

**NATIONAL DEBATE TOPIC FOR HIGH  
SCHOOLS, 2020–2021**

**Resolved: The United States Federal  
Government Should Enact Substantial  
Criminal Justice Reform in the United  
States in One or More of the Following:  
Forensic Science, Policing, Sentencing**

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NATIONAL DEBATE TOPIC FOR HIGH SCHOOLS, 2020–2021  
Pursuant to 44 U.S.C. Section 1333

Compiled by the Congressional Research Service  
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U.S. Government Publishing Office  
Washington, DC 2020

44 U.S.C., SECTION 1333

CHAPTER 13—PARTICULAR REPORTS AND DOCUMENTS

Sec. 1333. National high school and college debate topics

(a) The Librarian of Congress shall prepare compilations of pertinent excerpts, bibliographical references, and other appropriate materials relating to:

- (1) the subject selected annually by the National University Extension Association as the national high school debate topic and
- (2) the subject selected annually by the American Speech Association as the national college debate topic.

In preparing the compilations the Librarian shall include materials which in his judgment are representative of, and give equal emphasis to, the opposing points of view on the respective topics.

(b) The compilations on the high school debate topics shall be printed as Senate documents and the compilations on the college debate topics shall be printed as House of Representative documents, the cost of which shall be charged to the congressional allotment for printing and binding. Additional copies may be printed in the quantities and distributed in the manner the Joint Committee on Printing directs.

(P.L. 90-620, Oct. 22, 1968, 82 Stat. 1270)

Historical and Revision Notes

Based on 44 U.S. Code, 1964 ed., Supp. III, Sec. 170 [Sec. 276a] (Dec. 30, 1963, Pub. L. 88-246, Secs. 1, 2, 77 Stat. 802)

# CONTENTS

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	Page
FOREWORD .....	V
INTRODUCTION .....	3
SUMMARY .....	3
THE CRIMINAL JUSTICE PROCESS: OVERVIEW .....	4
THE FEDERAL GOVERNMENT'S ROLE IN THE CRIMINAL JUSTICE SYSTEM .....	6
SIGNIFICANT FEDERAL CRIMINAL JUSTICE LEGISLATION .....	10
SENTENCING REFORM ACT OF 1984 (P.L. 98-473) .....	10
ANTI-DRUG ABUSE ACT OF 1988 (P.L. 100-690) .....	11
VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1994 (P.L. 103-322) .....	12
SECOND CHANCE ACT OF 2007 (P.L. 110-199) .....	13
FIRST STEP ACT OF 2018 (P.L. 115-391) .....	14
POLICING .....	15
COMMUNITY POLICING .....	15
PROBLEM-ORIENTED POLICING .....	17
POLICE-COMMUNITY RELATIONS .....	18
LAW-ENFORCEMENT MILITARIZATION .....	19
BODY-WORN CAMERAS .....	21
LESS THAN-LETHAL WEAPONS .....	22
METHODS TO REVIEW THE USE OF FORCE BY LAW-ENFORCEMENT OFFICERS .....	23
FORENSIC SCIENCE .....	24
OVERVIEW .....	24
THE LIMITATIONS OF FORENSIC SCIENCE .....	25
EFFORTS TO IMPROVE THE RELIABILITY AND ACCURACY OF FO- RENSIC SCIENCE .....	27
CRIME-LABORATORY ACCREDITATION .....	29
SEXUAL-ASSAULT KIT BACKLOGS .....	30
WRONGFUL-CONVICTION REVIEWS .....	31
SENTENCING AND PRISONS .....	32
BAIL AND PRETRIAL RELEASE .....	32
MANDATORY-MINIMUM SENTENCES, SENTENCING GUIDELINES, AND LIMITATIONS ON JUDICIAL DISCRETION IN SENTENCING DECISIONS .....	34
PROSECUTORIAL DISCRETION AND PLEA DEALS .....	35
ABOLISHING PAROLE AND TRUTH-IN-SENTENCING LAWS .....	36
THE MOVEMENT TOWARD INCARCERATION AND AWAY FROM COMMUNITY CORRECTIONS .....	36
THE GROWTH OF THE PRISON POPULATION AND ITS EFFECT ON CORRECTIONAL OPERATIONS .....	37
PRIVATE PRISONS .....	38
THE EFFECTIVENESS OF REHABILITATIVE PROGRAMS .....	39
SUBJECT BIBLIOGRAPHY .....	41



## Foreword

The 2020–2021 high school debate topic is: “Resolved: The United States federal government should enact substantial criminal justice reform in the United States in one or more of the following: forensic science, policing, sentencing.”

In compliance with 44 U.S.C., Section 1333, the Congressional Research Service (CRS) and the Researcher and Reference Services Division and the Law Library of the Library of Congress prepared this bibliography to assist high school debaters in researching the topic. This bibliography is intended to assist debaters in the identification of further references and resources on the subject. In selecting items for inclusion in this bibliography, the Library of Congress has sampled a wide spectrum of opinions reflected in the current literature on this topic. No preference for any policy is indicated by the selection or positioning of articles, books, or websites cited, nor is the Library’s disapproval of any policy, position, or article to be inferred from its omission.

The bibliography was prepared by Audrey Crane-Hirsch, Laura Deal, and Ben Leubsdorf of the Knowledge Services Group, CRS, LeRoy Bell and Laura Berberian of the Humanities & Social Sciences Section, Library of Congress, and Anna Price of the Law Library, Library of Congress, under the direction of project team leader Caitlin Curran, with assistance from Anon Cadieux and Nathan James.

We wish the best to each debater as they research, prepare, and present arguments on this year’s topic.

Mary B. Mazanec, Director  
Congressional Research Service





NATIONAL DEBATE TOPIC FOR HIGH SCHOOLS, 2020-2021

RESOLVED: THE UNITED STATES FEDERAL GOVERNMENT  
SHOULD ENACT SUBSTANTIAL CRIMINAL JUSTICE REFORM  
IN THE UNITED STATES IN ONE OR MORE OF THE  
FOLLOWING: FORENSIC SCIENCE, POLICING, SENTENCING.

AN ANNOTATED BIBLIOGRAPHY ON THE 2020-2021 HIGH  
SCHOOL DEBATE TOPIC

Compiled by  
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Under the direction of Caitlin Curran,  
Knowledge Services Group,  
Congressional Research Service

June 2020



## **Introduction**

The 2020-2021 high school debate topic is: “Resolved: The United States federal government should enact substantial criminal justice reform in the United States in one or more of the following: forensic science, policing, sentencing.” The topic is selected annually by ballot of the delegates from the National Catholic Forensic League, the National Debate Coaches Association, and the National Speech and Debate Association, all organized under the umbrella organization, the National Federation of State High School Associations.

This selective bibliography, with brief annotations, is intended to assist debaters in identifying resources and references on the national debate topic. It lists citations to journal articles, books, congressional publications, legal cases, and websites.

## **Summary**

The purpose of the bibliography is to provide students with a brief overview of information related to the 2020-2021 high school debate topic.

This compilation is not intended to provide complete coverage of the topic. Further research on the topic may be accomplished at high school, public, and research libraries.

In addition to the resources included in this bibliography, there are many more international organizations, U.S. government agencies, and non-governmental organizations that provide information on the debate topic and sub-topics on their websites. Debaters are encouraged to consult library resources as well as the internet for their research.

## The Criminal Justice Process: Overview

### Articles

Jacobs, James B. "Criminal Justice in the United States: A Primer." *American Studies Journal* 49 (2007).

Available at <http://www.asjournal.org/49-2007/criminal-justice-in-the-united-states/#>.

This article discusses the criminal justice process at the state and federal levels, relevant amendments in the U.S. Constitution, prosecution and trial procedure, sentencing, and community reentry.

Marcus, Paul. "The United States Criminal Justice System: A Brief Overview." *William & Mary Law School Scholarship Repository* (1996).

Available at <https://scholarship.law.wm.edu/cgi/viewcontent.cgi?article=2231&context=facpubs>.

Despite the outdated data cited, this article provides a brief summary of the criminal justice process, from initiating the prosecution to post-trial relief through appeals and *habeas corpus* proceedings.

Payne, Brian, Willard M. Oliver, and Nancy E. Marion. "Introduction to Criminal Justice." In *Introduction to Criminal Justice: A Balanced Approach*, 2<sup>nd</sup> ed., 2-31. Thousand Oaks, CA: SAGE Publications, 2019.

Available at [https://www.sagepub.com/sites/default/files/upm-binaries/90113\\_Chapter\\_1\\_Introduction\\_to\\_Criminal\\_Justice.pdf](https://www.sagepub.com/sites/default/files/upm-binaries/90113_Chapter_1_Introduction_to_Criminal_Justice.pdf).

A brief overview of the criminal justice system, written for those without a legal background. This chapter includes examples of famous criminal cases, the history of criminal justice in America, and diagrams to make complex legal issues more approachable.

### Books

Burke, Alison S., David E. Carter, Brian Fedorek, Tiffany L. Morey, Lore Rutz-Burri, and Shanell Sanchez. *Introduction to the American Criminal Justice System*. Salem, OR: Open Oregon Educational Resources, 2019.

Available at

<https://open.umn.edu/opentextbooks/textbooks/introduction-to-the-american-criminal-justice-system>.

A textbook containing an overview of a variety of criminal justice topics, both theoretical and policy-related. Individual chapters discuss policing, the court system, corrections, and juvenile justice. It also includes a glossary of legal terms.

*Introduction to Criminal Law*. LibreTexts, 2020.

Available at

[https://biz.libretexts.org/Bookshelves/Law/Book%3A\\_Introduction\\_to\\_Criminal\\_Law](https://biz.libretexts.org/Bookshelves/Law/Book%3A_Introduction_to_Criminal_Law).

This open-access textbook offers an introduction to criminal law with chapters on the U.S. legal system and constitutional protections. The text includes links to external resources, including the United States Code and online legal dictionaries.

## Reports

American Prosecutors Research Institute. *Prosecution in the 21st Century: Goals, Objectives, and Performance Measures*, by Steve Dillingham, M. Elaine Nugent, and Debra Whitcomb. February 2004.

Available at

[http://biblioteca.cejamerica.org/bitstream/handle/2015/3187/prosecution\\_21st\\_century.pdf](http://biblioteca.cejamerica.org/bitstream/handle/2015/3187/prosecution_21st_century.pdf).

This report outlines the prosecutor's role in the criminal justice system, including the prosecutor's mission and goals. It explains the prosecutor's various responsibilities, such as crime reduction, professionalism, and the efficient administration of justice.

U.S. Department of Justice. Federal Bureau of Prisons. *Legal Resource Guide to the Federal Bureau of Prisons*. 2019.

Available at <https://www.bop.gov/resources/publications.jsp#>.

This guide offers a detailed primer on the Federal Bureau of Prisons. It is organized by different stages in the criminal justice process, such as pretrial issues, sentencing, post-conviction matters, incarceration, and release. Appendices explain specific laws affecting the federal prison system and define frequently-used acronyms.

U.S. Library of Congress. Congressional Research Service. *How the Federal Sentencing Guidelines Work: An Overview*, by Charles Doyle. R41696.

Available at <https://crsreports.congress.gov/product/details?prodcode=R41696>.

This report provides a comprehensive overview of the federal sentencing guidelines. It explains the development of the guidelines; how sentences are calculated under the guidelines; and different types of sentencing options, including fines, probation, and incarceration.

U.S. Library of Congress. Congressional Research Service. *The Federal Bureau of Investigation: Just the Facts*, by Nathan James and Jerome P. Bjelopera. IF10651.

Available at <https://crsreports.congress.gov/product/details?prodcode=IF10651>.

A brief report outlining the duties and responsibilities of the Federal Bureau of Investigation (FBI). It includes basic summaries of the FBI's branches, divisions within branches, and its general role within the criminal justice system.

## Websites

Lumen Learning. "Reading: The Criminal Justice System."

Available at

<https://courses.lumenlearning.com/atd-bhcc-introsoc/chapter/reading-the-criminal-justice-system/>.

This brief overview offers a basic description of different actors and institutions in the criminal justice system. It describes the roles of the police, courts, and correctional facilities, and includes a video explaining mass incarceration.

National Criminal Justice Reference Service. "Virtual Library."

Available at <https://www.ncjrs.gov/library.html>.

The National Criminal Justice Reference Service's (NCJRS) virtual library provides access to thousands of resources, including articles and abstracts, on all aspects of the criminal justice system. Visitors can browse resources by topic or use the advanced search feature to find relevant materials. The NCJRS also links to federal government programs and resources, including the Bureau of Prisons Library and the Department of Justice.

National Reentry Resource Center. “Reentry Publications.”

Available at <https://nationalreentryresourcecenter.org/>.

A person’s release from incarceration, also known as reentry, is the final stage of the criminal justice process. The National Reentry Resource Center (NRRC) publishes guides on topics about this process, including housing options, employment, and debt repayment. The NRRC’s site also has webinars on these subjects.

U.S. Department of Justice. Bureau of Justice Statistics. “Criminal Justice System Flowchart.”

Available at <https://www.bjs.gov/content/largechart.cfm>.

A diagram listing the sequence of events in the criminal justice process, including arrest, prosecution and pretrial services, adjudication, sentencing, and corrections. Selecting a stage in the diagram leads to an expanded explanation of each step in the process.

U.S. Department of Justice. Federal Bureau of Investigation. “A Brief Description of the Federal Criminal Justice Process.”

Available at <https://www.fbi.gov/resources/victim-services/a-brief-description-of-the-federal-criminal-justice-process>.

This summary outlines the various phases of the criminal justice system. Topics covered include the grand jury’s role, different stages within the court system, plea bargaining, and post-trial proceedings. The intended audience for information on this website are crime victims.

U.S. Department of Justice. “Justice 101.”

Available at <https://www.justice.gov/usao/justice-101>.

A website providing links to relevant resources, including summaries of the criminal justice process in the federal system. It also contains frequently asked questions, a glossary of legal terms, and an introduction to the federal court system.

## The Federal Government’s Role in the Criminal Justice System

### Articles

Brown, Darryl K. “Criminal Enforcement Redundancy: Oversight of Decisions Not to Prosecute.”

*Minnesota Law Review* 103, no. 2 (Dec. 2018): 843-914.

Available at <https://minnesotalawreview.org/article/criminal-enforcement-redundancy-oversight-of-decisions-not-to-prosecute>.

This article argues that federal criminal law can provide a backstop against under-enforcement of criminal law by state and local authorities. The author contends that such “federal redundancy” has been an effective response to states’ failures to address public corruption; to some extent, makes up for states’ failures to prosecute police violence and other police misconduct; and fails to compensate for weak prosecution of sexual assaults by state and local officials.

Chanenson, Steven L. “Five Questions for the Next Thirty Years of Federal Sentencing.”

*Federal Probation Journal* 81, no. 2 (Sept. 2017): 23-27.

Available at <https://www.uscourts.gov/federal-probation-journal/2017/09/five-questions-next-thirty-years-federal-sentencing>.

Chanenson compares and contrasts the federal and Pennsylvania sentencing commissions, drawing upon the author’s extensive experience with both systems. Among other topics, he argues that the composition of the U.S. Sentencing Commission should be changed to add a defense attorney, and contends that formally shutting out a defense voice, as the present system does, is structurally imbalanced and lacks any logical explanation.

Dodson, Scott. "The Gravitational Force of Federal Law." *University of Pennsylvania Law Review* 164, no. 3 (Feb. 2016): 703-753.

Available at [https://scholarship.law.upenn.edu/cgi/viewcontent.cgi?article=9515&context=penn\\_law\\_review](https://scholarship.law.upenn.edu/cgi/viewcontent.cgi?article=9515&context=penn_law_review).

Dodson argues that states often follow federal patterns in both procedure and substance, even when there is no constitutional obligation to do so and they should exercise more independence. The author argues that changes in federal practices are likely to cause resonances at the state level.

Kurland, Adam Harris. "The Enduring Virtues of Deferential Federalism: The Federal Government's Proper Role in Prosecuting Law Enforcement Officers for Civil Rights Offenses." *Hastings Law Journal* 70, no. 3 (Apr. 2019): 773-849.

Available at <http://www.hastingslawjournal.org/wp-content/uploads/70.4-Kurland.pdf>.

This article considers several proposals to make federal prosecution of local law-enforcement officers for excessive use of force and other civil-rights violations easier and more common. Although acknowledging that the problems raised are real, Kurland defends the status quo at length, arguing that federal prosecution for civil-rights violations of local government officials should be deployed only when local prosecutors do not vigorously prosecute police misconduct cases for illegitimate reasons, and federal prosecution is required to vindicate substantial federal interests.

Martinez, Ricardo S. "Federal Sentencing Policy: Role of the Judicial Conference of the United States and the Administrative Office of the U.S. Courts." *Federal Probation Journal* 81, no. 2 (Sept. 2017): 5-12.

Available at <https://www.uscourts.gov/federal-probation-journal/2017/09/federal-sentencing-policy-role-judicial-conference-united-states>.

The author, a federal trial judge and chair of the Criminal Law Committee of the Judicial Conference of the United States, discusses the Judicial Conference and the Administrative Office of the U.S. Courts' history and function in setting and administering federal sentencing policy. The author explains the importance of determining which amendments to sentencing guidelines should be applied retroactively, and discusses several specific past cases in which the federal courts overcame challenges and successfully implemented important policy changes.

Pfaff, John F. "Federal Sentencing in the States: Some Thoughts on Federal Grants and State Imprisonment." *Hastings Law Journal* 66, no. 6 (Aug. 2015): 1567-1600.

Available at <http://www.hastingslawjournal.org/wp-content/uploads/Pfaff-66.6.pdf>.

The author examines how federal grants that subsidize state correctional budgets may affect state incarceration rates. He suggests that the federal government might be able to design grants that encourage states to seek alternatives to incarceration.

Simmons, Kami Chavis. "Cooperative Federalism and Police Reform: Using Congressional Spending Power to Promote Police Accountability." *Alabama Law Review* 62, no. 2 (Apr. 2011): 351-403.

Available at [https://www.law.ua.edu/pubs/lrarticles/Volume%2062/Issue%202/SIMMONS-Cooperative\\_Federalism.pdf](https://www.law.ua.edu/pubs/lrarticles/Volume%2062/Issue%202/SIMMONS-Cooperative_Federalism.pdf).

Simmons discusses the practical and structural difficulties that prevent the federal government from being the nation's principal investigator and prosecutor of police misconduct, and argues that Congress should address continued violence and civil rights violations by local law enforcement by requiring recipients of Community Oriented Policing Services ("COPS") grants to enact substantive legislation to promote police accountability.

## Books

Rushin, Stephen. *Federal Intervention in American Police Departments*. New York: Cambridge University Press, 2017.

This book provides a comprehensive account of federal intervention in American police departments since the enactment of The Violent Crime Control and Law Enforcement Act of 1994, which permitted the Department of Justice to review state and local law enforcement agencies which demonstrated patterns of unconstitutional behavior. The book argues that under proper conditions, federal intervention is effective at combatting police misconduct. The text offers suggestions for expanding and improving federal oversight of policing.

Shahidullah, Shahid M. "Federalization of Crime and Justice Policy: History, Trends, and Processes." In *Crime Policy in America*, 71-115. Lanham, MD: University Press of America, Inc., 2016.

This chapter traces the history of the federal government's role in the criminal justice system. It provides an overview of federalism and looks at specific periods and documents in American history that have expanded federal power in criminal justice.

Zimmerman, Joseph F. *Congress and Crime: The Impact of Federalization of State Criminal Laws*. Lanham, MD: Lexington Books, 2014.

The author examines the federal government's enforcement of state criminal laws and the development of a separate body of federal criminal law. He argues that excessive federalization of state crimes has created problems and offers recommendations to Congress and to state legislatures on how to address them.

## Reports

Crowley, Mike and Ed Chung. *Congress Can Lead on Criminal Justice Reform Through Funding Choices*. Washington, DC: Center for American Progress, Sept. 2017.

Available at

<https://cdn.americanprogress.org/content/uploads/2017/09/07054711/DOJGrant-brief.pdf>.

The authors argue that the federal government can and should appropriate funds in ways to reform criminal justice systems and practices at the state level. The article recommends increased federal funding for mental-health and substance-abuse diversion programs; incentives for states to reduce their incarceration rates; assisting states in implementing pretrial supervision without money bail; and improving indigent defense in both juvenile and criminal justice systems.

Grawert, Ames. *How to Fix the Federal Criminal Justice System (in Part)*. New York: Brennan Center for Justice, Jan. 2020.

Available at <https://www.brennancenter.org/our-work/research-reports/how-fix-federal-criminal-justice-system-part>.

This report argues against federal mandatory minimum prison sentences, observing that in fiscal year 2018, a quarter of all federal cases triggered mandatory minimums, as did about half of all federal drug cases; and that about 70% of offenders receiving a mandatory minimum sentence were Black or Hispanic. The author observes that the existence of mandatory minimums gives prosecutors significant power to induce plea bargains and cooperation, because judges cannot impose a sentence lower than the statutory minimum.



Grawert, Ames C., Natasha Camhi, and Inimai Chettiar. *A Federal Agenda to Reduce Mass Incarceration*. New York: Brennan Center for Justice, May 15, 2017.

Available at <https://www.brennancenter.org/our-work/policy-solutions/federal-agenda-reduce-mass-incarceration>.

Observing that the United States has less than 5% of the world's population but nearly 25% of its prisoners, the authors contend that changes in federal funding would have fundamental effects on reducing mass incarceration, even though 87% of all prisoners are housed in state facilities. The author recommends four specific reforms to help the federal government reduce incarceration rates and support law enforcement.

Meese, Edwin, III and John Malcolm. *2019 Policing Strategy Summit*. Washington, DC: The Heritage Foundation, Dec. 12, 2019.

Available at <https://www.heritage.org/crime-and-justice/report/2019-policing-strategy-summit>.

The authors, the first of whom served as Attorney General of the United States during the 1980s, summarize challenges facing small law enforcement agencies across the country. The authors note the importance of federal partnerships, as well as the critical role of Community Oriented Policing Services (COPS) grants in supporting training needs for small police departments.

Pfaff, John F. "A Smarter Approach to Federal Assistance with State-Level Criminal Justice Reform." *AEI Economic Perspectives*, American Enterprise Institute, Jan. 2018.

Available at <https://www.aei.org/wp-content/uploads/2018/01/A-Smarter-Approach-to-Federal-Assistance-with-State-Level-Criminal-Justice-Reform.pdf>.

The author identifies principal reasons that past federal efforts to reform state and local policing, prosecution, and sentencing practices have been ineffective. The author argues that state and local governments expend significant amounts on the criminal justice system, so it is unlikely that a grant or other federal program could bring substantive changes merely by changing financial incentives. However, the author argues that thoughtful and focused federal grant programs could have significant effects, starting with federal financial and other support for indigent criminal defense, which one study estimates receives only one-third as much funding as state and local prosecutorial budgets.

Smith, Stephen F. "Overfederalization." In *Reforming Criminal Justice: A Report by the Academy for Justice*, vol. 1, 39-70. Phoenix, AZ: Arizona State University, 2017.

Available at [https://law.asu.edu/sites/default/files/pdf/academy\\_for\\_justice/4\\_Reforming-Criminal-Justice\\_Vol\\_1\\_Overfederalization.pdf](https://law.asu.edu/sites/default/files/pdf/academy_for_justice/4_Reforming-Criminal-Justice_Vol_1_Overfederalization.pdf).

This report noted that the federalization of criminal law failed to improve public safety, while the increased charging authority of federal prosecutors undermined the effectiveness of American criminal justice. The author identifies seven recommendations, including the elimination of harsh mandatory minimums for drug and nonviolent weapons offenses, and addressing inadequate local crime enforcement with conditional federal funding to states rather than new federal criminal laws.

U.S. Library of Congress. Congressional Research Service. *Public Trust and Law Enforcement—A Discussion for Policy Makers*, by Nathan James, Kristin Finklea, Natalie Keegan, Kavya Sekar, and Richard M. Thompson II. R43904.

Available at <https://crsreports.congress.gov/product/details?prodcode=R43904>.

This report discusses several options for federal policymakers to promote better police-community relations and police accountability. These include improving collecting data on police use of force incidents on a systematic and national basis; enhanced federal authority to investigate alleged police misconduct; and addressing the numerous influences that the Department of Justice has on local law enforcement, including through expanded Community Oriented Policing Services (COPS) funding.

## Websites

U.S. Department of Justice. Bureau of Justice Statistics.

Available at [www.bjs.gov](http://www.bjs.gov).

The Bureau of Justice Statistics collects, analyzes, and disseminates data on crime and justice-system systems at all levels of government. The Bureau maintains dozens of major data sets and regularly publishes data on criminal victims; incarcerated and paroled populations; federal and state criminal prosecutions; and prosecutorial practices and policies.

## Significant Federal Criminal Justice Legislation

The following resources provide information on five important federal laws dealing with criminal justice matters. This list is not intended to be comprehensive.

### Sentencing Reform Act of 1984 (P.L. 98-473)

Sentencing Reform Act of 1984, Pub. L. No. 98-473, 98 Stat. 1987.

Available at <https://www.govinfo.gov/content/pkg/STATUTE-98/pdf/STATUTE-98-Pg1837.pdf>.

The original text of the Sentencing Reform Act of 1984 is Chapter II of the Comprehensive Crime Control Act of 1984, which was included as Title II in an unrelated appropriations law.

## Articles

Oleson, J.C. "Blowing Out All the Candles: A Few Thoughts on the Twenty-Fifth Birthday of the Sentencing Reform Act of 1984." *University of Richmond Law Review* 45, no. 2 (Jan. 2011): 693-763.

Available at <http://lawreview.richmond.edu/files/2011/01/Oleson-452.pdf>.

This article discusses the origins and implementation of the Sentencing Reform Act of 1984 on its 25<sup>th</sup> anniversary. Oleson writes in a conversational tone, addressing the law as it were a person named Sara celebrating her 25<sup>th</sup> birthday, and speculates about ways to improve sentencing guidelines within the law's framework.

Stith, Kate and Steve Y. Koh. "The Politics of Sentencing Reform: The Legislative History of the Federal Sentencing Guidelines." *Wake Forest Law Review* 28, no. 2 (1993): 223-290.

Available at

[https://digitalcommons.law.yale.edu/cgi/viewcontent.cgi?article=2276&context=fss\\_papers](https://digitalcommons.law.yale.edu/cgi/viewcontent.cgi?article=2276&context=fss_papers).

This article provides a history of legislative proposals, starting in the 1970s, that led to the Sentencing Reform Act of 1984, as well as information on the 1984 law's enactment.

Van Graafeiland, Ellsworth A. "Some Thoughts on the Sentencing Reform Act of 1984."

*Villanova Law Review* 31, no. 5 (1986): 1291-1297.

Available at

<https://digitalcommons.law.villanova.edu/cgi/viewcontent.cgi?article=2566&context=vlr>.

In this article, the author writes an opinion piece on the preliminary draft sentencing guidelines released by the Sentencing Commission in September 1986. He describes sentencing guidelines as overly rigid and expresses concern about the increased burden on courts.

Wilkins Jr., William W., Phyllis J. Newton, and John R. Steer. "The Sentencing Reform Act of 1984: A Bold Approach to the Unwarranted Sentencing Disparity Problem." *Criminal Law Forum* 2, no. 2 (Winter 1991): 355-380.

Available at <https://link.springer.com/content/pdf/10.1007/BF01096510.pdf>.

The authors—the then-chairman, staff director, and general counsel of the U.S. Sentencing Commission—provide a review of the Sentencing Reform Act of 1984, its results to date, and early indications that the goals of sentencing reform are succeeding.

## Books

Travis, Jeremy, Bruce Western, and Steve Redburn, eds. *The Growth of Incarceration in the United States: Exploring Causes and Consequences*. Washington, DC: The National Academies Press, 2014.

Available at <https://doi.org/10.17226/18613>.

Written by the Committee on Causes and Consequences of High Rates of Incarceration in the United States, a panel of researchers created by the National Research Council of the National Academies of Sciences, Engineering, and Medicine, this book provides analysis on various reasons for the growing prison population in the United States, including the role of the Sentencing Reform Act of 1984.

## Reports

Pew Charitable Trusts. *Prison Time Surges for Federal Inmates*. Washington, DC: The Pew Charitable Trusts, 2015.

Available at

[https://www.pewtrusts.org/~media/assets/2015/11/prison\\_time\\_surges\\_for\\_federal\\_inmates.pdf](https://www.pewtrusts.org/~media/assets/2015/11/prison_time_surges_for_federal_inmates.pdf).

This brief report describes statistics on prison sentences for federal inmates over time. It states that the cause of increasingly long prison terms is policy changes in the 1980s and 1990s, including the Sentencing Reform Act of 1984.

U.S. Library of Congress. Congressional Research Service. *Federal Mandatory Minimum Sentencing Statutes*, by Charles Doyle. RL32040.

Available at <https://crsreports.congress.gov/product/details?prodcode=RL32040>.

This report provides background information on federal laws that establish mandatory minimum sentences for various crimes, including the role of the Sentencing Reform Act of 1984.

U.S. Sentencing Commission. *Federal Sentencing: The Basics*. Washington, DC: U.S. Sentencing Commission, 2018.

Available at [https://www.ussc.gov/sites/default/files/pdf/research-and-publications/research-projects-and-surveys/miscellaneous/201811\\_fed-sentencing-basics.pdf](https://www.ussc.gov/sites/default/files/pdf/research-and-publications/research-projects-and-surveys/miscellaneous/201811_fed-sentencing-basics.pdf).

This report describes the federal criminal sentencing system and the role of the U.S. Sentencing Commission, which was created by the Sentencing Reform Act of 1984.

## Anti-Drug Abuse Act of 1988 (P.L. 100-690)

Anti-Drug Abuse Act of 1988, Pub. L. No. 100-690, 102 Stat. 4181.

Available at

<https://www.govinfo.gov/content/pkg/STATUTE-102/pdf/STATUTE-102-Pg4181.pdf>.

## Articles

Perl, Raphael Francis. "Congress, International Narcotics Policy, and the Anti-Drug Abuse Act of 1988." *Journal of Interamerican Studies and World Affairs* 30, no. 2/3 (1988): 19-51.

Available at <https://www.jstor.org/stable/165978>.

Perl discusses the role of Congress in shaping U.S. foreign policy on drug issues, including sanctions and other provisions of the Anti-Drug Abuse Acts of 1986 and 1988.

Stolz, Barbara Ann. "Congress and the War on Drugs: An Exercise in Symbolic Politics." *Journal of Crime and Justice* 15, no. 1 (1992): 119-136.

This article analyzes the congressional antidrug/anticrime policymaking process with primary focus on analysis of the 1986 and 1988 antidrug legislation.

## Reports

U.S. Government Accountability Office. *Drug Control: The Office of National Drug Control Policy Should Develop Key Planning Elements to Meet Statutory Requirements*. Washington, DC: United States Government Accountability Office, 2019.

Available at <https://www.gao.gov/assets/710/703390.pdf>.

This report evaluates the performance of the Office of National Drug Control Policy, which was created by the Anti-Drug Abuse Act of 1988.

U.S. Library of Congress. Congressional Research Service. *Anti-Drug Abuse Act of 1988 (H.R. 5210, 100th Congress): Highlights of Enacted Bill*, by Charles Doyle, Harry Hogan, Edward Klebe, and Raphael Perl.

Available at <https://www.ncjrs.gov/pdffiles1/Digitization/143053NCJRS.pdf>.

This report summarizes the major provisions of the Anti-Drug Abuse Act of 1988, including elements related to federal criminal laws and procedures.

## Violent Crime Control and Law Enforcement Act of 1994 (P.L. 103-322)

Violent Crime Control and Law Enforcement Act of 1994, Pub. L. No. 103-322, 108 Stat. 1796.

Available at

<https://www.govinfo.gov/content/pkg/STATUTE-108/pdf/STATUTE-108-Pg1796.pdf>.

## Articles

Farley, Robert. "Bill Clinton and the 1994 Crime Bill." *FactCheck.org*. Apr. 12, 2016.

Available at <https://www.factcheck.org/2016/04/bill-clinton-and-the-1994-crime-bill>.

This fact check-style article assesses evidence on how the Violent Crime Control and Law Enforcement Act of 1994 affected crime rates and mass incarceration in the United States.

McCollum, Bill. "The Struggle for Effective Anti-Crime Legislation – An Analysis of the Violent Crime Control and Law Enforcement Act of 1994." *University of Dayton Law Review* 20, no. 2 (1995): 561-565.

Available at <https://heinonline.org/HOL/P?h=hein.journals/udlr20&i=569>.

The author, a then-Representative from Florida who helped lead Republican opposition in the U.S. House to the Violent Crime Control and Law Enforcement Act of 1994, describes its legislative history.

Purdum, Todd S. "The Crime-Bill Debate Shows How Short Americans' Memories Are." *The Atlantic*, Sept. 12, 2019.

Available at <https://www.theatlantic.com/politics/archive/2019/09/joe-biden-crime-bill-and-americans-short-memory/597547>.

Purdum describes the political and social context of the Violent Crime Control and Law Enforcement Act of 1994.

## Reports

Rosenfeld, Richard. The 1994 Crime Bill: Legacy and Lessons – Overview and Reflections. Washington, D.C.: Council on Criminal Justice, Sept. 2019.

Available at [https://cdn.ymaws.com/counciloncj.org/resource/resmgr/crime\\_bill/overview\\_and\\_reflections.pdf](https://cdn.ymaws.com/counciloncj.org/resource/resmgr/crime_bill/overview_and_reflections.pdf).

In this report, Rosenfeld provides the historical and political context in which the Violent Crime Control and Law Enforcement Act of 1994 was passed and outlines its legacy and lessons learned.

U.S. Library of Congress. Congressional Research Service. *Community Oriented Policing Services (COPS) Program*, by Nathan James. IF10922.

Available at <https://crsreports.congress.gov/product/details?prodcode=IF10922>.

This brief report describes the history and funding of the Community Oriented Policing Services (COPS) program, which was created by the Violent Crime Control and Law Enforcement Act of 1994.

U.S. Library of Congress. Congressional Research Service. *Prisoners' Eligibility for Pell Grants: Issues for Congress*, by Cassandra Dortch and Nathan James. R45737.

Available at <https://crsreports.congress.gov/product/details?prodcode=R45737>.

This report discusses the policy barring prisoners from receiving Pell Grants to pay for higher education, which was a part of the Violent Crime Control and Law Enforcement Act of 1994.

U.S. Library of Congress. Congressional Research Service. *The Violence Against Women Act (VAWA): Historical Overview, Funding, and Reauthorization*, by Lisa N. Sacco. R45410.

Available at <https://crsreports.congress.gov/product/details?prodcode=R45410>.

This report describes the Violence Against Women Act, which was first enacted as part of the Violent Crime Control and Law Enforcement Act of 1994.

## Second Chance Act of 2007 (P.L. 110-199)

Second Chance Act of 2007, Pub. L. No. 110-199, 122 Stat. 657.

Available at

<https://www.govinfo.gov/content/pkg/PLAW-110publ199/pdf/PLAW-110publ199.pdf>.

## Articles

Henry, Jessica. "The Second Chance Act of 2007." *Criminal Law Bulletin* 45, no. 3 (2009): 416-432.

Available at <https://ssrn.com/abstract=2344739>.

This article discusses the major provisions and goals of the Second Chance Act of 2007, including what the author describes as the law's limitations.

Pinard, Michael. "Reflections and Perspectives on Reentry and Collateral Consequences." *The Journal of Criminal Law & Criminology* 100, no. 3 (2010): 1213-1224.

Available at

[https://digitalcommons.law.umaryland.edu/cgi/viewcontent.cgi?article=2040&context=fac\\_pubs](https://digitalcommons.law.umaryland.edu/cgi/viewcontent.cgi?article=2040&context=fac_pubs).

This article discusses barriers faced by released prisoners as they reenter society, including difficulty finding employment and policies barring them from obtaining government benefits, which Pinard describes as "collateral consequences" of their criminal convictions.

## Reports

U.S. Department of Justice. National Institute of Justice. *Lessons Learned from the Second Chance Act: Moving Forward to Strengthen Offender Reentry*. Washington, DC: National Institute of Justice, 2018.

Available at <https://nij.ojp.gov/topics/articles/lessons-learned-second-chance-act-moving-forward-strengthen-offender-reentry>.

This report from the National Institute of Justice summarizes two evaluations of offender-reentry programs supported by the Second Chance Act of 2007, stating that participation did not appear to significantly reduce recidivism.

U.S. Library of Congress. Congressional Research Service. *Offender Reentry: Correctional Statistics, Reintegration into the Community, and Recidivism*, by Nathan James. RL34287.

Available at <https://crsreports.congress.gov/product/details?prodcode=RL34287>.

This report provides an overview of the issue of criminal recidivism and offenders re-entering society after time in prison, including discussion of programs created by the Second Chance Act of 2007.

## First Step Act of 2018 (P.L. 115-391)

First Step Act of 2018, Pub. L. 115-391, 132 Stat. 5194.

Available at

<https://www.govinfo.gov/content/pkg/PLAW-115publ391/pdf/PLAW-115publ391.pdf>.

## Articles

Grawert, Ames and Tim Lau. "How the FIRST STEP Act Became Law—and What Happens Next." Brennan Center for Justice, Jan. 4, 2019.

Available at <https://www.brennancenter.org/our-work/analysis-opinion/how-first-step-act-became-law-and-what-happens-next>.

The authors of this article, published by the Brennan Center for Justice at New York University Law School, view the First Step Act of 2018 as a consequential step to reduce mass incarceration in the United States.

Kirsanow, Peter. "FIRST STEP Backward." *National Review*, Nov. 30, 2018.

Available at <https://www.nationalreview.com/corner/first-step-backward>.

Kirsanow criticizes the First Step Act of 2018 as misguided in reducing sentences and releasing many inmates who are likely to commit additional crimes. Kirsanow describes the FIRST STEP bill as well-meaning with a number of useful provisions, but concludes that reducing sentences by years is misguided and detrimental to society.

Lennard, Natasha. "The First Step Act Is Not Sweeping Criminal Justice Reform—and the Risk Is That It Becomes the Only Step." *The Intercept*, Dec. 19, 2018.

Available at <https://theintercept.com/2018/12/19/first-step-act-criminal-justice-reform-bill>.

In this article, the author notes that the First Step Act of 2018 was limited in solving the mass incarceration problem, and saw it as a compromise in place of more robust reform.

McCurdy, Jesselyn. "The First Step is Actually the Next Step After Fifteen Years of Successful Reforms to the Federal Criminal Justice System." *Cardozo Law Review* 41, no. 1 (2019): 189-241.

Available at <http://cardozolawreview.com/the-first-step-act-is-actually-the-next-step-after-fifteen-years-of-successful-reforms-to-the-federal-criminal-justice-system>.

This article discusses the legislative history of the First Step Act of 2018. The author places the 2018 law within the context of a broader policy effort to reduce incarceration rates in the United States.

## Reports

U.S. Library of Congress. Congressional Research Service. *The First Step Act of 2018: An Overview*, by Nathan James. R45558.

Available at <https://crsreports.congress.gov/product/details?prodcode=R45558>.

This report provides a detailed overview of the provisions of the First Step Act of 2018.

## Websites

U.S. Department of Justice. Federal Bureau of Prisons. "An Overview of the First Step Act."

Available at <https://www.bop.gov/inmates/fsa/overview.jsp>.

This Federal Bureau of Prisons website describes provisions of the First Step Act of 2018 that affect federal prisoners.

U.S. Department of Justice. National Institute of Justice. "NIJ's Role Under the First Step Act."

Available at <https://nij.ojp.gov/topics/articles/nij-role-under-first-step-act>.

This website describes the role of the National Institute of Justice in implementing the First Step Act of 2018.

## Policing

### Community Policing

## Articles

Lum, Cynthia, and Daniel S. Nagin. "Reinventing American Policing." *Crime and Justice* 46, no. 1 (Nov. 08, 2016): 339-441.

This article proposes seven measures as "essential to reinvention of democratic policing" including greater transparency and a focus on crime prevention instead of arrest statistics.

Nagin, Daniel, Cynthia Lum, and Tarrick McGuire. "Guest Post: Repairing the Fractured Foundations of the Police." *The Washington Post*, June 9, 2020.

Available at <https://www.washingtonpost.com/crime-law/2020/06/09/guest-post-repairing-fractured-foundations-police>.

This opinion column from three criminologists recommends policy changes to improve policing in the United States.

## Books

Lum, Cynthia, and Christopher S. Koper. *Evidence-Based Policing: Translating Research into Practice*. Oxford: Oxford University Press, 2017.

This book discusses research on law-enforcement practices and ideas for translating them into practical changes.

## Reports

Felix, Tammy, Carrie Shelton, Tom Woodmansee, and Juliana Pearson. *Lessons to Advance Community Policing: Final Report for 2015 Microgrant Sites*. Washington, DC: U.S. Department of Justice, Office of Community Oriented Policing Services, 2020.

Available at <https://cops.usdoj.gov/RIC/Publications/cops-w0880-pub.pdf>.

In this report, state, local, and tribal law enforcement agencies received microgrants and provided case studies of their field-tested community policing projects.

Lum, Cynthia, and Christopher Koper. *An Evidence-Assessment of the Recommendations of the President's Task Force on 21st Century Policing: Implementation and Research Priorities*. Alexandria, VA: International Association of Chiefs of Police, 2016.

Available at <https://cebcp.org/wp-content/evidence-based-policing/IACP-GMU-Evidence-Assessment-Task-Force-FINAL.pdf>.

This report provides an overview of academic research underlying recommendations for proposed policy changes affecting federal, state, and local law-enforcement agencies and officers.

Police Executive Research Forum. *Constitutional Policing as a Cornerstone of Community Policing: A Report by the Police Executive Research Forum, April 2015*. Washington, DC: U.S. Department of Justice, Office of Community Oriented Policing Services, 2015.

Available at <https://cops.usdoj.gov/RIC/Publications/cops-p324-pub.pdf>.

This report examines ways to involve the community in determining policing strategies and methods for reinforcing constitutional policing.

President's Task Force on 21st Century Policing. *Final Report of the President's Task Force on 21st Century Policing*. Washington, DC: U.S. Department of Justice, Office of Community Oriented Policing Services, 2015.

Available at [https://cops.usdoj.gov/pdf/taskforce/taskforce\\_finalreport.pdf](https://cops.usdoj.gov/pdf/taskforce/taskforce_finalreport.pdf).

The Task Force identifies best practices and offers recommendations on how policing practices can promote effective crime reduction while building public trust. The task force recommendations are organized around six main topic areas or "pillars:" Building Trust and Legitimacy, Policy and Oversight, Technology and Social Media, Community Policing and Crime Reduction, Officer Training and Education, and Officer Safety and Wellness.



U.S. Department of Justice. Community Oriented Policing Services Office. *Attorney General's Community Policing Report: Summarizing the Attorney General's Community Policing Tour and the Department of Justice's Regional Justice Forums*. Washington, DC: U.S. Department of Justice, Office of Community Oriented Policing Services, 2017.

Available at <https://www.justice.gov/opa/press-release/file/925431/download>.

This report summarizes 12 visits by then-United States Attorney General Loretta E. Lynch to 12 jurisdictions and examines the ways these jurisdictions advance public safety, strengthen police-community relations, and foster mutual trust between law enforcement and their respective communities.

U.S. Department of Justice. Office of Community Oriented Policing Services. *Law Enforcement Best Practices: Lessons Learned from the Field*. Washington, DC: U.S. Department of Justice, Office of Community Oriented Policing Services, 2019.

Available at <https://cops.usdoj.gov/RIC/Publications/cops-w0875-pub.pdf>.

This guide offers strategies for implementing programs; addresses challenges in community policing; and provides Department of Justice, academic, and other resources for community policing.

U.S. Department of Justice. Community Oriented Policing Services Office. *The President's Task Force on 21st Century Policing: One-Year Progress Report*. Washington, DC: U.S. Department of Justice, Office of Community Oriented Policing Services, 2016.

Available at <https://cops.usdoj.gov/RIC/Publications/cops-w0805-pub.pdf>.

This follow-up report highlights efforts made by jurisdictions to implement the recommendations made by the President's 21<sup>st</sup> Century Policing Task Force.

## Problem-Oriented Policing

### Articles

Braga, Anthony Allan and Desiree Dusseault. *Boston, Massachusetts, Smart Policing Initiative II: Improving Homicide Clearance Rates: The Value of Analysis to Guide Investments in Investigative Policies and Practices*. Alexandria, VA: CNA Analysis & Solutions, 2017.

Available at [http://www.strategiesforpolicinginnovation.com/sites/default/files/spotlights/Boston\\_SPI\\_Spotlight\\_%282017%29\\_FINAL.pdf](http://www.strategiesforpolicinginnovation.com/sites/default/files/spotlights/Boston_SPI_Spotlight_%282017%29_FINAL.pdf).

This report describes how the Boston Police Department engaged in a problem-oriented policing enterprise to understand the causes of its homicide clearance problem, develop appropriate responses to improve its investigations of homicide victimizations, and evaluate the impact of the implemented intervention.

Scott, Michael S. *Focused Deterrence of High-Risk Individuals*. Alexandria, VA: CNA Analysis & Solutions, 2017.

Available at [http://www.strategiesforpolicinginnovation.com/sites/default/files/spotlights/FocusedDeterrenceFINAL\\_0.pdf](http://www.strategiesforpolicinginnovation.com/sites/default/files/spotlights/FocusedDeterrenceFINAL_0.pdf).

The author evaluates the effectiveness of applying the focused deterrence strategy to specific crime problems, such as gang violence, drug markets, and gun violence.

### Websites

U.S. Department of Justice. Office of Justice Programs. National Institute of Justice. "Program Profile: Comprehensive Anti-Gang Initiative (CAGI)."

Available at <https://www.crimesolutions.gov/ProgramDetails.aspx?ID=406>.

The website describes the Comprehensive Anti-Gang Initiative (CAGI), which was implemented in 12 cities in response to increased gang activity. The main purpose of CAGI was to prevent and reduce gang-related crime. Research found that gun homicide rates declined in cities that implemented the CAGI program.

U.S. Department of Justice. Office of Justice Programs. National Institute of Justice. “Program Profile: Philadelphia Policing Tactics Experiment: Offender-Focused Policing.” Available at <https://www.crimesolutions.gov/ProgramDetails.aspx?ID=449>.

This website describes how the Philadelphia Police focused on repeat violent offenders operating in neighborhoods with high violent crime rates. Hot spots that were targeted for enforcement efforts reported significantly fewer violent crimes compared to the control areas.

U.S. Department of Justice. Office of Justice Programs. National Institute of Justice. “Program Profile: Data-Driven Approaches to Crime and Traffic Safety (DDACTS) in Kansas.” Available at <https://www.crimesolutions.gov/ProgramDetails.aspx?ID=479>.

This website describes how law enforcement analyzed location-based crime and automobile crash data to determine where such incidents disproportionately occur (“hot spots”) and to employ targeted traffic enforcement strategies. Robberies, burglaries, and traffic crashes declined in targeted enforcement areas.

U.S. Department of Justice. Office of Justice Programs. National Institute of Justice. “Program Profile: Group Violence Reduction Strategy (New Orleans, Louisiana).” Available at <https://www.crimesolutions.gov/ProgramDetails.aspx?ID=490#>.

This website describes a program in New Orleans to reduce gang violence and homicides. Research found that there were statistically significant reductions in overall homicide, firearm-related homicide, gang member-involved homicide, and firearm assault in New Orleans over the course of the study period.

U.S. Department of Justice. Office of Justice Programs. National Institute of Justice. “Program Profile: Tactical Police Responses to Micro-Time Hot Spots for Thefts from Vehicles and Residential Burglaries (Port St. Lucie, Florida).” Available at <https://www.crimesolutions.gov/ProgramDetails.aspx?ID=626>.

This website describes a Port St. Lucie, FL, program that found thefts from vehicles and residential burglaries in micro-time hot spots declined when those areas received tactical police responses compared with usual police patrols.

## Police-Community Relations

### Reports

Adams, Eric L., Gale A. Brewer, and Norman Siegel. *Improving Police-Community Relations: A Report from a Series of Town Hall Meetings in Brooklyn and Manhattan*, 2015.

Available at <https://www.manhattanbp.nyc.gov/downloads/pdf/NYPD%20Town%20Hall%20Report.pdf>.

This report describes town hall meetings in Brooklyn and Manhattan where community members made several recommendations to improve police-community relations, including: have open, honest communication to ensure mutual respect and trust; cultivate ongoing relationships with community stakeholders as partners; offer more professional development opportunities and enhanced de-escalation trainings for officers; and create transparent mechanisms and measurements for officers to hold each other accountable for misconduct and abuse.

CRP Incorporated, and Carolyn B. Rudd. *District of Columbia Police-Community Relations Survey*. Washington, DC: CRP Incorporated, March 29, 2019.

Available at <https://cjcc.dc.gov/sites/default/files/dc/sites/cjcc/Police%20Community%20Report.pdf>.

This survey examines respondents’ attitudes toward community policing, procedural justice, and police legitimacy, across, race, age, gender, and geographic locations in Washington, DC.

Meares, Tracey L., and Peter Neyroud. *Rightful Policing*. Washington, DC: U.S. Department of Justice, Office of Justice Programs, National Institute of Justice, 2015.

Available at <https://www.ncjrs.gov/pdffiles1/nij/248411.pdf>.

The authors recommend law enforcement officers strive for procedural justice, lawful policing, and legitimacy in order to improve police-community relations. The authors cite case studies for putting rightful policing into practice.

Police Executive Research Forum. *Advice from Police Chiefs and Community Leaders on Building Trust: "Ask for Help, Work Together, and Show Respect."* Washington, DC: Police Executive Research Forum, 2016.

Available at <https://www.policeforum.org/assets/policecommunitytrust.pdf>.

This report recommends the following for police departments: remove officers with histories of disciplinary problems; require officers to intervene when there are instances of police misconduct; take a proactive approach to regularly soliciting the opinions of community members; form partnerships with youth groups and seek the advice of diverse populations.

## Law-Enforcement Militarization

### Articles

Dansky, Kara. "Local Democratic Oversight of Police Militarization." *Harvard Law & Policy Review* 10, no.1 (2016): 59-75.

Available at [https://harvardlpr.com/wp-content/uploads/sites/20/2016/02/10.1\\_5\\_Dansky.pdf](https://harvardlpr.com/wp-content/uploads/sites/20/2016/02/10.1_5_Dansky.pdf).

The author describes tools for communities to express concerns about local law enforcement acquiring military equipment and a framework for local governments to evaluate requests for controlled equipment from the Department of Defense's "1033" program.

Fortenbery, Jay. "Police Militarization in a Democratic Society." *FBI: Law Enforcement Bulletin*, June 13, 2018.

Available at

<https://leb.fbi.gov/articles/featured-articles/police-militarization-in-a-democratic-society>.

The author assesses trends in the use of tactical teams and military-style vehicles among law enforcement agencies in the United States. Fortenbery raises concerns about the effect of the militarization of the police on community relations and public safety.

Kraska, Peter B. "Militarization and Policing—Its Relevance to 21st Century Police." *Policing: A Journal of Policy and Practice* 1, no. 4 (2007): 501-513.

Available at <https://cjmasters.eku.edu/sites/cjmasters.eku.edu/files/21stmilitarization.pdf>.

This article examines the differences between militarism and militarization and discusses modern policing's shift toward increased use of military tools and tactics. Kraska takes a cautionary tone when analyzing these trends, however he notes that his analysis does leave room for the military model.

Lieblich, Eliav, and Adam Shinar. "The Case Against Police Militarization." *Michigan Journal of Race & Law*, no. 1 (2018): 105-153.

Available at <https://repository.law.umich.edu/cgi/viewcontent.cgi?article=1280&context=mjrl>.

The authors argue that militarized police forces go against liberal norms by presuming members of the public to be a threat, and that militarized police forces exclude members of the public from the body politic by viewing them as the enemy.

Mummolo, Jonathan. "Militarization Fails to Enhance Police Safety or Reduce Crime but May Harm Police Reputation." *Proceedings of the National Academy of Sciences of the United States of America* 115, no. 37 (Sept. 11, 2018): 9181–86.

Available at <https://doi.org/10.1073/pnas.1805161115>.

This study finds no evidence that SWAT teams lower the violent crime rate or the rates at which officers are killed or assaulted. Mummolo writes that citizens react negatively to the appearance of militarized police units in news reports and become less willing to fund police agencies and less supportive of having police patrols in their own neighborhoods.

Phillips, Scott W. "Police Militarization." *FBI: Law Enforcement Bulletin*, Aug. 14, 2017.

Available at <https://leb.fbi.gov/articles/featured-articles/police-militarization>.

The article describes a survey of police chiefs, upper-level administrators, and managers about the use of SWAT teams and tactical equipment for serious and non-serious incidents. It highlights some of the reasons law enforcement believes there is a legitimate need for the use of tactical teams.

## Books

Balko, Radley. *Rise of the Warrior Cop: The Militarization of America's Police Forces*. New York: PublicAffairs, 2013.

This book traces the history of American police forces in the United States, particularly focusing on the increasing militarization of police forces over the last several decades.

Phillips, Scott W. *Police Militarization: Understanding the Perspectives of Police Chiefs, Administrators, and Tactical Officers*. New York: Routledge, 2018.

Available at <https://doi.org/10.4324/9780429490422>.

The author presents data about the militarization of policing from a variety of law enforcement sources, including police respondents attending the Federal Bureau of Investigation's National Academy in Quantico, VA; interviews with police chiefs and tactical officers; and a sample of National Academy attendees reporting on the deployment of patrol rifles in policing.

Turner II, Frederick W., and Bryanna Fox. *Police Militarization: Policy Changes and Stakeholders' Opinions in the United States*. Cham, Switzerland: Springer International Publishing, 2018.

Available at <https://doi.org/10.1007/978-3-030-01282-3>.

The authors examine the level of support for police militarization among lawmakers, police executives, and local police officers. The authors' findings reveal differing opinions regarding the use of paramilitary tactics and military-grade weapons and equipment.

## Reports

Nevada Advisory Committee to the U.S. Commission on Civil Rights. *Police Militarization: An Examination of the Acquisition and Deployment of Military Equipment by Local Police in Nevada*. Los Angeles: Western Regional Office of the Advisory Committee to the U.S. Commission on Civil Rights, June 2015.

Available at <https://www.usccr.gov/pubs/docs/NV-SAC--Police-Milreport--OSD.pdf>.

In this report, an advisory committee makes the following recommendation for Nevada's local police forces: implement required, standardized training for officers using military weapons monitored by federal officials responsible for the transfer of military equipment to local law enforcement agencies.

Rahr, Sue, and Stephen K. Rice. *From Warriors to Guardians: Recommitting American Police Culture to Democratic Ideals*. Washington, DC: U.S. Department of Justice, Office of Justice Programs, National Institute of Justice, 2015.

Available at <https://www.ncjrs.gov/pdffiles1/nij/248654.pdf>.

The authors advocate transforming police culture from a warrior mindset to a “guardian” role, which involves implementing the concepts of procedural justice.

U.S. Library of Congress. Congressional Research Service. *Federal Tactical Teams*, by Nathan James. R44179.

Available at <https://crsreports.congress.gov/product/details?prodcode=IF11572>.

This report provides an overview of the development of tactical teams at the state and local level and the concerns raised by their expansion. It also discusses potential issues for policymakers to consider related to legislation and oversight on how the federal government uses tactical teams.

## Body-Worn Cameras

### Articles

Ariel, Barak. “Police Body Cameras in Large Police Departments.” *Journal of Criminal Law and Criminology* 106, no. 4 (2016): 729–68.

Available at

<https://scholarlycommons.law.northwestern.edu/cgi/viewcontent.cgi?article=7596&context=jclc>.

Ariel describes an experiment in which one Denver police district served as the body-worn camera (BWC) treatment group and five large metropolitan police departments served as the control group. The findings suggest when BWCs are used, there are significantly lower odds for citizen complaints about force, but 14% greater odds for citizen complaints of officer misconduct. There was no statistically significant effect on recorded use of force incidents. There was a statistically significant decrease in arrest rates for the BWC group.

Ariel, Barak, Alex Sutherland, Darren Henstock, Josh Young, Paul Drover, Jayne Sykes, Simon Megicks, and Ryan Henderson. “Report: Increases in Police Use of Force in the Presence of Body-Worn Cameras Are Driven by Officer Discretion: A Protocol-Based Subgroup Analysis of Ten Randomized Experiments.” *Journal of Experimental Criminology* 12, no. 3 (Sept. 1, 2016): 453–63.

Available at <https://doi.org/10.1007/s11292-016-9261-3>.

The authors write, based on subgroup analyses, that when officers kept body-worn cameras on, use-of-force rates are 37% lower compared with the control group. When officers choose when to turn the cameras on or off, use-of-force rates are 71% higher, compared with the control group. The article suggests body-worn cameras can reduce use of force rates when police officers consistently keep the cameras on.

Fallik, Seth Wyatt, Ross Deuchar, and Vaughn J. Crichlow. “Body-Worn Cameras in the Post-Ferguson Era: An Exploration of Law Enforcement Perspectives.” *Journal of Police and Criminal Psychology*, (Oct. 2018): 1–11.

Available at <https://doi.org/10.1007/s11896-018-9300-2>.

The authors analyze the effect of body-worn cameras on citizens and officer accountability and discuss policy implications.

Huff, Jessica, Charles M. Katz, and Vincent J. Webb. “Understanding Police Officer Resistance to Body-Worn Cameras.” *Policing* 41, no. 4 (2018): 482–95.

Available at <https://doi.org/10.1108/PJPSM-03-2018-0038>.

The authors assess differences between officers who volunteered to wear a body-worn camera (BWC) and officers who resisted wearing a BWC as part of a larger randomized controlled trial of BWCs in the Phoenix Police Department.

## Reports

Braga, Anthony A., James R. Coldren, William Sousa, Denise Rodriguez, and Omer Alper. *The Benefits of Body-Worn Cameras: New Findings from a Randomized Controlled Trial at the Las Vegas Metropolitan Police Department*. Alexandria, VA: CNA Analysis & Solutions, 2017.

Available at <https://www.ncjrs.gov/pdffiles1/nij/grants/251416.pdf>.

This study describes results of a randomized controlled trial that suggests the placement of body-worn cameras (BWCs) on Las Vegas Metropolitan Police Department officers reduced complaints and use-of-force reports.

Katz, Charles M., Mike Kurtenbach, David E. Choate, and Michael D. White. *Phoenix, Arizona, Smart Policing Initiative: Evaluating the Impact of Police Officer Body-Worn Cameras*. Alexandria, VA: CNA Analysis & Solutions, 2015.

Available at <http://www.strategiesforpolicinginnovation.com/sites/default/files/spotlights/Phoenix%20SPI%20Spotlight%20FINAL.pdf>.

Findings from this study of officers from the Phoenix Police Department include: arrests increased among the camera-wearing officers compared with the non-camera officers; there was a statistically significant decrease in citizen complaints among camera-wearing officers; and the cameras improved the processing of domestic violence incidents because cases were more likely to be filed and successfully prosecuted.

## Less-Than-Lethal Weapons

### Articles

Haskins, Paul A. “Conducted Energy Devices: Policies on Use Evolve to Reflect Research and Field Deployment Experience.” *NIJ Journal*, no. 281 (May 2019).

Available at <https://nij.ojp.gov/topics/articles/conducted-energy-devices-policies-use-evolve-reflect-research-and-field-deployment>.

The author examines how federal court decisions affect police use of conducted energy devices (CEDs, or as they are also known, “TASERS”) deployment and misuse concerns; research on the effects of CEDs on the health of subjects; and where CEDs fall on a use-of-force continuum.

U.S. Department of Justice. National Institute of Justice. “Pepper Spray: Research Insights on Effects and Effectiveness Have Curbed Its Appeal.” *NIJ Journal*, no. 281 (May 2019).

Available at <https://nij.ojp.gov/topics/articles/pepper-spray-research-insights-effects-and-effectiveness-have-curbed-its-appeal>.

This article discusses several factors which have led to the declining use of pepper spray by law enforcement: a better understanding of pepper spray’s health effects on subjects and officers; research showing that pepper spray is less effective than conducted energy devices in subduing subjects; and federal court decisions which held that improper use of pepper spray violates subjects’ constitutional rights.

White, Michael D., Justin T. Ready, Robert J. Kane, Carl T. Yamashiro, Sharon Goldsworthy, and Darya Bonds McClain. “Examining Cognitive Functioning Following TASER Exposure: A Randomized Controlled Trial.” *Applied Cognitive Psychology* 29, no. 4 (2015): 600–607.

Available at <https://doi.org/10.1002/acp.3128>.

This study examines the effects of TASER exposure on cognitive functioning. Volunteers who received a TASER exposure experienced statistically significant declines in measures of verbal learning and memory, although deficits lasted less than one hour. After TASER exposure, participants also self-reported significant difficulties with concentration, anxiety, and feeling overwhelmed. Other dimensions of cognitive functioning were not affected.

## Reports

New York City Civilian Complaint Review Board. *Taser Use in CCRB Complaints, 2014-2017*. New York: New York City Civilian Complaint Review Board, 2019.

Available at

[https://www1.nyc.gov/assets/ccrb/downloads/pdf/policy\\_pdf/issue\\_based/20161023\\_taser-report.pdf](https://www1.nyc.gov/assets/ccrb/downloads/pdf/policy_pdf/issue_based/20161023_taser-report.pdf).

The report provides an overview of New York Police Department TASER policies and provides an evaluation of TASER-related complaints including the disposition of TASER complaints, demographics of complainants and police officers involved in TASER incidents, the locations of TASER incidents, and the circumstances under which TASER were used.

## Methods to Review the Use of Force by Law-Enforcement Officers

### Reports

Kuhns, Joseph B., Josie F. Cambareri, Shannon Messer, and Darrel Stephens. *Independent Investigation of Officer-Involved Shootings: Current Practices and Recommendations from Law Enforcement Leaders in the United States and Canada*. Washington, DC: Major Cities Chiefs Association, 2018.

Available at <https://purl.fdlp.gov/GPO/gpo119942>.

This report provides the results of a law enforcement survey and focus group concerning current policies and practices of officer-involved shooting (OIS) investigations. The report assesses advantages and disadvantages of independent investigations of OIS, indicators of OIS investigative transparency, and OIS investigative independence.

Police Executive Research Forum. *Critical Response Technical Assessment Review: Police Accountability—Findings and National Implications of an Assessment of the San Diego Police Department*. Washington, DC: U.S. Department of Justice, Office of Community Oriented Policing Services, 2015.

Available at <https://permanent.access.gpo.gov/gpo56991/cops-w0756-pub.pdf>.

The report evaluates the San Diego Police Department's process for investigating use of force complaints against police officers, the department's complaint processing system, and its disciplinary system.

U.S. Commission on Civil Rights. *Police Use of Force: An Examination of Modern Policing Practices*. Washington, DC: U.S. Commission on Civil Rights, 2018.

Available at <https://www.usccr.gov/pubs/2018/11-15-Police-Force.pdf>.

The U.S. Commission on Civil Rights makes recommendations regarding police departments' investigation of use-of-force incidents such as requiring independent and public investigations, notifying the public regarding the numbers of allegations and types of force used, and taking steps to address use of force concerns.

U.S. Department of Justice. Civil Rights Division. *Investigation of the Ferguson Police Department*. Washington, DC: U.S. Department of Justice, Civil Rights Division, 2015.

Available at [https://www.justice.gov/sites/default/files/opa/press-releases/attachments/2015/03/04/ferguson\\_police\\_department\\_report.pdf](https://www.justice.gov/sites/default/files/opa/press-releases/attachments/2015/03/04/ferguson_police_department_report.pdf).

The Department of Justice's investigation of the Ferguson Police Department finds that supervisors rarely investigated officer use of force incidents, and when they did, they rarely interviewed non-police witnesses. Supervisors rarely examined evidence from the incidents, such as camera footage, and usually assumed the officer's account to be the truth.

U.S. Department of Justice. Office of Community Oriented Policing Services. *Collaborative Reform Initiative: An Assessment of the San Francisco Police Department*. Washington, DC: U.S. Department of Justice, Office of Community Oriented Policing Services, 2016.  
Available at <https://cops.usdoj.gov/RIC/Publications/cops-w0818-pub.pdf>.  
In this report, the Community Oriented Policing Services Office makes recommendations regarding the use of force policies and practices for the San Francisco Police Department.

U.S. Department of Justice. Civil Rights Division. *The Civil Rights Division's Pattern and Practice Police Reform Work: 1994-Present*. Washington, DC: U.S. Department of Justice, 2017.  
Available at <http://purl.fdlp.gov/GPO/gpo77339>.  
The Civil Rights Division's reform agreements with police forces involving use of force include: comprehensive documentation, data collection, investigation, systemic review of patterns and trends, complete reporting and supervisory review of all significant uses of force, and review of all uses of force to ensure that the agency's practices are not unreasonable or discriminatory.

U.S. Department of Justice. Civil Rights Division and U.S. Attorney's Office, Northern District of Illinois. *Investigation of the Chicago Police Department* Washington, DC: U.S. Department of Justice, 2017.  
Available at <https://www.justice.gov/opa/file/925846/download>.  
In this report, the Department of Justice (DOJ) makes recommendations for improving the Chicago Police Department's (CPD) accountability for police officers use of force, including developing and implementing mandatory officer and supervisory use of force reporting systems; disciplining officers and supervisors who fail to report use of force; and preserving the investigation's integrity by requiring that the Independent Police Review Authority investigators participate in the preliminary assessment during the immediate aftermath of an officer-involved shooting.

U.S. Library of Congress. Congressional Research Service. *Police Accountability Measures*, by Nathan James. IF11572.  
Available at <https://crsreports.congress.gov/product/pdf/IF/IF11572>.  
This report describes policy measures that have been proposed to enhance oversight of law-enforcement officers, including their use of force.

## Forensic Science

### Overview

#### Books

Constantakis, Sara, ed. *World of Forensic Science*. Farmington Hills, MI: Gale, Cengage Learning, 2016.  
This reference book contains introductory articles on different forensic disciplines and methods, definitions of scientific and legal terms, short histories of famous cases, and biographies of significant individuals in forensics.

Smith, Lisa L., and John Bond. *Criminal Justice and Forensic Science: A Multidisciplinary Introduction*. New York: Palgrave, 2015.  
This introductory text provides an overview of types of forensic science used in criminal justice and the methods used by police in crime scene examination. It also discusses considerations for interpreting evidence such as how to determine probative value and the risks of confirmation bias.



## Reports

U.S. Department of Justice. Federal Bureau of Investigation. *The Handbook of Forensic Services*. Washington, DC: U.S. Department of Justice, 2019.

Available at <https://www.fbi.gov/file-repository/handbook-of-forensic-services-pdf.pdf/view>.

Intended for law enforcement personnel, this handbook outlines the types of analysis provided by the FBI's forensic examiners and procedures for collecting and sharing evidence.

U.S. Library of Congress. Congressional Research Service. *DNA Testing in Criminal Justice: Background, Current Law, and Grants*, by Nathan James. R41800.

Available at <https://crsreports.congress.gov/product/details?prodcode=R41800>.

This report gives an overview of how DNA evidence is used in criminal investigations and federal and state laws related to the collection of DNA samples. It also provides information on the Combined DNA Index System (CODIS), a national database of DNA profiles maintained by the FBI.

## Websites

Florida International University. National Forensic Science Technology Center. "A Simplified Guide to Forensic Science."

Available at <http://www.forensicsciencesimplified.org/>.

This website is a guide to various types of evidence and the different methods used to analyze them, and provides detailed information about the scientific principles underlying each discipline and how specific types of evidence are analyzed. The FAQ for each page also provides information about the limitations of each type of analysis and common misconceptions.

U.S. Department of Commerce. National Institute of Standards and Technology. "Forensic Science."

Available at <https://www.nist.gov/topics/forensic-science>.

This NIST website provides an overview of forensic science and the specific disciplines of DNA and biological evidence, fingerprinting, drugs and toxicology, digital evidence, ballistics, and trace evidence.

U.S. Department of Justice. "Forensic Science."

Available at <https://www.justice.gov/olp/forensic-science>.

This Department of Justice website provides an introduction to forensic science and links to department policies, guidelines, and other related publications.

## The Limitations of Forensic Science

### Articles

Crist, Meehan and Tim Requarth. "Forensic Science Put Jimmy Genrich in Prison for 24 Years. What if It Wasn't Science?" *The Nation*, Feb. 2, 2018.

Available at <https://www.thenation.com/article/archive/the-crisis-of-american-forensics/>.

This investigative news article discusses potentially faulty forensic evidence used in a specific case (the 1991 serial bombings in Grand Junction, CO) and looks at broader issues within the "pattern matching" disciplines of forensic science.

Laporte, Gerald. "Wrongful Convictions and DNA Exonerations: Understanding the Role of Forensic Science." *National Institute of Justice Journal* no. 279 (Apr. 2018): 11-21.

Available at <https://nij.ojp.gov/topics/articles/wrongful-convictions-and-dna-exonerations-understanding-role-forensic-science>.

This article examines 133 cases in which forensic science contributed to a wrongful conviction. The author looks at different contributing factors and identifies serology, microscopic hair analysis, and bite mark examination as the most common forensic disciplines cited in wrongful conviction cases.

Meterko, Vanessa. "Strengths and Limitations of Forensic Science: What DNA Exonerations Have Taught Us and Where to Go From Here." *West Virginia Law Review* 119, no. 2 (Dec. 2016): 639-649.

Available at <https://researchrepository.wvu.edu/cgi/viewcontent.cgi?article=1043&context=vwlr>. The author provides a review of criminal cases in which DNA-evidence resulted in post-conviction exoneration, and a statistical analysis of the types of forensic evidence involved in the identified cases.

Robert, Julian, and Sally F. Kelty. "Forensic Science as 'Risky Business': Identifying Key Risk Factors in the Forensic Process from Crime Scene to Court." *Journal of Criminological Research, Policy and Practice* 1, no. 4 (2015): 195-206.

Available at [https://www.researchgate.net/publication/284194885\\_Forensic\\_science\\_as\\_risky\\_business\\_identifying\\_key\\_risk\\_factors\\_in\\_the\\_forensic\\_process\\_from\\_crime\\_scene\\_to\\_court](https://www.researchgate.net/publication/284194885_Forensic_science_as_risky_business_identifying_key_risk_factors_in_the_forensic_process_from_crime_scene_to_court).

This study assesses risk factors in the use of forensic science in the criminal justice system. The authors identify six key risk factors and make recommendations for changes to reduce the risk that forensic science will be misused or misrepresented.

Smith, Leora. "How a Dubious Forensic Science Spread Like a Virus." *ProPublica*, Dec. 13, 2018.

Available at <https://features.propublica.org/blood-spatter-analysis/herbert-macdonell-forensic-evidence-judges-and-courts/>.

This article reports on the development of bloodstain pattern analysis and its acceptance by U.S. courts as evidence in criminal cases despite questions surrounding its scientific validity.

U.S. Department of Justice. Federal Bureau of Investigation. "FBI Testimony on Microscopic Hair Analysis Contained Errors in at Least 90 Percent of Cases in Ongoing Review." Apr. 20, 2015.

Available at <https://www.fbi.gov/news/pressrel/press-releases/fbi-testimony-on-microscopic-hair-analysis-contained-errors-in-at-least-90-percent-of-cases-in-ongoing-review>.

This press release announces that a review of Microscopic Hair Comparison Analysis (MHCA) conducted by the FBI prior to 2000 found consistent errors in examiner testimony and laboratory

## Books

Thompson, Sandra Guerra. *Cops in Lab Coats: Curbing Wrongful Convictions through Independent Forensic Laboratories*. Durham, NC: Carolina Academic Press, 2015.

This book by a legal scholar examines the causes of wrongful convictions based on faulty forensic evidence using the Houston Police Department Crime Laboratory as a case study. Thompson argues for reforms including making crime laboratories independent of police departments and protocols to reduce cognitive biases in the interpretation of evidence.

## Reports

ABS Group. *Root and Cultural Cause Analysis of Report and Testimony Errors by FBI MHCA Examiners*. Arlington, VA: ABS Group, Aug. 2018.

Available at <https://vault.fbi.gov/root-cause-analysis-of-microscopic-hair-comparison-analysis/root-cause-analysis-of-microscopic-hair-comparison-analysis-part-01-of-01/view>.

This report, prepared by a consulting group for the Federal Bureau of Investigation, reviews problems with Microscopic Hair Comparison Analysis (MHCA) conducted by the FBI prior to 2000. The report concludes that MHCA examiners overstated the reliability of microscopic hair evidence and “exceeded the limits of the science” due to insufficient guidance and a lack of formalized processes within FBI laboratories.

U.S. Department of Justice. National Institute of Justice. *Report to Congress: Needs Assessment of Forensic Laboratories and Medical Examiner/Coroner Offices*. Washington, DC: U.S. Department of Justice, 2019.

Available at <https://www.justice.gov/olp/page/file/1228306/download>.

This needs assessment carried out by the Department of Justice was a requirement of the Justice for All Reauthorization Act of 2016. Based on listening sessions conducted with forensic science stakeholders and subject-matter experts, the report identifies specific needs and challenges for forensics in the United States.

## Efforts To Improve the Reliability and Accuracy of Forensic Science

### Articles

Balko, Radley. “We Need to Fix Forensics. But How?” *The Washington Post*, June 20, 2019.

Available at <https://www.washingtonpost.com/opinions/2019/06/20/we-need-fix-forensics-how/>.

This opinion column is the first in a six-part series with opinions from a range of legal and scientific experts on ways to reform and improve forensic science.

Bell, Suzanne, Sunita Sah, Thomas D. Albright, S. James Gates Jr., M. Bonner Denton, and Arturo Casadevall. “A Call for More Science in Forensic Science.” *Proceedings of the National Academy of Sciences of the United States of America*, 115, no. 18 (May 1, 2018): 4541-4544.

Available at <https://www.pnas.org/content/115/18/4541>.

This article provides an overview of the history of forensic science and changes spurred following the development of DNA-testing methods. The authors argue that the termination of the National Commission for Forensic Science by the Department of Justice in 2017 was premature and that more reforms are necessary.

Fabricant, M. Chris and Tucker Carrington. “The Shifted Paradigm: Forensic Science’s Overdue Evolution from Magic to Law.” *Virginia Journal of Criminal Law* 4, no. 1 (2016): 1-115.

Available at [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2572480](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2572480).

This article examines examples of convictions overturned due to faulty forensic evidence with a focus on bite-mark evidence and hair evidence. The authors discuss the resulting ethical and professional obligations for the justice system.

Innocence Project. “Ten Years Later: The Lasting Impact of the 2009 NAS Report.” Innocence Project. Feb. 19, 2019.

Available at <https://www.innocenceproject.org/lasting-impact-of-2009-nas-report/>.

This article discusses developments since the publication of a 2009 report by the National Academy of Forensic Science, “Strengthening Forensic Science in the United States,” which called into question the scientific value of certain types of widely used forensic evidence.

Rubinfeld, Daniel L., and Joe S. Cecil. "Scientists as Experts Serving the Court." *Daedalus* 147, no. 4 (Fall 2018): 152-163.

Available at [https://www.researchgate.net/publication/327999636\\_Scientists\\_as\\_Experts\\_Serving\\_the\\_Court/link/5d56e2fb92851cb74c719b41/download](https://www.researchgate.net/publication/327999636_Scientists_as_Experts_Serving_the_Court/link/5d56e2fb92851cb74c719b41/download).

This article proposes the use of court-appointed scientific experts to help evaluate the scientific validity of forensic evidence.

Thompson, William C., Joelle Vuille, Franco Taroni, and Alex Bidermann. "After Uniqueness: The Evolution of Forensic Science Opinions." *Judicature* 102, no. 1 (Spring 2018): 18-27.

Available at <https://judicialstudies.duke.edu/wp-content/uploads/2018/04/JUDICATURE102.1-THOMPSON-et-al-1.pdf>.

This article discusses changes in the ways forensic experts interpret and present evidence at trial.

## Reports

National Academies of Sciences, Engineering, and Medicine. *Support for Forensic Science Research: Improving the Scientific Role of the National Institute of Justice*. Washington, DC: The National Academies Press, 2015.

Available at <https://www.nap.edu/catalog/21772/support-for-forensic-science-research-improving-the-scientific-role-of>.

This report reviews steps taken since 2009 to strengthen federal leadership on forensic science research at the National Institute of Justice (NIJ) and makes recommendations for further improvements to the NIJ's role in promoting forensic science. The report also provides an overview of forensic science in the United States and the federal agencies and institutions involved in oversight.

National Commission on Forensic Science. *Reflecting Back—Looking Toward the Future*. Gaithersburg, MD: U.S. Department of Commerce, National Institute of Standards and Technology, Apr. 11, 2017.

Available at <https://www.justice.gov/archives/ncfs/page/file/959356/download>.

This report provides an overview of the National Commission on Forensic Science's membership, objectives, and activities.

National Research Council. Committee on Identifying Needs of the Forensic Science Community. *Strengthening Forensic Science in the United States: A Path Forward*. Washington, DC: The National Academies Press, 2009.

Available at <https://www.ncjrs.gov/pdffiles1/nij/grants/228091.pdf>.

This report calls into question the reliability of forensic techniques used in the United States, concluding "no forensic method has been rigorously shown to have the capacity to consistently, and with a high degree of certainty, demonstrate a connection between evidence and a specific individual or source." The report includes an assessment of the validity of existing forensic methods and identified widespread issues across multiple disciplines.

President's Council of Advisors on Science and Technology. *Forensic Science in Criminal Courts: Ensuring Scientific Validity of Feature-Comparison Methods*. Washington, DC: Executive Office of the President, President's Council of Advisors on Science and Technology, Sept. 2016.

Available at [https://obamawhitehouse.archives.gov/sites/default/files/microsites/ostp/PCAST/pcast\\_forensic\\_science\\_report\\_final.pdf](https://obamawhitehouse.archives.gov/sites/default/files/microsites/ostp/PCAST/pcast_forensic_science_report_final.pdf).

This report from the President's Council of Advisors on Science and Technology (PCAST) reviews changes in the forensic science field since 2009 and recommends additional steps to ensure the validity of forensic evidence used in the legal system.

U.S. Congress. House. Committee on Science, Space, and Technology. *Raising the Bar: Progress and Future Needs in Forensic Science*, hearing. 116th Cong., 1st sess., Sept. 10, 2019: Washington, DC: U.S. Government Publishing Office, 2020.

Available at <https://www.govinfo.gov/app/details/CHRG-116hhrg37583/CHRG-116hhrg37583>. This congressional hearing assesses the progress of forensic sciences reforms since 2009.

U.S. Congress. House. Subcommittee on Crime, Terrorism, Homeland Security, and Investigations of the Committee on the Judiciary. *To Examine the State of Forensic Science in the United States*, hearing. 115th Cong., 1st sess., Mar. 28, 2017: Washington, DC: U.S. Government Publishing Office, 2017.

Available at <https://www.govinfo.gov/app/details/CHRG-115hhrg26993/CHRG-115hhrg26993>. This congressional hearing looks at the current status of forensic science and discusses if further reforms are necessary.

## Crime-Laboratory Accreditation

### Articles

Alcock, Tim. "Changes To Forensic Laboratory Accreditation Requirements – ISO/IEC 17025." *Forensic Focus*, Apr. 20, 2018.

Available at <https://articles.forensicfocus.com/2018/04/20/changes-to-forensic-laboratory-accreditation-requirements-iso-iec-17025/>.

This article summarizes the International Organization for Standardization (ISO) and International Electrotechnical Commission (IEC) international standard for the accreditation of laboratories performing testing and calibration laboratories, which is used to accredit forensics laboratories in many countries and some U.S. states.

Tilstone, William J. "Accreditation in Forensic Science." *Evidence Technology Magazine* 11, no. 1 (Jan./Feb. 2013).

Available at [http://www.evidencemagazine.com/index.php?option=com\\_content&task=view&id=1117](http://www.evidencemagazine.com/index.php?option=com_content&task=view&id=1117).

This article describes the history of accreditation; the international standards involved; and explains why accreditation is recommended to improve the validity of work by forensic science laboratories.

U.S. Department of Justice. "Justice Department Announces New Accreditation Policies to Advance Forensic Science." Dec. 7, 2015.

Available at <https://www.justice.gov/opa/pr/justice-department-announces-new-accreditation-policies-advance-forensic-science>.

This press release summarizes new accreditation policies for Department of Justice-run forensic laboratories based on recommendations made by the National Commission of Forensic Science (NCFS).

Wilson-Wilde, Linzi. "The International Development of Forensic Science Standards—A Review." *Forensic Science International* 288 (July 2018): 1-9.

Available at <https://doi.org/10.1016/j.forsciint.2018.04.009>.

The author reviews the international bodies working on standards for forensic science, the processes used, and the implications for accreditation of forensic science laboratories.

## Reports

Burch, Andrea M., Matthew R. Durose, Kelly Walsh, and Emily Tiry. *Publicly Funded Forensic Crime Laboratories: Quality Assurance Practices, 2014*. Washington, DC: U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, Nov. 2016.

Available at <https://www.bjs.gov/content/pub/pdf/pffclqap14.pdf>.

This report reviews accreditation at publicly funded crime laboratories, finding that the percentage of accredited laboratories has increased since 2002. The report also looks at the use of proficiency testing and other methods of quality assurance.

National Science and Technology Council. Committee on Science. Subcommittee on Forensic Science. *Strengthening the Forensic Sciences*. Washington, DC: Executive Office of the President, National Science and Technology Council, 2014.

Available at <https://www.ncjrs.gov/pdffiles1/NIJ/251422.pdf>.

This report discusses recommendations for the accreditation of forensic laboratories and the certification of forensic practitioners such as laboratory technicians and coroners. The report describes the current state of forensic science accreditation and certification in the United States and the challenges involved in implementing and upholding universal standards.

## Sexual Assault Kit Backlogs

### Articles

Campbell, Rebecca, Hannah Feeney, Giannina Fehler-Cabral, and Jessica Shaw. "The National Problem of Untested Sexual Assault Kits (SAKs): Scope, Causes, and Future Directions for Research, Policy, and Practice." *Trauma, Violence & Abuse* 18, no. 4 (Dec. 2015): 363-376.

Available at [https://www.researchgate.net/publication/288002532\\_The\\_National\\_Problem\\_of\\_Untested\\_Sexual\\_Assault\\_Kits\\_SAKs\\_Scope\\_Causes\\_and\\_Future\\_Directions\\_for\\_Research\\_Policy\\_and\\_Practice](https://www.researchgate.net/publication/288002532_The_National_Problem_of_Untested_Sexual_Assault_Kits_SAKs_Scope_Causes_and_Future_Directions_for_Research_Policy_and_Practice).

This article provides an overview of the issue of physical evidence collected in medical forensic exams and sexual-assault kits going untested. The authors attempt to estimate the percentage of collected sexual-assault kits which are never submitted for testing. They analyze surveys of law enforcement for explanations of why evidence is not submitted for testing.

Greger, Emma C. "Rapid DNA Testing and Virginia's Rape Kit Backlog: A Double-Edged Sword Masquerading as a Miracle, or the Future of Forensic Analysis?" *University of Richmond Law Review* 52, no. (May 2018): 941-963.

Available at <https://lawreview.richmond.edu/files/2018/10/Greger-524.pdf>.

This article discusses legal and ethical implications of the use of new rapid DNA testing techniques by law enforcement.

Lion, Gaby. "Bringing Untested Rape Kits out of Storage and into the Courtroom: Encouraging the Creation of Public-Private Partnerships to Eliminate the Rape Kit Backlog." *Hastings Law Journal* 69, no. 3 (Apr. 2018): 1009-1038.

Available at <http://www.hastingslawjournal.org/wp-content/uploads/Lion-69.3.pdf>.

This article argues that private labs should be used to speed up testing of rape kits. It discusses the status of the current nationwide backlog in processing sexual assault kits and proposes regulatory changes to eliminate it.

## Reports

U.S. Congress. House. Subcommittee on Oversight and Investigations of the Committee on Energy and Commerce. *Examining the Availability of SAFE Kits at Hospitals in the United States*, hearing, 115th Cong., 2nd sess., Dec. 12, 2018: Washington, DC: U.S. Government Publishing Office, 2019.

Available at <https://www.govinfo.gov/app/details/CHRG-115hhrg36850/CHRG-115hhrg36850>.

This congressional hearing examines the availability of specially trained forensic nurses to perform sexual assault examinations in U.S. hospitals.

U.S. Government Accountability Office. *DNA Evidence: DOJ Should Improve Performance Measurement and Properly Design Controls for Nationwide Grant Program*. Washington, DC: U.S. Government Accountability Office. Mar. 21, 2019.

Available at <https://www.gao.gov/products/GAO-19-216>.

This report looks into the size of backlogs in the processing of DNA evidence, including sexual-assault kits, and makes recommendations for improvements to the Department of Justice's DNA Capacity Enhancement and Backlog Reduction (CEBR) grant program.

U.S. Library of Congress. Congressional Research Service. *Backlog of Sexual Assault Evidence: In Brief* by Lisa N. Sacco and Nathan James. R44237.

Available at <https://crsreports.congress.gov/product/details?prodcode=R44237>.

This report summarizes the issue of untested sexual-assault kits collected by law enforcement and never submitted for DNA testing. The report describes legislative efforts to address the backlog.

## Wrongful-Conviction Reviews

### Articles

Garrett, Brandon L. "Wrongful Convictions." *Annual Review of Criminology* 3 (Jan. 2020): 245-259.

Available at <https://www.annualreviews.org/doi/full/10.1146/annurev-criminol-011518-024739>.

This article summarizes scholarly research into wrongful convictions, their causes, and proposed policy reforms. It covers research in the fields of law, psychology, statistics, criminology, and interdisciplinary research.

Hamburg, Brandon. "Legally Guilty, Factually Innocent: An Analysis of Post-Conviction Review Units." *Review of Law and Social Justice* 25, no. 2 (Spring 2016): 183-210.

Available at <https://gould.usc.edu/students/journals/rlsj/issues/assets/docs/volume25/Spring2016/2.Hamburg.pdf>.

This article describes three different models for post-conviction review used in Dallas, TX; North Carolina; and Great Britain, and compares them in an effort to assess which is the best model.

Leverick, Fiona, Kathryn Campbell, and Isla Callander. "Post-Conviction Review: Questions of Innocence, Independence, and Necessity." *Stetson Law Review* 47, no. 1 (Fall 2017): 45-84.

Available at <https://www2.stetson.edu/law-review/wp-content/uploads/2020/01/7.Leverick.pdf>.

This article describes three different models for post-conviction review used in Canada, Scotland, and North Carolina, and examines the outcomes of each. The authors make recommendations as to how a post-conviction review should "ideally operate" based on their analysis.

Rafail, Patrick and Margaret Mahoney. "A Long Road to Freedom: The Exoneration Pipeline in the United States, 1989–2015." *The Sociological Quarterly* 60, no. 4 (2019): 537-558. Available at <https://doi.org/10.1080/00380253.2018.1547175>.

This review of wrongful convictions in the United States looks at the process of exoneration and the length of time between conviction and exoneration in documented cases. It also examines factors in obtaining exonérations such as geographical location, existence of DNA evidence, and access to legal assistance.

## Books

Covey, Russell D., and Valena E. Beety, eds. *The Wrongful Convictions Reader*. Durham, N.C.: Carolina Academic Press, 2019.

This interdisciplinary collection of essays brings together writing from a variety of experts as well as media coverage on the issue of wrongful convictions. The collection includes research on causes and contributing factors, legal analysis of the issue, and proposed policy solutions.

## Website

Innocence Project.

Available at <https://www.innocenceproject.org>.

The Innocent Project is a network of legal organizations and experts who assist with post-conviction exonérations. The organization works to exonerate incarcerated individuals and advocates for reforms to the criminal justice system. Its website provides information about specific cases and news and analysis related to wrongful convictions.

University of California Irvine Newkirk Center for Science and Society, University of Michigan Law School, and Michigan State University College of Law. "The National Registry of Exonerations." Available at <http://www.law.umich.edu/special/exoneration/Pages/about.aspx>.

This site attempts to provide a comprehensive database of exonérations of previously convicted criminal defendants in the United States. The site includes detailed information about specific cases, analysis of the causes of false convictions, and statistics tracking exoneration rates.

U.S. Department of Justice. Bureau of Justice Assistance. "Upholding the Rule of Law and Preventing Wrongful Convictions (URLPWC) Program."

Available at <https://bja.ojp.gov/program/urlpwc/overview>.

This webpage describes a Department of Justice grant program that provides funding to support state and local processes for post-conviction reviews to assess claims of wrongful convictions.

## Sentencing and Prisons

### Bail and Pretrial Release

#### Articles

Hopkins, Brook, Chiraag Bains, and Colin Doyle. "Principles of Pretrial Release: Reforming Bail Without Repeating Its Harms." *Journal of Criminal Law & Criminology* 108, no. 4 (Fall 2018): 679-700.

Available at

<https://scholarlycommons.law.northwestern.edu/cgi/viewcontent.cgi?article=7639&context=jclc>.

This article encourages the use of conditional release as an alternative to the money bail system. The authors propose five principles to guide the criminal justice system away from the use of cash bail. The author suggests that with the implementation of these five principles, the conditional release pretrial system could reform the inequalities of the previous system.



Van Brunt, Alexa, and Locke E. Bowman. "Toward a Just Model of Pretrial Release: A History of Bail Reform and a Prescription for What's Next." *Journal of Criminal Law & Criminology*, 108, no. 4 (Oct. 2018): 701–774.

Available at

<https://scholarlycommons.law.northwestern.edu/cgi/viewcontent.cgi?article=7640&context=jclc>.

The authors argue that the criminal justice system is in the midst of a "third wave" of bail reform that aims to end the practices of requiring defendants to post bail in order to secure pretrial release. The authors conduct a historical analysis of modern-day bail reform efforts in the "first" and "second" waves of bail reform, and examine the effect of these reforms on incarceration rates and racial disparities in the justice system. The authors also explain how these earlier efforts both influenced and created the conditions for the third wave reforms.

## Books

Baughman, Shima. *The Bail Book: A Comprehensive Look at Bail in America's Criminal Justice System*. New York: Cambridge University Press, 2018.

This book examines the history of bail in America. The author recommends reforms, with the support of new empirical research, to the country's pretrial release system.

Scott-Hayward, Christine S., and Henry F. Fradella. *Punishing Poverty: How Bail and Pretrial Detention Fuel Inequalities in the Criminal Justice System*. Oakland, CA: University of California Press, 2019.

This book analyzes how the current bail system might promote racial and economic disparities in the criminal justice system. Looking back at failed bail reform efforts undertaken during the twentieth century, the authors highlight places that have recently started moving away from money bail systems. In addition, the authors discuss the response from the bail-bond industry.

## Reports

Bains, Chiraag, Colin Doyle, and Brook Hopkins. *Bail Reform: A Guide for State and Local Policymakers*. Cambridge, MA: Harvard University, Harvard Law School, Criminal Justice Policy Program, 2019.

Available at [http://cjpp.law.harvard.edu/assets/BailReform\\_WEB.pdf](http://cjpp.law.harvard.edu/assets/BailReform_WEB.pdf).

This report describes a way to move away from a money-bail system with information from interviews with experts, empirical studies, independent research, and case studies of effective non-money-bail systems. The authors highlight five principles necessary to establish a non-money-bail system.

Snead, Jason. *A Path Forward for Pretrial Justice Reform*. Washington, DC: The Heritage Foundation, 2019.

Available at

<https://www.heritage.org/crime-and-justice/report/path-forward-pretrial-justice-reform>.

The author outlines proposals for how to reform the bail system: the system must return to the original purpose of providing a tool for courts to prevent flight from justice; allow judges to impose a range of constraints on defendants based on the circumstances of individual cases; and improve the bail industry through appropriate regulation. However, the author argues that there needs to be caution when moving away from the money-bail system because of potential threats to public safety.

## Websites

Pretrial Justice Institute.

Available at <https://www.pretrial.org/>.

The Pretrial Justice Institute is a nonprofit group that advocates for effective pretrial justice and supports reforms in arrest, bail, and diversion decision-making.

## Mandatory Minimum Sentences, Sentencing Guidelines, and Limitations on Judicial Discretion in Sentencing Decisions

### Articles

Edwards, Griffin, Stephen Rushin, and Joseph Colquitt. "The Effects of Voluntary and Presumptive Sentencing Guidelines." *Texas Law Review* 98, no. 1 (Nov. 2019): 1–66.

Available at <https://texaslawreview.org/wp-content/uploads/2019/11/Rushin.Printer.pdf>.

This article uses a data set of 221,984 criminal sentences by 355 judges in the state of Alabama between 2002 and 2015 to determine whether voluntary or mandatory sentencing guidelines help reduce sentencing disparities and eliminate bias.

Papa, Jeff, and Chris Kashman. "An Introduction to the Federal Sentencing Guidelines." *Indiana Law Review* 51 no. 2 (2018): 357–76.

Available at <http://journals.iupui.edu/index.php/inlawrev/article/view/22847/22212>.

This article outlines how the Sentencing Reform Act of 1984 is used to determine an offender's sentence based on the severity of the crime and the offender's previous criminal history. This article also highlights cases that fought against the Sentencing Reform Act of 1984.

### Books

Marciniak, Liz Marie. *Sentencing and Modern Reform: The Process of Punishment*. Durham, NC: Carolina Academic Press, 2016.

This book examines different sentencing practices across the United States. Marciniak provides historical background on sentencing practices in the United States and details the goals and structure of modern sentencing reform efforts. The author analyzes if reforms have met their goals through evaluation of social science research, costs and interviews.

O'Hear, Michael. *The Failed Promise of Sentencing Reform*. Santa Barbara, CA: Praeger, 2017.

This book examines why despite many sentencing reform efforts, the incarceration rate in America remains high. The author looks at these reforms and discusses reasons why they have been ineffective.

### Reports

U.S. Sentencing Commission. *Mandatory Minimum Penalties for Drug Offenses in the Federal Criminal Justice System*. Washington, DC: U.S. Sentencing Commission, 2017.

Available at [https://www.ussc.gov/sites/default/files/pdf/research-and-publications/research-publications/2017/20171025\\_Drug-Mand-Min.pdf](https://www.ussc.gov/sites/default/files/pdf/research-and-publications/research-publications/2017/20171025_Drug-Mand-Min.pdf).

This report analyzes federal drug mandatory minimum using data from the 2016 fiscal year. The analysis is broken down by drug types and functions performed by the offender.

U.S. Sentencing Commission. *Mandatory Minimum Penalties for Firearms Offenses in the Federal Criminal Justice System*. Washington, DC: U.S. Sentencing Commission, 2018. Available at [https://www.ussc.gov/sites/default/files/pdf/research-and-publications/research-publications/2018/20180315\\_Firearms-Mand-Min.pdf](https://www.ussc.gov/sites/default/files/pdf/research-and-publications/research-publications/2018/20180315_Firearms-Mand-Min.pdf).

This report looks at the effects of federal mandatory-minimum sentences for gun crimes, finding among other things that they lead to long prison sentences.

U.S. Sentencing Commission. *An Overview of Mandatory Minimum Penalties in the Federal Criminal Justice System*. Washington, DC: U.S. Sentencing Commission, 2017. Available at [https://www.ussc.gov/sites/default/files/pdf/research-and-publications/research-publications/2017/20170711\\_Mand-Min.pdf](https://www.ussc.gov/sites/default/files/pdf/research-and-publications/research-publications/2017/20170711_Mand-Min.pdf).

Building off the recommendations and conclusion of the 2011 Mandatory Minimum Report, this report highlights the changes and analyzes the most recent sentencing data. It studies the effects of mandatory minimum sentencing and its effects on the federal prison population.

## Websites

U.S. Sentencing Commission.

Available at <https://www.ussc.gov/>.

The U.S. Sentencing Commission website contains information covering research, education, and policymaking on federal sentencing guidelines. There are sentencing tables, multiple data reports, federal register notices, and numerous training products. Resources are listed by topic.

Center for Prison Reform.

Available at <https://centerforprisonreform.org/>.

The Center for Prison Reform (CPR) advocates for criminal justice reforms. The website provides policy guides, congressional briefs, and specific legislation.

## Prosecutorial Discretion and Plea Deals

### Articles

Crespo, Andrew Manuel. "The Hidden Law of Plea Bargaining." *Columbia Law Review* 118, no. 5 (2018): 1303-1424.

Available at <https://columbialawreview.org/content/the-hidden-law-of-plea-bargaining/>.

This article suggests there is a misguided assumption that plea bargaining operates "beyond the shadow of the law." Though true for substantive and constitutional law, this article argues it is not true for subconstitutional law. It examines the legal framework that lead to plea bargaining.

Bellin, Jeffrey. "The Power of Prosecutors," *New York University Law Review* 94, no. 2 (May 2019): 171-212

Available at <https://pccinc.org/wp-content/uploads/2019/11/20190500-The-Power-of-Prosecutors-New-York-University-Law-Review-Bellin.pdf>.

This article critiques the idea that prosecutors have outsized influence over the criminal justice system. The author argues that operating with such an idea has consequences for criminal justice discourse and distracts from real sources of reform.

Bagaric, Mirko and Julie N. Clark, William Ringer. "Plea Bargaining: From Patent Unfairness to Transparent Justice." *Missouri Law Review* 84 (2019).

Available at [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=3129469](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3129469).

This article proposes reforms to the plea-bargaining process, arguing that they could reduce mass incarceration and combat bias against the socio-economically disadvantaged.

## Books

Edkins, Vanessa A., and Allison D. Redlich, eds. *A System of Pleas: Social Science's Contributions to the Real Legal System*. New York: Oxford University Press, 2019. With the criminal justice system moving away from trials and toward plea deals, this book analyzes factors that contribute to plea deals. It also calls for more and broader social science research into the subject.

Kelly, William R. *Confronting Underground Justice: Reinventing Plea Bargaining For Effective Criminal Justice Reform*. Lanham, MD: Rowman & Littlefield, 2018. This book analyzes issues surrounding plea negotiations within the criminal justice system. The author suggests a number of reforms to address these issues raised by plea bargaining.

## Abolishing Parole and Truth-in-Sentencing Laws

### Articles

Berman, Douglas A. "Reflecting on Parole's Abolition in the Federal Sentencing System." *Federal Probation* 81, no. 2 (2017): 18–22. Available at [https://www.uscourts.gov/sites/default/files/81\\_2\\_3\\_0.pdf](https://www.uscourts.gov/sites/default/files/81_2_3_0.pdf). The author argues that Sentencing Reform Act of 1984, which abolished parole, might have indirectly exacerbated some of the most problematic aspects of modern federal sentencing. The author advocates for the re-establishment of some form of parole for federal offenders.

Long, Wei. "Does Longer Incarceration Deter or Incapacitate Crime? Evidence from Truth-in-Sentencing Reform." *Applied Economics* 50, no. 24 (2018): 2664–2676. Available at <https://www.tandfonline.com/doi/full/10.1080/00036846.2017.1406654>. This article examines truth-in-sentencing laws and how they affect the rates of violent and property crimes. Using states with effective truth-in-sentencing laws, it concluded that a mandatory sentence length before parole contributes to declines in the rates of murder and robbery.

Li, Qi, and Wei Long. "Do Parole Abolition and Truth-in-Sentencing Deter Violent Crimes in Virginia?" *Empirical Economics* 55, no. 4 (2018): 2027–2045. Available at <https://link.springer.com/content/pdf/10.1007/s00181-017-1332-4.pdf>. Examining the FBI's Uniform Crime Report from 1960 to 2010, this paper studies the effect of the truth-in-sentencing reform that took effect in Virginia on January 1, 1995.

## The Movement toward Incarceration and Away from Community Corrections

### Articles

Still, Wendy, Barbara Broderick, and Steve Raphael. "Building Trust and Legitimacy Within Community Corrections." Washington, DC: U.S. Department of Justice, National Institute of Justice, Dec. 2016. Available at <https://www.ncjrs.gov/pdffiles1/nij/249946.pdf>. To improve public safety and view of parolees, this article offers a new model for community-based corrections based on six principles. The six principles stress the importance of the humanity of the offenders and the least invasive way to ensure public safety.

## Books

Alarid, Leanne Fiftal. *Community-based Corrections*, 12th ed. Boston: Cengage, 2018.  
This book discusses theories, practices, and personnel associated with community-based corrections. It examines specific deterrence, rehabilitation, and restorative justice.

Gunnison, Elaine. *Community Corrections*. Durham, NC: Carolina Academic Press, 2017.  
This book examines community-based sentences through the lens of offenders. It highlights popular celebrity cases and local/national cases.

## The Growth of the Prison Population and its Effect on Correctional Operations

### Articles

Bagaric, Mirko, Dan Hunter, and Gabrielle Wolf. "Technological Incarceration and the End of the Prison Crisis." *Journal of Criminal Law & Criminology* 108, no. 1 (Winter 2018): 73-135.

Available at

<https://scholarlycommons.law.northwestern.edu/cgi/viewcontent.cgi?article=7618&context=jclc>.

This article proposes the use of technological and surveillance devices as a means of reducing the country's prison population. The proposed devices and services would monitor offenders by setting geographical restraints, surveilling offenders' movements for possible criminal actions, and using conducted energy devices on those who violate their geographical restraints. The authors argue this would reduce the population of traditional prisons to those who committed capital offenses or violated their technological incarceration.

Galvin, Gaby. "Underfunded, Overcrowded State Prisons Struggle With Reform." *U.S. News & World Report*, July 26, 2017.

Available at <https://www.usnews.com/news/best-states/articles/2017-07-26/understaffed-and-overcrowded-state-prisons-crippled-by-budget-constraints-bad-leadership>.

This article examines the history of overcrowding in state prisons. In particular, it focuses on a Delaware prison where a correctional officer was killed during a riot.

Patterson, Evelyn J. "The Strategies, Complexities, and Realities of Zero Prison Population Growth." *Social Sciences* 6, no. 2 (2017): 60.

Available at <https://www.mdpi.com/2076-0760/6/2/60>.

To combat the ever-growing prison population, this article suggests that modified prison admission policies will have the greatest effect on growth. It notes that the current reform of shortening non-violent sentences has little effect on reducing the population.

### Reports

Aiken, Joshua. *Era of Mass Expansion: Why State Officials Should Fight Jail Growth*. Northampton, MA: Prison Policy Initiative, 2017.

Available at <https://www.prisonpolicy.org/reports/jailsovertime.html>.

This report examines the growth of the jail population and the lack of effective reform efforts. The author highlights how current pretrial practices and privatization of jails contribute to the growth of the number of jail inmates.

U.S. Library of Congress. Congressional Research Service. *The Federal Prison Population Buildup: Options for Congress*, by Nathan James. R42937.

Available at <https://crsreports.congress.gov/product/details?prodcode=R42937>.

With the overall increase of the federal prison population over the past three decades, this report examines options to address the problem.

## Websites

Prison Policy Initiative.

Available at <https://www.prisonpolicy.org/>.

The Prison Policy Initiative is a nonprofit group that seeks to provide timely, actionable data about the U.S. criminal justice system. Its website contains reports, videos, fact sheets, and state profiles.

## Private Prisons

### Books

Binder, Sue. *Bodies in Bed: Why Business Should Stay Out of Prisons*. New York: Algora Publishing, 2017.

In this book, the author argues that the private prison industry is more interested in profit through maximizing the number of people in prisons and less interested in rehabilitating inmates, which could help contribute to recidivism.

Eisen, Lauren-Brooke. *Inside Private Prisons: An American Dilemma in the Age of Mass Incarceration*. New York: Columbia University Press, 2018.

This book investigates the factors and incentives that led to the for-profit industry of private prisons. The author examines the private prison industry through a variety of perspectives including inmates, their families, correctional staff, policymakers, activists, and corporate executives.

### Reports

U.S. Department of Justice. Office of the Inspector General. *Review of the Federal Bureau of Prisons' Monitoring of Contract Prisons*. Washington, DC: U.S. Department of Justice, Aug. 2016.

Available at <https://oig.justice.gov/reports/2016/e1606.pdf>.

This report reviews oversight by the federal Bureau of Prisons of private prisons that housed about 12% of federal inmates as of December 2015.

Gotsch, Kara, and Vinay Basti. "Capitalizing on Mass Incarceration: U.S. Growth in Private Prisons." Washington, DC: The Sentencing Project, Aug. 2, 2018.

Available at <https://www.sentencingproject.org/publications/capitalizing-on-mass-incarceration-u-s-growth-in-private-prisons/>.

This report analyzes private prisons' impact on mass incarceration. The authors highlight case studies from five states' history of private prisons. The Sentencing Project is a policy research and advocacy organization.

Mumford, Megan, Diane Whitmore Schanzenbach, and Ryan Nunn. *The Economics of Private Prisons*. Washington, DC: Brookings Institution, The Hamilton Project, Oct. 2016.

Available at [https://www.hamiltonproject.org/papers/the\\_economics\\_of\\_private\\_prisons?\\_ga=2.127890190.205868187.1587477585-1219010719.1587477585](https://www.hamiltonproject.org/papers/the_economics_of_private_prisons?_ga=2.127890190.205868187.1587477585-1219010719.1587477585).

This report examines the economic model in which private prisons operate, including the incentives structure and impact on the effectiveness of private prisons.

Stuart, Austill. *Should the Federal Bureau of Prisons Phase Out Contracted Prisons? A Closer Look at the OIG's Findings*. Los Angeles: Reason Foundation, Mar. 2017.

Available at [https://reason.org/wp-content/uploads/files/private\\_prisons\\_inspector\\_general\\_justice.pdf](https://reason.org/wp-content/uploads/files/private_prisons_inspector_general_justice.pdf)

This report argues that a 2016 report from the U.S. Department of Justice's Office of the Inspector General did not support a subsequent, and later reversed, decision to end federal contracts with private prisons, and that "that contracts can be designed to incentivize responsiveness and progress in privately managed prisons."

## The Effectiveness of Rehabilitative Programs

### Articles

Grasso, Anthony. "Broken Beyond Repair: Rehabilitative Penology and American Political Development." *Political Research Quarterly* 70, no. 2 (June 2017).

Available at <https://journals.sagepub.com/doi/abs/10.1177/1065912917695189>.

This article examines the "rehabilitation ideal" of the U.S. correctional system, and discusses the origins of the philosophy as well as the history of the criminal justice system.

Latessa, Edward J., and Brian Lovins. "The Role of Offender Risk Assessment: A Policy Maker Guide." *Victims and Offenders* 5, no. 3 (2010): 203-219.

Available at <http://faculty.uml.edu/chigginsobrien/44.327/TOPICS/The%20Role%20of%20Offender%20Risk%20Assessment%20PDF.pdf>.

The authors discuss the importance of risk assessment for criminal offenders, and describe methods used to assess risk.

Simourd, David J., and Bryan Brandenburg. "Implementing Rehabilitation into Jails: A Case Example of Success." *American Jails* 32, no. 5 (Nov. 2018).

This article highlights the Northern Oregon Regional Corrections Facility's use of assessment and rehabilitation to reduce recidivism. The authors write that in a three-year period, the prison was able to reduce recidivism from 76% to 62%.

### Books

Andrews, Donald Arthur, and James Bonta. *The Psychology of Criminal Conduct*. New York: Routledge, 2017.

This textbook details the psychology of criminal behavior and provides a psychological and evidence-informed perspective of criminal behavior.

Baer, Harold, Jr. *Rehabilitation and Incarceration: In Search of Fairer and More Productive Sentencing*. Chicago: American Bar Association, 2019.

The author uses his experience as an U.S. district judge from the experimental re-entry federal court to explain the need to reduce the prison population and encourage rehabilitation programs.

Weisburd, David, David P. Farrington, and Charlotte Gill, eds. *What Works in Crime Prevention and Rehabilitation: Lessons from Systematic Reviews*. New York: Springer, 2016.

This book, which is part of a series on evidence-based crime policy, provides data on a variety of correctional programs and examines their effectiveness.

Ziv, Ronen. *The Future of Correctional Rehabilitation: Moving Beyond the RNR Model and Good Lives Model Debate*. London: Routledge, 2018.

The author argues that understanding the Risk-Need-Responsibility model of rehabilitation has its limitations, and the newer Good Live Model uses the offenders' positive strengths and values to help reduce recidivism. This book proposes a combination of Risk-Need-Responsibility and Good Lives Model to create the most effective rehabilitation.

## Reports

California State Legislature. Legislative Analyst's Office. *Improving In-Prison Rehabilitation Programs*. Sacramento, CA: California State Legislature, Legislative Analyst's Office, Dec. 2017.

Available at <https://lao.ca.gov/Publications/Report/3720>.

This report is a review of the California Department of Corrections and Rehabilitation In-Prison Rehabilitation Programs and their ability to reduce recidivism. Comparing the program to three base principles, this report evaluates the programs' failures and offers recommendations for improvement.

Davis, Lois M., Jennifer L. Steele, Robert Bozick, Malcolm V. Williams, Susan Turner, Jeremy N. V. Miles, Jessica Saunders, and Paul S. Steinberg. *How Effective Is Correctional Education, and Where Do We Go from Here? The Results of a Comprehensive Evaluation*. Santa Monica, CA: RAND Corporation, 2014.

Available at <https://doi.org/10.7249/RR564>.

This study examines the effectiveness of educational programs for prisoners in the United States. The authors conclude that prisoners who participate in educational programming are less likely to reoffend after release, compared with prisoners who do not.

## Websites

Justice Policy Institute.

Available at <http://www.justicepolicy.org/index.html>.

The Justice Policy Institute is a nonprofit group dedicated to reducing the use of incarceration as the only defense against criminal activity by promoting fair and effective policies. The website offers research, a newsroom, and a blog.

U.S. Department of Justice. "CrimeSolutions.gov."

Available at <https://www.crimesolutions.gov/>.

The Department of Justice's Office of Justice Programs website, Crimesolutions.gov, is a resource to inform practitioners and policymakers on effective programs and practices in criminal justice, juvenile justice, and crime victim services.



## SUBJECT BIBLIOGRAPHY

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“Resolved: The United States Federal Government Should Enact Substantial Criminal Justice Reform in the United States in One or More of the Following:  
Forensic Science, Policing, Sentencing.”

### **2016 Annual Report and 2016 Sourcebook of Federal Sentencing Statistics**

Publisher: United States Sentencing Commission

Year/Pages: 2017; 246 p.

Print price: \$45.00

### **Alternative Sentencing in the Federal Criminal Justice System**

Available at: <https://purl.fdlp.gov/GPO/gpo63358>

Publisher: United States Sentencing Commission

Year/Pages: 2015; 32 p.

Print price: N/A

### **Demographic Differences in Sentencing: An Update to the 2012 Booker Report**

Available at: <https://purl.fdlp.gov/GPO/gpo92498>

Publisher: United States Sentencing Commission

Year/Pages: 2017; 43 p.

Print price: N/A

### **Evidence-Based Policing in 45 Small Bytes**

Available at: <https://purl.fdlp.gov/GPO/gpo138721>

Publisher: U.S. Department of Justice, Office of Justice Programs, National Institute of Justice

Year/Pages: 2020; 129 p.

Print price: N/A

**Federal Rules of Criminal Procedure, 2019**

Available at: <https://purl.fdlp.gov/GPO/LPS105278>

Publisher: U.S. Congress, House, Committee on the Judiciary

Year/Pages: 2019; 96 p.

Print price: \$13.00

**Federal Rules of Evidence, 2019**

Available at: <https://purl.fdlp.gov/GPO/gpo20989>

Publisher: U.S. Congress, House, Committee on the Judiciary

Year/Pages: 2019; 40 p.

Print price: \$7.00

**Gender, Sexuality, and 21st Century Policing: Protecting the Rights of the LGBTQ+ Community**

Available at: <https://purl.fdlp.gov/GPO/gpo118363>

Publisher: Community Oriented Policing Services, U.S. Department of Justice

Year/Pages: 2017; 73 p.

Print price: N/A

**The Impact of Forensic Evidence on Arrest and Prosecution**

Available at: <https://purl.fdlp.gov/GPO/gpo85652>

Publisher: National Criminal Justice Reference Service, Office of Justice Programs

Year/Pages: 2017; 92 p.

Print price: N/A

**The Impact of Forensic Science Research and Development**

Available at: <https://purl.fdlp.gov/GPO/gpo63341>

Publisher: U.S. Department of Justice, Office of Justice Programs, National Institute of Justice

Year/Pages: 2015; 12 p.

Print price: N/A

### **Injury Evidence, Biological Evidence and Prosecution of Sexual Assault: Final Summary Overview**

Available at: <https://purl.fdlp.gov/GPO/gpo84076>

Publisher: National Criminal Justice Reference Service, Office of Justice Programs

Year/Pages: 2017; 20 p.

Print price: N/A

### **Interactions between Youth and Law Enforcement**

Available at: <https://purl.fdlp.gov/GPO/gpo122474>

Publisher: Office of Juvenile Justice and Delinquency Prevention

Year/Pages: 2018; 31 p.

Print price: N/A

### **Inter-District Differences in Federal Sentencing Practices: Sentencing Practices Across Districts from 2005-2017**

Available at: <https://purl.fdlp.gov/GPO/gpo141584>

Publisher: United States Sentencing Commission

Year/Pages: 2020; 95 p.

Print price: \$20.00

### **Intra-City Differences in Federal Sentencing Practices: Federal District Judges in 30 Cities, 2005-2017**

Available at: <https://purl.fdlp.gov/GPO/gpo118786>

Publisher: United States Sentencing Commission

Year/Pages: 2019; 133 p.

Print price: N/A

### **Justice for All: Convicting the Guilty and Exonerating the Innocent (hearing, March 21, 2012)**

Available at: <https://purl.fdlp.gov/GPO/gpo52728>

Publisher: U.S. Congress, Senate, Committee on the Judiciary

Year/Pages: 2014; 108 p.

Print price: N/A

**Justice for All Reauthorization Act of 2016**

Available at: <https://purl.fdlp.gov/GPO/gpo78831>

Publisher: U.S. Government Publishing Office

Year/Pages: 2016; 17 p.

Print price: N/A

**Policing and Wrongful Convictions**

Available at: <https://purl.fdlp.gov/GPO/gpo56764>

Publisher: U.S. Department of Justice, Office of Justice Programs, National Institute of Justice

Year/Pages: 2014; 31 p.

Print price: N/A

**Policing Strategies for the 21st Century (hearing, May 19, 2015)**

Available at: <https://purl.fdlp.gov/GPO/gpo60395>

Publisher: U.S. Congress, House, Committee on the Judiciary

Year/Pages: 2015; 133 p.

Print price: N/A

**Publicly Funded Forensic Crime Laboratories: Resources and Services, 2014**

Available at: <https://purl.fdlp.gov/GPO/gpo118886>

Publisher: U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics

Year/Pages: 2016; 11 p.

Print price: N/A

**Race and Policing: An Agenda for Action**

Available at: <https://purl.fdlp.gov/GPO/gpo92416>

Publisher: U.S. Department of Justice, Office of Justice Programs, National Institute of Justice

Year/Pages: 2015; 13 p.

Print price: N/A

**United States Sentencing Commission Guidelines Manual, 2018; Appendix B; Appendix C**

Available at: <https://purl.fdlp.gov/GPO/LPS78477>

Publisher: U.S. Sentencing Commission

Year/Pages: 2018; multi-volume set

Print price: \$70.00

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