

# The Consequences of Guilt by Association as an Investigative Decision Rule

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# Background

## Substantive Insights

Cole, David & Dempsey, James X.  
(2002). *Terrorism and the Constitution: Sacrificing Civil Liberties in the Name of National Security*. NY: The New Press.



# Background

## Psychological Insight

Hammond, K.R. (1996). *Human Judgment and Social Policy: Irreducible Uncertainty, Inevitable Error, Unavoidable Injustice*. NY: Oxford University Press



# Background

## Initial System Dynamics Model

Weaver, E.A. & Richardson, G.P.  
(2002). Threshold setting and the cycling  
of a decision threshold. Presentation to  
the 20th Conference of the System  
Dynamics Society, Palermo, Italy, July  
23, 2002.



# Definitions of Key Terms

- **Signs of criminal activity**
  - **criminal activities or plans by specific individuals**
  - **individuals sending money earmarked for criminal activity**



# Definitions of Key Terms

- **Guilt by association**
  - recent contacts of the guilty
  - friends of the guilty
  - those financing humanitarian causes conducted by same organization as the guilty
  - those sharing ideology of guilty
  - those sharing ethnicity or race of guilty



# Key Components

- **Judgment rule:**
  - **Relative weight on signs of individual criminal activity vs. guilt by association**
- **Quality of judgment**
  - **Sensitivity = guilty detected/ all guilty**
  - **Specificity = innocents left alone/  
all innocents**



# Key Components

- **Stakeholder pressures:**
  - Lobby to increase investigative power
  - Protests as check on unrestrained investigative power
- **Outlay of Resources:**
  - Cost effectiveness of investigation
  - Results of congressional audits

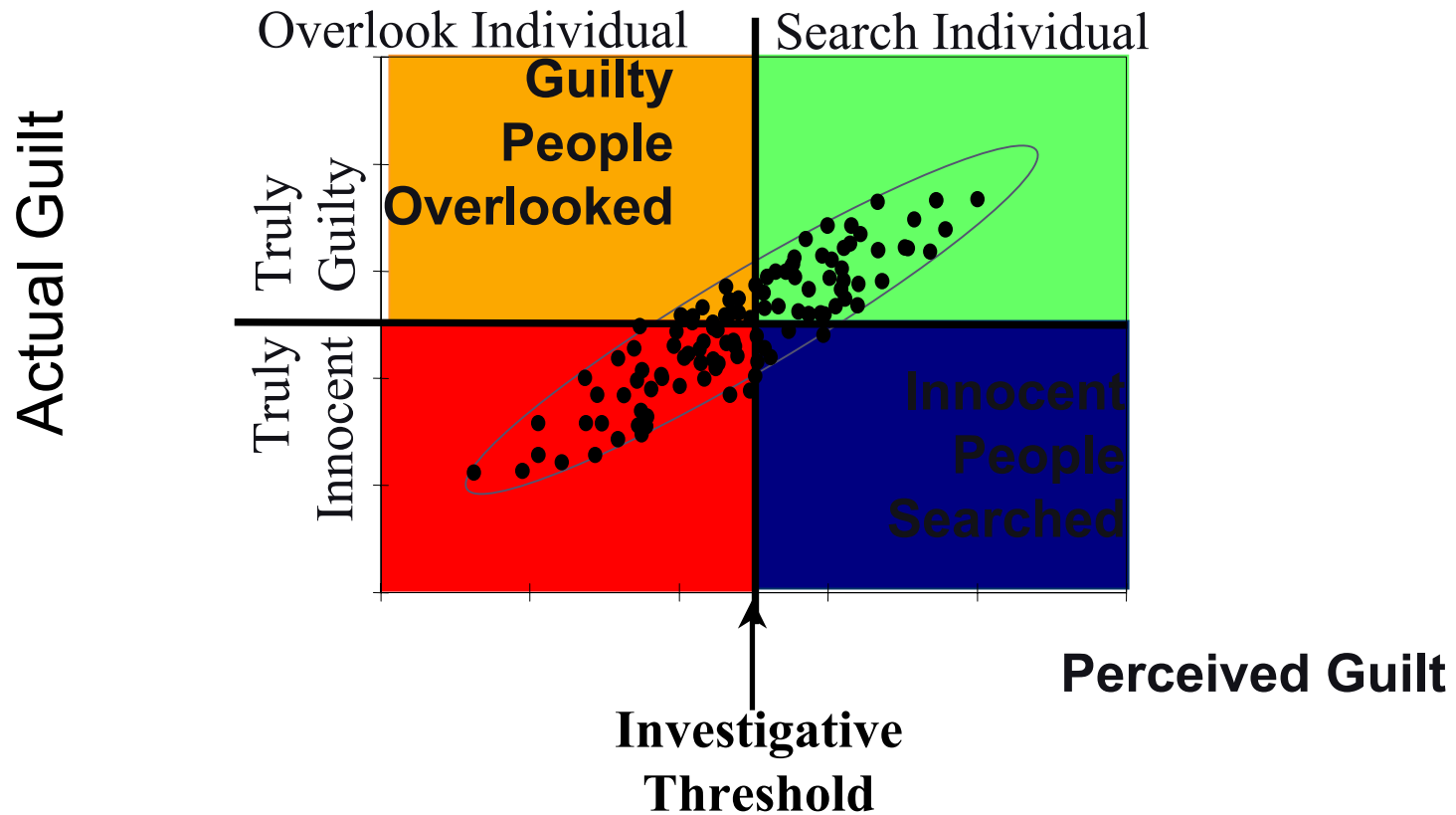




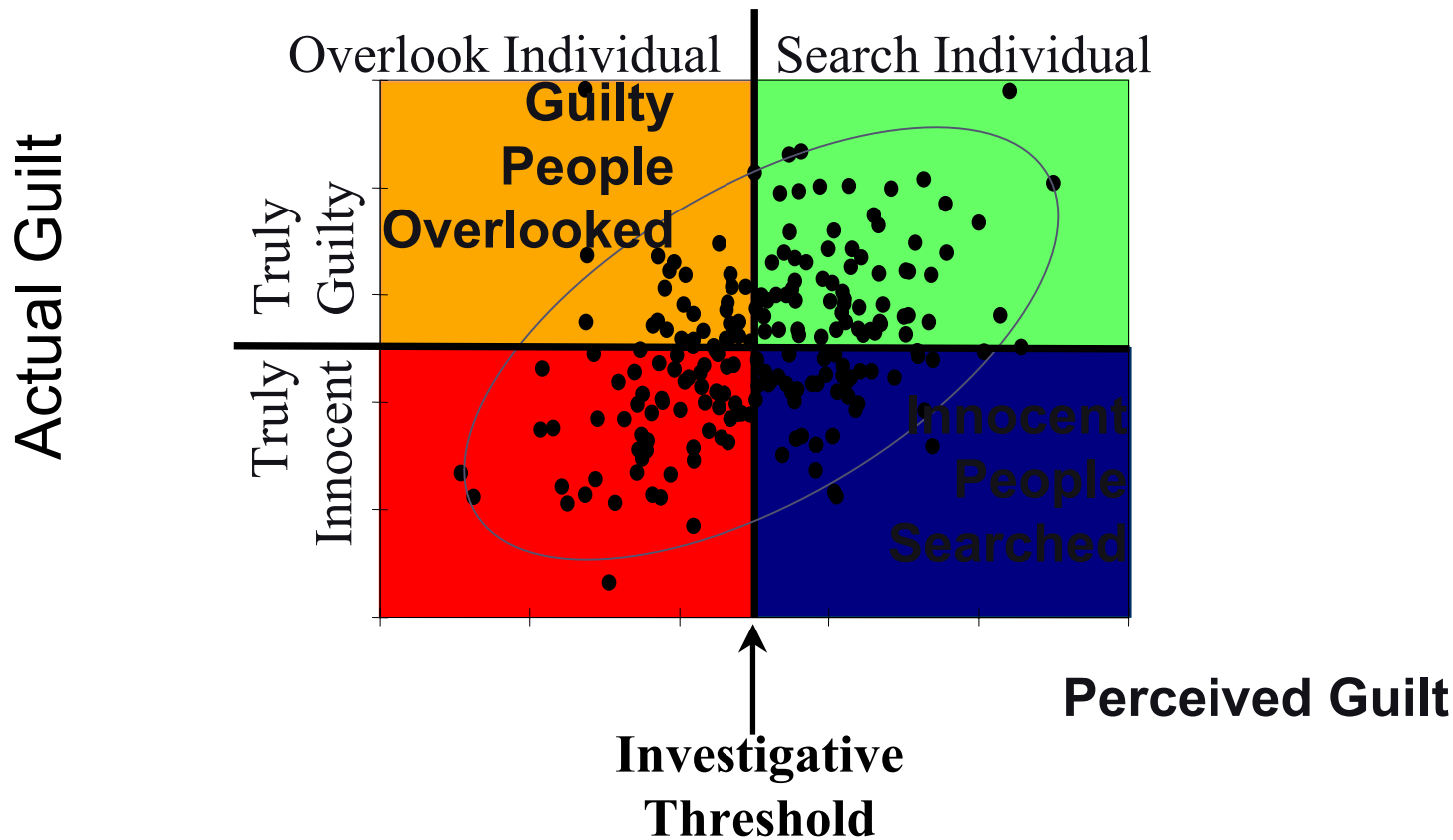
# Key Components

- **Legal Issues:**
  - **Secrecy and breaches of due process**
  - **Resulting lawsuits**
- **Public Response**
  - **Community support for investigation**
  - **Chill or decreased sense of freedom of expression**
  - **Tolerance for security measures such as wait times at the airport**

# Highly Effective Judgment Rule



# Less Effective Judgment Rule

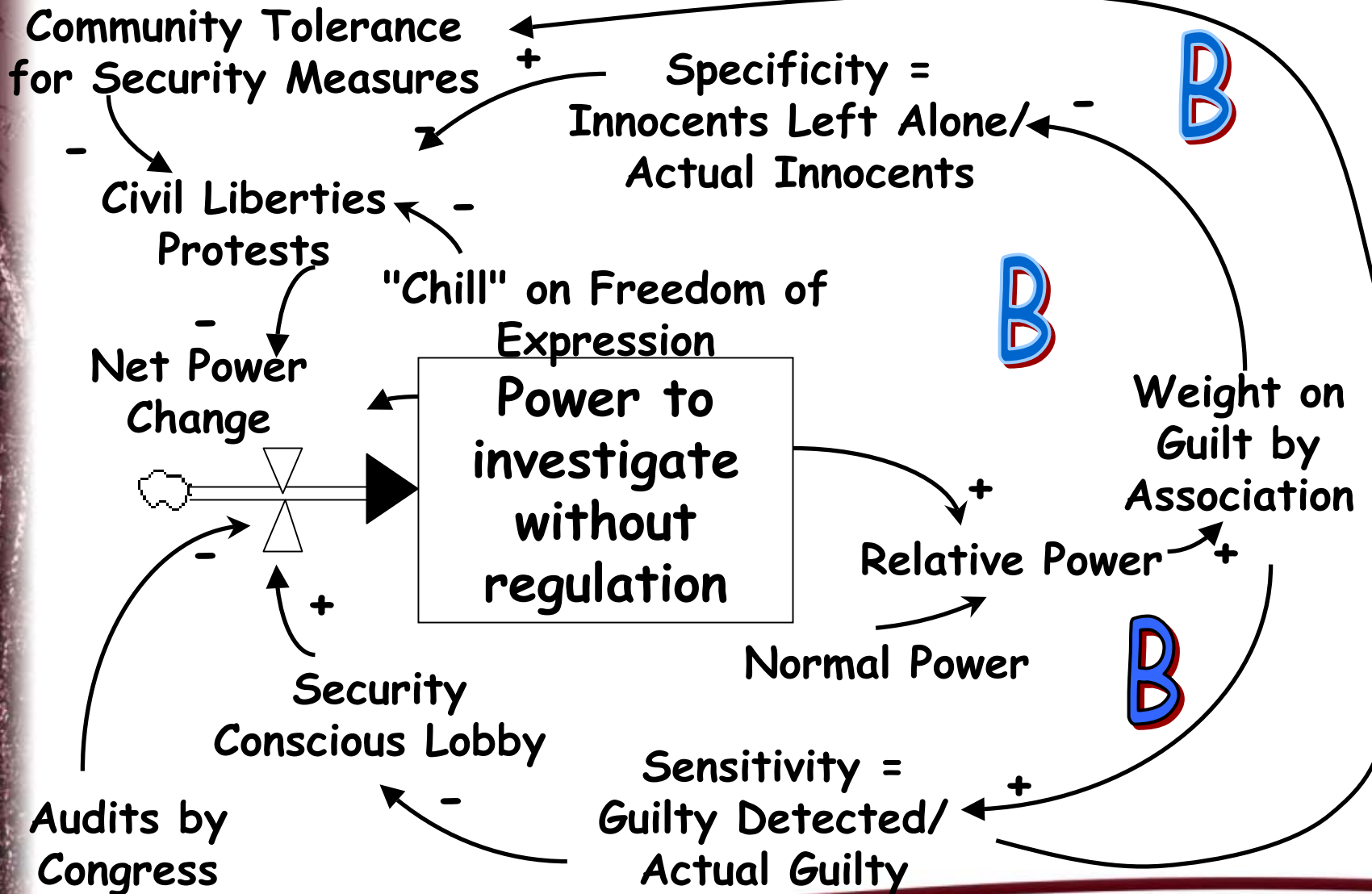




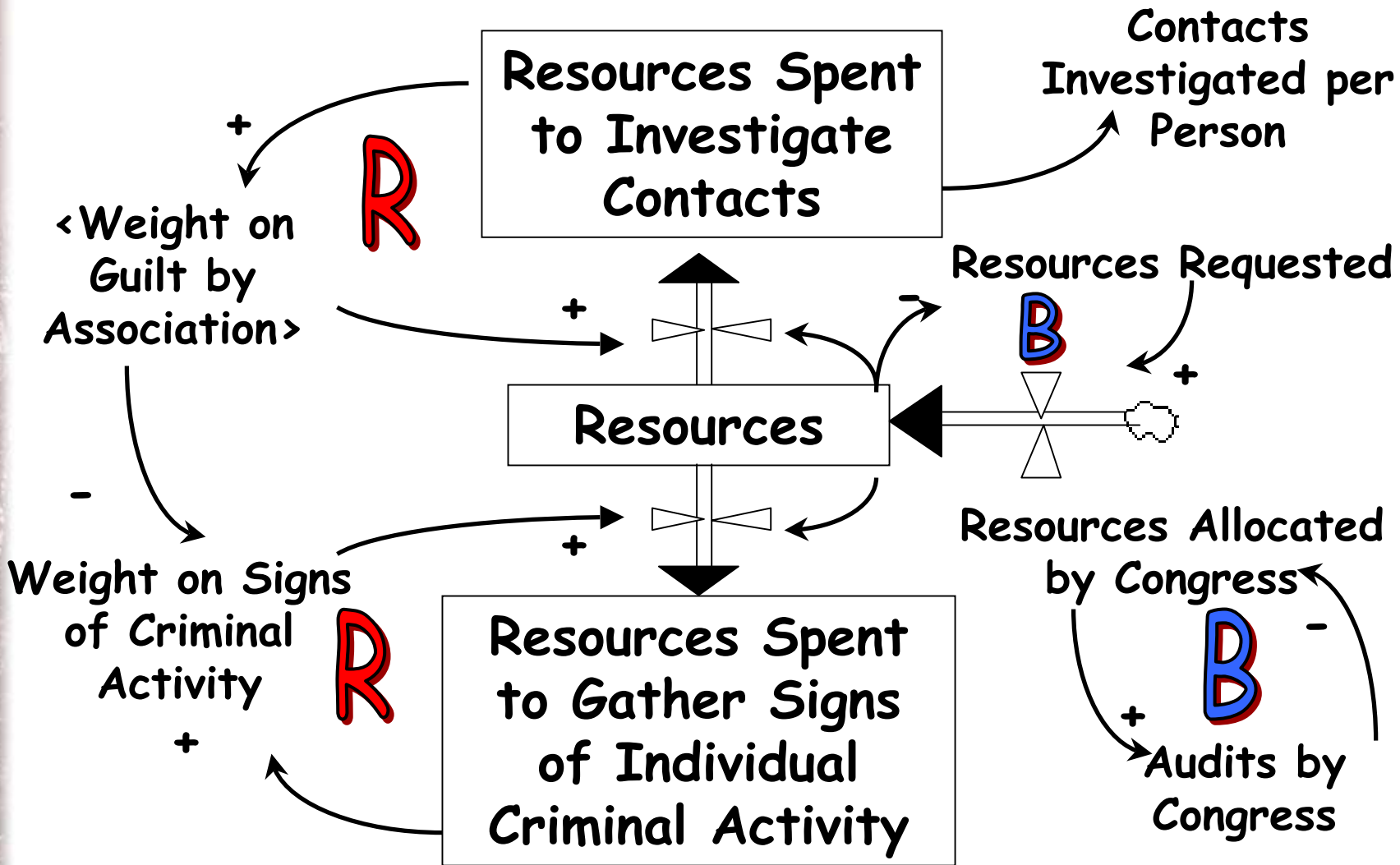
# Reference Modes

- **Oscillation of investigative power over time**
- **High weight on Guilt by Association resulting in exponential growth in resources required**
- **Constraints on protest and secrecy of investigation leading to exponential growth of resources required and poor judgment efficacy**

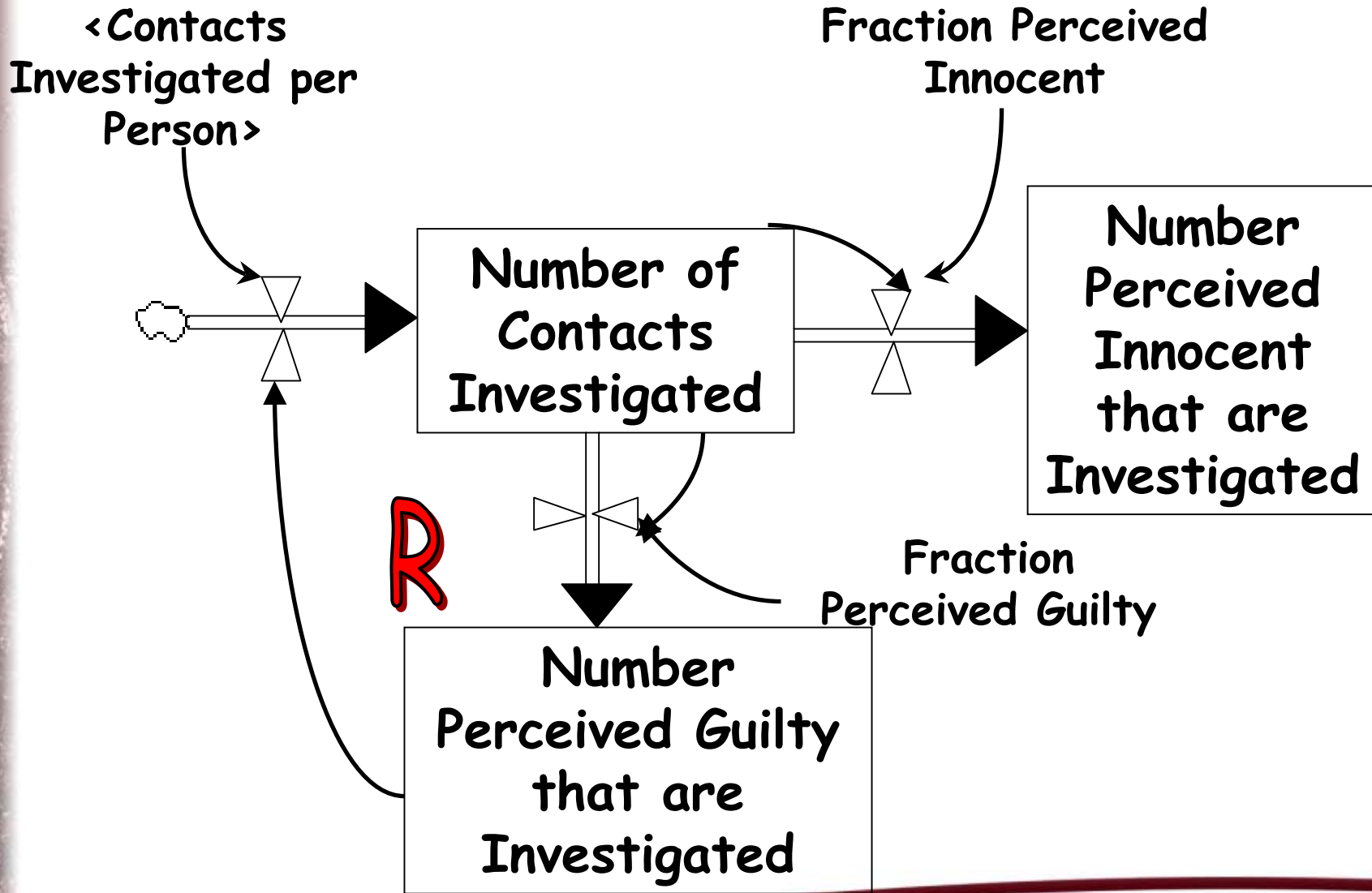
# Regulation Sector



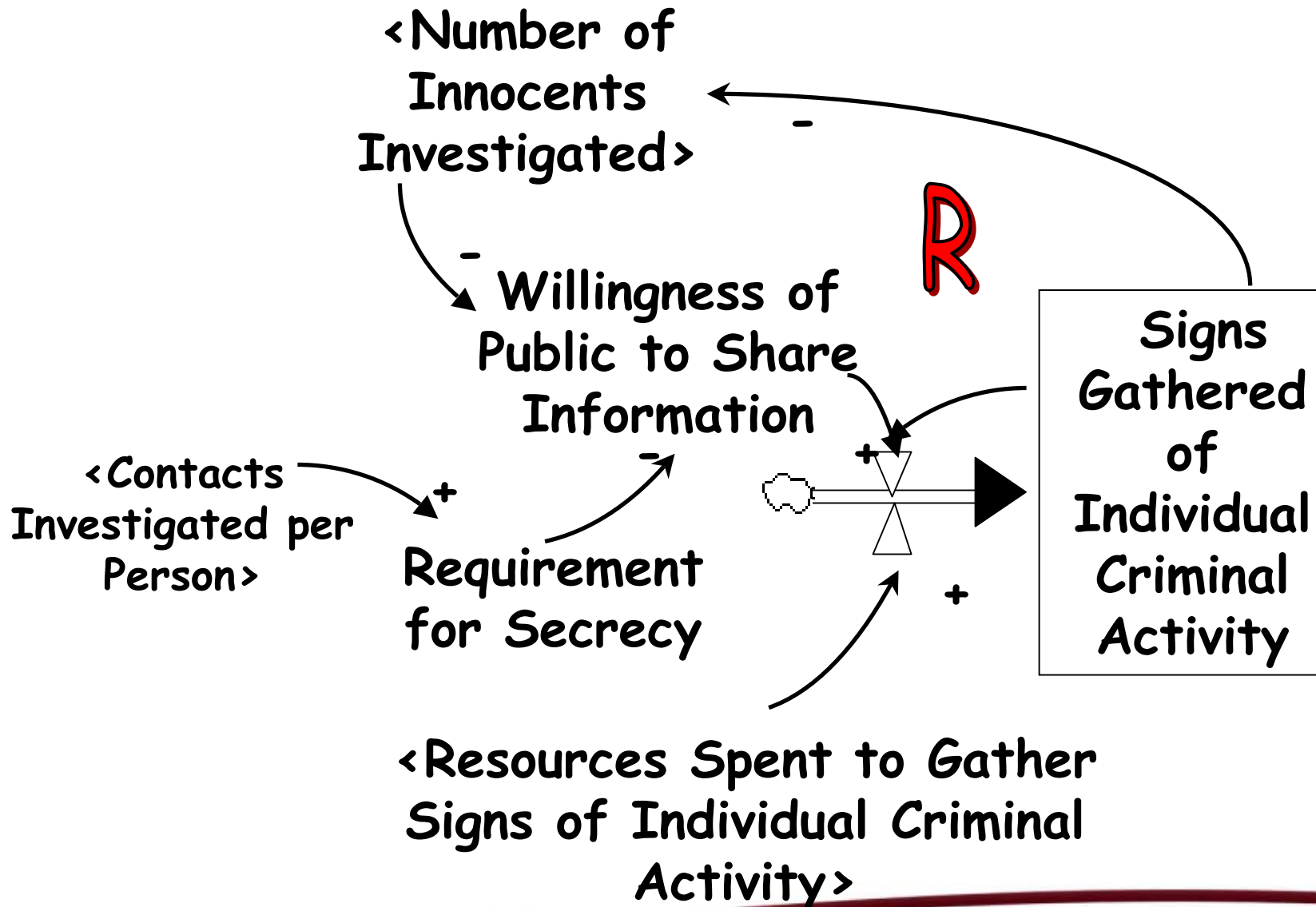
# Resource Allocation Sector



# Investigation of Contacts

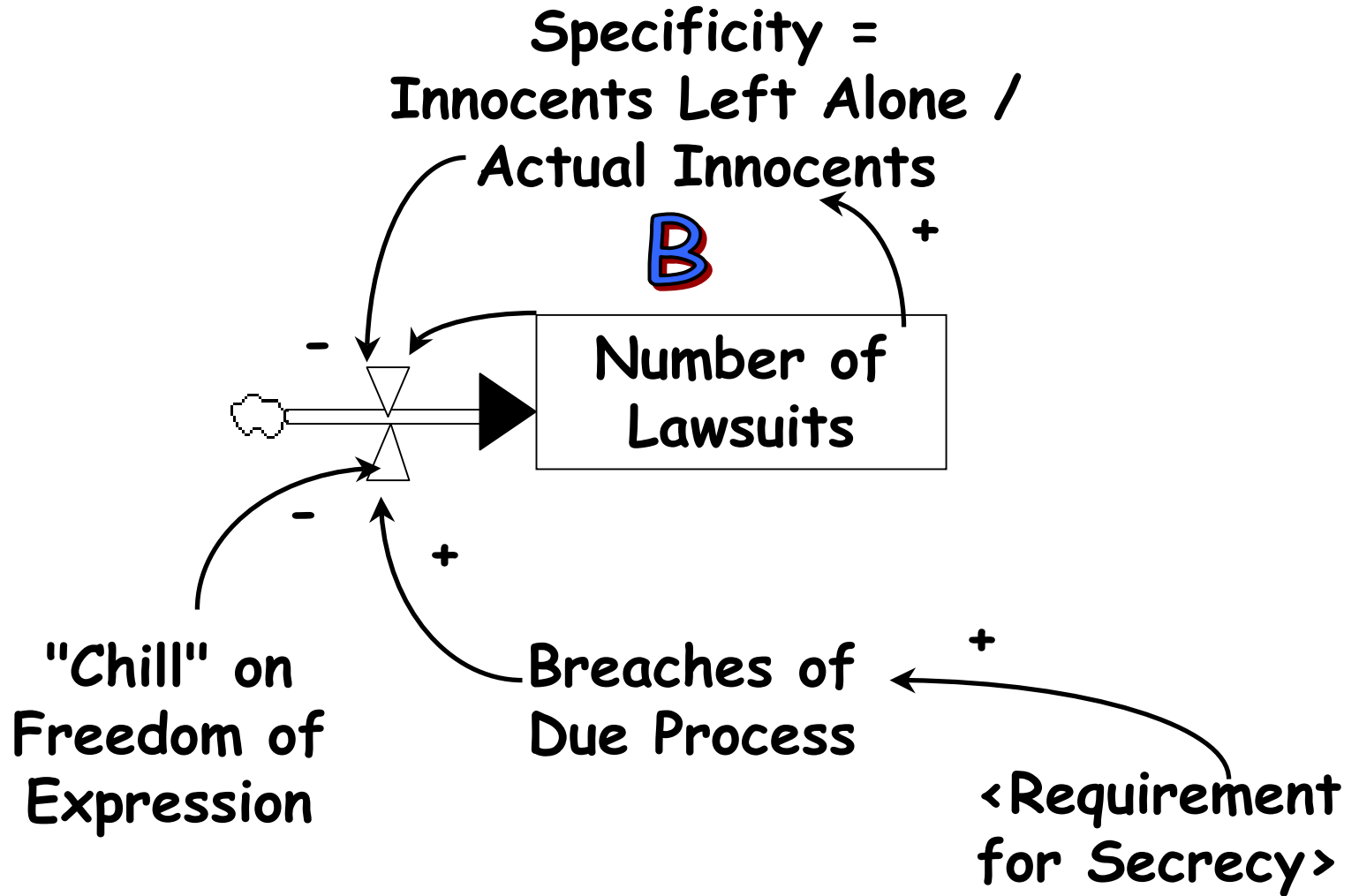


# Community Response





# Legal Oversight



# Judgment Rule Efficacy

Accuracy from  
Guilt by  
Association

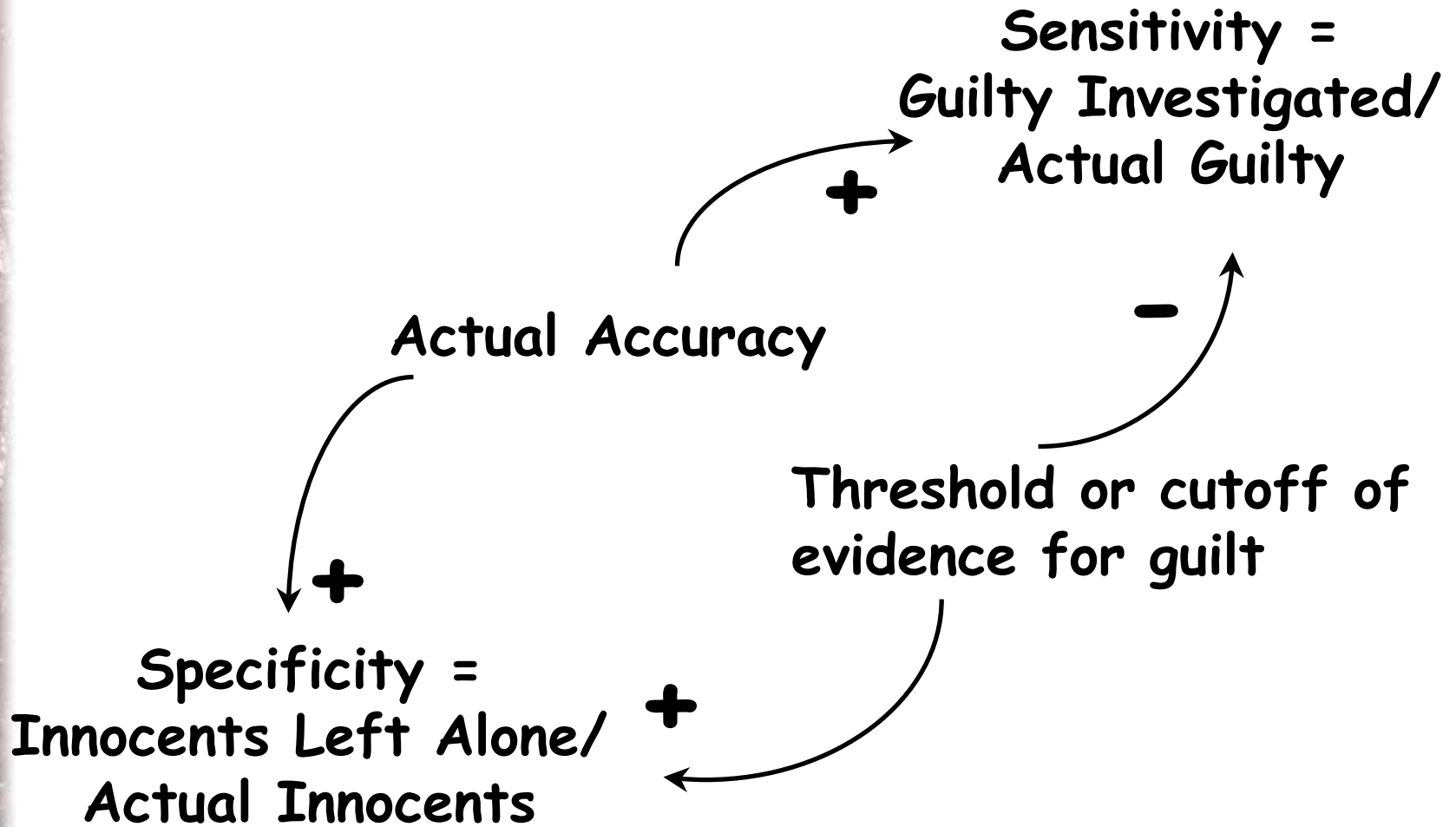
Weight on  
Guilt by  
Association



Accuracy of  
Guilt based on  
Signs of  
Criminal Activity

Weight on  
Signs of  
Criminal  
Activity

# Judgment Rule Efficacy





# Testing the System

- **Compare heavy to light weight on Guilt by Association**
- **Compare stingy congress to expansive congress with respect to resources**
- **Compare constraints on protest and secrecy of investigation to open society**

# Testing the System

- **Measure sensitivity and specificity**
- **Measure power of investigative arm**
- **Measure resources required to run investigations**

# Conclusions

- **Pay serious attention to sensitivity *and* specificity as metrics of quality of investigation**
- **Allocate resources liberally**
- **Allocate power conservatively**
- **Keep checks and balances in place**