



Centre for Criminology & Sociolegal Studies
UNIVERSITY OF TORONTO

Criminological Highlights

The Centre for Criminology and Sociolegal Studies, University of Toronto, gratefully acknowledges the Ontario Ministry of the Attorney General for funding this project.

Volume 14, Number 3

June 2014

Criminological Highlights is designed to provide an accessible look at some of the more interesting criminological research that is currently being published. Each issue contains “Headlines and Conclusions” for each of 8 articles, followed by one-page summaries of each article.

Criminological Highlights is prepared by Anthony Doob, Rosemary Gartner, Maria Jung, Alexandra Lysova, Natasha Madon, Katharina Maier, Nicole Myers, Holly Pelvin, Andrea Shier, Jane Sprott, Adriel Weaver, and Scot Wortley.

Criminological Highlights is available at www.criminology.utoronto.ca and directly by email.

Views – expressed or implied – in this publication are not necessarily those of the Ontario Ministry of the Attorney General.

This issue of *Criminological Highlights* addresses the following questions:

1. Why do so many cases involving minor offences end up without a finding of guilt?
2. Can a pre-school program for disadvantaged children show benefits 40 years later?
3. Did the Gang Resistance Education and Training (G.R.E.A.T.) program reduce crime and keep youths out of gangs?
4. Does the public believe that there should be one standard of proof necessary for a guilty finding irrespective of offence?
5. Why do some neighbourhoods become more violent over time?
6. How did the conservative Canadian province of Alberta reduce its imprisonment rate?
7. Do people’s beliefs about how to respond to violence and disrespect in the community predict their involvement in violence if they go to prison?
8. When should we expect to see hate crimes?

Why do so many cases involving minor offences end up without a finding of guilt? Because the justice system has found ways of exercising its power to punish without the need to prove guilt.

Prisons, fines, and other formal sentences constitute only one way in which the justice system punishes. Probation and parole populations are “routinely constrained and routinely inspected for fitness to maintain their limited liberty...” (p. 355). “A felony conviction often restructures the rights of citizenship... [and] is almost always a permanent mark” (p. 355). With minor cases, the system has other methods that do not require findings of guilt. These techniques demonstrate “the malleable social control capacity of criminal justice institutions... [Thus the] swelling of dismissed cases does not represent a failure of juridical punishment or the runoff from an overburdened system, but a creative deployment of the tools available in the criminal process for the task of social regulation” (p. 387).

..... Page 4

A targeted pre-school program had beneficial effects for the next 40 years.

Other studies have demonstrated that investment in the lives of children early in their lives can have crime reduction effects (*Criminological Highlights* 1(5)#6, 4(2)#1) along with other benefits. The detailed data from this study, and from others, suggest that the effects of interventions in the lives of young children can be long-lasting and some of the beneficial effects may not be evident until decades after the end of the program. It appears, however, that necessary ingredients for success in this program were that it involved “fully qualified or well-supervised teachers using a proven curriculum model, engaging parents as partners, and regularly assessing program implementation and children’s development” (p. 404).

..... Page 5

An evaluation of the Gang Resistance Education and Training (G.R.E.A.T.) program suggests that the program reduced gang membership in some, but not all, cities, but had no impact on youths’ involvement in crime.

Previous research (see *Criminological Highlights* 4(1)#8, 3(1)#5, 8(6)#3) has demonstrated that “membership” in a gang can mean very different things to different youths. Hence it is not too surprising to find that a program might affect self-reported gang membership, but not self-reported delinquency. As other researchers have noted, “Gang prevention is not synonymous with delinquency prevention” (*Criminological Highlights* 8(3)#3). One of the attractive aspects of the G.R.E.A.T. program is that it is a relatively small and inexpensive intervention into the lives of youths. However, this implies that it is reasonable to expect that the effects of the program would not be large. Nevertheless, as one commentator put it, “The inconvenient truth is that G.R.E.A.T. had no effect on the... delinquency... scores [or the] inventory of violent delinquency... scores which included an item asking whether respondents had been “involved in gang fights” (p. 430). “What is the value of a program that causes some kids to disavow gang membership but does not reduce criminal offending?” (p. 428).

..... Page 6

People are more willing to relax the standard of proof necessary for a verdict of guilt when the offence is a very serious one.

“The public subscribes to a dynamic decision criterion which varies systematically with crime seriousness. A lower standard of proof is desired in the case of more serious crime” (p. 44). Since judges are, presumably, expected to maintain an unchanging standard of proof that is not affected by the seriousness of the offence, it would appear that the public – when they are not acting as decision makers – is more flexible than judges are supposed to be in defining what should be the required standard of proof. These data obviously address issues of how ordinary citizens view standards of proof. Data from studies of juries in the US and England suggest that when making actual decisions, ordinary jurors are, overall, less likely to convict than judges (See Baldwin & McConville *Jury Trials* and Kalven & Zeisel *The American Jury*).

..... Page 7

A study of homicide in Buffalo, New York, from 1950-2000, demonstrates that even after controlling for socioeconomic disadvantage, African American neighbourhoods became increasingly vulnerable, over time, to high homicide rates.

The vulnerability of predominantly African American communities to becoming high violence neighbourhoods appears to have occurred most dramatically in the latter part of the 20th century. These neighbourhoods were, at that time, particularly susceptible because of their exposure to highly violent nearby communities. “For this reason, residents of predominantly African American neighbourhoods in Buffalo have found themselves in neighbourhoods distinguished by elevated levels of violence, irrespective of the neighbourhood’s class status” (p. 508).

..... Page 8

One Canadian province, Alberta, reduced its prison population in the 1990s by 32% with no negative consequences.

A dramatic reduction in the use of imprisonment took place in Alberta in a short period of time. In 1992, there were 23,711 sentenced admissions to provincial institutions; in 1997 there were only 14,467. There was no evidence of an increase in admissions to federal institutions for those given long sentences during this period. Though the catalyst for the change in provincial imprisonment policy may have been budgetary, the context in which the change occurred – including Canadian governments’ scepticism about the value of imprisonment – allowed the reduction to happen without difficulty.

..... Page 9

Prisoners who are involved in violence when in prison are likely to believe that “maintaining a tough identity is critical for securing the respect of others” (p. 699).

The beliefs that prisoners held when they arrived in prison on how they should respond to disrespect, threats, and violence from others predicts their involvement in violence in prison. Educational and vocational programming in prison, as well as involvement with organized religion, had no apparent impact on prison violence or on the relationship between belief in the ‘code of the street’ and prison violence. What is not known, however, is whether the prison experience has an impact on adherence to the ‘code’.

..... Page 10

The number of hate crimes in the US spikes almost immediately after certain contentious events (e.g., high profile controversial trials and lethal terrorist attacks) but not others (e.g., court decisions granting rights to same sex couples).

The targets of hate crimes are people who share what is seen as a common characteristic with those who are believed (correctly or not) to be responsible for an affront against another group. The spike in the frequency of hate crimes with these people as targets occurs very soon after the triggering event but does not appear to last very long. In fact, in the first 10 years in which hate crime data were available in the US, 66% of the 691 hate crimes with an anti-Islamic motive happened between September 11 and December 31, 2001 (3% of this 10 year period).

..... Page 11

Why do so many cases involving minor offences end up without a finding of guilt? Because the justice system has found ways of exercising its power to punish without the need to prove guilt.

In New York City close to 50% of misdemeanour arrests do not result in a finding of guilt. In Canada, about 32% of *all* adult criminal cases result in *all* charges being stayed or withdrawn (22% for multiple charge cases; 47% for single charge cases). Given that these cases don't result in formal punishment, it would be easy – but wrong – to assume that they aren't taken seriously. Aside from anything else, often a lot of effort is spent in processing them before the charges are dismissed.

Most misdemeanour arrests in New York involve minor charges. About 70% involve marijuana or other controlled substances, thefts, or minor assaults. They disproportionately involve Black and Hispanic defendants from neighbourhoods with high crime rates and a large proportion of non-white residents. The most common disposition of these cases is "Adjournment in Contemplation of Dismissal" (ACD), in which the case is adjourned, with consent, for a specified period (up to 6 or 12 months) sometimes with conditions that the defendant must meet before the charges are dismissed.

Within this formal structure, however, a number of different penal techniques are employed that "can be accomplished without the burden of securing a conviction" (p. 388).

The first technique – *marking* – identifies the defendant as someone involved in the criminal justice system. Hence a proposed ACD for one year identifies the person as someone who has had contact with the justice system and as someone who received an ACD – a fact that is used in deciding what to do if the defendant is arrested in the future. In addition, because the person's case is technically open, it is accessible online to anyone, and therefore this disposition can and

does sometimes affect current or future employment. This is done "without having to satisfy all of the legal burdens of proving guilt or using resources for sentence or formal monitoring" (p. 374).

A second technique – *procedural hassle* – happens almost inevitably. Being initially detained, or waiting all day (and missing one or more day's work or having to arrange child care) "for their 60-120 seconds in front of the judge" are examples. For example, a defendant was charged with possession of a prohibited weapon (a gravity knife that was seized from him when he was arrested). He was offered an ACD but he refused it because he maintained that it was not a gravity knife. Only after 8 months and 8 court appearances did the prosecutor examine the knife, only then to 'discover' that, indeed, the defendant was correct. It would appear that prosecutors believe that defendants 'earn' the dismissal of their case "by way of the procedural hassle... monitoring, testing, and imposing costly inconveniences on the defendant" (p. 379).

Finally, defendants are made subject to *performance* – the requirement "that the defendant discharge some duty, assigned task, program activity or therapeutic undertaking" (p. 381). "In practice, the content of the performance is not always

as important as the requirement that the defendant undertakes some burdensome task and comes back to court to prove compliance" (p. 383).

Conclusion: Prisons, fines, and other formal sentences constitute only one way in which the justice system punishes. Probation and parole populations are "routinely constrained and routinely inspected for fitness to maintain their limited liberty..." (p. 355). "A felony conviction often restructures the rights of citizenship... [and] is almost always a permanent mark" (p. 355). With minor cases, the system has other methods that do not require findings of guilt. These techniques demonstrate "the malleable social control capacity of criminal justice institutions... [Thus the] swelling of dismissed cases does not represent a failure of juridical punishment or the runoff from an overburdened system, but a creative deployment of the tools available in the criminal process for the task of social regulation" (p. 387).

Reference: Kohler-Hausmann, Issa (2013). Misdemeanour Justice: Control without Conviction. *American Journal of Sociology*, 119(2), 351-393.

A targeted pre-school program had beneficial effects for the next 40 years.

Few knowledgeable people believe that the best way to reduce crime is through investments in the criminal justice system. Even though harsh penalties including imprisonment do not appear to be effective means of addressing crime (see the collections of *Criminological Highlights* on these subjects at <http://criminology.utoronto.ca/criminological-highlights>), a reasonable question might be: what else can be done? This paper demonstrates that investments in a two year pre-school program for “at risk” children can have lasting effects.

Children from low socioeconomic status African-American families who showed low intellectual performance at age 3-4 were recruited into the study and were then randomly assigned either to receive a pre-school program or no program. Program children attended school daily for 2.5 hours for two years. In addition, the teachers in the children’s school visited the program children’s homes once a week to talk to parents and engage them in the education process. The goal of the program might be described as focusing school and family efforts on the development of the child’s cognitive and social skills. The control group received the normal educational and social services available to anyone in the community. The participants and control group have now been followed for 40 years in order to see whether the experiences had long term effects.

People who had been randomly assigned to the program group at age 3-4 were more likely to graduate from high school (or equivalent) than children in the control group. Compared to the control group, at age 40 the program group was more likely to be employed, have higher incomes, and own their own homes. In

addition, by age 40, the program group was less likely to have been arrested for violent, property or drug crimes. Generally speaking these effects held for both males and females. Furthermore, the program participants were less likely to have been sentenced to prison or jail and, generally speaking, were less likely to have spent long periods on probation or in prison.

It appears that the preschool experience improved participants’ early childhood intellectual experience. This in turn, improved commitment to schooling at age 15 and performance in school as a teenager. Higher educational achievement led to higher earnings and less involvement in crime. Obviously, there were criminal justice savings from the program. For example, 52% of the control group was sentenced to at least some time in jail or prison compared to 28% of the program group. 23% of the control group was sentenced to prison for more than 2 years, compared to only 12% of the program group. In 2013 dollars, the program cost \$20,019 per participant. An analysis suggests that much more than this was saved in criminal justice costs alone.

Conclusion: Other studies have demonstrated that investment in the lives of children early in their lives can have crime reduction effects (*Criminological Highlights* 1(5)#6, 4(2)#1) along with other benefits. The detailed data from this study, and from others, suggest that the effects of interventions in the lives of young children can be long-lasting and some of the beneficial effects may not be evident until decades after the end of the program. It appears, however, that necessary ingredients for success in this program were that it involved “fully qualified or well-supervised teachers using a proven curriculum model, engaging parents as partners, and regularly assessing program implementation and children’s development” (p. 404).

Reference: Schweinhart, Lawrence J. (2013). Long-term Follow-up of a Preschool Experiment. *Journal of Experimental Criminology*, 9, 389-409.

An evaluation of the Gang Resistance Education and Training (G.R.E.A.T.) program suggests that the program reduced gang membership in some, but not all, cities, but had no impact on youths' involvement in crime.

The Gang Resistance Education and Training (G.R.E.A.T.) program has received a fair amount of favourable publicity in part because it is a relatively inexpensive, school-based, prevention program that was implemented as part of a randomized control trial, thus allowing it to be evaluated properly. Designed to reduce gang membership, the program involves about 13 classroom lessons to youths in Grade 6 or 7. The program is typically presented by police officers.

In 31 schools in 7 American cities, 195 classrooms were randomly assigned either to receive the G.R.E.A.T. program or not. The youths from these classrooms were then followed for 4 years. Each time they were interviewed, the youths were asked about gang membership, general delinquency, and violent delinquency. "Gang membership" was measured with one question -- "Are you now in a gang?" (p. 384). Delinquency was measured with 14 questions that captured both the variety of types of delinquency the youth engaged in as well as the frequency of involvement in offending. In this paper, the effects one year and four years after the end of the program were reported.

Pooling across the 7 cities, there was a significant reduction in self-reported gang involvement. One year after the end of the program, 6.4% of the control group and 3.8% of the treatment group reported being in gangs (p. 430). Four years after the treatment, the effect was still significant, but it was smaller. However, these favourable effects held for only 3 of the 7 sites one year after the end of the program, and 2 of the 7 sites 4 years after the end of the program.

Though youths in some cities were somewhat less likely to report joining gangs if they were exposed to the program, there were *no* differences in delinquency (overall or violent; frequency or the variety of types) between the youths who received the program and those who did not. In fact, using the traditional definition of statistical significance, in only *one* city, on one of the four measures, was there a favourable effect of the program. But in another city, those who participated in the program reported *more* involvement in delinquency on this same measure. The safest conclusion would appear to be that the program had no impact on delinquency.

Conclusion: Previous research (see *Criminological Highlights* 4(1)#8, 3(1)#5, 8(6)#3) has demonstrated that "membership" in a gang can mean very different things to different youths. Hence it is not too surprising to find that a program might affect self-reported gang membership, but not self-reported delinquency. As other researchers have noted, "Gang prevention is not synonymous with delinquency prevention" (*Criminological Highlights*

8(3)#3). One of the attractive aspects of the G.R.E.A.T. program is that it is a relatively small and inexpensive intervention into the lives of youths. However, this implies that it is reasonable to expect that the effects of the program would not be large. Nevertheless, as one commentator put it, "The inconvenient truth is that G.R.E.A.T. had no effect on the... delinquency... scores [or the] inventory of violent delinquency... scores which included an item asking whether respondents had been "involved in gang fights" (p. 430). "What is the value of a program that causes some kids to disavow gang membership but does not reduce criminal offending?" (p. 428).

References: Esbensen, Finn-Aage, D. Wayne Osgood, Dana Peterson, Terrance J. Taylor, and Dena C. Carson. (2013) Short-and Long-Term Outcome Results from a Multisite Evaluation of the G.R.E.A.T. Program. *Criminology & Public Policy*, 12(3) 373-411. Pyrooz, David C. (2013). Gangs, Criminal Offending, and an Inconvenient Truth. *Criminology & Public Policy*, 12(3) 427-436.

People are more willing to relax the standard of proof necessary for a verdict of guilt when the offence is a very serious one.

The saying that it is “Better that 10 guilty persons escape than that one innocent suffer” is attributed to the 18th century English jurist Sir William Blackstone. Nevertheless, “There is no agreement about the exact level of certainty required for a guilty conviction” (p. 34). In fact, in one British survey 36% of respondents indicated that they believed that it is *worse* to let a guilty person go free than to convict an innocent person. This paper explores the possibility that the level of certainty that people believe should be required for a conviction varies with characteristics of the case being decided.

In this study, ordinary Dutch citizens, travelling on intercity trains, were given questionnaires containing crime vignettes. It was pointed out in the questionnaires that often a judge “cannot be completely certain about the suspect’s guilt or innocence. Therefore, it is possible that individuals who are guilty will be acquitted and individuals who are innocent will be convicted. How often these two judicial errors occur depends on standards of proof.... It is sometimes stated that it is better to acquit 20 guilty people than to convict one innocent person. On this statement, opinions vary” (p. 39). Participants were then asked, for each of 3 offences – a shoplifting, a burglary, and a rape -- “How many guilty people in similar cases should be acquitted in order to prevent one innocent person from wrongful conviction?”

In addition, some of the participants were given information that made salient the consequences of wrongful convictions or wrongful acquittals. Some were given information on both types of possible errors; other participants were given

neither type of information. As it turns out, information on the consequences of errors had no impact on participants’ judgements of the ‘Blackstone ratio.’

The results show that as the seriousness of the offence increases, the ‘Blackstone ratio’ – the number of guilty persons who should be acquitted to prevent one innocent person from being convicted’ – decreases. For shoplifting the ratio was 9 people could be wrongfully acquitted to avoid one wrongful conviction; for burglary it was 7, and for rape, it was only 6 people. In other words, people use a lower standard of proof necessary for a guilty finding for very serious crimes (like rape) than they do for less serious crimes (like shoplifting). However, there was little consensus about the appropriate ‘standard’ for *any* crime. For example, in the rape case, 45% of the respondents were unwilling to acquit *any* guilty person to prevent one wrongful conviction, but 14% were willing to take the chance of acquitting 10 or more in that same case.

Conclusion: “The public subscribes to a dynamic decision criterion which varies systematically with crime seriousness. A lower standard of proof is desired in the case of more serious crime” (p. 44). Since judges are, presumably, expected to maintain an unchanging standard of proof that is not affected by the seriousness of the offence, it would appear that the public – when they are not acting as decision makers – is more flexible than judges are supposed to be in defining what should be the required standard of proof. These data obviously address issues of how ordinary citizens view standards of proof. Data from studies of juries in the US and England suggest that when making actual decisions, ordinary jurors are, overall, less likely to convict than judges (See Baldwin & McConville *Jury Trials* and Kalven & Zeisel *The American Jury*).

Reference: De Keijser, Jan W., Evianne GM de Lange, and Johan A. van Wilsem (2014). Wrongful Convictions and the Blackstone Ratio: An Empirical Analysis of Public Attitudes. *Punishment & Society*, 16(1) 32-49.

A study of homicide in Buffalo, New York, from 1950-2000, demonstrates that even after controlling for socioeconomic disadvantage, African American neighbourhoods became increasingly vulnerable, over time, to high homicide rates.

Do neighbourhood social and economic conditions have equivalent impacts on neighbourhood violence rates irrespective of their racial composition? One reason for thinking that the racial composition of neighbourhoods is important is that neighbourhoods with high concentrations of African Americans may have characteristics, aside from race, that set them apart. For example, it has been noted that “racial and ethnic groups have substantially different abilities to distance themselves from unfavourable urban social conditions” (p. 492).

This study examines homicide rates in the neighbourhoods of Buffalo, NY, in the last 5 decades of the 20th century, a period of economic decline in a city that lost 44% of its population and went from having about 4% of its population African-American to about 29%. For this 50 year period, the location of each homicide in Buffalo was determined. Various socioeconomic characteristics and the racial breakdown of each census tract for each of the 5 decades were also obtained.

With these data, then, it was possible to investigate “whether neighbourhood racial composition influences *changes* in the location and concentration of violence within cities over time” (p. 495). Although it has been demonstrated that homicide rates in a given location are associated with homicide rates in nearby locations, it is not known how these effects play out in neighbourhoods over time. In particular, the design of this study made it possible to determine whether, in a highly segregated city like Buffalo, neighbourhoods with high concentrations of African Americans were particularly vulnerable to becoming more violent over the course of 50 years,

above and beyond any effects of their socio-economic characteristics.

“Neighbourhood homicide levels are strongly related to poverty and other aspects of socioeconomic disadvantage” (p. 502) during most of this 50 year period. Controlling for socioeconomic characteristics of the neighbourhood, homicide rates were higher in neighbourhoods with high concentrations of African American residents. Neighbourhoods close to neighbourhoods with high homicide rates tended, themselves, to have high homicide rates. Neighbourhoods that had high homicide rates in one decade tended to have high homicide rates in subsequent decades. Only when changes over a 30 year period were examined was it possible to see substantial shifts in whether a neighbourhood had a relatively high homicide rate. However, “African American neighbourhoods experienced heightened risk of violence diffusion [from nearby neighbourhoods] as the century drew to a close, irrespective of local socioeconomic conditions” (p. 507).

Conclusion: The vulnerability of predominantly African American communities to becoming high violence neighbourhoods appears to have occurred most dramatically in the latter part of the 20th century. These neighbourhoods were, at that time, particularly susceptible because of their exposure to highly violent nearby communities. “For this reason, residents of predominantly African American neighbourhoods in Buffalo have found themselves in neighbourhoods distinguished by elevated levels of violence, irrespective of the neighbourhood’s class status” (p. 508).

Reference: Griffiths, Elizabeth (2013). Race, Space, and the Spread of Violence Across the City. *Social Problems*, 60 (4), 491-512.

One Canadian province, Alberta, reduced its prison population in the 1990s by 32% with no negative consequences.

Incarceration rates are largely the result of policy choices by those in power and have little to do with crime rates (*Criminological Highlights* 12(3)#2, 6(1)#7, 3(5)#1, 13(4)#8). This is not to suggest, however, that imprisonment policies relate in a simple manner to the 'right-left' orientation of the party in power (*Criminological Highlights* 12(1)#5). This paper examines the decarceration that took place in the mid-1990s in Canada's most conservative province, Alberta, soon after one of its long-serving premiers, Ralph Klein, assumed power in 1992.

The impetus for reducing the number of prisoners in Alberta's provincial correctional institutions was that the newly elected provincial premier had made a commitment to balance the budget by cutting expenditures in all government departments – including the justice ministry – by about 20%. He refused to raise taxes, even though Alberta taxes are relatively low. Canadian imprisonment rates had been fairly stable for decades in part because imprisonment was considered to be a necessary, but not a very effective, response to offending (*Criminological Highlights* 8(2)#6). A reduction in imprisonment *per se* was not the ultimate goal of government actions; justice expenditures simply needed to be cut and the reduction in imprisonment was the natural consequence.

Many of the changes that were made to accomplish the provincial justice department's expenditure reduction goal were part of a "Serious and Violent Crime Initiative" instituted by provincial officials. In Canada, offenders sentenced to at least 2 years in prison are sent to penitentiaries run and paid for by the federal government. Hence there was no need to change the manner in which the province's most serious offenders were handled. The focus, instead, could be on the less serious offenders. From the

civil servants' perspective, therefore, the required change in approach was welcomed as an opportunity to implement good policy. The closing of two provincial prisons signalled the need to change prosecutorial and correctional policies. Minor cases were diverted from the formal justice system. Alternatives to short (i.e., provincial) prison sentences were identified and recommended, by probation officers, to sentencing judges. Prisoners were released early from prison, often with various punitive controls (e.g., house arrest or requirements that they spend their days in attendance centres).

Ministers of the conservative government focused, in their public statements, on the positive aspects of the policy, referring to it as a "cost effective and progressive approach to corrections while ensuring the protection of the public..." (p. 17). The justice minister noted that "there are other ways of dealing with some of the criminal activity... that are more effective than putting a person in jail" (p. 15). He noted that the policy of more selective use of incarceration "is much more effective in changing behaviour than just having someone for a minor offence being put in jail... The issue is how effective is prison and are there alternatives which are better..." (p. 19).

Conclusion: A dramatic reduction in the use of imprisonment took place in Alberta in a short period of time. In 1992, there were 23,711 sentenced admissions to provincial institutions; in 1997 there were only 14,467. There was no evidence of an increase in admissions to federal institutions for those given long sentences during this period. Though the catalyst for the change in provincial imprisonment policy may have been budgetary, the context in which the change occurred – including Canadian governments' scepticism about the value of imprisonment – allowed the reduction to happen without difficulty.

Reference: Webster, Cheryl Marie and Anthony N. Doob (2014). Penal Reform 'Canadian Style': Fiscal Responsibility and Decarceration in Alberta, Canada. *Punishment & Society*, 16(1), 3-31.

Prisoners who are involved in violence when in prison are likely to believe that “maintaining a tough identity is critical for securing the respect of others” (p. 699).

The determination of the security level in which prisoners are to be held is typically accomplished by looking at such characteristics as their age, the offences that brought them to prison, their criminal history and prior infractions while in prison. Typically, prison officials do not consider the values held by the prisoner that, from the prisoner's perspective, are important for surviving in violent communities.

This paper looks at the relationship between “the code of the street” – a tough or violent demeanor designed to deter others from even thinking about challenging them in any way – and violent acts in prison. The ‘code’ includes a commitment to “respect, toughness, and retribution” (p. 699). In this study, adherence to the ‘code’ was measured by ascertaining prisoners’ agreement with questions such as “It is important not to back down from a fight or challenge because people will not respect you” and “People do not respect a person who is afraid to fight physically for his or her rights” (p. 706-7).

As part of a larger longitudinal study in Iowa and Georgia, people who were interviewed in their communities at age 20 were assessed on their acceptance of the code of the street. Four years later, they were interviewed again and it was found that 219 people had been incarcerated at some point in the previous 4 years. As part of the interview that took place when they were 24, they indicated, using a ‘life calendar’ method, how many times they had engaged in various violent acts in

recent years. 32% of the sample of people who had been imprisoned reported engaging in one or more violent acts while incarcerated. These included threats (24% of the sample), physical fights with other prisoners (16%) and physical fights with correctional officers (6%).

Greater adherence to the street code was associated with the amount of violence a prisoner engaged in while in custody even when various background characteristics (e.g., sex, neighbourhood disadvantage, prior violent offending) were controlled for. The relationship also held when characteristics of the offence, sentence length, and prior incarcerations were controlled. Prisoners involved in gangs in the institutions and prisoners with little family support (few visits, phone calls and letters from family members) were more likely to be violent. However, above and beyond those effects, adherence to the ‘code of the street’ was still related to violence within the institution. The effect of the ‘code’ was greater for those prisoners who had little family support and were involved with gangs.

Conclusion: The beliefs that prisoners held when they arrived in prison on how they should respond to disrespect, threats, and violence from others predicts their involvement in violence in prison. Educational and vocational programming in prison, as well as involvement with organized religion, had no apparent impact on prison violence or on the relationship between belief in the ‘code of the street’ and prison violence. What is not known, however, is whether the prison experience has an impact on adherence to the ‘code’.

Reference: Mears, Daniel P., Eric A. Stewart, Sonja E. Siennick, and Ronald L. Simons (2013). The Code of the Street and Inmate Violence: Investigating the Saliency of Imported Belief Systems. *Criminology*, 51(3) 695-728.

The number of hate crimes in the US spikes almost immediately after certain contentious events (e.g., high profile controversial trials and lethal terrorist attacks) but not others (e.g., court decisions granting rights to same sex couples).

“Hate crimes often are defensive in nature and are precipitated by an affront to one demographic group by another... In essence they are partly an expression of informal social control” by one group over another (p. 872). Furthermore, it has been suggested that the targets of hate crimes “amount to forms of collective liability in which innocents are attacked simply because they belong to a particular group” (p. 873).

Hate crimes, according to one theory, would be expected to occur in situations in which “the group harbouring the grievance cannot turn to the law to rectify the conflict or otherwise find closure” (p. 874). This study identifies events that might “stoke anger or represent an affront to another group” (p. 875). These events, however, need to have a clearly definable group to be associated with the triggering event. The hypothesis is that immediately after these events there might be a spike in the number of hate-motivated crimes against that group.

Two contentious trials were identified: the acquittal of white police officers charged with the violent beating of Rodney King, an African American; and the acquittal of the African American, O. J. Simpson who had been charged with killing two white victims. For anti-Arab/Muslim hate crimes, four events were identified including the 9/11 events. Finally, in order to examine anti-gay hate crimes, two court decisions ruling in favour of benefits for same sex couples were examined.

In the Rodney King case, there was a dramatic spike in anti-white hate crimes that hit a peak within four days but dropped dramatically thereafter, returning to normal levels within about

a month. During the four days after the O.J. Simpson verdict, anti-Black hate crimes increased about 60%, but dropped to near normal within about a week. Although both events occurred in Southern California, the backlash hate crimes occurred across the United States, presumably because of the vast media attention both events received.

The hate crimes targeting Arabs and Muslims after lethal terrorist attacks in the U.S. (one of which was initially, but incorrectly, widely attributed to Arabs/Muslims) showed a similar pattern: an almost immediate effect – i.e., large numbers of hate crimes against Arabs/Muslims on the day of the attack – that largely dissipated within about 10 days. Obviously, the best known of these events were the 9/11 attacks, but the effects were similar after all four events.

However, two separate court decisions, in 1999 and 2003, ruling that same-sex couples were entitled to the same benefits as heterosexual couples had no effects on anti-gay hate crimes. One reason for this may be that in cases such as these there are no obvious “perpetrators” (or members of the group) who can be easily identified (as members of racial groups could be identified).

It may be then, that for hate crimes to be triggered by some event, there must be a ‘grievance’ by one group against another and there must be an identifiable out-group to which responsibility for the event could be attributed. In addition, there must be sufficient publicity for people to hear about the event.

Conclusion: The targets of hate crimes are people who share what is seen as a common characteristic with those who are believed (correctly or not) to be responsible for an affront against another group. The spike in the frequency of hate crimes with these people as targets occurs very soon after the triggering event but does not appear to last very long. In fact, in the first 10 years in which hate crime data were available in the US, 66% of the 691 hate crimes with an anti-Islamic motive happened between September 11 and December 31, 2001 (3% of this 10 year period).

Reference: King, Ryan D. and Gretchen M. Sutton (2013). High Times for Hate Crimes: Explaining the Temporal Clustering of Hate-Motivated Offending. *Criminology*, 51(4), 871-894.