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. Are crime policies in the U.S. uniformly becoming harsher?
2. Do adolescents understand what is going on in court?
3. What is the impact on crime of living in an economically disadvantaged community?
4. What is the impact of being taken to court on the likelihood that a young offender will complete high school?
5. Can the police affect the way in which citizens view them?
6. Can pretrial detention populations be reduced by changing the rules for the police?
7. What is the relationship between support for rehabilitation and support for punitive criminal justice policies?
8. Does cracking down on public marijuana smoking help rid the streets of violent crime?

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The shine is beginning to fade on harsh sentencing policies in some states in the U.S.

The steps that have been taken in recent years recognize, implicitly, the failure of previous high imprisonment policies to serve the best interests of the community. Though these modest changes are likely to make some difference, other policies – such as the large number of mandatory minimum penalties that still exist – will continue to have an impact on correctional populations.

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Adolescents who are old enough to be held criminally responsible are not likely to understand courtroom terminology.

The results of this study show that young people have a very poor understanding of everyday legal terminology that many lawyers apparently assume is well understood. It would appear, therefore, that not only accused youths, but witnesses more generally, may suffer as a result of their inadequate understanding of what is happening around them.

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Living in an economically disadvantaged community amplifies the effects that family factors have on crime.

Children who grow up in problematic families – families with parenting styles conducive to the development of offending – appear to be especially likely to engage in crime when the community in which they live is also disadvantaged (i.e., it is poor and has high unemployment, or is seen simply as not a good place to raise children). Said differently, "a given cause [of crime] may be more likely to increase crime when it occurs in the presence of other causes" (p. 348). From a policy perspective, this would suggest that efforts to improve communities – changes which turn these communities into places where parents would want to bring up their children or policies that address the disadvantaged nature of certain communities – will have a disproportionately positive impact on exactly those children most likely to engage in crime – those from families whose child rearing approaches are less than optimal.

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Being arrested and taken to court reduces a youth's chances of finishing high school.

The data are most consistent with the finding that "First-time court appearance during high school is more detrimental for education outcomes than first-time arrest without a court appearance." This result is "consistent with one version of labelling theory [that] suggests that official sanctions stigmatize youths, inducing a deviant self-concept" (p. 477). But it is also consistent with another labelling explanation that would suggest that the effect may be due to limitations on a youth's opportunities as a result of court involvement. Finally, of course, court involvement could put a youth in contact with other offending youths. This study obviously focuses on the impact of arrest and court involvement on the likelihood of completing high school and not on future offending. Nevertheless, to the extent that a society values secondary school completion, it would seem that policies that limit the use of court for offending youths can be justified, in part, because they are likely to lead to higher secondary school completion rates.

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Citizens' level of satisfaction with the police depends primarily on how the police treat them.

The findings suggest that the quality of police-citizen contacts can have important effects on how the police are seen by ordinary citizens. Giving citizens an opportunity to explain their situation and communicate their views, fair and polite treatment by the police, each have a direct impact – on all demographic groups – on how the police are perceived. "Unlike many of the outcomes of policing, including safer streets and healthier communities, these are factors that recruitment, training, and supervision by police departments can assuredly affect… Process based reactions benefit the police, because they cannot always provide desirable outcomes, but it is almost always possible to behave in ways that people experience as being fair" (p. 318).

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Can pretrial detention populations be reduced by changing the rules for the police?

Compliance with court-ordered reduction in pretrial detention was implemented *relatively* – but not completely – successfully. Part of the reason for the success, however, may have been that there were explicit rules from a legitimate authority (the county court) that could be enforced (in this case by the jail officials who could refuse to accept a prisoner who should not have been arrested). Because a larger number of people were issued a summons rather than being brought to jail to await trial, more people did not appear, as required, in court. However, even though many more people were released who, prior to the implementation of the policy, would not have been released, the *proportion* who did not appear in court as required did not increase appreciably. In the end, about half of these cases were dismissed suggesting, perhaps, either that they were not very serious to begin with or that the police did not have the evidence on which to convict the accused.

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When members of the public think about crime policies, their level of support for repressive measures tells you nothing about whether they support rehabilitation.

"Many criminologists and policy makers conceive of public support for repression and rehabilitation as two diametrically opposed options" (p. 832). This analysis suggests that such a view is without empirical foundation and that "rehabilitation is equally popular among the constituencies of conservative political parties as among those of progressive ones" (p. 832). It would appear, then, that support for rehabilitative approaches to crime or approaches that improve offenders' life chances is more evenly distributed across the population than previously thought. From the perspective of ordinary people, then, support for repressive approaches does not automatically mean a rejection of rehabilitation.

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New York City's attempt to snuff out violent crime by arresting those found to be smoking marijuana in public places failed.

"New York City's psychedelic experiment with misdemeanour MPV arrests – along with all the associated detentions, convictions, and additional incarcerations – presents a tremendously expensive policing intervention" (p. 13). It disproportionately punished Blacks and Hispanics and did not contribute to combating serious crime in the city. If anything it led to increased violent crime. Once again, simplistic approaches to reducing serious crime are shown not to work.

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The shine is beginning to fade on harsh sentencing policies in some states in the U.S.

In the past 30 years, the rate of imprisonment in many U.S. states has increased at least four-fold. These changes appear to relate in part to certain policing policies (e.g., the war on drugs), but also to sentencing policies in the various states. Although until recently many states appeared to have an uncontrollable taste for high imprisonment policies, it would appear that this is beginning to change. It is suggested that the combination of the (now) long-term drop in crime (especially violent crime) that has taken place over the past 10-15 years and budget crises at the state level have allowed states to begin to move toward more moderate policies. Even though there are some hints that policies are beginning to moderate, the impact of previously enacted sentencing regimes such as three-strikes sentencing will continue for some time to have an impact on the size of the American prison population.

In the three years ending in 2006, at least 22 states brought in more moderate criminal justice policies. These might be seen as falling into four main categories:

- Drug treatment and diversion. At least 13 states have moved from the almost automatic incarceration of drug offenders toward treatment programs. For example, Texas has new legislation that allows judges to sentence certain low-level offenders to community correctional treatment facilities. The state of Washington now permits judges to sentence defendants to a community-based residential drug treatment program. Prior to the change in the law, such offenders had to serve half of their sentences in a normal correctional facility before being assigned to a specific drug treatment facility. In a number of states (e.g., Michigan), access to drug courts has been expanded.
- Allowing non-prison sentencing provisions. Texas prosecutors were given the power, in certain cases, to charge people with misdemeanours rather than felonies, thus avoiding sentences of incarceration.
- Changes in community supervision. In attempts to reduce the number of prison admissions resulting from technical violations of probation and parole, Arizona and California permit the authority that supervises these offenders to employ alternative approaches which allow them to impose new conditions of supervision and monitoring (e.g., electronic monitoring) in the community rather than placing these offenders in custody. Connecticut has mandated that parole hearings be held for certain prisoners and that release into community-based facilities be available for certain classes of prisoners. Louisiana capped (at 90 days) the length of time a person who committed a technical violation of probation or parole could be incarcerated.
- Sentencing reform. The 'Rockefeller Drug Laws' in New York have been softened somewhat by doubling the quantity of drugs necessary to trigger certain penalties. In addition, certain groups of prisoners were made eligible for release earlier in their sentences. Programs encouraging reintegration into society were supported by requiring New York judges to consider "what kind of sentence will best help to promote the defendant's reintegration into society," thus recognizing explicitly that such a sentence could contribute to public safety. Oregon now requires presentence reports indicating, among other things, how a sentence (community or prison) will help reduce future offending.

Conclusion. The steps that have been taken in recent years recognize, implicitly, the failure of previous high imprisonment policies to serve the best interests of the community. Though these modest changes are likely to make some difference, other policies – such as the large number of mandatory minimum penalties that still exist – will continue to have an impact on correctional populations.

Reference: King, Ryan S. (2007) Changing Direction: State Sentencing Reforms, 2004-2006.
Available from www.sentencingproject.org

Adolescents who are old enough to be held criminally responsible are not likely to understand courtroom terminology.

Lawyers who deal with young people often use age-appropriate terminology when speaking with very young children. However, they tend to believe that when a child enters adolescence there is no longer a need for adults to use special language when trying to communicate with them. If older children (i.e., those age 12 or older) do not adequately understand legal terminology, the problem may not be noticed since "younger children are more likely to admit their lack of knowledge than older children who will often try to give an answer even when they are unsure" (p. 654).

This study tested youths in two Irish schools: one for youths who largely came from poorer single-parent homes and lived in relatively high crime areas; the other school had youths who were predominately from middle class families. Youths (age 12, 13 or 15) were asked to indicate whether they recognized a legal term, and then were asked for a description of what the term meant. Each description was then coded according to how complete and adequate it was. The difference in the understanding of the terms between schools was not significant. There were, however, large age differences both in terms of 'recognizing' the legal term and in providing a description of what it meant. For example:

- Only 26% of 12-year-old youths reported recognizing the word "summons" compared to 67% of 15-year-old youths. None of the 12-year-olds was able to provide any kind of description of what it means. The average rating of this term for the 15-year-olds was in the "poor" range, but was higher than for the younger children.
- The term "defendant" was recognized by most children (71% of the 12-year-olds and 98% of the 15-year-olds). The descriptions provided by the 12 year olds were rated as being quite inadequate. The 15-year-olds did better, with their average ratings being "poor or inadequate, but correct." The term 'defendant' was sometimes confused with a lawyer (e.g., "Someone who tries to defend the accused person and prove they are innocent" – a response from a 15 year old female). The confusion between the "defendant" and the defence lawyer replicates findings from other studies.
- The terms for other people in court – magistrates, defence and prosecution lawyers, and judges – showed similar effects.
- Other legal terms were described poorly by all groups. For example, "cross examination" was described as "When they examine the person on trial, i.e., their clothes, hair traces, finger prints."
- The term "allegation" was understood by almost no 12 or 13 year olds. Fifteen-year-olds did better, but the average rating of their descriptions was less than adequate.

One can only imagine what a young witness for the prosecution might think if she were told that as a result of her *allegation* against the *defendant*, she would have to testify and then be *cross examined* by the *prosecution*. All four of the italicized terms were not well understood by youths of all ages.

Conclusion. The results of this study show that young people have a very poor understanding of everyday legal terminology that many lawyers apparently assume is well understood. It would appear, therefore, that not only accused youths, but witnesses more generally, may suffer as a result of their inadequate understanding of what is happening around them.

Reference: Crawford, Emma and Ray Bull (2006). Teenagers' Difficulties with Key Words Regarding the Criminal Court Process. *Psychology, Crime & Law, 12* (6), 653-667.

Living in an economically disadvantaged community amplifies the effects that family factors have on crime.

It has long been recognized that the family plays an important role in determining a child's involvement in crime. Similarly, it has been established that neighbourhood characteristics – above and beyond the characteristics of those living in these neighbourhoods – have effects on crime rates (See *Criminological Highlights 1*(2)#2). What is not as well understood is whether the impact of neighbourhood characteristics is similar for all types of families.

This study tests "the hypothesis that community disadvantage amplifies the effects of key family variables on crime" suggesting that "these effects [of the family]… become stronger as community disadvantage increases" (p. 328). This hypothesis is consistent with the idea that "exposure to multiple causes of crime produces an increase in crime that exceeds the sum of those causes' independent effects" (p. 328). The study examines five family risk factors: weak attachment, weak supervision, weak prosocial reinforcement, physical punishment, and coercive discipline. Community disadvantage was assessed by four measures related to poverty (average family income, unemployment rate, average education of household members, and percent of households receiving social assistance). In addition, parents rated their own communities on whether they saw their neighbourhoods as a good place to raise children, providing a more subjective measure of the nature of the neighbourhood.

The results show that, above and beyond individual controls (gender of the youth, race, parental education, parental income, unmarried mother), children from higher risk families (those exhibiting what might be considered to be less than optimal parenting styles) were more likely to be involved in crime (as measured by the youth's self-reports of involvement in person, property, or drug crime, and self-reported contact with the police).

More importantly, "the effects of family problems [were] greater at high values of community poverty and perceived community weakness" (p. 343). The effects were strongest when looking at the family environment as a whole, rather than as individual parts, indicating that it is the accumulation of family problems, combined with the nature of the community, that is most important.

Conclusion. Children who grow up in problematic families – families with parenting styles conducive to the development of offending – appear to be especially likely to engage in crime when the community in which they live is also disadvantaged (i.e., it is poor and has high unemployment, or is seen simply as not a good place to raise children). Said differently, "a given cause [of crime] may be more likely to increase crime when it occurs in the presence of other causes" (p. 348). From a policy perspective, this would suggest that efforts to improve communities – changes which turn these communities into places where parents would want to bring up their children or policies that address the disadvantaged nature of certain communities – will have a disproportionately positive impact on exactly those children most likely to engage in crime – those from families whose child rearing approaches are less than optimal.

Reference: Hay, Carter, Edward N. Fortson, Dunsten R. Hollist, Israd Altheimer, and Lonnie M. Schaible. (2006). The Impact of Community Disadvantage on the Relationship between the Family and Juvenile Crime. *Journal of Research in Crime and Delinquency, 43* (4), 326-356.

Being arrested and taken to court reduces a youth's chances of finishing high school.

It is well known that youths who are heavily involved in crime are less likely to complete secondary school than are youths less involved in crime. In addition, of course, dropping out of school is an indicator of other difficulties such as poor school performance or misbehaviour in school. From a policy perspective, however, one question that needs to be asked is whether involvement in the youth justice system– above and beyond involvement in crime – is likely to have an effect on a youth's likelihood of finishing school. Said differently, if two youths have similar offending and school backgrounds, and one happens to be apprehended for offending and taken to court, do the two youths have different likelihoods of successfully finishing high school?

By using data from an American longitudinal study, this study was able to estimate the causal relationship among these variables by following high school youths who, at age 16, had not been involved in the youth justice system. The youths' involvement in crime as well as the youths' records in school were assessed at that point and hence could be used as controls for what happened after age 16. When the youths were interviewed two years later, some had been arrested and taken to court, and by the time that the youths were 19 years old, some had dropped out of school. Because level of involvement in crime as well as school performance and misbehaviour in school (suspensions) could be controlled, it was possible to assess whether being arrested and being taken to court (independent of involvement in crime and performance in school) had an effect on the dropout rate.

Not surprisingly, youths who dropped out of high school were more likely to report various types of offending than did youths who completed school. Similarly, dropouts were more likely to report doing poorly in school, to have experienced poverty, and to have had various difficulties in school. However, above and beyond these effects, being arrested by the police for an offence slightly decreased a youth's chances of graduating from high school. More importantly – independent of level of offending – being taken to court for the offence had an even greater impact on creating a high school dropout. Indeed, an analysis that contained only those youths for whom precise data could be inferred regarding when they dropped out suggests "that youths who are arrested, but who do not appear in court, actually experience no detrimental effects on their odds of high school graduation relative to non-arrested youths" (p. 474). Other analyses suggest that "the effect of court involvement is more pronounced for those with less prior involvement in delinquency" (p. 474).

Conclusion. The data are most consistent with the finding that "First-time court appearance during high school is more detrimental for education outcomes than first-time arrest without a court appearance." This result is "consistent with one version of labelling theory [that] suggests that official sanctions stigmatize youths, inducing a deviant self-concept" (p. 477). But it is also consistent with another labelling explanation that would suggest that the effect may be due to limitations on a youth's opportunities as a result of court involvement. Finally, of course, court involvement could put a youth in contact with other offending youths. This study obviously focuses on the impact of arrest and court involvement on the likelihood of completing high school and not on future offending. Nevertheless, to the extent that a society values secondary school completion, it would seem that policies that limit the use of court for offending youths can be justified, in part, because they are likely to lead to higher secondary school completion rates.

Reference: Sweeten, Gary (2006). Who Will Graduate? Disruption of High School Education by Arrest and Court Involvement. *Justice Quarterly, 23* (4), 462-480.

Citizens' level of satisfaction with the police depends primarily on how the police treat them.

There are a number of reasons for caring how the police are perceived by the community. One reason is obvious: "Positive views of the police make the work of the police easier and more effective" (p. 317). In addition, "The degree to which people view the police as legitimate influences whether they comply with police orders or requests. More generally, people accept the decisions of police when they believe the police have acted fairly and openly with them" (p. 317).

This study, then, examines what, in an encounter between a citizen and the police, determines how the police are perceived by citizens. The conclusions are drawn from a survey carried out in 2001 of 2513 citizens of Chicago, Illinois. Respondents were asked about their contacts with the police in the previous 12 months (e.g., who initiated contact and for what purpose or in what situation) and they were asked to assess the quality of that interaction. The likelihood of being stopped by the police (in a car or on foot) was related to gender (being male), age (being young), and race (being Latino, or more dramatically, being black). Not surprisingly, those whose encounters with the police were citizen initiated were more favourable toward the police than were those who experienced police-initiated encounters. Generally speaking, there was very little variation across racial groups, age, or gender in satisfaction with citizen-initiated encounters. In other words, for citizen initiated encounters, race, gender, and age had little effect on the ratings of the police on dimensions such as whether the police responded quickly or on time, whether the police listened to the citizen, whether the police explained their actions adequately, and whether the police were polite and helpful. For police-initiated encounters, however, African-Americans and non-English speaking Latinos were less likely to be satisfied with the encounter than were whites in terms of dimensions such as whether the police were fair and polite.

For citizen-initiated encounters, overall satisfaction with the police was related to whether the citizen thought that the police had behaved well (e.g., had been helpful, polite, thorough in their explanations, etc.) and not to age or race. For police-initiated contact, there was a 'race' effect, but it was considerably smaller in magnitude than were the effects of the quality of the encounter itself (whether the police officers explained their actions, or whether they were perceived as fair and polite). The data would suggest, then, that the impact of race on ratings of the police is largely due to differential ratings of the quality of the police-initiated contact.

Conclusion. The findings suggest that the quality of police-citizen contacts can have important effects on how the police are seen by ordinary citizens. Giving citizens an opportunity to explain their situation and communicate their views, fair and polite treatment by the police, each have a direct impact – on all demographic groups – on how the police are perceived. "Unlike many of the outcomes of policing, including safer streets and healthier communities, these are factors that recruitment, training, and supervision by police departments can assuredly affect… Process based reactions benefit the police, because they cannot always provide desirable outcomes, but it is almost always possible to behave in ways that people experience as being fair" (p. 318).

Reference: Skogan, Wesley (2005). Citizen Satisfaction with Police Encounters. *Police Quarterly, 8* (3), 298-321.

Can pretrial detention populations be reduced by changing the rules for the police?

Policy makers in a number of jurisdictions have expressed concern about rates of pretrial detention. In Canada, for example, although overall imprisonment rates have been steady for the past 45 years (see *Criminological Highlights, 8*(2)#6), pretrial detention rates have been increasing for at least the past decade. Controlling prison populations of any type is difficult. The argument with pretrial detention, however, is that statutory changes are not necessarily required since whether a person is held in pretrial detention is largely a function of arrest policies and bail standards which are likely to be under local control.

The county in the U.S. in which the current study was carried out had been under (Federal) court order to control its jail population. In order to do this, the county court executive committee decided to require that, for certain non-violent offences, police issue a summons rather than arrest the suspect. The "policy" then was that there should be no arrests. Furthermore, the county court executive committee ordered the county sheriff's department to cease accepting those accused brought to the lockup facility who were charged (only) with one of these offences. This study examines the manner in which this policy was implemented and, to some extent, its effects on the operation of the justice system.

The first, rather predictable, finding was that compliance with the new policy – even though it came from the court – was not complete. Prior to the policy 60% of accused were arrested and taken to the county jail. During the period when the policy was in place, pretrial detention on these cases dropped dramatically, but 20% of the cases that fell within the "no arrest" policy still resulted in an arrest and detention. Prior to the implementation of the policy, 63% of those who had been issued summons rather than being arrested showed up as required without the need for an arrest warrant. After the implementation of the policy, with a considerably higher proportion (and number) of accused being issued summons, the figure was about the same (61%). However, because the numbers of those issued summons under the new policy was so much higher, this translated into a larger number of the accused people not showing up to court as required. Said differently, 31.5% of those who came into contact with the police for one of these offences after the policy period had warrants issued for their arrest compared to only 15.1% prior to the new policy.

The net effect of the policy was that there were fewer people brought to the jail, but some of them arrived there as a result of warrants being issued. Hence, the initial apparent decrease in the use of pretrial detention was moderated, to some extent, by the fact that accused people were brought into custody as a result of a charge of failure to appear in court. The final dispositions of these (minor) cases did not, in the end, change very much: in about half of the cases, all charges were dismissed.

Conclusion. Compliance with court-ordered reduction in pretrial detention was implemented *relatively* – but not completely – successfully. Part of the reason for the success, however, may have been that there were explicit rules from a legitimate authority (the county court) that could be enforced (in this case by the jail officials who could refuse to accept a prisoner who should not have been arrested). Because a larger number of people were issued a summons rather than being brought to jail to await trial, more people did not appear, as required, in court. However, even though many more people were released who, prior to the implementation of the policy, would not have been released, the *proportion* who did not appear in court as required did not increase appreciably. In the end, about half of these cases were dismissed suggesting, perhaps, either that they were not very serious to begin with or that the police did not have the evidence on which to convict the accused.

Reference: Baumer, Terry L. and Kenneth Adams. (2006). Controlling a Jail Population by Partially Closing the Front Door: An Evaluation of a "Summons in Lieu of Arrest" policy. *Prison Journal, 86* (3) 386-402.

When members of the public think about crime policies, their level of support for repressive measures tells you nothing about whether they support rehabilitation.

In jurisdictions in which judges decide which purposes of sentencing to emphasize, they are often encouraged to conceptualize their sentences as primarily focusing on harshness for deterrence purposes (repression) *or* on rehabilitative principles (measures that might improve an offender's life, foster ties with the community, or provide treatment to the offender). Hence it is not surprising that these two constructs are often seen as being polar opposites, where the presence of one implies the absence of the other.

Empirically, however, there is little evidence of a negative relationship between support for repression and support for rehabilitation. This study, using a nationally representative sample of 1,892 Dutch residents surveyed in early 2005, tests the relationship between support for rehabilitation and repression.

Support for 'repression' was measured with 6 questions such as "If judges would impose higher penalties, we would have fewer criminals" and "Minors committing serious crimes should be punished as if they were adults" (p. 827). Support for rehabilitation was measured with 12 questions such as "Offering good educational opportunities prevents people from wrongdoing," "The judiciary should make efforts to prevent ex-convicts from feeling excluded from the community," and "Developing consciousness of norms is a very important form of crime prevention" (p. 828).

Not surprisingly, support for 'repressive' approaches was considerably stronger among supporters of right-wing political parties and those endorsing authoritarian values than among supporters of left-of-centre parties and those rejecting authoritarian values. However, there were essentially no differences in the support for rehabilitative approaches among supporters of the various political parties or among those who varied on authoritarian values. Furthermore, support for repressive approaches and support for rehabilitative approaches were uncorrelated. People who saw crime as being caused by factors internal to the individual (e.g., those who endorsed such items as "Once a thief, always a thief") tended to support repressive approaches. Those who saw crime as externally caused (endorsing such items as "Criminals often come from broken homes") were more likely to endorse rehabilitative approaches.

Conclusion. "Many criminologists and policy makers conceive of public support for repression and rehabilitation as two diametrically opposed options" (p. 832). This analysis suggests that such a view is without empirical foundation and that "rehabilitation is equally popular among the constituencies of conservative political parties as among those of progressive ones" (p. 832). It would appear, then, that support for rehabilitative approaches to crime or approaches that improve offenders' life chances is more evenly distributed across the population than previously thought. From the perspective of ordinary people, then, support for repressive approaches does not automatically mean a rejection of rehabilitation.

Reference: Mascini, Peter and Dick Houtman. (2006) Rehabilitation and Repression: Reassessing their Ideological Embeddedness. *British Journal of Criminology, 46*, 822-836.

New York City's attempt to snuff out violent crime by arresting those found to be smoking marijuana in public places failed.

Criminal justice officials and legislatures in many countries constantly search for easy ways to reduce crime. The appearance that something is being done to prevent or reduce crime seems to be at least as important when crime rates are decreasing (as they did in the 1990s in the U.S.) as when crime is increasing or staying the same. Between 1994 and 2000, the New York City police increased their arrest rate for the misdemeanour charge of smoking marijuana in public view (MPV) from fewer than 2,000 arrests to over 50,000 arrests per year. In 2000, arrests for MPV accounted for 15% of all felony and misdemeanour arrests in the city. Aside from any other concerns that one might have, these arrests disproportionately targeted African-Americans and Hispanics. Compared to whites, members of these two groups in New York City were, according to a previous study, more likely to be arrested, detained in custody awaiting trial, convicted, and sentenced to jail. Presumably the justification for the crackdown on MPV is simple and is based on the "broken windows" theory of crime control. By cracking down on minor crimes – in this case MPV – other more serious crimes would, it was asserted, miraculously disappear.

The miracle did not happen. This paper, using data collected by the authors of a previous study, examined the impact of MPV arrests on crime in the city's police precincts. The statistical techniques used were similar to those used in an earlier study (see *Criminological Highlights, 8*(4)#1). The most simple analysis (looking at the relationship between arrests for MPV and violent crime) would appear to support the 'broken windows' hypothesis: violent crime was lower in locations in which MPV arrests were highest during the 1990s, controlling for the overall rate of crime in the precinct for the decade and for overall trends during the decade. When the authors added various controls (e.g., police strength in the precinct, unemployment, proportion of population that was between age 19 and 24, race), there was still an effect.

The problem is that such an analysis does not take into account a simple fact: crackdowns on crime in different parts of the city are likely to relate to pre-existing levels of crime. The locations that show the biggest *drop* in crime might reasonably be expected to be those that showed the largest *increases* in an earlier period. Indeed, the police precincts with the highest violent crime rates in 1989 experienced the largest MPV arrests in the 1990s and the largest declines in violent crime between 1989 and 2000. More importantly, the precincts with the largest violent crime decline in the 1990s were those that had the largest increase in crime between 1984 and 1989 and, coincidentally, the largest 'crack down' on MPV in the 1990s. When the violent crime rate in 1989 (before the marijuana crackdown) or change in violent crime between 1984 and 1989 is taken into account, it would appear that those locations with the *most* MPV arrests had higher, not lower, levels of violent crime.

Conclusion. "New York City's psychedelic experiment with misdemeanour MPV arrests – along with all the associated detentions, convictions, and additional incarcerations – presents a tremendously expensive policing intervention" (p. 13). It disproportionately punished Blacks and Hispanics and did not contribute to combating serious crime in the city. If anything it led to increased violent crime. Once again, simplistic approaches to reducing serious crime are shown not to work.

Reference: Harcourt, Bernard E. and Jens Ludwig. Reefer Madness: Broken Windows Policing and Misdemeanor Marijuana Arrests in New York City, 1989-2000. Law and Economics Working Paper, No. 317. University of Chicago Law School, December 2006.