

The Importance of a Comprehensive Document Search in Systematic Literature Reviews

This article is adapted from a presentation by David B. Wilson, Associate Professor, George Mason University, given at the Jerry Lee Symposium in May 2008.

The credibility of a research literature review depends heavily on the collection of studies reviewed, arguably more so than on which statistical methods of synthesis are used. A biased collection of studies leads to biased conclusions, just as a biased study sample leads to biased results in an individual study. Substantial evidence suggests that studies easily accessible in peer-reviewed journals are more likely to report statistically significant results than studies not formally published in peer-reviewed outlets. Furthermore, published studies are more likely to report the analyses that produced statistically significant results rather than the nonsignificant results, creating another sort of availability bias.

Scholars tend to view empirical studies as islands unto themselves: A study is judged as valid if the study was well conducted and is of high methodological quality. But focusing on individual studies may result in a collection favored by chance, providing a distorted picture of the issue of interest.

To combat this problem, systematic reviews such as those conducted by the Campbell Collaboration (www.campbellcollaboration.org) and the Cochrane Collaboration (www.cochrane.org) rely on systematic searches to identify as large of a portion of the relevant empirical work on an issue as possible. Both published and “grey literature” documents are sought. The latter includes technical reports, dissertations, unpublished working papers, conference pro-

ceedings, and other self-published or less formally published works than those in peer-reviewed journals and books. Methods of identifying relevant studies include bibliographic databases, reference lists of existing reviews and eligible studies, conference proceedings, hand-search of key journals, forward citation searching of seminal articles, contact of scholars working in the area, and Internet search engines (e.g., Google Scholar).

This article briefly discusses why it is important to engage in this rather laborious search process. It examines publication bias and the inadequacy of the

main bibliographic databases, and looks at the overreliance on peer-reviewed journal articles in a review. Finally, it offers recommendations for developing study registries to help in identifying an unbiased sample of studies.

Publication Bias

Statistically significant study findings are generally considered more important than statistically nonsignificant findings, which improves their odds of being reported in journal articles. This not only affects whether an entire study is

(See SEARCH, p. 6)

Under Construction: Building an Information Infrastructure to Support BJS Recidivism Research

This article was written by Bureau of Justice Statistics staff members Gerard F. Ramker, Chief, Criminal Justice Data Improvement Program, and Devon B. Adam, Justice Statistics Policy Analyst.

The Bureau of Justice Statistics is launching an exciting new initiative that promises to dramatically improve its ability to conduct recidivism studies and other criminal history record research at the national level. Previous efforts in this area relied primarily on staff in individual state criminal record repositories, local court officials, and others to gather and code criminal history information, which often proved to be a highly complicated and very time-consuming undertaking. The new BJS project will exploit modern information-sharing technology to auto-

mate record retrieval and coding and eliminate the burden traditionally imposed on state agencies and the FBI.

In part, the new initiative stems from Congressional mandates articulated in the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109-162). Among other things, the Act specifically authorized BJS to “provide for improvements in the accuracy, quality, timeliness, immediate accessibility, and integration of state criminal history and related records,

(See UNDER CONSTRUCTION, p. 9)

Letter to JRSA Members from Jeffrey Sedgwick

The Bureau of Justice Statistics (BJS), the statistical arm of the U.S. Department of Justice, has had a very productive year. We would like to share with JRSA members some new changes at BJS that have occurred during this time. These improvements to our organization and data collections are the result of an ongoing commitment to a culture of collaboration and continuous creative improvement by our staff. We are striving to create statistical products that are even more timely and useful.

First, we are implementing several organizational improvements at BJS to ensure that our statistical products cover the full range of issues and address our users' needs. To support this effort and expand our statistical data collection portfolio, we have reorganized our internal structure to create three distinct units dedicated to law enforcement, courts and adjudication, and reentry and recidivism issues. These will join our existing units which focus on victimization, corrections, and criminal justice data improvements.

Two accomplished researchers have joined BJS to head two of the new units. Duren Banks is Chief of Courts and Adjudication Statistics and Howard Snyder will head up the Reentry and Recidivism Unit. Howard and Duren bring considerable expertise and experience and we are proud to have them here at BJS. In addition, we have selected and will soon announce a new Deputy Director of Statistical Collections and Analysis, and have created a Senior Leader position to serve as statistical advisor.

Next, our collections have been augmented by several new or improved projects. New efforts

include data collections focusing on courthouse security, criminal appeals, private security, internet predation, stalking, and a census of law enforcement gang units. In addition, we have partnered with Northeastern University to collect data on human trafficking through the new Human Trafficking Reporting System. This system is giving us detailed information on traffickers and victims as reported by the U.S. Department of Justice's human trafficking task forces. Further, our criminal justice data improvement program is supporting the NICS Improvement Amendments Act of 2007 with a collection that will provide estimates to gauge the completeness of state reporting to national records systems. Our enhanced projects include a redesign of the State Court Processing Statistics project, and an enhancement to the Deaths in Custody Reporting Program that will provide information on deaths occurring in Immigration and Customs Enforcement (ICE) facilities.

These improvements and additions, both to our collections and to our personnel, reflect both the information we learned from the BJS Data Users Workshop held in February 2008 and the recommendations presented to us by the National Academy of Sciences' (NAS) Committee on National Statistics and Committee on Law and Justice, which we invited to conduct a panel review of our programs almost two years ago. The centerpiece of that review is the continued redesign of the National Crime Victimization Survey, which is planned for full implementation in 2012. A comprehensive report on BJS' programs is expected from the NAS panel by yearend 2008.

Finally, BJS is fundamentally rethinking the approach and manner in which our statistical information is disseminated to our users. Over the past year, we have continued to develop a new website that will more effectively connect our users with the information they need. The website restructures the way our information is presented, giving users a more intuitive way to retrieve the data they need. Future development will include enhancing our ability to generate custom data tables and other interactive products online. On a parallel but closely related track, BJS is also evaluating and redesigning its print and web-based product line to account both for usability as well as new developments in online dissemination. We are excited about this opportunity to explore new vehicles for the presentation of findings and dissemination of our statistical information, and we will be soliciting user feedback in the near future as this project moves forward.

This is just a start. In the future we will take advantage of further opportunities to make BJS the most effective and useful statistical organization that it can be. Though I will not be with BJS to participate in the achievements, I know that 2009 will bring with it yet more success as we more fully pursue our responsibility as the nation's justice statistical agency. I look forward to seeing many of you at the JRSA meeting in Portland, Oregon, this fall. Until then,

With warm regards,
Jeffrey L. Sedgwick
Acting Assistant Attorney General
Office of Justice Programs
Director, Bureau of Justice Statistics
U.S. Department of Justice

SAC NEWS

Hawaii SAC Evaluates Hawaii's Opportunity Probation with Enforcement (HOPE) Program

The Hawaii Statistical Analysis Center (SAC) is continuing its evaluation of the state's HOPE Program – "Hawaii's Opportunity Probation with Enforcement." HOPE was launched in 2004 by The Honorable Steven S. Alm, a Honolulu circuit court judge and Hawaii's former U.S. Attorney. Judge Alm became concerned after presiding over numerous probation revocation hearings, whereby probationers who had chronically violated the technical terms and conditions of their sentences were facing either lengthy prison sentences or resentencing to new, full terms of probation. The concern was that these probationers had been permitted to remain on a sustained and relatively unhindered path of failure before finally—perhaps months or years later—facing severe repercussions. Particularly troubling were high rates of missed appointments with probation officers and failed drug tests, even though the testing was infrequent and scheduled well in advance (i.e., it was relatively easy for probationers to avoid detection of their substance use). It was unusual for probationers to receive any sort of meaningful consequences until dozens of violations had occurred.

In contrast, the HOPE approach is premised on a "warning hearing," in which a judge clearly explains "the new rules" to the probationer and offers encouragement, followed by frequent and random drug testing (probationers call a daily hotline to determine if they need to report for testing that same day). There is zero tolerance for technical violations of probation; violators are arrested on the spot or bench warrants are issued and served as quickly as possible, and the presiding judge modifies the terms of probation to include a brief jail sentence (ranging from a few days for first-time violators, to several weeks for repeat violators). A key program tenet places great value on the *swiftness* and *certainly*, rather than the *severity*, of the consequences imposed

for probation violations. Whereas Hawaii's former approach, which is typical throughout the nation, might be likened to a parent who makes vague threats to his/her children about the remote possibility of being disowned by the family at some point in the distant future if relatively minor misbehavior continues, the HOPE approach is akin to explicitly assuring that misbehavior will *immediately and certainly* result in being grounded (or not being allowed to borrow the car or attend a concert, etc.).

Starting with approximately 35 probationers (plus a control group) in late 2004, HOPE has expanded to include approximately 1,300 cases throughout the "high intensity" (including all sex offenders and persistent substance abuse cases) and domestic violence probation units in Honolulu. Evaluation results show both immediate and lasting effects of the HOPE approach; rates of missed appointments and positive drug tests plummet by 80 to 90-plus percent immediately following the warning hearings, with additional improvement occurring over time, regardless of offender type, supervising probation unit, individual judges or probation officers, or other potentially influential factors. Preliminary results also show significant reductions in arrests and convictions for new crimes, less serious charges

when recidivism does occur, fewer probation revocations in general, and fewer revocations resulting in prison sentences. Additional and more stringent analyses will be possible as larger numbers of cases reach 24- and 36-month points of program exposure. The Hawaii SAC will also track an upcoming program expansion of approximately 300 cases from Maui County.

Given that the vast majority of HOPE probationers are able to cease their substance use in order to avoid brief but certain jail stints, another benefit of the program is that it becomes much easier to identify the few offenders with truly pervasive substance abuse problems, and to allocate to those select individuals the state's perennially limited treatment services. With upwards of 40 percent of non-HOPE probationers testing positive for substance use, there are too few resources to accommodate everyone who might benefit from treatment. As demonstrated by HOPE, however, many of these probationers are able to cease their substance abuse on their own, once provided with a simple but compelling incentive to do so. The few HOPE probationers who are not dissuaded are easily identified via repeat violations, and are often transferred to long-term, residential treatment facilities.
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ties, where many receive such care and opportunity for the first time in their lives.

Given the five-year felony probation sentences that are typical in Hawaii, the increased rates and lengthy durations of substance abuse abstinence realized via HOPE should decrease the odds that probationers who were abusing substances at the time of their entry into the program will develop into full-blown addicts and/or resume their substance abuse upon successful completion of probation. Another of HOPE's major benefits is that other attempts to assist probationers improve their lives—through cognitive/behavioral restructuring, for example—should be more successful when probationers are physically present, sober, and taking their probation sentences seriously, as compared to probationers still under the old system, who are frequently absent, under the influence of various substances, and well aware that probation noncompliance is unlikely to result in any sort of negative legal consequences for at least the foreseeable future.

As might be expected, the greatest impediments to HOPE's implementation involved logistical concerns (e.g., increased and randomized drug testing, immediate arrests and hearings, short-term use of jail space, etc.) and the usual backlash against substantial organizational change. These concerns were addressed through diplomacy and, most importantly, teamwork and shared ownership of the program. The Hawaii SAC's surveys of those involved in the HOPE experience demonstrate strong support for the program, despite any concerns that existed prior to implementation.

To date, the HOPE Program has received extremely positive recognition from, among others, the National Institute of Justice (see publication NCJ 222758, July 2008), an award from the American Judicature Society, a feature article in *The Wall Street Journal* (July 24, 2008; page A11), and the California State Legislature (due to interest in addressing concerns regarding the state's controversial Proposition 36). The Hawaii SAC's preliminary evaluation results were helpful in securing \$1.2

million in state funding for program expansion, and the SAC is also partnering with a research team from UCLA and Pepperdine University to evaluate the program's effects using a random control trial with a smaller group of offenders on regular felony probation; these evaluation results are expected within the coming year.

Additional information on the HOPE Program is available in the "Special Projects and Events" section of the Hawaii State Judiciary's website at <www.courts.state.hi.us>. The Hawaii SAC's website is located at <hawaii.gov/ag/cpja>.

Idaho SAC Uses Mapping to Help State Police Allocate Troopers

The Idaho Statistical Analysis Center (ISAC) began a police allocation study in March 2007 to help the Idaho State Police determine how many troopers would be needed if a trooper were to pass every mile of the state's interstates and highways once a day. They also wanted to know the number of troopers needed to maintain adequate coverage for calls for service and interagency assistance. ISAC collected information on state and federal roadways in Idaho from a variety of sources, and used the information to categorize roads by frequency of traffic, crashes, and calls for service, using three tiers (high, medium, and low). Data were analyzed using Statistical Package for the Social Sciences (SPSS) software, then plotted geographically using Geographic Information Systems software. Following its analysis, ISAC estimated that the Idaho State Police would need to hire 88 additional troopers, for a force of 231 state troopers, up from the 143 mandated by the state legislature. ISAC Director Janeena Wing reported on the project in the Summer 2008 issue of *Geography and Public Safety*, a quarterly bulletin published by the Mapping & Analysis for Public Safety (MAPS) program at the National Institute of Justice, in conjunction with the Community Oriented Policing Services (COPS) office. The bulletin is available at <http://www.ojp.usdoj.gov/nij/maps/bulletin.htm>.

Maryland SAC Analyzes Data on Expanding DNA Collection to Violent Felony and Burglary Arrestees

The Maryland Statistical Analysis Center (MSAC) was recently moved from the University of Maryland to the Governor's Office of Crime Control and Prevention (GOCCP) in Baltimore, Maryland, in 2007. In the spring of 2008, Maryland Governor Martin O'Malley put one piece of legislation at the top of his public safety agenda—a bill proposing the collection of DNA from all persons arrested for crimes of violence and burglary. This was an expansion from the current Maryland law, which required the collection of DNA from those convicted of violent felonies. Eleven states had already enacted similar legislation expanding the collection of DNA from conviction to arrest and 26 others were considering it. The MSAC assisted with this effort by employing research methodologies to evaluate the effects of the proposed legislation. The following are examples of MSAC's efforts.

- The MSAC explored the potential benefits of this legislation by assessing the criminal histories of three well-known serial offenders in Maryland and identifying the point in their lengthy criminal careers at which they would have been identified had DNA been collected upon their first felony arrest, as proposed by the bill, instead of their first felony conviction under current law. Fashioned after a similar study conducted in Chicago, the Maryland Study on Preventable Crimes identified a total of 19 crimes committed by three offenders that could have been prevented if the law at the time required DNA collection upon arrest for violent felonies or burglaries. This simple analysis was an extremely effective way to quantify the effects this legislation could have on the state of Maryland.
- Some opponents of this legislation cautioned that this bill could have negative consequences for minorities

by essentially creating a database of DNA from young, African-American men. Upon looking at the data, the MSAC found that the racial disparity at conviction was greater than the racial disparity at arrest. Thus, the racial disparity in the population of DNA samples collected at conviction under current law was greater than it would be under the proposed legislation, which would move the point of collection back to arrest.

- Opposition to the legislation argued that DNA collection at the time of arrest would be unconstitutional under Maryland law. Opponents specifically referred to a legal opinion in *Maryland v. Raines* (2004), an unsuccessful legal challenge to the current DNA collection law. Opponents claimed that the collection of DNA at the point of arrest was an unreasonable search and seizure under the Fourth Amendment. At issue in *Raines* was the reduced privacy interest of prisoners as opposed to the privacy interest of free citizens. Basing their holdings on the reduced privacy interests of prisoners, the *Raines* Court expressed the view that the post-conviction collection of a DNA sample from prisoners pursuant to a DNA database statute does not constitute an unreasonable search and seizure under the Fourth Amendment, despite the fact that the statutes do not require a warrant or individualized suspicion regarding the prisoners subject to the statute. However, this court differentiated between the privacy rights of prisoners and those of "free persons." In *Raines*, the Court ruled that DNA collection upon conviction was constitutionally permissible primarily because courts justified "lessened expectation of privacy" for convicted offenders because they have a high recidivism rate. They concluded that it is in the public's best interest to have a "lessened expectation" for offenders who are likely to offend again. Statistics have shown that

those people arrested for violent crimes have a high conviction rate and constitute the population of probationers that is likely to reoffend. Since the scope of the proposed legislation primarily pertains to crimes of violence and burglaries, it follows that the court's definition of "lessened expectation of privacy" would apply to the arrestee population from which this legislation mandates sampling. The MSAC supplied the statistics, but offered no opinion as to the point at which the arrestee population could or should face a lessened expectation of privacy.

While the research to support the legislation did not require advanced statistical modeling, the MSAC was able to supply data, analyses, and empirical research to inform the proposed legislation, which passed the House and the Senate and was signed into law on May 13, 2008. The law will go into effect on January 1, 2009, at which point Maryland will begin collecting DNA from all persons arrested for violent felonies and burglaries in Maryland.

New SAC Directors Named in Arkansas, Maryland, and Texas

Arkansas, Maryland, and Texas welcomed new SAC directors in the last few months. The new director of the Arkansas SAC is **Ralph Ward**. Mr. Ward holds a bachelor of arts degree in criminal justice and political science and served as a U.S. Army tactical intelligence officer from 1997 to 2002. He has served in a number of capacities in the Arkansas Crime Information Center (ACIC), where the SAC is housed, including as auditor of the Arkansas Sex Offender Registry, VINE and JusticeXchange program manager, and Uniform Crime Reporting (UCR) Program Coordinator. Mr. Ward currently serves as the manager of the UCR program staff and has been instrumental in leading the state toward full National Incident-Based Reporting System (NIBRS) compliance. Mr. Ward also led his team in the development

and installation of a new UCR repository that will enable the ACIC to produce "state-of-the-art" reports and provide real-time feedback to the agencies that contribute data to the repository. He is currently developing a plan for statewide participation in N-DEX.

Rachel Philofsky was recently appointed Director of the Maryland Statistical Analysis Center, which is in the Governor's Office of Crime Control and Prevention (GOCCP). Ms. Philofsky previously held the position of Statistical Analyst in the same office. She received a master's degree from the University of Maryland Department of Criminology and Criminal Justice. While at the University of Maryland, Ms. Philofsky taught undergraduate criminology and statistics classes and worked as Professor Ray Paternoster's research assistant conducting research on capital punishment. Ms. Philofsky has published articles on capital punishment in academic and legal journals. Prior to attending graduate school she served as a Special Agent for the U.S. Department of Energy Office of Inspector General and as a 9-1-1 dispatcher for the Maryland State Police.

On September 1, 2008, **Ken Nicolas** was promoted within Texas Governor Perry's office to Special Advisor and Director of the Criminal Justice Statistical Analysis Center. Mr. Nicolas joined the Governor's Criminal Justice Division within the Governor's Office in July 2001, and in May 2002 became the division's Deputy Director. Soon thereafter he was appointed Director of Special Programs and Executive Director. During his seven years as Executive Director Mr. Nicolas reorganized the operation of the Governor's Criminal Justice Division to provide more accessible and strategy-based funding for criminal justice programs and developed a successful web-based grants management system called eGrants. He has been involved in the development of Texas homeland security strategies since September 11, 2001, and has worked to create numerous

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coordinated and collaborative public safety and law enforcement initiatives at the state, regional and local levels. He is a graduate of Texas A&M University.

SACs and JRSA Present on Data Sources for Violent Offender Research

JRSA staff presented a panel session at the National Criminal Justice Association's (NCJA) 2008 National Forum on August 5 in Louisville, KY. JRSA's session was entitled "State Data Sources for Research on Violent Offenders." The panel, which was moderated by Gerry Ramker of the Bureau of Justice Statistics, provided overviews of the types of data sources used by Statistical Analysis Centers (SACs) to study violence and violent offenders.

Paul Stageberg, director of the Iowa SAC, began the session by discussing Iowa's Justice Data Warehouse (JDW), which is a central repository of key criminal and juvenile justice data from a variety of data systems in the state. He discussed the history of the JDW (including its receipt in 2001 of JRSA's Certificate of Recognition for Technical Innovation), how it is funded, who it serves, and how it works. He also provided some examples of the types of statistical reports that can be generated by the JDW. Rob McManus, the South Carolina SAC director, then presented on his state's version of the National Incident-Based Reporting System (NIBRS), known as SCIBRS. He noted that South Carolina was a pilot site for the FBI's development of NIBRS in 1991, and 100% of the state's law enforcement agencies have reported since then. After reviewing some of the

benefits of NIBRS, he gave examples of analyses he has conducted using SCIBRS data to study domestic violence, sexual violence, firearm violence, and gang-related crime. Finally, Stan Orchowky, JRSA's Research Director, presented on JRSA's BJS-funded multi-state project using state criminal history records to study sex offender recidivism. He reviewed the project goals, which were to provide SACs with the capacity to obtain and analyze their state criminal history records and to demonstrate the use of these records to address a policy-relevant research question. He also reviewed the methodology of the study and presented some of the findings of the nine SACs that participated in the sex offender recidivism study. Copies of session presentations are available at NCJA's website at www.ncja.org. 

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submitted or accepted for publication but also which outcomes or results are presented.

The existence of publication selection bias in the social scientific literature has been empirically established many times. Basing a review, whether a meta-analysis or a traditional narrative review, on a biased collection of studies will lead to biased conclusions. As such, a defining feature of a quality review is a systematic search that identifies most if not all of the relevant empirical work.

Bibliographic Databases

A common tool for identifying relevant empirical studies is the use of bibliographic databases. An important issue for reviewers is the extent of the coverage of these databases. To assess the coverage of the criminal justice literature in several main social science bibliographic databases, I examined the discoverability of all references included in 11 Campbell Collaboration systematic reviews published as of May 2008. Each of these reviews employed the basic elements of a

systematic search that included an effort to identify the relevant grey literature.

A total of 258 unique references were included in the analyses. I searched seven major general social science or criminal justice bibliographic databases to determine in which, if any, each of the 258 references was indexed (see table). The databases were: Criminal Justice Abstracts, Criminal Justice Periodical Index, Dissertation Abstracts, National Criminal Justice Reference Service (NCJRS), Sociological Abstracts, Social Sciences Citation Index, and

PsycINFO.

Roughly half (48%) of the studies included in these 11 systematic reviews were from an unpublished source, such as a technical report or dissertation. An additional 5% were studies reported in a book or book chapter, sources that are less well indexed than peer-reviewed journal articles.

No single bibliographic database provided coverage adequate enough to be relied on as the sole source for identifying studies in crime and justice. Criminal Justice Abstracts and NCJRS

"Grey" Literature Discoverable in Bibliographic Databases

Database	Frequency	Percent
NCJRS	53	43%
Criminal Justice Abstracts	39	31
Dissertation Abstracts	17	14
PsycINFO	10	8
Sociological Abstracts	0	0
Social Sciences Citation Index	0	0
Criminal Justice Periodical Index	0	0

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had the highest overall coverage, with 60% and 58% of the references indexed in each, respectively. The general social science databases, Sociological Abstracts, Social Science Citation Index, and PsycINFO, each identified only around a third of the references.

A full 21% of the references were not indexed in any of the databases. An additional 18% were only indexed in one of these databases, reinforcing the importance of searching multiple databases. Focusing solely on the grey literature, that is, technical reports, dissertations, and theses, shows that no single databases identified over 43% of the grey literature included in these 11 systematic reviews.

Methodological Quality and Peer Review

It is common to hear researchers argue that they are restricting their review to peer-reviewed publications on the basis that this will ensure that only high quality studies are included. There are both logical and empirical problems with this line of reasoning.

Many studies are never submitted to an academic journal for publication, and thus never rejected on grounds of methodological inferiority. For example, Cooper et al.¹ surveyed 33 academic psychologists, asking them whether 159 studies approved by a university human subjects review committee were ever published and if not, why not. Only 105 of these studies resulted in a written report. Reasons for not producing a report included legitimate reasons for abandoning a study, such as operational problems. However, 50% abandoned the study because the results were not interesting and another 31% because the results were not statistically significant. Of the 105 studies written up, only 52% were submitted to academic journals. For many of these studies, the authors claimed that publication was not the aim.

Particularly within applied areas of criminology and criminal justice, much good research is done outside of the university setting where publication is not rewarded nor is it the goal of the

research. For example, Statistical Analysis Centers (SACs) in the 50 states and 3 U.S. territories are state agencies that collect, analyze, and disseminate justice data. They conduct research and contribute to effective state policymaking through analysis of their findings. (See www.jrsa.org for more information.) Research organizations, such as RAND, Urban Institute, Vera, etc., all engage in funded research, often of very high quality. Studies conducted in non-university settings may be written up as

“Identifying all potentially relevant studies requires the use of multiple sources and methods. Ignoring the grey literature on the basis that it is of inferior methodological quality is empirically and logically invalid.”

technical reports, presented at one or more professional conferences, but may never be submitted for publication in a peer-reviewed journal. The authors are simply too busy working on the next research project.

Publication status clearly is problematic as an indicator of method quality. This does not establish, however, that the grey literature contains a large number of high quality studies, but nor does it mean inclusion of empirically weak studies. What is required by systematic review methods is that the reviewer make explicit the criteria for the inclusion and exclusion of studies. This includes detailed information about the methodological features, including methodological flaws, that would

make a study eligible or ineligible for a review, regardless of its discoverability.

Concluding Comments

The fact that a biased collection of studies will lead to a biased review should not be a surprise to anyone with even a modicum of exposure to social science research methods. What is often misjudged is the extent to which the published academic literature is biased. A thorough search for grey literature as part of a systematic review is necessary, whether or not it involves the application of meta-analysis to synthesize results across studies.

Identifying all potentially relevant studies requires the use of multiple sources and methods. Ignoring the grey literature on the basis that it is of inferior methodological quality is empirically and logically invalid. Furthermore, this use of publication status as a proxy measure for methodological quality abdicates the important role of carefully evaluating the robustness of the evidence to others using unknown criteria (i.e., the journal peer-review process).

A tremendous amount of human effort is expended on the production of research within criminology and criminal justice, not just on the part of researchers and academics but also on the part of research participants, agencies, and other institutions that are a part of or facilitate this work. As a field, we need to ensure that this effort is not wasted. The social sciences should take the lead from the medical sciences and consider large scale registries for research studies. These could be built into the human subjects review procedures or developed as free standing entities. Once established, a registry could serve as an unbiased sample of work on a topic, enhancing the potential value of individual studies by ensuring that they remain part of the cumulative knowledge in an area. ¶

¹Cooper, H., DeNeve, K., & Charlton, K. (1997). Finding the missing science: The fate of studies submitted for review by a human subjects committee. *Psychological Methods*, 2(4), 447-452.

NASC 2008 Conference: Focus on Sentencing Philosophy, Policy, and Performance

This article was written by Meredith Farrar-Owens, Deputy Director of the Virginia Criminal Sentencing Commission and current President of NASC.

In the late 1970s and early 1980s, a handful of states and the federal government created sentencing commissions and charged these new entities with examining sentencing policies and practices. One of the most commonly cited goals of sentencing commissions, particularly among states pioneering this concept, was the reduction of unwarranted sentencing disparity related to race, gender, or court location. Over the next decade the number of sentencing commissions grew as additional states throughout the country developed an interest in examining sentencing policy or implementing reform to address not only disparity but a number of other objectives as well, such as prison population growth and rising crime rates.

The National Association of Sentencing Commissions (NASC) was created in the 1990s to facilitate the exchange and sharing of information, ideas, data, expertise, and experiences and to educate on issues related to sentencing policies, sentencing guidelines and sentencing commissions. Currently the NASC membership includes representation from 23 formally established sentencing commissions, each unique in its sentencing system and objectives. In addition, several other states are considering the creation of a sentencing commission or related policy board.

Every year the NASC holds a conference to bring together judges, legislators, policy makers, academics, researchers, and practitioners from around the country to examine our nation's experiences with sentencing laws and practices and to discuss emerging issues and innovations. The theme of the 2008 NASC conference, held in San Francisco on August 3-5, was "Building Bridges: Philosophy, Policy & Performance." It was an invitation for sentencing commissions, commission-

ers, staff, and criminal justice partners to consider what it means to build bridges from sentencing philosophy to policy and performance, and to contemplate their roles in constructing those bridges. The conference was hosted by the Stanford Criminal Justice Center of the Stanford Law School.

“One of the most commonly cited goals of sentencing commissions... was the reduction of unwarranted sentencing disparity related to race, gender, or court location.”

As a preamble to this year's conference, NASC joined with some of the nation's leading legal scholars for a special presentation honoring the seminal work of Norval Morris and Daniel Freed. This introductory session provided a special opportunity to engage in thought-provoking discussions with past and present leaders in the field of sentencing law and policy. Presenters included Richard Frase (University of Minnesota School of Law), the Honorable Nancy Gertner (United States District Court), James Jacobs (New York University School of Law), Kate Stith (Yale Law School), and Franklin Zimring (University of California-Berkeley School of Law).

The opening plenary session of the conference the following morning


embodied the conference theme of building bridges from philosophy to policy and performance. Speakers discussed critical questions such as: To what extent do punishment philosophies translate into actual policy and then into practice? Which aspects of punishment philosophy translate effectively? How can this be achieved and what obstacles arise? How can research and data best inform the policy development process and support the evaluation of short- and long-term performance? Cal Hobson (former Oklahoma state senator), Kate Stith (Yale Law School), and Barbara Tombs (Vera Institute of Justice) shared their collective experiences, with Thomas Ross (President of Davidson College) moderating.

The conference included two other plenary sessions. The first of these was devoted to a recent comparative analysis of sentencing outcomes in three states (Michigan, Minnesota, and Virginia), each with sentencing guidelines differing in design, structure and operation. The study, conducted by the National Center for State Courts and funded by the National Institute of Justice, assessed the extent to which alternative sentencing guideline designs contribute to predictability, proportionality and lack of discrimination in sentencing outcomes. The empirical findings served as a jumping off point for a broader discussion of these and other stated objectives of guidelines and sentencing commissions. Representatives from each of the subject states (the Honorable F. Bruce Bach, chair of the Virginia sentencing commission, Jeffrey Edblad, chair of the Minnesota sentencing commission, and Dr. Charles Ostrom, Michigan State University) participated and responded to questions posed by moderator Kevin Reitz of the

Minnesota School of Law.

The final plenary focused on the balance of power between judges and prosecutors within the criminal justice system. Discussants shared their views on the role of statutory provisions and sentencing guidelines in maintaining or shifting that balance and the viability of guidelines for prosecutors. Richard Gebelein (Chief Deputy Attorney General of Delaware), the Honorable Robert Humphreys (Virginia Court of Appeals), the Honorable Steven Perrin (California Court of Appeals) and professor Ronald Wright (Wake Forest University School of Law) engaged in a lively debate, with Robert Weisberg (Stanford Law School) moderating.

For this year's conference, NASC provided a series of panels on issues related to the punishment of drug offenders, who make up the largest share of offenders in most states. These panels included the following topics: the revised crack/powder cocaine policy of the U.S. Sentencing Commission, the benefits of drug courts and alternatives being explored for dealing with drug-involved offenders, and the unintended consequences of drug sentencing reforms experienced in Delaware, Kansas, and New Jersey. Other panels included: prison crowding and the utilization of private facilities and interstate leases of beds; the experiences of new sentencing commissions in Connecticut, Nevada, and Vermont; the impact of the media on the formulation of sentencing policies; and sentencing policy for mentally ill offenders. Panels on offender risk assessment and evidence-based practices in sentencing rounded out the conference agenda.

NASC has already begun planning for next year's conference (to be held in Baltimore, Maryland, on August 3-4) and looks forward to another engaging meeting in 2009. For more information, contact NASC's President, Meredith Farrar-Owens, at meredith.farrar-owens@vcsc.virginia.gov or visit the NASC web page, hosted by the United States Sentencing Commission: <http://www.ussc.gov/STATES.HTM>. 

(UNDER CONSTRUCTION, from p. 1)

support the development and enhancement of national systems of criminal history and related records including the National Instant Criminal Background Check System, the National Incident-Based Reporting System, and the records of the National Crime Information Center, facilitate state participation in national records and information systems, and support statistical research for critical analysis of the improvement and utilization of criminal history records.”

Using these responsibilities as a foundation, BJS approached the FBI with a request to use the Interstate Identification Index (III) to access state and federal criminal history records for these purposes. III is a pointer system for the interstate exchange of criminal history record information. Under III, the FBI maintains a fingerprint-supported index of persons arrested for felonies or serious misdemeanors under state or federal law. The index includes identification data (name, date of birth, race, sex, etc.) and FBI and state identification numbers (SIDs) from each state that has information about an individual. Searches for III records are launched via state telecommunications networks and the FBI's National Crime Information Center lines. Searches are made by name and other personal identifiers. The automated process takes just a few seconds. If a hit is made against the index, the inquiring entity submits a record request using SID or FBI numbers. Data are automatically retrieved from each repository with records on the individual. The records are then forwarded to the requesting agency. Forty-nine states (Vermont is working toward participation) and the District of Columbia currently participate in III and the system now includes over 66 million criminal records.

Ultimately, the FBI's Criminal Justice Information Services (CJIS) Division and BJS reached an agreement to obtain access to state and federal criminal history records for research purposes via III. Specifically, the agreement states that:

- (1) The BJS Director may utilize, with their consent, the services, equipment, records, personnel, information, and

facilities of other Federal, state, local, and private agencies and instrumentalities with or without reimbursement therefore, and enter into agreements with such agencies and instrumentalities for purposes of data collection and analysis (pursuant to 42 U.S.C. 3732(d)(1));

- (2) The Director is also authorized to: confer and cooperate with state, municipal, and other local agencies; request such information, data, and reports from any Federal agency; and, to seek the cooperation of the judicial branch of the Federal Government in gathering data from criminal justice records; and
- (3) The CJIS Division, on behalf of the Attorney General, may exchange records and information with, and for the official use of, authorized officials of the Federal Government (pursuant 28 U.S.C. § 534, 42 U.S.C. § 3771 and 28 CFR § 0.85).

At the same time, BJS staff approached Nlets, the International Justice and Public Safety Information Sharing Network based in Phoenix, Arizona, to explore whether the organization could assist in implementing BJS's access to III records. Nlets is responsible for all interstate exchange of federal and state criminal history records, and operates a national telecommunications infrastructure for this purpose. Nlets is also a member of the FBI's Joint Task Force for Rap Sheet Standardization and serves as a custodian of the standardized rap sheet layout and national standard format.

BJS awarded a cooperative agreement to Nlets on August 8, 2008, to provide the technical and information services necessary to effectuate access to III records. Under the award, Nlets will:


- (1) Provide BJS with the capability to request/obtain an individual's electronic criminal history record to determine current criminal history information.
- (2) Provide BJS with the capability to request/obtain multiple electronic criminal history records at one time.

(See **UNDER CONSTRUCTION**, p. 10)

(UNDER CONSTRUCTION, from p. 9)

- (3) Design, develop, and implement, jointly with BJS, a standard format, record layout, and a process for BJS to use to initiate such record requests.
- (4) Use information provided by BJS to initiate criminal history record requests through III. The FBI has issued BJS an Originating Agency Identification Number (ORI) for this sole and restricted purpose.
- (5) Develop and implement a simplified uniform criminal history record format to facilitate BJS's statistical analysis of the criminal history record information provided by responding states and/or the FBI through Nlets.
- (6) Develop jointly with BJS a data processing protocol to collate, reduce, and consolidate criminal record information received from single or multiple respondents.

Additionally, Nlets will provide advice, guidance, and technical assistance to BJS, as needed, in its acquisition and implementation of the technical solutions required for BJS to have the capability to request and receive the Nlets information. Nlets will also ensure that all information received by BJS from Nlets is maintained, physically and administratively, as to meet federal data confidentiality, privacy, and security requirements.

Although Nlets expects the project will take 12 months to complete, BJS strongly believes the end result will be well worth the wait. The new capability is expected to achieve much greater efficiencies in tapping into criminal history information for research purposes and will enhance the bureau's evaluative research, which supports the improvement and use of the Nation's criminal history records. 

JRSA Welcomes New Staff Member

Kristen Stier began working as the Administrative Assistant for JRSA in June 2008. She recently graduated from the University of Georgia with a bachelor's degree in international affairs. She has studied French intensively and volunteered in Togo for several months after graduation with a women's rights non-governmental organization. In the future she plans to earn a master's degree in international human rights with a focus on women's rights, and remain in the nonprofit field. Her position at JRSA primarily involves conference preparation, database maintenance, and assisting the office in an administrative capacity.

JRSA FORUM

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