Structure and Determinacy in State Sentencing and Corrections Policies


Why Was the Study Done?

Through the mid-1970s state sentencing and corrections systems had several common characteristics—broad judicial discretion in setting prison terms and broad parole board discretion in release decisions; few or no restrictions on the use of probation or nonincarcerative sentences; and few provisions that enhanced or extended sentences for specific offenses. Since the 1970s, however, these common traits have been replaced by a patchwork of policies.

The literature has sought to describe these changes and the discrete policies that exist across states, but inconsistent operational definitions has made it difficult to understand the actual content of policies in cross-jurisdictional comparisons. This article proposes a “common language” for disentangling structure and determinacy and discussing sentencing and corrections systems. The authors provide detailed definitions and discuss the policy implications of using a more consistent, common set of definitions to describe state-level policies.

Prior Entangling of Structure and Determinacy

Structured sentencing and determinate sentencing are usually used to refer to sentencing guidelines or the abolition of discretionary parole release. But often these terms are used imprecisely or interchangeably. Some use structured sentencing to refer exclusively to sentencing guidelines, while others use it to refer to several policies, including sentencing guidelines, mandatory sentencing laws, and the abolition of discretionary parole release. Some use determinate sentencing to refer to sentencing guidelines and mandatory sentencing laws, while others use the term exclusively for the abolition of discretionary parole release. There is also a second problem—determining which states have adopted specific policies and, in turn, how many states have adopted them.

Structured Sentencing

Through the mid-1970s, sentencing policy in all 50 states followed an “unstructured” sentencing model that provided judges little guidance on specific sentences to impose. Judges had few restrictions on their ability to impose a specific sentence length or suspend a sentence and place an offender on probation in lieu of prison. The implementation of “structured” sentencing models beginning in the mid-1970s sought to narrow this judicial discretion by identifying the “typical” case and providing a specific recommended sentence or prison term for such a case within the wider statutory sentence range.

States implemented structured sentencing systems in two ways: through the creation of “presumptive sentences” or the creation of “sentencing guidelines.” The presumptive sentencing system provides a single, recommended prison term or a narrow recommended sentence range within a wider statutory sentence range for each felony class or offense; the recommended prison term or range is based solely on the offense committed. Between 1970 and 2010, 10 states operated under some form of presumptive sentences. Sentencing guidelines are a system
of multiple recommended dispositions and sentence lengths for each offense or offense class and a set of procedures designed to guide judicial sentencing decisions. Between 1970 and 2010, 20 states adopted some form of sentencing guidelines systems.

Supreme Court decisions in Blakely v. Washington (2004) and Cunningham v. California (2007) forced states to alter their structured sentencing systems. The Court essentially held that the Sixth Amendment right to a jury trial prohibited judges from imposing a sentence longer than the recommended guidelines sentence or presumptive sentence without a finding of facts by a jury (or an admission to facts by a defendant).

**Determinate Sentencing**

While structured sentencing aims to guide or control sentencing decisions, determinate sentencing aims to control release decisions. Through the mid-1970s, all 50 states had indeterminate sentencing systems. The defining feature of these systems is discretionary release from prison. Between 1970 and 2010, 19 states adopted determinate sentencing by abolishing discretionary release for all or nearly all offenses, though several states have moved toward a mixed indeterminate/determinate system.

**Creating a “Common Language”**

The authors propose the use of common definitions for terms as a way to make the distinctions between policies, and the way those policies affect practices or discretion in the system, clearer (see glossary). Structured sentencing, for example controls sentencing decisions by providing specific, recommended sentences for all or nearly all offenses. Determinate sentencing controls release decisions by abolishing discretionary release from prison for all or nearly all offenses. Use of this common language also allows for a clear categorization of states in terms of their adoption of structured sentencing systems and determinate sentencing systems.

Similarly, this common language allows for a refined typology of state sentencing and corrections systems (see glossary). The authors examined the systems in all states using these definitions and argue that there are eight distinct types of sentencing and corrections systems currently operating in the United States, according to the various combinations of unstructured/structured sentencing and indeterminate/determinate sentencing policies. As policy makers look to other states for examples of policies or combinations of policies, this typology provides a more accurate, while necessarily broad, description of the combination of policies across the states.

**Glossary**

*Advisory sentences* – a type of structured sentencing system that provides a single, recommended prison term for each offense based solely on the offense committed; recommended prison terms cannot be enforced through appellate review.

*Determinate sentencing* – a system in which discretionary release from prison has been abolished and time served is entirely determined by statute for all or nearly all offenses.

*Indeterminate sentencing* – a system with discretionary release from prison.

*Presumptive sentences* – a type of structured sentencing system that provides a single, recommended prison term for each offense based solely on the offense committed; recommended prison terms can be enforced through appellate review.

*Presumptive sentencing guidelines* – a type of structured sentencing system that provides 1) multiple recommended dispositions and sentence lengths for each offense based primarily on the severity of the offense committed and the prior criminal history of the defendant, and 2) a set of processes and procedures judges must follow in determining the sentence imposed; recommended dispositions and sentence lengths can be enforced through appellate review.

*Structured sentencing* – a system in which specific, recommended sentences are provided for all or nearly all offenses within a wider statutory sentence range.

*Unstructured sentencing* – a system in which no specific, recommended sentences are provided within a wider statutory sentence range; rather, statutory minimum and maximum sentence ranges represent the only legislative statement of appropriate sentences for most offenses.

*Voluntary sentencing guidelines* – a type of structured sentencing system that provides 1) multiple recommended dispositions and sentence lengths for each offense based primarily on the severity of the offense committed and the prior criminal history of the defendant, and 2) a set of processes and procedures judges must follow in determining the sentence imposed; recommended dispositions and sentence lengths cannot be enforced through appellate review.
How Can This “Common Language” Be Used?

Using this new common language and typology as an analytical tool, the authors characterized differences in justice system outcomes and public safety issues over time and across states along a series of indicators of incarceration, crime, and justice system expenditures.

- States with the combination of some form of presumptive structured sentencing and indeterminate sentencing had the lowest incarceration rates in 2009, but states with the combination of unstructured sentencing and a mixed indeterminate/determinate system had the slowest growth in incarceration rates between 2000 and 2009 (largely due to the influence of New York).
- States with the combination of unstructured sentencing and a mixed indeterminate/determinate system had the lowest crime rates in 2009, but states with the combination of unstructured sentencing and determinate sentencing had the largest decrease in crime rates between 2000 and 2009.
- Finally, states with the combination of unstructured sentencing and indeterminate sentencing had the lowest per capita justice expenditures in 2007, while states with the combination of some form of voluntary structured sentencing and determinate sentencing had the slowest growth in per capita justice expenditures between 2000 and 2009.

These rough indicators, while not providing causal connections between policies and outcomes, provide an initial look at how a common language may begin to better frame debates about policy impacts across states.
**What Are the Implications of a “Common Language” for Policy Making?**

A common language of structure and determinacy provides clear definitions of policies, highlights distinctions between policies, and allows for a categorization of state policies. While this may appear as a largely academic exercise in building a more complete framework to understand different policies across states and over time, a common language carries several policy implications. It improves the assessment of policies’ impacts; fosters a better understanding of the interconnection between policies, more effectively aiding judicial decisionmaking; and encourages a clearer exchange of information about policies across states. These, in turn, may improve policy making in an individual state as policy makers look to national assessments or the experiences of other states for guidance on the development of policies.

The authors note several difficulties in defining and operationalizing structured sentencing and determinate sentencing policies. First, legislative changes routinely alter state systems, making any operationalization potentially dated. Second, while definitions of policies may be clear and states may define a specific policy as structured sentencing or determinate sentencing, placing particular policies within a particular box is not straightforward. Further, the common language proposed here is necessarily broad and misses many of the nuances of specific state policies, but the authors argue that this is a necessary limitation that allows for initial comparisons and policy discussion. Third, there remains disagreement about which policies to include within structured sentencing (e.g., should mandatory sentencing laws be included?) and determinate sentencing (e.g., should truth-in-sentencing laws be considered?) domains.

Nonetheless, the authors believe that this common language provides a first step in differentiating policies and cataloguing the adoption of policies across states. Understanding what works in criminal justice requires understanding what it is that researchers and policy makers are talking about. This article seeks to aid this process by, first, defining structured sentencing and determinate sentencing in a way that reflects how each policy type affects the system. It also seeks to tie these definitions to specific policies adopted across the states and to variations in state-level sentencing and corrections systems.

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**Commentary**

**Refining Sentencing and Corrections Policy Definitions**


Imprecise definitions in criminal justice can lead to false conclusions, misleading recommendations, misguided decisions, and ineffective policies, as Don Stemen and Andres Rengifo point out in their thought-provoking article. The authors provide a useful first step with their call for greater consistency and uniformity in terminology used to describe sentencing systems. The long-term value of their call, however, will only come when the new terminology is fruitfully applied to practical policy applications.

The authors discuss some of the existing findings related to different sentencing systems and the outcomes that result from them, but concerns remain. First, as the authors acknowledge, it is not clear that any comprehensive definition of “voluntary” structured sentencing systems could fit those systems tightly enough to avoid problems. Some voluntary guidelines systems, for example, have important features more in common with mandatory systems than with other voluntary systems. This is not to say that distinctions and delineations cannot be made, just that they may be matters of degree and nuance. The authors may need a different approach than the basic definitions in the glossary they propose.

This brings us to the second concern, which also suggests a way to deal with the first. The same confusion and imprecision associated with sentencing systems exists among other variables even more that we use them virtually without thinking in the bulk of our criminal justice research. Terms such as “arrest,” “recidivism,” and “cost” are subject to the same criticisms as the sentencing and corrections terms. Consider the term “arrest.” Arrest is often used as a pure, pristine, unblemished measure of actual criminal conduct, distinguishing less “risky” individuals from more “risky,” the “good guys” from the “bad guys.” In fact, we know that who gets arrested for what and who does not is often the result of managerial decisions, bias, corruption, randomness, targeting of prior offenders when certain crimes occur in certain areas, and ignorant outrage as well as actual offending or differences among races or groups.
How is recidivism measured? Do new convictions to probation = reincarcerations in how an offender's record is counted for guidelines placement or risk/need assessments? Reincarcerations, the most definitive indicators of actual new criminal behavior, have their own problems. Do we count jail? Other states’ incarcerations? Revocations? And then there are the horror stories of data entry, operating systems, and coordination of data if collected by multiple agencies and multiple individuals of varying competence, training, experience, and concern. We must do the best we can with what we have, but efforts to spell out where the particular data used in a study fall on a spectrum from perfect to “better than nothing” would certainly permit better understanding.

Rather than leave this all as possibly irresolvable, however, we should consider a spectrum approach as an option for defining these variables and terms. We can start with the strongest example of a term and work our way back to the fewest or absence of the criteria used. Recidivism is likely the strongest example, as it is based both on an actual guilty verdict rather than assumptions of guilt when arrested and charged and on the severity of offending starting with return to prison. From there we can work our way back through the community sentencings and revocations of various types to the reconvictions, rearrests, diversions, and expungements. In doing so we will acknowledge that our results are more convincing the nearer the data are to the stronger end of the spectrum, but let’s not give up the actual, if weaker, relationships of the terms back down the spectrum if those data and variables are the best we can do.

Similarly, “costs” and “benefits” could start with the processing costs and the recovered restitutions as the most direct examples and work down the spectrum to the less definite and more systemic impacts of actions and inactions. Arrests would require the most detailed analysis to separate out the reasons to question their legitimacy and objectivity, but case studies could be done and applied generally until enough are available to reach more general applicability. This process would make our results sound less definitive, but the results themselves would in fact be based on much sounder foundations than the “one size fits all” approach to these terms that has operated in previous decades and left us still grappling with applications from one state or locale to other, different ones.

In this period of greater interest in and need for evidence that policymakers can successfully rely on for answers to pressing sentencing and corrections problems, we cannot afford inapplicable generalizability, which may end up discrediting the entire evidence-based approach because “precision” of current categories was, as applied in those states, false. So, the real value of the authors’ article may be its strong presentation of the need for greater consideration of all our definitions and how we do that defining.

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Commentary

Evidence-Based Policy: A Journey, Not a Destination


Stemen and Rengifo in “Charting the Evolution of Structure and Determinacy” rightly conclude that poor and inconsistent operational definitions of key terms relating to sentencing policy mechanisms (such as determinate and indeterminate sentencing) have been a conceptual and practical problem, and they provide a useful approach to resolving these inconsistencies. There are real public policy benefits of clear thinking about our policy mechanisms, as well as about program evaluation and a search for evidence of policy effectiveness. Conceptual clarity regarding criminal justice tools is necessary if we are to measure and achieve desired outcomes and ground our policies on empirical evidence.

Background

Modern sentencing and corrections policy seeks to address broad values and purposes. Three of these are public safety, rehabilitation, and procedural fairness. As Stemen and Rengifo discuss, a central concern of sentencing and corrections policy has always been, what is the appropriate level of criminal punishment. The United States is living through a historic period, 1970-present, of mass incarceration. More than seven million Americans are under correctional supervision (prison, jail, and community supervision), with the heaviest concentration of incarcerated offenders being among racial and ethnic minorities.1
Public Safety

If this mass incarceration corresponded directly to declining crime rates, society might accept it as a cost we choose to bear for the public safety benefit. But while reported serious crime in the United States has been declining for approximately 20 of the last 40 years, increased incarceration during this period cannot explain all or most of the recent crime decline. Even in the best estimates incarceration accounts for no more than one third of the crime drop.2

Rehabilitation

This period (1970-present) also saw the decline, and recent comeback of the rehabilitation ideal. Offender treatment was the dominant ideal for much of the 20th century until the early 1970s, when some studies showed that “nothing works.” Later studies have found that effective correctional treatment can be delivered. This treatment usually follows the principles of the risk-need-responsivity model.3

Fairness

This same period also began with a renewed concern with fairness, proportional punishment, and emphasis on focusing punishment on ethically relevant offense and offender factors such as degree of harm and prior criminal record of the offender, without judicial consideration of unethical factors such as race of the offender. Judge Marvin Frankel indicted the prevailing highly individualized sentencing policy that existed in 1970 in the United States, and he is often credited with spurring the creation and growth of structured sentencing, which attempts to introduce greater fairness by reporting on sentencing practices and guiding discretion toward greater proportionality and consistency.

What Works?

As these trends developed—an increase in correctional population and concerns about rehabilitation and fairness—there was an increasing call for evidence-based policy, accountability, and spending money on “what works.”4 In some ways the period from 1970 to the present provides evidence for what works, because it is a period of state sentencing and corrections policy fragmentation and policy tool/mechanism diversification, as the authors usefully summarize.

Evaluation Theory and Evidence-Based Policy

If we are to take advantage of the diversification of policies to determine which have worked to advance important goals, then in addition to good data we need conceptual clarity about how to separate and group policies so as to make useful comparisons. With the Stemen and Renfigo classification scheme in place and data from this period of sentencing and corrections policy fragmentation, in which states serve as the “laboratories” for policy experimentation, this policy diversity can be used to test which policies worked, that is, produced more fairness, more public safety, and more rehabilitation, which might ultimately result in a continuation of mass incarceration or promote greater emphasis on another approach. Given policy variation over time and place, an analysis of “what works” is at least possible because data that link different inputs and outputs with desired outcomes are generated.

Testing for what works among competing policies and programs is gaining adherents, but a number of important questions remain unanswered or incompletely answered. What is needed is an ability to unpack the state sentencing and corrections policy fragmentation and determine which policy tools or combination of tools has, on balance, been most effective not only in maintaining public safety but also in terms of fairness, respect of justice institutions, and offender rehabilitation.

Future Directions

Realist evaluation, which focuses the evaluation on what makes a policy or program work in the real world of place, time, and program implementation, is an important approach because policy systems have a variety of rules and practices. Studies have shown that some structured sentencing tools have produced greater fairness5 and may have produced greater public safety.6 However, these results also suggest that some programs that are frequently grouped together as “similar” (e.g., structured sentencing or sentencing guidelines) are not similar in some important ways and may lead to different policy outcomes. While there are still significant barriers to realist evaluation, “Charting the Evolution” offers the promise of better conceptual clarity for sentencing and corrections policy, and for policy evaluation theory, a better understanding of policy effects toward social goals.

Drug Treatment Courts: A Review of Study and Treatment Quality


Why Was the Study Done?

The effectiveness of drug courts has been the subject of numerous studies, and three major meta-analyses assessing their effectiveness have yielded positive results. But methodological flaws within the individual studies of drug courts as well as inconsistency in effective programming have led researchers to question whether these meta-analytic findings are valid.

The purpose of the current study was to examine the study and treatment quality more closely. The authors replicate the previous meta-analyses in order to identify the strengths and weaknesses of the studies’ methodologies and assess the influence of study quality on the estimation of drug court effectiveness. In addition, treatment quality (specifically, adherence to the risk, need, and responsivity principles) and its influence on the estimation of drug court effectiveness is examined.

What Did the Researchers Do?

Of the 102 studies used in the three previous meta-analytic reviews, four could not be located and two were excluded because they contained no information on a comparison group. Consequently, the current study examined 96 studies/reports, which represent 103 distinct drug treatment courts and 50,640 offenders.

To assess study quality, the authors used the Collaborative Outcome Data Committee Guidelines, a comprehensive scale developed for rating the study quality of sex offender research. (Modifications were made to account for differences between general offender programs and sex offender programs.) The Guidelines contain 20 items, with nine assessing confidence and 11 assessing the amount and direction of bias present in an evaluation. Upon rating of the 20 items, each study was given a global rating for confidence, bias, and direction of bias. Based on these ratings, studies were then divided into groups consisting of rejected, weak, good, or strong.

To assess treatment quality, the authors rated a program’s adherence to the principles of risk, need, and responsivity (RNR) developed by Andrews, Bonta, and Hoge. For each of the three principles, a rating of “1” for adherence or “0” for non-adherence was assigned based on the information provided in the evaluation studies. Adherence to the principles was coded separately for the court and for the treatment program.

What Did the Researchers Find?

Study Quality

Of the 96 studies included in the sample, over three quarters (78) were rated as rejected, 23 were rated as weak, and only 2 were rated as good. (These last two were grouped together as 25 “acceptable” studies). None was rated as strong. More than half (56) received a global confidence rating of “little confidence.” Almost half (46) received a global bias rating of “considerable bias.” When the direction of bias was known (42 studies), it was primarily in the direction favoring treatment effectiveness (39 studies). Finally, 53 programs were deemed “implementation failures” (attrition rates greater than 49%).

Treatment Quality

The 25 studies rated as “acceptable” for quality were examined for treatment quality. Of these, 11 drug courts demonstrated “no adherence” to any of the three RNR principles, 13 courts showed “adherence to one principle,” and only one showed “adherence to two principles.” None of the studies showed “adherence to three prin-
Examining Metal Theft in Context


Why Was the Study Done?

Metal theft, the theft of items for the value of their constituent metals, is not a new crime, but it has proliferated in recent years. These thefts include such acts as stealing catalytic converters from cars to be sold for their platinum, rhodium and palladium, stripping copper wiring and piping from residential houses and businesses, and removing aluminum siding and gutters from buildings and homes. Few studies have explored the prevalence, correlates, and risk factors for metal theft. This study attempts to fill that gap by paying particular attention to the characteristics of metal theft compared to other types of theft and examining whether an “opportunity framework” helps to make sense of this type of crime. Opportunity theories hold that crimes are likely to occur in areas that produce a high likelihood of payoff with a low likelihood of being discovered.

What Are the Implications of the Findings for Policy Making?

The results of the current study demonstrate that the drug court literature suffers from serious methodological weaknesses that limit the confidence researchers can place in the findings. Study quality greatly influences study outcomes, and attention must be paid to the direction of bias contained within a study. This study also found that treatment efficacy was dependent upon adherence to the RNR principles of effective correctional programming, but very few programs adhered to even one of the principles, and none of the programs adhered to all three of the principles.

Although drug treatment courts present an alternative to incarceration, appropriate implementation of the drug treatment court model and adherence to the principles of effective correctional practices are required to produce the desired results (i.e., reduce recidivism). Accurately translating what takes place behind the closed doors of drug treatment courts depends on good quality evaluations. Currently, it is difficult to draw conclusions from the few acceptable studies.

What Did the Researchers Do?

The researchers used data on all burglary cases in Rochester, New York, from April 2008 through July 2010—a total of 5,656 cases, including 585 metal thefts. While most police departments do not separately track metal from non-metal thefts and few local and federal governments track metal thefts at all, crime analysts in the Rochester Police Department are able to collect such data from field interview forms and crime reports.

An opportunity framework guided the analyses. The “rational choice perspective” suggests that crimes are not irrational events but can be explained by how they benefit the offender. The “routine activities theory” is related to rational choice perspective, but focuses more on why crimes occur in particular places at particular times rather than why offenders commit crimes. From the rational choice perspective, then, the researchers expected metal thefts to be associated with fewer types of goods stolen and be more likely to occur in abandoned dwellings due to lack of guardianship. From a routine activities perspective they expected that metal thefts would occur in near proximity to one another and in areas of the city marked by high crime rates. Further, they expected that thefts from homes would occur during the day when occupants are outside of the home, thefts...
from commercial property to occur at night, and thefts to be more likely from unoccupied places. Spatial, trend, and multivariate logistic regression analyses were used to examine and better understand metal theft.

**What Did the Researchers Find?**

Results showed that metal theft is highly correlated with the price of metal over time (see figure). In addition, spatial analysis showed that both metal theft and non-metal theft occur in similar sections of Rochester, but non-metal burglaries are more tightly clustered together, which may well result from opportunity. Motivated offenders from high crime areas are not likely to travel far to commit burglary, but metal burglars require the presence of metal that is not adequately guarded. These areas are most likely to be spread across the city rather than being clustered. Finally, analyses found that vacant properties are at high risk for metal thefts, which is not unexpected, but it was surprising that thieves are using force to enter vacant structures to obtain metal, suggesting that these buildings are being targeted by offenders.

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Reliability of National Youth Gang Survey Data


Why Was the Study Done?

The National Youth Gang Survey (NYGS) is an annual survey of a nationally representative sample of police agencies administered by the National Gang Center. The survey provides data on the number of gangs, gang members, and gang homicides across jurisdictions. The average annual response rate is about 85%, and many of the same agencies have been surveyed continuously since 1996. This allows the data to be used for the longitudinal analysis of gang problems in many jurisdictions across the nation. The problem, however, is that the reliability of the NYGS data is still relatively unknown. Only one study to date has systematically examined the data, and it was limited to homicide data in the largest 100 jurisdictions. The present study sought to expand on this inquiry by examining data derived from the NYGS in four ways: 1) the extent of missing data, 2) test-retest reliability, 3) internal consistency reliability, and 4) inter-observer reliability.

What Did the Researchers Do?

The researchers examined the reliability of the NYGS data in several ways. First, they assessed the extent of missing data derived from the survey. Second, they assessed the test-retest reliability of NYGS data by examining its consistency across years, and determining whether reliability varied by population size or jurisdiction. They also examined the internal consistency by examining correlation coefficients between three gang measures—number of gangs, number of gang members, and number of gang homicides. Lastly, they examined the inter-observer reliability of the NYGS data by comparing NYGS data with data obtained from the Arizona Gang Threat Assessment. The Arizona Gang Threat Assessment data come from a survey administered to all federal, state, county, municipal, tribal, university, and airport law enforcement agencies in Arizona from 2007 to 2009 to assess the scope and nature of the state’s gang problem.

What Did the Researchers Find?

The pattern across the five years of data examined was that the larger the city, the more likely it was to have reported a gang problem. In 2009, for example, 46.9% of cities with a population between 25,000 and 49,999 reported having a gang problem, compared to 74.9% of cities with a population between 50,000 and 99,999, 88.1% with a population between 100,000 and 199,999, and 96.0% with a population greater than 200,000.

The presence of active gangs reported by a jurisdiction varied significantly by region of the country. Western jurisdictions were the most likely to report the presence of active gangs, followed by cities in the South, Northeast, and Midwest. In 2009, for example, 92.8% of western jurisdictions, 72.8% of southern jurisdictions, 60.5% of northeastern jurisdictions, and 60.1% of midwestern jurisdictions reported active youth gangs.

Missing Data

The measure of number of gangs had the lowest amount of missing/don’t know responses. Over the five-year period examined, 17.2% of jurisdictions with a population between 25,000 and 49,999, 13.3% of jurisdictions with a population between 50,000 and 99,999, 11.3% of jurisdictions with a population between 100,000 and 199,999, and 15.3% jurisdictions with a population of 200,000 or more did not report the number of gangs. For the number of gang members measure, there was no significant difference in the number of missing responses by population size or jurisdiction, but about one third of jurisdictions did not provide these data at all. With respect to gang homicides, a substantial proportion of large jurisdictions and those located in the South and Midwest did not report the number of gang homicides. This suggests that at least with respect to the gang homicide data, the data are not missing at random; population size and the region of the country are related to whether a community reports missing data or returns a “don’t know” response.

Test Reliability

Findings suggest that NYGS measures of gangs and gang members were generally very reliable across the five-year period, with little variation by population or region. Reliability for gang homicides, on the other hand, varied considerably. Gang homicide data were the most reliable in jurisdictions with populations of 200,000 or more, and decreased in reliability as the population decreased.
Internal Consistency Reliability Among Measures

The researchers examined the internal consistency across the three gang measures partitioned by population, region, and year. Generally the data on number of gangs and on gang homicides showed low reliability (i.e., these measures were not associated with one another). There was some reliability between the number of gangs and number of gang members, but it varied by community size and geographic region.

Inter-Observer Reliability of Measures

As a form of inter-observer reliability, the researchers compared the data from the NYGS to the data from the Arizona Gang Threat Assessment (AGTA) for the 18 Arizona jurisdictions that participated in both surveys. Results suggested a moderately high level of inter-observer reliability. Similarly, data on the number of gang members in each jurisdiction were reliable across the two surveys.

What Are the Implications of the Findings for Policy Making?

Although the researchers found some problems with reliability and missing data in some instances, overall the analyses showed that NYGS data on the number of gangs, gang members, and gang homicides obtained from law enforcement agencies across the United States, regardless of the size of the community (except for gang homicides in jurisdictions serving fewer than 200,000 people) or region in which the community is located, are fairly robust and are generally reliable enough to be used by policy makers and academics alike. While these data have been available for well over 10 years, their use by policy makers (and academics) has been relatively limited. These data provide policy makers with an opportunity to make data-driven decisions about resource allocation and national-level decisions regarding implementation of gang prevention, intervention, and suppression programming.


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