

Flawed Criminal Justice Policies At The Intersection Of The Media Public Fear And Legislative Response By Frances P Reddington 2011

A former parole officer shines a bright light on a huge yet hidden part of our justice system through the intertwining stories of parolees striving to survive the chaos that awaits them after prison in this illuminating and dramatic book. Prompted by a dead-end retail job and a vague desire to increase the amount of justice in his hometown, Jason Hardy became a parole officer in New Orleans at the worst possible moment. Louisiana's incarceration rates were the highest in the US and his department's caseload had just been increased to 220 "offenders" per parole officer, whereas the national average is around 100. Almost immediately he discovered that the biggest problem with our prison system is what we do—and don't do—when people get out of prison. Deprived of social support and jobs, these former convicts are often worse off than when they first entered prison and Hardy dramatizes their dilemmas with empathy and grace. He's given unique access to their lives and a growing recognition of their struggles and takes on his job with the hope that he can change people's fates—but he quickly learns otherwise. The best Hardy and his colleagues can do is watch out for impending disaster and help clean up the mess left behind. But he finds that some of his charges can muster the miraculous power to save themselves. By following these heroes, he both stokes our hope and fuels our outrage by showing us how most offenders, even those with the best intentions, end up back in prison—or dead—because the system systematically fails them. Our focus should be, he argues, to give offenders the tools they need to re-enter society via a path not only humane but also vastly cheaper for taxpayers. As immersive and dramatic as *Evicted* and as revelatory as *The New Jim Crow*, *The Second Chance Club* shows us how to solve the cruelest problems prisons create for offenders and society at large. An insider's journey into the heart of a broken, racist system of justice and the role junk science plays in maintaining the status quo. From *CSI* to *Forensic Files* to the celebrated reputation of the FBI crime lab, "forensic scientists" have long been mythologized in American popular culture as infallible crime solvers. Judges and juries put their faith in "expert witnesses" and innocent people have been executed as a result. Innocent people are on death row today, condemned by junk science. In 2011 the Innocence Project began searching for prisoners convicted by junk science, and three men, each convicted of capital murder, became M. Chris Fabricant's clients. *Junk Science and the American Criminal Justice System* chronicles the fights to overturn wrongful convictions and to end the use of the "science" that destroyed their lives. Weaving together courtroom battles from Mississippi to Texas to New York City, Fabricant takes the reader on a journey into the heart of a broken, racist system of justice and the role forensic science plays in maintaining the status quo. At turns gripping, enraging, and moving, *Junk Science* is a meticulously researched insider's perspective of the American criminal justice system. Previously untold stories of wrongful executions, corrupt prosecutors, and quackery masquerading as science animate Fabricant's astonishing true-crime narrative. This book also features a full-color photo insert that illustrates the junk science explored by the author.

Rather than providing students with "the answers," *Making Sense of Criminal Justice: Policies and Practices, Third Edition*, challenges them to think critically about how the criminal justice system deals with challenging situations--like the use of force by the police--and offers a framework for lively classroom discussions and debates.

Over the past fifty years, American criminal justice policy has had a nearly singular focus – the relentless pursuit of punishment. Punishment is intuitive, proactive, logical, and simple. But the problem is that despite all of the appeal, logic, and common sense, punishment doesn't work. The majority of crimes committed in the United States are by people who have been through the criminal justice system before, many on multiple occasions. There are two issues that are the primary focus of this book. The first is developing a better approach than simple punishment to actually address crime-related circumstances, deficits and disorders in order to change offender behavior, reduce recidivism, victimization and cost. And the second issue is how do we do a better job of determining who should be diverted and who should be criminally prosecuted. *From Retribution to Public Safety* develops a strategy for informed decision making regarding criminal prosecution and diversion. The authors develop procedures for paneling clinical experts to provide prosecutors with recommendations about diversion and intervention. This requires a substantial shift in criminal procedure as well as major reform to the public health system, both of which are discussed in detail. Rather than asking how much punishment is necessary the authors look at how we can best reduce recidivism. In doing so they develop a roadmap to reform a fundamentally flawed system that is wasting massive amounts of public resources to not reducing crime or recidivism.

Reforming Juvenile Justice

Where Criminal Prosecutions Go Wrong

Profiling, Policing, and Punishing in an Actuarial Age

Exposing the Flaws in Forensics

The Limits of Blame

Global Perspectives on Reforming the Criminal Justice System

Performance Measures for the Criminal Justice System

How Distrust in the Justice System Breeds a New Kind of Lawlessness

This text examines the flaws, contradictions and weaknesses in the American justice system. The stories told in the book about the investigation and trial of criminal cases reveal what's really going on and demonstrate how the system often delivers virtual, rather than actual, justice.

Many feminists grapple with the problem of hyper-incarceration in the United States, and yet commentators on gender crime continue to assert that criminal law is not tough enough. This punitive impulse, prominent legal scholar Aya Gruber argues, is dangerous and counterproductive. In their quest to secure women's protection from domestic violence and rape, American feminists have become soldiers in the war on crime by emphasizing white female victimhood, expanding the power of police and prosecutors, touting the problem-solving power of incarceration, and diverting resources toward law enforcement and away from marginalized communities. Deploying vivid cases and unflinching analysis, *The Feminist War on Crime* documents the failure of the state to combat sexual and

domestic violence through law and punishment. Zero-tolerance anti-violence law and policy tend to make women less safe and more fragile. Mandatory arrests, no-drop prosecutions, forced separation, and incarceration embroil poor women of color in a criminal justice system that is historically hostile to them. This carceral approach exacerbates social inequalities by diverting more power and resources toward a fundamentally flawed criminal justice system, further harming victims, perpetrators, and communities alike. In order to reverse this troubling course, Gruber contends that we must abandon the conventional feminist wisdom, fight violence against women without reinforcing the American prison state, and use criminalization as a technique of last-not first-resort.

"A ... true story and ... account of bias in the courtroom from CNN senior legal analyst Laura Coates, recounting her time as a Black female prosecutor for the US Department of Justice"--

This book surveys the scientific, cultural, and legal history of Shaken Baby Syndrome from inception to formal dissolution. It exposes extraordinary failings in the criminal justice system's treatment of what is, in essence, a medical diagnosis of murder.--Publisher's description.

Disruptive Innovation of American Criminal Justice

The Law's Flaws

A Black Prosecutor's Fight for Fairness

Junk Science and the American Criminal Justice System

Criminal Investigative Failures

The New Criminal Justice Thinking

Imprisoning Communities

Strengthening Forensic Science in the United States

Scores of talented and dedicated people serve the forensic science community, performing vitally important work. However, they are often constrained by lack of adequate resources, sound policies, and national support. It is clear that change and advancements, both systematic and scientific, are needed in a number of forensic science disciplines to ensure the reliability of work, establish enforceable standards, and promote best practices with consistent application. Strengthening Forensic Science in the United States: A Path Forward provides a detailed plan for addressing these needs and suggests the creation of a new government entity, the National Institute of Forensic Science, to establish and enforce standards within the forensic science community. The benefits of improving and regulating the forensic science disciplines are clear: assisting law enforcement officials, enhancing homeland security, and reducing the risk of wrongful conviction and exoneration. Strengthening Forensic Science in the United States gives a full account of what is needed to advance the forensic science disciplines, including upgrading of systems and organizational structures, better training, widespread adoption of uniform and enforceable best practices, and mandatory certification and accreditation programs. While this book provides an essential call-to-action for congress and policy makers, it also serves as a vital tool for law enforcement agencies, criminal prosecutors and attorneys, and forensic science educators.

Rule of law has vanished in America's criminal justice system. Prosecutors decide whom to punish; most accused never face a jury; policing is inconsistent; plea bargaining is rampant; and draconian sentencing fills prisons with mostly minority defendants. A leading criminal law scholar looks to history for the roots of these problems—and solutions.

Flawed Criminal Justice Policies At the Intersection of the Media, Public Fear and Legislative Response

Adolescence is a distinct, yet transient, period of development between childhood and adulthood characterized by increased experimentation and risk-taking, a tendency to discount long-term consequences, and heightened sensitivity to peers and other social influences. A key function of adolescence is developing an integrated sense of self, including individualization, separation from parents, and personal identity. Experimentation and novelty-seeking behavior, such as alcohol and drug use, unsafe sex, and reckless driving, are thought to serve a number of adaptive functions despite their risks. Research indicates that for most youth, the period of risky experimentation does not extend beyond adolescence, ceasing as identity becomes settled with maturity. Much adolescent involvement in criminal activity is part of the normal developmental process of identity formation and most adolescents will mature out of these tendencies. Evidence of significant changes in brain structure and function during adolescence strongly suggests that these cognitive tendencies characteristic of adolescents are associated with biological immaturity of the brain and with an imbalance among developing brain systems. This imbalance model implies dual systems: one involved in cognitive and behavioral control and one involved in socio-emotional processes. Accordingly adolescents lack mature capacity for self-regulations because the brain system that influences pleasure-seeking and emotional reactivity develops more rapidly than the brain system that supports self-control. This knowledge of adolescent development has underscored important differences between adults and adolescents with direct bearing on the design and operation of the justice system, raising doubts about the core assumptions driving the criminalization of juvenile justice policy in the late decades of the 20th century. It was in this context that the Office of Juvenile Justice and Delinquency Prevention (OJJDP) asked the National Research Council to convene a committee to conduct a study of juvenile justice reform. The goal of Reforming Juvenile Justice: A Developmental Approach was to review recent advances in behavioral and neuroscience research and draw out the implications of this knowledge for juvenile justice reform, to assess the new generation of reform activities occurring in the United States, and to assess the performance of OJJDP in carrying out its statutory mission as well as its potential role in supporting scientifically based reform efforts.

A Murder Case Gone Wrong

Virtual Justice

Just Pursuit

The Ends of Harm

Criminality in Context

Locked In

The True Causes of Mass Incarceration—and How to Achieve Real Reform

Illusion of Order

This is the first book to challenge the broken-windows theory of crime, which argues that permitting minor misdemeanors, such as loitering and vagrancy, to go unpunished only encourages more serious crime. The theory has revolutionized policing in the United States and abroad, with its emphasis on policies that crack down on disorderly conduct and aggressively enforce misdemeanor laws. The problem, argues Bernard Harcourt, is that although the broken-windows theory has been around for nearly thirty years, it has never been empirically verified. Indeed, existing data suggest that it is false. Conceptually, it rests on unexamined categories of law abiders and disorderly people and of order and disorder, which have no intrinsic reality, independent of the techniques of punishment that we implement in our society. How did the new order-maintenance approach to criminal justice--a theory without solid empirical support, a theory that is conceptually flawed and results in aggressive detentions of tens of thousands of our fellow citizens--come to be one of the leading criminal justice theories embraced by progressive reformers, policymakers, and academics throughout the world? This book explores the reasons why. It also presents a new, more thoughtful vision of criminal justice.

Faith in the power and righteousness of retribution has taken over the American criminal justice system. Approaching punishment and responsibility from a philosophical perspective, Erin Kelly challenges the moralism behind harsh treatment of criminal offenders and calls into question our society's commitment to mass incarceration.

America's criminal justice system reflects irrational fears stoked by politicians seeking to win election. Pointing to specific policies that are morally problematic and have failed to end the cycle of recidivism, Rachel Barkow argues that reform guided by evidence, not politics and emotions, will reduce crime and reverse mass incarceration.

From an award-winning civil rights lawyer, a profound challenge to our society's normalization of the caging of human beings, and the role of the legal profession in perpetuating it Alec Karakatsanis is interested in what we choose to punish. For example, it is a crime in most of America for poor people to wager in the streets over dice; dice-wagerers can be seized, searched, have their assets forfeited, and be locked in cages. It's perfectly fine, by contrast, for people to wager over international currencies, mortgages, or the global supply of wheat; wheat-wagerers become names on the wings of hospitals and museums. He is also troubled by how the legal system works when it is trying to punish people. The bail system, for example, is meant to ensure that people return for court dates. But it has morphed into a way to lock up poor people who have not been convicted of anything. He's so concerned about this that he has personally sued court systems across the country, resulting in literally tens of thousands of people being released from jail when their money bail was found to be unconstitutional.

Karakatsanis doesn't think people who have gone to law school, passed the bar, and sworn to uphold the Constitution should be complicit in the mass caging of human beings—an everyday brutality inflicted disproportionately on the bodies and minds of poor people and people of color and for which the legal system has never offered sufficient justification. Usual Cruelty is a profoundly radical reconsideration of the American "injustice system" by someone who is actively, wildly successfully, challenging it.

Convicting the Innocent

The Punishment Imperative

Rethinking Punishment and Responsibility

Usual Cruelty

Prisoners of Politics

From the War on Poverty to the War on Crime

The Systems Improvement Solution for More Safety, Justice, Accountability, and Efficiency

Flawed Convictions

This book exposes the dangerously imperfect forensic evidence that we rely on for criminal convictions. "That's not my fingerprint, your honor," said the defendant, after FBI experts reported a "100-percent identification." They were wrong. It is shocking how often they are. Autopsy of a Crime Lab is the first book to catalog the sources of error and the faulty science behind a range of well-known forensic evidence, from fingerprints and firearms to forensic algorithms. In this devastating forensic takedown, noted legal expert Brandon L. Garrett poses the questions that should be asked in courtrooms every day: Where are the studies that validate the basic premises of widely accepted techniques such as fingerprinting? How can experts testify with 100 percent certainty about a fingerprint, when there is no such thing as a 100 percent match? Where is the quality control in the laboratories and at the crime scenes? Should we so readily adopt powerful new technologies like facial recognition software and rapid DNA machines? And why have judges been so reluctant to consider the weaknesses of so many long-accepted methods? Taking us into the lives of the wrongfully convicted or nearly convicted, into crime labs rocked by scandal, and onto the front lines of promising reform efforts driven by

professionals and researchers alike, *Autopsy of a Crime Lab* illustrates the persistence and perniciousness of shaky science and its well-meaning practitioners.

This textbook reader examines the concept of flawed policies in the criminal justice arena. The authors address the costs of bad criminal justice policy and offer suggestions for the creation of good, sound, evidence-based policy. Specific topics highlighted include: • The War on Drugs • Immigration Laws • The Patriot Act and Terrorist Laws • Sentencing Guidelines • Three Strikes Laws • Capital Punishment • Sex Offender Laws • “Get Tough” Juvenile Policy • Zero Tolerance in Schools • Policies for Mental Health Offenders • Policies with Pregnant Offenders Courses appropriate for this textbook reader include upper level undergraduate and graduate level criminal justice courses dealing at least in part with public policies, the media impact on law making, public fear of crime and the legislative response. Other disciplines will also find this book an excellent supplement to their courses in Psychology, Political Science, Public Administration and Policy.

The often-tenuous relationship between law enforcement and communities of color, namely African Americans, has grown increasingly strained, and the call for justice has once again ignited the demand for criminal justice reform. Rebuilding the trust between the police and the citizens that they have sworn to protect and serve requires that criminal justice practitioners and educators collaborate with elected officials and commit to an open, ongoing dialogue on the most challenging issues that remain unresolved but demand collective attention and support. Reform measures are not limited to policing policies and practices, but rather extend throughout the criminal justice system. There is no denying that the criminal justice system as we know it is flawed, but not beyond repair. *Global Perspectives on Reforming the Criminal Justice System* provides in-depth and current research about the criminal justice system around the world, its many inadequacies, and why it urgently needs reformation. Offering a fully fleshed outline of the current system, this book details the newest research and is incredibly important to fully understand the flaws of the criminal justice system across the globe. The goals of this book are to improve and advance the criminal justice system by addressing the glaring weaknesses within the system and discuss potential reforms including decreasing the prison population (decarceration) and improving police/community relations. Highlighting topics that include accountability, community-oriented policing, ethics, and mass incarceration, this book is ideal for law enforcement officers, trainers/educators, government officials, policymakers, correctional officers, court officials, professionals, researchers, academicians, and students in the fields of criminal justice, criminology, sociology, psychology, addictions, mental health, social work, public policy, and public administration.

Named one of the most important nonfiction books of the 21st century by *Entertainment Weekly*, *Slate*, *Chronicle of Higher Education*, *Literary Hub*, *Book Riot*, and *Zora* A tenth-anniversary edition of the iconic bestseller—“one of the most influential books of the past 20 years,” according to the *Chronicle of Higher Education*—with a new preface by the author “It is in no small part thanks to Alexander’s account that civil rights organizations such as Black Lives Matter have focused so much of their energy on the criminal justice system.” —Adam Shatz, *London Review of Books* Seldom does a book have the impact of Michelle Alexander’s *The New Jim Crow*. Since it was first published in 2010, it has been cited in judicial decisions and has been adopted in campus-wide and community-wide reads; it helped inspire the creation of the Marshall Project and the new \$100 million Art for Justice Fund; it has been the winner of numerous prizes, including the prestigious NAACP Image Award; and it has spent nearly 250 weeks on the *New York Times* bestseller list. Most important of all, it has spawned a whole generation of criminal justice reform activists and organizations motivated by Michelle Alexander’s unforgettable argument that “we have not ended racial caste in America; we have merely redesigned it.” As the *Birmingham News* proclaimed, it is “undoubtedly the most important book published in this century about the U.S.” Now, ten years after it was first published, *The New Press* is proud to issue a tenth-anniversary edition with a new preface by Michelle Alexander that discusses the impact the book has had and the state of the criminal justice reform movement today.

Crime Control, Politics and Policy

The Complicity of Lawyers in the Criminal Injustice System

A Path Forward

A Developmental Approach

Breaking the Cycle of Mass Incarceration

Mass Incarceration in the Age of Colorblindness

The Rise and Failure of Mass Incarceration in America

Race and Crime

Criminal justice practices such as policing and imprisonment are integral to the creation of racialized experiences in U.S. society. Race as an important category of difference, however, did not arise here with the criminal justice system but rather with the advent of European colonial conquest and the birth of the U.S. racial state. *Race and Crime* examines how race became a defining feature of the system and why mass incarceration emerged as a new racial management strategy. This book reviews the history of race and criminology and explores the impact of racist colonial legacies on the organization of criminal justice institutions. Using a macrostructural perspective, students will learn to contextualize issues of race, crime, and criminal justice. Topics include: How “coloniality” explains the practices that reproduce racial hierarchies The birth of social science and social programs from the legacies of racial science The defining role of geography and geographical conquest in the continuation of mass incarceration The emergence of the logics of crime control, the War on Drugs, the redefinition of federal law enforcement, and the reallocation of state resources toward prison building, policing, and incarceration How policing, courts, and punishment perpetuate the colonial order through their institutional structures and policies *Race and Crime* will help students understand how everyday practices of punishment and surveillance are employed in and through the police, courts, and community to create and shape the geographies of injustice in the United States today.

A Discussion paper from the BJS-Princeton Project.

Crime in the streets has remained consistently among the most conspicuous aspects of the American political landscape. Sasson argues that the significance of our national pre-occupation with the issue depends on how it is constructed or "framed" in the mass media and in everyday conversation. Drawing on the methodology for analyzing issue frames in political discourse developed by William Gamson (who has contributed a foreword to this book), Sasson identifies the five interpretative frames that comprise the crime debate: Faulty System, Social Breakdown, Blocked Opportunities, Media Violence, and Racist System. Tracking the performances of these frames in twenty small group discussions among black and white urbanites, and in a sample of newspaper columns, he demonstrates that the two "generally conservative" frames, Faulty System and Social Breakdown, are by far the most prominent. He explains their prominence in the group discussions through a careful analysis of the ideational resources (popular wisdom, personal experience, media discourse) used by the participants. Sasson's empirical findings lead him to conclude that the American preoccupation with crime will generate recurrent demands for a more expansive and punitive criminal justice system and new support for conservative politicians and their causes.

Apart from its contribution to the understanding of the civic role of crime and of the politics of crime control, Crime Talk also advances a methodology for framing popular discourse, and a theoretical perspective on how ordinary citizens make sense of social problems. A study at the intersections of criminology and political sociology, it will capture the attention of a wide range of social scientists, as well as instructors in courses on social problems, the mass media and research methodology.

"A crusading legal scholar exposes the powerful psychological forces that undermine our criminal justice system--and affect us all Our nation is founded on the notion that the law is impartial, that legal cases are won or lost on the basis of evidence, careful reasoning and nuanced argument. But they may, in fact, turn on the temperature of the courtroom, the camera angle of a defendant's taped confession, or a simple word choice or gesture during a cross-examination. In Unfair, law professor Adam Benforado shines a light on this troubling new research, showing, for example, that people with certain facial features receive longer sentences and that judges are far more likely to grant parole first thing in the morning. In fact, over the last two decades, psychologists and neuroscientists have uncovered many cognitive forces that operate beyond our conscious awareness--and Benforado argues that until we address these hidden biases head-on, the social inequality we see now will only widen, as powerful players and institutions find ways to exploit the weaknesses in our legal system. Weaving together historical examples, scientific studies, and compelling court cases--from the border collie put on trial in Kentucky to the five teenagers who falsely confessed in the Central Park Jogger case--Benforado shows how our judicial processes fail to uphold our values and protect society's weakest members, convicting the innocent while letting dangerous criminals go free. With clarity and passion, he lays out the scope of the problem and proposes a wealth of reforms that could prevent injustice and help us achieve true fairness and equality before the law"--

American Criminal Justice Policy

Against Prediction

An Evaluation Approach to Increasing Accountability and Effectiveness

Crime Talk

Geographies of Injustice

Policies and Practices

Shadow Vigilantes

Autopsy of a Crime Lab

This book describes a pervasive and destructive problem afflicting our current justice system, one that is eroding community confidence in law enforcement. The authors call it "shadow vigilantism"--a vicious cycle in which ordinary people, as well as criminal justice officials, are so fed up with the system's failures that they distort and subvert the system to force it to do the justice that it seems so reluctant to do on its own. The effects of this lack of trust are pervasive and pernicious- citizens refuse to report a crime or help investigators; jurors refuse to indict or convict; and officials manipulate a system that is perceived to be unreliable. This downward spiral eventually undermines the moral authority of law enforcement and creates widening rifts in the community. The authors examine many examples of how the community has responded when the justice system is perceived to fail. The cases they cite include the infamous murder of Emmett Till, which became a cause that spurred on the NAACP and the civil rights movement; the Lavender Panthers, which formed in response to gay bashing during the 1980s; the Crown Heights Maccabees, a neighborhood watch group that successfully reduced neighborhood crime when the police failed to do so; the Animal Liberation Front, which struck back at institutions for perceived abuses to animals; Operation Perverted Justice, an organization that used online chat rooms to out pedophiles by publicizing their personal information (affiliated with NBC's To Catch a Predator); and many others. Photos are provided to illustrate these important cases. As the authors stress, all of these examples highlight the importance of upholding a justice system that works to provide justice for all and is not perceived to condone legal technicalities that overturn just punishment, judicial rules that suppress evidence and let serious offenders go, and other actions that undermine public trust in the system.

Examines the most prominent criminal justice policies, finding that they fall short of achieving the effectiveness that policymakers have advocated.

Avoid Major Investigative Traps What causes competent and dedicated investigators to make avoidable mistakes, jeopardizing the successful resolution of their cases? Authored by a 21-year police veteran and university research professor, Criminal Investigative Failures comprehensively defines and discusses the causes and problems most common to failed investigations. More importantly, it outlines realistic strategies for avoiding investigative pitfalls. Illuminated with case studies, this practical resource examines three main reasons for investigative failure: Cognitive biases, such as tunnel vision, that lead to mistakes in reasoning Organizational traps, such as groupthink, that investigators fall prey to within their agencies Probability errors, such as the prosecutor's fallacy, in forensic science and criminal profiling The Dangers of Assumptions

and Organizational Ego Authoritative contributors from a variety of disciplines elaborate on the aforementioned core points with commentary and case studies of well-known crimes. Written in a quick-to-grasp style, this useful text provides practical advice for avoiding investigative failures. It is an invaluable reference for investigators looking to prevent future failures of justice and find the truth.

“Backed up by the best science, Todd Clear and Natasha Frost make a compelling case for why the nation's forty-year embrace of the punitive spirit has been morally bankrupt and endangered public safety. But this is far more than an exposé of correctional failure. Recognizing that a policy turning point is at hand, Clear and Frost provide a practical blueprint for choosing a different correctional future—counsel that is wise and should be widely followed.”—Francis T. Cullen, Distinguished Research Professor of Criminal Justice, University of Cincinnati

Over the last 35 years, the US penal system has grown at a rate unprecedented in US history—five times larger than in the past and grossly out of scale with the rest of the world. This growth was part of a sustained and intentional effort to “get tough” on crime, and characterizes a time when no policy options were acceptable save for those that increased penalties. In *The Punishment Imperative*, eminent criminologists Todd R. Clear and Natasha A. Frost argue that America's move to mass incarceration from the 1960s to the early 2000s was more than just a response to crime or a collection of policies adopted in isolation; it was a grand social experiment. Tracing a wide array of trends related to the criminal justice system, *The Punishment Imperative* charts the rise of penal severity in America and speculates that a variety of forces—fiscal, political, and evidentiary—have finally come together to bring this great social experiment to an end. Clear and Frost stress that while the doubling of the crime rate in the late 1960s represented one of the most pressing social problems at the time, this is not what served as a foundation for the great punishment experiment. Rather, it was the way crime posed a political problem—and thereby offered a political opportunity—that became the basis for the great rise in punishment. The authors claim that the punishment imperative is a particularly insidious social experiment because the actual goal was never articulated, the full array of consequences was never considered, and the momentum built even as the forces driving the policy shifts diminished. Clear and Frost argue that the public's growing realization that the severe policies themselves, not growing crime rates, were the main cause of increased incarceration eventually led to a surge of interest in taking a more rehabilitative, pragmatic, and cooperative approach to dealing with criminal offenders. *The Punishment Imperative* cautions that the legacy of the grand experiment of the past forty years will be difficult to escape. However, the authors suggest that the United States now stands at the threshold of a new era in penal policy, and they offer several practical and pragmatic policy solutions to changing the criminal justice system's approach to punishment. Part historical study, part forward-looking policy analysis, *The Punishment Imperative* is a compelling study of a generation of crime and punishment in America. Todd R. Clear is Dean of the School of Criminal Justice at Rutgers University. He is the author of *Imprisoning Communities* and *What Is Community Justice?* and the founding editor of the journal *Criminology & Public Policy*.

Flawed Criminal Justice Policies

Hardship and Hope After Prison

"shaken Baby Syndrome" and the Inertia of Injustice

Out-of-Control Criminal Justice

The Collapse of American Criminal Justice

How Citizens Construct a Social Problem

Rethinking Trials and Errors?

The New Jim Crow

On January 20, 1984, Earl Washington—defended for all of forty minutes by a lawyer who had never tried a death penalty case—was found guilty of rape and murder in the state of Virginia and sentenced to death. After nine years on death row, DNA testing cast doubt on his conviction and saved his life. However, he spent another eight years in prison before more sophisticated DNA technology proved his innocence and convicted the guilty man. DNA exonerations have shattered confidence in the criminal justice system by exposing how often we have convicted the innocent and let the guilty walk free. In this unsettling in-depth analysis, Brandon Garrett examines what went wrong in the cases of the first 250 wrongfully convicted people to be exonerated by DNA testing. Based on trial transcripts, Garrett's investigation into the causes of wrongful convictions reveals larger patterns of incompetence, abuse, and error. Evidence corrupted by suggestive eyewitness procedures, coercive interrogations, unsound and unreliable forensics, shoddy investigative practices, cognitive bias, and poor lawyering illustrates the weaknesses built into our current criminal justice system. Garrett proposes practical reforms that rely more on documented, recorded, and audited evidence, and less on fallible human memory. Very few crimes committed in the United States involve biological evidence that can be tested using DNA. How many unjust convictions are there that we will never discover? Convicting the Innocent makes a powerful case for systemic reforms to improve the accuracy of all criminal cases.

How did the land of the free become the home of the world's largest prison system? Elizabeth Hinton traces the rise of mass incarceration to an ironic source: not the War on Drugs of the Reagan administration but the War on Crime that began during Johnson's Great Society at the height of the civil rights era.

This book shows how to reduce out-of-control criminal justice and create greater public safety, justice, and accountability at less cost.

In January 1982, an elderly white widow was found brutally murdered in a small town of Greenwood, South Carolina. The arrest and conviction of Edward Lee Elmore, a semiliterate, mentally retarded black man with no previous felony record is a textbook example of what can go wrong in the American justice system. With the exemplary moral commitment and tenacious investigation that have distinguished his reporting career, Raymond Bonner follows the efforts of a courageous young attorney, Dianna Holt, to save Elmore's life. -- from back cover.

The Psychological Foundations of Criminal Justice Reform

The False Promise of Broken Windows Policing

The Feminist War on Crime

The New Science of Criminal Injustice

From Retribution to Public Safety

The Unexpected Role of Women's Liberation in Mass Incarceration
How Mass Incarceration Makes Disadvantaged Neighborhoods Worse
The Flawed Prosecution of Crime in America

This is a book about the law's failure as a system of empirical inquiry. While the US Supreme Court repeatedly says that the aim of a trial is to find out the truth about a crime, there is abundant evidence that many of the rules of evidence and legal procedure are not truth-conducive. Quite the contrary; many are truth-thwarting. Relevant evidence of defendant's guilt is often excluded; reasonable inferences from the available evidence are likewise often excluded. When a defendant elects not to testify, jurors are told to draw no inculpatory inferences from the former's refusal to be questioned. If evidence of prior crimes committed by the defendant is admitted (and often it is excluded), jurors are strictly told to use them only for deciding whether the defendant lied during his testimony and not as evidence of his guilt. Making matters worse, the most important evidence rule of all (saying that defendant can be convicted only if there are no reasonable doubts about his guilt) is monumentally vague; and judges are under firm instruction to decline jurors' frequent requests to explain what a 'reasonable doubt' is. Lastly, this book examines the fact that American courts collect little information about how often they convict the innocent and no information about how often they acquit the guilty. This is tragic because ignorance of the error rates in trials and in plea bargains means that citizens have no grounds for confidence in the judicial system; such a condition of non-transparency should be unacceptable in a democracy. Reform is urgent and this book sketches some of the necessary changes.

A vital collection for reforming criminal justice After five decades of punitive expansion, the entire U.S. criminal justice system—mass incarceration, the War on Drugs, police practices, the treatment of juveniles and the mentally ill, glaring racial disparity, the death penalty and more—faces challenging questions. What exactly is criminal justice? How much of it is a system of law and how much is a collection of situational social practices? What roles do the Constitution and the Supreme Court play? How do race and gender shape outcomes? How does change happen, and what changes or adaptations should be pursued? The New Criminal Justice Thinking addresses the challenges of this historic moment by asking essential theoretical and practical questions about how the criminal system operates. In this thorough and thoughtful volume, scholars from across the disciplines of legal theory, sociology, criminology, Critical Race Theory, and organizational theory offer crucial insights into how the criminal system works in both theory and practice. By engaging both classic issues and new understandings, this volume offers a comprehensive framework for thinking about the modern justice system. For those interested in criminal law and justice, The New Criminal Justice Thinking offers a profound discussion of the complexities of our deeply flawed criminal justice system, complexities that neither legal theory nor social science can answer alone.

This book reviews concepts, information and points of view that help to explain the context and constraints of the criminal justice system. The chapters summarize developments in public policy and crime control, and interweave themes central to the discussion: the impact of ideology, the role of the media, and the politicization of crime and criminal justice.

"Pfaff, let there be no doubt, is a reformer...Nonetheless, he believes that the standard story--popularized in particular by Michelle Alexander, in her influential book, The New Jim Crow--is false. We are desperately in need of reform, he insists, but we must reform the right things, and address the true problem."--Adam Gopnik, The New Yorker A groundbreaking examination of our system of imprisonment, revealing the true causes of mass incarceration as well as the best path to reform In the 1970s, the United States had an incarceration rate comparable to those of other liberal democracies--and that rate had held steady for over 100 years. Yet today, though the US is home to only about 5 percent of the world's population, we hold nearly one quarter of its prisoners. Mass incarceration is now widely considered one of the biggest social and political crises of our age. How did we get to this point? Locked In is a revelatory investigation into the root causes of mass incarceration by one of the most exciting scholars in the country. Having spent fifteen years studying the data on imprisonment, John Pfaff takes apart the reigning consensus created by Michelle Alexander and other reformers, revealing that the most widely accepted explanations--the failed War on Drugs, draconian sentencing laws, an increasing reliance on private prisons--tell us much less than we think. Pfaff urges us to look at other factors instead, including a major shift in prosecutor behavior that occurred in the mid-1990s, when prosecutors began bringing felony charges against arrestees about twice as often as they had before. He describes a fractured criminal justice system, in which counties don't pay for the people they send to state prisons, and in which white suburbs set law and order agendas for more-heavily minority cities. And he shows that if we hope to significantly reduce prison populations, we have no choice but to think differently about how to deal with people convicted of violent crimes--and why some people are violent in the first place. An authoritative, clear-eyed account of a national catastrophe, Locked In transforms our understanding of what ails the American system of punishment and ultimately forces us to reconsider how we can build a more equitable and humane society.

The Moral Foundations of Criminal Law

Anatomy of Injustice

The Second Chance Club

Unfair

At the Intersection of the Media, Public Fear and Legislative Response

Making Sense of Criminal Justice

From random security checks at airports to the use of risk assessment in sentencing, actuarial methods are being used more than ever to determine whom law enforcement officials target and punish. And with the exception of racial profiling on our highways and streets, most people favor these methods because they believe they're a more cost-effective way to fight crime. In Against Prediction, Bernard E. Harcourt challenges this growing reliance on actuarial methods. These prediction tools, he demonstrates, may in fact increase the overall amount of crime in society, depending on the relative responsiveness of the profiled populations to heightened security. They may also aggravate the difficulties that minorities already have obtaining work, education, and a better quality of life--thus perpetuating the pattern of criminal behavior. Ultimately, Harcourt shows how the perceived success of actuarial methods has begun to distort our very conception of just punishment and to obscure alternate visions of social order. In place of the actuarial, he proposes instead a turn to randomization in punishment and policing. The presumption, Harcourt concludes, should be against prediction.

This volume maintains that current incarceration policy in urban America does more harm than good, from

increasing crime to widening racial disparities and diminished life chances for youths. The author argues that we cannot overcome the problem of mass incarceration concentrated in poor places without incorporating an idea of community justice into our failing correctional and criminal justice systems. He demonstrates that high doses of incarceration contribute to the very social problems it is intended to solve: it breaks up family and social networks; deprives siblings, spouses, and parents of emotional and financial support; and threatens the economic and political infrastructure of already struggling neighborhoods. Especially at risk are children who are more likely to commit a crime if a father or brother has been to prison. The author maintains that when incarceration occurs at high levels, crime rates will go up; having exactly the opposite of its intended effect: it destabilizes the community, thus further reducing public safety.

How can the brutal and costly enterprise of criminal punishment be justified? This book makes a provocative, original contribution to the philosophical literature and debate on the morality of punishing, arguing that punishment is justified in the duties that offenders incur as a result of their wrongdoing.

In this groundbreaking book that is built on decades of work on the front lines of the criminal justice system, expert psychologist Craig Haney encourages meaningful and lasting reform by changing the public narrative about who commits crime and why. Based on his comprehensive review and analysis of the research, Haney offers a carefully framed and psychologically based blueprint for making the criminal justice system fairer, with strategies to reduce crime through proactive prevention instead of reactive punishment. Haney meticulously reviews evidence documenting the ways in which a person's social history, institutional experiences, and present circumstances powerfully shape their life, with a special focus on the role of social, economic, and racial injustice in crime causation. Haney debunks the "crime master narrative"--the widespread myth that criminality is a product of free and autonomous "bad" choices--an increasingly anachronistic view that cannot bear the weight of contemporary psychological data and theory. This is a must-read for understanding what truly influences criminal behavior, and the strategies for prevention and rehabilitation that follow.