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Criminological Highlights

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Criminological Highlights is produced approximately six times a year by the Centre of Criminology, University of Toronto and is designed to provide an accessible look at some of the more interesting criminological research that is being published.

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Contents

- The first three pages contain "headline" that summarizes the important points of the article. This is followed by a single paragraph "conclusion" on what one might learn from the paper. **We suggest that the busy user of this service should begin by reading the headlines** and any of the "conclusions" that seem interesting.

- Next comes an 8-page section **--** the core of this document -- where we have provided one-page summaries of each paper.

- Copies of actual papers can be obtained from your own library or from the Centre of Criminology (at cost).

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Communities which teach their members that they have social and moral obligations to others -- in this study, communities in which a higher portion of total income is given to the United Way -- have less property and violent crime.

This paper presents data supporting an important hypothesis: that there is a characteristic of communities -- social altruism -- that has an impact on crime rates. Criminologists have typically looked at communities in terms of such factors as residential mobility, proportion of young people, proportion of single person households, poverty measures, etc., to "explain" variation in crime rates across communities. This paper suggests an additional approach: communities that have managed to instill in people the importance of contributing to their communities are likely to have lower crime rates. **(See Item 1)**

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Treating accused people fairly can reduce the likelihood that these same people will re-offend in a similar way. Men arrested for assaulting their wives were less likely to assault them again if they had been treated fairly by the police.

This study suggests that a sensible "crime control" strategy would include concerns about procedural fairness. There is a tendency of certain police spokespeople to focus solely on results (e.g., success in arresting someone, or success in convicting someone). This paper suggests that it may be just as important -- or even more important -- to address the question of *how* people are treated. Fair treatment pays dividends. **(See Item 2)**

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Inmates in a medium security prison, when asked what the appropriate sentence would be for a number of different crimes, gave sentences which, on average, are not different from what they thought the courts would give. However, inmates see members of the general public as being more punitive than themselves (or the courts). More interestingly, most inmates think that other inmates "would reject a coherent system of legal sanctions" even though they, themselves, do not.

It is clear that inmates, as a group, are likely to have ideas about punishment which are not too different from what (it is likely) members of the public and the courts want. Certainly their view that punishment should be proportionate to the seriousness of the offence and the criminal record of the offender is consistent with what the courts do and with what the public wants. The paradox, however, is that "There appears to be a myth of inmate lawlessness *to which even inmates* subscribe. The individual inmate, in general, adopts the larger society's stereotype of the typical inmate as relatively lawless, while empirical analysis indicates that as an aggregate of individuals, they reject this notion of themselves." **(See Item 3)**

Instructions to juries on "reasonable doubt" can be improved. Data from an experiment suggest that many people do not understand reasonable doubt in the manner that the law suggests. Furthermore, the study suggests that many formulations of what "reasonable doubt" is do not significantly increase jurors understanding of the basic concept.

Clearly "instructions" can make a difference on what the jury understands and does. In this study, instructions that told jurors that "reasonable doubt" meant that they should be "firmly convinced" appeared to most effective. The authors suspect that the jurors found an instruction that they should be "firmly convinced" to be "accessible and understandable." One would hope that jurors, generally, find instructions given to them to be "accessible and understandable." However, data such as these suggest that some quite standard instructions that are used in jury trials may not be having the desired effect. **(See Item 4)**

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A study comparing rape and assault trials found that questions attacking the character of the victim were equally likely to occur in the two types of trials.

There is more public discussion about the propriety of the defence raising questions about the character of the complainant in sexual assault trials than there is about similar cross examination in other cases involving violence. This study suggests that a comparative perspective is important: the problem of the complainant's character being raised in court appears not to relate to the sexual nature of the assault. If there is a problem, perhaps we should see it as a problem of assaults, generally. **(See Item 5).**

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When offenders who also are parents are incarcerated, there are predictable harms which will occur to their children.

Canada's imprisonment rate, overall, is quite high compared to most civilized countries. Those who advocate the use of prison as a crime control strategy usually focus on the immediate effects (denunciation and incapacitation), or presumed but unsupported effects (individual and general deterrence), but seldom focus on the data that suggest that incarceration of parents can have a serious negative impact on their children. The criminal justice system focuses largely on the offender when a decision to incarcerate is made. Some attention might be given to the impact on society as a whole of such decisions since, in the end, society as a whole pays a part of the cost borne largely by the children of incarcerated parents. **(See Item 6)**

Fear of crime, among whites, but not blacks, in a U.S. city, is related to the *perception* that there is a high proportion of black people in the neighbourhood. It is not related to the *actual* proportion of blacks.

It might be seen, at first blush, that this study is of little relevance to Canada since the social situations in our cities are probably quite different from the setting of this research -- Tallahassee, Florida. However, there are probably two reasons why the results are important. First, they remind us that it is perceptions that are important in understanding fear. "Objective facts" are relevant only if they influence perceptions. Second, the findings remind us that factors that affect fear are different for different parts of the population. To the extent that fear does lower the quality of life for people experiencing it, different approaches may be important to address the fear. From the perspective of a policy maker, it is important to remember that Canadian data demonstrate that those who are most fearful are most likely to believe that sentences are too lenient and that the courts and police are doing a bad job. But, more generally, the study is an object lesson for anyone who thinks that changing the "reality" -- whether it be the presence of those seen to be likely to be offenders, or changes in the law -- will affect fear of crime. **(See Item 7)**

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Applying what we know about supervising offenders in the community effectively can reduce criminality among those on parole or otherwise serving their sentences in the community.

The research described in this paper shows that a particular style of supervision can be effective -- one which focuses on reinforcing "pro-social" behaviour in the offender. More importantly, it shows that *particular orientations* or supervisory styles can differentially affect the outcome of community corrections. The "treatment" that was tested here is not "expensive" or "special." The paper shows that "doing supervision better" can have an impact. More generally, one could argue that this kind of research -- trying to find out what kinds of "normal treatment" works best is important for us to do, routinely, in our own system. **(See Item 8)**

Communities which teach their members that they have social and moral obligations to others -- in this study, communities in which a higher portion of total income is given to the United Way -- have less property and violent crime.

Background. Most theories of crime examine either individual motivation, or the social and physical structures in which people live. This paper suggests another way of thinking about communities and the people who live in them: "social altruism," or the "willingness of communities to commit scarce resources to the aid and comfort of their members, distinct from the beneficence of the state" (p. 204). It is suggested that "communities that can more effectively instill values that result in their members findings satisfaction in more altruistic pursuits (e.g., parenting, serving the community) are likely to be less anomic and thereby suffer lower rates of crime" (p. 207).

This paper. The basic idea, then, was to find an indicator of social altruism and see whether communities that were high in this characteristic had lower crime rates. The study looked at 354 U.S. cities where there was at least a million dollars collected in contributions to United Way campaigns and where crime statistics were available. United Way was used as an indicator because of its local nature, and because there are United Way campaigns in most cities. The measure of "social altruism" was the ratio of the amount given to the United Way over the aggregate income in the city (i.e., dollars given to United Way per million dollars of total income in the city). Ten variables were "controlled for" statistically -- factors known to relate to relate to donations and/or crime.

The results are fairly straightforward -- those communities with relatively high ratios of United Way contributions to aggregate city income have less (reported) property and violent crime. The theory, of course, is not that the contributions reduce crime. Rather the theory is that factors that lead people to be generous to those in their communities also tend to produce people who are less likely to commit crimes.

The difficulty, of course, is that it is hard to "encourage" people directly to be altruistic. As the authors of this paper put it, "From a rational choice perspective, altruistic behaviour, insofar as it entails a net economic loss, is likely to be rejected as counterproductive" (p. 221). The challenge is to figure out how to encourage altruistic values in a society "regardless of the countervailing pressures that seem to be endemic to Western societies."

Conclusion. This paper presents data supporting an important hypothesis: that there is a characteristic of communities -- social altruism -- that has an impact on crime rates. Criminologists have typically looked at communities in terms of such factors as residential mobility, proportion of young people, proportion of single person households, poverty measures, etc., to "explain" variation in crime rates across communities. This paper suggests an additional approach: communities that have managed to instill in people the importance of contributing to their communities are likely to have lower crime rates.

Reference: Chamlin, Mitchell B. and John K. Cochran. Social altruism and crime. *Criminology*, 1997, *35*(2), 203-227.

Treating accused people fairly can reduce the likelihood that these same people will re-offend in a similar way. Men arrested for assaulting their wives were less likely to assault them again if they had been treated fairly by the police.

Background. In the early 1980s a study was done in Minneapolis, Minnesota, the results of which have been interpreted as supporting the notion that arresting those men who have apparently assaulted their spouses will make them less likely to repeat this crime. There have been six attempts to replicate this finding (in six other American cities) and the results are, at best, equivocal showing different patterns of results in different cities. As this paper (which includes, as one of its authors, the first author of the original Minneapolis study) points out "other than questioning the wisdom of a mandatory arrest strategy for spouse assault, policy makers are currently provided little or no guidance from this line of research as to how they should respond to such cases" (p. 164-5).

Relevant findings. There is some evidence that procedural fairness is important in determining people's attitudes toward authority. There is also a little evidence that procedural fairness affects behaviour. Researchers in a previous study "found that litigants in small claims court were more likely to comply with even unfavourable judgments if they believed the process to be fair" (p. 171).

This paper. The original study was not designed to look at procedural fairness. However, measures of perceived fairness of treatment were available. The measures -- available only on those arrested for wife assault -- consisted of such things as whether the person arrested answered "yes" to the question, "Did the officers take the time to listen to your side of the story?" (p. 177). Another item was whether the accused reported the use of physical force (p. 178). The interest, of course, was whether those who reported being treated "fairly" were less likely to commit subsequent wife assaults.

Findings. "Repeat spouse assault [was] higher for those arrestees who perceived that they had not been treated fairly" (p. 190), and the effect of procedural fairness seemed to be equally evident for those who received short or long periods of detention.

Conclusion. This study suggests that a sensible "crime control" strategy would include concerns about procedural fairness. There is a tendency of certain police spokespeople to focus solely on results (e.g., success in arresting someone, or success in convicting someone). This paper suggests that it may be just as important -- or even more important -- to address the question of *how* people are treated. Fair treatment pays dividends.

Reference: Paternoster, Raymond, Robert Brame, Ronet Bachman, and Lawrence W. Sherman. Do fair procedures matter? The effect of procedural justice on spouse assault. *Law and Society Review*, 1997, *31*(1), 163-204.

Inmates in a medium security prison, when asked what the appropriate sentence would be for a number of different crimes, gave sentences which, on average, are not different from what they thought the courts would give. However, inmates see members of the general public as being more punitive than themselves (or the courts). More interestingly, most inmates think that other inmates "would reject a coherent system of legal sanctions" even though they, themselves, do not.

Background. For some time we have believed that inmates reject general societal values -- particularly as they relate to crime and deviance. The traditional notion, held by some, is that inmates "support one another in rejecting society's norms regulating crime and punishment... They are said to reject their rejectors. In doing so, they are said to adhere to an unconventional or alternative set of norms" (p. 482). This paper challenges this view.

This study. A random sample of inmates in a Massachusetts medium security correctional facility were interviewed. They were given a series of vignettes about crime, giving information about the current crime, the offender's race and criminal history, and the apparent motive for the crime. Each inmate was asked: "If you personally were allowed to decide what should happen with this man, and could decide anything you wanted, what would you decide?" In other words, prison or punishment was not required by the question. They were then asked to estimate "In court today what would his sentence be?" "What would the general public like to see happen to this man?" and "What would most of the inmates here like to see happen with this man?" (p. 489). Each inmate "rated" 25 vignettes.

Findings. Most (89%) of the sanctions seen as "ideal" by inmates were punitive. They saw the courts as almost invariably (99%) giving punitive sanctions. Inmates thought that members of the public would give punitive sanctions in most (95%) of the cases. The interesting finding, however, was that inmates thought that other inmates would give punitive sanctions in only 49% of the cases. Generally speaking, inmates thought the offender should be incarcerated (84% of the cases), thought that the courts would incarcerate almost everyone, and also thought that the general public would incarcerate most (86%) of the offenders. Again, of course, inmates thought that other inmates would be soft on offenders -- indicating that they thought that other inmates would incarcerate in only 39% of the cases. Inmates themselves were responsive to crime seriousness and criminal record, and indicated that they thought that the courts and the general public would also respond to these factors. They thought that other inmates would not sanction according to crime seriousness and thought that other inmates would give only slight weight to criminal history.

Conclusion. It is clear that inmates, as a group, are likely to have ideas about punishment which are not too different from what (it is likely) members of the public and the courts want. Certainly their view that punishment should be proportionate to the seriousness of the offence and the criminal record of the offender is consistent with what the courts do and with what the public wants. The paradox, however, is that "There appears to be a myth of inmate lawlessness *to which even inmates* subscribe. The individual inmate, in general, adopts the larger society's stereotype of the typical inmate as relatively lawless, while empirical analysis indicates that as an aggregate of individuals, they reject this notion of themselves." (p. 505).

Reference: Benaquisto, Lucia and Peter J. Freed. The myth of inmate lawlessness: The perceived contradiction between self and other in inmates' support for criminal justice sanctioning norms. *Law and Society Review*, 1996, *30* (3), 481-511.

Instructions to juries on "reasonable doubt" can be improved. Data from an experiment suggest that many people do not understand reasonable doubt in the manner that the law suggests. Furthermore, the study suggests that many formulations of what "reasonable doubt" is do not significantly increase jurors understanding of the basic concept.

Background. Psychologists, particularly in the United States, have done a fair amount of work on how to instruct juries on the law. The underlying theory is that the instructions can, in fact, make a difference on how well the jury applies the law since "legal language" is often so "exact" in its formulation that normal human beings cannot understand it. Obviously a major concern has been the formulation of "reasonable doubt" since instructions on this issue are contained in all trials and "proof beyond reasonable doubt" is an important pillar of our criminal trial.

This study. Various formulations (five in all) of reasonable doubt were tested against one another using jury-eligible Americans. In addition to an "undefined" version where people were told that to convict they had to be convinced beyond a reasonable doubt, but were not told what that meant, there were four other definitions offered to people who listened to a hypothetical case.

Findings. One of these formulations -- "... proof that leaves you *firmly convinced* of the defendant's guilt..." -- came from the model instructions of the (U.S.) Federal Judicial Centre (see page 660). This one produced "a higher self-reported standard of reasonable doubt..." (p. 664).

The participants in the study were grouped and were asked to come to a verdict. A content analysis of their deliberations found that those who received the Federal Judicial Centre "firmly convinced" instructions spent a greater part of their deliberation time discussing the actual evidence that was presented to them as well as the "reasonable doubt" instructions (p. 665 and Table IV, p. 666).

Conclusion. Clearly "instructions" can make a difference on what the jury understands and does. In this study, instructions that told jurors that "reasonable doubt" meant that they should be "firmly convinced" appeared to most effective. The authors suspect that the jurors found an instruction that they should be "firmly convinced" to be "accessible and understandable." One would hope that jurors, generally, find instructions given to them to be "accessible and understandable." However, data such as these suggest that some quite standard instructions that are used in jury trials may not be having the desired effect.

Reference: Horowitz, Irwin A. and Laird C. Kirkpatrick. A concept in search of a definition: The effects of reasonable doubt instructions on certainty of guilt standards and jury verdicts. *Law and Human Behaviour*, 1996, *20* (6), 655-670.

A study comparing rape and assault trials found that questions attacking the character of the victim were equally likely to occur in the two types of trials.

Background. The literature on rape trials would lead one to believe that victims in sexual assaults are uniquely susceptible to having their character attacked by defence counsel. Unfortunately, these studies may present data on rape or sexual assault, but the treatment of the victim or complainant in these trials is rarely compared to the treatment of victims in other trials involving violence. For example, one observer, quoted in this paper suggests, without systematic evidence, that "the defence at rape trials uses a number of strands of attack to undermine the woman's evidence and to shake her story, all of which would be considered totally unacceptable if she had reported, say, a serious non-sexual assault" (quoted on page 244). Without systematic data, we have no idea whether such statements are true.

This study. This paper compares transcripts of 40 rape trials and 44 assault trials from Melbourne County Court (Australia). Obviously, the trials differed on a number of characteristics. Only 15% of the assault victims, but all of the rape victims, were female. Fewer (6% vs. 48%) of the rape victims were strangers to the accused. Most of the rapes (54%) but few of the assaults (26%) had occurred in a private home. The main lines of defence used in the assault trials were self-defence (in 54% of the trials) and the assertion that the physical act did not occur (raised in 26% of the trials). These were different from those used in the rape trials where in 79% of the trials the defendant argued that consent was given or was believed to have been given. In terms of outcome, the prosecutions were *less* successful in the assault cases where 43% of the defendants were acquitted of all charges compared to 28% in the rape trials.

The law in Victoria, Australia, restricts the admission of sexual history evidence in sexual assault trials (p. 250-251). Nevertheless, over 35% of the complainants in the rape cases were subject to some cross examinations about their sexual history with the defendant or others -- mostly where the complainant was, or was said to be, a prostitute (see p. 251).

The most important finding, however, was that "issues relating to the complainant's character and credit were just as likely to be raised in the assault trials as in the rape trials. Similar proportions of rape and assault complainants were asked about their general drinking and drug taking habits and whether they had a history of mental or emotional instability." Questions about criminal history of the complainant were more common in assault trials. Over half of the complainants *in both rape and assault* cases were asked about possible motives for making a false report (p. 253).

Conclusion: There is more public discussion about the propriety of the defence raising questions about the character of the complainant in sexual assault trials than there is about similar cross examination in other cases involving violence. This study suggests that a comparative perspective is important: the problem of the complainant's character being raised in court appears not to relate to the sexual nature of the assault. If there is a problem, perhaps we should see it as a problem of assaults, generally.

Reference: Brereton, David. How different are rape trials? A comparison of the cross-examination of complainants in rape and assault trials. *British Journal of Criminology,* 1997, *37*(2), 242-261.

When offenders who also are parents are incarcerated, there are predictable harms which will occur to their children.

*Background***.** There are theoretical, and direct empirical, reasons to expect that the children of incarcerated parents will suffer. For various reasons, it turns out that most incarcerated women (perhaps about 75% in the U.S.) are mothers. In the U.S., a large scale survey of prisoners estimated that 56% of men in state prisons have young children. Hence, children with parents in prison is a non-trivial problem -- probably in Canada as well.

This paper. When one looks at each stage of development, it appears that there is evidence both from developmental psychology and from studies of the children of incarcerated parents that shows that there are profound negative effects on the children. These effects may be general -- in terms of interfering with the healthy development of the child -- or they may be specific (e.g., leading to future criminality of the child). In terms of the impact on the child's future criminality, the effects may be indirect (e.g., creating poor self-concept which may then predispose the child toward anti-social behaviour) or may be direct. What seems quite clear, however, is that at each stage of development (from infancy through late adolescence) the child of incarcerated parents is disadvantaged in important ways.

Conclusion. Canada's imprisonment rate, overall, is quite high compared to most civilized countries. Those who advocate the use of prison as a crime control strategy usually focus on the immediate effects (denunciation and incapacitation), or presumed but unsupported effects (individual and general deterrence), but seldom focus on the data that suggest that incarceration of parents can have a serious negative impact on their children. The criminal justice system focuses largely on the offender when a decision to incarcerate is made. Some attention might be given to the impact on society as a whole of such decisions since, in the end, society as a whole pays a part of the cost borne largely by the children of incarcerated parents.

Reference: Johnson, Denise. Effects of parental incarceration. In Gabel, Katherine and Denise Johnston *Children of incarcerated parents.* New York: Lexington Books, 1995.

Fear of crime, among whites, but not blacks, in a U.S. city, is related to the *perception* that there is a high proportion of black people in the neighbourhood. It is not related to the *actual* proportion of blacks.

Background. The problem in many communities is that the mere presence of certain groups -- racial groups, ethnic groups, young males, etc. -- is seen as being associated with crime. As many observers have noted, the American "war on crime" and, in particular, the "war on drugs" has become "rhetorical code for locking up more and more black men" (p. 108).

This study. At the height of a "media driven panic about violent crime" in Tallahassee, Florida, in 1994, a survey of 1850 adults was carried out. Fear was measured by asking people how much fear they had of being robbed by someone who has a gun or knife, being attacked physically, or having their house broken into. They were also asked to estimate the proportion in the area "within a mile of their house" who were black, white, and Latino. They also obtained measures of the "actual" racial composition of the respondent's neighbourhood.

The findings are simple: "The objective measure of racial composition... is unrelated to fear. However, perceived racial composition... is significantly related to fear among whites but not among blacks" (p. 114). Fear also is higher among those "who perceive crime to be a national problem or to be increasing in the county or their neighbourhood."

Conclusion. It might be seen, at first blush, that this study is of little relevance to Canada since the social situations in our cities are probably quite different from the setting of this research -- Tallahassee, Florida. However, there are probably two reasons why the results are important. First, they remind us that it is perceptions that are important in understanding fear. "Objective facts" are relevant only if they influence perceptions. Second, the findings remind us that factors that affect fear are different for different parts of the population. To the extent that fear does lower the quality of life for people experiencing it, different approaches may be important to address the fear. From the perspective of a policy maker, it is important to remember that Canadian data demonstrate that those who are most fearful are most likely to believe that sentences are too lenient and that the courts and police are doing a bad job. But, more generally, the study is an object lesson for anyone who thinks that changing the "reality" -- whether it be the presence of those seen to be likely to be offenders, or changes in the law -- will affect fear of crime.

Reference: Chiricos, Ted, Michael Hogan, and Marc Gertz. Racial composition of neighbourhood and fear of crime. *Criminology*, 1997, *35* (1), 107-129.

Applying what we know about supervising offenders in the community effectively can reduce criminality among those on parole or otherwise serving their sentences in the community.

Background. There is a fair amount of work going on these days on such things as the effectiveness of "intensive supervision" on parole or probation. It seems likely that there is some overall impact of different kinds of correctional programs in the community. The difficulty is that often the programs that are evaluated are rather expensive and are not likely to be implemented widely. Similarly, there tends to be more focus on whether certain "programs" (e.g., job skills, work release, etc.) "work" rather on trying to find out what, in parole or probation supervision, is effective.

This study. The research described in this paper approaches the question of "how" to supervise offenders in the community at a rather basic level: Can training in certain supervisory "principles" affect the likelihood that an offender being supervised will, in the future, re-offend.

Community corrections officers in Victoria, Australia, were given a five-day training course (the details of which are described on pages 32-33 of the paper). Officers were encouraged to reward "prosocial" actions (such as keeping appointments, doing community work), they were trained to focus on problems that appeared to be related to offending, and they were trained to try to see things from the offender's perspective. The clients of these (relatively) newly trained corrections officers who followed the prescribed principles were compared to the clients of those who did not follow it.

Generally, the results were quite positive -- but largely in terms of the "pro-social" orientation of the community correctional workers. There were fewer breaches of conditions, and, more importantly, fewer offences were committed one and four years later by those who were supervised by officers who had received and applied the special training.

Conclusion. The research described in this paper shows that a particular style of supervision can be effective -- one which focuses on reinforcing "pro-social" behaviour in the offender. More importantly, it shows that *particular orientations* or supervisory styles can differentially affect the outcome of community corrections. The "treatment" that was tested here is not "expensive" or "special." The paper shows that "doing supervision better" can have an impact. More generally, one could argue that this kind of research -- trying to find out what kinds of "normal treatment" works best is important for us to do, routinely, in our own system.

Reference: Trotter, Christopher. The impact of different supervision practices in community corrections: Cause for optimism. *The Australian and New Zealand Journal of Criminology,* 1996, *29* (1), 29-46.