-collar crime. They further contend that this evolution can be seen to have taken place in three stages, with attitudes prior to 1970 characterized by a relative inattention to white-collar crime, a shift in awareness about and willingness to punish white-collar violations occurring between 1970 to 2000, and a continued solidification of the narrative depicting white-collar offenders as criminals from 2000 to the present. The authors also examine the social construction of the white-collar criminal in order to address some of the salient public policy implications.

While acknowledging that polling data is a legitimate source of information, the authors also recognize the potential for a poll to exert an independent influence, by not only reflecting, but also constructing social realities. This social construction is described as problematic for two reasons. Firstly, that the national polling data reporting that a high percentage of respondent support harsher courts and capital punishment does not take into account more sophisticated research demonstrating that members of the public temper their support for harsh sanctions when given more information about the offender and when given a wider array of sentencing options. Secondly, by focusing attention on street crime and neglecting to inquire about white-collar crime, these survey questions reinforce the notion that street crime should be feared while the lack of questions concerning white-collar crime can in and of itself encourage a belief that white-collar crime is not criminal behavior.

The authors conclude that both augmenting the body of research regarding public opinion concerning white-collar crime and a heightened awareness of white-collar crime are positive developments. They do, however warn that this increased awareness can be problematic because the reframing of white-collar crime as the equivalent of violent street crime encourages punitive treatment of white-collar offenders without addressing the more fundamental question of whether these punitive policies are themselves appropriate. The authors further conclude that the focus on individual white-collar criminals reinforces the schema in which white-collar crime is framed as an

individual act, and ignores the function of structural conditions that both enrich companies and create enticing criminal opportunities due to a lack of regulation and monitoring. They suggest that the next stage in study of American public opinion and white collar-crime should be further examination of the these structural factors with the goal of increasing public awareness of the complicity of powerful actors in financial victimization.

~ Robin Rosenthal

**Herzog, S. and Oreg, S. (2008). Chivalry and the Moderating Effect of Ambivalent Sexism: Individual Differences in Crime Seriousness Judgments. *Law & Society Review* 42(1): 45-74.**

Chivalry theory suggests that female offenders receive more lenient treatment than similarly situated male offenders at every phase of the criminal justice process. Research that supports some level of chivalry theory generally fits into three categories: true chivalry, selective chivalry, and ambivalent sexism. These classifications—which are described below—are important for understanding how the authors conduct their research which focuses on ambivalent sexism.

- True chivalry suggests that lenient treatment of females is the result of paternalistic and benevolent attitudes towards women by the decision makers in the criminal justice system. In addition, true chivalry suggests that women are essentially weak and defenseless, and thus, in need of protection.
- Selective chivalry acknowledges some of level of preferential treatment of females; however, those receiving leniency must “fit” a specific stereotype of a “traditional woman” (e.g., married, caring for children, housewife, etc.). Furthermore, selective chivalry suggests that some women receive no leniency or are treated *more harshly* than men are in similar circumstances. Females not benefiting from chivalry theory are known as “non-traditional” women (e.g., feminists, single, career-driven, etc.).
- Ambivalent sexism classifies sexism in two categories: hostile and benevolent. Hostile sexism explicitly regards women as inferior. Benevolent sexism is manifested in more subtle ways, and many people that prescribe to this form of sexism do not consider women as negative or inferior; however, they still regard women as weak and needy.

The authors note that most empirical research into chivalry theory is based on data collected from the decisions made by law enforcement officials. They stress the need, therefore, to focus chivalry research on how members of the public determine the level of seriousness in specific criminal conduct. In other words, one can expect that the public would consider armed robbery more serious than petit larceny. The author’s refer to this type of grading of criminal conduct as “crime seriousness judgments.”

**Purpose of Study**

Building on earlier research, their study focuses on “ambivalent sexism” (hostile or benevolent) as the measure of chivalry. Instead of measuring data from arresting police officers, the authors attempt to measure levels of chivalry by surveying members of the general public to determine how they view the seriousness levels of various crime scenarios. Some of their major hypotheses include:

- Crimes committed by women will be judged as less serious, and will be assigned a lighter sentence, than the same crimes committed by men, for respondents with high, but not low, benevolent sexism scores.
- Crimes committed by traditional women will be judged as less serious, and will be assigned a more lenient sentence, than the same crimes committed by men, for respondents with high, but not low, benevolent sexism scores.
- Crimes committed by nontraditional women will be judged as more serious, and will be assigned a harsher sentence, than the same crimes committed by men, for respondents with high, but not low, hostile sexism scores.

### **Methodology**

In early 2004, the authors conducted a telephone survey of a large sample (over 500) of randomly selected male and female adult Israelis. Respondents were asked about five crime scenarios with each respondent being asked either benevolent sexism or hostile sexism questions, but not both

### **Results**

Overall, this research showed a correlation between sexist attitudes (benevolent and hostile) and the chivalrous attitudes of citizens. The following is a list of some of the specific results:

- The *victim*'s gender had a significant effect on seriousness judgments where crimes against female victims received harsher judgments than crimes against male victims.
- Individuals with higher employment status (e.g., full-time vs. part-time) had harsher judgments of crime seriousness overall.
- Men were more likely to exhibit hostile sexism, in particular, single men.
- Respondents with high benevolent sexism scores viewed crimes that were committed by women as substantially less serious as the same crimes committed by men.
- Respondents with high sexism scores viewed crimes that were committed by women (traditional and nontraditional) as more serious, than the same crimes committed by men.
- Respondents with high benevolent sexism scores viewed crimes that were committed by traditional women as less serious as the same crimes committed by men.
- Respondents with low benevolent sexism scores viewed crimes that were committed by traditional women as equally as serious as the same crimes committed by men.
- Respondents with low hostile sexism scores viewed crimes that were committed by nontraditional women as equally as serious as the same crimes committed by men.

### **Policy Implications**

The results of this study illustrate the complex nature of chivalry theory. Overall, this research supports previous studies on the chivalrous treatment of female offenders by men and women. However, the study points out that this preferential treatment is often selective in nature leading to the more lenient treatment of traditional women than nontraditional women. Since judicial decisions are often shaped by broader social, cultural, and community standards, it is important to determine what level of ambivalent sexism exists in a community when making policy decisions regarding the sentencing of female offenders. Moreover, as federal, state and local policymakers consider changing sentencing strategies, they must endeavor to maintain fairness in punishment policy. Policymakers must recognize that this fairness is not only important between male and female offenders, but also between traditional and non-traditional women.

~ Scott Liverman

## **Justice**

**Bornstein, B.H. and Poser, S. (2007). Perceptions of Procedural and Distributive Justice in the September 11<sup>th</sup> Victim Compensation Fund. *Cornell Journal of Law and Public Policy* 17, 75-99.**

### **Background**

Soon after the terrorist attacks on September 11, 2001, the U.S. government established the “September 11<sup>th</sup> Victims Compensation Fund” (the Fund). Mr. Kenneth Feinberg was appointed by the U.S. Attorney General and given significant power and discretion to administer the Fund. Using two broad categories (economic and non-economic damages), Feinberg distributed approximately \$6 billion to 2,880 claimants. While variations in a victim’s earning potential, age, and number of dependents led to differences in the amount awarded to each claimant for economic damages, the amount of compensation for non-economic damages due to pain and suffering was the same for all. Furthermore, the amount awarded was reduced if a claimant received money from other sources (e.g., life insurance, charity, etc.). This reduction was called the “collateral offset requirement” and became one of the Fund’s most controversial elements. The award decision was final, but in an effort to ensure due process, claimants could appeal their award amount. It should be noted that acceptance of an award from the Fund precluded further legal action.

### **Purpose of Study**

This exploratory study examined matters of distributive justice (i.e., compensation amount) and procedural justice (i.e., fairness of the process). An important goal of the study was to determine whether there was a direct correlation between these two different forms of justice. Specifically, the study had three hypotheses:

1. Based on the unequal distribution of compensation and the collateral offset requirement, claimants would not be satisfied with the amount of compensation they received (distributive justice);
2. Because of the due process protections, claimants would be satisfied with the procedures of the Fund (procedural justice);
3. Claimants who were best compensated would express the greatest sense of procedural and distributive justice; moreover, claimants who believed the process was fair would be more likely to express a greater sense of distributive justice than those who did not (correlations).

### **Methodology**

The researchers conducted a mail survey of randomly selected claimants, most of who had filed claims on behalf of victims who had died in the World Trade Center. Of the 292 claimants in the sample pool, 71 (26%) responded to the survey. Respondents were asked to complete a survey consisting of 39 questions, divided in two

parts. Part I, contained open-ended background questions. Part II consisted of statements that required responses on a scale from “Strongly Agree” to “Strongly Disagree”.

Some examples of distributive justice statements were 1) “The compensation provided by the Fund was fair”; 2) “My compensation was fair compared to what other families received”; and, 3) “The fact that I received a different amount from other claimants shows they place different values on lives.” Examples of procedural justice statements included 1) “Fund representatives treated me with respect and dignity”; 2) “The procedures by which compensation was determined were fair”; and, 3) “People who determined compensation were impartial.”

## **Findings**

With regard to distributive justice, more than 2/3 of claimants reported they were dissatisfied with the amount of compensation they received. Responses to the survey’s open-ended questions suggested that the major reason for their displeasure was the collateral offset requirement. In addition, respondents felt that the sliding scale used to determine economic damages was unfair: claimants did not believe that compensation should vary according to type of employment and differences in earning capacities. The researchers note that even Feinberg is sympathetic to these views, as he would now favor awarding each claimant a flat amount.

Perceptions of procedural justice were somewhat mixed. Overall, claimants were more satisfied with the decision-making process than the amount of compensation they received. Of particular importance was its transparency (over 76% of respondents felt that the process was “open”) and how they felt they were treated (over 85% of respondents felt that they were treated “respectfully”). Nonetheless, less than half of the respondents felt that the procedures were fair. Finally, the responses to the survey correlated as predicted. Simply put, the more compensation participants received, the more satisfied they were from both a procedural and distributive justice perspective.

## **Policy Implications**

Since the establishment of the Fund is somewhat “uncharted territory,” the policy implications of this study start with its contribution to the national dialogue regarding how to handle similar events in the future. It is significant to note that with the implementation of the Fund, the United States government implicitly acknowledged the need to compensate the victims of terrorism; primarily, since it is difficult or impossible to seek redress or compensation from the culpable party. Moreover, this rationale shifts the focus beyond just terrorism. This study, and similar studies in the future can be used to assess the appropriate governmental response regarding the compensation of victims of natural disasters (e.g., Hurricane Katrina), and even private matters (e.g., the Virginia Tech shootings in 2007).

Since major natural disasters are common and many experts have concluded that another large-scale terrorist attack is inevitable, it is critical that policymakers have procedures and policies in place for such events. The results of this study can help inform the establishment of such policies and procedures. For example, since

much of the procedures in the implementation of the Fund were perceived to be fair, this can be duplicated. Conversely, since much of the methods regarding the distribution of the Fund were perceived as unfair, these procedures could be modified significantly. Perhaps the most important finding is the sense of justice associated with awarding each claimant a flat amount.

~ Scott Liverman

## **Criminal Justice Policy Evaluation**

**Dixon, J. (2008). Mandatory Domestic Violence Arrest and Prosecution Policies: Recidivism and Social Governance. *Criminology and Public Policy* 7(4) 663-671.**

Asking whether the employment of mandatory filing processes for domestic violence cases will have an effect on recidivism and victim satisfaction, Dixon (2008) concentrates attention on two boroughs of New York: Brooklyn (which uses a mandatory filing system for all misdemeanor domestic violence cases) and the Bronx (which employs a non-mandatory filing policy wherein cases lacking in victim participation can be dropped). The author hypothesizes that mandatory filing for domestic violence cases lowers recidivism, while consequently decreasing victim satisfaction.

By analyzing prior studies (on the Brooklyn and Bronx filing processes), Dixon's findings run contrary to her expectations. She notes, "The research findings indicated no statistically significant effect of prosecutorial filing policy on recidivism and greater victim satisfaction in mandatory filing context" (Dixon, 2008, p.663). In sum, Dixon finds that there is no relationship between mandatory filing and domestic violence recidivism.

In light of this finding, Dixon (2008) makes recommendations for future research. These include adding "problem-solving courts" to mandatory filing rather than just keeping with the current family-court status quo (p.667). Unlike traditional family courts, problem-solving courts are monitored and domestic violence offenders regulated. In fact, problem-solving courts are proactively designed to work through the social problems that sometimes develop into domestic violent cases if left unattended. Ultimately, problem solving courts may help lower recidivism by preventing domestic violence before it ever happens.

*~ Julie Gall*