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Criminological Highlights

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Criminological Highlights is designed to provide an accessible look at some of the more interesting criminological research that is currently being published. Each issue contains “Headlines and Conclusions” for each of 8 articles, followed by one-page summaries of each article.

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

1. Are dark-skinned Blacks especially likely to be imprisoned?
2. Why is some form of criminal record expungement especially important now?
3. Are neighbourhoods with large numbers of registered sex offenders living in them especially likely to have high rates of sex offences?
4. Are Black youths living on the street particularly vulnerable to being stopped and searched by the police?
5. Do curfews for youths reduce crime?
6. What determines whether airport security procedures are perceived as being fair?
7. Why do young Black Americans perceive the criminal justice system as unjust?
8. How did New York City reduce its imprisonment rate?

Criminal sanctions for Black and White defendants are harsher for those with darker skin tones.

This research suggests that much of the black-white disparity in the imposition of prison sentences is attributable to the manner in which dark-skinned blacks are treated. Dark-skinned blacks were especially likely to receive unconditional prison sentences even when legal factors were controlled. “The most novel finding [was that] overall, whites with features that are more typically associated with blacks – darker skin tone and more Afrocentric facial features – are treated more punitively” (p. 115).

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People with records of contact with the criminal justice system find that persuading others – potential employers or landlords – to overlook their records is just about impossible. They clearly realize that some form of state expungement of the record is necessary for them to have a chance at full reintegration into society.

The common themes of those who were trying to get their records expunged were “frustration with blocked opportunity...; an inability to use personal contact to change employers’ beliefs about the meaning and relevance of the criminal record history; and frustration with the ongoing and punitive nature of the criminal justice system. These themes were present for participants with both extensive and minor criminal justice histories” (p. 405). Given that after a period of time, a criminal record no longer predicts offending (*Criminological Highlights* 8(4)#4, 10(5)#6), these findings suggest a disproportionately punitive response to criminal justice contact. In past decades, “By not disclosing their past criminal justice contact, and upholding conventional lifestyles, ex-offenders could easily circumvent potential stigma” (p. 407). This no longer is the case. For jurisdictions truly interested in promoting reintegration of those who have come in contact with the criminal justice system, this would seem to be a useful area for reform.

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Neighbourhoods with large concentrations of registered sex offenders living in them are not more likely to experience high rates of sex offences once the overall violent (non-sex) crime rate is taken into account.

The number of sex offenders living in or near a particular location in the city was not a useful predictor of sex offending once other factors were controlled. However, the data imply that registered sex offenders do tend to live in relatively high crime areas. Hence, it is understandable that people might assume that a high concentration of registered sex offenders puts nearby residents at special risk. Nevertheless, this study found no consistent relationship between the concentration of sex offenders and the rate of sex crimes in a neighbourhood after controlling for the fact that registered sex offenders live in high crime areas.

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Black high school students in Toronto are more likely to be stopped and searched by the police than non-Black students. However, there do not appear to be differences between Black and White youths living on the street in the rate of being stopped and searched.

“For high school students... race attracts police attention. Among youth who engage in roughly similar types of behaviour, and similar levels of delinquency, black youth are stopped and searched more often than white youth” (p. 342). For street youths, who by definition are seen as being deviant, race becomes less important. For these youths, multiple stops and searches are part of normal existence, independent of race.

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Stopping crime by imposing curfews on youths seems like an easy way to reduce crime and victimization. There’s one problem, however: curfews don’t work.

“The evidence across the ten studies... suggests that a curfew reduces neither juvenile criminal behaviour nor victimization... [The] finding of no effect may mean that juvenile curfews truly have no impact on crime, or that any impact they have is too small to be reliably detected.... The lack of any credible evidence in their favour suggests that any effect is likely to be small at best, and that curfews are unlikely to be a meaningful solution to juvenile crime and disorder” (p. 183).

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Intensive searches of people going through security at airports are viewed as constituting hostile treatment by those being searched, but this effect can be mitigated, to some extent, if searches are carried out in a procedurally fair way that demonstrates concern about passengers’ experiences.

It would seem that using high levels of procedural justice in interactions with passengers in an airport security setting can have an effect on passengers’ feelings of hostility toward the process. However, being treated in a procedurally fair manner cannot eliminate the impact of the most intrusive kinds of questioning and searches. Hence “procedural justice, at least as commonly defined and operationalized today, does not fully account for individuals’ evaluation of the process, and other factors, such as the nature of the policing practice being used, should be considered” (p. 631-2).

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Young Black Americans’ perceptions of criminal injustice depends on more than the nature of their own interactions with justice authorities.

“For the state to secure voluntary compliance from the public, it is necessary for it to be perceived as morally credible” (p. 520). This paper suggests that the legitimacy of the state in the eyes of young Black Americans is undermined most dramatically when negative interactions with the police occur to those who live in neighbourhoods that can be characterized as already having high degrees of legal cynicism. These results are independent of individuals’ record of offending, arrests or other criminal justice contact.

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The substantial decarceration that took place in New York City (NYC) between 1996 and 2014 demonstrates that important changes in the manner in which the law is administered can be made at the ground level. Not all reform has to come from above.

NYC’s dramatic decarceration demonstrates that, in principle, large reductions in imprisonment rates can occur. Most of the reduction occurred by moving relatively low risk people (e.g., those involved in less serious drug offences) out of the justice system or out of its prisons and jails. Unfortunately, there have been few evaluations of the impact of the changes in policies and programs on crime. The fact that the decarceration took place in NYC rather than in the state as a whole suggests that the local support in NYC was sufficient, without formal legislative change, to accomplish these goals.

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Criminal sanctions for Black and White defendants are harsher for those with darker skin tones.

Race has been shown to be an important determinant of the severity of treatment within the criminal justice system in the US and elsewhere. There also is evidence that light-skinned African-Americans fare better in U.S. society than do those with darker skin tones. This study examines whether the disadvantages of having a darker skin tone and Afrocentric facial features carry into the criminal justice system for Black, as well as White, defendants.

One of the challenges in studies like this is to determine what the punishment 'should have been' independent of extra-legal characteristics such as skin tone. In this study, the problem was overcome by using data from Minnesota, a state with sentencing guidelines, in which the presumptive sentence is determined explicitly by a guideline that is a function of the offence and the criminal record.

The researchers obtained 'booking photographs' of males charged in 2009 from the police in the Twin Cities, Minnesota. These were linked to the sentencing information for 264 offenders coded as white in the state guideline commission files and 602 offenders coded as black. The incarceration decisions for these 866 offenders resulted in three outcomes: incarceration imposed and executed, incarceration imposed but stayed, incarceration stayed (no imprisonment).

The researchers had each of the police booking photographs rated by four people (2 of each sex; 2 Blacks, 1 White, and 1 Hispanic). They rated skin tone (7-point scale, very light to very dark). They also rated (on three separate dimensions) how "Afrocentric" the face was. These three dimensions of Afrocentric characteristics were combined into one index. The indexes had high inter-rater reliability.

Without controls, those offenders described as Black in the official files were more likely to go directly to prison and less likely to receive a stay of the imposition of a prison sentence. However, once various controls were introduced, this measure of race no longer had a statistically significant effect on incarceration decisions. Said differently, once the presumptive sentence under the Minnesota guidelines, criminal history, whether the accused went to trial and type of offence (drug, violent) were accounted for, race was not significant.

Using the same set of controls, the effect of skin tone was examined. Those rated as 'dark' and those with 'Afrocentric features' were significantly more likely to be imprisoned and less likely to receive a stay (no imprisonment). Looking only at the 602 offenders officially described as Black, those with dark skin tones were more likely to be unconditionally imprisoned than those with lighter skin tones. There was, however, no impact of Afrocentric features for these 602 offenders. For the 264 White offenders, those with darker skin tones and those with Afrocentric features were more likely to be imprisoned.

Conclusion: This research suggests that much of the black-white disparity in the imposition of prison sentences is attributable to the manner in which dark-skinned blacks are treated. Dark-skinned blacks were especially likely to receive unconditional prison sentences even when legal factors were controlled. "The most novel finding [was that] overall, whites with features that are more typically associated with blacks – darker skin tone and more Afrocentric facial features – are treated more punitively" (p. 115).

Reference: King, Ryan D., and Brian D. Johnson (2016). A Punishing Look: Skin Tone and Afrocentric Features in the Halls of Justice. *American Journal of Sociology*, 122(1), 90-124.

People with records of contact with the criminal justice system find that persuading others – potential employers or landlords – to overlook their records is just about impossible. They clearly realize that some form of state expungement of the record is necessary for them to have a chance at full reintegration into society.

In pre-internet days, criminal records could effectively be made to disappear because there was no easy way for ordinary people to find out whether someone had a criminal record. Today, “the visibility of the criminal record history makes it difficult for record-bearers to avoid negative repercussions: background checks have become commonplace” (p. 388).

In addition, in many jurisdictions, criminal records do not necessarily involve just criminal convictions. Simply being arrested at some point, even if no conviction results from the arrest, can become part of one’s criminal record and, in turn, affect one’s life chances. Well-paying jobs where minor records are irrelevant (e.g., in manufacturing) are fewer in number. Various licensed trades and professions, as well as the education programs required for occupational or professional certification, often require ‘clean’ records. In addition, rules requiring ‘clean records’ are often made by national head offices of corporations, which may mean it is impossible for local exceptions to be made. “Criminal justice records are more plentiful, accessible, and persistent than they have been...” (p. 390). Many jurisdictions allow some form of expungement or sealing of criminal records (see, *Criminological Highlights* 15(2)#6). Illinois, where this study was carried out, allowed expungement of records of most offences, often after a designated waiting period.

In this study, people applying to have their records expunged were interviewed to find out how they had been affected

by a criminal record. The most obvious disadvantage they mentioned was in obtaining or maintaining employment. For example, one 30 year-old woman, arrested at age 21 for the misdemeanour offence of “reckless conduct – the result of a loud argument with her cousin” (p.399)– found that her undergraduate degree in early childhood and family services and her verifiable work history were irrelevant for getting a job: She was explicitly told that her one arrest labelled her forever. Another man, who had been free of any problems for 12 years, was told by Walmart that they wouldn’t hire him even if his last contact with the justice system had been 102 years before. McDonalds took the same position. Another man was conditionally accepted for a job and then had the offer revoked because of a 14-year old misdemeanor charge that was ultimately dismissed. Such decisions were non-negotiable.

Conclusion: The common themes of those who were trying to get their records expunged were “frustration with blocked opportunity...; an inability to use personal contact to change employers’ beliefs about the meaning and relevance of the criminal record history;

and frustration with the ongoing and punitive nature of the criminal justice system. These themes were present for participants with both extensive and minor criminal justice histories” (p. 405). Given that after a period of time, a criminal record no longer predicts offending (*Criminological Highlights* 8(4)#4, 10(5)#6), these findings suggest a disproportionately punitive response to criminal justice contact. In past decades, “By not disclosing their past criminal justice contact, and upholding conventional lifestyles, ex-offenders could easily circumvent potential stigma” (p. 407). This no longer is the case. For jurisdictions truly interested in promoting reintegration of those who have come in contact with the criminal justice system, this would seem to be a useful area for reform.

Reference: Ispa-Landa, Simone and Charles E. Loeffler (2016). Indefinite Punishment and the Criminal Record: Stigma Reports Among Expungement-Seekers in Illinois. *Criminology*, 54(3), 387-412.

Neighbourhoods with large concentrations of registered sex offenders living in them are not more likely to experience high rates of sex offences once the overall violent (non-sex) crime rate is taken into account.

Over the past few decades, those convicted of sex offences have had various restrictions placed on them based largely on two false assumptions: “Once a sex offender, always a sex offender” and the notion that sex offenders will offend against strangers near where they live. These assumptions have been challenged by a substantial amount of empirical evidence (see, for example, our collection on sex offending: <http://criminology.utoronto.ca/criminological-highlights/>).

Restrictions on where those convicted of sex offences can live seem to assume that sex crime victimization will take place near the home of a person who was once convicted of a sex crime. Given that so many sex offences – with adult and child victims – involve offenders already known to the victim, it seems plausible to hypothesize that the concentration of sex offenders in a neighbourhood is not an important contributor to victimization by strangers in the community.

This study examined sex offending in Indianapolis, Indiana. The parts of the city in which people lived and for which reliable data were obtained were divided into 2049 grid cells, 1000 feet on each side. The number of registered sex offenders believed to be living in each grid cell or within 1000, 1500, or 2500 feet from the centre of the grid cell was calculated. Measures of the dependent variable included rape, total sex offences, and sex offences against minors.

In general, the most simple analysis – without *any* controls – showed that the higher the number of sex offenders in a ‘cell’, the higher the number of sex crimes. However, an equally simple analysis demonstrated that the number

of sex offences taking place in a grid cell was strongly related to the number of violent offences that occurred in that neighbourhood. Controls for the normal determinants of crime, therefore, are important since registered sex offenders – in part because of restrictions on them – cannot choose to live anywhere.

More sophisticated analyses controlled for neighbourhood disadvantage (e.g., percent living in poverty, percent unemployed), the racial composition of the neighbourhood, and the length of major roads in the cell (on the assumption that a substantial amount of through traffic could increase crime), and, most importantly, the level of violent *non-sex* crime in the neighbourhood. When those controls were introduced, there was no longer any indication that having a high number of registered sex offenders in the cell was related to the number of rapes, the total number of sex offences, and the number of sex offences against minors. Various additional analyses – using two different statistical techniques and looking at the number of sex offenders within 1000, 1500 and 2000 feet of the centre of the cell -- showed no consistent pattern.

Conclusion: The number of sex offenders living in or near a particular location in the city was not a useful predictor of sex offending once other factors were controlled. However, the data imply that registered sex offenders do tend to live in relatively high crime areas. Hence, it is understandable that people might assume that a high concentration of registered sex offenders puts nearby residents at special risk. Nevertheless, this study found no consistent relationship between the concentration of sex offenders and the rate of sex crimes in a neighbourhood after controlling for the fact that registered sex offenders live in high crime areas.

Reference: Stucky, Thomas D. and John R. Ottensmann (2016). Registered Sex Offenders and Reported Sex Offences. *Crime & Delinquency*, 62(8), 1026-1045.

Black high school students in Toronto are more likely to be stopped and searched by the police than non-Black students. However, there do not appear to be differences between Black and White youths living on the street in the rate of being stopped and searched.

There is a substantial amount of evidence from many jurisdictions that Blacks are more likely to be stopped and searched by the police even when various relevant controls are taken into account. This paper replicates these findings using a survey of 3,393 high school students carried out in 2000 along with data from 396 'street youths' recruited in three shelters and four drop-in centres that provide services for Toronto's homeless.

Students from 5 randomly chosen homeroom classes in each of 30 randomly chosen Toronto high schools (public and Catholic) were sampled. Most (82%) of the youths who were asked to participate in the survey completed it. Street youths, defined as those between ages 14 and 24 who were living either on the street or in a shelter, were interviewed (face-to-face) to ensure that those who might have difficulty reading a survey would be able to answer the questions.

Most (86%) street youths reported being stopped at least once in the previous 2 years, compared to 'only' 39% of the high school students. 74% of the street youth had been searched at least once during this same period, compared to 18% of the high school students. Black high school students were considerably more likely to be stopped at least once than were white high school students (63% vs. 41%). 30% of high school youths of other races reported being stopped at least once. Other variables also predicted stops and/or searches including social class, the level of engagement in public activities on the street, involvement

in partying, frequency of driving, involvement in illegal activities, and membership in gangs. However, while these factors independently predicted stops and searches, being Black had an impact above and beyond these factors for the high school students.

Youths who reported higher levels of involvement in illegal behaviour were more likely to be stopped by the police than youths with lower levels of involvement. For those highly involved in illegal activities, there was no difference between Blacks and Whites in the likelihood of being stopped by the police: Multiple stops were reported by 86% of the Black youths and a statistically indistinguishable 80% of the White youths. At the other end of the spectrum, however, for youths who reported no involvement in illegal activities, 4% of the White youths and 27% of the Black youths reported multiple police stops. It seems that "good behaviour does not protect Black youth from police contact to the same extent that it protects white youth" (p. 340).

Among the street youths, however, race did *not* predict stops or searches. 66% of the street youths met the criteria for being 'highly involved in illegal activities.' It would seem that "high criminality exposes people of all races to equal levels of police scrutiny" (p. 341). Hence, street youths, as a group, had a very high likelihood of being stopped and searched no matter what their race.

Conclusion: "For high school students... race attracts police attention. Among youth who engage in roughly similar types of behaviour, and similar levels of delinquency, black youth are stopped and searched more often than white youth" (p. 342). For street youths, who by definition are seen as being deviant, race becomes less important. For these youths, multiple stops and searches are part of normal existence, independent of race.

Reference: Hayle, Steven, Scot Wortley, and Julian Tanner (2016). Race, Street Life, and Policing: Implications for Racial Profiling. *Canadian Journal of Criminology & Criminal Justice*, 58(3), 322-353.

Stopping crime by imposing curfews on youths seems like an easy way to reduce crime and victimization. There's one problem, however: curfews don't work.

Searching for quick fixes to complex crime problems is popular in many locations. The *Washington Post* once suggested that while a curfew does not constitute “a miraculous cure-all to juvenile crime, it is merely a common-sense approach that police believe would be a useful tool in protecting public safety” (p. 168).

The theory of the effectiveness of curfews is simple: reduced opportunity for youths should translate into fewer crimes. This ignores, among other things, data suggesting that most crime by youths takes place in the hours immediately before and immediately after school.

Not surprisingly, the data do not support the effectiveness of curfews (see *Criminological Highlights*, 3(2)#2, 3(4)#7). This paper examined all those studies with relatively adequate research designs that focused on either juvenile offending or victimization and used either official measures of crime or self-report measures of offending. Ten unique studies – all carried out in the US and published between 1999 and 2012 – were located. Various research designs were used. “Curfews are often implemented in response to a spike in crime or due to a particularly newsworthy event” (p. 177) which is a problem because spikes in crime typically revert back to average rates, even if legislative bodies don't act. In four of the 10 studies the origin of the curfew law was some unusual event that may have been associated with a temporary increase in crime that would, without any intervention, typically return to normal levels. Hence the advantage of having

some form of comparison group. More problematic is that curfews often come into effect along with other changes (e.g., other programs for youth) making it very difficult, if crime were to decline, to know what might be the cause.

Because the ten studies evaluated the curfew laws on different dimensions, the results are reported for those different dimensions. The two studies that looked at juvenile crime during curfew hours each showed a non-significant *increase* in crime. Eight studies looked at juvenile arrests for crime during all hours. Five studies showed small increases, one no change, and two showed decreases. Overall, there was almost no change in juvenile crime or arrests associated with curfews. Juvenile victimization was examined in two studies: one reported a small decrease, the other an increase.

The nature of the intervention – a change in the law affecting when youth can be unsupervised in the community – obviously does not easily lend itself to randomization as a technique of testing the impact of intervention. Most studies looked at variants on an interrupted time-series design. All but two of the studies used time series that were too short to adequately disentangle an effect of the curfew – had there been one – from a

long term trend over time. Given that most of these studies were carried out when crime was generally decreasing in most parts of the US, it would not have been surprising to see strong decreases in crime attributed to curfews.

Conclusion: “The evidence across the ten studies... suggests that a curfew reduces neither juvenile criminal behaviour nor victimization... [The] finding of no effect may mean that juvenile curfews truly have no impact on crime, or that any impact they have is too small to be reliably detected.... The lack of any credible evidence in their favour suggests that any effect is likely to be small at best, and that curfews are unlikely to be a meaningful solution to juvenile crime and disorder” (p. 183).

Reference: Wilson, David B., Ajima Olaghere, and Charlotte Gill (2016). Juvenile Curfew Effects on Criminal Behaviour and Victimization: A Campbell Collaboration Systematic Review. *Journal of Experimental Criminology*, 12, 167-186.

Intensive searches of people going through security at airports are viewed as constituting hostile treatment by those being searched, but this effect can be mitigated, to some extent, if searches are carried out in a procedurally fair way that demonstrates concern about passengers' experiences.

A substantial amount of evidence suggests that being treated in a manner that is perceived as fair leads people to be more cooperative with police and other authorities. For example, the willingness of members of the Muslim community in New York to cooperate voluntarily with the police in combating terrorism is determined, in part, by how Muslims are treated by the police and others in the community (*Criminological Highlights* 11(4)#1).

This paper suggests that procedural fairness is also important in ordinary situations in which people are subjected to coercive power: airport security checks. The study was carried out in Israel's Ben-Gurion airport where those perceived to be of higher risk are subjected to levels of questioning and searches not required of others. The researchers interviewed air passengers immediately after they had passed through security. The goal was to understand whether and, if so, why the extra security procedures led to hostile feelings on the part of the passenger subjected to them. Feelings of hostility were measured with questions such as "I felt threatened by the security screening process" and "Security officers at Ben-Gurion airport show indifference to the passenger's experience."

Procedural justice was measured with 6 questions including "The security officers treated me with politeness and dignity" and "The security officers treated me like every other passenger".

Not surprisingly, "extra" surveillance was imposed more frequently on foreign and Israeli-Arab passengers, and on males, those who weren't married, those travelling alone, and more religious passengers. These and other factors were 'controlled' for in the analysis of the impact of extra security procedures on overall hostility toward the security checks.

Two of the four extra security checks (searches of suitcases and taking the passenger to a different part of the airport for security procedures) led to increased hostility even when procedural justice was included in the prediction model. However, above and beyond demographic measures (such as whether the passenger was a foreign person or an Israeli Arab), being treated in a respectful and neutral way by the security officers reduced overall feelings of hostility toward the security process.

Conclusion: It would seem that using high levels of procedural justice in interactions with passengers in an airport security setting can have an effect on passengers' feelings of hostility toward the process. However, being treated in a procedurally fair manner cannot eliminate the impact of the most intrusive kinds of questioning and searches. Hence "procedural justice, at least as commonly defined and operationalized today, does not fully account for individuals' evaluation of the process, and other factors, such as the nature of the policing practice being used, should be considered" (p. 631-2).

Reference: Jonathan-Zemir, Tal, Badi Hasisi, and Yoram Margalioth (2016). Is It the What or the How? The Roles of High Policing Tactics and Procedural Justice in Predicting Perceptions of Hostile Treatment: The Case of Security Checks at Ben-Gurion Airport, Israel. *Law & Society Review*, 50(3), 608-636.

Young Black Americans' perceptions of criminal injustice depends on more than the nature of their own interactions with justice authorities.

Black Americans are more likely than others to perceive that they are treated in an unfair manner. But in addition, Black Americans living in disadvantaged neighbourhoods are especially more likely than others to have negative views of the justice system. A question raised by this paper is whether it is structural disadvantage *per se* that is important in understanding these neighbourhood and race differences or whether it is the moral and legal cynicism of the neighbourhood that is important in understanding perceptions of criminal injustice.

Over a period of 11 years, 689 African American youths (age 10-12 years old at the beginning of the study) and their families were interviewed 5 times. They were recruited from 39 neighbourhoods in two states. These neighbourhoods varied considerably at the beginning of the study in their degree of 'structural disadvantage' (e.g., proportion of families on public assistance, proportion unemployed). Moral and legal cynicism was measured for the neighbourhood when the youth was 19-21 years old by combining responses from those in the neighbourhood to 10 items such as "How important is it to obey the law?", "Behaving aggressively is often an effective way of dealing with someone who is taking advantage of you", or how 'wrong' it is to commit certain crimes such as stealing something, selling drugs. During these interviews, the parent and the youth were each asked if they had been treated unjustly or in a discriminatory manner by the police in the year before the interview.

When youths were 21-23 years old, their own perceptions of criminal injustice were assessed by asking them to indicate their degree of agreement/disagreement with statements such as "Police are

more likely to stop and question Blacks unfairly than those in other racial groups"; "Courts are biased and unfair when it comes to deciding cases with Black suspects and White victims"; "Courts punish Blacks more harshly than Whites." Various control variables (e.g., sex, various measures of criminal justice involvement by the youth) were also included.

Structural disadvantage of the neighbourhood only predicted perceptions of criminal injustice when neighbourhood moral and legal cynicism were not included in the prediction model. Moral and legal cynicism did, however, predict perceptions of injustice. "It is not simply structural disadvantage that generates perceptions of injustice among African Americans. Rather disadvantage promotes collective cynicism [in the neighbourhood], which is associated with appraisals of biases in the criminal justice system" (p. 535). Both personal and vicarious (parental) negative interactions with the police were also associated with increased perceptions of injustice. In addition, "individuals who [directly or vicariously] experienced negative encounters [with the police] and also reside in neighbourhoods

characterized by high levels of moral and legal cynicism are [especially] likely to view the criminal justice system as being biased against them" (p. 536).

Conclusion: "For the state to secure voluntary compliance from the public, it is necessary for it to be perceived as morally credible" (p. 520). This paper suggests that the legitimacy of the state in the eyes of young Black Americans is undermined most dramatically when negative interactions with the police occur to those who live in neighbourhoods that can be characterized as already having high degrees of legal cynicism. These results are independent of individuals' record of offending, arrests or other criminal justice contact.

Reference: Berg, Mark T., Eric A. Stewart, Jonathan Intravia, Patricia Y. Warren, and Ronald L. Simons (2016). Cynical Streets: Neighbourhood Social Processes and Perceptions of Criminal Injustice. *Criminology*, 54(3), 520-547.

The substantial decarceration that took place in New York City (NYC) between 1996 and 2014 demonstrates that important changes in the manner in which the law is administered can be made at the ground level. Not all reform has to come from above.

Many jurisdictions struggle to control or reduce the number of people who are incarcerated. NYC in the past couple of decades has benefitted from both a reduction in crime and a reduction in imprisonment. Though, in the past, increased imprisonment might have been seen by some as the easiest way to reduce crime, what is notable during this period is that both crime and imprisonment decreased dramatically in NYC.

Other decarcerations (see *Criminological Highlights* 3(5)#1, 12(1)#5, 14(3)#6) have occurred because two factors came together: There was a desire to reduce the rate of imprisonment and a willingness to implement a series of changes to accomplish that goal. Often administrative changes were just as important, or more important, than legislative changes. NYC's recent decarceration is an example of changes originating from the bottom – in this case, the municipality – rather than from the top (the nation's capital). NYC was solely responsible for a 28% reduction in the state's total prison population. Between 1997 and 2015, the number of prisoners in NY's state prisons who were sentenced in NYC declined from about 48,000 to 23,000, whereas the number of prisoners from the rest of the state increased from about 22,000 to 29,000.

The increase in NYC's imprisonment prior to 1997 was driven, in large part, by drugs. Starting in the late 1990s, the number of felony drug arrests dropped dramatically from about 46,000 to about 16,000. Starting in 2011, misdemeanor drug arrests (often for marijuana) also declined, by about half. In addition, a

smaller proportion of felony drug cases that resulted in a finding of guilt ended up with a prison sentence. Drug admissions to state prison declined from 44% of all admissions in 2000 to 23% in 2013. Sentence lengths for drug offenders also declined. In 1996, 34% of prisoners in NY had a drug conviction; in 2014 it was 12%. By 2014, state authorities had closed 13 prison facilities.

NYC's jail population (those with short sentences or in pretrial detention) decreased from 21,688 in 1991 to 9,762 in 2016, largely as a result of fewer admissions. Average length of stay in jail, however, did not decrease. Although felony arrests dropped dramatically between 1997 and 2014, misdemeanor arrests in NYC increased dramatically between 2002 and 2010, before beginning to drop. Fewer people were sentenced to probation and they tended to be discharged from probation earlier, meaning there were fewer who could be incarcerated for failing to comply with probation orders. All of these changes were, no doubt, made politically easier by the fact that crime – most notably violent crime -- decreased dramatically between 1991 and the 2000s in NYC.

Conclusion: NYC's dramatic decarceration demonstrates that, in principle, large reductions in imprisonment rates can occur. Most of the reduction occurred by moving relatively low risk people (e.g., those involved in less serious drug offences) out of the justice system or out of its prisons and jails. Unfortunately, there have been few evaluations of the impact of the changes in policies and programs on crime. The fact that the decarceration took place in NYC rather than in the state as a whole suggests that the local support in NYC was sufficient, without formal legislative change, to accomplish these goals.

Reference: Greene, Judith A., and Vincent Schiraldi (2016). Better by Half: The New York City Story of Winning Large-Scale Decarceration While Improving Public Safety. *Federal Sentencing Reporter*, 29(1), 22-38.