

# ACJS Today

Academy of Criminal Justice Sciences

## Recent High-Level Department of Justice Departure Raises Recurring Questions That Require Prompt Action

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According to a recent survey by the Pew Research Center, nearly 80% of Americans do not trust their government (Pew Research Center, 2010). While the reasons for Pew's findings are multi-faceted, the results broadly reflect that "business as usual" in Washington is increasingly unacceptable.

A contributing factor in the public's distrust and discontent is the increasing frequency in which government enforcement attorneys enforce the law one day, and then the next day, move into private legal practice to defend clients against the same laws they used to enforce. These recurring instances raise several red flags, highlight potential conflicts of interest, and otherwise create the appearance of  
(Continued on pg. 3)

### INSIDE

Page 1	Recent High-Level DOJ Departures
Page 2	Annual Conference
Page 6	Editor Positions
Page 9	Book Review
Page 13	ACJS Today/National Office Information

# ACJS 2011 Annual Conference

**“Strengthening American/Canadian Justice Connections”**

**March 1-5, 2011**

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Program Chair: Leanne F. Alarid, University of Texas-San Antonio, [acjs2011@utsa.edu](mailto:acjs2011@utsa.edu)

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## Recent High-Level DOJ Departures, Continued from page 1

impropriety. Yet, these issues are seldom subject to serious legislative debate – perhaps out of fear that similar restrictions with respect to former legislators and political appointees may be enacted. Of course, few would dare call it corruption – but in the eyes of many, both in the U.S. and abroad, it occupies the same spectrum. On this issue, “business as usual” in Washington is indeed unacceptable, reform is in the public interest, and the time for reform is now.

In April, the Deputy Chief, Fraud Section, Criminal Division of the Department of Justice (“DOJ”) left government service (Koppel, 2010). While a government prosecutor, this senior official was responsible for enforcing the Foreign Corrupt Practices Act (“FCPA”) during its era of resurrection. The Wall Street Journal noted that during his tenure, this individual (hereafter the “FCPA Official”) oversaw “a hot field in prosecution” and that “it has been up to the Justice Department – and specifically to [the FCPA Official] – to interpret the law”(Id.).

Notably the FCPA Official “transformed the FCPA from a legal backwater to a headline practice” (Cassin, 2010) and “led a revival of FCPA enforcement when the law had lain largely dormant for more than 20 years”(Kelly, 2010). The FCPA Official's current employer, a private law firm, acknowledged that he built the DOJ's modern FCPA program, “was responsible for overseeing all investigations and prosecutions under the FCPA” and that his “background and experience will be an enormous asset to our clients, which are facing increased scrutiny” on FCPA issues (Paul et al., 2010).

The FCPA Official's enforcement theories (often untested and aggressive legal theories subject to little or no judicial scrutiny because FCPA enforcement actions are typically resolved through privately negotiated non or deferred prosecution agreements) spawned a multi-million dollar industry to service companies affected by the aggressive enforcement of the law. Now, the

FCPA Official is building a private legal practice (while making 15-20 times his government salary) advising and defending clients affected by the same law he aggressively enforced. As the Wall Street Journal noted, this is a significant sum “particularly for a lawyer arriving at a firm without a ready list of clients”(Kelly, 2010).

The DOJ is not the only government enforcement agency subject to criticism when its enforcement attorneys enforce the law one day, and then the next day, move into private legal practice to defend clients against the same laws they used to enforce.

A recent Wall Street Journal article highlighted the frequency in which SEC enforcement officials leave the agency and then, within days or weeks, represent clients in matters before their old employer (McGinty, 2010). Recent “revolving door” issues at the SEC include the following:

- A January 2010 Report of Investigation by the SEC Office of Inspector General found that the SEC decided not to bring fraud charges against a company represented by a former SEC official because the current SEC official gave “the benefit of the doubt” to anyone who used to work at the SEC (Case No. OIG-496, 2010).
- A March 2010 Report of Investigation by the Inspector General in connection with Robert Allen Stanford's alleged ponzi scheme found that the former head of enforcement in the local SEC office investigating the case, an individual who played a significant role in numerous decisions by the office to deny investigations of Stanford, sought to represent Stanford on three separate occasions after he left the

SEC, and represented Stanford briefly before he was informed by the SEC Ethics Office that it was improper to do so (Case No. OIG-526, 2010).

- In June 2010, the SEC Inspector General disclosed that his office is “currently conducting an investigation of allegations very recently brought to our attention that a prominent law firm’s significant ties with the SEC, specifically, the prevalence of SEC attorneys leaving the agency to join this particular law firm, led to the SEC’s failure to take appropriate actions in a matter involving the law firm” (Kotz, 2010).

As alarming as these all too frequent SEC examples are, the red flags, potential conflicts of interest and appearances of impropriety of a DOJ prosecutor one day, defense attorney adverse to the DOJ the next day, raise even greater public policy and ethics concerns. The DOJ enforces many ambiguous criminal laws and regulations subject to varying interpretations while possessing significant “carrots” and “sticks” which often result in resolutions that are not subject to judicial scrutiny. For example, one factor the DOJ considers in deciding whether to criminally indict a business organization is cooperation with the DOJ’s investigation. The cumulative effect of these dynamics is that relationships matter when resolving a DOJ criminal inquiry. Since relationships matter, the potential for conflicts of interest and the appearance of impropriety are magnified when an individual is a DOJ prosecutor one day and a defense attorney adverse to the DOJ the next day.

To its credit, the DOJ recognizes that when its attorneys who have discretion over how laws are enforced leave government service for the private sector, potential conflicts of interest and

appearances of impropriety may arise.

Restrictions that are triggered include: (i) a permanent ban of participating in a matter in which the attorney involved in the enforcement process “participated personally and substantially while a government employee;” (ii) a two-year ban on participating in a matter in which the DOJ prosecutor “knows or reasonably should know was pending under his or her official responsibility within a period of one-year before the termination of his or her employment;” and (iii) a one-year “cooling-off” period during which a “senior employee may not make any communication to or appearance before his or her former agency on any matter in which the former employee seeks official action”(U.S. Attorneys). The “cooling-off” period “was designed to prevent the use of personal influence based upon past government affiliations”(Id.). Unfortunately, these provisions do not go far enough; in fact, the one year “cooling-off” period only applies to “United States Attorneys” and thus has very limited application (Id.).

Government enforcement attorneys are entrusted with wide discretion when resolving matters in the public interest. Further, government enforcement attorneys gain valuable legal experience and are provided unique platforms to enhance their careers during their taxpayer financed jobs. Taxpayers who employ these public servants should not be left to wonder, because of the multi-million dollar salary “on the other side,” whether government enforcement attorneys: (i) have an incentive not to alienate or be overly strict with prospective future employers and clients; or (ii) may enforce the law in such a way as to create a market for their future services. Further, taxpayers should not be left to wonder whether former government enforcement attorneys are hired primarily because of the connections they developed while a public servant.

However, given the above dynamics, these questions are impossible to ignore. Admitting the existence of red flags, the potential conflict of

interest, the appearance of impropriety, and the inadequacy of current laws, regulations and ethics guidelines is a necessary first step to crafting solutions to avoid future issues.

We submit that Congress should prohibit all government enforcement attorneys from appearing, in a representative capacity, before their former employees for a five year period after government service. Further, when a government enforcement attorney is exclusively tasked with enforcing a niche law (such as the FCPA Official), for this limited category of government enforcement attorneys, a five-year prohibition on providing defense- related legal services related to that law.

Such restrictions would: (i) restore public confidence in the rule of law and transparency; (ii) lessen the conflicting incentives government enforcement attorneys, as rational actors, may encounter in resolving sensitive legal matters or enforcing a niche law in such a way as to create a market for their future services; (iii) dissipate the appearance that taxpayer financed positions are often launching pads to lucrative post-government careers; and (iv) lessen the incentives private law firms have to hire former government attorneys for their connections.

Critics may argue that such prohibitions restrict the available pool of government enforcement attorneys. However, and particularly at this moment, there is a large pool of legal talent who would relish the opportunity to make a six-figure government salary, have access to government benefits, and have the ability to do interesting legal work, even if subject to the above prohibitions.

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# ACJS EDITOR POSITION

## *Journal of Criminal Justice Education*

The Academy of Criminal Justice Sciences is seeking applications for the position of **Editor** of the *Journal of Criminal Justice Education*: An official publication of the Academy of Criminal Justice Sciences. The Editor will be responsible for administering a high quality academic journal for the ACJS membership. The Editor will set editorial policy, select deputy and associate editors, create a peer review system, and manage the journal. Applications must meet the following criteria:

- Demonstrated record of scholarly activity as measured by such indicators as publications in refereed journals, book publication, and research. Strong preference will be given to applicants who have published their research and scholarly activities in the *Journal of Criminal Justice Education*.
- Prior editorial experience as measured by such indicators as editorial responsibilities for other scholarly publications and past experience as a referee or associate/deputy editor of an academic journal, or other editorial experience demonstrating the applicant's ability to implement and maintain the integrity of blind review, to improve or maintain the quality of the publication, to communicate effectively, and to behave in a professional manner that is supportive of the mission and goals of the ACJS and consistent with the ACJS statement of ethics.
- Commitment to the ACJS Code of Ethics, particularly to Section III.C regarding research and publication.
- Earned Ph.D. or terminal degree in area of specialization.
- Senior (associate professor or above) academic rank at host institution.
- Formal declaration of support from host institution, including release time, space, and other support services the institution will commit to editorship.
- ACJS membership in good standing for three continuous years at the time of application.

Those interested in being considered should provide a formal proposal to the *JCJE* Editor Search Committee Chair, Craig Hemmens, at [chemmens@boisestate.edu](mailto:chemmens@boisestate.edu), via email attachments no later than **January 5, 2011**. The proposal should include:

- Statement of editorial philosophy for the *Journal of Criminal Justice Education*;
- Statement of applicant's qualifications, including vita;
- Formal declaration of institutional support;
- A budget including a breakdown of the expenses that will be provided by the host institution and those expected for the Academy.

The *Journal of Criminal Justice Education* is published four times a year, with issues in March, June, September, and December. The Executive Board of the Academy will appoint the Editor for a three-year term. The Editor's first issue will be March, 2012. There is a \$5,000 summer stipend for the Editor. Proposals for co-editorship will not be considered.

Requests for further information should be directed to the Search Committee Chair, Craig Hemmens, Boise State University, 208-426-3251, [chemmens@boisestate.edu](mailto:chemmens@boisestate.edu).

The ACJS policy regarding editor duties is available for review at [ACJS Editor Duties Policy 6-2010.pdf](#). The ACJS policies regarding the editor search and selection are available for review at [ACJS Editor Search and Selection Policies 6-2010.pdf](#).

# ACJS EDITOR POSITION

## *ACJS Today*

The Academy of Criminal Justice Sciences is seeking applications for the position of **Editor** of *ACJS Today*, the official online newsletter of ACJS.

The Editor of *ACJS Today* will be responsible for producing a high quality professional online newsletter for the membership of the Academy. The Editor will set editorial policy, solicit materials, consider unsolicited submissions for publication, develop features of interest to the membership, and manage the newsletter.

The Executive Board of the Academy will appoint the Editor for a three-year term. Beginning in 2012, *ACJS Today* will be published five times a year, with issues in January, March, May, September, and November. The Editor's first issue will be in 2012 and will be determined by the date of appointment and in consultation with the current editor. There is a \$1,500 summer stipend for the Editor. Proposals for co-editorship will not be considered.

Applicants must meet the following criteria:

- Demonstrated record of scholarly activity as measured by such indicators as publications in refereed journals, book publication, and research.
- Prior editorial experience as measured by such indicators as editorial responsibilities for other scholarly publications and past experience as a referee or associate/deputy editor of an academic journal, or other editorial experience demonstrating the applicant's ability to implement and maintain the integrity of blind review, to improve or maintain the quality of the publication, to communicate effectively, and to behave in a professional manner that is supportive of the mission and goals of the ACJS and consistent with the ACJS statement of ethics.
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Those interested in being considered should provide the following information to the Editor Search Committee no later than **January 17, 2011**:

- Letter of application;
- Applicant's vita;
- Statement of editorial philosophy and intentions for *ACJS Today*;
- Formal declaration of support from host institution;
- A budget including a breakdown of the expenses that will be provided by the host institution and those expected for the Academy.

The ACJS policy regarding editor duties is available for review at [ACJS Editor Duties Policy 6-2010.pdf](#). The ACJS policies regarding the editor search and selection are available for review at [ACJS Editor Search and Selection Policies 6-2010.pdf](#).

Application materials must be submitted via email to [novakk@umkc.edu](mailto:novakk@umkc.edu). Please address requests for additional information to:

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## UNIVERSITY OF NEW HAVEN

### CRIMINAL JUSTICE FACULTY POSITIONS

**Department of Criminal Justice  
Henry C. Lee College of Criminal Justice and Forensic Sciences**

The Department of Criminal Justice, Henry C. Lee College of Criminal Justice and Forensic Sciences, University of New Haven is recruiting for multiple tenure-track faculty positions as follows:

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    - Policing

These tenure track positions all require a doctoral degree. A Ph.D. in Criminal Justice is strongly preferred. Another earned doctorate in a discipline other than criminal justice, that is otherwise consistent with the stated specialization, may also be considered. Doctoral Candidates ("A.B.D.") who are nearing the completion of their doctoral degree program may also be considered for the Assistant Professor rank. A J.D. degree alone is not sufficient for any of these positions.

For the Policing position, the ideal Policing candidate will have completed the Ph.D. and possess an extensive background as a police practitioner with considerable managerial experience, including attaining the rank of Chief of Police. The Policing candidate should also have demonstrated scholarship capability in the form of academic conference paper presentations and published scholarly articles. Past experience as a police trainer is also desirable (e.g. Certification as a Police Office Standards and Training instructor), as is prior college-level teaching experience and instruction in the on-line environment. Demonstrated ability to teach research methods and/or statistics at the undergraduate and graduate level is also highly desirable for this position.

All faculty positions require teaching, scholarship, service and other duties consistent with the University's Faculty Handbook.

Application Procedure: Send a cover letter indicating position or positions applied for and summarizing relevant background, a vita, and contact information for three references to:

Human Resources, Search #10-63

University of New Haven

300 Boston Post Road

West Haven, CT 06516

Or via e-mail to [hrdept@newhaven.edu](mailto:hrdept@newhaven.edu)



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## Book Review

Payne, B., & Gainey, R.R. (2009). *Family violence and criminal justice: A life-course approach*, Third Edition. Albany, NY: LexisNexis.

ISBN: 978-1422461389, pp. 460, pbk.

*Family Violence and Criminal Justice* covers nearly every facet of family violence and research through its 11 chapters on the various forms, causes, and consequences of family violence, applicable research methods and crime causation theories, police policy and implications, corrections issues, and much more. Along with the breadth of topics covered in the text, the depth of each topic was also notable, particularly given the modest length of the book. The authors were able to succinctly, yet very clearly elaborate on each issue mentioned, including a complete overview of research methods, criminological theories, and the history, consequences, risk factors and statistics on each type of family violence covered.

Chapter one reviews the topic of family violence, and discusses the definition and benefits of using the life-course approach. This chapter also outlines the future chapters, giving the reader a good overview of what can be expected from the book and how best to use the information contained in the textbook.

Chapter two discusses research methodology, including the types and sources of data, conceptual issues and measurement relating to research in family violence. This chapter also covers the common types of statistical analysis, as well as the more advanced methods such as hierarchical linear modeling and path analysis. There are tables, figures and graphs throughout the chapter to illustrate the

concepts, making methodology very easy to understand.

Chapter three covers other theories of family violence, such as social control, social learning, and other major theories in the field of criminology. The authors provide explanations of each theory, while still remaining concise. The chapter again includes several examples and tables, including a figure on the items used in the Grasmick et al. scale of low self-control. Perhaps most unique and useful is Figure 3.2, which shows how all theories might interrelate to explain the causes of family violence. Such incorporation of theories is rare, and appreciated by students.

Chapters four and five examine the history and nature of family violence. The authors explore the history of child abuse and neglect, facts and research on the topic, criminological and victim consequences, risk factors, and subtypes of child abuse in chapter four. Perhaps one of the most prevalent forms of family violence in America is examined in chapter five, violence between intimate partners. Once again, the authors use statistical data and examples from the media to illustrate how damaging and important this issue is to research and address.

Chapter six discusses elder abuse and neglect, a relatively new issue both in family violence law and research. To illustrate the various forms of elder abuse there are extensive definitions of terms, facts, examples, and risk factors cited throughout the chapter.

The following three chapters examine the criminal justice system's response to family violence. Chapter seven discusses police and social service agencies, specifically covering police procedure in family violence cases, officer decision-making leading to arrest, and how social services serve victims and family violence

offenders. This chapter also includes a unique figure depicting the progression of cases through the family justice system. As such processes are often confusing for students, this chapter is extremely informative and beneficial to their understanding. Chapter eight discusses issues relating to the courts and family violence, such as how to prosecute cases and aid child witnesses. The treatment and punishment options for family violence offenders through the Corrections system is then covered in chapter nine.

Chapter ten examines how the life-course approach may be used by the criminal justice system, social service agencies and researchers to collaboratively combat family violence and further knowledge and prevention for the future. Finally, chapter eleven provides recommendations from the authors on ways to address family violence both to the reader, the criminal justice system, and other family violence researchers.

The authors approach the topic of family violence using a life-course perspective, specifically examining the link between behavioral patterns in the offenders, victims, and forms of family violence. This approach is unique in that it focuses on the individuals and the characteristics of family violence that change or continue throughout the life course. This text is also unique in that it uses a high level of examples and statistics taken from the media, research, and pop culture in order to illustrate the authors' points and ideas and make the information discussed in the chapters extremely relevant to the readers. For example, the text opens with a case now known to nearly every college student today, the Rihanna/Chris Brown domestic violence incident from 2009. The authors use this example, as they do throughout the text, to define new or ambiguous terms, explain why the topic is important to study, and illustrate the practical application of the material to real world scenarios.

The "Tool Box" text inserts are also beneficial as they indicate how the reader can use information learned in their own lives or careers. For example, one Tool Box describes how to identify domestic violence, while another provides advice for developing rapport with family violence victims.

This edition added a new chapter on how the criminal justice system and human services collaborate to respond to family violence over the life course (ch. 10). It also includes new text inserts, including the practical "Tool Box" which gives students tips on how they may deal with the issues covered in each chapter. The in-depth topic and "Name Index" is also quite helpful to students, as it allows for quick and easy reference to researchers and authors cited in the text, and of course the topics covered.

The overall result is a modern and useful textbook for criminal justice and criminology students at any stage of their education. The topics covered in the text makes it perfect for an introductory course on family violence, while still allowing professors to select part or all of the text to cover during a semester.

Bryanna Hahn  
University of Cambridge



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## ICPSR SUMMER PROGRAM In Quantitative Methods of Social Research

June–July, 2011

The annual ICPSR Summer Program in Quantitative Methods is a comprehensive, integrated program of studies in research design, statistics, data analysis, and social methodology. In 2011, the program will include three criminal justice workshops organized by the National Archive of Criminal Justice Data (NACJD).

- **Quantitative Analysis of Crime and Criminal Justice**  
A ~~four~~week course including hands-on analysis of major national data collections such as the National Crime Victimization Survey, sponsored by the Bureau of Justice Statistics, Department of Justice.
- **Using National Juvenile Corrections Data**  
A workshop sponsored by the Office of Juvenile Justice and Delinquency Prevention, Department of Justice.
- A workshop sponsored by the National Institute of Justice on a data-based topic to be announced.

Dates, details, and applications will be available at [www.icpsr.umich.edu/sumprog](http://www.icpsr.umich.edu/sumprog) by early 2011. All workshops provide a modest stipend for lodging and travel; space is limited.

For More Information (after January 1, 2011)

Contact the ICPSR Summer Program

[sumprog@icpsr.umich.edu](mailto:sumprog@icpsr.umich.edu)

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# ACJS Today

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## ACJS Today Publication Dates

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### Submission Deadlines

January 15th  
May 15th  
September 15th  
November 15th

*The editor will use his discretion to accept, reject or  
postpone manuscripts.*

### Article Guidelines

Articles may vary in writing style (i.e. tone) and length. Articles should be relevant to the field of criminal justice, criminology, law, sociology or related curriculum and interesting to our readership. Please include your name, affiliation and email address, which will be used as your biographical information. Submission of an article to ACJS Today implies that the article has not been published elsewhere nor is it currently under submission to another publication.

**Minimum length:** 700 words  
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**Photos:** jpeg or gif  
**Text format:** Microsoft Word, RTF, TXT, or ASCII  
**Citation Style:** APA 5th Edition

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