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THE CITY UNIVERSITY OF NEW YORK
OF CRIMINAL JUSTICE

PRESIDENT
JEREMY TRAVIS

November 11, 2008

Open Letter to the American Society of Criminology:

The recent election of a new President and the advent of the 111th Congress present an unprecedented opportunity for the nation to rethink the federal role in promoting research on crime, society's responses to crime, and the administration of justice.

For the past forty years, the nation's research and statistics agencies – the National Institute of Justice and the Bureau of Justice Statistics -- have been housed within the Office of Justice Programs of the Department of Justice. Having served as Director of the National Institute of Justice from 1994-2000, I have a firsthand understanding of the valuable role that NIJ has played in promoting research that has benefited our nation's criminal justice system. Yet I have come to the conclusion that the current structure of the Department of Justice, which places responsibility for criminal justice research and statistics in a program-oriented office, cannot provide the rigorous, objective, timely and relevant research on crime and justice to which our citizens, and the practitioners in the law enforcement and criminal justice professions, are entitled.

The purpose of this Open Letter is to urge members of the American Society of Criminology, as well as members of other associations of professionals in criminal justice, to support a new structure that would better carry out the research and statistical obligations of the federal government. Specifically, I propose that the Congress create, with support from the new Administration, a new office in the Department of Justice, called the Office of Justice Research, to be headed by an Assistant Attorney General for Justice Research. This office would be separate from the Office of Justice Programs, which would continue to administer the funding programs that support reform efforts by state and local law enforcement and criminal justice agencies. Other cabinet agencies – the Department of Education, the Department of Agriculture and the Environmental Protection Agency – have all recently created research and statistics offices that are more professional and independent. Now is the time for the Department of Justice to follow these examples.

The argument for creation of the new Office of Justice Research, separate from the Office of Justice Programs, is very straightforward: if the research, statistics, and scientific development functions of the federal government are located within an office that is primarily responsible for the administration of assistance programs, three risks are created. First, the scientific integrity of the research functions is vulnerable to compromise. Second, the research and development function will never be given the priority treatment that is needed to meet the enormous crime challenges facing the country. Third, the research agenda on crime and justice will more likely reflect short-term, programmatic needs rather than the long-term need to develop a better understanding of the phenomenon of crime in America and the best ways to prevent and respond to crime.

The rationale for this proposal exists independent of the level of funding for the statistics, research and development functions of the federal government. Clearly, the National Institute of Justice and the Bureau of Justice Statistics are woefully underfunded. The new Administration and new Congress should also focus squarely on ways to enhance these budgets substantially. Yet simply augmenting the budgets of NIJ and BJS does not address the risks to scientific integrity or the importance of developing a scientific understanding of crime and testing effective responses to crime. This proposal for a new structure should not be understood as a critique of the individuals who have served in the Office of Justice Programs. The nation has clearly benefited from the contributions of OJP and its predecessors, and the research and statistics agencies have promoted a level of empirical understanding of crime and our responses to crime that was unimaginable forty years ago. Rather, this proposal is grounded in the conclusion that the current structure has inherent limitations and, unless those limitations are addressed, we cannot make the significant advances in our scientific knowledge about crime that would substantially improve our ability to reduce crime and enhance the administration of justice.

The Challenges.

The crime challenges that face the nation are profound, complex and rapidly changing. Although the level of violence in America has fallen significantly since its peak in 1992, the rates of lethal violence in this country are between four and ten times higher than in other industrialized nations. Although the national rates of homicide and robbery have remained relatively constant over the past eight years, some cities have seen double-digit increases in these crimes, while others have experienced double-digit declines, and we have no solid research to help us understand why this is happening.

Our ability to track these crime trends, analyze patterns, develop theories about the changing nature of crime, and test the effectiveness of different interventions is hampered by a data collection system that is outdated, cumbersome and incomplete. The Uniform Crime Report data are released nine months after the crimes have been reported, even though some police departments release their crime data close to real time. The National Crime Victimization Survey is conducted once a year, and only on a national basis, making it nearly impossible to understand victimization at local levels. The Arrestee Drug Abuse Monitoring Program (ADAM), a quarterly survey of individuals arrested and held in police lockups, which provides timely data on trends in drug use, illegal gun use, gang activity, etc., exists in only ten cities, far short of the original plan for seventy-five. The ability to employ the differing capabilities of the UCR, the NCVS, and ADAM is limited by the fact that these three data collection systems on crime have been managed by three or four different agencies, the Federal Bureau of Investigation (UCR), the Bureau of Justice Statistics (NCVS) and the National Institute of Justice or the Office of National Drug Control Policy (ADAM), with little coordination. Tested methodologies for special analysis of crime, particularly "hot spots," and analysis of gang dynamics, have not been implemented widely or systematically. The nation has very little capacity to track cybercrime, identity theft, or white collar crime. The current data collection systems do not identify transnational crimes. Our statistics on drug crimes, particularly drug selling, mostly reflect arrest activity, not the actual incidence of the underlying criminal activity.

Our process for setting a research agenda on crime in America has been substantially compromised by the placement of the National Institute of Justice and the Bureau of Justice Statistics within the Office of Justice Programs. Because OJP is responsible for managing substantial federal assistance programs, the

culture of the office is geared, as it should be, to performing that function well. That culture is quite different from an organizational culture that supports scientific inquiry, the design and management of statistical programs, and the rigorous evaluation of interventions designed to respond to crime more effectively. The constituents of OJP are the criminal justice agencies of state and local government, and OJP is properly responsive to their needs for more grant-in-aid. An effective statistics, research and development entity should also be responsive to the needs of these agencies, but the relationship is a different one. The relationship is mediated by the scientific enterprise, of analyzing the crime phenomenon so that practitioners understand crime better, testing new interventions so they respond to crime better, and developing new scientific and technological tools so they can better prevent criminal activity, solve crimes and administer justice.

As a result of these differing priorities between the programmatic and scientific functions, NIJ has not been able to develop a multi-year research agenda that would build a deeper understanding of crime, and has not been able to test rigorously a range of interventions that reduce crime. Instead, the research portfolio of NIJ reflects a preponderance of small research projects conducted by large numbers of principal investigators, rather than long-term scientific inquiries into critical crime issues carried out by a consortium of researchers. The portfolio is weighted toward a large number of program evaluations, rarely employing the most rigorous methods, rather than a small number of rigorous research demonstration projects designed to test hypotheses rooted in sound theories.

Over the forty year history of the federal role supporting research and statistics on crime and justice, there have been numerous instances when the integrity of those functions has been compromised. Certainly one of the most troubling developments in this arena was the provision of the PATRIOT Act, inserted into that legislation without discussion, giving the Assistant Attorney General of the Office of Justice Programs final authority over the award of research grants and the publication of research findings and statistical reports. With this enactment, the autonomy granted NIJ and BJS Directors – a critical underpinning of the independence of the scientific enterprise – was eliminated. But the justification for the proposal advanced in this letter rests on not based on a concern about this statutory infringement, nor is it based on those instances when the integrity of NIJ and BJS was compromised. Rather, the core rationale for this proposal is that the nation should have a strong statistics, research and development capacity on the issues of crime and justice and that capacity cannot be realized as long as NIJ and BJS remain within the Office of Justice Programs.

The Office of Justice Research.

The new Office of Justice Research would be headed by an Assistant Attorney General, nominated by the President and confirmed by the United States Senate. The law creating this new position would specify that the holder of this office should be a scientist of national reputation, with significant experience conducting and overseeing research in this field. As with the directors of the National Science Foundation, the National Institutes of Health, or the Institute of Educational Services, it is expected that the Assistant Attorney General in this position would bring to the position a reputation for scientific integrity.

The Office of Justice Research would be comprised of three distinct offices – the Bureau of Justice Statistics, the National Institute of Justice, and the National Institute of Justice Technology. Although

more discussion is clearly required regarding the scope of these offices, the following abstracts provide a good starting point:

The **Bureau of Justice Statistics** would continue all of the functions currently carried out by BJS. But, as mentioned above, the current constellation of data collections systems on crime and justice are fragmented and incomplete. To remedy this situation – and to provide the nation the capability to track crime trends in a timely manner – the mandate of BJS should be expanded significantly. First, BJS should be authorized to work closely with the Federal Bureau of Investigation to improve the timeliness and completeness of the Uniform Crime Reports. Similarly, responsibility for the ADAM program should be transferred from ONDCP (it was originally housed at NIJ), and responsibility for the statistical series on juvenile justice should be transferred from the Office of Juvenile Justice and Delinquency Prevention (a component of OJP). But the new BJS would be more than a manager of existing statistical series. It should also develop new initiatives to track crime trends, drawing on the capabilities of police departments that now post crime trends close to real time. It would develop new protocols for tracking critical crime issues, such as the level of illegal drug selling activity, public confidence in the criminal justice system, the operations of the federal law enforcement agencies, etc. This expanded portfolio would clearly require additional funding, but there are compelling arguments for creating a robust national capacity to improve our understanding of crime trends.

The **National Institute of Justice** would serve as the social science research entity on issues of justice. NIJ would continue to conduct research on the nature of crime (property and violent crime), the effectiveness of the law enforcement and criminal justice agencies, the patterns of criminal behavior and desistance from crime, and the relationship between communities, civil society, and crime. The key difference is that NIJ would design research programs that would be multi-year and cumulative. This research agenda would be developed under the guidance of a research advisory council. Regarding program evaluations, NIJ would only conduct evaluations of a limited number of programs. These would be selected following a competitive process. Practitioners and researchers would be invited to nominate programs or other interventions that are ripe for evaluation. In consultation with the research advisory council, NIJ would select the programs for evaluation. The criteria for selecting the evaluation would include the potential contributions of an evaluation to our understanding of crime, the potential impact of the intervention, the rigor of the evaluation design, and the capabilities of the research team. In short, NIJ would be expected to place a small number of big bets, rather than evaluating a large number of small programs.

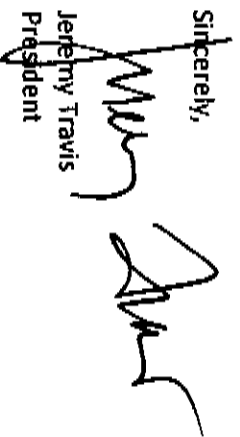
The **National Institute of Justice Technology** would perform the functions now carried out by the Office of Science and Technology of the National Institute of Justice. The Office of Science and Technology has been very successful in developing technologies that have provided new tools for law enforcement and criminal justice agencies. Included among these successes are the development of bullet-resistant vests for police officers, DNA and other advances in forensic science, and less lethal equipment for police officers and other emergency responders. The OS&T has developed productive relationships with the national network of defense laboratories, and the technology R&S functions of the federal law enforcement agencies. As a component of the new Office of Justice Research, the science and technology functions of the Department of Justice would be substantially elevated. This new office would be responsible for coordinating the technology programs of all components of the Department of Justice. In this way, the technology investments of the Department of Justice would be designed to yield

significant scientific results, and those results would be shared with all agencies that could benefit from them. The new National Institute of Justice Technology would also serve as the Justice Department's point of contact with other technology development entities in the federal government, such as the Department of Defense, NASA, and the Department of Energy. In this way, the law enforcement and criminal justice agencies would benefit from scientific developments in these other federal agencies.

Conclusion. If we were designing a federal research and development capacity on crime and justice today, we would probably not propose the current structure that houses NIJ and BJS within the Office of Justice Programs, three levels below the Attorney General, with a focus on state and local criminal justice. Rather, we would create a scientific branch of government that operates under scientific principles reporting directly to the Attorney General. We would recognize that crime is now a transnational phenomenon and we need to understand human trafficking, drug smuggling, immigration trends and terrorism. We would examine the many systems of justice – civil justice, immigration courts, the federal justice system, in addition to state and local justice systems. We would develop a modern capacity to understand local crime conditions using high-tech surveys. We would develop creative ways to measure non-traditional crimes, such as identity theft, corporate and white collar crime, and transnational crime. We would design a research and development program that would harness the power of technology so the agencies that enforce the law can benefit from the scientific and technological revolution. This ambitious agenda clearly requires additional resources. But it also requires a new structure within the Department of Justice, a structure that guarantees both scientific integrity and policy relevance.

Next Steps. It is my hope that this letter generates a lively debate within the justice policy and the academic community about how best to structure the nation's research and statistical programs in the criminal justice arena. I would expect that this debate will produce worthy modifications of this proposal. Yet I also hope there is consensus that we need to move beyond the status quo. Now is the time to engage these important issues and to improve our capacity to promote research on crime and justice.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jeremy Travis', is written over a printed name and title.

Jeremy Travis
President