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Academy of Criminal Justice Sciences Newsletter



Surviving a Graduate Seminar: How Gamification Motivates Learning and Teambuilding

By George Burruss, PhD

This past spring, I taught a graduate seminar on survey design using gamification as a motivation for group work. In describing the course here, I hope to show how gamification can enhance the learning experience for both students and instructors. This write-up is not a formal review of the gamification pedagogy or an evaluation of my course; instead, I simply describe my experience so others might become interested in including some design elements in their courses.

Gamification is a teaching method that motivates learning through game-like experiences, such as earning individual

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badges for course achievements, friendly competition against other students, and publicly tracking students' progress. Instructors have used various forms of gamification, such as course trivia contests or course-related word puzzles. Gamification adds several elements to the classroom experience, including rewards, social interaction, constructive competition, and novelty (for an in-depth discussion, see Sheldon, 2020). One aspect of gamification that helps motivate students is using a theme to coordinate other gamified activities. There is a growing body of literature about gamification, and it has some support for its positive impact on learning (see Sailer & Homner, 2020, for a meta-analysis on learning outcomes).

For the gamified theme of my survey course, I used the reality game show *Survivor* ("Survivor," 2022). In the show, contestants are grouped into teams called tribes and compete in athletic or puzzle challenges while camping together on a tropical island. The show's motto is "Outwit, Outlast, Outplay." Tribes that lose challenges must then vote off one of their members. Eventually, as the show's cast is whittled down, the contestants are combined into one tribe, and the game becomes a winner-take-all contest, often through skullduggery. Throughout the show, contestants may discover advantages that give them some benefit in the competition. While we used many of the show's premises for the gamification, we ignored the negative social aspects, such as voting out or excluding members. (Though what graduate student has not wanted to vote out another student at some point?)

Survivor seemed like a fitting theme for gamification because it was already a game and because of the show's popularity (only one student was not a fan). Also, the show's name was close to the course's subject of *survey* design. I thus fashioned the theme of "Surveyor" with the motto "Outwit, Outlast, Outpublish." I knew there would be three groups, called "tribes" in *Survivor* tradition. I let the students pick their tribe's name and color. Also, thanks to my wife, I made t-shirts in each tribe's color with a logo I made for the course (see Figure 1 below). The students were divided into tribes based on their research questions. After deliberation, we decided on three survey subjects: human trafficking, attitudes toward criminal justice, and the effect of media on attitudes towards crime and justice. The students decided on the names of LUVU, American Society of Surveyors, and Lethal Media, respectively.



Figure 1. The Gamified Seminar's Theme Logo based on the Reality Show *Survivor*.



As for the seminar's goals, I wanted students to design, test, and implement a survey that could be used to publish a paper or write a thesis. The instruction came in three parts: listening to lectures, reading textbooks and empirical papers, and workshopping ideas together. From their study of survey design, each student would draft a set of survey items to add to their tribe's survey. Once drafted, the students would then collect data at the end of the semester. Student samples are free and convenient but limited in generalizability; therefore, I wanted to use a national sample requiring payment for an online opt-in platform, such as Mechanical Turk, Survey Monkey, or Qualtrics. Securing funding, after all, is part of the research design often left out of the graduate experience. Before the semester began, I assumed students would need to raise money to pay for such a service. Thus, I would ask them as a class to create a GoFundMe account or some other crowdfunding resource. I also asked my department and college whether they would contribute funds, and luckily the college agreed to fund three surveys ($n = 700$ each); therefore, we did not need to use crowdfunding.

Once the students were selected into their tribes, the gamification aspects were used for team-building and to reinforce some course concepts, including the following: developing a research question, conceptualization, operationalization, scale development and latent variables, reliability analysis, power analysis, survey item design, and sampling. I created a series of challenges for which the tribes would compete. The tribe with the most points at the end of the semester

would win travel money for each person to an academic conference, generously provided by the department. The gamification challenges had no bearing on the students' grades, based on short paper assignments and final methods write-up of their survey design.

Unannounced, the first challenge was that all members had to wear their tribe t-shirts to promote group unity: all three complied 100%, and throughout the semester, students routinely wore their shirts. The next challenge was to find a "hidden idol" in the many documents uploaded to the course management website. The idol was hidden in a Stata dataset. By typing the Stata command "tab idol," they were rewarded with the answer. The first student to report the answer won points for their tribe. Scavenger hunts are a typical gamification tool using course materials as the basis of the hunt. While it provided little content, it did lead the students to view the handouts. Another scavenger hunt (this one just for fun) had a scattering of fake student fliers I had posted on walls around the classroom building. Scanning QR codes gave them clues.

The next challenge was a quiz based on survey design elements we had just covered. Gamified quizzes are also a standard part of the pedagogy. After taking the quiz, the students had to solve a three-word phrase. A correct answer on the quiz gave a correct letter for the phrase puzzle; an incorrect answer, an incorrect letter. They were not told whether their answer was correct or not. Each student could take the quiz independently and then compare answers with their



tribe members. The first to solve the phrase won points for the tribe. Like the scavenger hunt, the quiz as a competition motivated students to cooperate to find correct answers. As one student said after the challenge, “Congratulations for making me care about a quiz for the first time ever.”

I had two more challenges designed to teach the students a lesson about survey design. The first was to examine a vignette to see if they could deduce which elements were to be randomly altered in a survey experiment. My colleague Chae Jaynes provided the vignette, and later, she explained the vignette methodology. This prompted a discussion about whether a respondent could easily guess what the researcher intended to measure. After this, many students decided to incorporate vignettes in their surveys.

At the end of the semester, the other challenge was to have each tribe pretest their survey with in-person interviews across campus over three hours. This challenge was designed to show the difficulty of survey recruitment and provide an opportunity to gauge respondents’ reactions to their items. By reading and recording their surveys, they could get a sense of whether some items were difficult for the respondent to comprehend. All the tribes found items that were problematic and revised them accordingly. The tribes won points for the first and second most responses. Interestingly, all three tribes brought incentives for subjects—juice boxes and various treats—without my prompting. This task would have elicited a less enthusiastic response without

the gamified aspect. Nevertheless, all students embraced the challenge, which elicited a spirited discussion about the difficulties of gathering data in the field.

The final challenge was a multiple-choice trivia game on the last day of the semester that I held at my home. The students surprised me by arriving with lit tiki torches and parading into my backyard to begin the final challenge (the torch is a key element in the *Survivor* show). While we set up for the trivia game, I had hidden three idols that gave advantages. For example, one gave a tribe the ability to ignore a tricky question and score a point. Once I announced that the idols were in play, the students did an exhaustive search of my house to find them. One tribe had dominated the leader board the whole



Figure 2. USF Students Gather for the Final Course Trivia Challenge

The students pictured (from front to back, left to right): Lauren Tremblay, Julianna Kirschner, Samantha Dykes, Emily Walker, Carl Reeds, Kiera O’Connor, Katelyn Smith, Jacquie Burckley, Kailey Pate, and Nicole Collins.



References

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semester and was the favored winner based on points. However, by the end of the game, due partly to the use of the idols and an alliance between the second- and third-place teams, the last-place team ended up winning the final challenge. While the frontrunner team was disheartened at losing, one player (an avid *Survivor* fan) said, “That’s just how you play *Survivor*.”

I have no doubt the Surveyor course was a complete success in attaining the education goals I set out; just as important, it was tremendous fun. By the end of the semester, students had crafted surveys that had been discussed, critiqued, revised, and pretested. All three tribes ended up with a nationally representative opt-in online sample to answer their research questions. Of course, this was a small graduate seminar, so whether this would have been possible in a larger class is doubtful. Nevertheless, instructors can adapt many aspects of gamification into larger lectures. There are many resources available for those interested. ■

The author thanks Drs. Dawn Cecil, Chae Jaynes, and Richard Moule for their help in teaching the course, Dr. Liz Cass for her support in developing the course, and the students for embracing the concept.

A list of gamification resources can be found [here](#).



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Michael Pittaro's *Pursuing and Navigating a Career in Criminal Justice*

KENDALL HUNT PUBLISHING

ISBN-13: 978-1-7924-6511-6

Review by Frank Schmallegger, PhD

Those of us who teach and write in academic criminal justice are faced with tough questions—and many of them come from students. Students often ask, “How can I get a job in the field when I graduate?” They also wonder what type of job would best suit them—maybe one in community supervision, corrections, law enforcement, victim services, or even administrative work with various agencies. Today, however, although questions like those continue to be asked, an increasing number of students are questioning more fundamental aspects of work in the justice field—including whether or not a criminal justice career is worthwhile pursuing.

After all, our nation’s political divisions and the personal feelings that surround the justice system run deep. Today, we’re more likely to hear questions like, “Why would I want to get a job as a cop if police are disrespected?” “Can I find personal and career satisfaction in a profession that’s despised by many?” “Will I become part of a system that, at its core, supports racial and social inequity?”

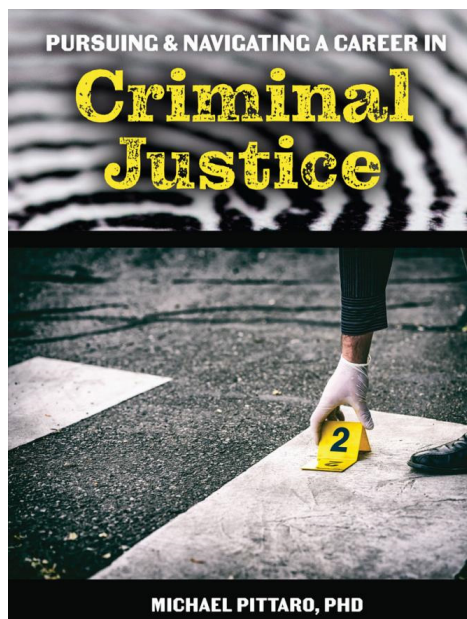
To me, the tension between individual rights and

public order has been a constant theme in the American justice system—and it is the theme on which most of the textbooks that I have written throughout my long career center. In the Preface to my introductory text, *Criminal Justice Today*, for example, I write “this textbook guides criminal justice students in the struggle to find a satisfying balance between freedom and security.” I am happy to say that now another author, Michael

Pittaro, from American Military University, has taken an additional step in the effort to help students find that balance. In his new text, *Pursuing and Navigating a Career in Criminal Justice* (Kendall Hunt, 2021), Pittaro uses his own experiences, and those of others who are working in the justice system, to answer important career questions that today’s students have. *Pursuing and Navigating a Career in Criminal Justice* provides insights not just from its author but from numerous people now staffing justice agencies

nationwide. Pittaro puts it this way: “After all, you’ll be spending the next 20 to 30 years working in your chosen profession, so wouldn’t you want to know what you’re getting into?”

Pursuing and Navigating a Career in Criminal Justice is published at a time when opportunities for career success in the justice field have never been more available. We are seeing an older generation of justice workers retiring or leaving the field. Many of them were raised with perspectives and viewpoints that differ significantly from





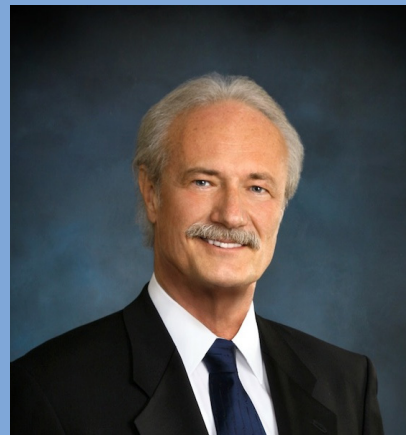
those of many young people today. The large majority of them performed their duty to enforce the law with honor and integrity, although the world has changed in ways that they could not have imagined when they began their careers. The departure of that “older generation” is now opening the floodgates to new hires who are intensely focused on achieving fairness and equity at all levels of the administration of justice, and who—while they are committed to community safety—also recognize the need for the outcomes of justice system processing to be satisfying to the wide diversity of people and communities that comprise contemporary society.

And that’s where Pittaro’s insightful and progressive text comes in. He explains that *Pursuing and Navigating a Career in Criminal Justice* “provide[s] valuable advice and guidance to those already working in the profession who may be confronted with the widely unaddressed realities associated with burnout, suicidal thoughts, posttraumatic stress disorder, poor coping mechanisms, and a withering ability to continue effectively safeguarding our physical AND emotional well-being.” That’s a big undertaking for any book about criminal justice—but it is an especially valuable perspective for those reading a book about criminal justice careers in the midst of today’s quickly changing world.

Although Pittaro’s book is visionary, it is also realistic. The hard work that the author has done to augment discussion in the text with real-life experiences from people who have worked in many different types of jobs in the criminal justice system makes the book an ideal combination of idealism and practicality. Pittaro’s writing is filled with what he calls “*real-talk*” from those who have *walked the walk*.” It offers indispensable

constructive advice and guidance from today’s criminal justice frontline workers. More than that, Pittaro takes readers on another useful journey by describing his experiences of working with people who have been convicted of criminal law violations, including those with extensive histories of addiction, mental illness, sexual deviance, and even acts of violence. It’s clear that Pittaro believes that teaching and training should not rely exclusively on academic research but be augmented with the real-life experiences of those who have worked in the system.

In short, if you want to prepare your students for work in the justice system of today and give them the insight and confidence that they need to succeed, then have them read *Pursuing and Navigating a Career in Criminal Justice* by Michael Pittaro. It’s a “must-have” book for those considering a career in the justice field. ■



Frank Schmallegger, PhD, is Distinguished Professor Emeritus at the University of North Carolina at Pembroke, where he served as chair of the

Department of Sociology, Social Work, and Criminal Justice for nearly 20 years. He is the author of numerous textbooks, including *Criminal Justice Today* (Pearson); *Criminology Today* (Pearson); *Criminal Law Today* (Pearson); *Corrections in the 21st Century* (McGraw-Hill, with John Smykla); and others.



JUSTICE QUARTERLY

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Heather Pfeifer

Published online: June 14, 2022

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<https://doi.org/10.1080/07418825.2022.2071325>

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Kelly M. Socia

Published online May 04, 2022

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Published online: May 29, 2022

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Lacey N. Wallace

Published online: April 27, 2022

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Christopher Chukwuedo

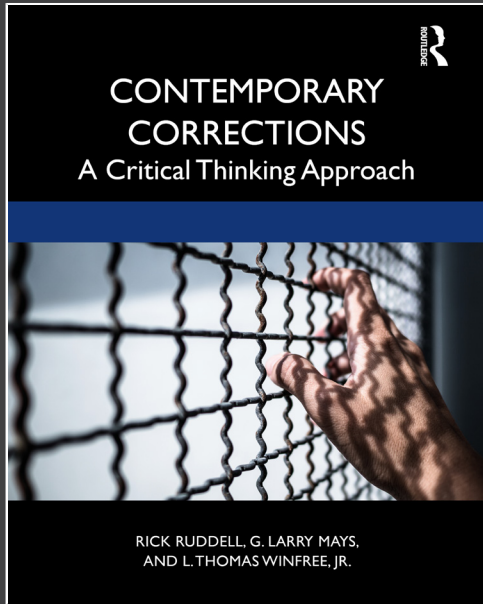
Published online: April 18, 2022

<https://doi.org/10.1080/10511253.2022.2062016>



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October 2020: 7-3/8 x 9-1/4: 606pp

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- Chapter 2: A Brief History of Punishment and Corrections
- Chapter 3: Sentencing and Criminal Sanctions
- Chapter 4: Probation and Community Corrections
- Chapter 5: Jails and Detention Facilities
- Chapter 6: Institutional Corrections
- Chapter 7: Correctional Personnel
- Chapter 8: Prisoners and Prison Life
- Chapter 9: Living and Dying in Prison
- Chapter 10: Parole and Prisoner Reentry
- Chapter 11: Gender Issues in Corrections
- Chapter 12: Corrections Law and Inmate Litigation
- Chapter 13: The Future of Corrections

BONUS ONLINE CHAPTER

- Chapter 14: Juvenile Corrections

A New Classic from Trusted Names in Criminal Justice

Contemporary Corrections A Critical Thinking Approach

Rick Ruddell, University of Regina
G. Larry Mays, New Mexico State University
L. Thomas Winfree Jr., New Mexico State University

Contemporary Corrections introduces readers to the essential elements of the U.S. corrections system without drowning students in a sea of nonessential information. Unbiased and accessible, the text includes coverage of the history of corrections, alternatives to incarceration, probation/parole, race/ethnicity/gender issues in corrections, re-entry into the community, and COVID-19's impact on the field of corrections. The authors' practical approach, reinforced by contemporary examples, illuminates the role corrections plays in our society. This book offers a concise but comprehensive introduction to corrections with textual materials and assignments designed to encourage students' critical thinking skills.

What People Are Saying

"Authored by three accomplished scholars, this text offers an illuminating tour across the diverse features of contemporary corrections. The book's foundation rests on its conceptual and research rigor that provide essential details on correctional trends, populations, and system components. Most innovative, it is designed to engage students in the learning enterprise by offering real-world examples and challenging them to think critically. At once accessible and scholarly, Contemporary Corrections is ideal for classroom use."

—Francis T. Cullen, Distinguished Research Professor Emeritus, University of Cincinnati

"I recommend the revised edition of Contemporary Corrections by Ruddell, Mays, and Winfree. Not only does the text provide an in-depth look into the essentials in corrections, the authors also contextualize the topics using examples from actual case studies. This approach provides an opportunity to launch class discussions and engage students in problem-solving activities. As a scholar in gender and justice, I appreciate the authors' coverage of the ways in which race, class, and gender intersect to impact justice."

—Dawn Beichner, Professor, Women's and Gender Studies and Criminal Justice Sciences, Illinois State University

"Contemporary Corrections: A Critical Thinking Approach represents a needed addition to the extant stock of corrections texts, particularly those with an essentials or foundations orientation. It is concise enough to be thoroughly covered in a semester or abbreviated term and strikes the right balance between conveying the scope of the field and the depth of issues. It is written by seasoned authors who understand the complexities and challenges facing the field and know how to teach others to begin doing the same."

—Kevin I. Minor, Foundation Professor of Justice Studies, Eastern Kentucky University

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2023 ACJS Awards

Awards Committee Chair, Claire Renzetti, Renzetti, claire.renzetti@uky.edu

Awards Committee Deputy Chair, Gaylene Armstrong, garmstrong@unomaha.edu

Copy nominations to Claire Renzetti, claire.renzetti@uky.edu. Please visit the [2023 ACJS](#)

[Awards website](#) for full details on application and selection criteria.

Note. The deadline for nominations is August 1, 2022, unless stated otherwise.

<p>Bruce Smith, Sr. Award Nominations sent to Daniel Mears dmears@fsu.edu</p>
<p>Academy Fellow Award Nominations sent to George Higgins George.higgins@ucdenver.edu</p>
<p>Academy Founder's Award Nominations sent to Holly Miller holly.miller@unf.edu</p>
<p>Outstanding Book Award Nominations sent to Gaylene Armstrong garmstrong@unomaha.edu</p>
<p>Michael C. Braswell/Routledge Outstanding Dissertation Award Nominations sent to Yuliya Zabyelina yzabyelina@jjay.cuny.edu</p>
<p>ACJS Minority Mentorship Grant Award <u>The deadline for nominations is November 15, 2022.</u> Nominations sent to Carlos Posadas cposadas@nmsu.edu</p>
<p>Donal MacNamara Award Nominations sent to Walter DeKeseredy wsdekeseredy@wvu.edu</p>
<p>Academy New Scholar Award Nominations sent to Claire Nolesco cnolasco@tamusa.edu</p>
<p>Academy Leadership and Innovation Award Nominations sent to Michele Bratina, Region 1 (Northeast) Trustee mbratina@wcupa.edu</p>
<p>ACJS Outstanding Mentor Awards (Non-Competitive) Nominations sent to Stephanie Mizrahi smizrahi@csus.edu</p>
<p>Ken Peak Innovations in Teaching Award <u>The deadline for nominations is October 14, 2022.</u> Nominations sent to Lauren Sabon copley@uark.edu</p>
<p>William L. Simon/Routledge Outstanding Paper Award Nominations sent to Carrie Buist buistracar@gvstu.edu</p>

Dorothy Bracey/Janice Joseph Minority and Women New Scholar Award & Student Scholarship Mini-Grant Travel Awards for People of Color and Women

The deadline for nominations for both awards is October 15, 2022.

All application materials should be sent to
Moe Miller, California State University, Fullerton
moemiller@fullerton.edu Affirmative Action Committee Chair

2023 ACJS Student Scholarship Awards

The deadline for nomination is December 1, 2022.

All papers and nomination materials should be submitted to
Veronica Herrera, California State University, Fullerton
veherrera@fullerton.edu
Student Affairs Committee Chair

ACJS National Criminal Justice Month Awards

Deadline: October 31, 2022

Education Award

Community Engagement Award

Program of the Year

Application materials should be submitted to
Andrea Walker, Clarkson College, National Criminal Justice Month Committee Chair
walkerandrea@clarksoncollege.edu

Academy Criminal Justice Agency or Non-Profit Organization Leadership and Innovation Award

Nominations sent to Cassandra L. Reyes
creyes@wcupa.edu





Trauma-Informed Interviewing Methods with Survivors of Interpersonal Violence

By Leila Wood, PhD, MSSW

Maggy McGiffert, MA

Bethany Backes, PhD, MSW, MPH

In the study of interpersonal violence, qualitative methods are often used to understand survivor experiences, especially for groups that have been traditionally marginalized (Campbell et al., 2019; Hardesty, 2019; Wong, 2021). Whether used alone or in mixed methods, qualitative research can explain the complexities of participant experiences, understand more deeply the “why” of findings, assess divergent data between various data sources, and highlight the voices of those left out of quantitative representation (Campbell et al., 2020). As applied researchers situated in social work, criminology, and sociology, we typically use inductive qualitative methods such as thematic analysis (Braun & Clarke, 2021) and grounded theory (Charmaz, 2014) to understand survivors’ needs and experiences from an ecological and intersectional perspective and to evaluate programs, practices, policies, and procedures. Thematic analysis, grounded theory, and other applied methods frequently involve the use of individual and dyadic interviews and focus groups to answer research questions (Braun & Clarke, 2021; Charmaz, 2014). Collectively, we

have conducted or supervised well over 2,000 research interviews with survivors of violence and community partners. We write this from our collective experience.

Our approach to qualitative research, and specifically interviews and focus groups with survivors, centers *trauma-informed* approaches, which parallel the best practice approaches of services with survivors (Campbell et al., 2019; Wood et al., 2020). Historically, survivors of violence have been subjected to repeated inquiries about their experiences from multiple sources, including law enforcement, community services, and social networks, which may be harmful to survivors (Lorenz et al., 2019), creating a secondary victimization experience. The trauma-informed paradigm represents a shift from this punitive and judgmental view of victim behavior to one that acknowledges these histories of harm and marginalization (Ghanbarpour et al., 2018; Isobel, 2021) and that centers safety, support, and survivor voice. In this approach, all research activities are voluntary (Wood et al., 2020). Trauma-informed practices have six principles: safety; trustworthiness and transparency; peer support; collaboration and mutuality; empowerment, voice, and choice; and cultural, historic, and gender issues (SAMHSA, 2014). By using trauma-informed approaches, we can make it more comfortable and perhaps more meaningful for survivors to participate in research, which can result in better data and understanding and an improved prevention and intervention response to violence and harm that



Trauma-Informed Interviewing

better meets the expressed needs of survivors. See Table 1 for an overview of these principles applied to qualitative methods with violence survivors.

Table 1. Trauma-Informed Principles Applied to Qualitative Methods With Violence Survivors

Safety	<ul style="list-style-type: none"> • Obtain IRB review and approval. • Train all interviewers in a distress and safety protocol. • Use general study names that do not reference violence in title. • Ask participant for preferred/safest contact modality (phone, text, e-mail) and create survivor-led safety plan. • Provide technology-related safety planning to “cover tracks” and conceal participation, as possible. • Stress confidentiality and its limits in all study materials. • Deidentify data for direct (identifiable) and indirect (contextual) information.
Trustworthiness and Transparency	<ul style="list-style-type: none"> • Develop relationships with partner agencies. • Include a pilot phase to gather stakeholder and survivor input on study materials. • Design studies that address the expressed needs of survivors, staff, and community agencies. • Provide information about clear study purpose. • Share study findings with agencies, participants, and similar populations.
Peer Support	<ul style="list-style-type: none"> • Engage people with lived experience to help conduct interviews. • Consider the use of focus groups to facilitate peer sharing. • Provide formal and informal support linkage for participants. Offer peer supervision and debriefing to the interviewing team. • Provide trauma-informed supervision for all interviewers.

Collaboration and Mutuality	<ul style="list-style-type: none"> • Use an advisory board of survivors and staff to guide the study. • Seek and use feedback on protocols and procedures with community partners and survivors. Provide incentives/participant support stipends. • Share draft reports with agency and participants for feedback.
Empowerment, Voice, and Choice	<ul style="list-style-type: none"> • Conduct interviews in method and location of survivor choice (phone, virtual, in person). • Make all questions voluntary to promote autonomy. • Allow participants time to speak on topics of their choice. • Use participants’ own words, when possible, to guide prompts and present data.
Cultural, Historic, and Gender Issues	<ul style="list-style-type: none"> • Have a diverse interviewing team. Have data collection opportunities available in as many languages as possible with high quality translation of materials. • Engage in cultural humility by understanding the need for lifelong learning and self-reflection. • Reflect on own trauma history. • Be aware of and try to address power differentials between researcher, partners, and participants.

Key Strategies for Trauma-Informed Interviews

Below, we share key strategies we use in trauma-informed qualitative research interviewing with survivors of violence.

Invest in training. Qualitative interviews with survivors should be conducted by people who are knowledgeable about interpersonal violence. Staff, students, and investigators new



to working with survivors should have extensive training in safety protocols and interviewing skills, and they should work closely with an experienced interviewer. During training, it is important to include time for reflection on researcher's positionality and how it could impact the interview process (Serrata & Notario, 2016). New interviewers often benefit from reviewing transcripts or coded data and listening to audio of interviews. After core training, we request new interviewers to our team both observe and be observed in interviews before working on their own, and we review transcripts in supervision. People transitioning from practice to research roles may need support transitioning from their previous therapeutic or advocacy role.

Attend to interviewer wellness. Interviewing violence survivors can be an emotional experience ranging from joy at the courage of our participants, to rage about unresponsive systems, leading to secondary trauma for interviewers (van der Merwe & Hunt, 2019). Often, we are collecting data by ourselves and in small teams and have confidentiality limitations on seeking support to process what we have experienced. We may try not to "slime each other" with traumatic content, while still needing or wanting support to reflect on what we experienced and to debrief about the emotions brought up in the interview process. Team supervision that creates a supportive space for a variety of reactions is critical, such as in-person or virtual check-ins in private locations during data collection, to engage in peer supervision. We also make sure

to attend to interviewer wellness by scheduling no more than three interviews in a day. Memos and reflexive journaling stored in a secure location can also help with processing emotions after an interview.

Design studies with survivor safety and autonomy at the forefront. Survivors, especially those still in relationships with partners using violence, may have unique safety considerations that merit attention in order to participate in research. Study promotion, naming, and contact strategies should be inclusive of those who may not be safe to participate in a "domestic violence" interview. At times, this field has researchers who approach this work with a "savior complex," especially when studying survivors of color (Nnawulezi & West, 2018). We subscribe to the notion that survivors of violence know what is best for themselves, and that extends to autonomy in research participation. The consent process should be informative, ongoing, and transparent about what questions will be asked, the rationale for questions, and the use of the data.

Depending on the design of the study, some level of safety planning should be considered beginning with participant contact. For interviews occurring remotely, conversations about safety concerns that may arise may be needed. It can be helpful to ask the participant to choose a safe word that indicates they may be in danger, and ask them what they would like the interviewer to do if the safe word is used (e.g., do nothing, call a safe contact). Safety measures should also



include data protection. Study materials and data should be kept in a secure password-protected setting, and survivor interviews should be de-identified for both direct and indirect identifiers. University practices may vary, so it is helpful to communicate with your IRB about safety related to research with violence survivors.

Consider environment and timing. Interview approaches may differ based on your research questions and feasibility. For example, interviews after police or hotline interactions may be structured and brief, whereas a semi-structured approach might be best for those engaged in a housing program or ongoing counseling services. Physical environment is also important. Participants should have options for when and where the interview can take place. For in-person interviews, ensure you have a confidential and private space and that parking, transportation, and childcare are available. The physical space for the interview should be neutral and a comfortable temperature; drinks, snacks, and blankets should be available as needed. For virtual or phone interviews, it is important that both the interviewer and participant are in safe and confidential locations, which for some participants may be a car or a relative's house. With an increase in telework, interview staff need to be sure they have private spaces in their home or remote work location to conduct the interview.

Interview guide and sequence. Interview guides may differ based on type of interview (structured, semi-structured, unstructured). The

consent process will begin all interviews and, to be trauma-informed, must adequately inform participants that researchers will be asking about their experiences with violence/harm (Campbell et al., 2019). For semi-structured interviews, we often begin with an overview of the interview structure, demographics, and then an orienting question that grounds the participant to the study focus. We then break the study aims into thematic areas that are cognitively and temporally linked, building prompts for additional nuance. We typically ask questions that have the highest risk of discomfort halfway through, so we have time build rapport beforehand, and after, space to transition to other topics. What is uncomfortable for participants varies widely, so we strive to use questions that have been reviewed by agency partners and survivors. In a trauma-informed approach, we focus on the information we need to know for our study and avoid a "fishing" expedition. For example, if we are evaluating a transitional housing program, we may not need to ask about past experiences of violence.

Build rapport. Honoring participants' time and their expertise as individuals who have experienced violence shows respect. Initial contact with an interview participant can set the stage for the quality of the interview. We begin by introducing ourselves, explaining the purpose of the research and the interview process, stressing the value of their perspective, and giving participants a chance to ask questions. It is important to ensure that participants understand that their services will not be impacted in any way due



to their (non) participation, nor will any agency involved receive identifiable data. Throughout the interview, we try to find connection points with participants, all while balancing disclosure boundaries or interjecting ourselves or our own experiences into the interview process. For us, these connection points are typically parenting experiences, food, and sports and entertainment. Acknowledging challenges and triumphs that participants disclose (“thank you for sharing that”), while suspending judgment through neutral facial expressions and tone, helps build trust and rapport. Rapport can also be built indirectly by building relationships with agency staff, which can facilitate trust and enhance participation.

Watch for verbal and nonverbal cues of discomfort and distress. When interviewing participants who have experienced trauma, it is vital to pay attention not just to what someone says but how they say it, and watch their body language for signs of discomfort or agitation. Often, we have received feedback from participants that the act of sharing their experiences and ideas, even if it brought about some discomfort or emotion, was a supportive and empowering experience. However, if a participant displays signs of potential distress (such as shutting down, shallow breathing indicating panic, sobbing crying, verbal and nonverbal cues of agitation), we ask the participant if they would like to take a break and stress that they may take a break whenever they feel it is necessary. Distress may look differently depending

on the mode of interview, study focus, and cultural context. If someone is in immediate crisis or has a pressing need (such as a lack of food or a recent injury), we offer to reschedule or terminate the interview and to offer links or numbers to emergency resources or hotlines. When interviewing onsite at a partner agency, we arrange to have a staff person at that agency available for immediate needs that emerge in distress and emergency situations. If necessary, we revisit participant safety plans. We find that we rarely need to use our distress protocol but benefit from having a process in place. We also seek to prevent distress by frequent check-ins, such as, “We have been talking for about 40 minutes. Are you okay to keep going or do you need a break?”

Get feedback. In community-engaged projects, we seek practitioner and participant feedback. This often begins with stakeholders to assess what questions or concerns are emerging from the field and determine whether additional voices are needed in the project. We review and incorporate data collected from prior projects. We share protocols with stakeholder groups to gain their feedback. When possible, we pilot the interview protocol and adjust, as needed, from the early interviews. For survey development, we use cognitive interviews with trauma survivors to check understanding, interpretation of questions, and impact of questions. We also end interviews with participant recommendations and reflections. This provides immediate feedback on our process and may give us important feed-



back. Questions we use include “What was it like to talk about this today?” and “Is there anything I didn’t ask you about that I should have?” An important part of the feedback loop is sharing the results of a study with service providers and, when possible, with survivors.

Offer resources and provide compensation. We conduct research with survivors who are engaged with community services and criminal legal systems, as well as those who may not be using any formal supports. As a routine practice, we develop a resource guide that is tailored to the study location, and we offer it to participants, typically at the end of the interview. We provide compensation to participants. The rate may change based on interview length, focus, and location, but it is paramount to honor their expertise by providing compensation for their contributions and insights. Childcare and transportation should also be attended to in order to maximize the opportunity to participate.

Be explicit about confidentiality and its limits. Confidentiality is crucial to a trauma-informed approach. All members of our research teams sign a confidentiality agreement prior to beginning any work. At all phases of study interaction, from promotion to interview follow-up, participants should be actively engaged in an informed consent that centers confidentiality and privacy. This also includes explaining the limits of confidentiality; for example, in some states, researchers remain in a mandated reporter role for child and elder abuse. For those conducting research on college campuses, man-

dated reporting may extend to university Title IX offices. While a protocol may be designed to avoid questions that would necessitate violating confidentiality, participants may still share information extemporaneously (e.g., child abuse committed by a former partner). It is critical to include exceptions in consent forms and state them verbally. If you must breach confidentiality, such as child abuse reporting, it is critical to let participants know that you will, unless doing so would compromise the safety of another person. For example, when a participant shared about their former partner’s potential abuse of their child in an interview, we made a call to the statewide hotline with that participant.

Make adaptations as needed. Participants may have varying needs related to language access, developmental stage, ability differences, and setting. Language justice is an important component of trauma-informed research. Interviews should be offered in as many languages as feasible to maximize inclusivity and perspective. Adaptations may be necessary to engage populations. For example, older participants may need large print consent forms, and young participants may require parental consent and modified resources. Regardless of population, study materials and interview questions should be provided in “plain language” formats, avoid jargon, and be easily understandable to a range of reading levels.

Conclusion

Qualitative interviewing is central to a robust methodological approach to understanding in-



terpersonal violence. This guidance is in no way exhaustive, but it best represents our collective experience and will evolve with our research. Survivor safety, autonomy, and collaboration are key factors in trauma-informed qualitative approaches. Trauma-informed interviewing involves training, support, and dedication. Cultural humility, reflection, and addressing secondary trauma are critical concerns to be addressed by the research community. High quality qualitative research is an ongoing practice and merits attention to people, the environment, and community conditions. ■

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Cryptocurrency: Increasing the Misperceptions of Drug Offenders

By *LaNina N. Cooke, PhD*

Since 2009, cryptocurrency has become an alternative mechanism for transacting, in sparse cases, and is distinguished by its lack of regulation (Bele, 2021). With some countries using cryptocurrency, specifically Bitcoin, as legal tender or for the purchase of goods and services, and some governments seeking ways to regulate or prohibit it, there are varying opinions on cryptocurrencies' place in the world. In some cases, the relative differences in government oversight, compared to "typical" banking and investing, has amounted to both support and resistance. The sentiment ranges from viewing cryptocurrency, specifically Bitcoin, as a store of value and alternative to a depreciating dollar, to concerns about its short-term volatility and "off-the-radar" standing. In a 2019 study, it was purported that 25% of cryptocurrency users are involved in some type of illegal activity, with close to half of Bitcoin transactions associated with illegal activity (Foley, Karlsen, & Putnins, 2019).

Cryptocurrencies are digital currencies and assets that are intangible and products of computer systems. The creator of Bitcoin and blockchain protocol, Satoshi Nakamoto, cited the need to eliminate middle parties, such as banks, thereby giving individuals a degree of freedom (Foley et al., 2019). It is, in essence, a decentralized method of transacting. Although cryptocurrencies are typically used as legitimate ways to foster independence from government oversight, they are also viewed as facilitators of crime, acting as an alternative form of payment and creating an

opportunity for criminal activity. According to a report out of the University of Sidney, an estimated \$76 billion of Bitcoin per year is spent on criminal activity (Foley et al., 2019). It is important to note that all digital mediums of currency are not the same.

Bitcoin is considered to be in its own class due to its scarcity, utility, and growth patterns. Other coins, known as alt-coins, do not have the same reputation and are not often used in the same manner as Bitcoin, since they are traded, rather than stored or used for transactions.

Cryptocurrency has changed the way in which criminal activity is facilitated. From the use of cryptocurrencies to illegally secure items and services to the increase in cyberblackmail, investors and engagers in criminal activity alike have found similar benefits in the cryptocurrency market. These benefits include the absence of an intermediate, the relative transactional anonymity, and the decentralization of the process. Especially important has been the ability of criminals to reduce and, in some cases, escape liability. This changes the landscape of criminal activity by changing the risk and widening the gap of penalties, which include asset forfeiture for those with realized holdings and incapacitation for individuals with cases or circumstances stacked against them compared to those of different economic and holding backgrounds. This shift adds to the disproportionate penalization of individuals and communities.

Changes in Drug Sale Over Time: Street Crime

According to the Centers for Disease Control and Prevention (2019), 11.7% of those aged 12 years or older reported illicit drug use, with 2% reporting nonprescribed psychotherapeutic drug use. The amount of money spent on drugs



in the United States has been steadily increasing, with estimates of \$150 billion in 2016 (Midgette, Davenport, Caulkins, & Kilmer, 2019). According to the Rand Corporation, more than \$120 billion has been spent in the United States on illicit drugs annually between 2006 and 2016 (Midgette et al., 2019). These drugs include Schedule I drugs such as crack, cocaine, heroin, and methamphetamine, but does not include oxycodone and fentanyl. The nationally reported spending does not account for those who are purchasing drugs in alternative ways such as via cryptocurrency, since it is covert. There are, however, estimates that indicate that more than one in two respondents have bought drugs online (The Global Drug Survey, 2017).

Traditional drug sale involves the in-person exchange of paper currency, which increases the risk of detection. Cryptocurrency has served to remedy this through the rationales behind its creation. One such basis was to equalize the playing field, with all users having equal access, eliminating disparities. While this is true, the use of cryptocurrency in underworld markets increases disproportion and widens the gap between street sellers and blockchain sellers. Pre-internet, drugs were sold hand-to-hand between familiar parties. Some of these buyers from out-communities would buy in areas that were known to be hot spots. Once people became more connected virtually, other avenues of purchase were created, although street drug sale has remained as a function of socioeconomic status.

Criminal trade of drugs and other illicit goods and services has been a steady occupant on websites such as the now-defunct Silk Road, a marketplace for the sale of drugs, prostitution, and weapons (Bhaskar, Linacre, & Machin, 2019). Such sites

can only be used by purchasing specific software. This requires access, money, and levels of social capital. It also requires mutuality of transaction type—the trade occurring in an agreeable form of currency. The buyer must trade in a currency that is accepted by the seller. In cases of street crime, the currency is often fiat. For many criminals, cryptocurrency is easier to deal with than cash because of the ability to make instant transactions under the radar. Traffickers have the ability to launder and move their proceeds in obscurity, which also protects them in some cases from asset forfeiture. However, there are still financial burdens on the health care system, and the absence of a centralized system and lack of a mediating party presents issues in regard to the use of proactive and reactive approaches of law enforcement.

The method of drug transaction has always been a function of socioeconomic status, which has an impact on the demographic makeup of those arrested, convicted, and incarcerated. The increased use of online platforms, especially those that involve alternative methods of payment, lessens the risk of detection compared to hand-to-hand means. Relatedly, cryptocurrency buyers have reported that they hold less Bitcoin in their internet-connected account, which implies that more are keeping it in cold wallets—off-line hardware—which further keeps them obscure, reducing the risk of forfeiture and changing the landscape of drug sale (Foley et al., 2019). The same privilege is not available to hand-to-hand sellers, which increases the disparities within the penal system based on race and socioeconomic status. This influences public opinion regarding those who are assumed to be the users and sellers of drugs. The problem with this is three-fold. It increases the ongoing disparities based on race and socioeconomic status. It further promotes



assumptions about the race and income of drug users and sellers. It also adds to the systemic flaws in the criminal justice system.

System Behavior, Perception, and the Impact on the Criminal Justice System

Justice system reform by way of reducing mass incarceration, eliminating disparities based on demographics, and bail modifications has been part of the national conversation. Underlying these conversations have been questions on the impact of law and policy changes on crime. At the top of the list are drug offenses. U.S. drug policy has a history of punitiveness, with these “get-tough” policies disparately impacting Black individuals and communities, especially those that are low income (Steen, Engen & Gainey, 2005). Demographically, rates of drug use have been consistent, but arrest and incarceration rates have not. This was especially prominent in the 1980s with the War on Drugs and the media depicting crack cocaine as the downfall of America. This was met with harsh penalties and collateral consequences that have impacted families and communities long term. Since then, there have been changes in the perception of certain drugs. The increase of opioid usage and consequences for public health and non-Black, middle-class communities has shifted policies from punitiveness to treatment (Equal Justice Initiative, 2019).

Many of those convicted of criminal drug sale and

drug possession are also drug users. Although many states have adopted rehabilitation as a response, there are still jurisdictions that punitively sanction drug offenders, especially those arrested for illicit, hand-to-hand drug sales. Cryptocurrency buyers and sellers are under this radar, which potentially increases the disproportionate conviction of drug offenders who rely on paper currency.

I am by no means taking a position that individuals involved in criminal drug sales need to switch

over to crypto markets to sell or find other off-the-radar mechanisms. It is, however, important to understand the role of cryptocurrency in the widening of disparity and the solidifying of perceptions and characterizations of users and sellers and their communities. As an example, urban life is characterized by population density, heterogeneity, and “urban attitudes and behaviors, which

rely on formal social control” (Schulenberg, 2003; Santiago, Galster, & Petit, 2003). The increased use of cryptocurrencies makes drug sale a socioeconomic issue that ignores people who are non-Black from non-urban communities, creating a vacuum in the perception of drug use and sale. This perception has consequences for criminal justice system reform.

Perception is based on the idea that workgroups construct images based on collective experiences (Hill Collins, 2010). These images are powerful





and lead to complacency in belief. They have a set of values and norms within the working environment. These are controlling images and lead to exclusion and differentiation (Cooke, 2015). It can be argued that the criminal justice system would place itself closer to the cryptocurrency system in regard to socioeconomics, which places it further from urban communities, creating otherness. While the cryptocurrency arena places itself in a place of neutrality in which there is the absence of bias and system behavior, it is posed that the criminal justice system aligns itself with it perceptually and superficially. In reality, however, it has been widely documented and evidenced that there are wide disparities of treatment and assessment of risk based on race, ethnicity, gender, and socioeconomic status. Poverty, especially, is a main variable in creating the imbalance of power and the perception of communities (Stark & Bainbridge, 1996).

Perceptions inform system behavior. System behavior is the idea that agencies and organizations operate collectively and use assessments to make decisions. These decisions are born out of a collective consciousness that is rooted in a workplace culture. The decisions made are at least covertly based on the perceptions of an outside group (Hill Collins, 2010). In this case, the criminal justice system adversely perceives illicit drug use as a function of street crime and correlated to low socioeconomic status with coordinates of race. Other drugs, such as prescription pills, are ignored by the perceivers and are seen as a suburban issue that is met with treatment. Further broadening the gap in regard to demographics and socioeconomic status is cryptocurrency, which requires significant economic and social capital to participate as a buyer or seller. The escaping of sanction keeps them out of the criminal justice

system, hence widening the punitive gap.

This positionality filters into the criminal justice system and leads to assumptions of behavior which impact the distribution of justice and the type of justice that is necessary. Criminal drug sale is often termed street vice, which centers on the underlying perception that sellers and users are Black, which is overlaid with assumptions about socioeconomic status and population density (O'Flaherty, 2010). It is seen as spatially concentrated, although the use of drugs spans demographics and the sale of drugs occurs differently based on neighborhood. For example, there is no dearth of drug use in areas of higher socioeconomic status or in less dense neighborhoods. Residents often buy in these outlier areas and now have the avenue of the dark web using cryptocurrency. Those who do not buy or sell using cryptocurrencies, due to lack of access to or unwillingness to use digital platforms, use paper currency to make purchases, increasing the likelihood of being caught and hence increasing their inclusion in the criminal justice system.

This work is not against the use of cryptocurrency. Rather, it recognizes the benefits of such currency as an asset and protection against the weakening dollar. It does, however, serve to bring attention to the collateral consequences of the market on the criminal justice system and its influence on system behavior. The system, with its present flaws, would benefit from recognizing the isolating effect of cryptocurrency. Drug offenders will be able to skirt off and maintain perceptual anonymity, with hand-to-hand offenders acting as the "face" of drug use, possession, and sale. The criminal justice system and its efforts to reform would benefit from this acknowledgement. ■



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A Chat with Deterrence Scholar Brian Forst: A Tribute to Hans Zeisel¹

Brian Forst interview by Robert M. Worley

¹ This interview was first published in Worley, R. M. (2022, January). A chat with deterrence scholar Brian Forst: A tribute to Hans Zeisel. *Theory in Action*, 15(1). DOI:10.3798/tia.1937-0237.2206. It is being republished with permission.

RW: Our interview for this edition of *Theory in Action* is with Brian Forst, Professor Emeritus of Justice, Law and Criminology at the American University's School of Public Affairs, in Washington, DC. Before his 25 years of teaching and research at AU, Brian was director of research at the Institute for Law and Social Research (1974–1985) and the Police Foundation (1985–89), and then assistant professor of statistics at the George Washington University in Washington (1989–1992). Brian is perhaps best known for his research on deterrence, prosecution, miscarriages of justice, and terrorism. His book *Errors of Justice: Nature, Sources, and Remedies* received the ACJS Book of the Year award in 2006. So, Brian, you were trained as a statistician-econometrician. How did you get into criminology?

BF: My first published criminal justice article was on deterrence: "[Participation in Illegitimate Activities: Further Empirical Findings](#)" (*Policy Analysis*, vol. 2, Summer 1976). Using cross-state data for 1970 and a structural equation model to separate the effect of sanctions on crime from a reverse effect, I found no deterrent effect of sanctions on felony crimes.

Most remarkable was that an economist, Isaac Ehrlich, had found strong deterrent effects for both the probability and severity of punishment using a similar model with data for 1960—that a 1% increase in spending on police would produce, by way of increased probability of punishment, a 3% decrease in the serious crimes rate ([Journal of Political Economy](#), 1973). I found that the difference in findings was due to analytic choices regarding the selection of control variables, whether and how to weight observations, whether to assume linear or log-linear relationships among the variables, and differences between the 1960 and 1970 cross sections. I concluded that neither Ehrlich's results nor mine were reliable—that they were too sensitive to selections among equally plausible models to be trusted.

RW: And then Hans Zeisel enters the picture, right?

BF: Yes. Hans was a member of the research advisory board for the PROMIS Research Project, in which the INSLAW staff were analyzing data on prosecution for 1973–74 on the operations of the U.S. Attorney's Office for Washington, DC. It was an amazing

board that included Zeisel, Edith Flynn, Don Gottfredson, Al Reiss, Leslie Wilkins, and Marvin Wolfgang. Hans was an advocate for the abolition of the death penalty, and Ehrlich had just done a second econometric analysis—this one a time-series analysis of the deterrent effect of the death penalty on homicides in the U.S. for the period 1933 to 1969—concluding that each execution over that period prevented eight homicides. The U.S. solicitor general had introduced this study as evidence in the Supreme Court to support use of the death penalty. Smelling a rat, Hans persuaded Nobel Laureate Lawrence Klein and me to reanalyze Ehrlich's data to see if he had once again chosen analytic alternatives that would create the appearance of deterrence ("The Deterrent Effect of Capital Punishment: An Assessment of the Estimates," in [Deterrence and Incapacitation](#), 1978). We did so and found that, as before, Ehrlich had done the analysis under a narrow, dubious range of analytic options. We found his analysis to be especially sensitive to whether the outlier data for the late 1960s were included, a period when the death penalty was temporarily suspended while homicide rates soared.

RW: So, Hans's suspicion was vindicated.

BF: Indeed, and then Hans asked for more. He suggested specifically that I focus on the 1960s to see whether the relationship between the ending of the death penalty and the soaring



A Tribute to Hans Zeisel

homicide rate in that decade was causal or spurious. So, I offered to analyze the state-by-state variations in homicides and the death penalty over the decade. If the relationship is causal, we should find that the states that ended use of the death penalty during the 1960s would have experienced a loss of deterrence and a larger increase in the homicide rate than the states that weren't using the death penalty in 1960. The results, reported in the article "[The Deterrent Effect of Capital Punishment: A Cross-State Analysis of the 1960's](#)" (*Minnesota Law Review*, 1977), confirmed Hans's expectation. Not only was no deterrent effect found, but the states that ended the death penalty tended to experience slightly lower increases in the homicide rate than the other states, controlling for a host of other factors: the homicide conviction rate, average term served by homicide offenders, percentage of the population in the 21–24 age group, percentage of males, the percentage of the population living in urban areas, median family income, proportion in poverty, the percentage of adults employed, school enrollment rates, divorce rates, and dummy variables for region. Hans documents much of this in his essay "[The Deterrent Effect of the Death Penalty: Facts and Faith](#)" (*Sup. Ct. Rev.*, 317, 1976).

RW: Why, do you suppose, Ehrlich kept finding deterrent effects while you and others didn't?

BF: A fascinating question. Isaac Ehrlich

was a student of Gary Becker, steeped in the tradition of neoclassical economics. I met him in 1975 at a [conference](#) in which we faced off to explain our different findings. We didn't get into research ethics questions, but we each made our case quite civilly. I was left with the impression that he had a strong belief in standard economic doctrine: people respond to incentives rationally in a world of perfect information. If he found otherwise on the deterrence question, the analysis must be wrong. Call it "voodoo econometrics"—driven no less by strongly held beliefs than by facts. Thanks largely to the new field of behavioral economics—led by Daniel Kahneman, Amos Tversky, and Richard Thaler—we know

now that people are usually anything but rational, often impulsive and shortsighted in their thinking, and that their information about pertinent matters is typically far from perfect.

RW: Interesting. Let's get back to Hans Zeisel. He was obviously very smart. I'm quite familiar with his iconic American Jury study. What was his story?

BF: Hans was born in Czechoslovakia

and raised in Austria, where he earned doctorate degrees in sociology and law. He co-authored with Paul Lazarsfeld research on the social impacts of unemployment in Austria in the 1930s. Later he became a University of Chicago law professor, co-investigator of the controversial 1954 Wichita Jury study—What? You bugged the jury room without telling the jurors? (the project was approved by Chicago Law School dean Ed Levi)—and a brilliant common-sense statistician, author of [Say It with Figures](#) (1947) and a leading proponent of the quantitative assessment of legal issues, like jury rules and the death penalty. He was an authority also on political and market survey techniques. With Harry Kalven,

"Each of us can still make a difference, to end the madness. It will be essential to do so in collaboration and with the support of others, to achieve power in numbers. You can leverage your influence by seeking and finding your own Hans Zeisels, and then listening to what they say."

he analyzed the jury system under the Chicago Jury Project and produced two books: [Delay in the Court](#) (1959) and [The American Jury](#) (1965). A key finding was that judges agree with jury verdicts in about 80% of cases in which the jury was able to reach a verdict; another was that the juries generally understand the judges' instructions on the law. In 1977, Zeisel was named fellow of the American Statistical Association, largely



A Tribute to Hans Zeisel

for his straightforward, policy-oriented approach to statistics. This was a remarkable achievement for a sociologist and legal scholar.

RW: What was Hans like? Was he personable?

BF: Hans was a dear friend—warm, engaging, inquisitive, generous, and funny. His decency was matched by his capacity to maintain his cool under fire. He was also a canny tennis player, the sort who managed to stay in one spot while he had you running all over the court. And it turns out that his wife, Eva—an internationally renowned ceramics sculptor and industrial designer and teacher of design at the Pratt Institute—was more famous than he! Those interested can learn about her extraordinary life and work from the documentary *Throwing Curves: Eva Zeisel* (2002) and from the 16-page *New Yorker* essay “*The Present Moment: Profile of Eva Zeisel*” (April 13, 1987). The story of Hans and Eva is more than fascinating. They knew each other in Vienna in the 1930s, were separated and then reunited in England, where they married and sailed to the U.S. in 1938 with less than \$100 between them. They raised two children, Jean (born in 1940) and John (1944). In *Throwing Curves*, both children comment on their parents’ tempestuous relationship. John described the union of these two strong personalities as a “collision of forcefields.” Hans died in 1992 at age 87 and Eva in 2011 at 105 years of age. Their lives were as

long as they were rich.

RW: Dr. Forst, did you know that Hans Zeisel was the jury consultant for Ford when it was put on trial for reckless homicide during the Ford Pinto defense?

BF: I did not know that. But I do know that Hans had an overarching respect for the jury decision-making process and for the intelligence and moral sense of most jurors. He cared mostly to ensure that the selection of jurors be untainted by attempts to put thoughtless people on juries. This is an inescapable conclusion of his body of work with Shari Diamond on juries and jury selection. In 1987 he wrote this: “One of the undesirable by-products of discovery is the implied diminution of the jury’s intelligence and decency, a by-product that obviously fuels partisans’ efforts to abolish the jury in civil cases. Although there may be arguments for abolition, jurors’ lack of decency and intelligence should not be among them, because the average jury has both” (“*A Jury Hoax: The Superpower of the Opening Statement*,” *Litigation*, Vol. 14).

RW: I once heard that Zeisel believed that if a woman was selected on the jury, she had to drive a truck, figuring out that if a woman drove a truck she would vote to acquit. In the end, almost all of the jurors, except for one, I think, drove trucks. Is that true?

BF: I don’t know. It sounds implausible to me. I’m guessing that fewer than 10% of all women are truck drivers, and Hans

wouldn’t have advised rejecting 90% of all women from any jury. Moreover, it’s not apparent why truck drivers would be more likely to acquit than others, or why men would be more likely to acquit than non-truck-driving women. As I noted, he was a canny competitor. But his moral sense and respect for law always served as his guiding lights. He also had good common sense.

RW: Either way, he was quite a man! And what did you and your INSLAW colleagues find in your research on the PROMIS data?

BF: We learned in great detail what happens after arrest—in prosecution and sentencing, at a time when such large databases could be analyzed using new high-powered computers and sophisticated statistical methods. It was really this extraordinary database and a fine staff of researchers—Bill Rhodes, Jeff Roth, Barbara Boland, Kris Williams, and Kathleen Brosi—that allowed a host of new insights on what had previously been the black hole of the CJS, and arguably its most powerful component. Among the findings were that for every felony case over which the judge presides in trial, the prosecutor decides the fate of about 15 brought by the police (“*Prosecution*,” in *Crime and Public Policy*, 2011). We found also that the vast majority of cases dropped by the prosecutor failed because of insufficient evidence, not because of “technicalities” related to 4th Amendment violations (about 5% of all cases brought),



A Tribute to Hans Zeisel

as had been widely believed, and that the relatively few dropped due to illegal searches usually involved drugs (*What Happens After Arrest*, 1978). And that police officers varied substantially in the quality of the arrests they brought to the prosecutor (*Arrest Convictability as a Measure of Police Performance*, 1982).

RW: Were the results for Washington replicated elsewhere?

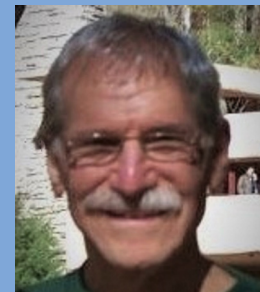
BF: An important question. Yes, they were. Floyd Feeney, at the University of California, Davis, found remarkably similar results for California, which had data comparable to PROMIS from California (*Arrests Without Conviction: How Often They Occur and Why*, 1983). And just about everything we found for Washington was found in other PROMIS jurisdictions throughout the nation—in Los Angeles County, Manhattan, Atlanta, Indianapolis, Detroit, Seattle, New Orleans, and elsewhere. Kathleen Brosi did these cross-jurisdictional comparisons for the 1970s, and then Barbara Boland did the same with more jurisdictions throughout the 1980s. One significant difference stood out across jurisdictions—the ratio of pleas to trials (*The Prosecution of Felony Arrests*, selected years). The ratio was as low as five pleas per trial in Washington DC and as high as 24 to one in Manhattan. Nationwide the ratio was found to be about 10 pleas per trial, but these differences revealed a powerful source of prosecutorial discretion—whether to aim for high quality convictions and fewer

pleas, or more convictions with fewer adjudicated in trial. Unfortunately, the Bureau of Justice Statistics ended this cross-jurisdictional data collection and research project in 1992. A tragic consequence is that we have less systematic evidence about prosecution today than we did 30 years ago.

RW: Would you care to offer some thoughts on the state of criminal justice today and advice for the ACJS audience?

BF: I feel fortunate to have worked in an environment in which opportunities to make a difference were abundant, in which facts and research mattered, curiosity was rewarded, and education valued. Developments of recent years are moving us ominously away from that enlightened and enlightening era. Politics are becoming increasingly polarized, effective government action increasingly more difficult, and education increasingly fractious, bureaucratic, and unappreciated by the general public. Policing—where the criminal justice system is in most direct, daily contact with the public—is especially under the strain of conflicting political pressures. This could all get worse—possibly much worse—before it gets better. But just how deep and pervasive these negative forces grow is in our hands. We don't have to take it lying down. Each of us can still make a difference, to end the madness. It will be essential to do so in collaboration and with the support of others, to achieve power in numbers. You

can leverage your influence by seeking and finding your own Hans Zeisels, and then listening to what they say. ■



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