A Research Agenda for Repositories: People not Cases

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Thank-You!

1) Alfred Blumstein and Carnegie Mellon University
2) Terry Salo and the team at NY DCJS
3) Jeremy Travis and the team at Arnold Ventures
4) Dave Roberts and the team at SEARCH

• Presentation today does not represent SEARCH’s opinion, but my current draft of the agenda.
52 Years Ago
Birth of Modern Criminology*

1) Creation of 911 system
2) Massive new funding
3) New Data Efforts
   National Crime Victimization Survey

*First school of Criminal Justice (Albany) created in 1968
A general view of The Criminal Justice System

This chart seeks to present a simple yet comprehensive view of the movement of cases through the criminal justice system. Procedures in individual jurisdictions may vary from the pattern shown here. The differing weights of line indicate the relative volumes of cases disposed of at various points in the system, but this is only suggestive since no nationwide data of this sort exists.
“Criminal Justice System” was Created

• Positive
  • Model for thinking about disjointed and fragmented system

• BUT
Assembly Line
What Do Assembly Lines Do?

• Produce more efficiently
  • More efficiently take inputs (crimes) and produce convictions/incarceration
    • Pfaff (2017)

• Also affected data collection
NRC Panel (2009) Ensuring the Quality, Credibility and Relevance of U.S. Criminal Justice Statistics

• Map each collection to each step/stage

• The panel’s fifth, and most severe, gap in the existing coverage of the Bureau of Justice Statistics’ collections is that “(t)here exists no longitudinal data that actually follow the flow of individuals…through all steps in the system (NRC 2009, p. 134).”
Current Research Questions are PEOPLE-focused

- Risk assessments of PEOPLE
- Racially disparate treatment of PEOPLE
- Impact of “system” on PEOPLE (jobs, kids, etc.)
- Expungement/sealing of PEOPLE’s criminal history records
Six Agenda Items – People not Cases

1) Arrests and arrestees
2) Racial disparity of arrestees
3) Prevalence of arrests by state
4) Prevalence of criminal history records
5) Racial disparity of prisoners (Blumstein ratio)
6) “Civilian” background checks
Item 1: Start at the Beginning

- Arrest
  - Entry point into the system
  - Use/overuse of arrests has the potential to positively/negatively impact individuals, communities, police agencies and their officers, as well as the relationship between police and the community (Neusteter and O’Toole (2019))
Current – Uniform Crime Reporting Program

• Voluntary report to FBI
• Arrest data is secondary/afterthought
  • Low(er) level of reporting (Il and Fl no arrests in 2016!)
  • By arrest event, not by person
    • By age and gender, but not race
• Arrests, particularly misdemeanor arrests, are largely opaque to research (Chauhan and Travis 2018).
  • VERA Institute – Arrest Trends
Solution – Repository Data

- Arrest is THE building block of all repository data
  - Mandatory reporting
  - Highly curated element of operationally vital dataset
- Linkable
  - to people (via biometric identifiers)
  - to communities
  - to police agency who creates arrest
Proposed Statistics

• Descriptive character of arrests
  • Crime types, demographic characteristics, criminal history
• Variation across place and time
• Focus on first time arrestees
  • First time has biggest impact on person
  • Signal for crime wave
  • Changing age patterns of arrest
Item 2: Racial Disparity in Arrestees

- Most racial disparity in prison already present at arrest
  - Beck and Blumstein (2018)
  - Tough to study with current data
- Propose to follow models from traffic stop research
  - Outcome tests
  - Benchmarking
- Politically sensitive
Item 3: Prevalence of Arrest by State

- 1967 Challenge – Estimate using aggregate data
  - 22% of US have non-traffic arrest by age 23
    - Christensen (1967)
- Only 1 modern U.S. estimate (using self-report data)
  - 30% of US has one non-traffic arrest by age 23
    - Brame Paternoster, Turner and Bushway (2012, 2014)
    - One shot deal
Repository Data

• Tillman (1987) *Criminology*
  • 25% have an adult arrest in CA by age 29
    • Unfortunately – Tillman interested in offending, so research moved to self-report

• But template for generating estimates
  • Add mortality/mobility
  • Consider overlap with other states
Interesting Caveat: Unexpected Consequences

• Jaeok Kim (2017)
  • Replicate Tillman using NY repository
  • But NY disconnects fingerprint from State ID if arrest doesn’t become conviction
  • “140% of African Americans men have arrest by age 25”
  • Can do for conviction prevalence
Item 4: Prevalence of Criminal History by State

- Policy interest in knowing prevalence of different criminal history record types (i.e. for sealing)
  - Felony convictions
  - Multiple felony convictions
  - Older records
- Shannon et al. (2017) *Demography* estimates
Use Repository

- Concerns about missing dispositions
  - Dispositions not linked biometrically, from courts
- 68% of arrests in U.S. repositories have dispositions in 2016 (Goggins & DeBacco 2018)
  - Affects prevalence of conviction estimates (lower bound)

- BUT – It’s the OFFICIAL ANSWER
  - If sealing, this is what will get sealed
Item 5: Racial Disparity of Prisoners

• Blumstein Ratio (1982)
  • Predict prison disparity using disparity at arrest
    • Use aggregate data
    • Account for crime type
  • Replicated often (key insights)
    • Beck and Blumstein (2018) *Journal of Quantitative Criminology*
Use Repository Data to Estimate Ratio

  - Calculate Blumstein Ratio using individual data
  - Account for crime type and criminal history at arrest
  - Ratio very close to 1

- Proposed Extensions
  - Counties, not just states
  - Different types of people
  - Different outcomes, not just prison
Item 6: “Civilian” Background Checks

- Most common research use of repositories
  - Recidivism
    - Risk instruments for CJ
      - Bail, probation, parole
    - Program evaluations
      - Link with employment/health outcomes
Expansion into Civilian Background Checks

• Blanket bans: Repositories to the rescue
  • Recidivism with longer follow-up (Blumstein and Nakamura 2009)
    • Bushway, Nieuwbeerta and Blokland (2011) Criminology

• New EEOC Guidance (2012)
  • Ban lifetime bans
  • Allows use of age at the time of conviction, criminal history in addition to crime type and time since last offense
New Risk Tool

• Criminal justice risk tools
  • Add key risk factors on a worksheet
    • Number priors, age, type of crime
    • High score = high risk

• Civilian risk tool
  • Same as CJ – just add time since conviction as new risk factor
  • High score, need to wait longer before “redeemed”
Figure 3. Predicted Hazards of a 26-Year-Old Offender with Different Criminal History Records

- Offenders w/ > 7 prior convictions
- Offenders w/ 2 prior convictions
- Offenders w/ no prior convictions
- Nonoffenders
BUT – New Recidivism Study From BJS

FIGURE 6
Percent of prisoners released in 30 states in 2005 who were arrested after release, by age at release and year of first arrest

Percent of released prisoners

24 or younger
25–39
40 or older

Year of first arrest
1st 2nd 3rd 4th 5th 6th 7th 8th 9th
Hazard by Age, Start at Release

- 24 and under
- 25 to 39
- 40 and up

Years Since Release
Tentative Conclusion: Civilian Risk May Need Different Model

- Once we know someone has been arrest free for 2 years, risk for failure doesn’t depend on:
  - Age, Criminal history or Gender

- Employers not making decision at year zero
  - Redo models for employer decision framework
  - Think through connection to desistance theory
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Questions?
Extra Slide
Causal Effects of Hiring Someone with Record

- Denver, Siwach and Bushway (2017) *Criminology*
- NY DOH background checks for nursing aids
  - 150k a year
  - Follows rules
- Positive job decision reduces recidivism, increases employment for those in market