

Flawed Criminal Justice Policies

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

Edited by

Frances P. Reddington

and

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To all the Reddingtons, past and present. You all are a part of me being where I am and doing what I do!

FPR

To my wife, Marty, who has been my friend for life.

GB

Contents

Preface	xv
Acknowledgments	xvii
Chapter 1 • Flawed Policy: Concepts & Issues in Criminal Justice	
Policy Making: General Propositions	3
<i>Gene Bonham, Jr.</i>	
Introduction	3
Policy Communities	7
Elitist & Populist Models of Policy Making	8
Evidence-Based Policy-Making: The Interplay between Theory, Research, & Policy	10
Benefits and Criticisms of Evidence-Based Policy Making	12
Best Practices in Criminal Justice Policy Making	14
Policy Making Reform and Guidelines	14
References	16

PART I

LAW ENFORCEMENT POLICY

Chapter 2 • The War on Drugs A Review of U.S. Drug Policy	21
<i>Michael N. Gomila & Robert D. Hanser</i>	
Introduction	21
A Historical Overview	23
America's Romance	23
Dr. Hamilton Wright: The Father of Modern Drug Enforcement	25
The Harrison Narcotics Act	26
The Prohibition Unit: The Beginning of Enforcement	26
Harry Anslinger and Marijuana Tax Act of 1937	27
The Modern War on Drugs	28
The Lessons of Prohibition	30

Crime	30
Introduction of Young Drinkers to More Potent Alcohol	30
Unnecessary Death Related to a Lack of Regulation	31
Increased Incarceration Rates	31
Corruption	31
The Lessons of the Current War on Drugs	32
Constitutionality Questions	33
Crime and Incarceration	33
Development of Stronger, Less Expensive Drugs	35
Loss of Tax Revenue	35
Racial Bias and Minority Communities	35
Portugal: Lessons for Policy Reform	36
Conclusions: Possibilities for Policy Reform	37
References	37
Chapter 3 • The Enforcement of Immigration Law by Police	39
<i>Robert D. Hanser & Michael N. Gomila</i>	
Introduction	39
Section 287(g) of the Immigration and Nationality Act	40
Going Beyond Section 287(g)	42
Recent State Developments with Immigration Enforcement	43
Reasonable Suspicion versus Probable Cause	44
The Impact on Police Community Relations	47
Lack of Resources	51
Legal Liabilities and Racial Profiling	53
Concluding Comments: Potential Reform and Likely Trends	56
References	57
Cases Cited	59

PART II

JUDICIAL POLICY

Chapter 4 • Striking a Balance between Liberty & Security: The Debate over American Counterterrorism Policies Since 9/11	63
<i>Kadir Akyuz, Abdullah Cihan, & Mitchel P. Roth</i>	
Introduction	63
USA PATRIOT Act	64
Military Tribunals	68
<i>Hamdi v. Rumsfeld</i> and the <i>Habeas Corpus</i> Rights of Terror Suspects	69

Torture and the Law	70
Torture as a Flawed Policy	71
Conclusion	73
References	75
Cases Cited	77
Acts Cited	77

PART III
SENTENCING POLICY

Chapter 5 • The Sentencing Revolution	81
<i>Barbra Belbot</i>	
Introduction	81
The Sentencing Sea Change	82
Structured Sentencing	85
Abolishing Discretionary Parole Release	87
Mandatory Minimum Sentences	87
Truth-in-Sentencing	89
Trend Summary	89
The Sentencing Sea Change Hits the Correctional System	90
The Impact of Crime Rates	91
The Impact of Mandatory Minimum Penalties	91
The Impact of Abolishing Discretionary Parole and Structured Sentencing	92
The Impact of Time Served Laws	93
Research Summary	93
The Future of Sentencing Policy	94
Presumptive Guidelines	94
Judicial Discretion	95
Conclusion	97
References	98
Case Cited	100
Chapter 6 • The Consequences of Three Strikes Laws	101
<i>Robert D. Hanser & Michael N. Gomila</i>	
Introduction	101
The Flaws Related to Three Strikes Laws	106
Have Three Strikes Laws Actually Deterred Crime or Reduced Recidivism?	107
Three Strikes Laws Can Increase Criminality and Violent Offending	110

Disparity in Application of Three Strikes Sentences	112
Three Strikes Laws and the Aging Prison Population	116
Concluding Comments: Likely Trends and Potential Reform	117
References	118
Cases Cited	120
Chapter 7 • The Death Penalty: Ultimate Punishment or Failed Public Policy	121
<i>Scott Vollum</i>	
Introduction	121
Deterrence	122
Incapacitation	125
Cost	127
Retribution	129
Proportionality	130
Justice and Social Catharsis	132
Innocence and Wrongful Conviction	133
The Decline of the Death Penalty and Lessons Learned	136
References	139
Cases Cited	146
PART IV	
SEX OFFENDER POLICY	
Chapter 8 • Faulty Sex Offender Policies	149
<i>Alissa R. Ackerman & Karen J. Terry</i>	
Introduction	149
The Emergence of Current Sex Offender Laws	150
Registration and Community Notification Laws	150
Making Our Communities Safer for Children	152
The Civil Commitment of Sexually Violent Predators	154
Faulty Policy	155
Civil Commitment	158
The Management of Sex Offenders in the Community—	
Moving Beyond Registration	159
Efficacy of the Sex Offender Laws	161
References	165

PART V
JUVENILE JUSTICE/SCHOOL POLICY

Chapter 9 • “Getting Tough” & the Adulthoodification of Juvenile Justice	171
<i>Frances P. Reddington</i>	
Introduction	171
A Brief History of Juvenile Justice	172
<i>Kent</i> —The Case That Opened the Door	174
<i>Gault</i> —The Case Heard Around the World	175
<i>Winship</i> —The Case about Burden of Proof	177
<i>McKeiver</i> —The Case That Changed Direction	177
Federal Intervention	178
Reforms Follow	179
Winds of Change: “Getting Tough” on Juvenile Offenders	179
Transfer to Adult Court	180
Breadth of Transfer	181
Changing the Transfer Process	181
Frequency of Use	183
An Evaluation of Transfer	184
Other Concerns about Transfer Policies	186
Where Do We Go From Here?	186
Conclusions	188
References	188
Cases Cited	190
 Chapter 10 • School Policy	 191
<i>Lynn S. Urban</i>	
Introduction	191
The Emergence of Zero Tolerance Policies	192
Identification of the Problem	192
Severity of the Problem	193
Formulation of Solutions/Policy	195
Legitimization	196
Implementation	198
Evaluation	199
Zero Tolerance Policies Fail to Meet Key Criteria of	
Deterrence Theory	202
Deterrence and Pulling Levers	202

How School Based Zero Tolerance Discipline Policies (Fail to) Meet Deterrence Criteria	205
The Future of Zero Tolerance Policies	209
What Schools Should Do	210
What the Policy Should Do	211
References	213
Cases Cited	217

PART VI
SPECIAL POPULATION POLICY

Chapter 11 • Mental Illness and the Criminal Justice System	221
<i>Jacqueline Buffington-Vollum</i>	
Introduction	221
Defining Serious Mental Illness	222
Prevalence of Serious Mental Illness in the Criminal Justice System	223
Reasons for the Overrepresentation of Individuals with Mental Illness in the Criminal Justice System	223
Historical Events	224
Societal Attitudes	227
System Failures	228
Individuals with Mental Illness and Law Enforcement	228
Individuals with Mental Illness in Jails and Prisons	230
Acute Psychopathology	231
Conditions of Incarceration	231
Disciplinary Infractions	232
Use of Segregation	232
Lack of Services	233
Medications	234
Individuals with Mental Illness in the Courts	235
Incompetency to Stand Trial and Competency Restoration	235
The Not Guilty by Reason of Insanity Plea and the Guilty but Mentally Ill Verdict	236
Individuals with Mental Illness and Community Re-Entry	237
Lack of Social Support	237
Lack of Adequate Discharge Planning and Community Services	237
Lack of Communication between the Agencies Providing Services	239
Recommendations for Policy and Practice Involving Offenders with Mental Illness	239

Criminal Justice-Specific Innovations	240
Training	240
Specialized Mental Health Units	241
Divert When Appropriate	242
MH-CJ Collaboration	243
Easy Access to Mental Health Care	243
Facilitating Release of Information	244
Preparation and Communication	245
Cultural, Social, and Economic Reform	245
Increase Funding for Mental Health Care	245
Decrease Stigma	247
Conclusion	248
References	249
Cases Cited	256
Chapter 12 • Prosecuting Women Not Good Enough to Be Pregnant	257
<i>Diane M. Daane</i>	
Introduction	257
Policy Arguments in Favor of Prosecution and Counterarguments	259
Deterrence	259
Retribution	260
Better Maternal and Fetal Health	263
Reduced Cost to Society Due to Better Birth Outcomes	266
Reducing Women's Drug Use	268
Policy Arguments in Opposition to Prosecution	268
Research Issues	269
Gender Bias	270
Racial Disparity	272
Conclusion and Solutions	273
References	274
Cases Cited	276
About the Contributors	279
Name Index	283
Index	291

Preface

This book examines various aspects of the American criminal justice system and how policies that govern criminal justice procedures can sometimes be flawed. Basically a flawed criminal justice policy would not produce the desired effect intended by the policy, or may, in fact, produce unintended and negative consequences. While this book focuses somewhat on policies that may have produced negative and unintended consequences associated with our criminal justice system, it is not meant to imply that the criminal justice system is ineffective or unsuccessful. In fact, there currently exists a growing trend in our criminal justice system to improve policy creation and evaluation.

We asked the contributors to this book to write a chapter for this reader because of their expertise in certain critical areas of the criminal justice system, and, in addition, because they also have some knowledge and insight into the role of public policy in their area of expertise. In addition, when we asked the contributors to write their chapters, we asked that they include both some recommendations for positive change as well as an overview of any positive progress that had or is occurring in their area of discussion. We believe that it would not be enough to simply point out flaws in how our system works, but that this reader also should offer recommendations on how to fix or improve the situation. Each chapter provides some discussion as to how flawed policy in a specific area can be addressed and remedied.

Chapter 1 opens the book with a discussion about criminal justice policy and how it evolves. It sets the stage for the rest of the chapters which follow. The basic framework provided in Chapter 1 will help the reader to examine each remaining chapter within the broader context of what is known about the policy making process and what is thought to work.

The remaining chapters focus on specific policy issues found in a certain segment of the criminal justice system today. Detailed analysis of a criminal justice policy and its consequences is provided by the contributors who then also provide suggestions for the creation of good, sound, evidence-based policy. Specific topics include: The War on Drugs, Immigration Laws, The PATRIOT Act and Terrorist Laws, Sentencing Guidelines, Three Strikes Laws, Capital

Punishment, Sex Offender Laws, Adultifying Juvenile Justice, Zero Tolerance in School, Policies for Mental Health Offenders, and Polices with Pregnant Offenders.

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We would like to thank The University of Central Missouri for the support we receive. Putting together a reader of this nature takes a great deal of work, much of it very detail oriented and time consuming. We would like to thank two Graduate Assistants from the Criminal Justice Department at the University of Central Missouri. Erica Lehmuth and Hillary McNeel both put in numerous hours checking references, creating indexes and helping to format the reader. We thank them so much for their assistance—it really was invaluable to us and helped make this project possible.

And finally, we would like to acknowledge the people who work in the criminal justice field, those who make laws regarding criminal justice policy, those who cover criminal justice in the media and the public who indicate that crime and the system designed to deal with this social issue remains a major American concern. We hope this work serves to raise awareness, foster discussion, and provide a little information as we move forward in finding what works best.