



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. How can criminal justice policies increase the likelihood that youths commit property crimes?
2. Is due process important in the war against terror?
3. How can courts create youth crime?
4. Do federal laws requiring the registration of juvenile sex offenders target the most dangerous youths?
5. Are Canadian police more likely to have contact with certain ethnic/racial groups?
6. How does cynicism about the fairness of the law and the police contribute to high homicide rates?
7. Does sentencing a youth to custody reduce reoffending?
8. Do prison sentences for adults affect reoffending?

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The imprisonment of parents increases the property offending of their sons.

The incarceration of a parent appears to have a negative impact on male children above and beyond pre-existing disadvantages that children of incarcerated parents might experience. Combined with other findings suggesting that incarceration itself may either increase the likelihood of re-offending or have no effect on re-offending (*Criminological Highlights* 11(1)#1, 11(4)#2, 11(6)#4, 12(5)#8), it is likely that policies that lead to the incarceration of offenders can simultaneously have an impact on their future criminal behaviour as well as that of their sons.

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Treating suspects fairly is important even in the war against terrorism.

“The shift in policing from crime control to counterterrorism does not appear to have changed public expectations of police behaviour or to have altered the basis on which police are evaluated...” (p. 435). Procedural justice mechanisms are just as important for Muslim Americans as they are for non-Muslim minorities and for whites. “Even when police confront grave threats, both minority and majority populations expect law enforcement officers to respect procedural justice values and are more likely to withhold their cooperation if they do not.... Non-Muslims, who rate the threat of terror as larger than do Muslims, are nonetheless sensitive to procedural justice in counterterrorism policing, particularly the targeting and harassment of Muslims” (p. 436). “Three elements of procedural justice – neutrality in decision making, trust in the motives of the police, and treatment with respect – remain central to the definition of procedural justice and its effect on legitimacy” (p. 437). This is just as true in dealing with terrorism as it is in responding to ordinary crime.

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Courts create the conditions for youths to commit the criminal offence of ‘failure to comply with court orders’ by imposing large numbers of conditions on youths when they are released on bail and then delaying the resolution of the case.

It would appear that courts can increase the likelihood of a youth being brought back to court for a new criminal offence of failure to comply with a court order by imposing large numbers of bail conditions and then by being inefficient in disposing of the case. When one considers that some of these conditions involve quite serious intrusions into a youth’s life – e.g., curfews, restrictions on where they can go, prohibitions on meeting with or communicating with named other youths – it is not surprising that the likelihood of a violation of the condition would go up in time. In addition, of course, more time and more conditions increases the probability that police officers would discover that a youth had violated a condition of release.

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Juvenile sex offenders who met the criteria of the US federal law requiring registration as sex offenders were no more likely to reoffend – sexually or otherwise – than were offenders who did not meet the registration criteria.

It seems that simple ‘offence based’ registration requirements for juvenile sex offenders are not likely to identify those who are going to offend again. Those subject to registration requirements were no more likely to reoffend than those not subject to registration requirements. This study, like others, demonstrates that the likelihood of reoffending for juvenile sex offenders is very low. The concern, then, of requiring registration of these offenders is that registration will have an impact on youths’ “ability to become productive members of society by diminishing social bonds and placing restrictions on employment, housing, and education” (p. 460).

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Canadian youths who are Aboriginal, Black, or of Arab or Middle East background are more likely than other youths be questioned by the police even when other relevant factors such as involvement in crime have been taken into account.

Even controlling for involvement in crime as well as other relevant factors, Canadian youths who are Black, Aboriginal, or of Arab/Middle Eastern background are more likely than other youths to be questioned by the police about possible offending. This overall finding, and the fact that the effect was due largely to differential treatment of non-violent youths, lends some support to the conclusion that the difference in treatment of the two groups relates to racial targeting on the part of the police.

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Variation across neighbourhoods in legal cynicism – i.e., lack of support for the legitimacy of laws and lack of confidence in the police – helps explain why some Chicago neighbourhoods maintained high homicide rates even when homicide rates elsewhere were decreasing.

It is important to remember that ‘legal cynicism’ and ‘tolerance for deviance or violence’ are quite separate constructs. But “when the law is perceived to be unavailable – for example, when calling the police is not a viable option to remedy one’s problems – individuals may instead resolve their grievances by their own means, which may include violence... In this sense, cultural frames have a constraining influence; cynicism constrains choice if individuals presume that the law is unavailable or unresponsive to their needs, thus pushing individuals to engage in their own brand of social control” (p. 1128).

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Youths sentenced to custody in New South Wales, Australia, were as likely to re-offend as were equivalent youths who received community-based sanctions.

“The imposition of a custodial sentence had no effect on risk of reoffending” (p. 39). Clearly no matching study is perfect and it can always be argued that with better matching a different result might have been found. However, given that these findings are broadly similar to other recent research on this topic, it seems unlikely that more finely tuned matching would result in a reoffending benefit from imprisonment. Since youths spent only an average of about 8 months in prison, any incapacitation effect of imprisonment would likely be rather small. “The current results, therefore, strengthen the argument in favour of using custodial penalties with juvenile offenders as sparingly as possible” (p. 40) given the relative costs of imprisonment and community sanctions.

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Compared to a community sanction, imprisonment increases the likelihood of reoffending for adult offenders in Florida. This conclusion is consistent across three quite different methods of controlling for other factors and is consistent when recidivism is measured for one, two and three year follow-up periods.

It is often suggested that sending people to prison must reduce crime since at least some of those who are in prison would, if they were in the community, commit at least some crimes. Though this may be true, the overall crime control estimates of imprisonment should take into account studies such as this one, that show that after release former prisoners may be more criminally active than they would be if they had been punished in the community. Clearly, however, the data are not entirely consistent across studies on whether prison reliably makes prisoners more criminally active than they would be had they not been imprisoned. The conservative conclusion is that imprisonment does not reduce reoffending. Nevertheless, these findings along with other published studies add weight to the conclusion that imprisonment can, at least for some types of offenders, increase reoffending.

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The imprisonment of parents increases the property offending of their sons.

It is well established that crime tends to run in families. There are many explanations for cross-generational similarity in the involvement in crime such as similarity in levels of economic deprivation or child rearing methods, social learning, etc. This paper looks at the cross-generational similarity in a different way, suggesting that there may be an independent effect of parental incarceration on the criminal behaviour of children.

This study examines data obtained from a sample of boys in Pittsburgh, Pennsylvania, who were first interviewed when they were between 7 and 13 years old. They were then followed for 12 years. The youths were chosen, in part, because they were considered to be at high risk for offending. The child and a parent (typically the mother) were interviewed every six months for the duration of the study. The youth's involvement in property crimes (thefts, purse snatching, automobile thefts and stealing from a car, and breaking and entering), as well as marijuana use were examined.

The challenge, in terms of determining whether incarceration of parents has any effect on children, is that "Because parental incarceration is associated with parental criminality, antisocial behaviour, and multiple other childhood risk factors, children of incarcerated parents may already be at risk for problem behaviour *before* their parent is incarcerated" (p. 270). In order to control for such pre-existing factors, the offending risk for children whose parents were subsequently incarcerated was assessed in comparison to a control group that was created consisting of similar youths. Because some of the parents had been incarcerated in the

past (i.e. before the study period), this study does not look only at the impact of the *first* incarceration of a parent but rather at the impact of incarceration after the beginning of the study.

For each child with a parent who was incarcerated during the study period, three children in the study were located who were very similar but who did not have an incarcerated parent. The children without an incarcerated parent were comparable to the child with the incarcerated parent on 14 measures, including the following: age of the child, criminal history and incarcerations of the parent, parental supervision of the child, offending by the child, school performance, and relationship of the child with peers and family.

Compared to the matched controls, youths were more likely to commit property crimes in each year after the incarceration of a parent. The design allowed children to be followed for up to 6 years after the parental incarceration. There were no effects of parental incarceration on marijuana use by the children, depression, or academic performance. Subsequent analyses suggest that much of the impact of parental incarceration is related to reduced involvement of the

boy with the family (as assessed by the family and the youth) and to the boy's involvement with delinquent peers. The results also showed that the effect of parental incarceration on White youths might be larger than the effect on Black youths.

Conclusion: The incarceration of a parent appears to have a negative impact on male children above and beyond pre-existing disadvantages that children of incarcerated parents might experience. Combined with other findings suggesting that incarceration itself may either increase the likelihood of re-offending or have no effect on re-offending (*Criminological Highlights* 11(1)#1, 11(4)#2, 11(6)#4, 12(5)#8), it is likely that policies that lead to the incarceration of offenders can simultaneously have an impact on their future criminal behaviour as well as that of their sons.

Reference: Murray, Joseph, Rolf Loeber, and Dustin Pardini (2012). Parental Involvement in the Criminal Justice System and the Development of Youth Theft, Marijuana Use, Depression and Poor Academic Performance. *Criminology*, 50 (1) 255-302.

Treating suspects fairly is important even in the war against terrorism.

A substantial amount of research suggests that the manner in which people are treated by the police is important in understanding how legitimate the police and other authorities such as the courts (*Criminological Highlights* 11(5)#1) are seen to be (*Criminological Highlights*, 4(4)#1, 7(1)#4). More recently it has been shown that 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 (*Criminological Highlights* 11(4)#1). This paper explores the question of whether “procedural justice” (e.g., neutrality in decision making, trust in the motives of the police, and treatment with respect) is as important in responding to threats of terrorism and in dealing with Muslim groups as it is in responding to ordinary criminal activity.

Since 2001, policing strategies in the US have changed to include concern about terrorism in addition to ordinary crime. Furthermore, policing has often focused on a new group – Muslim Americans. Using data from four different New York City surveys, this study compares Muslim Americans’ perceptions of the policing of terrorism to their perceptions of policing of ordinary crime. In addition, it examines non-Muslim views of police counterterrorism efforts. Hence it allows comparisons of the importance of procedural justice in two different domains (crime and anti-terrorism) as well as comparisons of those most affected by anti-terrorism policing (Muslim Americans) with those less likely to be targeted.

Looking at the willingness to cooperate with the police (e.g., in reporting dangerous or suspicious activities to the police and in encouraging members of the community to cooperate with the police), for all groups (Muslims, non-Muslim minorities, and whites), the perceived legitimacy of the police was related to willingness to cooperate for both ordinary policing and anti-

terror policing. Perceived legitimacy of the police – for all three groups – was influenced by how fair and professional the police were seen to be. But the effects of perceptions of legitimacy relate to more than just the perceptions of the treatment of one’s own group: white respondents view the police as less fair if they target minority groups in addressing ordinary crime. Furthermore, “non-Muslims view the police as unfair and less legitimate if they target the Muslim community and if they treat Muslims disrespectfully” (p. 429). Suspicion of Muslims itself was not viewed as being unfair by Muslims or non-Muslim respondents, but targeting the Muslim community reduced the legitimacy of the police.

Conclusion: “The shift in policing from crime control to counterterrorism does not appear to have changed public expectations of police behaviour or to have altered the basis on which police are evaluated...” (p. 435). Procedural justice mechanisms are just as important for Muslim Americans as they are for non-Muslim minorities and for whites. “Even when police confront grave

threats, both minority and majority populations expect law enforcement officers to respect procedural justice values and are more likely to withhold their cooperation if they do not.... Non-Muslims, who rate the threat of terror as larger than do Muslims, are nonetheless sensitive to procedural justice in counterterrorism policing, particularly the targeting and harassment of Muslims” (p. 436). “Three elements of procedural justice – neutrality in decision making, trust in the motives of the police, and treatment with respect – remain central to the definition of procedural justice and its effect on legitimacy” (p. 437). This is just as true in dealing with terrorism as it is in responding to ordinary crime.

Reference: Huq, Aziz Z., Tom R. Tyler, and Stephen J. Schulhofer (2011). Why Does the Public Cooperate with Law Enforcement? The Influence of the Purposes and Targets of Policing. *Psychology, Public Policy, and Law*, 17(3), 419-430.

Courts create the conditions for youths to commit the criminal offence of 'failure to comply with court orders' by imposing large numbers of conditions on youths when they are released on bail and then delaying the resolution of the case.

Although Canada's 2003 *Youth Criminal Justice Act* has succeeded in reducing the number of youths brought to youth court (see *Criminological Highlights*, 10(1)#1, 10(3)#1), the number and rate of cases in which the most serious charge is the failure to comply with a court order (largely failure to comply with conditions of release on bail) has not decreased. In 2009, this one administration of justice offence represented about 7% of all cases brought to youth court in Canada. This paper describes how youth courts 'set youths up' to fail and be charged criminally for non-compliance with their terms of release.

Conditions of release on bail are not supposed to serve as punishments, though obviously restrictions on youths' (or adults') daily activities are almost certainly experienced as punishment. Instead, conditions of release on bail (e.g., curfews, non-association orders, reporting conditions) are supposed to be designed to help ensure that the youth will appear in court as required and not engage in criminal activity while awaiting trial. Some police services have 'bail compliance units' designed to "conduct bail compliance checks any hour of the day or night" (p. 407). The justification for these bail compliance checks is, officially, to ensure that conditions are adhered to.

This study followed the court careers of a representative sample of youths who were detained by the police, taken to bail court, and then released on bail (between 2003 and 2008) from one of Toronto's large youth courts. Youths were then tracked through the court system by examining records of their court appearances from the original bail hearing to the disposition of the original charges. Youths in the Toronto courts had varying numbers of conditions imposed on them: 45% of the youths received seven or more

separate bail conditions. About half of the cases (47%) took less than 6 months to be completed, but 53% took 6 months or more to be resolved. While the original case was being processed, 32% of the youths returned to court with a new charge of failure to comply with a court order (the bail order). This charge was, sometimes, combined with other substantive charges.

The data are clear, however, on the role of the court in contributing to these new 'failure to comply' charges. New charges of 'failure to comply with a court order' were especially likely to be laid in those cases that took more than 6 months to be resolved and where the youth was required, during this period, to comply with large numbers of conditions (7 or more). In fact, in 60% of such cases, youths acquired new charges of 'failure to comply with a court order.'

In contrast, for cases resolved in less than 6 months, the number of bail conditions had no impact on the likelihood of a 'failure to comply with a court order' charge being laid: 17% of those with 1-6 conditions and 22% of those with 7 or more bail conditions had new charges laid for 'failure to

comply.' For those whose cases took more than 6 months but who had few (6 or fewer) bail conditions, only 34% had charges laid for failure to comply with a court order.

Conclusion: It would appear that courts can increase the likelihood of a youth being brought back to court for a new criminal offence of failure to comply with a court order by imposing large numbers of bail conditions and then by being inefficient in disposing of the case. When one considers that some of these conditions involve quite serious intrusions into a youth's life – e.g., curfews, restrictions on where they can go, prohibitions on meeting with or communicating with named other youths – it is not surprising that the likelihood of a violation of the condition would go up in time. In addition, of course, more time and more conditions increases the probability that police officers would discover that a youth had violated a condition of release.

Reference: Spratt, Jane B. and Nicole M. Myers (2011). Set Up to Fail: The Unintended Consequences of Multiple Bail Conditions. *Canadian Journal of Criminology & Criminal Justice*, 53 (4), 404-423.

Juvenile sex offenders who met the criteria of the US federal law requiring registration as sex offenders were no more likely to reoffend – sexually or otherwise – than were offenders who did not meet the registration criteria.

Even though sex offenders are not especially likely to re-offend (*Criminological Highlights* 3(3)#3, 5(1)#4, 6(3)#3, 6(6)#8, 8(3)#8, 9(2)#5), many jurisdictions have special restrictions or monitoring programs for sex offenders after they are released that are designed, in part, to reduce reoffending (*Criminological Highlights*, 4(1)#2, 5(6)#1, 7(4)#4, 8(6)#5, 9(2)#7, 10(3)#7, 11(4)#7, 11(6)#6, 12(2)#4). They have not, however, been shown to be effective in reducing crime. The American *Sex Offender Registration and Notification Act* puts financial pressure on states to comply with its requirements, including the requirement that certain juveniles be subject to registration and notification laws. After they are registered as sex offenders, some juvenile sex offenders can have this registration terminated only after 10 or 25 years of offence-free living in the community. For others, the registration lasts forever.

The problem raised by such an approach with youths is that “sexual behaviour that is often defined as illegal is common among youth” (p. 456), including non-coercive peer (teen) sexual activity, and the posting of suggestive sexual photographs of themselves (which can, under some laws, be considered trafficking in child pornography). In one national study, it was found that over one third of children and adolescents in the US reported engaging in sexual intercourse before they were of legal age (as defined by the state in which they lived). Hence the law has “the potential to inappropriately include normative youth not at risk for continued sexual offending on sex offence registries” (p. 457). This is especially a problem given that juvenile sex offending is not predictive of adult sex offending (*Criminological Highlights* 9(2)#5). As of 2010, only a few states, not including Pennsylvania (where this study was carried out), had implemented juvenile registration and notification.

This study tracked a group of 108 male juvenile sex offenders in Pennsylvania for two years after they completed court-ordered treatment. About two thirds had been found guilty of indecent assault. Both adult and juvenile re-offending was recorded. Only two of the youths reoffended sexually – one of the 67 who would have met registration and notification requirements and one of the 41 who did not meet sexual registration and notification requirements. Their sexual offences were indecent assault or indecent exposure. The overall reoffending rate (for any offence) did not differ significantly for the two groups (15% for those who would have been eligible for registration and 19.5% for those who would not have been eligible for registration). Indeed, as with other studies, the ‘sexual reoffending’ rate was very low for both groups.

Conclusion: It seems that simple ‘offence based’ registration requirements for juvenile sex offenders

are not likely to identify those who are going to offend again. Those subject to registration requirements were no more likely to reoffend than those not subject to registration requirements. This study, like others, demonstrates that the likelihood of reoffending for juvenile sex offenders is very low. The concern, then, of requiring registration of these offenders is that registration will have an impact on youths’ “ability to become productive members of society by diminishing social bonds and placing restrictions on employment, housing, and education” (p. 460).

Reference: Batastini, Ashley B., Elizabeth Hunt, Julie Present-Koller and David DeMatteo (2011). Federal Standards for Community Registration of Juvenile Sex Offenders: an Evaluation of Risk Prediction and Future Implications. *Psychology, Public Policy, and Law*, 17 (3), 451-474.

Canadian youths who are Aboriginal, Black, or of Arab or Middle East background are more likely than other youths be questioned by the police even when other relevant factors such as involvement in crime have been taken into account.

Disproportionate contact with the criminal justice system by various segments of society is a well established criminological fact. For example, for decades, Aboriginal people have been over-represented in Canada's prisons – in comparison to the proportion of the population that they represent. Some of the over-representation of certain groups may be due to differences in the involvement of crime. The challenge, however, is to determine whether, in fact, members of certain groups are more likely to be stopped and questioned by the police even when involvement in crime is controlled.

This study used data from a nationally representative survey of 4,164 Canadian youths age 12-17 in 2000/1. One survey question asked them whether they had been “questioned by the police about anything they thought you did” in the year prior to being interviewed. The parent most knowledgeable about the youth was also interviewed. Youths were asked about their involvement in three types of crime: violence, property and drugs. Information was also obtained on the youth's family structure, household income, whether the youth stayed out all night or had run away, the relationship with parents, parental monitoring of the youth, and friends' involvement with drugs or other crime.

The youths were categorized as White or one of two separate groups: (1) Aboriginal, Black, and Arab/Middle Eastern youths who were thought to be particularly vulnerable to special treatment by the police; and (2) all others (largely East and South Asians). The Aboriginal/ Black/ Arab/ Middle Eastern group was found to be at ‘high risk’ of police contact (compared to Whites and other visible minorities).

They are the focus of the study. This ‘high risk’ group was, however, also more likely to report involvement in violent crime (but not property or drug crime). Not surprisingly, self-reported involvement in all three types of crime increased the likelihood of contact with the police.

More important is the finding that controlling simultaneously for the three forms of self-reported delinquency did *not* reduce the higher likelihood of police contact for youths from this ‘high risk’ group. In addition, when other factors that were shown to be related to police contact and to membership in this ‘high risk group’ were controlled (e.g., staying out all night or running away from home, living in rental accommodation, low income), the effect of being a member of the ‘high risk’ group on police contact did not change appreciably. Interestingly, however, the impact of being a member of the ‘high risk’ group on police contact was larger for non-violent youths. Indeed, for youths who reported involvement in violence in the previous year, there was not a significant difference in the amount of contact with police for those from

this ‘high risk’ group compared to the other groups. However, there was a sizable difference in level of police contact for youths who had *not* been involved in violent crime in the previous year: 28.5% of the ‘high risk’ minority youths had contact with the police compared to only 10.1% of the other youths.

Conclusion: Even controlling for involvement in crime as well as other relevant factors, Canadian youths who are Black, Aboriginal, or of Arab/Middle Eastern background are more likely than other youths to be questioned by the police about possible offending. This overall finding, and the fact that the effect was due largely to differential treatment of non-violent youths, lends some support to the conclusion that the difference in treatment of the two groups relates to racial targeting on the part of the police.

Reference: Fitzgerald, Robin T. and Peter J. Carrington (2011). Disproportionate Minority Contact in Canada: Police and Visible Minority Youth. *Canadian Journal of Criminology & Criminal Justice*, 53(4), 449-486.

Variation across neighbourhoods in legal cynicism – i.e., lack of support for the legitimacy of laws and lack of confidence in the police – helps explain why some Chicago neighbourhoods maintained high homicide rates even when homicide rates elsewhere were decreasing.

Previous research has shown that residents of socially disadvantaged neighbourhoods with high rates of violent crime have low levels of tolerance for violence or crime. However, “while individuals may believe in the substance of the law, antagonism toward and mistrust of the agents of the law may propel some individuals toward violence simply because they feel they cannot rely upon the police to help them resolve grievances” (p. 1191), an argument similar to that made to explain the relative reduction, over time, of homicides by the elite (see *Criminological Highlights* 1(3)#3). Legal cynicism is part of the culture of a neighbourhood. This conceptualization of culture views it “not as values but as a repertoire of tools that ultimately serve as a guide for action” (p. 1195).

Residents of a neighbourhood “acquire culture relationally, through their interactions in social networks” (p. 1195). Thus, for example, “cynicism toward the law does not directly cause neighbourhood violence....” Instead, the culture of a neighbourhood may be one of mistrust of agents of the law, such that “individuals will resort to illegal violence to redress a problem instead of abiding by the letter of the law” (p. 1203).

This study examines the homicide rate of 342 neighbourhoods in Chicago, looking at characteristics of neighbourhoods rather than of individuals. In Chicago, in the early 1990s, there was, not surprisingly, a positive correlation between concentrated poverty of a neighbourhood and legal cynicism, but a small negative relationship between legal cynicism and tolerance for deviance.

The level of legal cynicism was positively related to the homicide rate in the late 1990s above and beyond the impact of concentrated poverty, tolerance for deviance and other neighbourhood characteristics. More importantly, although the neighbourhood homicide rate in the early 1990s was a predictor of the neighbourhood homicide rate in the late 1990s, legal cynicism (measured in the middle of the decade) remained a predictor of late-1990s homicide rates even after controlling for the earlier homicide rate. In fact, the level of legal cynicism of the people in the neighbourhood predicted the change in homicide rates from the early 1990s to the early 2000s: neighbourhoods in which the culture was one in which the law and police were not trusted tended to be those whose homicide rates remained high, while neighbourhoods not characterised by legal cynicism tended to have decreased homicide rates.

Conclusion: It is important to remember that ‘legal cynicism’ and ‘tolerance for deviance or violence’ are quite separate constructs. But “when the law is perceived to be unavailable – for example, when calling the police is not a viable option to remedy one’s problems – individuals may instead resolve their grievances by their own means, which may include violence... In this sense, cultural frames have a constraining influence; cynicism constrains choice if individuals presume that the law is unavailable or unresponsive to their needs, thus pushing individuals to engage in their own brand of social control” (p. 1128).

Reference: Kirk, David S. and Andrew V. Papachristos (2011). Cultural Mechanisms and the Persistence of Neighbourhood Violence. *American Journal of Sociology*, 116 (4), 1190-1233.

Youths sentenced to custody in New South Wales, Australia, were as likely to re-offend as were equivalent youths who received community-based sanctions.

Although there is a fair amount of research suggesting that, compared to the effect of a community sanction, imprisonment does not decrease re-offending in adults (see *Criminological Highlights* 11(1)#1, 11(1)#2, 11(4)#2, 11(6)#4, 12(5)#8), there is less information about the impact of imprisonment on youths (*Criminological Highlights*, 10(6)#1, 12(1)#8) perhaps because there is a more general presumption that formal processing can be harmful for youths (*Criminological Highlights*, 11(4)#3).

This study used data from youth cases in New South Wales in which the youth was convicted of one or more charges. In order to create equivalent groups, an analysis was done to determine the predictors of receiving a detention or prison order (rather than a community-based sanction). The predictors of a prison sentence were prior imprisonment, offence seriousness, other offences in the case, offender sex, prior record, whether the offence took place in a city or a more remote area, and age. Aboriginal status did not predict sentence after these other factors were taken into account.

In general, those sent to prison were more likely to have been previously incarcerated, to have a record, to have more serious offences, etc. Hence in order to create equivalent groups, youths who were sent to prison were matched with youths who had similar 'propensity' to receive a custodial sentence but did not actually receive one. This technique necessarily meant that some extreme cases were excluded from the comparison because matches could not be found. For example, it is unlikely that an

equivalent community-sentenced case could be found as a match for a very serious case that resulted in a custodial sentence. Youths were tracked for an average of 21 months and up to 1000 days or more.

After the matching, there were no differences between the two groups (those who received custody and those who received a community-based sanction) on factors that went into the 'propensity score' (e.g., age, criminal record, current offence, etc). Looking at the matched sample, the 'survival' in the community of the two groups (prison and community sanction) were fairly similar. In other words, their propensity to reoffend and the timing of their reoffending were very similar. In addition, an analysis was carried out using recidivism within one year as the dependent variable. The matched groups had very similar likelihoods of reoffending.

Conclusion: "The imposition of a custodial sentence had no effect on risk of reoffending" (p. 39). Clearly no matching study is perfect and it can always be argued that with better matching a different result might have been found. However,

given that these findings are broadly similar to other recent research on this topic, it seems unlikely that more finely tuned matching would result in a reoffending benefit from imprisonment. Since youths spent only an average of about 8 months in prison, any incapacitation effect of imprisonment would likely be rather small. "The current results, therefore, strengthen the argument in favour of using custodial penalties with juvenile offenders as sparingly as possible" (p. 40) given the relative costs of imprisonment and community sanctions.

Reference: McGrath, Andrew and Don Weatherburn (2012). *Australian & New Zealand Journal of Criminology*, 45 (1), 26-44.

Compared to a community sanction, imprisonment increases the likelihood of reoffending for adult offenders in Florida This conclusion is consistent across three quite different methods of controlling for other factors and is consistent when recidivism is measured for one, two and three year follow-up periods.

Recently published research suggests that imprisoning offenders – as compared to giving them community sanctions – either has no impact on re-offending, or makes them more likely to reoffend (see *Criminological Highlights* 11(1)#1, 11(1)#2, 11(4)#2, 11(6)#4, 12(5)#7).

This study examines the impact of imprisonment on reoffending for a group of Florida offenders who were either sent to prison or received a community sanction that included house arrest – confining offenders to their home except for travel to work, treatment, or the probation office (unless authorized in advance by the probation officer). Re-offending was defined as a new felony conviction resulting in jail, prison, or community supervision.

Looking at these two groups as a whole – prison vs. house arrest – one is not surprised to see that the prison sample as a whole was more likely to reoffend within all three time periods since they differed on many variables (sex, race, age, current offence, criminal history) related to reoffending. The challenge, therefore, is to create equivalent groups of people who either went to prison or were punished in the community.

Three techniques were used: (1) Traditional logistic regression where each of the variables related to recidivism was controlled for statistically; (2) “Precision matching” in which people – one of whom was sentenced to prison, the other who was sentenced to house arrest – were

matched on a series of relevant factors; or (3) Through the use of matching on a ‘propensity to reoffend’ score. Propensity-to-reoffend scores were first created for 500 prison and 500 house arrest offenders. Then an attempt was made to find an offender in the other group with an almost identical estimated ‘propensity to reoffend’ score. The latter two methods necessarily resulted in some people being unmatchable. For example, it is likely that some of very serious cases that resulted in prison sentences would not have equivalent matches in the house arrest cases.

A number of different matching approximations were used for each of the latter two methods. In addition, as indicated, recidivism within 1, 2, and 3 years of release from prison were examined. The results are consistent: Recidivism rates at each point in time were somewhat higher for those who were sent to prison than for those who were sentenced to house arrest. The size of the differences varied with the exact form of matching and the time period in question. But a relatively typical finding was that the three year recidivism rate for those sent to prison would be about 48% compared to 38% for those given house arrest.

Conclusion: It is often suggested that sending people to prison *must* reduce crime since at least some of those who are in prison would, if they were in the community, commit at least some crimes. Though this may be true, the overall crime control estimates of imprisonment should take into account studies such as this one, that show that *after release* former prisoners may be *more* criminally active than they would be if they had been punished in the community. Clearly, however, the data are not entirely consistent across studies on whether prison reliably makes prisoners more criminally active than they would be had they not been imprisoned. The conservative conclusion is that imprisonment does not reduce reoffending. Nevertheless, these findings along with other published studies add weight to the conclusion that imprisonment can, at least for some types of offenders, increase reoffending.

Reference: Bales, William D. and Alex R. Piquero (2012). Assessing the impact of imprisonment on recidivism. *Journal of Experimental Criminology*, 8, 71-101.