



Criminological Highlights

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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.

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

1. What factors influence members of the New York Muslim community to cooperate with the police in combating terrorism?
2. Do judges who are ‘tough on crime’ reduce crime?
3. Does formal court processing of young offenders reduce recidivism?
4. What is the impact of imprisoning young people on their chances of getting a job?
5. Does allowing young people to spend a lot of unsupervised time with other youths encourage offending?
6. What are the effects of fines on those who receive them?
7. Do residential restrictions on former sex offenders living in the community reduce reoffending?
8. Are meetings between low risk offenders and their probation/ parole officers useful?

The willingness of members of the Muslim community in New York to work voluntarily with the police in combating terrorism is determined, in part, by how Muslims are treated by the police and others in the community.

Most New York Muslim respondents indicated that they would engage in cooperative actions if asked to do so by the police, and most indicated that they would report possible terrorist related activities to the police. The variation that did exist in Muslims' willingness to combat terrorism appears to be in large part affected by the degree to which Muslims have had positive versus discriminatory interactions with others in American society. Those who felt excluded from American society through overt discrimination, for example, as well as those who reported that the police did not treat them fairly were less likely to be cooperative on terrorism matters. If the cooperation of the western Muslim communities is important, therefore, it appears that western societies have the opportunity to increase that cooperation in large part by examining and addressing aspects of their own treatment of Muslims in their communities.

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Punitive judges don't stop crime.

Whether one controls, statistically, for characteristics of the 1003 cases in the study, or simply compares the outcome of cases randomly assigned to be sentenced by 'tough' vs. 'lenient' judges, the findings are consistent. The most conservative conclusion would be that "Incarceration seems to have little effect on the likelihood of rearrest. Despite the fact that [the study] measured recidivism in a way that gives those incapacitated by prison time less time to recidivate than those who are not incarcerated, prison time seems to do little to reduce the odds of rearrest. Evidently, the combined effects of incapacitation and specific deterrence are weak in this setting" (p. 381). "Those assigned by chance to receive prison time and their counterparts who received no prison time were rearrested at similar rates over a 4-year time frame" (p. 382).

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Formal processing of youths in the youth justice system does not reduce subsequent offending. If anything, youths processed formally are more likely to re-offend than those screened out of the formal system or processed informally.

A conservative conclusion would be that court processing does not reduce subsequent offending. "Given that the evidence indicates that there is no public safety benefit to [youth justice] system processing, and its greater costs when compared to release, even the most conservative cost-benefit analyses would favour release over [youth justice] system processing" (p. 38). Obviously some youths, because they have committed serious offences, will be brought to court in any jurisdiction and one cannot generalize the findings from these studies to those youth because these studies focused largely on youths charged with relatively minor offences. At the same time it should be noted that "the data from these studies do not support a policy of establishing [formal] diversion programs for juveniles who normally would not have been officially processed...." (p. 39).

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Incarcerating young adults who could be punished in the community ensures that they will be less likely to be in the workforce upon release.

The youths in this study were, on average, only in prison (on this first occasion) for a little more than 4 months. Nevertheless, this relatively short period of incarceration appears to have had a long-lasting impact on their employment patterns. By their own accounts, it was not so much that ex-inmates were not *finding* work, it is that they were not looking for work. Since all of those in this study had been convicted, it is clear that there is an additional long-term deficit created by incarceration, in addition to any impact of the conviction itself. More specifically, the challenge seems to be to identify ways of attaching ex-inmates to the labour market. "To the degree that... incarceration [of youths] disrupts the process of attachment to work, it has the capacity to serve as a catalyst that sustains long-term criminal involvement" (p. 471).

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In general, youths who spend a lot of unsupervised time with other youths are more likely than youths whose leisure time is supervised by adults to be involved in violence. However, the impact of unsupervised time on involvement in violent crime does not hold for youths who live in close-knit neighbourhoods in which people help and get along with one another.

Youths are more likely to engage in unstructured socializing with peers in neighbourhoods high in collective efficacy (neighbourhoods in which people look after one another). Parents may be more likely to allow unstructured socializing in neighbourhoods considered to be well-monitored and in which the neighbours are thought of as being trustworthy. It would appear that, at least in terms of violence, parents are making intelligent decisions: unstructured socializing is unrelated to violence in high collective efficacy neighbourhoods. Involvement in violence, then, is not simply a function of the characteristics of the youth or the characteristics of the youth's friends. The neighbourhood in which youths find themselves can, in effect, eliminate the violence-enhancing risk involved with having friends who are involved in crime. From this perspective, policies that support neighbourhoods may serve to reduce violence.

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The imposition of fines and other financial obligations on offenders can have unintended negative effects on offenders and can even contribute to crime.

Across the U.S. about two-thirds of felons sentenced to prison and more than 80% of all other offenders had monetary sanctions imposed on them in 2004. The debt that they are left with is substantial in comparison with their income. "Legal debt contributes to the accumulation of disadvantage" by reducing already low incomes, creating long term debt which reduces access to housing and employment. It creates disincentives to work and in some cases encourages those with employment to quit their jobs to avoid being arrested if they cannot afford court-imposed payment. Simply put, "the widespread imposition of substantial legal debt may encourage antisocial rather than prosocial outcomes" (p. 1792).

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Conditions that are placed on sex offenders prohibiting them from living near schools and daycares do not contribute to public safety.

"Living close to a school or daycare does not appear to increase access to children in a way that facilitates recidivism for known sex offenders" (p. 499). Hence it would appear that such restrictions do not accomplish the goal for which they are designed. However, "residence restriction zones create barriers to re-entry and inhibit the factors known to contribute to successful reintegration, such as employment, housing stability, prosocial relationships and civic engagement" (p. 499).

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For low risk offenders, anything more than very occasional meetings with probation and parole officers is a waste of resources.

The results of this experiment suggest that for low risk offenders, there is no criminological benefit from relatively higher rates of supervision. The experiment "constitutes strong evidence that [probation and parole] agencies with low frequency of [in person] visits (i.e., 4.5 visits annually) [of probation/ parole clients with the supervisor] can safely cut that frequency roughly in half (to 2.4 visits annually) at least for low risk offenders..." (p. 184). More generally, the study provides a justification for other probation/ parole agencies to experiment with the allocation of resources to low risk clients.

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The willingness of members of the Muslim community in New York to work voluntarily with the police in combating terrorism is determined, in part, by how Muslims are treated by the police and others in the community.

As in some other countries since September 11, 2001, “Muslim American communities have become a focus for anti-terror policing efforts in the United States” (p. 366). Hence it is not surprising that there is interest in “what circumstances are associated with voluntary cooperation by Muslim Americans in anti-terror policing efforts and in particular, which policing strategies enhance or diminish that cooperation” (p. 366). This study addresses this issue with data from a 2009 survey of 300 randomly selected Muslim Americans living in the New York City area.

The study focuses in large part on issues surrounding procedural justice. Research on procedural justice suggests that people are more likely to comply with the police and cooperate with them when they believe that the police authorities are acting in a legitimate and fair manner. Previous research (*Criminological Highlights*, 4(4)#1, 7(1)#4) has demonstrated that the more police and other justice authorities are viewed as legitimate, the more likely it is that their rules and decisions are accepted.

Muslim Americans’ views of police legitimacy in fighting terrorism were assessed by the level of agreement with statements such as “You should trust these law enforcement agents to make decisions that are good for everyone when they are investigating and prosecuting terrorism” (p. 390). Police legitimacy in fighting terrorism was greatest for those respondents who saw the police as acting in a procedurally fair manner (e.g., making decisions based on facts rather than opinions, applying the law consistently, giving people a chance to express their views before making decisions). Police legitimacy was, however, also related to the extent to which respondents identified with being American and expressed support for U.S. policies in fighting terrorism.

Those respondents who indicated that they thought that the police acted in a procedurally fair manner within their (Muslim) communities were more likely to indicate their willingness to alert the police to possible terrorism threats. In addition, those respondents who believed that anti-terrorism policies had been created in a legitimate fashion (e.g., that the community had been given an opportunity to provide input and community views were considered) were more likely to cooperate with the police in averting terrorism and they were more willing to alert the police to possible terrorism activities. Those Muslim Americans who reported experiencing discrimination at school, work, or in dealing with authorities, were less likely to be willing to cooperate with the police or report possible terrorism activities to the police. Finally, those respondents who had strong identification with America (e.g., who agreed with the statement that “Being an American is important to the way I think of myself as a person”) were more likely to be willing to alert the police.

Conclusion: Most New York Muslim respondents indicated that they would engage in cooperative actions if asked to do so by the police, and most indicated that they would report

possible terrorist related activities to the police. The variation that did exist in Muslims’ willingness to combat terrorism appears to be in large part affected by the degree to which Muslims have had positive versus discriminatory interactions with others in American society. Those who felt excluded from American society through overt discrimination, for example, as well as those who reported that the police did not treat them fairly were less likely to be cooperative on terrorism matters. If the cooperation of the western Muslim communities is important, therefore, it appears that western societies have the opportunity to increase that cooperation in large part by examining and addressing aspects of their own treatment of Muslims in their communities.

Reference: Tyler, Tom R., Stephen Schulhofer, and Aziz Z. Hug (2010). Legitimacy and Deterrence Effects in Counterterrorism Policing: A study of Muslim Americans. *Law & Society Review*, 44(2), 365-401.

Punitive judges don't stop crime.

A fair amount of published research suggests that harsher sentences do not reduce recidivism and may even increase the likelihood of future offending (*Criminological Highlights*, 11(1)#1, 11(1)#2). A weakness of many studies of the impact of imprisonment on subsequent offending is that it cannot be assumed that judges hand down sentences at random. Hence there remains the possibility that pre-existing differences between those offenders treated harshly and those treated more leniently may account for differences (or lack of differences) in their recidivism rates. In order to overcome this problem, this study takes advantage of one common fact, and one unusual procedure: judges vary in their punitiveness and, in Washington, D.C., judges have cases assigned to them in an essentially random fashion. In other words, it might be said that Washington, D.C. offenders are randomly assigned to be sentenced by judges who give sentences of quite different levels of severity.

This study looked at the impact of variation in sentence severity on recidivism in cases of drug felonies (largely distribution and possession for the purpose of distribution) in 2002/3. Cases were assigned to nine different judges in a sequential fashion. Though there were occasional departures from this procedure because a court was overloaded with cases, neither the facts of the case nor the defendant ever determined the court assignment. Indeed, a careful examination of the cases found that judges had very similar distributions of cases on 20 different dimensions. Most (85%) of the defendants had at least one prior arrest and most (67%) had at least one prior conviction.

There were nine court dockets (or judges). The proportion of these drug offenders who were incarcerated varied, across judges, from a low of 23% incarcerated to a high of 65%. These differences far exceeded what could be expected by chance. Said differently, the judge (as opposed to the characteristics of the case) was a major determinant of sentence severity. The average non-suspended prison sentence varied from 5.1 months for the least punitive judge to 11.9 months for the most punitive. The

proportion given probation, instead of or in addition to prison, varied from 29% to 60%. Clearly there was considerable variation across judges. The measure of recidivism was whether the offender was rearrested on any criminal charge in Washington, D.C., or the neighbouring state of Maryland within 4 years of the date on which the case was completed. Since those incarcerated had less opportunity to offend, this operationalization would tend to reduce the apparent re-offending rate of those incarcerated or those incarcerated for the longest period of time (i.e., it would tend to create effects that would support the idea that individuals are deterred by harsher sentences).

There was no evidence that those sentenced by harsh judges (i.e., those who incarcerated higher proportions of offenders; or those judges who, on average, incarcerated offenders for long periods of time) were less likely to recidivate. Similarly, the number of months of probation was unrelated to reoffending. If anything, those who received sentences from harsh judges (i.e., those prone to handing out prison sentences) were *more* likely to recidivate (even though they might have had less time to do so) though this

effect was not consistently statistically significant across analyses.

Conclusion: Whether one controls, statistically, for characteristics of the 1003 cases in the study, or simply compares the outcome of cases randomly assigned to be sentenced by 'tough' vs. 'lenient' judges, the findings are consistent. The most conservative conclusion would be that "Incarceration seems to have little effect on the likelihood of rearrest. Despite the fact that [the study] measured recidivism in a way that gives those incapacitated by prison time less time to recidivate than those who are not incarcerated, prison time seems to do little to reduce the odds of rearrest. Evidently, the combined effects of incapacitation and specific deterrence are weak in this setting" (p. 381). "Those assigned by chance to receive prison time and their counterparts who received no prison time were rearrested at similar rates over a 4-year time frame" (p. 382).

Reference: Green, Donald P. and Daniel Winik (2010). Using Random Judge Assignments to Estimate the Effects of Incarceration and Probation on Recidivism Among Drug Offenders. *Criminology*, 48(2), 357-387.

Formal processing of youths in the youth justice system does not reduce subsequent offending. If anything, youths processed formally are more likely to re-offend than those screened out of the formal system or processed informally.

Those making decisions about how to process young offenders often have choices on how to respond to these offenders – especially when youths have committed relatively minor offences. In Canada, police are required to consider measures other than court-based procedures and it is presumed that it is better for many young offenders to be dealt with outside of the formal justice system. To some extent, Canada's 2003 youth justice law has been successful in reducing the use of youth court (see *Criminological Highlights* 10(1)#1, 10(3)#1).

This paper reviews research on the impact of youth court processing on subsequent offending, comparing it to a non-youth-justice-system response to offending. It is limited to 'random assignment' studies in order to ensure that any findings cannot be attributed to pre-existing differences between the two groups of youths.

In all, 29 separate sets of findings, involving 7,304 youths, in studies published between 1973 and 2008 were located that met this very strict (random assignment) criterion. In each study, youths were randomly assigned to one of two conditions: normal court processing or some form of less formal processing. Across studies, the 'less formal processing' varied somewhat. What was important, however, was that by assigning the youths to treatment on a random basis, the two groups ('court processing' and 'no formal processing') can be considered to be equivalent. The authors looked at the longest follow-up period reported in each study (when more than one was reported). These follow-up periods were, on average about 12-13 months long (range 4 to 36 months).

Overall, court processing appeared to *increase* the likelihood that youths would be involved in at least some subsequent offending, though there were non-trivial differences across studies. For those 7 experiments that reported the total number of offences that the youth were involved in (instead of or in addition to simply whether the youth committed a subsequent offence), court processing also had a criminogenic effect. Youths processed by the courts were, on average, involved in more crime than those processed in other ways. Similar effects were found for severity: formal court processing of youths, if anything, increased the severity of subsequent offending.

These criminogenic effects are, however, very small. The studies were broken down in various ways (e.g., those carried out early in the period vs. later, whether the comparison involved the provision of services or the youth was not offered any services if diverted, etc.). None of the sub-sets of studies showed a significant crime-reducing impact of court processing.

Conclusion: A conservative conclusion would be that court processing does

not reduce subsequent offending. "Given that the evidence indicates that there is no public safety benefit to [youth justice] system processing, and its greater costs when compared to release, even the most conservative cost-benefit analyses would favour release over [youth justice] system processing" (p. 38). Obviously some youths, because they have committed serious offences, will be brought to court in any jurisdiction and one cannot generalize the findings from these studies to those youth because these studies focused largely on youths charged with relatively minor offences. At the same time it should be noted that "the data from these studies do not support a policy of establishing [formal] diversion programs for juveniles who normally would not have been officially processed...." (p. 39).

Reference: Petrosino, Anthony, Carolyn Turpin-Petrosino, and Sarah Guckenburg (2010). *Formal System Processing of Juveniles: Effects on Delinquency*. The Campbell Collaboration. Oslo, Norway: www.campbellcollaboration.org

Incarcerating young adults who could be punished in the community ensures that they will be less likely to be in the workforce upon release.

Being imprisoned for the first time appears to increase the likelihood of future offending (*Criminological Highlights* 11(1)#2). In addition, the mention of a criminal record by people applying for an entry level job (*Criminological Highlights* 6(3)#2) reduces considerably their chances of being offered that job. This paper compares the employment prospects of two groups of offenders: those sent to prison and a comparable group who were convicted but not incarcerated.

The challenge in research of this kind is to estimate the impact of imprisonment on employment above and beyond the pre-existing differences between those imprisoned and those not imprisoned. In other words, those who are sent to prison often have employment deficits such as low education or few job skills. This study used a subset of respondents from the (U.S.) National Longitudinal Survey of Youth – those youths who had not been convicted by the time of their first interview (age 13-17) but who were convicted prior to one of the subsequent interviews. As it turns out, the ‘to-be-incarcerated’ youths who are convicted do differ, as a group, from the ‘convicted-but-not-incarcerated’ youths. Hence a ‘matching’ strategy (based on over 30 variables such as family structure, educational background, various risk factors, arrest history, and offence of conviction) was used in this study.

Various outcome measures were examined reflecting the possibility that one of the impacts of imprisonment could be to discourage young people from looking for employment. Thus the researchers examined whether the offender was employed, unemployed (in the work force but not employed) or not in the work force at all.

First time incarceration, controlling for pre-conviction differences, reduces the likelihood of formal employment by about 11% compared to those convicted but not incarcerated. The employment deficit is consistent over time (after conviction). “The higher presence of nonemployment [by those incarcerated] stems almost exclusively from labour force nonparticipation rather than unemployment” (p. 465). In other words, it is not so much that those sent to prison can’t find jobs; they simply aren’t looking for work (perhaps because they believe – correctly or not – that they will not get jobs). For those who obtain employment, there was no difference between the non-incarcerated and those incarcerated in the number of weeks per year that they actually worked.

Looking at employment over time, most of those convicted (whether sent to prison or not) experienced unstable employment. However, incarcerated youths are less likely to be in stable employment, more likely to be consistently out of the work force, and more likely not employed but only occasionally looking for work.

Conclusion: The youths in this study were, on average, only in prison (on this first occasion) for a little more than 4 months. Nevertheless, this relatively short period of incarceration appears to have had a long-lasting impact on their employment patterns. By their own accounts, it was not so much that ex-inmates were not *finding* work, it is that they were not looking for work. Since all of those in this study had been convicted, it is clear that there is an additional long-term deficit created by incarceration, in addition to any impact of the conviction itself. More specifically, the challenge seems to be to identify ways of attaching ex-inmates to the labour market. “To the degree that... incarceration [of youths] disrupts the process of attachment to work, it has the capacity to serve as a catalyst that sustains long-term criminal involvement” (p. 471).

Reference: Apel, Robert and Gary Sweeten (2010). The Impact of Incarceration on Employment during the Transition to Adulthood. *Social Problems*, 57(3) 448-479.

In general, youths who spend a lot of unsupervised time with other youths are more likely than youths whose leisure time is supervised by adults to be involved in violence. However, the impact of unsupervised time on involvement in violent crime does not hold for youths who live in close-knit neighbourhoods in which people help and get along with one another.

A good deal of research has shown that “unstructured socializing with peers [is] associated with general delinquency, substance abuse, and alcohol use” (p. 446). Other research (e.g., *Criminological Highlights* 1(2)#2) has shown that neighbourhoods in which people trust one another and where one can expect neighbours to act for the common good (i.e., neighbourhoods high in what is termed ‘collective efficacy’) tend to have less crime than would be expected on the basis of the characteristics of the residents themselves. This paper looks at the impact of unstructured socializing in neighbourhoods that differ in levels of collective efficacy, the hypothesis being that in neighbourhoods high in collective efficacy (where, among other things, the residents of the neighbourhood appear to have a stake in keeping the neighbourhood safe), unstructured socializing will be unrelated to involvement in violence.

Eighty relatively small neighbourhoods in Chicago were assessed for collective efficacy using residents’ agreement or disagreement with questions such as “People around here are willing to help their neighbours” or “Parents in this neighbourhood generally know each other.”

A separate (but related) longitudinal survey of youths obtained data on unstructured socializing using such questions as “How often do you hang out with friends”. A measure of violent offending was constructed from questions such as “During the last 12 months have you hit someone with whom you do not live?... carried a hidden weapon?... been in a gang fight?” (p. 453). Each youth’s involvement with deviant peers was assessed using questions such as “How many of the people you spend time with have gotten involved in behaviours such as damaging property, attacking someone with a weapon and using drugs” (p. 454). The youths were interviewed for the first time when they were 8-13 years old and were interviewed for the third time when they were 12-19 years old.

The study found that youths who had

a larger number of ‘deviant peers’ at their second interview were more likely to come from a family whose parents were not married. Similarly, the authors found some consistency over time. Those youths who reported being involved in violence at their second interview were more likely to report involvement in violence at their third interview. Being involved in large amounts of unstructured socializing was also associated with self-reported violent behaviour. However, the most interesting finding came from an analysis that controlled for involvement with deviant peers, parental supervision, family structure, etc., and looked how unstructured socializing and the type of neighbourhood had an impact on self-reported violent behaviour in the third interview. Unstructured socializing was only associated with increased violence in “low collective efficacy” neighbourhoods. In neighbourhoods that were cohesive and people looked after one another, unstructured socializing was not associated with violence.

Conclusion: Youths are more likely to engage in unstructured socializing

with peers in neighbourhoods high in collective efficacy (neighbourhoods in which people look after one another). Parents may be more likely to allow unstructured socializing in neighbourhoods considered to be well-monitored and in which the neighbours are thought of as being trustworthy. It would appear that, at least in terms of violence, parents are making intelligent decisions: unstructured socializing is unrelated to violence in high collective efficacy neighbourhoods. Involvement in violence, then, is not simply a function of the characteristics of the youth or the characteristics of the youth’s friends. The neighbourhood in which youths find themselves can, in effect, eliminate the violence-enhancing risk involved with having friends who are involved in crime. From this perspective, policies that support neighbourhoods may serve to reduce violence.

Reference: Maimon, David and Christopher R. Browning (2010). Unstructured Socializing, Collective Efficacy, and Violent Behaviour among Urban Youth. *Criminology*, 48(2), 443-474.

The imposition of fines and other financial obligations on offenders can have unintended negative effects on offenders and can even contribute to crime.

Monetary sanctions, or 'legal financial obligations' (fines, restitution or compensation orders, victim surcharges, charges related to prosecution and corrections, etc.), are often imposed on those found guilty of criminal offences. In Washington state, for example, there are 19 different monetary fees that can be imposed on those convicted of felonies. Moreover, in some parts of the U.S., corrections departments as well as organizations involved in the supervision of those on probation can also impose fees on offenders.

The difficulty with legal financial obligations that are imposed on offenders is that even small monetary sanctions can be very difficult for many offenders to meet. In the state of Washington, for example, in addition to fines, certain legal financial obligations can be imposed on those accused of crimes even if they are not found guilty. A fee is also imposed when an accused opts for trial by jury. In *all* cases in which a person is convicted of a felony, a \$500 "victim penalty assessment" is required. Costs of imprisonment or pretrial detention can also be imposed on those convicted of offences.

Surveys of those in American state prisons show that many inmates have court-imposed monetary obligations that they will be expected to meet upon release, if not earlier. The prevalence of these financial obligations varies considerably across states, but in many states (e.g., California, Minnesota, Mississippi, Pennsylvania, Vermont) at least 75% of prison inmates have these obligations. The proportion of those convicted, and of inmates in prison, with legal financial obligations has increased in the U.S. since 1990.

In this study, 50 convicted felons living in the community were interviewed about the legal financial obligations relating to their most

recent conviction. Not surprisingly, most of those interviewed were not employed, and about a quarter had inadequate or no housing. More than half were expected to support children. Those interviewed noted that legal financial obligations often meant that they didn't have money for shelter or food or that they had to choose between paying their legal financial obligations or other necessities. For some, the payback amounts and interest were such that they would be paying for more than 10 years. For others, because they were not able to pay, it meant that they lost other privileges (e.g., their drivers' licenses) and, as a result were unable to work. For still others, being on welfare suspended the requirement of paying back their legal financial obligations. If, however, the person were to get a job, payback would then be required. The net effect was that the convicted felon was better off financially if he were to stay on welfare since the net income on welfare was higher than the employment income after legal financial obligations were deducted.

Non-payment had its own consequences: respondents indicated that when they could not pay, they sometimes would move or hide in order to avoid re-arrest for non-payment. Ironically, some of those

who were re-arrested found that their financial debt increased because they had to pay jail costs. The consequence of non-payment was that payments were increased in size.

Conclusion: Across the U.S. about two-thirds of felons sentenced to prison and more than 80% of all other offenders had monetary sanctions imposed on them in 2004. The debt that they are left with is substantial in comparison with their income. "Legal debt contributes to the accumulation of disadvantage" by reducing already low incomes, creating long term debt which reduces access to housing and employment. It creates disincentives to work and in some cases encourages those with employment to quit their jobs to avoid being arrested if they cannot afford court-imposed payment. Simply put, "the widespread imposition of substantial legal debt may encourage antisocial rather than prosocial outcomes" (p. 1792).

Reference: Harris, Alexes, Heather Evans and Katherine Beckett (2010). Drawing Blood from Stones: Legal Debt and Social Inequality in the Contemporary United States. *American Journal of Sociology*, 115(6), 1753-1799.

Conditions that are placed on sex offenders prohibiting them from living near schools and daycares do not contribute to public safety.

Governments like simple intuitive solutions to problems even if there is no evidence that they are effective. The manner in which many countries deal with sex offenders provides an obvious example of this problem. Registration and public notification of the whereabouts of sex offenders clearly have negative effects (see *Criminological Highlights* 7(4)#4, 8(6)#5, 9(2)#7), are ineffective (see *Criminological Highlights* 4(1)#2, 5(6)#1, 10(3)#7), and, in any case, are typically based on the false assumption that a sex offender has an atypically high likelihood of reoffending (See *Criminological Highlights* 3(3)#3, 5(1)#4, 6(3)#3, 6(6)#8, 8(3)#8, 9(2)#5). This paper examines the impact of laws that prohibit those convicted of sex offences from living near schools and daycares.

The theory behind residence restrictions on sex offenders is a simple one: it is assumed that the more children who are locally available as victims, the higher the likelihood that a former sex offender will re-offend. The theory implies that if a sex offender lives physically distant from large groups of children, he will be less likely to offend than if he were to live near institutions with large groups of children (e.g., daycare centres or schools). This assumption, of course, ignores the fact that most victims of sex offenders are known to the offender before the offence takes place (See *Criminological Highlights* 4(1)#2). It also assumes that sex offenders are likely to offend against strangers who live near the sex offender's home.

To test the hypothesis that sex offenders who live close to schools or daycares are more likely to re-offend, this study first identified 165 registered sex offenders living in the community in Florida who were arrested for a subsequent sex offence in 2004-2006. Each of these sex offenders had apparently committed at least one offence against

a young person. From state records, a comparable group of sex offenders who did not reoffend during this period was located. These two groups were almost identical on whether or not they had committed a 'predator' sex offence in the past (about 23% of the sample), the number of previous sex offences, total prior convictions of any kind, race, age and marital status.

Using a list of all schools (public and private) and licensed daycares in the state, the researchers then examined for each person in each of these two groups (those re-arrested or not re-arrested for a sex offence) the number of schools and daycares within 1000 feet (305m) and 2500 feet (762m) of the sex offender's residence. An equal number of recidivists and non-recidivists (about 30%) lived within 1000 feet of a daycare. About a quarter of recidivists and non-recidivists lived within 1000 feet of a school. Recidivists were, contrary to the 'proximity' hypothesis, slightly *less* likely than non-recidivists to have at least one school within 2500 feet (762m) of their residence.

Conclusion: "Living close to a school or daycare does not appear to increase access to children in a way that facilitates recidivism for known sex offenders" (p. 499). Hence it would appear that such restrictions do not accomplish the goal for which they are designed. However, "residence restriction zones create barriers to re-entry and inhibit the factors known to contribute to successful reintegration, such as employment, housing stability, prosocial relationships and civic engagement" (p. 499).

Reference: Zandbergen, Paul A., Jill S. Levenson, and Timothy C. Hart (2010). Residential Proximity to Schools and Daycares: An Empirical Analysis of Sex Offense Recidivism. *Criminal Justice and Behavior*, 37(5), 482-502.

For low risk offenders, anything more than very occasional meetings with probation and parole officers is a waste of resources.

Those supervising offenders in the community often feel that they don't have enough time to supervise their caseload in a proper fashion. One method of freeing up resources is to search for groups of offenders who do not benefit from supervision. In many jurisdictions, many of the offenders being supervised in the community would be described as low risk offenders.

This study, carried out in Philadelphia, identified people on probation or parole who were predicted, on the basis of their criminal record and other basic data, not to commit any serious offences within two years of being in the community. These low risk offenders were assigned at random to probation officers who, as a result of participation in this experiment, were supervising an average of 135 cases per officer (the normal caseload) or an average of 323 cases per officer. The result of this assignment, not surprisingly, was that there were about half as many in-person or other contacts (2.4 in a year) for the 'low intensity' group (those supervised by probation officers with large caseloads) as in the 'normal intensity' group (4.5 contacts). Total contacts (telephone, in-person, etc.) of any kind averaged about 10 per year for the 'normal' caseload group and 5.5 for the low intensity group.

Recidivism was assessed from city court records. Though obviously some might have offended outside city limits, there is no reason to believe that the rate of offending outside

of the city would vary between the two groups since the offenders were randomly assigned to 'normal' or 'low intensity' supervision.

Eight different measures of recidivism within one year of assignment to one of the two conditions were examined: any new charges, any charges involving serious offences, any violent offences, any sexual offences, any property offences, any firearm offences, any drug offences, and any new jail incarceration.

The two groups did not differ on whether or not the offender recidivated nor did they differ on the frequency of recidivating for *any* of these different measures. Given the sample size of the experiment (1559 offenders assigned at random to one of the two groups), the experiment would have identified an effect if there had been even a small effect of supervision intensity.

Conclusion: The results of this experiment suggest that for low risk offenders, there is no criminological benefit from relatively higher rates of supervision. The experiment

“constitutes strong evidence that [probation and parole] agencies with low frequency of [in person] visits (i.e., 4.5 visits annually) [of probation/parole clients with the supervisor] can safely cut that frequency roughly in half (to 2.4 visits annually) at least for low risk offenders...” (p. 184). More generally, the study provides a justification for other probation/parole agencies to experiment with the allocation of resources to low risk clients.

Reference: Barnes, Geoffrey C., Lindsay Ahlman, Carlotte Gill, Lawrence W. Sherman, Ellen Kurtz, and Robert Malvestuto (2010). *Journal of Experimental Criminology*, 6, 159-189.