How Big Data can save America's out of control criminal justice policies

*Criminal justice policy in the US is out of control and needs fixing, argues **Daniel P. Mears**. He writes that many policies designed to tackle crime lack an evidence base, and combine with punishment-based responses to create what he terms a 'cycle of dysfunction.' In the current era of Big Data, he calls for a move away from 'correctional quackery' towards a criminal justice and correctional policy that is informed by data and analytics.*

Gun-related violence affects every part of America. The scale of its impact is devastating—over the past decade, more American civilians have been killed by guns than died in World War II. Mass shooting tragedies in Orlando, Las Vegas, Texas, and elsewhere further reflect the impact of guns and signal that our efforts to address gun crime have fallen short. They send another message—our system of criminal justice is out of control.

Ineffective interventions

What are the indicators? At the top of the list are policies that lack a research-based foundation. Policing strategies, treatment interventions, sentencing laws, corrections programs, and more are all-too-frequently adopted with little to no scientific evidence that they are effective. Over a decade ago, the National Academy of Sciences found that credible evaluations of funded federally funded anti-crime programs were uncommon. Researchers have found that the situation is, if anything, bleaker when we turn to criminal justice and the correctional system. Far too many prison and probation programs, for example, amount to what Edward Latessa, at the University of Cincinnati, has called "correctional quackery."

A second is the reliance on unchecked assumptions about the most effective way to enhance public safety. This approach diverts attention away from policies that could produce the most impact. Consider the claim that mental illness leads to violence: Yes, some individuals with mental illness commit crime. However, their likelihood of offending, as John Monahan and Henry Steadman long ago established, differs little from that of the non-mentally ill after controlling for factors known to contribute to criminal behavior. If we want to reduce gun-related or violent crime, targeting these individuals will achieve little relative to what could be gained by a more comprehensive approach to assessing criminal risk.

Another indicator is three decades of emphasis on reactive, punishment-based responses to crime rather than prevention. Investment in tough-on-crime policy has driven criminal justice into a perpetual cycle of dysfunction. Even when policymakers want to be "smart" on crime, they cannot. Why? Increasingly larger percentages of state and local budgets must be spent to support decades of growth in corrections. This shift gets in the way of efforts to target significant resources to prevention or to punishments that can more effectively increase safety and justice.

What have we gained? Questionable impacts on crime rates and terrible recidivism rates. One sobering example: The US Bureau of Justice Statistics has found that that 77 percent of released prisoners will be rearrested within 5 years of release. There is no mystery here—incarceration may gain us some measure of retribution. But it does little to address the causes of offending.

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The risks in pursing unproven policies

What else have we gained? Continued investment in correctional quackery. An entire industry exists to promote untried interventions, sometimes under the banner of "smart justice." Diversion programs illustrate the point. They seem like a good idea: What could be better than relying on a cheap alternative to probation or prison? The answer: In many instances, it is far better to do nothing than to spend money on ineffective programs. Pursuing unproven policies has another downside: It leads policymakers to ignore systemic problems in criminal justice.

A case in point is the reliance on get-tough, quick-fix responses to crime, which has resulted in disparate impacts on minorities. Their home communities experience the return of large numbers of released prisoners who cannot get jobs, have untreated drug and mental health problems, and typically end up committing more crime. Get-tough policies—catch and lock up criminals and don't invest in crime prevention—perpetuate this vicious cycle.

Using Big Data better

Here is the rub: In an era of "big data," when we can and should do better, criminal justice continues to operate like a runaway train. Piecemeal change occurs with no accompanying evaluation of whether it is needed or effective; it occurs, too, with no large-scale changes that address long-standing and pervasive problems. As a result, we have out-of-control systems of criminal justice that do not serve us well.

What should be done? Stop relying on short-cuts. Reductions in crime and improvements in justice require decision-making that relies on reliable and accurate information. When officials have such information, smart decisions can be made. Consider the experience of Anne Milgram when she became the New Jersey Attorney General. Milgram quickly discovered that she lacked basic information on the types of cases her office pursued. A preliminary assessment revealed that low-level drug cases frequently took precedence over more serious offending. That was not purposeful; it was a result of caseload pressures that drove court system decisions. To address this problem, she turned to data and analytics to help prosecutors focus more systematically on violent offenders, street gangs, and drug trafficking.

Consider another example: Community policing may reduce crime. However, as research shows and as logic would predict, it requires that citizens cooperate with the police. They will not do so when mistrust prevails. Identifying the level of trust among citizens and what contributes to it constitutes a necessary first step if the police want to gain their cooperation and, in turn, to reduce crime. Many police departments do not survey citizens, but they could. And if they did so, they would be able to obtain such information and increase their effectiveness.

We need insights about all aspects of criminal justice and corrections if we are to effectively reduce crime and create more justice. That means investing in research that provides information about the day-to-day operations of the police, courts, and corrections, how well policies are well implemented, the impacts of these policies, and their cost-effectiveness. It includes, too, the perspectives of residents most affected by crime. Not least, it requires a commitment to improving systems of justice rather than to piecemeal, reactive responses to crime.

The technological tools exist to produce such information. With it, lawmakers and criminal justice administrators can make informed decisions and bring criminal justice under control. Without it, they will resort—if the past is any indication—to extreme responses that will be no more effective than those that have come before.

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