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. There are six issues in each volume. Copies of the original articles can be obtained (at cost) from the Centre of Criminology Information Service and Library. Please contact Tom Finlay or Andrea Shier.

Contents: "Headlines and Conclusions" for each of the eight articles. Short summaries of each of the eight articles.

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

1. What is the effect of increased diversity on police forces?
2. How are sentences influenced by irrelevant suggestions made to judges?
3. Why do most gang control strategies fail?
4. What was the original purpose of the preliminary inquiry?
5. Why is there such variability in the crime rates of different groups of second generation immigrants?
6. Are there harmful psychological effects of wrongful imprisonment that differ from the effects of 'ordinary' long-term imprisonment?
7. Is there evidence of a long-standing culture of violence in certain communities?
8. Are sex offenders more 'specialized' in their offending than other offenders?

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Changes that have taken place in the composition of American police departments – most notably increased proportions of visible minorities and women – have probably had their most important effects on the internal workings of the departments, and not on the ability of the police to do their jobs or on police-community interactions.

Police forces appear to be "a striking success story for affirmative action" (p. 1234). "By weakening the social solidarity of the police, the growing diversity of law enforcement workforces makes it more likely that departments will be able to take advantage of the special competencies of minority officers, female officers, and openly gay and lesbian officers. And by weakening the political solidarity of the police, and the uniformity of viewpoints within police departments, police diversity greatly facilitates other reforms – including civilian oversight, community policing, and systematic efforts to ameliorate racial bias in policing" (p. 1240).

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Sentencing decisions can be affected by giving judges an opportunity to think about a randomly determined sentencing 'standard' at the time that the sentencing decision is being made.

"Even though judges typically do not throw dice before making sentencing decisions, they are still constantly exposed to potential sentences and anchors during sentencing decisions" (p. 198). "Within and beyond the legal domain, irrelevant anchors may stem from different sources. They may be explicitly provided, subtly suggested, self-generated, simply coming to mind, or determined by throwing dice… God may not play dice with the universe – as Albert Einstein reassured us. But judges may unintentionally play dice with criminal sentences" (p. 199).

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Most gang control programs fail in large part because they are conceived without thought, implemented without care, and evaluated without adequate data. Effective approaches to controlling gang crime need to focus more broadly on communities, rather than searching for, and copying, approaches to gang crime that have been shown to be failures.

It is clear that gang "control efforts must begin with carefully derived goals whose achievement can be measured….More effort needs to be concentrated on gang structures, group processes and community contexts…." (p. 261). Data need to be gathered to understand what is happening and to learn from our experience. And of course programs need to be implemented with care. "The overall goal would be local social control – by community members, in the community, of their own problems." Though such approaches may take a long time, we are where we are because of "decades of uncoordinated, inadequately conceptualized gang programming and policy" (p. 263).

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The preliminary inquiry – an examination of evidence before sending a case to a 'higher' court – was originally designed to be a procedure to help ensure successful prosecutions.

The preliminary inquiry – a procedure now defended by those who see it as an important tool for the defence to test the prosecutor's case and often criticized by prosecutors – had its origin as a prosecutorial tool to make it easier to get evidence to help convict the accused. The original preliminary inquiry was, therefore, not designed to allow the accused person to test the Crown's case. Indeed, magistrates did not originally judge the evidence that was brought before them. Like other features of the criminal justice system, the origins of this procedure and its effects (e.g., increasing the presence of defence counsel in magistrates courts) act as a reminder that the functions of certain aspects of this system have evolved dramatically over time.

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Crime rates among first generation immigrants in England tend to be low. The second generation, however, varies considerably with rates for some groups remaining low while those of others increase sharply. The differences across groups may relate to the different histories and experiences of each group within the context of their new country.

The one thing that is clear from this case study of ethnic differences in crime patterns in England is that simple explanations – self-selection of migrants, education or economic differences or discrimination – do not explain the different crime patterns of the various groups. It would appear that adequate explanations are more likely to be found by looking at complex interactions of the experiences and cultures of the immigrants' countries of origins combined with the differences in experiences that the various groups had in the country they migrated to.

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Being imprisoned for crimes one has not committed has qualitatively different and much more serious psychological impacts on prisoners than one would expect from the literature on the effects of long-term imprisonment.

The effects of wrongful imprisonment are dramatically more severe than the known effects of simple imprisonment. But little is known about the experience of ordinary prisoners after they are released from long periods in prison. The 'prison effects' literature may have "failed to capture adequately and characterize the kinds of distress that are reported by long term prisoners" (p. 49) in part because the kind of measures that have been used have typically been psychological tests administered while the person was in prison. This is particularly serious because "Changes during long-term imprisonment that are perceived as adaptive in the prison environment may not be adaptive for the outside environment" (p. 48). These same adaptations may prove to be counterproductive in the community after release. Clearly wrongful imprisonment can have – and perhaps usually does have – serious lasting impacts. It is possible that, if properly assessed, we would find that these same effects result from long terms of 'ordinary' imprisonment.

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Homicide rates in southern U.S. counties have deep historical roots. High rates of lynching within certain counties in the southern U.S. during the period 1882 to 1930 contributed to "cultural orientations that are conducive to the use of lethal violence in the present" (p. 649). These counties had higher than expected homicide rates close to a century later.

The results – showing that the effects of lynchings a century ago can be seen in contemporary homicide rates – reaffirm the insight that "the past can never be erased and that the ugliest human actions cast the longest shadows" (p. 651, quoting historian William McFeely).

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Compared to other groups of offenders, sex offenders are not a highly specialized group. They are no more likely to be "specialized" offenders than are other types of offenders (i.e., those who have committed violent, property or public order offences).

"As a group and across different measures, sex offenders… are not typically specialists or persistent offenders…. In fact…specialization among sex offenders drops substantially over successive stages of their criminal careers" (p. 222). Obviously, this study depends on 'official' data of offending and hence misses many offences. There is no reason, however, to expect that this problem is specific to sex offenders. The data suggest that the argument for special sexual predator laws (e.g., registries, etc.) may be based on false assumptions. "Given the major finding that the average sex offender… does not appear to be a persistent specialist over his arrest career, it seems somewhat unlikely that registration and notification policies will decrease sexual victimization" (p. 225).

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Changes that have taken place in the composition of American police departments – most notably increased proportions of visible minorities and women – have probably had their most important effects on the internal workings of the departments, and not on the ability of the police to do their jobs or on police-community interactions.

Police forces in the U.S. and in many other countries look different from the way they looked 40 years ago: they employ many more members of visible minority groups and women than they did in the 1960s.

These changes are dramatic. In Washington, D.C., for example, the proportion of minority police officers increased from about 20% in 1967 to about 70% in 2000. Boston's proportion of minority police officers increased from fewer than 5% to over 30% during the same period. To some extent, minority police officers tend to be concentrated in lower ranks but this effect is not large and may reflect the fact that the changes have come relatively recently. For women, the change is similar except for the fact that the proportion of women in police forces generally does not exceed 25%. They, too, tend to be concentrated in the lower ranks, but on this dimension as in all others, there is a great deal of variation across police departments.

The effects of these changes are, of course, harder to assess. But when one looks at studies that compare black and white police officers, for example, there do not appear to be dramatic or consistent changes that occur when a police department becomes more diversified. "The scholarly consensus is that no evidence suggests that African American, Hispanic, and white officers behave in significantly different ways" and that "police behaviour is determined by situational and departmental factors not by race" (p. 1226). The evidence on the effects of increases in the number of women on police forces is equally equivocal. When one looks at the effects of increased diversity on the credibility of the police in a neighbourhood, it would appear that the effects are not consistent.

There does, however, appear to be some evidence that the "unified occupational subculture of policing is being replaced by workplaces marked by division and segmentation" (p. 1231). It is notable that "The decline in solidarity [of the police] does not seem to have impaired police effectiveness… [Though] police officers are a less cohesive group than they used to be…[this change] makes the internal cultures of police departments less stifling and opens up space for dissent and disagreement…. Investigators rarely find a single police perspective on any given issue, but rather a range of conflicting perspectives" (p. 1232).

Conclusion. Police forces appear to be "a striking success story for affirmative action" (p. 1234). "By weakening the social solidarity of the police, the growing diversity of law enforcement workforces makes it more likely that departments will be able to take advantage of the special competencies of minority officers, female officers, and openly gay and lesbian officers. And by weakening the political solidarity of the police, and the uniformity of viewpoints within police departments, police diversity greatly facilitates other reforms – including civilian oversight, community policing, and systematic efforts to ameliorate racial bias in policing" (p. 1240).

Reference: Sklansky, David Alan (2006). Not Your Father's Police Department: Making Sense of the New Demographics of Law Enforcement. *Journal of Criminal Law and Criminology, 96* (3), 1209-1243.

Sentencing decisions can be affected by giving judges an opportunity to think about a randomly determined sentencing 'standard' at the time that the sentencing decision is being made.

Research has demonstrated that in civil cases, "the higher a plaintiff's request in court, the higher the award that is obtained" (p. 189) even when the evidence in the case is not related to the size of the request. This paper takes such findings one step further and looks at sentencing judgements by experienced (German) judges and prosecutors as a function of irrelevant "standards" or "anchors" to which they were exposed. It suggests that providing a "standard" against which to compare a sentence – even when that standard is arbitrary – creates an anchor that has an effect on judgements about what the proper sentence should be in a particular case.

Participants who had an average of more than 10 years experience as judges or prosecutors were given a written case concerning an alleged rape. The participants reported that the case appeared to be quite realistic. Facts about the case and expert testimony were provided to the judges. They were also asked to imagine that "during a court recess they received a telephone call from a journalist who directly asks them 'Do you think that the sentence of the defendant in this case will be higher or lower than 1 year [or 3 years]?'" Half were exposed to the higher number, half to the lower. They were then told to imagine that they had refused to answer this question and had ended the telephone call. They were then told that they discussed the journalist's call with a colleague and had discussed whether the sentence that was suggested was too high, too low or just right. Finally they were asked to give their own sentencing decisions. Those participants who had been exposed to the higher anchor gave considerably higher sentences (an average of 33 months) than did those who were exposed to the low anchor (an average of 25 months). Both groups were fairly certain that their sentencing decisions were correct.

In a second experiment, groups of experienced judges and prosecutors went through a similar scenario involving shoplifting and read that the prosecutor had randomly recommended a particular sentence. Half were told that the recommended sentence was 9 months on probation. The other half were told that the random recommended sentence was 3 months. In this case – even believing that the prosecutor's proposal was randomly determined – the judges were influenced by the recommendation: those who heard the higher recommendation gave an average of 6 months of probation whereas those who heard the lower figure gave an average of only 4 months. A subsequent study had the participants themselves determine what the prosecutor recommended by throwing dice. This, too, affected the judges' decisions.

It would appear that an irrelevant "anchor" or proposed sentence – even when this anchor or proposed sentence is randomly determined – gets people to think about a particular outcome. Experienced judges, then, were influenced by this irrelevant factor. One of the studies suggests that the mechanism may be that "considering a high irrelevant sentencing demand… makes incriminating arguments accessible or salient in the participant's mind. Because the final sentencing decision is then strongly influenced by those arguments that come to mind easily, this ultimately leads to higher sentencing decisions" (p. 197).

Conclusion. "Even though judges typically do not throw dice before making sentencing decisions, they are still constantly exposed to potential sentences and anchors during sentencing decisions" (p. 198). "Within and beyond the legal domain, irrelevant anchors may stem from different sources. They may be explicitly provided, subtly suggested, self-generated, simply coming to mind, or determined by throwing dice… God may not play dice with the universe – as Albert Einstein reassured us. But judges may unintentionally play dice with criminal sentences" (p. 199).

Reference: Englich, Birte, Thomas Mussweiler, and Fritz Strack. (2006) Playing Dice with Criminal Sentences: The Influence of Irrelevant Anchors on Experts' Judicial Decision Making. *Personality and Social Psychology Bulletin, 32* (2) 188-200.

Most gang control programs fail in large part because they are conceived without thought, implemented without care, and evaluated without adequate data. Effective approaches to controlling gang crime need to focus more broadly on communities, rather than searching for, and copying, approaches to gang crime that have been shown to be failures.

The world of gang control is littered with failures, though the nature of these failures varies. There are, for example, conceptual failures, implementation failures, failures based on a reliance on invalid "conventional wisdom," and copycat failures. Many programs fail for all of these reasons.

Nevertheless, most gang control programs are well publicized on most dimensions except for their outcome – their failure to control gangs and gang-related behaviour. The effect is that they are often described and understood as having been successful. In reality, most failed programs are hard to describe because the manner in which they were implemented changed over time and is not well documented. They are seen as being successful because they fit a certain "common wisdom" – a wisdom that, unfortunately, ignores most of what is known about gangs.

A common theme in many failed programs is deterrence but "concepts of celerity and certainty of punishment have not penetrated the punishment severity mentality to any significant degree" (p. 91). Hence programs that tend to be based on deterrence have repeatedly been shown to be ineffective. One of the problems that has occurred in some cities is that the focus was often not on gangs *per se*, but on young offenders generally or on crime even more generally: "Gang prevention is not synonymous with delinquency prevention" (p. 114). What is generally needed is "having a clear model in place to guide a program, determining the proper targets for the program, and connecting the conceptual model to program implementations" (p. 123). Typically the problem is that the focus is simply on youth "at risk" to offend despite the fact that "long-term successful gang control will not be achieved by intervention with youth but by intervention with the nature of gang-spawning communities" (p. 128). There is no 'one size fits all' in gang control. Unfortunately, because there has been so much wasted effort as a result of repeating the failures of the past, we know less than we should about how to stop gang behaviour. But we do know that "Commonly, but not uniformly, gang formation is spawned in communities or subsections of communities with poverty, discrimination, inadequate resources, and low community efficacy and where official (police, court, school, etc.) hostility is felt" (p. 247).

If one looks at gang control efforts in the last few decades, we find that there have been two broad approaches: approaches that attempt to control individual group members and approaches that focus on groups or gangs. Within each of these, one can focus on prevention, intervention, or suppression of the behaviour that is of concern. In addition, the program can approach the problem by concentrating efforts on individual youths, on group processes, on gang structures or on the community. This matrix results in 24 different possible ways to focus gang control efforts. When one looks at documented gang control efforts, most programs use only one of these 24 approaches. The most popular approaches concentrate on individual change. Little attention is given to the community context of gangs or group processes or group structure. "People attempting to control gang problems largely ignore the fact that gangs are groups" (p. 255). In contrast, "Gangs in the Far East are cast as group problems and in Europe as social welfare and immigration problems. Yet in America, although gangs are groups spawned in describable community contexts, we respond to them much more as requiring individual change efforts" (p. 256).

Conclusion. It is clear that gang "control efforts must begin with carefully derived goals whose achievement can be measured….More effort needs to be concentrated on gang structures, group processes and community contexts…." (p. 261). Data need to be gathered to understand what is happening and to learn from our experience. And of course programs need to be implemented with care. "The overall goal would be local social control – by community members, in the community, of their own problems." Though such approaches may take a long time, we are where we are because of "decades of uncoordinated, inadequately conceptualized gang programming and policy" (p. 263).

Reference: Klein, Malcolm W. and Cheryl L. Maxon (2006). *Street Gang Patterns and Policies*. New York: Oxford.

The preliminary inquiry – an examination of evidence before sending a case to a 'higher' court – was originally designed to be a procedure to help ensure successful prosecutions.

Violent crime in London was from time to time a cause of serious anxiety in eighteenth century England. Official efforts to reduce the levels of robbery, as well as of burglary and other crimes against property, had a profound effect on all aspects of the criminal justice system, particularly policing, prosecution, and punishment. Parliament passed statutes in the early eighteenth century, for example, that authorized the criminal courts for the first time to sentence convicted felons to a non-capital punishment, which led to the establishment of transportation to America and, in the second half of the century, to imprisonment as the most common sanctions imposed on serious offenders.

This paper is concerned with another set of changes that also grew from the cabinet's and parliament's concern with the level of crime and from their provision of resources to encourage more active policing and better prosecution. There was, in fact, very little policing in the early eighteenth century of the kind we take for granted today. Victims might get the aid of a parish constable to take those who offended against them to a magistrate, but they got little help in identifying and apprehending the suspect and they had to pay all the costs of the prosecution. Aspects of this long-established system began to change in the early eighteenth century when, in an effort to encourage prosecutions, parliament offered very substantial rewards for the conviction of robbers and burglars and several other kinds of offenders. Because this gave rise to free-enterprise policing by so-called thief-takers who were largely corrupt, a new strategy was adopted in the middle of the eighteenth century when the government provided Henry Fielding and his half-brother John, both of them magistrates, with resources to establish a more official group of detective officers. John Fielding used the government's financial support over the thirty years before his death in 1780 to create an entirely new form of magistrate's practice at his house in Bow Street in London.

Until Fielding's time, magistrates had been largely passive with respect to criminal justice matters. Their duty, which had been set out in statutes two hundred years earlier, was simply to take written statements of the victim and the person accused when he received a complaint that a felony had taken place and to do the paperwork that would ensure that a trial would take place in the appropriate court. He was not to make any enquiry into the strength or validity of the evidence but commit the accused to gaol to await the determination of his or her case before a judge and jury. Fielding's central ambition was to create a more active prosecution system – using the press (by then rapidly developing in London) to broadcast news about crime and policing issues, building a courtroom that accommodated a larger audience than had ever attended a magistrate's court, and, above all, developing an aggressive form of enquiry into the evidence in the cases that came before him. These measures were aimed at strengthening the prosecution's case in those that he sent on to trial at the Old Bailey, the central criminal court in London. One effect of this transformation of the preliminary process was to encourage the attendance for the first time of solicitors acting on behalf of defendants at the magistrates' courts and that in turn increased the number of barristers acting as defence counsel in trials at the Old Bailey, another set of practices we take for granted that were entirely new in the eighteenth century.

Some of John Fielding's innovations were reversed by objections from the judges after his death, most notably his encouragement of extensive pretrial publicity in the press reports of his committal hearings. But most changes continued to develop in practice through the first half of the nineteenth century, until in 1848 they were incorporated into the Jervis Acts that laid the basis of the modern judicial hearing.

Conclusion. The preliminary inquiry – a procedure now defended by those who see it as an important tool for the defence to test the prosecutor's case and often criticized by prosecutors – thus had its origin as a prosecutorial tool to make it easier to get evidence to help convict the accused. The original preliminary inquiry was, therefore, not designed to allow the accused person to test the Crown's case. Indeed, magistrates did not originally judge the evidence that was brought before them. Like other features of the criminal justice system, the origins of this procedure and its effects (e.g., increasing the presence of defence counsel in magistrates courts) act as a reminder that the functions of certain aspects of this system have evolved dramatically over time.

Reference: Beattie, John (2007) Sir John Fielding and Public Justice: The Bow Street Magistrate's Court, 1754-1780. *Law and History Review, 25* (1).

Crime rates among first generation immigrants in England tend to be low. The second generation, however, varies considerably with rates for some groups remaining low while those of others increase sharply. The differences across groups may relate to the different histories and experiences of each group within the context of their new country.

Understanding the reasons for different crime rates among immigrant groups in England is a complex task. Not only did immigrants come from different cultures but they arrived at different times and had quite different experiences on their arrival in England. The evidence seems to suggest that "Criminal offending, although low among the first generation of Afro-Caribbeans in Britain" (p. 71) "became substantially elevated among second and subsequent generations of Afro-Caribbeans, but not among the [Indians, Pakistanis, or Bangladeshis]" (p. 121).

Simple explanations do not appear to fit the data. Clearly the change in rates for some groups but not others rules out selection since the changes that occurred were in the generations that followed the initial immigration to Britain. Other simple explanations are equally problematic. For example, all groups were economically disadvantaged on their arrival. However, "on a range of measures – unemployment, job levels, earnings, incomes, and poverty – levels of deprivation are considerably higher among Pakistanis and Bangladeshis than among Afro-Caribbeans" (p. 101). Afro-Caribbeans are more similar to Indians and African-Asians on financial measures, yet Afro-Caribbeans, and not the others, showed large increases in crime after the first generation. Educational differences, as well, do not explain these group differences. "Afro-Caribbeans were less disadvantaged in educational terms than Pakistanis or Bangladeshis at an early stage of the migration, and they made more rapid progress than Bangladeshis especially, but their crime rate increased much more rapidly" (p. 83).

Single parent families were only slightly more prevalent among Afro-Caribbeans in the early 1970s than other groups, but by the beginning of this century this had changed dramatically. While about ten percent of white women with children are single, for African Caribbean women with children, the number increases to almost half. The other immigrant groups did not show this huge increase in fatherless families.

There is substantial evidence of racial discrimination against all visible minority groups in England, "although perceptions of discrimination tended to be highest among Afro-Caribbeans. Interestingly, the most economically deprived group – Bangladeshis – were least aware of discrimination. It is possible that "the adoption of an outgoing, integrative style among Afro-Caribbean migrants… led them to encounter more discrimination and prejudice than South Asians and to compare themselves unfavourably with reference groups in Britain rather than favourably with reference groups in the country of origin" (p. 121). In addition, it would appear that "interactions between young black people and the police… led to spiralling hostility and the stigmatization of black people as criminals" (p. 121).

Conclusion. The one thing that is clear from this case study of ethnic differences in crime patterns in England is that simple explanations – self-selection of migrants, education or economic differences or discrimination – do not explain the different crime patterns of the various groups. It would appear that adequate explanations are more likely to be found by looking at complex interactions of the experiences and cultures of the immigrants' countries of origins combined with the differences in experiences that the various groups had in the country they migrated to.

Reference: Smith, David J. (2005). Ethnic Differences in Intergenerational Crime Patterns. In Tonry, Michael (ed.) *Crime and Justice: A Review of Research*, Volume 32. University of Chicago Press.

Being imprisoned for crimes one has not committed has qualitatively different and much more serious psychological impacts on prisoners than one would expect from the literature on the effects of long-term imprisonment.

An increasing number of prisoners are being released from prison after being 'wrongfully imprisoned' – having served large portions of sentences handed down for crimes they did not commit. In England two of the more celebrated cases of wrongful imprisonment were the "Guildford Four" and the "Birmingham Six" who served 15 years or more for crimes they didn't commit. Other cases, both celebrated and mundane, have been found in most countries. Obviously the number of people officially exonerated is small compared to all estimates of the number of wrongful convictions and wrongful imprisonments.

This study summarizes psychiatric assessments of 18 men released from prison (including 5 from the "Guildford" and "Birmingham" incidents). When they were assessed, most (14) of the men had been out of prison for at least two years, two more had been out for a year, and the other two for at least 6 months. Separate interviews were carried out with people (typically partners, siblings, or close friends) who had known the prisoners prior to their arrests. Generally speaking, the wrongfully imprisoned men had no evidence of psychiatric disorder prior to their imprisonment, though two had experienced drug overdoses and one had received treatment for anxiety.

The literature on the *psychological* impact of long-term imprisonment "has shown little evidence of deterioration in personality, intellectual functioning, attitudes, and psychiatric morbidity associated with long term custody" (p. 14). This is not to suggest that prison is easy or that there aren't huge social costs in being imprisoned for long periods of time. Among other things, suicide rates in prisons are high. In contrast to these typical findings from the "prison effects" literature, this study demonstrated that 12 of the 18 men who had experienced wrongful – not just long-term – imprisonment met the diagnostic criteria for post traumatic stress disorder. Fourteen of the 18 experienced personality changes that fit the distinct diagnosis of "enduring personality change after catastrophic experiences" (p. 22). "Families consistently said that the men had changed – that they were not the people they used to be; they were withdrawn, unable to relate properly" (p. 22). "Families [found] the men very difficult to live with because of their moodiness, preoccupation, irritability and withdrawal" (p. 36). Many (13) suffered from depressive episodes and had anxiety symptoms (10 cases). "Very little of the post release psychiatric morbidity could be explained in terms of the men's previous histories" (p. 25).

The experience of these men met the criteria of traumatic events: what happened to them was seen by them as being incomprehensible; their connections with others were ruptured; events were (by definition) inescapable; and these wrongfully imprisoned men experienced extreme arousal, hypervigilance and sense of threat. In addition, of course, because of the nature of their eventual release, there was no opportunity to prepare for the change back to 'normalcy' - their release from prison.

Conclusion. The effects of wrongful imprisonment are dramatically more severe than the known effects of simple imprisonment. But little is known about the experience of ordinary prisoners after they are released from long periods in prison. The 'prison effects' literature may have "failed to capture adequately and characterize the kinds of distress that are reported by long term prisoners" (p. 49) in part because the kind of measures that have been used have typically been psychological tests administered while the person was in prison. This is particularly serious because "Changes during long-term imprisonment that are perceived as adaptive in the prison environment may not be adaptive for the outside environment" (p. 48). These same adaptations may prove to be counterproductive in the community after release. Clearly wrongful imprisonment can have – and perhaps usually does have – serious lasting impacts. It is possible that, if properly assessed, we would find that these same effects result from long terms of 'ordinary' imprisonment.

Reference: Grounds, Adrian T. (2005). Understanding the Effects of Wrongful Imprisonment. In Tonry, Michael (ed.) *Crime and Justice: A Review of Research*, Volume 32. University of Chicago Press.

Homicide rates in southern U.S. counties have deep historical roots. High rates of lynching within certain counties in the southern U.S. during the period 1882 to 1930 contributed to "cultural orientations that are conducive to the use of lethal violence in the present" (p. 649). These counties had higher than expected homicide rates close to a century later.

By the end of the 19th century, lynching in the United States had become concentrated in the southern states and almost always involved black victims killed by mobs composed of whites. Almost none of the offenders were successfully prosecuted. This paper investigates the possibility that cultural support for lynching, as evidenced by high rates of lynching in the late 19th and early 20th centuries, could lead to cultural support for violence that would be evident decades later as high homicide rates.

The findings show that southern U.S. counties with high homicide rates in the period 1986-1995 tended also to have had large numbers of lynchings between 1882 and 1930. Even controlling for various factors known to relate to homicide rates (poverty, race and family structure, urbanization, and age structure) the relationship still held: counties with large numbers of lynchings during this period had high homicide rates in the late 20th century.

The *overall* effect of lynching on later homicide rates, however, turns out to be accounted for, largely, by homicides committed by blacks, but not by whites. It is suggested that for blacks the experience of lynching "represents an extraordinary instance of the 'lack of access to formal law' which in turn fostered 'self-help' cultural adaptations [within the Black community] conducive to lethal violence" (p. 649). This is consistent with the notion that for the black community, "lynching symbolized and represented an extraordinary failure of the white-dominated legal system to offer the most basic of protections to the black population" (p. 638). Citing sociologist Elijah Anderson, the suggestion is made that "the lack of access to legal protections stimulates cultural adaptations that place a premium on the display and use of violence" (p. 638) as a means of conflict resolution. These findings suggest that this "cultural orientation" is most likely to be created in areas where large numbers of blacks were lynched.

Although there was no overall effect of lynchings on the rate of homicides committed by whites, there was one important effect involving white offenders. Those counties with large numbers of lynchings (in the period 1882-1930) tended to have high rates of one particular kind of homicide in the latter part of the 20th century: those that "involved white offenders and black victims that emerged out of interpersonal arguments rather than the circumstances associated with predatory crimes" (p. 648). It should be remembered that most lynchings not only involved black victims and white offenders, but they also typically involved blacks who were accused of crimes against whites. "To the extent that lynching gave rise to cultural orientations supportive of violence among whites, these orientations are evidently applicable only to particular kinds of homicide: interracial homicides that evolve out of interpersonal conflicts" (p. 649).

Conclusion. The results – showing that the effects of lynchings a century ago can be seen in contemporary homicide rates – reaffirm the insight that "the past can never be erased and that the ugliest human actions cast the longest shadows" (p. 651, quoting historian William McFeely).

Reference: Messner, Steven F., Robert D. Baller, and Matthew P. Zevenbergen (2005). The Legacy of Lynching and Southern Homicide. *American Sociological Review, 70*, 633-655.

Compared to other groups of offenders, sex offenders are not a highly specialized group. They are no more likely to be "specialized" offenders than are other types of offenders (i.e., those who have committed violent, property or public order offences).

Sex offenders are the focus of many special criminal law provisions (e.g., dangerous offender laws, laws that require them to register their whereabouts after they have served their sentences). The common assumption seems to be that once a sex offender, always a sex offender. "These stereotyped images have been shown… to have serious negative consequences for the effective detection, treatment and control of sex offenders" (p. 205).

Several studies have found that "sex offenders… exhibit lower recidivism rates and have less extensive criminal histories" (p. 207) than other types of offenders (see, e.g., *Criminological Highlights*, *5*(1)#4, *3*(3)#3, *6*(6)#8), *6*(3)#3). This study examines data from 9806 male sex offenders released from state prisons in 15 states in 1994 and an additional 23,849 prisoners released for other violent offences, property offences, or drug and other public order (drug and other public order) offences. The data include information about offenders' entire criminal history prior to their release from prison in 1994 and in the three years following release. Hence it was possible to look at the likelihood that the offence a person was arrested for the "next" time was the same as the previous one.

Overall, it would appear that sex offenders are no more likely to "specialize" than are other offenders. For example, starting with all of those who were arrested for sex offences, one can look at those arrested again and ask whether this next arrest was likely to be for a sex offence. The answer is that the probability of a person who was just arrested having his next offence be another sex offence was about 0.26. For those arrested for violent offences, if they were re-arrested again, the likelihood of their next arrest being a violent offence was 0.33. "Specialization" for property offenders and public order (including drugs) offences was even higher (0.56 and 0.61, respectively).

Perhaps the most interesting finding is that "perfect specialization is rarely observed across all arrest cycles" (p. 216). Only about 5% of sex offenders could be described as 'specialists' (i.e., had only sex offences in their histories). Given that the group of offenders in this study tended to have substantial criminal records, it is not surprising that their re-offending rates tended to be quite high. When one looks at the proportion who never committed the same offence again, however, one finds that "the concentration of one-timers who did not repeated the same offence in any other cycle was substantially higher among sex offenders than any other offence type" (p. 216). Using a more restrictive typology of offences, a similar pattern emerges. Two types of sex offenders (rapists and those arrested for child molestation) were compared to those arrested for other specific offences (e.g., robbery, burglary, aggravated assault). About 74% of rapists and about 70% of those arrested for child molestation were 'one timers' compared to only 57% of robbers, 44% of those arrested for burglary, and 54% of those arrested for aggravated assault.

Conclusion. "As a group and across different measures, sex offenders… are not typically specialists or persistent offenders…. In fact… specialization among sex offenders drops substantially over successive stages of their criminal careers" (p. 222). Obviously, this study depends on 'official' data of offending and hence misses many offences. There is no reason, however, to expect that this problem is specific to sex offenders. The data suggest that the argument for special sexual predator laws (e.g., registries, etc.) may be based on false assumptions. "Given the major finding that the average sex offender… does not appear to be a persistent specialist over his arrest career, it seems somewhat unlikely that registration and notification policies will decrease sexual victimization" (p. 225).

Reference: : Miethe, Terance D., Jodi Olson, and Ojmarrh Mitchell. (2006) Specialization and Persistence in the Arrest Histories of Sex Offenders: A Comparative Analysis of Alternative Measures and Offence Types. *Journal of Research in Crime and Delinquency, 43*, 204-229.