

A conversation with Tracey Meares on July 17, 2014

Participants

- Tracey Meares – Walton Hale Hamilton Professor, Yale Law School
- Shayna Strom – Director, U.S. Policy, Open Philanthropy Project

Note: This set of notes was compiled by Open Philanthropy Project and gives an overview of the major points made by Professor Meares.

Summary

Open Philanthropy Project spoke to Professor Meares about criminal justice reform, particularly in areas outside the prison system, and the application of concepts of procedural justice.

Reforming criminal justice prior to incarceration

People who are incarcerated have typically been entangled in the criminal justice system for a long time, and at that point both they and their communities have already experienced significant negative effects. For this reason, fundamental criminal justice reforms may be most effective when focused prior to incarceration (according to Professor Meares, mass incarceration per se is in some ways “last decade's issue”). Once you start thinking at an earlier point in time about how to deal with mass incarceration, it ceases to become a mass incarceration problem and allows you to focus on more important things like interactions between the criminal justice system and the Department of Children and Family Services or interactions between the criminal justice system and schools.

The social psychology of legitimacy

There are a number of different theories about how you might try to prevent crime. In law school, you learn standard deterrence theory—an individual level theory that is all about trying to persuade a rational actor to make different choices by changing his or her price point for engaging in criminal behavior. If you take academic work on communities and concentrated poverty seriously (for example, the work of Robert Sampson at Harvard), it makes you realize that standard deterrence theory is just not going to work. An alternative strategy involves increasing acceptance among citizens of the idea that the government has the right to dictate proper behavior. This strategy is founded on procedural justice theory and the social psychology of legitimacy.

Police and judges are often technically compliant with the law while failing to pay enough attention to perceived legitimacy (e.g., in cases of perceived racial profiling). Improving the areas where people have the most contact with agents of the state, such as policing, is among the most effective way to enhance citizenship. Professor Meares and Professor Tom R. Tyler (Macklin Fleming Professor of Law and

Professor of Psychology, Yale Law School) have focused on implementing procedural justice in policing for several years. They believe that if the police begin to implement procedural justice practices, those practices are likely to spread to other parts of the criminal justice system. This would also reduce rates of imprisonment.

People are motivated more strongly by evidence of their own status and the status of their group than by fear of consequences. Signals of status that people look for include:

- Fair decisions from state agents (i.e., decisions grounded in fact).
- Respectful and dignified treatment.
- Indications that they can trust state agents to be benevolent in the future.
- An opportunity to express their side of the story (even in cases where they are aware it will not make a practical difference).

Different strategies can be evaluated by how effective they are at promoting these signals. Strategies can also be designed specifically to enhance these signals, as Professor Meares has done in her work on reducing severe violence and homicide in Chicago (for the past thirteen years) and in New York City (for the past two years). In both cities, her work focuses on reorganizing law enforcement to be more intentional in their targeting of individuals for detention and/or arrest. The MacArthur Foundation also does work in this area.

One way to think about the HOPE Probation (Hawaii's Opportunity Probation with Enforcement) program, created by Judge Steven S. Alm and recently studied by Mark A. R. Kleiman (Professor of Public Policy, UCLA) is as an effort to increase the legitimacy of the probation system for participants.

Areas for funding

Research on the relative impacts of strategies focusing on deterrence vs. legitimacy would be useful and is currently limited by lack of funding. This is primary research that is ultimately useful for informing policy decisions. Survey work in particular is expensive.

It would be beneficial to research the extent to which crime reduction is due to social service take-up vs. increased legitimacy. Many foundations focus on getting offenders into social service programs. While these programs are helpful, Professor Meares believes that high participation in these programs is not necessary for reducing violence. For example, in Chicago, after a social service intervention was introduced, there was a 37% reduction in violent crime over five years even though only about 10% of people took up the social services offered to them. Offering the services increased the perception of legitimacy, which has positive effects. Relatively small interventions such as this can have a large impact.

An intervention to ensure that all African American children become literate would be very beneficial. Violence reduction is an important achievement, but it does not necessarily result in improvement in other areas of people's lives (e.g., unemployment, illiteracy). If people are literate by the third grade, it greatly improves their lives. Increasing the number of words that parents use with their children improves child literacy. Because of its positive effects on a child's later life, improving literacy can be viewed as an indirect criminal justice intervention.

Professor Meares believes that the research shows that charter schools are not particularly beneficial for African American children from poor neighborhoods.

The treatment of victims of crimes could be improved. For example, in cases of sexual assault, on college campuses and in general, ideal procedural justice methods for dealing with victims are not usually followed.

Improving people's interactions with the court system would be beneficial. In New York City, misdemeanor courts are implementing some procedural justice ideas. The juvenile justice system is particularly ready for reform.

Since the 1990s, when it was discovered that police behavior could have a significant impact on crime, innovations in policing have been ongoing. In New York City and Chicago in particular, police departments are currently being internally reformed. However, there is not yet widespread recognition that prosecutors can have an impact on crime in the same way as police. This is a major issue that is not being addressed. Research on the effects of prosecutor behavior and use of prosecutorial discretion, and creative thinking about ways to improve this area, would be beneficial.

Other people for Open Philanthropy Project to talk to

- **Maurice Classen**, Program Officer, Community and Economic Development, the MacArthur Foundation. Mr. Classen is new to the MacArthur Foundation and is currently putting together a new portfolio, but (unlike GiveWell) in the context of a large, preexisting foundation with a long track record.
- **Laurie R. Garduque**, Director, Juvenile Justice, the MacArthur Foundation. Dr. Garduque has been with the MacArthur Foundation since 1991.
- **Roseanna Ander**, founding Executive Director, University of Chicago Crime Lab
- **Elizabeth Glazer**, Director of the Mayor's Office of Criminal Justice, New York City (former Deputy Secretary for Public Safety under Andrew Cuomo)

For work on gun-related issues:

- **Nina Vinik**, Program Director for the Gun Violence Prevention Program, the Joyce Foundation

Gun-related issues have implications for criminal justice reform but are a largely separate area. There are not very many people or foundations involved in gun issues. Work on gun issues is focused mostly on policy.

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