

CRIMINAL JUSTICE REFORM: A CRIMINOLOGICAL ANALYSIS OF CHALLENGES AND SOLUTIONS

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Abstract

The complexity of the criminal justice system necessitates a comprehensive analysis of its current reform efforts. This paper delves into the multifaceted challenges confronting criminal justice reform, encompassing systemic biases, over-incarceration, and the disproportionate impact on marginalized communities. Utilizing a criminological framework, the analysis identifies the root causes of these issues, including socio-economic disparities, institutional practices, and societal attitudes towards crime and punishment. It has explored various reform initiatives, such as restorative justice practices, decriminalization efforts, and the introduction of rehabilitation programs, assessing their effectiveness and applicability within different contexts. Furthermore, the paper highlights the importance of interdisciplinary collaboration among policymakers, criminologists, and community stakeholders in devising sustainable solution.¹

This abstract presents a comprehensive criminological analysis of the ongoing challenges and potential solutions associated with criminal justice reform. The current landscape of the criminal justice system is marked by significant issues, including systemic inequalities, racial and socio-economic disparities, and the high prevalence of recidivism. This analysis begins by examining the historical context of criminal justice policies that have perpetuated these challenges, such as the "War on Drugs," mandatory minimum sentences, and three-strikes laws, which have led to over-incarceration and strained community relations. Furthermore, the paper addresses the psychological and social consequences of incarceration on individuals and communities, highlighting how these effects can contribute to cycles of crime and poverty. The role of public perception and media portrayal of crime is also considered, as these narratives often shape policy decisions and community responses to crime and justice.

Keywords: Criminal, Criminology, Inequality, Racial Disparities, Mental Health Treatment.

1. INTRODUCTION

Criminal justice reform stands at the forefront of societal debates, as persistent challenges within the system demand urgent attention. Over the past few decades, the repercussions of punitive policies have become increasingly apparent, leading to calls for reforms that prioritize justice, equity, and human rights. This

paper aims to critically analyse the inherent challenges of the criminal justice system through a criminological lens while exploring viable solutions to foster a more just society. The landscape of criminal justice in the United States is fraught with complexities, characterized by an intricate interplay of social, economic, and political factors. At its core,

criminal justice reform is a response to the urgent need for a more equitable and humane system that addresses the underlying causes of crime rather than merely punishing the symptoms. Over the past four decades, the U.S. has witnessed a dramatic increase in incarceration rates, with projections indicating that nearly one in three Americans will be arrested in their lifetime. This surge has raised critical concerns about the effectiveness of punitive measures and the societal consequences of mass incarceration.²

Historically, policy responses to crime have often favoured retribution over rehabilitation, resulting in systemic flaws that disproportionately impact marginalized communities. The social and economic repercussions of these policies have compounded the challenges faced by already disadvantaged populations, creating cycles of poverty and crime that are difficult to escape. Moreover, systemic racism within the criminal justice system has exacerbated these disparities, leading to disproportionate incarceration rates among people of colour.

In light of these pressing issues, the movement for criminal justice reform has gained momentum, advocating for a paradigm shift towards restorative practices that prioritize rehabilitation, prevention, and community involvement. This movement encompasses various approaches, including the decriminalization of certain offenses, the elimination of mandatory minimum sentences, and the implementation of diversion programs that redirect individuals away from incarceration.

The implications of criminal justice reform extend beyond individual cases; they resonate throughout entire communities, impacting public safety, economic stability, and social cohesion. As stakeholders including policymakers, law enforcement, and community organizations grapple with these interconnected issues, it is imperative to adopt a holistic approach to reform that considers the

diverse experiences and needs of affected communities.

2. HISTORICAL CONTEXT

The topic of criminal justice reform in India is intricately linked to the country's historical, socio-political, and economic context. Here's a detailed overview of the historical context surrounding criminal justice reform in India:

Colonial Legacy

1. British Rule (1858-1947)

The criminal justice system in India was heavily influenced by British colonial rule. The Indian Penal Code (IPC) of 1860, the Criminal Procedure Code (CrPC) of 1973, and the Evidence Act of 1872 were established during this period, primarily to serve colonial interests.³

The laws were often repressive, aimed at controlling dissent and maintaining order rather than ensuring justice.

2. Injustice and Discrimination:

The colonial legal framework often discriminated against the indigenous population, leading to widespread allegations of injustice. Laws were frequently used to silence political opposition, creating a legacy of distrust in the legal system.

Post-Independence Era

1. Constitutional Framework (1950)

Following independence in 1947, the Indian Constitution established fundamental rights, including the right to equality and the right to a fair trial. However, enforcing these rights has been challenging.⁴

The focus shifted from merely punitive measures to ensuring justice, rehabilitation, and reform, but the existing system has struggled to implement these ideals effectively.

2. Socio-economic Factors

Rapid population growth, urbanization, and economic disparity have exacerbated crime rates, leading to increased pressure on the criminal justice system. Challenges such as corruption, inadequate infrastructure, and police misconduct hinder effective law enforcement.

3. CONTEMPORARY CHALLENGES

1. Overburdened System

The criminal justice system is plagued by backlogs and delays in trials, which violate the principle of timely justice. The pendency of cases in courts has become a significant issue, with millions of cases pending resolution.

2. Policing Issues

Police forces, often seen as extensions of the state rather than impartial guardians of the law, face significant challenges, including corruption, lack of training, and inadequate resources. This affects their ability to address crime effectively and protect the rights of the accused.

3. Marginalized Communities

The system has often failed to protect the rights of marginalized communities, including Scheduled Castes and Scheduled Tribes, women, and economically disadvantaged groups. Discriminatory practices and social biases continue to perpetuate injustice.⁵

Reform Initiatives

1. Legislative Proposals

Various reports and committees, such as the Malimath Committee (2003) and the Law Commission recommendations, have proposed fundamental reforms like enhancing police accountability, improving forensic science, and modernizing the criminal law framework.

2. Judicial Activism

The judiciary has played a proactive role in addressing issues of human rights and has issued directives for reform, including the introduction of plea bargaining and alternative dispute resolution mechanisms.

3. Community Engagement

Recent movements for reform have focused on community policing and restorative justice approaches, emphasizing rehabilitation over punishment and integrating community input into the justice process.

Criminal justice reform in India is a complex interplay of historical legacies, socio-economic factors, and contemporary challenges. While there are numerous proposals and initiatives aimed at reforming the system, real change requires a committed multi-stakeholder approach, addressing both structural issues and the root causes of crime. The journey toward an equitable and efficient criminal justice system continues to be a pressing challenge for Indian society.⁶

4. SYSTEMIC CHALLENGES

Systemic challenges in India's criminal justice system encompass a range of structural, operational, and societal issues that hinder effective justice delivery. Here are some key systemic challenges:

A) Overburdened Legal System

- a) **Backlog of Cases:** Courts face a huge backlog, with millions of pending cases. This leads to significant delays in trials and justice delivery, violating the right to a speedy trial as enshrined in the Constitution.
- b) **Inefficient Case Management:** Many courts lack proper case management systems, resulting in inefficient allocation of resources and extended trial times.

B) Inadequate, Outdated Laws

- a) **Ageing Legal Framework:** Many laws still in use are colonial-era statutes that do not reflect contemporary societal values or issues. This leads to gaps in the legal framework that fail to address modern crimes effectively.
- b) **Lack of Specialization:** There is often insufficient specialization or provisions for handling specific types of crime, such as cybercrime, gender-based violence, and white-collar crime.

C) Police System Challenges

- a) **Corruption and Political Influence:** The police force often suffers from corruption and political interference, curtailing its effectiveness and undermining public trust.
- b) **Lack of Training and Resources:** Inadequate training and a lack of resources affect the capacity of law enforcement to conduct thorough investigations and maintain professional standards.

D) Judicial Inefficiency

- a) **Understaffing and Resource Constraints:** With a limited number of judges and court staff, many judges are overburdened, leading to rushed deliberations and inconsistencies in judgments.
- b) **Access to Justice:** Legal aid is not uniformly available, and many individuals, particularly from marginalized communities, lack the means to access legal representation.⁷

E) Social and Economic Disparities

- a) **Marginalized Communities:** Systemic inequalities, including caste and class disparities, result in biased treatment of certain community members within the justice system.

- b) **Societal Attitudes:** There are prevalent societal attitudes that can lead to victim-blaming in cases of sexual violence and other crimes, further complicating the pursuit of justice.

F) Poor Prison Conditions

- a) **Overcrowding and Inhumane Conditions:** Prisons are often overcrowded and do not meet the standards for humane treatment, leading to issues related to health, safety, and rehabilitation of inmates.
- b) **Lack of Rehabilitation Programs:** There is a scarcity of effective rehabilitation programs, which impedes the reintegration of former inmates into society and contributes to recidivism.

G) Imbalanced Role of Judiciary and Executive

Separation of Powers: There are often tensions between the judiciary and the executive in implementing reforms, leading to inconsistencies in law enforcement and judicial outcomes.

5. TECHNOLOGY CHALLENGES

Underutilization of Technology: While technology has immense potential to streamline processes, such as case management and evidence collection, its adoption has been slow.

Cybersecurity Issues: With the rise of cybercrime, inadequate cybersecurity measures hinder effective policing and the protection of sensitive information.

Addressing these systemic challenges requires concerted efforts from various stakeholders, including government bodies, law enforcement agencies, civil society organizations, and the judiciary. Reform strategies must prioritize enhancing efficiency, equity, and accountability within the criminal justice system to restore public confidence and fulfil the promise of justice for all.⁸

6. SYSTEMIC CHALLENGES

The systemic challenges within India's criminal justice system are multifaceted and deeply entrenched, affecting its overall efficiency and effectiveness. Here's a detailed exploration of these challenges:

1. Judicial Backlogs

Case Pendency: Courts across India have millions of cases pending, leading to significant delays in the justice delivery process. This backlog can result in prolonged pre-trial detention for accused individuals.

Overburdened Judges: A shortage of judges exacerbates the backlog issue, with individual judges often presiding over an overwhelming number of cases.

2. Inefficient Policing

Corruption: Corruption within the police force undermines public trust and affects investigative processes. Bribery, coercion, and extortion can pervade daily operations.

Political Interference: Political influence often dictates police actions, limiting their autonomy and effectiveness. This can lead to selective enforcement of laws.

3. Outdated Legal Framework

Colonial Laws: Many laws, including the IPC, were established during colonial rule and have not been updated to reflect current societal values or emerging areas of crime, such as cybercrime and environmental issues.

Lack of Specialization: Legal frameworks do not adequately address specialized areas of crime, leaving gaps in enforcement and prosecution.

4. Resource Constraints

Inadequate Infrastructure: Courts and police stations often lack basic facilities

and resources, affecting their operational efficiency.

Poor Training: Law enforcement and judicial personnel frequently receive inadequate training, impacting their ability to perform their duties effectively and fairly.

5. Inequitable Access to Justice

Economic Barriers: Many individuals, particularly from economically disadvantaged backgrounds, struggle to access legal representation. The legal aid system is under-resourced and inadequately publicized.

Geographical Disparities: Rural and remote areas often experience limited access to judicial services, compounding issues of justice delivery.

6. Social Inequalities

Discrimination: Marginalized groups, including Scheduled Castes, Scheduled Tribes, and women, often face systemic biases within the criminal justice system, both in policing and in judicial processes.

Victim Blaming: Societal attitudes often place undue blame on victims, particularly in cases of gender-based violence, discouraging them from seeking justice.

7. Prison Overcrowding

Inhumane Conditions: Many prisons are overcrowded and lack adequate facilities, leading to inhumane conditions for inmates.

Lack of Rehabilitation Programs: Prisons often focus on punishment rather than rehabilitation, which hinders successful reintegration of released individuals into society.

8. Technological Gaps

Underutilization of Technology: There is limited use of technology in the criminal

justice system, which can impede efficient processing of cases. For instance, digital case management systems are often lacking.

Cybercrime Challenges: With the rise of cybercrime, law enforcement agencies struggle to keep pace with technological advancements, lacking the necessary training and resources.

9. Public Perception and Trust

Erosion of Trust: Due to pervasive issues such as corruption, inefficiency, and perceived biases, public trust in the criminal justice system is at an all-time low, affecting cooperation and reporting of crimes.

The systemic challenges in India's criminal justice framework necessitate comprehensive reforms that address both structural and operational inefficiencies. A multi-faceted approach involving legislative changes, enhanced resource allocation, technology integration, and social awareness is essential to create a more equitable and effective criminal justice system. Addressing these challenges is not only crucial for improving public safety but also for upholding the principles of justice and human rights in the country.⁹

7. PROPOSED SOLUTIONS

Addressing the systemic challenges in India's criminal justice system requires a multi-faceted approach. Here are several proposed solutions aimed at reforming the system and improving its effectiveness and fairness:

a) Judicial Reforms

Increase the Number of Judges: Appoint more judges and increase support staff to reduce case backlog and improve trial timelines. This could involve training more legal professionals to enter the judiciary.

Case Management Systems: Implement advanced case management systems in courts to streamline processes,

prioritize cases, and monitor trial timelines efficiently.

b) Police Reforms

Enhance Accountability: Establish independent oversight bodies to monitor police actions and investigate complaints against officers. This could include civilian review boards with the authority to investigate misconduct.

Training and Capacity Building: Invest in comprehensive training programs for police personnel focusing on human rights, community policing, forensic investigation, and handling sensitive cases (e.g., gender-based violence).

c) Legal Framework Update

Review and Revise Laws: Conduct a thorough review of existing laws to identify outdated provisions and reform legal frameworks to address modern crimes, including cybercrime and human trafficking.

Specialization of Courts: Establish specialized courts for specific types of crimes (such as fast-track courts for sexual offenses) to ensure more efficient handling of cases and prompt justice.

d) Access to Justice

Strengthen Legal Aid Services: Expand and publicize legal aid services to ensure that all individuals, regardless of their economic status, have access to legal representation. This could involve partnerships with NGOs to provide free legal assistance.

Mobile and Community Courts: Implement mobile courts and community dispute resolution mechanisms to reach underserved rural areas, facilitating access to justice for those who may not be able to travel to formal court settings.

e) Enhancing Prisons and Rehabilitation

Rehabilitation Programs: Develop and implement effective rehabilitation and vocational training programs within prisons to prepare inmates for reintegration into society. Focus on education, skill development, and mental health support.

Improve Prison Conditions: Ensure humane treatment of inmates by improving facilities and reducing overcrowding. Alternatives to incarceration, such as non-custodial sentences for minor offenses, could help alleviate overcrowding.

f) Utilization of Technology

Adopt Digital Solutions: Utilize technology to digitize records, enhance case management, and facilitate online filing systems. Establish secure databases that law enforcement and judicial bodies can access for real-time information.

Cybersecurity Training: Provide specialized training for law enforcement in handling cybercrimes, using technology effectively in investigations, and ensuring the safety of digital evidence.

g) Community Engagement and Awareness

Community Policing Initiatives: Foster community policing models to encourage collaboration between law enforcement and communities, building trust and improving communication.

Public Awareness Campaigns: Educate the public about their legal rights and the operations of the criminal justice system through awareness campaigns, workshops, and using social media platforms.

h) Legislative Reforms

i. **Pass Comprehensive Criminal Justice Bills:** Formulate and pass comprehensive bills that address systemic issues, such as the Criminal Law (Amendment) Bill, focusing on rights of victims, police accountability, and judicial reform.

ii. **Gender Sensitivity Training:** Mandate training for all judicial and law enforcement personnel on gender sensitivity and handling cases of sexual and domestic violence to improve responses and outcomes for victims.

i) Research and Evaluation

i. **Implement Data-Driven Policies:** Conduct ongoing research and evaluations of the criminal justice system to identify areas for improvement and measure the effectiveness of reforms.

ii. **Engage in Policy Dialogue:** Establish a platform for continuous dialogue among government officials, legal experts, NGOs, and the public to discuss challenges and solutions in the criminal justice system.

Implementing these proposed solutions requires commitment and collaboration among various stakeholders, including the government, judiciary, law enforcement, civil society, and the general public. A holistic approach that addresses both immediate challenges and underlying systemic issues is crucial for transforming India's criminal justice system into one that is efficient, equitable, and capable of delivering justice for all.¹⁰

8. SENTENCING REFORM

a) Elimination of Mandatory Minimum Sentences:

Removing mandatory minimum sentences for non-violent offenses allows judges to consider the circumstances of individual cases, resulting

in more equitable outcomes tailored to the offender's situation and background.

b) Introduction of Sentencing Disparity Reviews:

Implementing regular reviews of sentencing patterns can help identify and address disparities based on race, socioeconomic status, or geographic location, promoting a fairer and more consistent application of justice.

8.1. Diversion and Alternative Sentencing Programs

Diversion Programs:

Expanding access to diversion programs allows eligible offenders, particularly those with mental health or substance abuse issues, to receive treatment and support instead of incarceration. This approach not only reduces prison populations but also addresses the underlying causes of criminal behavior.

Restorative Justice Practices:

Implementing restorative justice programs focuses on repairing harm caused by crime through dialogue and community involvement, allowing victims and offenders to engage in healing processes that foster understanding and accountability.

8.2. Community-Based Support Initiatives

a) Investment in Community Services:

Increasing funding for community resources, including mental health services, addiction treatment, and job training programs, can help address the root causes of crime and support reintegration efforts for individuals returning from incarceration.

b) Education and Youth Programs:

Enhancing educational opportunities and youth engagement initiatives can mitigate factors leading to criminal behavior. Programs focused on mentorship, skill-building, and

prevention can empower at-risk populations and reduce juvenile delinquency.

8.3. Reducing Economic Barriers

a) Elimination of Fees and Fines:

Abolishing or significantly reforming the practice of imposing monetary sanctions on low-level offenses would prevent the criminalization of poverty and reduce the financial burden on economically disadvantaged individuals.

b) Access to Public Defenders:

Ensuring that all individuals, regardless of income, have access to quality legal representation is critical. Increasing funding for public defender offices and promoting fair pay for attorneys can help build a more equitable system.

8.4. Investment in Treatment and Rehabilitation

a) Mental Health and Substance Abuse Treatment:

Expanding access to mental health services and substance abuse treatment within and outside of correctional facilities can address the underlying issues that contribute to criminal behavior. This includes training law enforcement to recognize and respond to mental health crises effectively."

b) Rehabilitation Programs in Prisons:

Investing in evidence-based rehabilitation programs within prisons, such as educational and vocational training, can equip incarcerated individuals with the skills needed to reintegrate into society successfully, thereby reducing recidivism rates.

8.5. Policy Advocacy and Community Engagement

a) Community Policing Initiatives:

Implementing community policing strategies fosters better relationships between law

enforcement and communities, emphasizing collaboration, proactive engagement, and accountability. This approach can lead to enhanced trust and safety within communities.¹²

b) Public Awareness Campaigns:

Educating the public about the flaws in the criminal justice system and advocating for reform can generate broader support for initiatives that prioritize rehabilitation and restorative practices over punitive measures.

8.6. Legislative Action

a) Comprehensive Criminal Justice Reform Bills:

Advocacy for comprehensive criminal justice reform legislation can address multiple issues, including sentencing reform, police accountability, and the dismantling of systemic barriers faced by marginalized communities.

b) Data Transparency and Accountability:

Mandating transparency in law enforcement practices and incarceration data collection can illuminate disparities and hold systems accountable, driving progress.

The proposed solutions to reform the criminal justice system are interrelated and require a collaborative approach involving policymakers, community organizations, advocacy groups, and the public. By prioritizing equity, rehabilitation, and community-based support, it is possible to create a more just and effective system that acknowledges and addresses the complex issues facing individuals and communities. Implementing these solutions can not only reduce incarceration rates but also foster safer, healthier communities and contribute to the overall well-being of society.¹³

9. COMMUNITY-BASED ALTERNATIVES

Implementing community-based alternatives to incarceration can significantly reduce the prison population while addressing the root causes of crime. Programs such as restorative justice focus on repairing harm and restoring

relationships rather than administering punishment, which can lead to more positive outcomes for both victims and offenders.

a) Diversion Programs

Diversion programs for low-level offenders provide an opportunity for rehabilitation without the negative consequences of incarceration. These programs can redirect individuals to mental health or substance abuse treatment, addressing underlying issues while minimizing the impact on their lives.

b) Enhancing Mental Health and Substance Abuse Services

Integrating mental health and substance abuse services within the criminal justice system is essential for reducing recidivism. Ensuring that individuals receive appropriate treatment both pre- and post-incarceration can facilitate successful reintegration into society and break the cycle of crime.

c) D. Data-Driven Approaches

Utilizing data-driven approaches to inform policy changes and intervention strategies can foster effective reform. By analyzing crime trends, recidivism rates, and demographic factors, policymakers can create targeted solutions that address the specific needs of affected communities.¹⁴

d) Addressing Bias and Promoting Fairness

Ensuring that policies actively address biases within the criminal justice system is crucial. Training for law enforcement and judicial personnel on implicit bias, as well as implementing oversight mechanisms, can help mitigate disparities and promote equitable treatment for all individuals.

CONCLUSION

The challenges presented by the current criminal justice system are complex and deeply rooted, yet the opportunity for meaningful

reform exists. By prioritizing rehabilitation over punishment and fostering inclusive dialogue among stakeholders, sustainable change can be achieved. This paper underscores the importance of a holistic approach to criminal justice reform one that addresses systemic inequalities, supports marginalized communities, and ultimately transforms the justice system into a more equitable institution. ¹⁵ Continued dialogue and research are essential to drive progress, ensuring that justice serves its intended purpose: to protect and uplift all members of society. The need for comprehensive reform in the American criminal justice system has never been more urgent. As highlighted throughout this discussion, systemic challenges ranging from racial disparities and economic barriers to an overreliance on incarceration have perpetuated cycles of injustice and damage to individuals and communities. Acknowledging the historical context that has shaped these enduring issues allows for a deeper understanding of why reform is necessary and underscores the importance of addressing these challenges through thoughtful and inclusive strategies.

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