

Criminal Justice 580

Seminar in Criminal Justice Policy *Risk, Prediction & Classification*

Fall 2006 / Mondays, 3-5:30 pm / Gladfelter 553

Instructor:

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Office hours: Monday 1-2 pm, Wednesday 1-3 pm, and by appointment

Course Description

This course will focus on issues surrounding prediction and classification in criminal justice. We will examine different perspectives on risk and danger, risk assessment models, the possibilities of accurate predictions, and the implications (practical, social, ethical) of prediction and classification in criminal justice. These include career criminal models and their repercussions in criminal justice policy; the role of risk assessment instruments in community corrections, inmate classification and release, and others. In addition to these practical applications, we will consider the implications of the increasing salience of the notion of “risk” in public discourse.

We will be looking at these issues broadly – this is not a how-to course in designing or evaluating a particular prediction or classification scheme. Rather, the focus will be on the larger issues surrounding prediction and classification in criminal justice, with appropriate references to the empirical literature. Equal emphasis will be given to theory, method, and application.

The general order in which we will address these topics is as follows: first, we will examine theoretical issues. Then we will spend some time on the data and methodologies used in the enterprise of prediction and classification, with attention to the normative and ethical issues involved. The latter part of the semester will be spent looking at applications of prediction and classification in criminal justice, examining these practices with reference to the foundations and perspectives covered earlier in the course.

The course is structured as a seminar – based around readings and discussion. Students will be expected to come to class ready to discuss the assigned material. To facilitate discussion and to be sure that you are getting the most out of the readings and the course, I will ask each of you to prepare (at least) four questions or topics for discussion from each set of readings. Use this as an opportunity to present and explore ideas, or to ask questions if you are unclear on some of the issues raised in the readings. Because we are a small group, we will likely get to cover everyone’s questions/topics in each session.

The readings consist of one book (available in the bookstore; I have also seen used copies on Amazon.com) and two packets of readings. The readings are available for purchase at DocuCare Copy Services at 900 N. Broad (at Poplar Street). Their telephone number is (215) 235-8740. They are open 7 days a week (Monday-Saturday 8:30 a.m. – 7 p.m., Sunday 9 a.m.-5 p.m). I would prefer not to send you off-campus to purchase the readings, but this is done to save you money. All the required readings listed in this syllabus are in the packets. Additional supplementary readings are listed on the syllabus as well; these are suggested, not required.

There will be two paper assignments for this course. (The assignments are given in greater detail at the end of the syllabus). The first will be due in the middle of the semester, early-to-mid October. The date is flexible and will be determined early in the semester so as minimize conflicts with other course obligations the students in the course may have. I'd like to get your best work, and if you have two exams in other courses that same week, I probably won't. This paper will involve addressing the impact that risk salience has had on criminological *theory*. The second will be due at the end of the semester and will involve an investigation on a topic of your choice that addresses issues of risk, prediction and classification in criminal justice policy or practice. I want you to use this as an opportunity to really learn about the relevant literature in an area that interests you – and that may be useful to you as either a publication, a conference paper, or in preparation for your dissertation. I will meet with each of you *no later than week 8* to discuss your chosen area of study. Of course, we can meet before that to discuss ideas as well. This paper will be due on December 7, no later than 4:00 pm (no exceptions!!!).

Course grades will be determined according to the following distribution:

Preparedness/Participation: 30%
 Paper 1: 30%
 Paper 2: 40%

Course Schedule

1 August 28	Introduction: Perspectives on Risk	Lupton chapters 1, 3, 4 Kasperson & Kasperson 1996
2 September 4	NO CLASS - Labor Day	
3 September 11	Social Change and the Development of the Risk Society; Effect on Criminal Justice Discourse and Policy	Giddens 1991, chapter 1 Douglas 1992, chapter 2 Auerhahn chapter 2 Garland 1996 Feeley & Simon 1992
4 September 18	Risk and Criminal Justice	O'Malley 2000 Brown 2000 Rigakos 1999 Lee 2001 Lauer 2005

5 September 25	Dangerousness	Auerhahn chapter 5 Sarbin 1967 Foucault 1988 Scott 1977 Floud & Young 1981, chapters 1 & 2
6 October 2	Career Criminals	Wolfgang, Figlio, & Sellin 1972, chapter 6 Wright & Rossi, chapters 2 and 3) Chaiken and Chaiken 1984
7 October 9	Prediction in Criminology - methods, types and uses	Miller and Morris 1988 Bottoms and Brownsword 1983 Farrington and Tarling 1985 Gottfredson and Moriarty 2006 Copas 1983
8 October 16	Prediction - Issues and Problems	Tonry 1987 Wilkins 1985 Wenk et al 1972 Zimring 1996
9 October 23	Prediction and Sentencing: Selective incapacitation	Auerhahn chapters 1, 3 & 4 Canela-Cacho et al. 1997
10 October 30	Institutional Classification	Kane 1986 Clements 1996 McKenzie et al. 1988 Fernandez & Neiman 1998 Austin 1986
11 November 6	Prediction and Classification in Community Corrections <i>Guest Speaker: Bill Burrell</i>	Gottfredson and Gottfredson 1985 Hoffman 1994, 1982 <i>Additional readings TBA</i>

12 November 13	Classification for Program Placement <i>Guest Speaker: Phil Harris</i>	Palmer 1984 Harris and Jones 1999 <i>Additional readings TBA</i>
13 November 20	Needs assessment <i>Guest Speaker: Matt Hiller</i>	Hannah-Moffat 2005 <i>Additional readings TBA</i>
14 November 27	Systemic Prediction, Predictive Evaluation, and Forecasting	Cassidy 1985 Auerhahn chapters 6, 7, 8, 9 Fox & Piquero 2005
15 December 4	Classification - new strategies <i>Guest Speaker: Peter Jones</i>	Caulkins et al. 1996 Schwartz et al. 2004 Jones et al. 2006

Book:

Auerhahn, Kathleen, 2003. *Selective Incapacitation and Public Policy: Evaluating California's Imprisonment Crisis*. Albany, NY: SUNY Press.

Other Readings (in Packet)

Austin, James, 1986. "Evaluating How Well Your Classification System is Operating: A Practical Approach." *Crime and Delinquency* 32:3:302-322.

Bottoms, Anthony E, and Roger Brownsword, 1983. "Dangerousness and Rights," pp. 9-22 in *Dangerousness: Problems of Assessment and Prediction*, John Hinton (Ed). London: Allen & Unwin.

Brown, Mark, 2000. "Calculations of Risk in Contemporary Penal Practice," pp. 17-34 in Mark Brown and John Pratt (Eds.), *Dangerous Offenders*. London and New York: Routledge.

Canela-Cacho, José A., Alfred Blumstein, and Jacqueline Cohen, 1997. "Relationship Between The Offending Frequency (λ) Of Imprisoned And Free Offenders." *Criminology* 35:1:13-175.

Cassidy, R. Gordon, 1985. "Modelling A Criminal Justice System," pp. 193-207 in *Prediction in Criminology*, David P. Farrington and Roger Tarling (Eds.). Albany: State University of New York Press.

Caulkins, Jonathan, Jacqueline Cohen, Wilpen Gorr, and Jifa Wei, 1996. "Predicting Criminal Recidivism: A Comparison of Neural Network Models with Statistical Methods." *Journal of Criminal Justice* 24:3:227-240.

- Chaiken, Marcia R., and Jan Chaiken, 1984. "Offender Types And Public Policy." *Crime and Delinquency* 30:195-226.
- Clements, Carl B., 1996. "Offender Classification: Two Decades of Progress." *Criminal Justice and Behavior* 23:1:121-143.
- Copas, John B., 1983. "Some Statistical Questions in the Prediction of Dangerous Offending," pp. 133-145 in *Dangerousness: Problems of Assessment and Prediction*, John Hinton (Ed). London: Allen & Unwin.
- Douglas, Mary, 1992. *Risk and Blame: Essays in Cultural Theory*. London: Routledge. (selections)
- Farrington, David P. and Roger Tarling, 1985. "Criminological Prediction: An Introduction," pp. 2-33 in *Prediction in Criminology*, David P. Farrington and Roger Tarling (Eds.). Albany: State University of New York Press.
- Feeley, Malcolm M., and Jonathan Simon, 1992. "The New Penology: Notes on the Emerging Strategy of Corrections and Its Implications." *Criminology* 30:4:449-474.
- Fernandez, Kenneth E., and Max Neiman, 1998. "California's Inmate Classification System: Predicting Inmate Misconduct." *Prison Journal* 78:4:406-422.
- Floud, Jean and Warren Young, 1981. *Dangerousness and Criminal Justice*. Totowa, NJ: Barnes and Noble Books. (selections)
- Foucault, Michel, 1988. "The Dangerous Individual", pp. 125-151 in Lawrence D. Kritzman (ed). *Politics, Philosophy, Culture: Interviews and Other Writings 1977-1984*. New York: Routledge.
- Fox, James Alan and Alex R. Piquero, 2003. "Deadly Demographics: Population Characteristics and Forecasting Homicide Trends." *Crime & Delinquency* 49:3:339-359.
- Garland, David, 1996. "The Limits of the Sovereign State: Strategies of Crime Control in Contemporary Society." *British Journal of Criminology* 36:4:445-471.
- Giddens, Anthony, 1991. *Modernity and Self-Identity*. Stanford, CA: Stanford University Press. (selections)
- Gottfredson, Stephen D. and Don M. Gottfredson, 1985. "Screening for Risk Among Parolees: Policy, Practice, and Method," pp. 54-77 in *Prediction in Criminology*, David P. Farrington and Roger Tarling (Eds.). Albany: State University of New York Press.
- Gottfredson, Stephen D., and Laura J. Moriarty, 2006. "Statistical Risk Assessment: Old Problems and New Applications." *Crime & Delinquency* 52:1:178-200.
- Hannah-Moffat, Kelly, 2005. "Criminogenic Needs and the Transformative Risk Subject." *Punishment & Society* 7:1:29-51.

- Harris, Philip W. and Peter R. Jones, 1999. "Differentiating Delinquent Youths for Program Planning and Evaluation." *Criminal Justice and Behavior* 26:4:403-434.
- Hoffman, Peter B., 1994. "Twenty Years of Operational Use of A Risk Prediction Instrument: The United States Parole Commission's Salient Factor Score." *Journal of Criminal Justice* 22:6:477-494.
- Hoffman, Peter B., 1982. "Females, Recidivism, and Salient Factor Score: A Research Note." *Criminal Justice and Behavior* 9:1:121-125.
- Jones, P.R., Schwartz, D., Schwartz, I. M., Obradovic, Z. and Jupin, J., 2006. "Risk Classification and Juvenile Dispositions: What is the State of the Art?" *Temple Law Review* Vol. 79 (Forthcoming). ***not in packet; will be distributed in class when available
- Kane, Thomas R., 1986. "The Validity of Prison Classification: An Introduction to Practical Considerations and Research Issues." *Crime and Delinquency* 32:3:367-390.
- Kasperson, Roger E. and Jeanne X. Kasperson, 1996. "The Social Amplification and Attenuation of Risk." *Annals of the American Academy of Political and Social Science* 545:95-105.
- Lauer, Josh, 2005. "Driven to Extremes: Fear of Crime and the Rise of the Sport Utility Vehicle in the United States." *Crime, Media, Culture* 1:2:149-168.
- Lee, Murray, 2001. "The Genesis of 'Fear of Crime'." *Theoretical Criminology* 5:4:467-485.
- Lupton, Deborah, 1999. *Risk*. (Chapters 1, 2, and 4). London and New York: Routledge.
- MacKenzie, Doris Layton, C. Dale Posey, and Karen R. Rapaport, 1988. "A Theoretical Revolution in Corrections: Varied Purposes for Classification." *Criminal Justice and Behavior* 15:1:125-136.
- Miller, Marc and Norval Morris, 1988. "Predictions of Dangerousness: An Argument for Limited Use." *Violence and Victims* 3:4:263-283.
- O'Malley, Pat, 2000. "Risk Societies and the Government of Crime," pp. 17-34 in Mark Brown and John Pratt (Eds.), *Dangerous Offenders*. London and New York: Routledge.
- Palmer, Ted, 1984. "Treatment and the Role of Classification: A Review of Basics." *Crime & Delinquency* 30:2:245-267.
- Rigakos, George S., 1999. "Risk Society and Actuarial Criminology: Prospects for a Critical Discourse." *Canadian Journal of Criminology* 41:2:137-152.
- Sarbin, Theodore R., 1967. "The Dangerous Individual: An Outcome of Social Identity Transformations." *British Journal of Criminology*. 7:3:285-295

Schwartz, David R. Kaufman, Adam B. and Schwartz, Ira M., 2004. "Computational Intelligence Techniques for Risk Assessment and Decision Support." *Children & Youth Services Review*,26:11:1081-1095.

Scott, P.D., 1977. "Assessing Dangerousness in Criminals." *British Journal of Psychiatry*. 131:124-142.

Tonry, Michael, 1987. "Prediction and Classification: Legal and Ethical Issues," pp 367-413 in *Crime and Justice: An Annual Review of Research. Volume 9: Prediction and Classification: Criminal Justice Decision Making*. Chicago: University of Chicago Press.

Wenk, Ernst A., James O. Robison, and Gerald W. Smith, 1972. "Can Violence Be Predicted?" *Crime and Delinquency* 18:4:393-402.

Wilkins, Leslie, 1985. "The Politics of Prediction," pp. 34-51 in *Prediction in Criminology*, David P. Farrington and Roger Tarling (Eds.). Albany: State University of New York Press.

Wolfgang, Marvin E., Robert M. Figlio, and Thorsten Sellin, 1972. *Delinquency in a Birth Cohort*. Chicago: University of Chicago Press. (selections)

Wright, James D. and Rossi, Peter H., 1986. *Armed and Considered Dangerous: A Survey of Felons and Their Firearms*. Aldine de Gruyter: New York. (selections)

Zimring, Franklin E., 1996. "Crying Wolf Over Teen Demons." *Los Angeles Times* Monday, August 19, 1996, page B5

Suggested Additional Reading

On Risk/Risk Society:

Beck, Ulrich, 1992. *Risk Society: Towards a New Modernity?* Translated by Mark Ritter. London: Sage.

Douglas, Mary, 1966. *Purity and Danger*. London: Routledge.

Giddens, Anthony, 1990. *The Consequences of Modernity*. Stanford, CA: Stanford University Press.

On Risk discourse and criminology:

Clear, Todd R., 1996. "Science And The Punishment/Control Movement." *Social Pathology* 2:1-22.

Reichman, Nancy, 1986. "Managing Crime Risks: Toward an Insurance Based Model of Social Control." *Research in Law, Deviance, and Social Control* 8:151-72.

On Prediction:

Megargee, Edwin I., 1976. "The Prediction of Dangerous Behavior." *Criminal Justice and Behavior* 3:1:3-22.

Morris, Norval, and Marc Miller, 1987. *Predictions of Dangerousness in the Criminal Law*. Washington DC: National Institute of Justice.

On Dangerousness:

Moore, Mark H., Susan R. Estrich, Daniel McGillis, and William Spelman, 1984. *Dangerous Offenders: The Elusive Target of Justice*. Cambridge, MA: Harvard University Press.

Pratt, John, 1997. *Governing the Dangerous: Dangerousness, Law and Social Change*. Sydney: Federation Press.

Rennie, Ysabel, 1978. *The Search for Criminal Man: A Conceptual History of the Dangerous Offender*. Lexington, MA: D.C. Heath and Company. (selections)

Steadman, Henry J., and Joseph J. Coccozza, 1974. *Careers of the Criminally Insane*. Lexington, MA: D.C. Heath and Company.

Walker, Nigel, 1978. "Dangerous People." *International Journal of Law and Psychiatry* 1:1:37-50.

Webster, Christopher, Bernard Dickens, and Susan Addario, 1985. *Constructing Dangerousness: Scientific, Legal, and Policy Implications*. Toronto: Centre of Criminology, University of Toronto.

On Criminal Careers/Career Criminals:

Blumstein, Alfred, Jacqueline Cohen, Jeffrey A. Roth, and Christy A. Visher (eds.), 1986. *Criminal Careers and "Career Criminals"* (Volume 2). Washington, DC: National Academy Press.

Chaiken Jan M., and Marcia R. Chaiken, 1982. *Varieties of Criminal Behavior*. Santa Monica, CA: Rand.

Figlio, Robert M., 1996. "The Continuation of Juvenile Delinquency into Adult Criminality: Some Findings from Interviews of Members of the 1958 Birth Cohort." *Pepperdine Law Review* 23:4:843-852.

Gottfredson, Michael and Travis Hirschi, 1986. "The True Value of Lambda Would Appear to be Zero: An Essay on Career Criminals, Criminal Careers, Selective Incapacitation, Cohort Studies, and Related Topics." *Criminology* 24:2:213-234.

Shannon, Lyle W., 1991. *Changing Patterns of Delinquency and Crime: A Longitudinal Study in Racine*. Boulder: Westview Press.

On Selective Incapacitation:

Auerhahn, Kathleen, 1999. "Selective Incapacitation and the Problem of Prediction." *Criminology*. Volume 37, Number 4, pp. 703-733.

Avi-Itzhak, Benjamin, and Reuel Shinnar, 1973. "Quantitative Models in Crime Control." *Journal of Criminal Justice* 1:185-217.

Blackmore, John, and Jane Welsh, 1983. "Selective Incapacitation: Sentencing According To Risk." *Crime and Delinquency* 29:504-529.

Cohen, Jacqueline, 1983. "Incapacitation As A Strategy For Crime Control: Possibilities And Pitfalls," in Michael Tonry and Norval Morris (eds.), *Crime and Justice: An Annual Review of Research* (Volume 5). Chicago: University of Chicago Press.

Greenberg, David, 1975. "The Incapacitative Effect Of Imprisonment: Some Estimates." *Law and Society Review* 9:541-80.

Greenwood, Peter W. with Allan Abrahamse, 1982. *Selective Incapacitation*. Santa Monica, CA: Rand.

Shinnar, Shlomo, and Reuel Shinnar, 1975. "The Effects Of The Criminal Justice System On The Control Of Crime: A Quantitative Approach." *Law & Society Review* 9:581-611.

Spelman, William, 1994. *Criminal Incapacitation*. New York: Plenum. (selections)

von Hirsch, Andrew, 1984. "The Ethics Of Selective Incapacitation: Observations On The Contemporary Debate." *Crime and Delinquency* 30:175-194.

Zimbardo, Philip G., 1994. *Transforming California's Prisons into Expensive Old Age Homes for Felons: Enormous Hidden Costs for California's Taxpayer*. San Francisco: Center on Juvenile and Criminal Justice.

On systemic prediction/predictive evaluation:

Auerhahn, Kathleen, 2004. "California's Incarcerated Drug Offender Population, Yesterday, Today and Tomorrow: Evaluating the War on Drugs and Proposition 36." *Journal of Drug Issues* 34:1:95-120.

Auerhahn, Kathleen, 2002. "Selective Incapacitation, Three Strikes, and the Problem of Aging Prison Populations". *Criminology and Public Policy*. Volume 1, Number 3: 353-388.

PAPER ASSIGNMENTS

Paper #1: In this paper, I'd like you to analyze the effects of the increasing emphasis on risk on criminological *theory*.** There are a number of ways you might tackle this. You might choose a single theoretical perspective and analyze the ways in which the thinking about crime, criminals, or intervention has been shaped by the discourse of the "risk society." You also could examine the development of a particular school of thought and analyze the ways in which it has changed or been influenced by risk salience. Alternatively, you might examine a particular aspect of risk discourse and the ways in which this has affected different criminological theories. (8-12 pages)

** If your home field is *not* criminal justice, we can discuss applying this assignment to a theory/school of thought in your discipline.

Paper #2: In this paper, you will examine how issues surrounding/related to risk influence policy or practice in a specific area of criminal justice that interests you.

There is a *lot* of flexibility in this paper – as long as it is related to the issues we cover in this class and you have discussed the topic with me, you can interpret the above in a number of different ways. I would like for this paper to be maximally useful and interesting to you. Depending on the stage of your graduate career, this paper can be useful as an opportunity to further develop your research and writing skills, preparation for a conference presentation, a paper to eventually be submitted for publication, or groundwork/preparation for your dissertation. I will require that every student meet with me to discuss the chosen topic *no later than week 8 of the semester*. (20 pages)

For both papers: APA citation format is required for all sources used. It is expected that students will undertake additional library research apart from the course readings (though you are encouraged to utilize the course readings as appropriate in your papers).