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Criminological Highlights

Volume 3, Number 4
October 2000

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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- After this page, we have produced a two page section consisting, for each article, of a "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 the core of this document (8 pages) where we have provided one-page summaries of each paper.

Correctional Service Canada has a number of "full" copies which include the actual articles that are summarized. Alternatively, contact Anthony Doob or Tom Finlay if you need a full copy of an article.

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This issue of *Criminological Highlights* was prepared by Anthony Doob, Tom Finlay, Carla Cesaroni, Myrna Dawson, Rosemary Gartner, Voula Marinos, Renisa Mawani, Andrea Shier, Greg Smith, Jane Sprott, Cheryl Webster, Kimberly Varma and Jennifer Wood.

The production of *Criminological Highlights* is assisted by contributions from the Department of Justice, Canada, and the Correctional Service of Canada.

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Inmates in jails with healthy "organizational climates" are less likely to be the targets of physical force from correctional staff: Good correctional management can make a difference to the way in which staff treat inmates.

Perceptions of the organizational climate are related to the officers' stated readiness to use force on the job. Clearly the impact of the organizational climate on the use of force is complex: there were other dimensions that did not appear to be as important. The results can be seen as encouraging for those who are concerned with the inappropriate use of force by prison officers in that the findings suggest that "good management" can make a difference above and beyond any relevant characteristics of the individual prison officer.(Item 1)

Prison vocational education programs, community employment programs, adult education programs, and life skills programs for offenders *may* reduce recidivism, but the results are neither consistent nor conclusive. The results of some programs may be "promising" but the results vary enough that one cannot assume that any particular program will reduce reoffending.

It would appear that simple across-the-board positive correctional effects of standard employment, education, and life skills programs are not likely to be found. Without doubt the results depend on the exact program in place, the characteristics of the offenders in the program, and the outcome measures of interest. The lesson for correctional administrators would seem to be that careful evaluation, using multiple outcome measures, is necessary for the particular program of interest. One cannot assume that these programs will "work" just because a similar program has had positive impacts elsewhere. (Item 2)

Juvenile and adult "graduates" of boot camps do not appear to be any less likely to reoffend than those who have been released from traditional correctional institutions. However, there are positive lessons to be learned from boot camp environments: young people perceive the boot camp environment to be safer, more controlled, more structured and more active than that of traditional facilities.

Clearly one of the advantages of having highly structured environments is that juvenile inmates feel safer and feel that someone cares about what happens to them. These are important dimensions to consider since an environment which is safe from violence presumably constitutes a minimum standard for incarcerated youth. If boot camps do have "healthier" atmospheres on some dimensions than traditional prisons for youth, one can ask why they are not more effective in changing behaviour. It may be that, although youths perceive that they are receiving better programming and, as a result, they perceive that the institution cares for them, the programming that they are given in the institution may not be addressing the circumstances which are responsible for their being in prison in the first place. (Item 3)

Community Service works: Those offenders given short prison sentences are, if anything, more likely to re-offend than equivalent offenders given community service.

Clearly, short prison sentences are no better, and may be worse, than community service. It is possible that one reason why community service orders may be better is that offenders feel that they were dealt with fairly by the system. Thus this paper -- using what is sometimes referred to as the "gold standard" in evaluation research, the randomized controlled experiment -- serves as one more nail in the coffin of the belief in the "short sharp shock."
(Item 4)

One cannot talk about "sentencing guidelines" without specifying "which" guidelines one is referring to. Some guideline systems have been in existence for over 20 years and have clearly accomplished many, if not most, of their goals. Guideline systems can be an effective means of achieving important goals in sentencing, but guideline systems, like sentencing laws generally, can have different goals and can vary in their achievement of these goals.

Sentencing guideline systems vary enormously across jurisdictions. They have been relatively successful in developing "rational" sentencing policies. It is clear that they *can* (but not necessarily do) result in sentencing structures that accomplish their desired goals. However, having "guidelines" does not guarantee "success," often because what constitutes "success" is still being debated. (Item 5)

Mandatory sentences fail again. The various goals associated with mandatory sentences in Australia have not been achieved and governments in Australia may have recognized this fact.

Australians have learned that mandatory sentences do not have clear and consistent objectives, and that whatever the objectives might be, they do not seem to be achieved. "We also know that [mandatory sentencing laws] lead to disproportionate sentences, subvert legal processes, and have a profoundly discriminatory impact" (p. 182). However, "there are signs that these lessons have been learned" (p. 182). Governments "have effectively conceded that mandatory sentences have no deterrent effect, and that there is a need for judicial discretion and for the more vigorous use of diversionary schemes and alternative strategies" (p. 182). (Item 6)

Curfews for juveniles do not reduce crime.

This study confirms the findings of an earlier study (See *Highlights*, Volume 3, Number 2). "Juvenile curfew laws are ineffective for reducing crime because they do not include many of the perpetrators of crime, namely older adolescents and young adults; they do not include the hours when juveniles are most likely to commit offences; they are based on the incorrect assumption that police crackdowns reduce crime; and they do not fully utilize the theories and research concerning juvenile delinquency. Finally they do not alter substantially the major correlates of delinquency: exposure to delinquent peers, schools, and the family. Delinquent behaviour does not happen in isolation, but in a social context consisting of an individual's peers, school, and family" (p. 226). "Delinquency will not be reduced by forcing children into negative family situations marked by rejection, negative community patterns, excessively lax or severe supervision and discipline, criminal family members, and abuse. Yet curfew laws force all youths to be at home… without ascertaining whether the home is a safe and positive place for these juveniles" (p. 225). (Item 7)

Allowing jurors to discuss evidence before the beginning of formal deliberations appears to have no harmful effects on the civil trial process. In particular, it does not increase the likelihood that the jury will arrive at a verdict different from that which the judge would hand down.

Jurors who are allowed to discuss evidence see this as useful. It does not seem to affect the verdicts (as measured by judge-jury disagreements). "The results... fulfill neither the fondest hopes nor the worst nightmares of supporters and critics of the trial discussions jury reform" (p. 379). (Item 8)

Inmates in jails with healthy "organizational climates" are less likely to be the targets of physical force from correctional staff: Good correctional management can make a difference to the way in which staff treat inmates.

Background. County jails in the U.S. have been described as the "sewers of the justice system" (p. 1). Typically, there are few programs available since jail inmates are either awaiting trial or serving relatively short sentences. The use of force, or its threatened use, is common. When trying to understand the use of force in jails and other correctional facilities, the focus is typically on individual variables (e.g., education, race, personality) rather than on the nature of the organization.

This study examined the manner in which the organizational characteristics of seven Arizona jails were perceived by prison officers. Officers were asked questions about the "organizational climate" of their workplace on eight dimensions, such as their perception of the quality of supervision they received, their levels of fear, and their feeling of having adequate authority (e.g., "I feel I have more than enough power to keep inmates in line around here.") The officers' readiness to use force was measured by asking such questions as the officer's degree of agreement with the statement "When in doubt, it's almost always better to use force to get results rather than just keep talking to an inmate" (p. 10).

The results show that the readiness to use force in dealing with problems was associated with each of the following:

- the perception by the officer that he did not have adequate authority to deal with inmates.
- high levels of fear experienced by the officer in the institution.
- views by the officers that they were not adequately supervised.
- the belief by officers that there are conflicting job demands (e.g., that the rules are contradictory or that it is not clear who is responsible for different jobs).

Individual characteristics (age, education, race, etc.) did not help predict who was most ready to use force in the jail setting.

Conclusion: Perceptions of the organizational climate are related to the officers' stated readiness to use force on the job. Clearly the impact of the organizational climate on the use of force is complex: there were other dimensions that did not appear to be as important. The results can be seen as encouraging for those who are concerned with the inappropriate use of force by prison officers in that the findings suggest that "good management" can make a difference above and beyond any relevant characteristics of the individual prison officer.

Reference: Griffin, Marie L. The influence of organizational climate on detention officer's readiness to use force in a county jail. *Criminal Justice Review*, 1999*, 24*, 1-26.

Prison vocational education programs, community employment programs, adult education programs, and life skills programs for offenders *may* reduce recidivism, but the results are neither consistent nor conclusive. The results of some programs may be "promising" but the results vary enough that one cannot assume that any particular program will reduce reoffending.

Background. Vocational, educational, and life skills programs have been staples of correctional programming for years. The difficulty is that there have been relatively few adequate assessments of their impact. Hence their *correctional* value cannot be assumed to be positive.

This review looked at the research literature on these programs, using a recently developed standard to determine the degree of rigor of the research methods. The highest standard was given to "true experiments" where program participants were assigned, on a random basis, to receive either the program or not. A slightly lower standard involved various research methodologies typically employing some other form of comparison group. Such ratings of the value of studies are important to avoid giving the same "weight" to a carefully controlled study as to a totally inadequate study when drawing conclusions.

Various types of programs were examined:

- Vocational programs (e.g., programs that facilitate the obtaining of a trade licence).
- Correctional industry programs (e.g., prison work programs in which offenders make certain products such as furniture).
- Community employment programs (e.g., work release from prisons or halfway houses).
- Adult basic education and life skills.

The findings were simultaneously encouraging and discouraging. The results tended to be discouraging because many programs showed no differences in recidivism between those who received the "treatment" and those who did not. At best, one can be "cautiously optimistic" (perhaps with an emphasis on the "caution") in suggesting that such programs generally reduce reoffending, or re-entry into the justice system (e.g., through parole violations). "There is some evidence to suggest that work release programs... have modest effects on recidivism" (p. 31). "While the results are somewhat inconclusive, several studies of sufficient scientific merit found evidence that the recidivism of participants was lower than a reasonable comparison group of offenders" (p. 32) "This assessment of the evaluation literature of adult basic education and life skills programs yields inconclusive results....[The] effects varied greatly depending on the particular populations targeted" (p. 215). The more optimistic conclusion is that *some* of these "standard" correctional programs, for *some* groups of offenders, showed *some* positive impacts.

Conclusion. It would appear that simple across-the-board positive correctional effects of standard employment, education, and life skills programs are not likely to be found. Without doubt the results depend on the exact program in place, the characteristics of the offenders in the program, and the outcome measures of interest. The lesson for correctional administrators would seem to be that careful evaluation, using multiple outcome measures, is necessary for the particular program of interest. One cannot assume that these programs will "work" just because a similar program has had positive impacts elsewhere.

References: Bouffard, Jeffrey A., Doris Layton MacKenzie, and Laura J. Hickman. Effectiveness of vocational education and employment programs for adults offenders: A methodology-based analysis of the literature. *Journal of Offender Rehabilitation*, 2000, *31*, 1-41. Cecil, Dawn K, Daniella A. Drapkin, Doris L. MacKenzie, and Laura J. Hickman. The effectiveness of adult basic education and life-skills programs in reducing recidivism: A review and assessment of the research. *Journal of Correctional Education*, 2000, *51,* 207-226.

Juvenile and adult "graduates" of boot camps do not appear to be any less likely to reoffend than those who have been released from traditional correctional institutions. However, there are positive lessons to be learned from boot camp environments: young people perceive the boot camp environment to be safer, more controlled, more structured and more active than that of traditional facilities.

Background. Boot camp graduates appear to do no better in the community upon release than those released from traditional correctional facilities. Recidivism and participation in constructive activities in the community (e.g., work and school) on release do not appear to be affected by the boot camp experience. It appears that any positive impacts of boot camps are related to the nature of the aftercare programs that are often attached to boot camps. Boot camps are, however, different from traditional institutions.

This study examines the perception of boot camps by juvenile inmates. In many studies, prisons have been found to be places where youth feel afraid and bored. Twenty-two pairs of juvenile institutions were compared: a boot camp and the state facility where the youth would have gone if he had not been sent to the boot camp. Thirteen different "conditions of confinement" were measured using questionnaires. Clearly, there are lessons to be learned from the operation of boot camps. In at least three quarters of the pairs of institutions, inmates of boot camps tended to see their institution as having more therapeutic programs, more planned activities, more structure and control, and to be better preparing them for release than traditional juvenile institutions. Boot camp inmates also felt less at risk from other inmates, and from the correctional environment generally. However, not all boot camps were seen as being better than their "unbooted" counterpart. On some dimensions -- danger from staff, quality of life, and freedom -- there were significant differences across the pairs of institutions with the boot camp sometimes looking better and sometimes worse than the traditional prison.

Conclusion. Clearly one of the advantages of having highly structured environments is that juvenile inmates feel safer and feel that someone cares about what happens to them. These are important dimensions to consider since an environment which is safe from violence presumably constitutes a minimum standard for incarcerated youth. If boot camps do have "healthier" atmospheres on some dimensions than traditional prisons for youth, one can ask why they are not more effective in changing behaviour. It may be that, although youths perceive that they are receiving better programming and, as a result, they perceive that the institution cares for them, the programming that they are given in the institution may not be addressing the circumstances which are responsible for their being in prison in the first place.

Reference: Styve, Gaylene J., Doris Layton MacKenzie, Angela R. Gover, and Ojmarrh Mitchell. Perceived conditions of confinement: A national evaluation of juvenile boot camps and traditional facilities. *Law and Human Behaviour*, 2000*, 24*, 297-308.

Community Service works: Those offenders given short prison sentences are, if anything, more likely to re-offend than equivalent offenders given community service.

Background. Community service orders (CSOs) have become popular in many countries, including Canada, because they are seen as a less expensive alternative to prison. This study takes the examination of CSOs one step further and looks at the recidivism rates of offenders randomly assigned to CSOs or to a short period of incarceration.

This study, in one district in Switzerland, compared the impact of a CSO to a short (up to 14 days) prison sentence. If an offender sentenced to a short stay in prison were found to be eligible for community work, the offender was given the option of being assigned, *on a random basis*, to community work rather than prison. Because the assignment was random, the two groups (prison and CSO) can be assumed to be equivalent on all pre-existing dimensions.

The results, in general, showed no significant difference on the likelihood of being re-convicted or the average number of convictions within 24 months of the prison/CSO experience. However, when "re-arrest" data were examined, it appeared that those who were assigned to do community service were somewhat less likely to be re-arrested than those who served their sentences in prison.

Immediately after serving their sanction, all participants in the study answered a number of questions. In comparison with those who went to prison, the offenders who experienced community service were more likely to report that they believed that the sanction they received would reduce recidivism, and was fair. Those who went to prison were more likely to indicate that they no longer had a "debt" to society and were more likely to believe that the sentencing judge (but not the correctional authorities) had been unfair.

Conclusion. Clearly, short prison sentences are no better, and may be worse, than community service. It is possible that one reason why community service orders may be better is that offenders feel that they were dealt with fairly by the system. Thus this paper -- using what is sometimes referred to as the "gold standard" in evaluation research, the randomized controlled experiment -- serves as one more nail in the coffin of the belief in the "short sharp shock."

Reference: Killias, Martin, Marcelo Aebi and Denis Ribeaud. Does community service rehabilitate better than short-term imprisonment?: Results of a controlled experiment. *The Howard Journal,* 2000, *39*(1), 40-57.

One cannot talk about "sentencing guidelines" without specifying "which" guidelines one is referring to. Some guideline systems have been in existence for over 20 years and have clearly accomplished many, if not most, of their goals. Guideline systems can be an effective means of achieving important goals in sentencing, but guideline systems, like sentencing laws generally, can have different goals and can vary in their achievement of these goals.

Background. Seventeen U.S. states as well as the U.S. federal courts have guideline systems. All state guideline systems are more flexible than the federal guidelines. Unlike the federal guidelines which try to regulate every aspect of each sentence, the state guidelines are typically simple and easily accessible to both court personnel and the public.

Guideline systems vary enormously, though most of them have some form of permanent commission to monitor the system. They vary in their form (e.g., an offence by criminal record "grid" or a "point system"), whether there is effective appellate review, whether the guidelines are explicitly supposed to take into account correctional resources, and their breadth (e.g., whether they include misdemeanors or the use of non-custodial sanctions). In addition, although many states abolished parole release when they brought in sentencing guidelines, not all followed this practice. Guidelines also vary dramatically with respect to their level of legal enforceability (e.g., running from "advisory" to almost mandatory).

The goals of guideline systems have varied across time and state. Reducing disparity was an early goal of some systems (e.g., Minnesota) but this has been replaced -- often by an approach described as "limited retributivism" whereby the goal is largely to ensure that sentences are neither excessively severe nor unduly lenient. Criminal record is typically given substantial emphasis on the assumption that it is an indication of future dangerousness. State guideline systems often give "strong priority to the use of state prison space for violent and repeat offenders" (p. 76).

The federal guidelines have quite a different record from those in most state systems, and have, among other things, deprived trial courts of "needed flexibility", ignored the impact on prisons, and required judges to increase sentences for behaviour not part of the convicted offences. Finally, they are remarkably complex (over 400 pages compared to Minnesota's 65 pages).

Guideline systems obviously create different balances of power between legislatures (and their sentencing commissions) and judges. Sentencing Commissions have developed independent expertise in advising legislatures on policy concerns. "There is considerable evidence that sentencing guidelines can help to avoid prison overcrowding and the kind of dramatic (and very expensive) escalation in prison populations which has occurred in many non-guidelines states in the past 20 years" (p. 75). Hence, they may help to protect sentencing systems from the winds of legislative whims. Two persistent challenges to guideline systems have been the regulation of prosecutorial discretion and plea bargaining; and the encouragement of the use of non-custodial sanctions.

Conclusion. Sentencing guideline systems vary enormously across jurisdictions. They have been relatively successful in developing "rational" sentencing policies. It is clear that they *can* (but not necessarily do) result in sentencing structures that accomplish their desired goals. However, having "guidelines" does not guarantee "success," often because what constitutes "success" is still being debated.

Reference: Frase, Richard S. Sentencing guidelines in Minnesota, other states, and the federal courts: A 20 year retrospective. *Federal Sentencing Reporter*, 1999, *12*(2), 69-82.

Mandatory sentences fail again. The various goals associated with mandatory sentences in Australia have not been achieved and governments in Australia may have recognized this fact.

Background. Mandatory sentences in Australia, as elsewhere, are the election-obsessed legislator's best criminal justice friend. The "three strikes" species of mandatory sentence found its way to Australia in the 1990s. Mandatory (prison) sentences did, however, come under fire in early 2000 when the predictable types of cases occurred and were publicized -- mandatory imprisonment for a yo-yo thief, a year in prison for an Aboriginal man who stole a towel from a washing line to use as a blanket, and a prison sentence for a one-legged pensioner who damaged a hotel fence. The laws in Western Australia and the Northern Territory were written broadly enough to ensure that these types of cases would result in a prison sentence.

The rationales that have been given for mandatory sentencing laws in Australia, as elsewhere, have varied over time. In the lineup of justifications, selective incapacitation was first at bat. However, selective incapacitation was shown to be a failure.

Next at bat was general deterrence. General deterrence struck out for the same reason: the evidence was clear that crime rates were unaffected by mandatory minimums. Third at bat, after the first two struck out, was the view that the laws reflected "community concern," the government claiming, not very convincingly, that the first two justifications had never been used (p. 169). The two state governments' approaches appeared to be that if the law doesn't seem to "work", what constitutes "success" should be changed.

Notwithstanding the fact that the laws clearly increased the likelihood of a prison sentence and they received a lot of publicity (good conditions for deterrence effects), there is "compelling evidence" that the laws did *not* achieve a deterrent effect (p. 172). Not surprisingly, particularly for juveniles, there was judicial motivation to avoid some of the harshest applications of mandatory sentencing laws. Part of the reason for this was the obvious one: proportionality in sentencing was trumped by mandatory sentences. Ironically, the government cited judicial inventiveness in avoiding unduly harsh applications of the law as an argument that the laws were not in breach of U.N. conventions (p.177). In effect, the law was not inappropriate, because it was being successfully avoided! Nevertheless, given that Aboriginal children are over-represented in the courts (they are less likely to be diverted, for example), the laws appeared to affect them more than non-aboriginal children.

Conclusion: Australians have learned that mandatory sentences do not have clear and consistent objectives, and that whatever the objectives might be, they do not seem to be achieved. "We also know that [mandatory sentencing laws] lead to disproportionate sentences, subvert legal processes, and have a profoundly discriminatory impact" (p. 182). However, "there are signs that these lessons have been learned" (p. 182). Governments "have effectively conceded that mandatory sentences have no deterrent effect, and that there is a need for judicial discretion and for the more vigorous use of diversionary schemes and alternative strategies" (p. 182).

Reference: Morgan, Neil. Mandatory sentences in Australia: Where have we been and where are we going? *Criminal Law Journal*, 2000, *24*, 164-183.

Curfews for juveniles do not reduce crime.

Background. Eighty percent of the 200 largest cities in the U.S. have juvenile curfew laws. New Orleans, Louisiana, has the most restrictive juvenile curfew of all U.S. cities: Youths under 17 are prohibited from being in public places, unless accompanied by an adult, after 8 p.m. on weekdays and 11 p.m. on weekends during the school year. During the summer, youths can stay out until 9 p.m. The twist in the New Orleans law is that the youth's legal guardian can be fined, ordered to take counseling or do parenting courses, or ordered to do community service. Business operators can be fined or imprisoned for letting a youth step foot in their premises during curfew hours.

This study examined victim reports and juvenile arrests for the year before and the year after the law was enacted on June 1, l994. Data were examined on a week-by-week basis which allowed researchers to remove any overall trends that might be occurring independent of the law (e.g., to separate out the impact of the law from any long term trends over the period being studied).

The findings were clear. "The implementation of the curfew law did not significantly reduce victimizations, juvenile victimizations nor juvenile arrests during curfew hours" (p. 212). There were, however, some immediate and relatively short term effects of the curfew law. For example, violent victimizations during curfew hours decreased when the law came in, but returned to their pre-curfew level when curfew enforcement decreased. "Property victimizations of people of all ages during curfew hours *increased* significantly after the curfew law took effect." Juvenile arrests were not affected by the change in the law.
The "changes in victimization [e.g., decreased violent victimization] during curfew hours are abrupt and mainly temporary while effects during non-curfew hours [e.g., violent victimizations] tended to be gradual and permanent" (p. 218).

Conclusion: This study confirms the findings of an earlier study (See *Highlights*, Volume 3, Number 2). "Juvenile curfew laws are ineffective for reducing crime because they do not include many of the perpetrators of crime, namely older adolescents and young adults; they do not include the hours when juveniles are most likely to commit offences; they are based on the incorrect assumption that police crackdowns reduce crime; and they do not fully utilize the theories and research concerning juvenile delinquency. Finally they do not alter substantially the major correlates of delinquency: exposure to delinquent peers, schools, and the family. Delinquent behaviour does not happen in isolation, but in a social context consisting of an individual's peers, school, and family" (p. 226). "Delinquency will not be reduced by forcing children into negative family situations marked by rejection, negative community patterns, excessively lax or severe supervision and discipline, criminal family members, and abuse. Yet curfew laws force all youths to be at home… without ascertaining whether the home is a safe and positive place for these juveniles" (p. 225).

Reference: Reynolds, K. Michael, Ruth Seydlitz, and Pamela Jenkins. Do juvenile curfew laws work? A time-series analysis of the New Orleans Law. *Justice Quarterly*, 2000, *17*, 205-230.

Allowing jurors to discuss evidence before the beginning of formal deliberations appears to have no harmful effects on the civil trial process. In particular, it does not increase the likelihood that the jury will arrive at a verdict different from that which the judge would hand down.

Background: Most common law jurisdictions do not allow jurors to discuss evidence amongst themselves until formal deliberations have begun. This practice is based on the theory that during a trial jurors "passively absorb all of the evidence and law presented to them... without making any judgments about it until told to do so by the judge" (p.361). The difficulty with this theory is that it is almost certainly wrong. Jurors appear to take an active approach, constructing "stories or narratives from the trial evidence" (p. 362) so as to create coherent accounts of what occurred. It appears from the evidence that deliberations serve as "a valuable corrective to idiosyncrasy and error" (p.362) on the part of individual jurors.

This study, with civil juries in Arizona, investigated the benefits and drawbacks of allowing pre-deliberation discussion of the evidence. In 161 cases, jurors were *randomly* assigned by judges either to the "standard" (no discussions before formal deliberations) condition or were told that they could discuss evidence before formal deliberations.

The findings of the experiment suggest that there would be little harm in allowing jurors to discuss the evidence as it is presented:

- The reports of jurors regarding the moment at which they were first favouring one side or the other and when they made up their mind showed no differences between the two groups (those encouraged or discouraged from discussing the evidence prior to deliberations).
- Given the concern that the first witness might have undue influence for jurors who are allowed to discuss the evidence, an important finding concerned the ratings by jurors of the first witness' influence. These ratings showed no difference between the discussion and no discussion juries. Juries who were told *not* to discuss the evidence did, however, indicate that their memory of the second half of the trial was greater than for those encouraged to discuss the evidence.
- Those who had discussed matters with other jurors were less likely to indicate that they were unsure of whom they favoured. In particular, they were more likely to indicate that they favoured the plaintiff. However this effect only occurred in one of two locations in which the experiment took place.
- Those who were allowed to discuss the evidence were, however, more likely to report greater conflict and less agreement on the final ballot (Arizona civil juries do not have to be unanimous).
- The trial judge's view of the evidence tended to be consistent with that of the jury. The level of judge-jury disagreement did not vary between the two conditions. Disagreements were also not related to the apparent complexity of the cases.

Conclusion. Jurors who are allowed to discuss evidence see this as useful. It does not seem to affect the verdicts (as measured by judge-jury disagreements). "The results... fulfill neither the fondest hopes nor the worst nightmares of supporters and critics of the trial discussions jury reform" (p. 379).

Reference: Hannaford, Paula L., Valerie P. Hans, and G. Thomas Munsterman. Permitting jury discussions during trial: Impact on the Arizona reform. *Law and Human Behaviour*, 2000, *24*, 359-382.