

Behavioral Science and Criminal Justice Reform

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July 2022

Criminal justice policies: a conceptual framework

Moral or psychopathological flaw

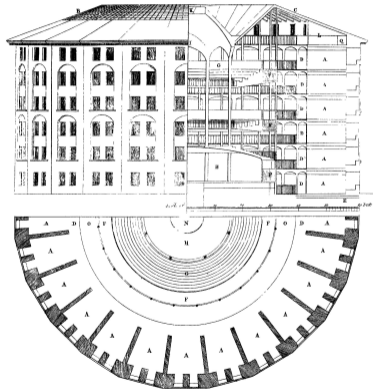


Criminal justice policies: a conceptual framework

Moral or psychopathological flaw



People respond to incentives



Criminal justice policies: a conceptual framework

Behavioral Economics offers different insights for crime policy:

1. Deliberate cognition is effortful
2. People aren't great at weighing costs and benefits
3. Don't follow through on good intentions

Criminal justice policies: a conceptual framework

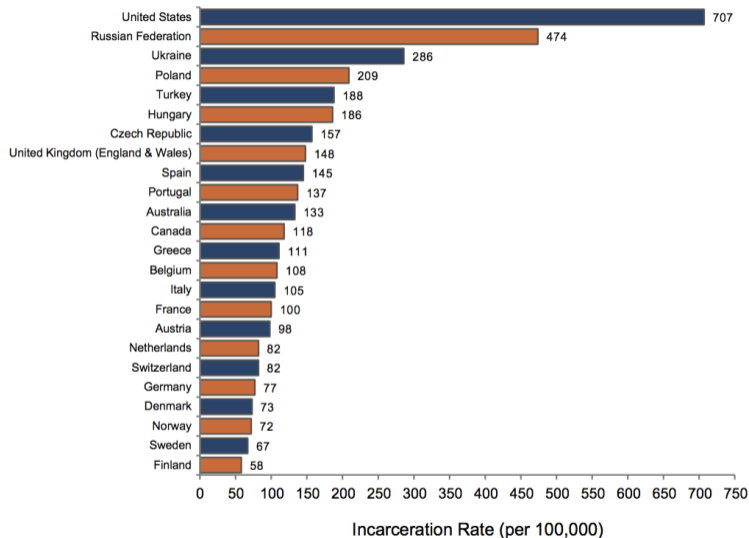
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Before I go further – specifics on crime policy:

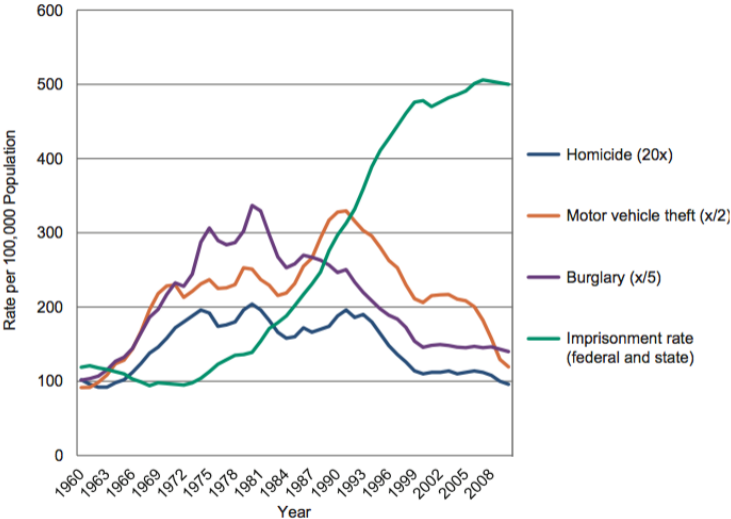
- Not a lot of nudges have been tested, compared to other domains
- Not a lot of replication
- (Maybe) opportunities for quick wins?

Criminal justice in the United States



Source: "The Growth of Incarceration in the United States: Exploring Causes and Consequences." (NAS report). US rate from 2012; years for other

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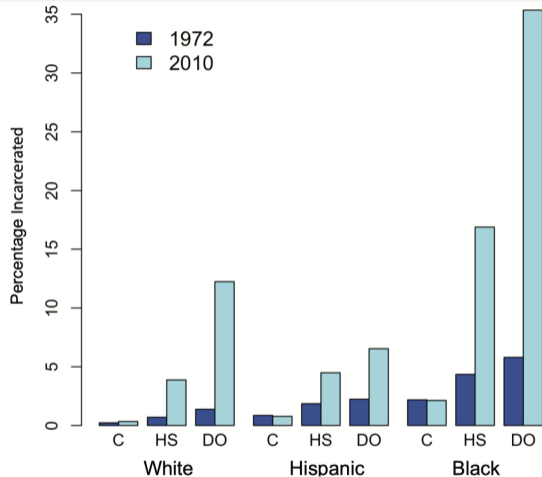
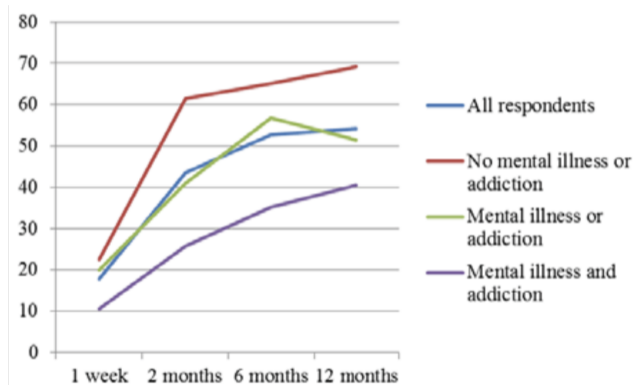


FIGURE 2-15 Prison and jail incarceration rates for men aged 20-39 by education and race/ethnicity, 1972 and 2010.

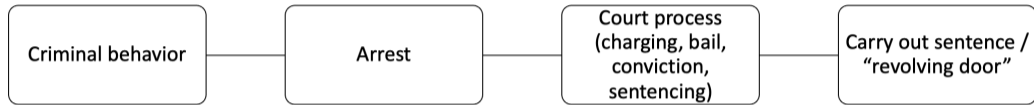
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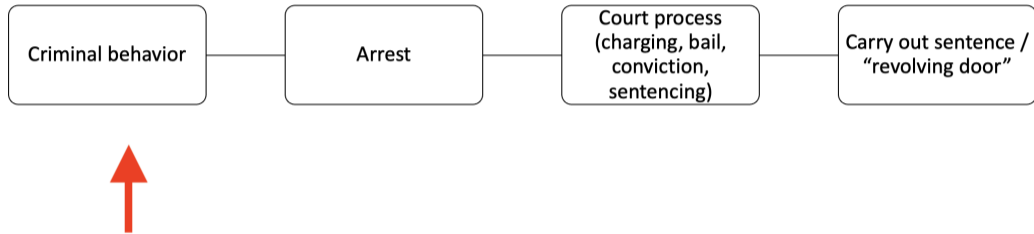


Source: "The Boston Reentry Study: Finding Work After Prison."

A very simplified flowchart of criminal justice



A very simplified flowchart of criminal justice



Policies to reduce crime: “How to make crime less attractive?”

3 (broad) policy levers:

1. The probability of getting caught → more police, cameras...
2. The costs of getting caught → longer sentences, fines...
3. The value of outside options → better jobs, education...

Key assumption: people **actively choose** to commit crimes.

What if there is no clear moment of choice?

What if people don't (only) consider costs & benefits?

Illustration 1: failing to appear in court

Current policies:

- Cash bail
- Pretrial detention

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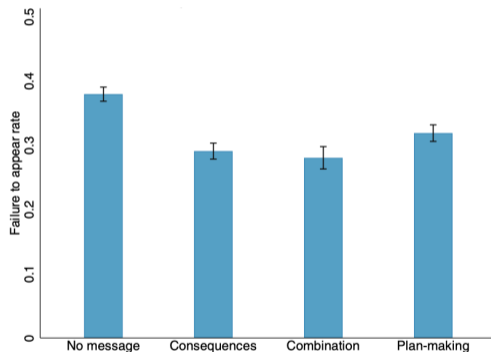
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Illustration 1: failing to appear in court

Current policies:

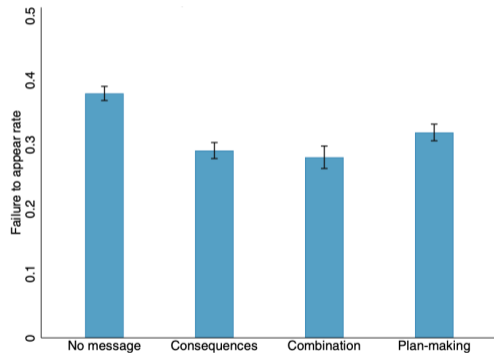
- Cash bail
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Alternative policy: reminders

- Reduce failures to appear in court
(Fishbane, Ouss and Shah, 2020)
- By contrast: financial incentives don't work (Ouss and Stevenson, 2022)

→ Useful to inform pretrial policy:

- Simple new policy to scale up
- Rethinking current approaches

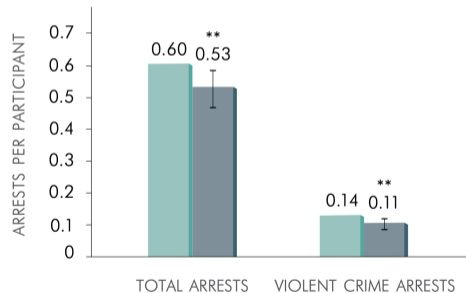


What if people don't (only) consider costs & benefits?

Illustration 2: reducing automaticity with CBT

A. BAM, CHICAGO

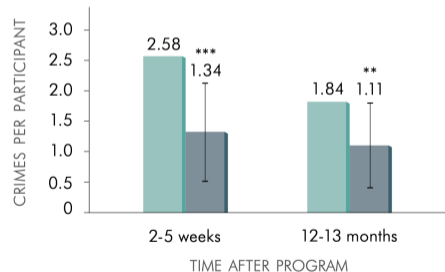
12% ↓ DECLINE IN ARRESTS PER STUDENT BY END OF PROGRAM



(Heller et al, 2020)

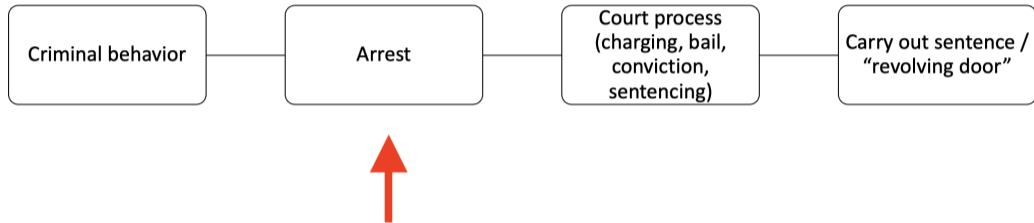
B. STYL, LIBERIA

40% ↓ DECLINE IN THEFTS COMMITTED IN PAST TWO WEEKS AMONG MEN WHO RECEIVE BOTH CBT AND CASH



(Blattman et al, 2020)

A very simplified flowchart of criminal justice



Behavioral Science and Policing

Long literature on policing and crime

- Most on number of police officers

Other question: what should they do?

- Traditional view: \uparrow proba(caught)

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Hi There, I'm Your Neighborhood Officer

*I'm here to help.
Come to me for anything!*

About me:

I enjoy fishing; I just got into the sport a few years ago.

My parents are from Sicily.

I've been a police officer in NYCHA for six years.

Neighborhood Coordination Officers are working with residents on a regular basis on real issues and real problems.

What I do:

Meet with community members about their concerns

Spend time in the area getting to know residents

Answer your texts and phone calls

(Shah and LaForest, 2022)

Behavioral Science and Policing

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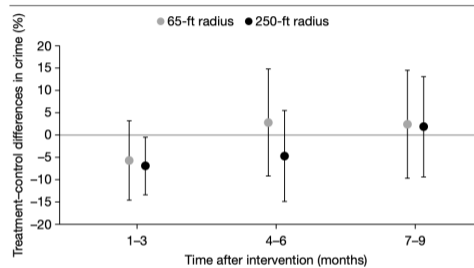


Fig. 1 | Treatment-control differences in crime after policing intervention. Providing residents with information about their neighbourhood officers reduced crime near housing developments in the first 3 months after the intervention. Changes in on-campus (grey) and near-campus (black) crimes

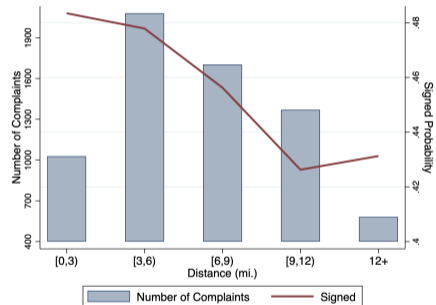
(Shah and LaForest, 2022)

Behavioral Science and Policing

Could also help improve police accountability

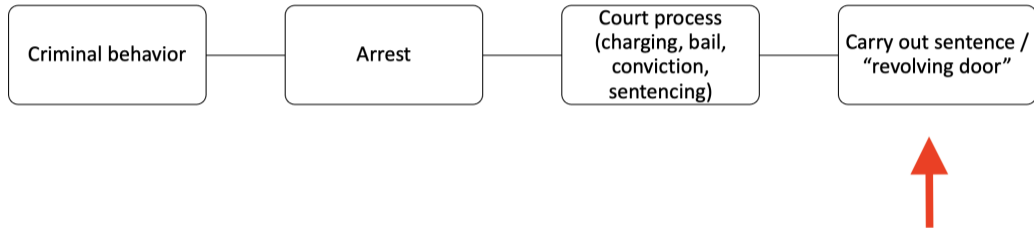
- Hassles reduce complaints (Ba, 2020)

(b) Number of complaints and signed probability by distance



(Ba, 2020)

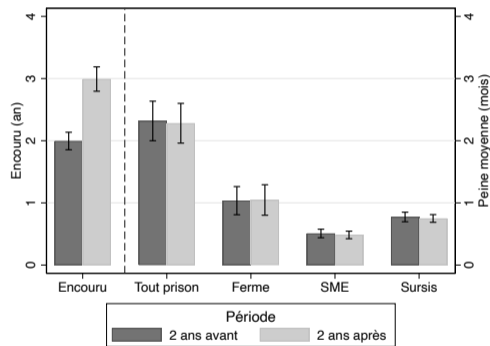
A very simplified flowchart of criminal justice



Behavioral science can help inform current criminal justice policies

1. Reference points in sentencing

- (Bushway & Owens, 2013)



(Philippe, 2022)

Behavioral science can help inform current criminal justice policies

1. Reference points in sentencing
 - (Bushway & Owens, 2013)
2. Declining sensitivity to sanction severity

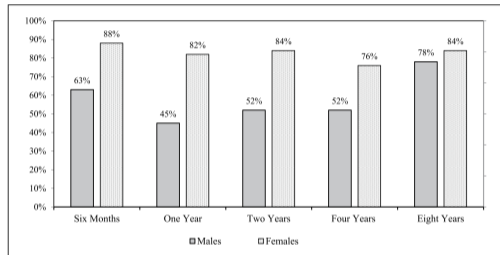


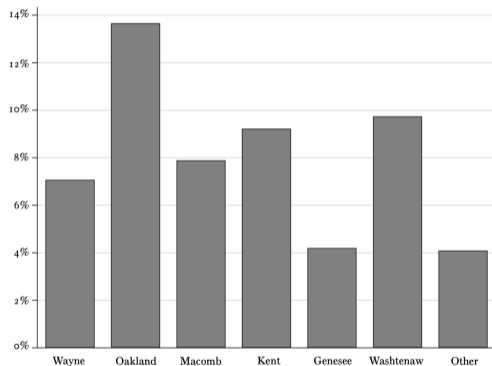
Figure 3. Percentage fearful of serving time in state prison, by sentence length and sex.

(Pickett, 2018)

Behavioral science can help inform current criminal justice policies

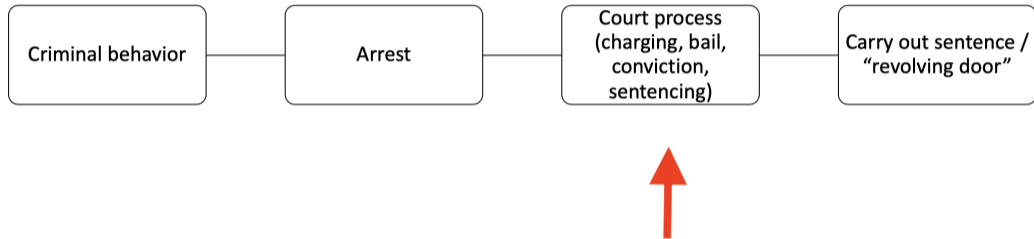
1. Reference points in sentencing
 - (Bushway & Owens, 2013)
2. Declining sensitivity to sanction severity
3. Expungement

FIGURE 2. UPTAKE RATE BY COUNTY (MICHIGAN)



(Prescott and Starr, 2020)

A very simplified flowchart of criminal justice



Frontiers (1): reducing biases in court decision-making

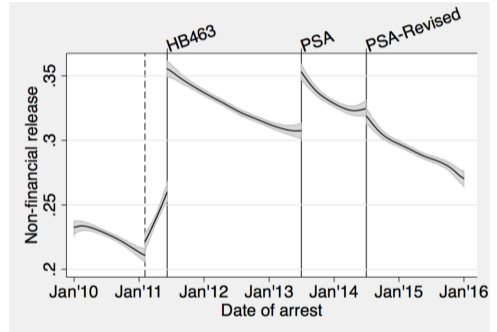
- Lots of evidence that extraneous factors matter
 - Ex: gambler's fallacy, decision fatigue, saliency of recent crimes...
 - Race, ethnicity, sex, socioeconomic status, appearance

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- Lots of evidence that extraneous factors matter
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- Less work on how to reduce biases
 - Feedback to legal actors?
 - Algorithmic aid?

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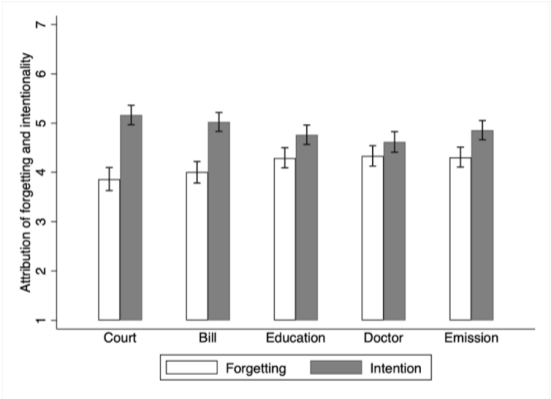
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 - Race, ethnicity, sex, socioeconomic status, appearance
- Less work on how to reduce biases
 - Feedback to legal actors?
 - Algorithmic aid?
- Question about overall effects
 - Scale of change?
 - Will it just shift the power?



(Stevenson, 2018)

Frontiers (2): scale-up and longer-term impacts

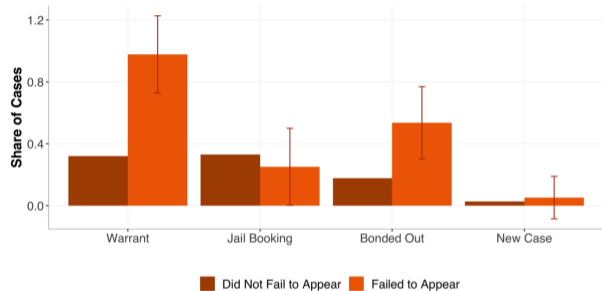
- Barriers to scale-up



(Fishbane, Ouss and Shah, 2020)

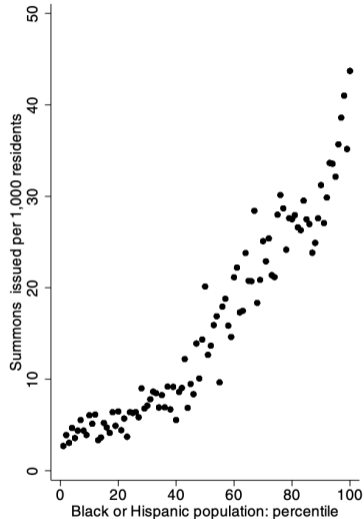
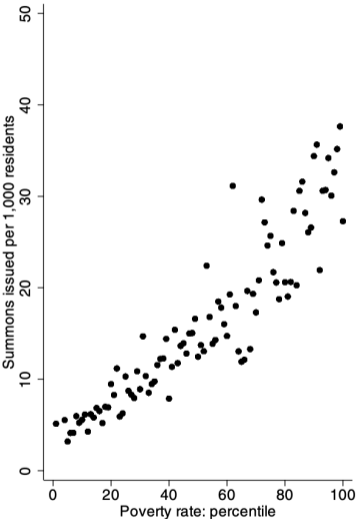
Frontiers (2): scale-up and longer-term impacts

- Barriers to scale-up
- No effect of pretrial reminders on future criminal justice contacts
 - More impactful for supervision?
 - Or, are changes just to the process?



(Emanuel and Ho, 2022)

Frontiers (3): equity in access



(Fishbane, Ouss and Shah, 2020)

Frontiers (4): other areas to explore

1. Hiring, diversifying and retaining police (Linos, 2018; Linos et al, 2017)
2. Increase crime reporting?
3. Fluidify the criminal justice process?
 - Many court dates – many **non-defendants** miss court
 - Feedback across criminal justice agencies?
4. Intersection of different policy areas
 - Poverty and crime?
 - Education and crime?

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