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# METHODS OF CRIMINOLOGY AND CRIMINAL JUSTICE RESEARCH

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# CHAPTER 2

## USING FREEDOM OF INFORMATION REQUESTS IN SOCIO-LEGAL STUDIES, CRIMINAL JUSTICE STUDIES, AND CRIMINOLOGY

Kevin Walby and Alex Luscombe

### ABSTRACT

*Purpose* – The chapter explores the use of freedom of information (ATI/FOI) requests in social science research, with specific focus on using ATI/FOI requests in socio-legal studies, criminal justice studies, and criminology.

*Methodology/approach* – ATI/FOI requests constitute a novel method of data collection that has methodological and also epistemological implications for researchers.

*Findings* – The chapter explains how to use ATI/FOI requests in social science as well as how to navigate challenges and barriers ATI/FOI users regularly face.

*Originality/value* – There is a paucity of writings on use of ATI/FOI requests in socio-legal studies, criminal justice studies, and criminology. The chapter reveals the value of using ATI/FOI in social science and the originality of the data that ATI/FOI requests can result in.

**Keywords:** Freedom of information; qualitative methods; access; methods; methodology; law

## INTRODUCTION

Access to information (ATI) and freedom of information (FOI) requests can be used to collect data from government agencies. In most countries, this includes agencies working in the areas of law and criminal justice. Hundreds of countries have now enacted ATI/FOI laws, which bestow citizens with the right to request information from government offices (Ackerman & Sandoval-Ballesteros, 2006; Birkinshaw, 2010a, 2010b; Byrne, 2003; Hazell, 1989). ATI/FOI laws exist alongside or in lieu of other open government initiatives that provide citizens more direct access to government records, such as public archives and proactive disclosure (Afful-Dadzie & Afful-Dadzie, 2017; Garcia-Tabuyo, Sáez-Martín, & Cabalero, 2016). ATI/FOI is a partial, limited mechanism of information access, but it can still be an effective tool for data collection when used systematically. In terms of its use and place in the popular imagination, ATI/FOI law is most often associated with opposition political parties or investigative journalists. In recent years, however, more and more scholars from a range of disciplines have begun using ATI/FOI laws to supplement their other data collection strategies. Often, it is the nature of the topic which dictates these scholars' inclusion of ATI/FOI into their research designs. When exploring government practices that the public knows little about but which can have major implications for justice and the state of democracy, ATI/FOI law becomes a crucial means of gaining access (Brown, 2009; Greenberg, 2016; Keen, 1992; Lee, 2005; Savage & Hyde, 2014).

Using ATI/FOI requests in the social sciences is thus an investigative, critical endeavor. Investigative research guards against deceptive appearances, warns of the perils of ignorance, and operates as a guardian of social conscience and public interest (Douglas, 1976; Ho, Ho, & Ng, 2006). ATI/FOI laws afford researchers access to a diverse range of records. Such records may be qualitative or quantitative, mundane, or controversial. Although ATI/FOI records can indeed be "staged" or altered before disclosure, in general they are qualitatively different than the kinds of "official discourse" that government agencies publish on their websites or communicate in speeches. Most ATI/FOI records could be said to constitute "insider documents" in the sense that they were never intended for public release. ATI/FOI records are also qualitatively different from files that are "pro-actively disclosed" by government agencies, since these tend to be carefully selected and potentially even manicured prior to release. Put simply, records disclosed through ATI/FOI can comprise "dirty data" (Marx, 1984) and these can be revealing of government practices and processes in ways that other data types might not be. At the same time, we stress that ATI/FOI law is only one strategy of data collection and as such is best combined with others, such as surveys, interviews, or media analysis. ATI/FOI requests are not a yellow brick road to knowing about how government "really works." Indeed, literature on ATI/FOI has demonstrated that there are many barriers to government transparency and accountability even when ATI/FOI is used (Rappert, 2012; Walby & Larsen, 2011; Worthy, John, & Vannoni, 2016).

This chapter is organized in four parts. First, this chapter addresses some of the key issues that we have encountered using ATI/FOI for social science research. Second, we reflect on some of the major strategies that scholars can use to overcome barriers and challenges. Third, we make specific arguments about the

benefits of using ATI/FOI requests in socio-legal studies, criminal justice studies, and criminology. While the boundaries between socio-legal studies, criminal justice studies, and criminology might sometimes be slippery and full of holes, we use these categories illustratively to reveal the different objects of analysis and texts that ATI/FOI requests can be used to investigate. Finally, we conclude with thoughts on future use of ATI/FOI requests in social science research.

## ATI/FOI IN THE SOCIAL SCIENCES: THE BASICS

There are two myths that thwart use of ATI/FOI in the social sciences. The first is that ATI/FOI is strictly a tool for journalistic muck-raking and should not be incorporated into academic research designs (Luscombe, Walby, & Lippert, 2017). When conducted carefully and systematically, we argue that ATI/FOI requests can be as valid and rigorous a method for producing data in the social sciences as any other (Walby & Luscombe, 2017). Indeed, any scholar with a research project that focuses on a government agency (assuming it is subject to ATI/FOI laws in the country of interest) can use ATI/FOI requests to gain access. There are often two levels to a country's ATI/FOI legal regime, consisting of a federal law and a series of state, provincial, or municipal ones. There can be fees associated with processing a request, but these can be anticipated in research grant applications and/or waived by the government agency if it can be shown that the information is in the public interest. A second myth about ATI/FOI requests is that these requests are easy to use. This is not the case. ATI/FOI is a craft like any other mode of inquiry and is thus no simpler to use than a survey or interview guide. Any experienced user of ATI/FOI will tell you it takes time to master the art of "brokering access," a term we use to capture the interactive dynamics of communicating, negotiating, and arguing with government agents to obtain access to kinds of records ATI/FOI users are looking for.

Although it is conceivable to gain access to dirty data through interviews or participant observation, opportunities are rare. In Canada, Ericson (1981) gained access to a wealth of dirty data using interviews and by shadowing detectives in their day to day work, but such studies are the exception rather than the norm. And although there are indeed strategies for generating meaningful data in interviews with elites (Aberbach & Rockman, 2002), the real difficulty is always access. The methodological pathways to interviewing elites about practices they do not wish to publicly discuss are slim (Alvesalo-Kuuski & Whyte, 2018; Cousin, Khan, & Mears, 2018). The potential to directly observe elites while they engage in sensitive or illegal acts is even slimmer. There may be a number of gatekeepers (Broadhead & Rist, 1976) who limit entry or access to such personnel. In addition, even if one did gain access, elite government personnel are often trained to follow scripted lines or espouse crafted government rhetoric. It is these difficulties with researching government elites that has driven many researchers to use ATI/FOI requests in lieu of (or in addition to) more traditional means.

ATI/FOI requests are not a simple form of unobtrusive research. Unobtrusive research involves archival studies or analyses of existing statistics (Auriacombe, 2007). Unobtrusive research is thought to be devoid of human actors. The same

cannot be said about ATI/FOI use. It does involve people, namely the people who work in government agencies and who enact government practices. These are some of the most powerful people in society. The decisions they make affect the lives of hundreds of thousands of people. Use of ATI/FOI is therefore a form of “studying up” (Nader, 1974) and entails examining the work of professionals and elites in the public sector. Use of ATI/FOI constitutes an obtrusive form of research bound by its own set of ethical considerations (Walby & Luscombe, 2018; Yeager, 2006). In this sense, use of ATI/FOI in the social sciences could even be viewed as a conflict methodology (Lehmann & Young, 1974) that accepts it is necessary to be somewhat obtrusive to gain access to certain types of information and to make critical arguments relevant for social change.

ATI/FOI researchers believe that written texts constitute a powerful source of social science data. Insider texts disclosed through ATI/FOI contain insight into the logics, organization, and everyday practices of governing. For this reason, ATI/FOI disclosures might be particularly well-suited to abductive analysis, which Timmermans and Tavory (2012, p. 170) define as “an inferential creative process of producing hypotheses and theories based on surprising research evidence. A researcher is led away from old to new theoretical insights.” The files obtained through ATI/FOI have typically never been consumed by outsiders and thus can be quite revealing. Looking at these files can often change the way an audience conceives of the government practice in question. To acquire this kind of insight, however, usually requires access to a large corpus of text. It is rare when using ATI/FOI to obtain a single document that tells much of a story on its own. ATI/FOI requests are best used to build up an archive of records that reveal something about government practices over time (Walby & Larsen, 2011). It can take months or years to acquire enough data through ATI/FOI requests for a research project on government. And even when a researcher does acquire valuable information through ATI/FOI, it still necessary to triangulate these records with other kinds of data (interviews, observations, and open source material). Records obtained through ATI/FOI provide only a single perspective on the issue under study.

There are many ways to triangulate ATI/FOI records with other data forms (also see Moran-Ellis et al., 2006). For example, ATI/FOI records can be combined with qualitative interviews. ATI/FOI requests can be used first, with interviews following subsequently to confirm or check the information in ATI/FOI disclosures, or to generate more insightful questions for interviews. We have also found that ATI/FOI can be a useful means of determining who to potentially interview. Interviews can also be conducted before ATI/FOI requests as a means of figuring out how to frame and where to target future ATI/FOI requests. Asking interviewees about types of documents and the textual organization of a particular department can provide extremely useful background information to help file a subsequent ATI/FOI request. ATI/FOI disclosures can be compared to news articles and government reports, where inconsistencies in the claims of journalists and political leaders may emerge in light of what is stated “backstage.” This comparison can be made with website or internet-based material that government entities post ATI/FOI as well. The possibilities of incorporating ATI/FOI requests into nested, sequential, and concurrent research designs are limitless.

The important message is that the researcher, where possible, should avoid relying solely on ATI/FOI records without consulting other data sources. ATI/FOI records may contain only part of the story and there are always risks to drawing inferences from insider texts alone (Rappert, 2012).

We should note that ATI/FOI requests are not limited to contemporary or recent records. ATI/FOI requests are often used in historical research as a means of declassifying records (Clément, 2015; Hewitt, 2012). In many jurisdictions, ATI/FOI is needed to engage in the work of declassification. The other temporal dimension to use of ATI/FOI requests in research is that these may be sequenced in a longitudinal manner. ATI/FOI users seeking data representing sequenced intervals (Thomson & Holland, 2003) can help to reveal changes in government activities over time.

## DIGGING DEEPER

### *Challenges, Barriers, and Tricks of the Trade*

Although the idea of “filing a request” may sound simple, ATI/FOI is fraught with layers of barriers, delays, and unexpected setbacks, which can be conceptualized as broader organizational barriers to transparency (Pasquier & Villeneuve, 2007). Navigating these barriers is a normal part of the process. Even the most seasoned ATI/FOI user encounters barriers to access with nearly every request they make (Lippert, Walby, & Wilkinson, 2016; Savage & Hyde, 2014). Every access regime is different (Roberts, 2006), but exceptions to the rule exist within all of them. Despite advocacy aimed at strengthening access laws, the ATI/FOI laws in most countries continue to be weakened (Halstuk & Chamberlin, 2006; Pozen, 2005; Roberts, 2000). Public offices and their ATI/FOI coordinators have a number of tools at their disposal to withhold entire records or redact parts of them before disclosure. Most ATI/FOI laws, for example, afford governments the right to withhold information about private third parties, whether it be an individual or a corporation. In an era of increasing government privatization, however, such a clause makes research on government matters involving private actors exceptionally difficult (Bunker & Davis, 1998). Some record types are exempt from ATI/FOI by definition. To borrow Galison’s (2004) phrase, they are “born secret.” In Canada, where we conduct most of our research, any records from the Cabinet are excluded from ATI/FOI. In some ATI/FOI regimes, entire public agencies can be exempted from ATI/FOI. In the United Kingdom, for example, ATI/FOI law does not apply to national security agencies. In the United States, national security provisions are often abused by over-redacting and exempting materials that in principle should be disclosed (Cramer, 2018). In many ATI/FOI regimes, ATI/FOI coordinators can deem a request vexatious (Cherry & McMenemy, 2013) if the reasoning in the request appears odd or if the requester has made a similar request before. We have experienced instances where the power of ATI/FOI coordinators to label requests vexatious has been abused (see Luscombe et al., 2017).

There are also extra-legal barriers to access. ATI/FOI coordinators have a number of informal techniques at their disposal that they can use to mitigate

disclosure. In our use of ATI/FOI in Canada and the United States, we have occasionally encountered some ATI/FOI coordinators who are overtly obstructionist and keen on promoting obfuscation rather than access (Luscombe et al., 2017; Luscombe & Walby, 2015; also see Katz, 1969). Such coordinators thrive on the general impunity and lack of accountability characteristic of most ATI/FOI regimes. To entice the user to alter the scope of their request or block access outright, ATI/FOI coordinators can fall back on a number of informal techniques including exaggerating cost estimates and threatening longer than normal processing times. Claiming to have "missed calls," "lost emails," or to simply not understand the nature of a request are also regular means of trying to get a user to abandon their pursuit of records. These techniques that promote opacity can be conceived of as internal or *infra* laws (Roberts, 2002) that limit the access of researchers and other ATI/FOI users. By engaging in these forms of information control, ATI/FOI coordinators are akin to gatekeepers in social control research (Broadhead & Rist, 1976). Yet in many jurisdictions they also have a duty to assist that ATI/FOI users can use as a wedge to gain access to records and to ask questions about how the agency is conceptualizing the request and managing or mitigating access to the records requested. Not all coordinators are out to scuttle these requests, and coordinators often feel like the meat in the sandwich (Mann, 1986) being chewed on from both sides. Limited research on ATI/FOI coordinators show that they have a variety of opinions on transparency and a number of ideas on how ATI/FOI regimes can be improved (Kimball, 2012; Swallow & Bourke, 2012; Shepherd, Stevenson, & Flinn, 2010).

Experienced users of ATI/FOI requests try to be hyperaware when such techniques are being deployed by ATI/FOI coordinators to scuttle access. By recognizing these techniques of information control, ATI/FOI researchers can employ counterstrategies in attempting to get around them. ATI/FOI users, for instance, can call ATI/FOI coordinators out on their bluffs when they claim that a record "probably doesn't exist" or that a request will "probably cost thousands of dollars to process." It is also strategic for ATI/FOI users to collect extensive fieldnotes during these brokering phases of the request (which can later become the object of reflexive study). The researcher should make fieldnotes about their exchanges with ATI/FOI coordinators and put everything in writing, so as to keep track of the process and account for it later on when writing up the study or filing an appeal. Before filing a request, ATI/FOI users should always carefully plan the best way to produce fieldnotes (also see Tessier, 2012).

If an ATI/FOI user is not satisfied with the process or with the disclosure, they can appeal to ATI/FOI commissioners in any given jurisdiction. Appeals to ATI/FOI accountability agencies such as the offices of ATI/FOI commissioners can be successful, but they are often delayed for months or years due to underfunding of these offices (Larsen & Walby, 2012; Rowat, 1993). Nevertheless, dealing with such delays and difficulties is part and parcel of the process of brokering access to data and wrestling with government agencies that are not always acting in good faith (Larsen & Walby, 2012; Luscombe et al., 2017).

We would also note that ATI/FOI disclosures do not speak for themselves. What is recorded in organizational texts is not a complete and objective account

of what happens (Trace, 2002). To make sense of ATI/FOI disclosures, researchers therefore need to use social theories and techniques of data analysis just as they would when analyzing other kinds of information. Analysis of ATI/FOI disclosures also needs to be carefully validated by the researcher, using established procedures like triangulation and reflexivity. ATI/FOI requests can give a researcher access to different types of information. Some of this information can be analyzed quantitatively, using either conventional statistical procedures or social network analysis, or analyzed using qualitative analysis techniques like discourse analysis or grounded theory (or some mix of both). In addition, government record-keeping and communication is increasingly digitized, and this has implications for future research and analysis. Governments are collecting and digitally storing increasing amounts of information about their operations and this is opening up new possibilities for new research questions and computer-assisted analysis.

Based on our experiences using ATI/FOI requests to research issues of policing and security, we have devised a number of strategies to share with researchers and improve their use of the craft. First, ATI/FOI requests require extensive background research. Scholars should do preliminary research on the agencies they plan to task before they submit requests. The more an ATI/FOI user knows about the government process or practice they are interested in studying, the easier it will be to craft a targeted request and negotiate with ATI/FOI coordinators over access to salient records (Larsen & Walby, 2012; Luscombe et al., 2017). Second, multiple simpler requests are better than complex, omnibus ones. We recommend that the researcher always break up their request into multiple requests to avoid more complex or sensitive requests from delaying the total time to disclosure. The time it takes to process a request varies from weeks to years. Even if several items in a multiple item request can be processed quickly, the disclosure package will be withheld until every item has been processed, some of which may take significantly longer than others. Breaking up requests makes the whole process more manageable, efficient (for the user), and affordable.

Third, researchers should determine if it is a single agency or agencies that hold the records relevant to their research question. Government agencies and offices operate in a network and it is rare for only one node to have access to a particular kind of public record. Plus, multi-agency requests are often more interesting than single agency ones and increase the chances of receiving information. We advise scholars to send the same ATI/FOI requests to multiple agencies to see what different files and record formats are available and/or learn about different practices that disparate agencies might use in relation to the same theme or phenomenon. This tactic can be revealing of differences between agencies and how they address the same governance issues. Engaging in this process also helps to illuminate variations in how different agencies handle requests.

Fourth, it is worth sending multiple requests to an agency, with slightly different framing, even if they seem somewhat redundant. This will ensure that all actionable files are retrieved and considered by the ATI/FOI coordinator. It can be difficult to know exactly how a particular coordinator interpreted the wording

of one request, so submitting multiple requests with different wording can ensure greater breadth of record search. This can further reveal how government agencies classify and manage information.

Finally, we would suggest that depending on the countries one is interested in ATII/FOI can be used to produce comparative datasets. For example, most jurisdictions across the United States allow people from outside the United States to submit requests for records. Using ATII/FOI in comparative fashion can provide additional insights into cross-national variation in government practices and decision-making.

#### *Using ATII/FOI Requests in Socio-legal Studies*

Socio-legal studies examines law in action, or the difference between law on the books and how law works in practice. Valverde, Levi, and Moore (2005, p. 96) note that scholars who study law in action tend to focus strictly on people, abandoning focus on legal texts and other material things that are part of legal processes. ATII/FOI can act as a major methodological corrective in this regard for socio-legal scholars. ATII/FOI requests can be used to locate records that reveal patterns in how different types of law are used (or not) by particular kinds of petty sovereigns (Rose & Valverde, 1998) to govern people's lives. The scope of analysis is certainly not limited to criminal law or criminalization. Socio-legal scholars could access qualitative materials on any types of communications by petty sovereigns. But they could also seek quantitative records on their performance, rates of use of laws, and so on.

An example of this is the work of Luscombe et al. (2017) in their analysis of fieldnotes generated throughout the processing of ATII/FOI requests in 90 police jurisdictions in Canada and 16 in the United States. They comparatively examined how requests for the same information were processed by different police departments. The information sought (police deployment logs and financial records) were treated variably by different police departments whose coordinators used the law in diverse ways to process the disclosure. It was also a study of ATII/FOI law in action. Luscombe et al. showed how ATII/FOI law works in action and how users have to act in a different capacity than legal discourse on ATII/FOI frames the "user." Skilled users of ATII/FOI law must creatively broker and navigate the barriers they face when trying to get information from state agencies like police that may try to block them.

Beyond examining ATII/FOI law itself, ATII/FOI could be used in socio-legal studies to examine municipal law more broadly as well as health law. Sheaff's (2017) examination of National Health Service's decision-making in England and the lack of transparency fit this use of ATII/FOI (also see Wilson, 2011). Socio-legal studies does not as far as we can see have a methodological core. It is caught between the doctrinal approach of traditional law and the more textual approach of cultural studies of law and legality. More development of the methodological approach of socio-legal studies is needed (also see Mopas & Turbull, 2011). Elsewhere, we have suggested that use of ATII/FOI requests is one way to do this (Luscombe & Walby, forthcoming).

#### *Using ATII/FOI Requests in Criminal Justice Studies*

Criminal justice studies examines the institutional practices of criminal justice personnel (Kraska & Brent, 2011). Criminal justice studies, also examines the process of making criminal justice policy. ATII/FOI requests can be used to locate records on the types of work criminal justice personnel undertake. ATII/FOI requests can also be used to locate records on how policy was formed. Criminal justice scholars can use ATII/FOI to access qualitative materials on project or operation planning or rationales for some types of activities. They can also seek access to quantitative records on deployments of some types of personnel.

In their analysis of racial disparities in marijuana misdemeanor arrests in New York City, Geller and Fagan (2010) used ATII/FOI to gain access to New York City Police Department stop activity logs, which recorded every time a citizen was stopped by an officer along with other relevant sociodemographic (including race) and contextual information. Geller and Fagan combined this information with other sources and analyzed their dataset using content analysis alongside more sophisticated statistical techniques to measure disparities resulting from flawed "broken windows" and racist war on drugs policies in New York City. They found that Blacks in New York City were much more likely to be arrested for cannabis possession than Hispanics and Whites, despite Black people having similar if not lower rates of use. They also found that there was a high concentration of "stop, frisk, and search" actions leading to cannabis arrests in neighborhoods with high concentrations of Black residents.

Another example of using ATII/FOI in criminal justice studies is the work of Roziere and Walby (2018). Roziere and Walby conducted an analysis of police files on militarization of public police and special weapons and tactics (SWAT) teams in Canada. In official discourse, police in Canada typically claim their SWAT teams are for emergency (mass public casualty) purposes only. However, an examination of records disclosed through ATII/FOI revealed a different picture. Analyzing the frequency and type of SWAT team deployment in Canadian cities, Roziere and Walby found that municipal SWAT teams across Canada are now used for routine policing activities, including traffic stops, community policing, response to mental health and domestic violence calls, and execution of warrants. Mummolo (2018) used a similar research design involving ATII/FOI requests in the United States to study police militarization.

A final example comes from Piché (2014) who used ATII/FOI requests to gain access to unpublished records documenting prison expansion across Canadian provinces and territories. He found that despite claims about prison expansion being driven by increasing crime rates and a need to punish criminals, the vast majority of expansion efforts were being effected to create more space for prisoners on remand.

#### *Using ATII/FOI Requests in Criminology*

Criminology examines lawbreaking activity, how "crime" is categorized and made intelligible by criminal justice agencies, and how criminal classifications are designed and applied. ATII/FOI requests can be used to locate documents about

how "crime" is classified, recorded, processed, and analyzed. ATI/FOI requests can also be used to locate records on rates of some types of criminalized activities. Nelson, Wooditch, and Gabbidon (2014) argue that criminology is at risk of appearing out of date due to its overreliance on archaic data sources and because it often takes for granted state categories of crime. Perhaps ATI/FOI can be of some methodological service in this regard. Criminologists could access qualitative materials on how some types of categories are devised. But they could also seek quantitative records on how often those categories are used or locate internal statistics to compare to state-released descriptions of crime.

Crosby and Monaghan's (2016) work on the policing of Indigenous protest is an example for the use of ATI/FOI for criminological research. Using ATI/FOI requests, they were able to generate insider records detailing the Royal Canadian Mounted Police's (RCMP) use and understanding of the term "aboriginal extremism," which they deployed as analogous to a category of crime to frame Indigenous protest groups as dangerous. Crosby and Monaghan (2016) were also able to locate documents about how the RCMP and other security agencies used hotspot analysis to map and target Indigenous resistance and protest.

Another example comes from Owusu-Bempah and Wortley (2014). In their research on the representation of ethnoracial groups in Canada's prisons, Owusu-Bempah and Wortley (2014, p. 292) conducted ATI/FOI requests with provincial and territorial prisons across the country. Unlike at the federal level, Canadian provincial and territorial prisons do not proactively disclose information on the ethnoracial makeup of their prisoner populations, making ATI/FOI a necessary means of access. The data (Owusu-Bempah & Wortley, 2014) gained access to under ATI/FOI showed clear evidence of Indigenous and African Canadian overrepresentation in provincial and territorial prisons.

Bows (2017) used ATI/FOI to access police records to show underreporting and under-policing of specific categories of crime, notably sexual violence against older people. In this way, Bows shows that some categories of crime do not receive the same attention as others because of stereotypes about what crime is. The ATI/FOI data were crucial to reveal frequencies of sexual violence against older people compared to other types of victimization, and she argues that this insight should be taken further and applied to other types of criminal classification and criminalization as well.

A final example is Reeves-Latour and Morselli (2017). Reeves-Latour and Morselli used ATI/FOI data to acquire decades of public construction tenders in Laval, Quebec, a city historically fraught with high levels of procurement corruption. Using social network analysis, the authors were able to show how evidence for bid-rigging and price-fixing by construction companies went back as far as the mid-1960s.

## CONCLUSION

Like any method of data production in the social sciences, ATI/FOI can be used well, when conducted in accordance with the principles of quality social science,

but it can also be used poorly. Using ATI/FOI does not make a project inherently better. Nor is it necessary to use ATI/FOI for every research project on issues related to government. We believe that the decision to use ATI/FOI, like the decision to use any method, should always be determined by what question the researcher is asking. Whether or not a project that uses ATI/FOI is a quality one depends on much more than just how carefully and systematically they conducted the ATI/FOI requests. All research needs a clear, determinate research question, proper case selection strategies, multiple data sources, and clearly justified and explained procedures for analysis. As social scientists, research quality must always be at the forefront of our minds (Tracy, 2010). And we would suggest that researchers should use agreed-upon criteria for quality (see Guba & Lincoln, 1994; Tracy, 2010) when designing research that incorporates use of ATI/FOI and compares the disclosures obtained to other data types.

ATI/FOI is not just an investigative enterprise, but also a collaborative one. ATI/FOI users benefit from working together, both with academics as well as those outside of academia (Walby & Larsen, 2012). Often the questions being investigated are broader than any one researcher can manage on their own. Other researchers (journalists and lawyers) are usually investigating similar questions. These multiple users can share disclosures or can work together on joint projects. This will ensure they dig as deep as possible into what can be troubling and controversial government practices. The promise of ATI/FOI is its investigative character, but impact comes from collaboration. When records are found that reveal government practices going against the public interest, especially in areas of criminal justice and security, it is necessary to share these findings as widely as possible in an effort to inform the various publics who are impacted.

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## CHAPTER 3

# CRIMINAL GROUP DYNAMICS AND NETWORK METHODS

Marie Ouellet and Sadaf Hashimi

### ABSTRACT

**Purpose** – Criminal groups have long been central to explanations of crime and deviance. Yet, challenges in measuring their dynamic and transient nature meant that group-level explanations were often displaced in favor of individual-level ones. This chapter outlines how network methods provide a powerful tool for modeling the dynamic nature of criminal groups.

**Approach** – The chapter starts by providing a brief introduction to social network analysis, including key concepts and terminology. The chapter then focuses on the types of relational data available to study criminal groups, and how network methods can be used to delineate group boundaries. The chapter concludes by presenting a framework for understanding group dynamics from a network perspective, describing the contributions of network analysis to theories of group processes.

**Findings** – Network methods have provided meaningful advances to the study of group dynamics, leading scholars to revisit assumptions about the impact of group structure on delinquent behavior. Network studies of group dynamics have primarily focused on the cohesion–delinquency link (within-group structure) and the social contagion of conflict (between-group structure), highlighting important opportunities for the intersection of these two inquiries.

**Value** – Network methods provide a means to revisit and extend theories of crime and delinquency with a focus on social structure. The unique affinity between group dynamics and network methods highlights immense opportunities for expanding the knowledge of collective trajectories.

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