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# Contextualizing the Criminal Justice Policy-Making Process

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This article is an attempt at improving the knowledge base on the criminal justice policy-making process. As the criminological subfield of crime policy leads more criminologists to engage in policy analysis, understanding the policy-making environment in all of its complexity becomes more central to criminology. This becomes an important step toward theorizing the policy process. To advance this enterprise, policy-oriented criminologists might look to theoretical and conceptual frameworks that have established histories in the political and policy sciences. This article presents a contextual approach to examine the criminal justice policy-making environment and its accompanying process. The principal benefit of this approach is its emphasis on addressing the complexity inherent to policy contexts. For research on the policy process to advance, contextually sensitive methods of policy inquiry must be formulated and should illuminate the social reality of criminal justice policy making through the accumulation of knowledge both of and in the policy process.

**Keywords:** *crime; policy; process; theory; context; Harold Laswell*

In 2002, British criminologists Trevor Jones and Tim Newburn lamented that “we still know very little about how penal policy comes to be the way it is” (p. 179). According to Jones and Newburn, this lack of knowledge can be attributed to two factors. First, criminologists have tended to focus their empirical research on the effects of policies rather than on their origins. And second, political science, the discipline most often engaged in studies of the policy process, has largely neglected the field of crime control. The observation that the criminal justice policy-making process has been neglected is not a new one. Indeed this same knowledge gap was identified in 1981 by the Canadian political scientist Peter Solomon. In that article, Solomon argued that it was important for researchers to study the policy process in criminal justice to facilitate an understanding of how the political process negotiates change, to explore the constraints the process places on the translation of ideas and analysis into action, to describe the degree to which various actors influence the movement of criminal justice proposals through the policy process, and ultimately, to provide insight

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into how politics determines what is and can be implemented (p. 5). Solomon believed that research of this kind would shed light on how criminal justice policy differs from other policy realms, uncover whether crime policy tends to change more slowly than others, provide insight into whether there are greater obstacles to innovation in criminal justice, and describe how political structure and cultural traditions affect the policy process and account for variations between nations (p. 6).

In the years following the publication of Solomon's (1981) article, criminal justice policy has matured into a separate subfield within criminology. Journals devoted to crime policy have been founded, conferences regularly feature panels on policy issues, and university criminology and criminal justice programs have designed courses and hired faculty based on the interest in and growth of this subfield. This intellectual and financial investment has generated a corresponding proliferation of research on a broad range of substantive policy issues. Yet when it comes to whether or not our knowledge of the criminal justice policy-making process has evolved, the results have been disappointing. Although a few notable contributions have been made to this literature (Fairchild & Webb, 1985; Rock, 1986, 1995; Stolz, 2002a), Solomon's observation, like Jones and Newburn's (2002) two decades later, remains a feature of the subfield: The policy-making process continues to be neglected in studies of crime policy.

It is my contention that building a theoretical infrastructure that supports the accumulation of knowledge about the criminal justice policy-making process is especially important at this time. Not only would it open up an important field of inquiry, it would also help researchers to better understand the dynamics that have contributed to the politicization of crime. It might also reverse the decline in influence experienced by criminologists during this highly politicized era (Beckett, 1997; Garland, 2001; Gest, 2001; Ruth & Reitz, 2003). Gilsinan (1991) has noted that criminology has been preoccupied with policy relevance since its inception. It is therefore noteworthy that the historical pattern of criminological expertise contributing to the development of crime policy has been displaced in the past two decades. Haggerty (2004) argues that broad social transformations in governance (the rise of neoliberalism), politics (the emergence of a highly charged symbolic discourse about crime), and criminal justice (the transformation of the criminal justice system by technologies emphasizing detection, capture, and monitoring) have conspired to alter criminology's policy influence. Zajac (2002, p. 252) has observed that academics and policy makers or practitioners do not appreciate one another because they tend to operate largely within their own communities. This in turn further erodes the significance of criminology in the policy process. It is increasingly the case that empirical research about crime has an uneasy relationship with the values and needs that often dominate the world of politics and policy (Hawkesworth, 1988, chap. 3). This is especially true in the realm of crime policy where the very subject matter of crime is socially and politically defined. In this sense, criminal justice policy "can . . . only be fully understood in this wider context—and with due respect to an historical understanding of the relationship between perceptions of crime and the various strategies that have been employed in the attempts to control it" (Hood, 1987, p. 530).

John Laub (2004) has recently noted that the belief that “scholarly knowledge and this knowledge alone should determine policy outcomes is naïve” (p. 18). Indeed if there is one lesson to be learned from the decline of criminological influence in the contemporary period, it is that pure reason competes with politics in shaping state responses to the crime “problem” (Zajac, 2002, p. 252). Put another way, both the process and environment of policy making play a significant role in shaping policy outcomes. As Henry Ruth and Kevin Reitz (2003) have said,

There is no doubt that data and empirical evidence supply only some of the inputs that influence the making of policy, and that they can be overridden by contrary moral sentiments, the tides of cultural change, the vagaries of politics, emotionalism, sensationalism, residual ignorance, and the inertial forces of laziness, habit, and vested interests. All of the messiness of real-world decision-making, even when fully acknowledged and experienced, does not diminish the importance of striving for an improved knowledge base. (pp. 39-40)

At a time when the U.S. prison population has reached 2.2 million, when urban crime rates have declined dramatically, and when nations are forced to consider how to ensure safety and security in a post-9/11 world, criminologists must strive to reclaim and reassert their roles as important contributors to the public dialogue on all of these matters. But precisely because relatively little attention has been devoted to understanding the policy-making environment in which claims, counterclaims, and policy options are negotiated, the “messiness of real-world decision-making” remains largely unknown. The result is that an important dimension of policy making—one that could benefit from the cultivation of criminological expertise—has instead become an unfortunate blind spot.

This article is an attempt at improving our knowledge base on the criminal justice policy-making process. As the criminological subfield of crime policy leads more criminologists to engage in some form of policy analysis, understanding the policy-making environment in all of its complexity becomes more central to the enterprise of criminology. This in turn becomes an important step toward theorizing about the policy process. To advance this enterprise, policy-oriented criminologists might look to theoretical and conceptual frameworks that have established histories in the political and policy sciences. Indeed one of the central objectives of this article is to demonstrate the benefits that can be accrued by incorporating such scholarship into criminology. In the pages that follow, I will present a contextual approach to examine the criminal justice policy-making environment and its accompanying policy-making process. But what exactly is a contextual approach? And why is it better suited to this task than are other approaches? As we will see, one of the principal benefits of this approach is its emphasis on addressing the complexity inherent to policy contexts. For research on the policy process to advance, contextually sensitive methods of policy inquiry must be formulated. Those methods should illuminate the social reality of criminal justice policy making through the accumulation of knowledge both *of* and *in* the policy process (see Togerson, 1985).

## Constructing a Framework for Analysis

Within the literature of policy studies, numerous models have been developed to make sense of the policy-making process (see Hogwood & Gunn, 1984). Early models, influenced by the technocratic orientation of decision-making theory, portrayed the policy-making process as a rational enterprise that unfolds in a series of clearly defined steps. Deborah Stone (1988) summarizes these steps in the following manner: “Identify objectives; identify alternative courses of action for achieving objectives; predict and evaluate the possible consequences of each alternative; select the alternative that maximizes the attainment of objectives” (p. 5). Although this rational, sequential, and mechanistic depiction of the policy process remains powerful today, it has been challenged by alternative models that emphasize the “somewhat anarchic” (Jones & Newburn, 2005, p. 61) nature of policy making. Far from being rational enterprises, these models point to the volatility that is characteristic of the everyday policy-making process. Value differences, the roles of interest groups, shifts in public moods, and institutional constraints are only a few of the many challenges encountered in contemporary policy environments. Critics of the rational perspective contend that such forces serve to mitigate against wholly rational policy action.

It is clear that the framework a policy analyst selects and/or constructs to investigate and understand public policy will have a significant effect on what is found. According to David Bobrow and John Dryzek (1987), this environment often features dynamic, intertwined policy problems and multiple, conflicting values. The more complex a case, Bobrow and Dryzek assert, the greater the number of plausible interpretations of it, and the harder it becomes to adjudicate among them. Significantly, this holds true both within structures of government and in the wider society where claims to action are often shaped. Adding to this spiral of complexity is the fact that policy analysts themselves are not value free; they are predisposed to particular methodological and ideological orientations based on a range of interacting personal and professional life experiences. Considering these complex processes, it would appear that the development and application of a broadly based policy approach is essential to consider for any analyst attempting to understand or develop public policy. Those who subscribe to this perspective contend that policy research must move beyond a one-dimensional reliance on analytical or rational logic and toward the principle of contextuality in the study of public policy. That principle reminds us that the meaning of anything is seen to be dependent on its linkages with the context of which it is a part (Brunner, 1991, p. 79).

An early proponent of this contextual orientation to public policy analysis was the political sociologist Harold Laswell. Laswell, who spent the bulk of his career at the University of Chicago and at Yale Law School, is perhaps best known for his definition of politics as “who gets what, when, how” (Laswell, 1936). For much of his career, Laswell thought deeply about the role of the policy analyst and worked to develop methods of research that would lead to the realization of human dignity in theory and fact (Marvick, 1977). Laswell believed that policy research should attempt to influence policy makers as well as “understand the problems thrust upon them, to

appreciate their motives as human beings, and to clarify the options realistically open to them” (Marvick, 1977, p. 2). He argued that whatever solutions to policy problems are possible must arise from the forces within the contextual arena being studied. Within this arena, policy researchers should “expect to find various participants with distinctive perspectives . . . where they use their base-value resources according to consciously adopted strategies in their efforts to control the distribution of value-outcomes and to prevent other systemic effects” (Marvick, 1977, p. 41).

At the heart of Laswell’s (1936) contextual orientation is the “cultivation of creativity,” the development of versatile methodologies, and innovative constructs aimed at problem solving (Marvick, 1977, p. 8; Togerson, 1992, p. 232). However, Laswell realized that to focus solely on problem solving was restrictive and counterproductive:

While Laswell holds that policy research should be concerned with particular problems in specific arenas of action, he also maintains that the total configuration must be grasped by the analyst as a relevant object and context of analysis. The development of a contextual analysis is never fully concluded; it remains unfinished, the continuing effort of the analyst to make sense of a vast and complex, often bewildering array of phenomena. (Togerson, 1985, p. 245)

Thus, the scope of Laswell’s (1936) conception of context is at once broad, ambitious, and evolutionary (seeking a knowledge of the whole), though ultimately it remains modest (recognizing that complete success is impossible; Togerson, 1985, p. 245). It acknowledges that most errors of policy analysis stem from important elements of the context being overlooked or misconstrued in the analyst’s attempt to make policy issues tractable for analysis (Brunner, 1991, pp. 66–67). It also acknowledges the complexity of public policy and demands that the analyst immerse himself or herself in that complexity. In this sense, complexity and context are inextricably connected. The purpose of inquiry is not to discover universal laws. It is to enable the policy analyst and decision maker to find their ways through the complexities of the social situation in which they find themselves, “to come to terms with an inexhaustibly complex and constantly shifting universe by grasping it both as an objective configuration and as a context to be penetrated by the subject” (Togerson, 1985, pp. 246, 248).

The contextual approach to policy research and analysis has embraced Laswell’s (1936) notion of creativity. Its primary objective is the development of contextually sensitive methods of inquiry that will enhance the development and analysis of public policy. Descriptions of the policy context influenced by Laswell have ranged from those that are general and theoretical to formulations that are very specific, almost prescriptive. A good example of the former is presented by Paul Sabatier (1991):

One of the conclusions emerging from the policy literature is that understanding the policy process requires looking at an intergovernmental policy community or sub-system—composed of bureaucrats, legislative personnel, interest group leaders, researchers, and specialist reporters within a substantive policy area—as the basic unit of study. The traditional focus of political scientists on single institutions, or single levels of government will help in understanding the effect of institutional rules on behaviour and, at times, in

understanding specific decisions. But it is usually inadequate for understanding the policy process over any length of time. (p. 148)

A more specific formulation of the issues to be considered in a contextual analysis of public policy formation is offered by Fisher and Forester (1993). Their perspective emphasizes

the context-specific character of analytical practises—the ways the symbolism of their language matters, the ways the consideration of their audience matters, the ways they construct problems before solving them. In political terms . . . [it teaches] us about the ways policy and planning arguments are intimately involved with relations of power and the exercise of power, including the concerns of some and excluding others, distributing responsibility as well as causality, imputing blame as well as efficacy, and employing particular strategies and problem framing and not others. (p. 7)

A contextual analysis of public policy must include a combination of these various levels of analysis. It is a melding of Fischer and Forester's (1993) broad "appreciation of what constitutes policy research and makes it effective regarding matters of context, process, and client" (deLeon, 1994, p. 87) with Sabatier's (1991) reminder of the significance of and richness and complexity inherent to substantive policy communities. It "points towards an explicit inclusion of a *normative* or *value-critical* policy analysis completely cognizant of the hurly-burly and ultimately decisive role that politics imposes on the art and craft of policy analysis and policy-making" (deLeon, 1994, p. 83). It is the principle of contextuality that will guide this incursion into the environment of criminal justice policy making. The significant features of this environment will be introduced shortly. In the meantime, I will explore some of the peculiarities associated with this particular policy field.

## Contextualizing Criminal Justice Policy

Understanding the evolution of public policy requires researchers to pay special attention to the policy-making process, to the actors involved in that process—the public, professionals, and politicians—and to the sites where participants interact and policy decisions are made. Observers of criminal justice policy making have noted some peculiarities to the field that frustrate conventional forms of analysis. Briefly, they include institutional fragmentation and the symbolic dimension of criminal justice policy and criminal law (Nagel, Fairchild, & Champagne, 1983a, p. 9). Although these peculiarities are found in the criminal justice sectors of most liberal democracies, the degree to which they influence public policy varies from jurisdiction to jurisdiction.

An ongoing debate within the criminal justice literature involves the degree to which the state agencies and departments of the criminal justice process act as a coherent and unified system. Critics argue that the major components of the system—policing, courts, and corrections—carry out their respective mandates independently,

generating systemic or institutional fragmentation. Diverse organizational objectives and differences in the use of discretionary powers exacerbate the fragmentation. This has led many to view the criminal justice system as “a network of interrelated, yet independent, individuals and agencies, rather than as a system *per se*” (Griffiths & Verdun-Jones, 1994, p. 9). In such an environment, the development of coherent criminal justice policy that reflects the needs and expectations of each component of the system becomes a significant challenge. And in situations where a degree of consensus on policy is secured, difficulties can often arise at the implementation phase.

Nagel and his associates (1983a) contend that institutional fragmentation is the result of differences in training, status, and ideology among police, courts, and corrections personnel. They state that

These differences are reflected in the kinds of authority relationships that exist in the subsystem organizations. Positive sanction and normative power are more prevalent among legally-trained professionals in the system. Negative sanctions and coercive power tend to be stressed in law enforcement and, at least in relation to custodial work, in correctional organizations. All of these factors lead to diverse organizational climates that surround the different components of the system. (p. 9)

It is worth noting that institutional fragmentation can also exist within subsystem organizations. For example, it is not uncommon to find executive and rank-and-file police officers, or prosecutors and defense lawyers, holding contrasting views on important policy issues.

Because the criminal law and criminal justice policy are expected to embody fundamental principles of society, a distinctive characteristic of research in the area has been the attention devoted to analyzing the symbolic quality of crime and criminal justice (Gusfield, 1963; Hagan, 1983). Crime and criminal justice are condensation symbols that have the potential to arouse, widen, and deepen public interest by appealing to ideological or moral concerns (Edelman, 1988; Scheingold, 1984, 1991). They condense a number of stresses that people experience in their day-to-day lives and are powerful because they relate to the moral, ethical, and cultural concerns of the social order (Nagel et al., 1983a, p. 11). The subject matter of crime and criminal justice is a significant source of complexity. The potential of evoking strong responses suggests that crime and criminal justice symbols are especially vulnerable to transformation for strategic purposes. As Nagel et al. (1983a) have said,

The symbolic implications of the criminal law and of law and order politics are particularly interesting because the emotional issues involved easily lend themselves to demagogic excesses. This is especially true in light of the fact that the workings of the criminal justice system are quite complex and not well understood by the public, which tends to oversimplify the issues that are involved. (pp. 11-12)

The variability of both the meaning of criminal justice and of the symbols underlying that meaning compels an analysis of the evolving material basis of the symbol and the

**Figure 1**  
**Contextual Features of the Policy Environment**

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- Political Culture
    - Social and Economic Characteristics
    - Political Parties, Partisanship (and Ideology)
    - Checks and Balances/Federalism
  - Politicization of Crime
    - Symbolic Dimension of Crime and Criminal Justice
    - The Definition and Construction of Policy “Problems”
    - Campaigns and Elections
    - Public Opinion
    - Policy Networks Within the Policy Community (see Figure 2)
    - Policy Trends in Other Policy Sectors and in Other Jurisdictions
  - Institutional (Criminal Justice System) Cohesiveness/Fragmentation
- 

shifting sociopolitical environment in which it is lodged (Edelman, 1988; Hagan, 1983; Majchrzak, 1984).

The preceding discussion serves as a reminder of the complexity inherent to both the policy environment and the policy-making process in criminal justice (see Figure 1). It is not, however, a complete description of the various forces that influence the shape and direction of criminal justice policy. To enhance our understanding of this environment, it is important to organize for analysis the various institutions, groups, and individuals that participate in the policy-making process. Political scientists have developed just such an organizational framework—the policy community—that captures the constellation of forces that influence the development of public policy in a variety of sectors. As I will describe below, it is a framework that can be used to further contextualize the development of criminal justice policy.

**Mapping the Environment:  
The Criminal Justice Policy Community**

A policy community

is that part of a political system that—by virtue of its functional responsibilities, its vested interests, and its specialized knowledge—acquires a dominant voice in determining government decisions in a specific field of public activity, and is generally permitted by society at large and the public authorities in particular to determine public policy in that field. (Pross, 1986, p. 98)

It includes all actors or potential actors with a direct interest in the particular policy field, along with those who attempt to influence it—government agencies, pressure groups, media people, and individuals including academics, consultants, and other “experts” (Pross, 1986).



The policy community subdivides into two segments: the subgovernment and the attentive public. The subgovernment is composed of government agencies and institutionalized associations that actually make policy within the sector (Coleman & Skogstad, 1990, p. 25). It normally consists of a very small group of people who work at the core of the policy community. The attentive public, on the other hand, is less tightly knit and more loosely defined. Its composition varies, but it usually contains important though less central government agencies, private institutions, pressure groups, specific interests, and individuals. As Pross (1986) states, "The attentive public lacks the power of the sub-government but still plays a vital role in policy development" (p. 99).

Research has demonstrated that the structure and functions of policy communities vary from policy field to policy field (Pross, 1986, p. 106; see Coleman & Skogstad, 1990). Similarly, the relationships among actors in policy communities also vary. This reality has been captured in the concept of "policy network." It refers to the relationships that emerge among both organizations and individuals who are in frequent contact with one another around issues of importance to the policy community (Atkinson & Coleman, 1992; Coleman & Skogstad, 1990). Atkinson and Coleman (1992) have commented that policy community and policy network "appear to possess the required elasticity" (p. 157) to stretch across a variety of policy sectors. They are "encompassing and discriminating: encompassing because they refer to actors and relationships in the policy process that take us beyond political-bureaucratic relationships; discriminating because they suggest the presence of many communities and different types of networks" (p. 156).

Nancy Marion (2002) has developed a useful way to organize the various actors and significant forces that shape the criminal justice policy community. Her discussion begins with the observation that both the states and the federal government develop criminal justice policy in the United States. This concurrent power effectively means that "all levels of government have the right to act to control criminal behavior and create a safe society for its citizens" (p. 30). With this in mind, it is more precise to state that 51 criminal justice policy communities coexist, each reflecting differences with respect to participants, cultural traditions, and political dynamics. As a system of government, federalism implies that intergovernmental relations represent a significant feature of the policy field, especially where crime control responsibilities overlap between the federal and state governments or when the federal government attempts to create national criminal justice policy through its so-called power of the purse. Although federalism represents a significant source of complexity for the criminal justice policy community, it is important to note that traits and experiences shared across jurisdictional and geographic boundaries can also serve to unite its diverse elements. As we will see, all criminal justice policy communities are encountering policy environments with increasingly diverse and rapidly maturing interest groups. All contain subgovernments dominated by a hierarchy of professional interests. And all are experiencing the pressures of an expanding attentive public.

## Elected Officials

Just as federalism provides an institutional context through which one can understand the development of criminal justice policy, so too does the system of checks and balances. Many elected officials of each branch of government are deeply involved in the criminal justice policy-making process; some are de facto members of the subgovernment. The executive branch actors of primary significance include the president (federal level), governors (state level), and mayors (local level; Marion, 2002, p. 32). Elected members of the legislative branch, especially those serving on criminal justice legislative committees, can also be viewed as being important members of the criminal justice policy community subgovernment. These include elected members of congress, state legislatures, and town and city councils (Marion, 2002, p. 34). Finally, whether elected, as they are in 38 states ("News Analysis," 2004, p. 38), or appointed, judges shape criminal justice policy through the application, review, and interpretation of law. Often underexamined, judicial actors exert both a strong and steady influence on the work of the subgovernment. Although not active participants in the policy-making work of the subgovernment in a conventional sense, they are nonetheless of central importance to the criminal justice policy community.

## Unelected Actors

Directly responsible for translating the political priorities of elected officials into public policy, appointed heads of criminal justice government departments and agencies are central participants in the policy community subgovernment. Also active in the initiation and screening of proposals for change in criminal justice policy are bureaucrats at all levels of government who have no operational responsibilities but who concern themselves with monitoring policies and advising elected officials (Solomon, 1991, p. 161). Although not part of the formal criminal justice system, government departments and individual bureaucrats (or policy makers) are important to consider in terms of their efforts to reduce institutional fragmentation. The relationships that are struck among government policy-making agencies and the various components of the justice system are essential to its smooth functioning. Bureaucrats thus engage in a precarious balancing act, at once trying to accommodate the diverse needs and demands of the various system components, along with those of politicians, interest groups, and other interested members of the public.

The criminal justice policy community is also populated by a wide range of interest groups. Each group is committed to influencing the outcome of public policy, although the degree to which they are ultimately successful is subject to considerable variation. Stolz (2002b) has identified eight distinct types of interest groups that attempt to influence criminal justice policy. Professional-, business-, social welfare-, civic-, ad hoc-, victim-, ex-offender-, and offender-oriented interest groups mobilize resources and press their respective positions at various decision points in the policy process.

The interest groups that have traditionally had the most influence on criminal justice policy are those that represent professionals and other officials involved in the

operation of the criminal justice system—police associations, bar associations, judicial organizations, and correctional associations (Fairchild, 1981). As active members of the policy community subgovernment, these interest groups represent professions with institutionalized stakes in the operation of the criminal law and the criminal justice system (Fairchild, 1981). Their influence is enhanced by the high degree of public deference accorded them, especially on policy matters concerning the day-to-day operation of the criminal justice system.

According to Nagel et al. (1983a; Nagel, Fairchild, & Champagne, 1983b), the power of various professional groups reduces the influence of criminal justice clients (i.e., the accused, the convicted, and the victims of crime) on the development of public policy. The largely closed, expert-driven criminal justice system, characterized by complicated laws and regulations, serves to frustrate and disempower clients who often end up turning to underfunded and overworked third parties to represent their interests in the policy process. Considering the marginalization that the clients of criminal justice experience in the system and in the wider society, it is not surprising that civil libertarian groups, prisoner advocacy groups, and other client-focused groups face uphill battles in their attempts to influence the policy process. In such an environment, criminal justice policy often reflects little more than the bargaining and compromise of system players on matters of self-interest (Christie, 1993; Nagel et al., 1983a, 1983b).

The relationships that develop between institutionalized interests and governments are considered crucial to the policy-making process. They are relationships based on a principle of reciprocal return. Governments, for example, can ill-afford to develop policy that will be met with criticism from professionals. Close ties with professional groups are cultivated to preclude such occurrences. Views are solicited and perspectives shared. Their opinions are considered vital and their support essential (Pross, 1986, p. 98). Similarly, professional organizations exist to ensure that their positions on issues are represented at various stages of the policy process. Their involvement goes a long way toward ensuring that that objective is met. It is this close and privileged access to the policy development process that often distinguishes the influence of professionally oriented groups from other interests in the criminal justice policy community.

In cases where a crime or criminal justice issue is in the public spotlight, elected officials are particularly responsive to public concerns and pay correspondingly less attention to views of policy professionals, including criminologists. It is therefore inaccurate to state that nonprofessional interest groups are completely shut out from the subgovernment in the criminal justice policy community. The views of a number of reform-oriented interest groups are considered vital and essential to the policy process, particularly those with an established presence in the policy community. Indeed if there is one trend that has characterized the policy community during the past two decades, it is the increasing number of maturing interests that have developed around issues of criminal justice: Institutionalized victims' groups, groups working toward the elimination of violence against women, and other groups focused on the needs of

minorities are proliferating. All are seeking to influence the shape and direction of public policy.

The attentive public in the criminal justice policy community is also expanding: "Matters of criminal law go to the heart of questions about governmental legitimacy, state authority, and other popular conceptions of right and wrong, and are thus of closer concern to many individuals than are most other legislative issues" (Fairchild, 1981, p. 189). This explains, in large part, the increase in the number of ad hoc and single-issue reform interests that have recently been created around various criminal justice issues.

The attentive public obtains much of its information about crime and the criminal justice system from the media. Katherine Beckett (1997) has noted that for 90% of those polled, the media represents the principle source of information about crime (p. 62). Because the coverage of crime is so prominent in "all means of mass communications, including daily and weekly newspapers, television, radio, news magazines, and so on" (Marion, 2002, p. 39), both the quantity and nature of media imagery can have a significant influence on how crime is perceived and, ultimately, on which criminal justice policies are pursued. As Beckett has argued, the coverage of crime in the media may influence the actions of both elected and unelected actors in the policy community, independent of any effect on public opinion. This is manifested when policy makers interpret heightened media coverage as an indication of public concern warranting public action or as an opportunity for political exposure and/or direct political gain. The latter is especially true in the run-up to or during an election campaign. Beckett also argues that media coverage "is undoubtedly a crucial component of the context in which public opinions are formed" (p. 78). Viewed in this light, the manner in which crime and criminal justice issues are framed by the mainstream media becomes a significant contextual feature of the policy community. As Marion (2002) has stated,

The media is important because it educates the public about crime. Unfortunately, the media's coverage of crime events does not reflect reality. The media tend to cover crimes that occur less frequently such as mass shootings and extremely violent offense. Although they make for good media ratings, these types of crimes are rare. In addition to misrepresenting the types of crimes committed, television shows tend to depict stereotypical types of criminals, prisoners, and victims that are usually not accurate. (p. 40)

Perceptions are by their very nature malleable. As I have argued here, when those perceptions relate to crime, they are rarely grounded on sound, accurate information. What remains is an apparent gulf between two related but independent domains: attitudes about crime and knowledge about crime (Roberts, 1994, p. 1). It is difficult to narrow this gulf in a policy sector where political reaction to the public's anxiety over crime is commonplace. This is especially troubling because it is these very reactions that often serve to reinforce and perpetuate the inaccurate perceptions held by a large segment of the population.

Figure 2 summarizes the criminal justice policy community described above. It should be emphasized that the policy community is a dynamic entity, constantly shift-

## Figure 2

### The Criminal Justice Policy Community

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#### The Sub government

- Elected (Executive) Actors
  - President, Governors, Mayors
- Key Elected Legislative Actors
  - Senators, Representatives
- Major Interest/Pressure Groups
- Appointed Heads of Government Departments and Agencies
  - Cabinet Secretaries (U.S.)
- Key Judicial Actors (not active participants in the work of the subgovernment, but a major influence on the product of that work)

#### The Attentive Public

- The Media
  - Less Central Government Agencies
  - Experts, Academics, and Consultants
  - Interest/Pressure Groups
  - Elected Officials
  - Interested Members of the Public
  - Private Institutions and NGOs
  - Judicial Actors
- 

ing and evolving to meet the needs and expectations of diverse groups and individuals with interests in both the process and substance of criminal justice policy.

## Conclusion

This article began with the observation that the policy-making process has been largely neglected in studies of crime policy. It has argued that for a truly policy-oriented criminology to advance, it is vital that this process be explored in all of its complexity. Drawing on Laswell's (1936) call for policy researchers to come to terms with the entire complex, shifting policy universe, this article has proposed a contextual approach to criminal justice policy analysis. It is a form of policy analysis that insists that the researcher grapple with the complexity inherent to the criminal justice policy-making process to accumulate knowledge both *of* and *in* the policy process. For those interested in the criminal justice policy-making process, this complexity is both an attraction and a significant challenge. Three steps have been identified to meet this challenge. The first step entails the identification of the various contextual features that are more or less unique to the criminal justice policy environment. The second step involves organizing this environment into a policy community with a subgovernment and an attentive public. This not only provides shape to the policy sector, it also helps to expose patterns of power and influence. The final step requires the researcher to uncover the networks and relationships that evolve within the policy community

and consider the implications of these patterns for the development of policy. As the subfield of criminal justice policy matures, so too must its theoretical frameworks and conceptual tools. With the potential of significantly enhancing our understanding of democracy in action, the contextual approach presented here is a reflection of and response to this maturation.

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