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. Why might accounts of police officers who have shot civilians differ from what appears in video recordings of these events?
2. Are predictions of future offending based on complex psychological measures useful?
3. Why would any city make it an offence "to remain in any one place with no apparent purpose?"
4. Would shifting Grade 6 from elementary school to middle school affect crime rates?
5. What determines whether a person will be found incompetent to stand trial?
6. Does early family/parent training reduce offending?
7. Should we believe stories of repressed and recovered memories of traumatic childhood events?
8. Should corporal punishment of children by parents be criminalized?

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Police who shoot civilians may suffer from perceptual distortions that make what they have done appear to be 'reasonable.'

Since it appears that most police in this study who shot civilians reported having experienced, at the time of the shooting, at least one form of perceptual distortion, there is a need to determine whether police officers in similar situations who did *not* shoot civilians experienced similar distortions. Such findings may help understand police shootings, and might help police forces understand what can be done to minimize the impact of perceptual distortions on the part of police in these very difficult situations.

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Complex psychology-based instruments designed to predict future offending by those released from prison do not generally do better than predictions based on the offender's criminal record.

Comparing various psychological approaches to the prediction of future offending to more actuarial approaches for men would suggest that the actuarial predictions are generally as effective or more effective in predicting future offending generally. Actuarial predictions are obviously much easier to obtain, and can be computer generated from official criminal record information, age, and sex of the offender. For women, however, the more psychological measures *may* be slightly better for predicting violent, but not other, offending. But the argument that all of these measures, largely developed with data only from men, have no predictive validity for women is clearly wrong.

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If crime spikes, ordinary citizens want something to happen but when there's no obvious quick fix for the crime problem, new laws may be created to make it look as if something effective is being done — even when these laws criminalize 'doing nothing'.

A "breakdown in trust in state authorities" (p. 141) along with heightened feelings of insecurity led Chicago City Council to reassert state authority by criminalizing 'apparently doing nothing' even though it was known to be on uncertain constitutional terrain. "Residents and aldermen alike are drawn to laws' promise: they may be deeply invested in having the tools they believe are necessary to play the legal game, but they also make appeals to fundamental legal concepts of rights and liberties in framing their aspirations. It is in many ways remarkable that – despite the violence and turmoil residents were experiencing – normative appeals to law and legality persisted as the framework for seeking well-being and security" (p. 146).

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The manner in which school grades are divided between elementary and middle schools makes a difference: Placing Grade 6 students in middle schools rather than in elementary schools increases the likelihood of various forms of infractions in school and interferes with their school performance.

For an average child in a North Carolina Grade 6 class who is in an elementary school, the probability of an infraction being registered is about 16%. This increases to 29% for a child whose Grade 6 is in a middle school. "Middle school brings sixth graders into routine contact with older adolescents who are likely to be a bad influence" (p. 118). These data are consistent with findings that placing Grade 6 students in middle schools is likely to reduce 'on time' rates of graduation from high school. "Moving sixth grade out of elementary school appears to have had substantial costs" (p. 118). Although this paper focused solely on school-based measures, it serves as a reminder of the importance of school factors as an influence on children's offending (e.g., *Criminological Highlights,* V4N2#4, V4N5#5, V9N4#3, V10N2#1).

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Clinicians vary enormously in the likelihood that they will find an accused person competent to stand trial.

It would appear that *who* does the evaluation of competence to stand trial makes a substantial difference to the outcome. To the extent that 'competence' is a continuum, it is possible that clinicians are simply drawing the line between competence and incompetence at different points. Alternatively, different assessors may be looking at somewhat different factors in their assessments. Whatever the reasons are, however, it would appear to be very likely that the recommendation from a clinician as to whether or not a defendant is competent will depend at least in part on the identity of the clinician.

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Early antisocial behaviour on the part of young children – a 'risk' factor for later problems – can be affected by early family/parent training programs.

The findings provide clear evidence that "early family/ parent training can assist parents and families in preventing antisocial and delinquent behaviour by providing them with the tools necessary to engage in effective child-rearing" (p. 89). This is not to imply that *any* training of parents will help. These programs tended to be extensively tested and documented and were implemented effectively. "It is also important to note… that parenting programs have also been shown to have other non-crime/ behaviour benefits as well such as increasing educational attainment, reducing teenage pregnancy, improving economic well-being, and promoting health…." (p. 89). These programs are typically implemented for large numbers of 'at risk' parents. For example, the Quebec government spends $70 million each year "to support disadvantaged mothers in improving their parenting skills and increasing their access and use of parent services" (p. 89).

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When 'pop psychology' invades the criminal justice system, justice suffers: The evidence of 'repressed memory' of traumatic events in childhood does not stand up to scientific scrutiny.

"The available research repeatedly demonstrates that memories of traumatic events appear to follow the same laws as do those of more mundane events. In both kinds of memories, details fade as time passes; both kinds of memories are subject to interference from later experiences; and both can be systematically distorted over time" (p. 237). "Psychological research gives no reason to believe that the productions called recovered memories necessarily or invariably represent accurate descriptions of childhood experiences" (p. 237-8).

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Should Corporal Punishment of Children be Criminalized?

The difficulty with a ban on corporal punishment is clear: it would, in effect, criminalize behaviour that is being engaged in by the vast majority of parents. Studies done in this decade suggest that by the time they reach Grade 5, most (80%) American children had been corporally punished by their parents, and about half reported being hit by a belt or other such object. Criminalization, then, could put large numbers of people (i.e., most parents) at risk of prosecution for behaviour that is not currently seen as being criminal. As one set of commentators has noted, "The customs and laws of a society should be given due respect and consideration before banning or stigmatizing a practice, such as physical punishment, that most members practice and consider useful in accomplishing their goals…." (p. 261). On the other hand, some have suggested that a ban on corporal punishment would give a clear message about what is unacceptable within a community.

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Police who shoot civilians may suffer from perceptual distortions that make what they have done appear to be 'reasonable.'

Police who shoot civilians are typically judged according to a standard of whether their actions were "objectively reasonable in light of the facts and circumstances confronting them" (p. 119). This judgement is meant to be made "from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight" (p. 119). This would appear to mean that in determining reasonableness, one must make "allowance for the fact that police officers are often forced to make split-second judgements… [on] the amount of force that is necessary…" (p. 119).

The challenge, however, is that police officers who have shot civilians may report a number of different types of perceptual distortions that would suggest their reports of 'what happened' may be quite different from the perceptions of those who are not directly involved in the incident or those who view video recordings of these incidents.

In this study, 80 officers from 19 police forces in four states were interviewed concerning 113 incidents in which they had shot civilians. Six types of temporary distortions were identified: tunnel vision (a narrowing of the visual field), heightened sense of visual detail, diminished or exceptionally loud sound, and the experience of events in 'slow motion' or in 'fast motion.' Almost all police officers (88% prior to firing, 92% when firing) reported experiencing at least one of these distortions. About a third of officers reported 'tunnel vision' before or while firing. Even more (42% prior to firing and 70% when firing) reported 'auditory blunting.' The distortions were often reported as having changed between the period prior to shooting and during/after shooting.

It would appear that when police officers shoot civilians, they are reasonably likely to report that they did not hear things that others in the vicinity might hear; they report that they did not notice things that were obvious to other observers; and their sense of how long the events took may be likely to be seriously impaired. How, then, does one judge a police officer's actions when the situation, according to their reports, appears to have created an inability to assess the situation effectively?

These findings raise a number of important questions (noted in a commentary on the paper). For example, will an officer who is aware of these findings "use a perceptual distortion defence not because he or she experienced [perceptual distortions], but as 'an out' for explaining why the pieces of evidence [the officer's statement and other facts] do not match" (p. 168)? In focussing on officers who *have* shot civilians, and linking this behaviour to perceptual distortions, this study raises critical questions about officers who *have not* shot civilians. Is there something that allows these non-shooting officers "to avoid a distortion and ultimately make a [different] decision…" (p. 170) as they interact with civilian suspects? Similarly, one might ask whether there are training processes that might prevent less-than-optimal decisions being made based on perceptual distortions.

Conclusion: Since it appears that most police in this study who shot civilians reported having experienced, at the time of the shooting, at least one form of perceptual distortion, there is a need to determine whether police officers in similar situations who did *not* shoot civilians experienced similar distortions. Such findings may help understand police shootings, and might help police forces understand what can be done to minimize the impact of perceptual distortions on the part of police in these very difficult situations.

Reference: Klinger, David A. and Rod K. Brunson (2009). Police Officers' Perceptual Distortions During Lethal Force Situations: Informing the Reasonableness Standard. *Criminology and Public Policy, 8* (1), 117-140. Commentary by William Terrill: The elusive nature of reasonableness (p. 163-172).

Complex psychology-based instruments designed to predict future offending by those released from prison do not generally do better than predictions based on the offender's criminal record.

It is well established that "Structured risk-assessment instruments outperform clinical judgement" (p. 337) for most predictions of future offending. Nevertheless, there is relatively little information about how useful complex psychological testing is for predicting future offending, above and beyond the established finding that past offending predicts future offending. This paper addresses two quite separate issues: Are psychological risk assessment scales better at predicting future behaviour than predictions based on ordinary information that is in every prisoner's file? Do these prediction measures also work for women?

This study compared the relative usefulness of the following "psychological" risk measures for predicting future offending: the Psychopathy Checklist – Revised; the Violence Risk Appraisal Guide; and the Historical, Clinical, Risk Management-20. These can be compared to two different non-psychological or "actuarial" measures that combine simple information about previous offending, age, and sex to make a prediction about future offending and one measure that was simply a count of previous convictions.

Data from two quite different samples of offenders in prisons in England & Wales were used. The sample of men was generated from adult prisoners serving 2 year sentences for a sexual or violent offence. The sample purposefully over-selected those prisoners who were high risk offenders (based largely on criminal record), from ethnic minority groups, or were young. The sample of women did not involve 'oversampling.' Instead, all women who met the basic criteria were included in the study. The sample of women, unlike the sample of men, was representative of those serving 2 year sentences for sexual or violent offences. Hence comparisons of the levels of accuracy of the predictions for men with the predictions for women are inappropriate. Recidivism was defined as a reconviction during a follow-up period lasting an average of about two years.

Looking first at the measures for men that were used to predict violent re-offending or any offending, the three "actuarial" measures of risk of re-offending were very similar in their predictive validity to the three clinical scales. For women, the two types of measures (psychological and actuarial) were very similar in their predictive validity when predicting 'any' offending. However, the predictive validity of the more psychological measures appeared to be slightly better than the "actuarial" measures for predicting future violent offending for women.

Generally speaking, it appeared that all of the measures predicted future violent, acquisitive, or 'any' offending for both men and women. In this study, the predictions of future offending for men appear to be slightly better than for women, but these small differences could have been the result of the different sampling methods.

Conclusion: Comparing various psychological approaches to the prediction of future offending to more actuarial approaches for men would suggest that the actuarial predictions are generally as effective or more effective in predicting future offending generally. Actuarial predictions are obviously much easier to obtain, and can be computer generated from official criminal record information, age, and sex of the offender. For women, however, the more psychological measures *may* be slightly better for predicting violent, but not other, offending. But the argument that all of these measures, largely developed with data only from men, have no predictive validity for women is clearly wrong.

Reference: Coid, Jeremy, Min Yang, Simone Ullrich, Tianqiang Zhang, Steve Sizmur, Colin Roberts, David P. Farrington, and Robert D. Rogers (2009). Gender Differences in Structured Risk Assessment: Comparing the Accuracy of Five Instruments. *Journal of Consulting and Clinical Psychology, 77* (2), 337-348.

If crime spikes, ordinary citizens want something to happen but when there's no obvious quick fix for the crime problem, new laws may be created to make it look as if something effective is being done — even when these laws criminalize 'doing nothing'.

In the summer of 1991, Chicago residents were faced with unusual amounts of crime. There were 927 homicides in Chicago (population 2.8 million) that year. (In comparison, Toronto, with a population of 2.3 million, had 89 homicides). A variety of explanations can be offered for the apparent surge in violence in Chicago that year, but 'gangs' appeared to be a central feature of much of it. Lacking ideas about what to do about the violence, and because there did not appear to be any serious anti-social behaviour that had been left un-criminalized, the Chicago City Council decided to go after gang members, rather than gang-related behaviour: they made it an offence for any actual or apparent gang member to do nothing while in a public place, or, in legal language "to remain in any one place with no apparent purpose" (p. 132). Not surprisingly (even to many of its supporters) the ordinance was declared unconstitutional by the U.S. Supreme Court 7 years later, but not before roughly 42,000 people had been arrested and another 43,000 orders to disperse had been issued by the police to those whose only offence was 'doing nothing' in public.

The question remains, however, why the law was enacted in the first place, and what it was meant to accomplish. Careful analyses of its effects suggested that, if anything, enforcement led to increased, rather than decreased, crime. Its origins, however, cannot be understood by looking at its effects. Instead, it is suggested that "faced with a perceived failure of existing systems to manage risks" (p. 133) and with general frustration with the law, legislators feel the need to respond to demands for security and to re-establish their authority by the enactment of laws which, in effect, criminalize the threat that people experience.

Public hearings were held in Chicago on the proposed law. These appeared to be explicitly designed, as the city's lawyer put it, to "establish whether there is a legitimate, regulatory interest in addressing what seems at first thought to be perfectly proper conduct: people standing on the public way" (p. 137). Furthermore, by responding to a threat with a new law, the ordinance responded to citizens' concern that the law serve their needs (rather than, for example, placing limits on the intrusiveness of police actions). The spike in crime was seen as a failure on the part of government. Thus the view that "something [needs] to be done to curb gang activity" (p. 138) was a dominant force in the development of the ordinance. Those pressing for the new law suggested that there was a 'gap in the law,' that the police have 'no legal authority,' (p. 140), and addressing this gap – by giving the police the right to criminalize 'doing nothing' – would help solve the problem. Ironically, law generally was seen as part of the problem and more law was seen as the solution to this problem.

Conclusion: A "breakdown in trust in state authorities" (p. 141) along with heightened feelings of insecurity led Chicago City Council to reassert state authority by criminalizing 'apparently doing nothing' even though it was known to be on uncertain constitutional terrain. "Residents and aldermen alike are drawn to laws' promise: they may be deeply invested in having the tools they believe are necessary to play the legal game, but they also make appeals to fundamental legal concepts of rights and liberties in framing their aspirations. It is in many ways remarkable that – despite the violence and turmoil residents were experiencing – normative appeals to law and legality persisted as the framework for seeking well-being and security" (p. 146).

Reference: Levi, Ron (2009). Making Counter-Law: On Having No Apparent Purpose in Chicago. *British Journal of Criminology, 49*, 131-149.

The manner in which school grades are divided between elementary and middle schools makes a difference: Placing Grade 6 students in middle schools rather than in elementary schools increases the likelihood of various forms of infractions in school and interferes with their school performance.

The configuration of schools in the United States has changed over the past 40 years. In 1971, more than 75% of Grade 6 children attended elementary school. By 2000, Grade 6 had been promoted into middle school, and over 75% of Grade 6 students were in schools that included Grades 6-8 but not elementary school grades. Grade 6 students, therefore, have shifted from being the oldest students in elementary schools to the youngest children in middle school. This paper examines the impact of this shift in school structure on misbehaviour in school and school performance.

There are reasons to suspect that this change could affect the behaviour of Grade 6 students. Peer group influences are known to be important in early adolescence. If Grade 6 students are especially vulnerable to peer influences as they move into adolescence, placing them in schools with older youths may mean that they are more likely to be influenced by the behaviours of older youths (e.g., engaging in various offences). On the other hand, if Grade 6 is spent in an elementary institution, these students may avoid negative influences at a particularly vulnerable time.

School records of students in North Carolina who spent Grade 6 in either an elementary school or a middle school were examined for various forms of disciplinary infractions reported by the schools to state authorities. In addition, end-of-grade standardized test scores were examined. Although these two groups of students were relatively similar, it appeared that after entering Grade 6, students in middle schools were more likely to have recorded infractions of any kind or a violent or drug infraction than students in primary schools. There is some evidence that this was not a reporting difference (i.e., that middle schools report more infractions than elementary schools). Children in Grade 9 who had attended Grade 6 in a middle school were more likely to have infractions in Grade 9 than were children who attended Grade 6 in an elementary school. In addition, the end-of-grade standardized reading scores for children who attended Grade 6 in a middle school tended to be lower than the reading scores for children who had attended Grade 6 in an elementary school. Interestingly, however, their math scores did not vary.

Conclusion: For an average child in a North Carolina Grade 6 class who is in an elementary school, the probability of an infraction being registered is about 16%. This increases to 29% for a child whose Grade 6 is in a middle school. "Middle school brings sixth graders into routine contact with older adolescents who are likely to be a bad influence" (p. 118). These data are consistent with findings that placing Grade 6 students in middle schools is likely to reduce 'on time' rates of graduation from high school. "Moving sixth grade out of elementary school appears to have had substantial costs" (p. 118). Although this paper focused solely on school-based measures, it serves as a reminder of the importance of school factors as an influence on children's offending (e.g., *Criminological Highlights*, V4N2#4, V4N5#5, V9N4#3, V10N2#1).

Reference: Cook, Philip J, Robert MacCoun, Clara Muschkin, and Jacob Vigdor (2008). The Negative Impacts of Starting Middle School in Sixth Grade. *Journal of Policy Analysis and Management, 27*(1), 104-121.

Clinicians vary enormously in the likelihood that they will find an accused person competent to stand trial.

Accused people are often referred for assessments of their competence to stand trial (CST). Though in some locations, specialized forensic evaluators do the assessments, often ordinary clinicians in psychiatric hospitals are involved in this process. Though courts are not required to follow the advice of those who carry out the assessments, it appears that they usually do. Ideally, of course, the CST assessment should be influenced solely by the characteristics of the accused, not the clinician. On the other hand, given that there are few objective criteria of what it means to be competent to stand trial, it would not be surprising if clinicians varied considerably in where they placed the threshold for CST.

Reviews of the literature on CST assessments suggest that rates of "incompetence to stand trial" vary, across clinicians, from about 1% found incompetent to about 77%. Obviously some of this variation may be a result of different referral practices. Studies of CST assessments carried out by clinicians working in the same forensic clinics, or by similarly trained raters using structured measures of CST, suggest that there is sometimes very high agreement between clinicians. It would appear that clinicians working together in the same setting have generally arrived at common standards of what CST means. On the other hand, a study of 273 board-certified forensic psychologists and psychiatrists responding to two vignettes of defendants referred for competence evaluations showed very little agreement. In one case, the assessments were evenly split with about half of the assessors describing the defendant as competent and the other half as not competent.

In this study, records from 55 clinicians in Virginia and 5 psychologists in Alabama, all of whom had training and experience doing competency assessments were assessed. The proportion of cases found incompetent to stand trial by a given clinician varied from 0% to 62%. For those who had done at least 100 assessments, the proportions found incompetent to stand trial varied from 4% to 28%. Obviously some of the variation could be due to other factors (e.g., who requested the evaluation, differences in the patients, etc.). It appeared, in the Virginia data, that there were some systematic differences across professions with social workers being most likely to find the defendant incompetent, psychiatrists least likely to see the defendant as incompetent to stand trial, and psychologists in the middle. But in addition, above and beyond other identifiable characteristics of the cases, there appeared to be individual differences in the threshold for a finding of CST.

A separate analysis was carried out on the CST judgments made concerning defendants diagnosed as psychotic. Two clinicians found very few of these (0% and 5%) to be incompetent to stand trial. The rate of findings of incompetence for the other clinicians ranged from 26% to 60%. Hence, even within this diagnostic category, there was rather dramatic variability.

Conclusion: It would appear that *who* does the evaluation of competence to stand trial makes a substantial difference to the outcome. To the extent that 'competence' is a continuum, it is possible that clinicians are simply drawing the line between competence and incompetence at different points. Alternatively, different assessors may be looking at somewhat different factors in their assessments. Whatever the reasons are, however, it would appear to be very likely that the recommendation from a clinician as to whether or not a defendant is competent will depend at least in part on the identity of the clinician.

Reference: Murrie, Daniel C., Marcus T. Boccaccini, Patricia A. Zapf, and Craig E. Henderson (2008). Clinician Variation in Findings of Competence to Stand Trial. *Psychology, Public Policy, and Law, 14* (3), 177-193.

Early antisocial behaviour on the part of young children – a 'risk' factor for later problems – can be affected by early family/parent training programs.

There is a fair amount of research suggesting that intervention in the first few years of a child's life can have a lasting impact measurable by reductions in crime (see, for example, *Criminological Highlights* V4N2#1, V6N5#2, V2N4#7). The theory is that early family/parent training programs will help the child learn control over "impulsive, oppositional, and aggressive behaviour thus reducing disruptive behaviour and its long-term negative impact on social integration" (p. 3).

"While early family/ parent training may not often be implemented with the expressed aim of preventing antisocial behaviour, delinquency, and crime… its relevance to the prevention of crime has been suggested in developmentally–based criminological and psychological literatures" (p. 4). This review examined 55 independent evaluations of family/ parent training programs, all of which included a randomized controlled design with children five years or younger.

Typically the training programs involved "either individual or group-based parent training sessions… conducted in a clinic, school, or some other community-based site" (p. 55). One of three standardized programs was typically the focus of the training, the most common one being the "Incredible Years Parenting Program." This program was designed to "provide parent training to strengthen the parent's competencies in monitoring and appropriately disciplining their child's behaviours along with increasing the parent's overall involvement in the child's school experiences to promote the child's social and emotional competence and reduce their conduct problems" (p. 55). Another program was designed "to introduce and train parents to use positive and nonviolent techniques when trying to manage their child's behaviour" (p. 56). Studies varied on the source of the outcome measures (ratings of the child's behaviour). In some cases, teachers rated the children. In other studies reports of the child's behaviour from parents were used. In others, researchers made direct observations of the children in various settings. Some studies used multiple sources of information. Most of the studies (38 of the 55) were American, the remainder having been carried out in one of 6 different countries.

There appeared to be an overall benefit of these highly structured training programs whether the data were based on observations of the parents, researchers, or teachers. Given that all of the studies involved randomized experiments, it is safe to conclude that these training programs were effective in causing a reduction in antisocial behaviour by young children.

Conclusion: The findings provide clear evidence that "early family/ parent training can assist parents and families in preventing antisocial and delinquent behaviour by providing them with the tools necessary to engage in effective child-rearing" (p. 89). This is not to imply that *any* training of parents will help. These programs tended to be extensively tested and documented and were implemented effectively. "It is also important to note… that parenting programs have also been shown to have other non-crime/ behaviour benefits as well such as increasing educational attainment, reducing teenage pregnancy, improving economic well-being, and promoting health…." (p. 89). These programs are typically implemented for large numbers of 'at risk' parents. For example, the Quebec government spends $70 million each year "to support disadvantaged mothers in improving their parenting skills and increasing their access and use of parent services" (p. 89).

Reference: Piquero, Alex R., David P. Farrington, Brandon C. Welsh, Richard Tremblay, and Wesley Jennings (2008). Effects of Early Family/ Parent Training Programs on Antisocial Behavior and Delinquency. The Campbell Collaboration: http:// www. campbellcollaboration.org

When 'pop psychology' invades the criminal justice system, justice suffers: The evidence of 'repressed memory' of traumatic events in childhood does not stand up to scientific scrutiny.

The notion that brutal childhood events can be repressed completely out of consciousness and later recovered through intensive psychotherapy appears to be held by a large proportion of jurors, judges and police officers. Evidence of "recovered" memories of previously "repressed" events has frequently been received and accepted in court cases in which sexual assault (often by caregivers) has been alleged. However, scientific evidence does not support the idea that people commonly become unable to remember harrowing events, and then, after a period of amnesia, 'recover' the memory.

Repressed memory cases imply an *inability* to recall that a traumatic event even occurred, not that people prefer not to think about an event or in which certain details are forgotten. Nor does it refer to events that occurred before a child had the ability to remember it in the first place. Many courts have become more sceptical about repressed and recovered memory because "the notion of massive forgetting of a traumatic experience and the possibility of later video-camera-type recall is not part of any existing psychoanalytic theory of memory" (p. 229). The scientific evidence suggests that "traumatic events – those experienced as overwhelmingly terrifying at the time of their occurrence – are highly memorable and seldom, if ever, forgotten" (p. 231).

Retrospective studies – in which there is no evidence other than the "recovered memory" of the existence of the event – "form the overwhelming majority of investigations cited as proof of repression" (p. 233). Some of the cases of possible abuse that have been cited as evidence of repressed memory – involving fondling, sleeping nude with children, etc. – may demonstrate simple forgetting of events that were neither traumatic nor memorable even at the time. In other highly cited cases, independent investigations have determined that there was no evidence that memories were ever repressed and that discussions about the allegations had occurred during the period when the memories were supposedly 'repressed.' In other studies of cases of documented severe abuse, the evidence demonstrates that skilled and sympathetic questioning of victims brings out the evidence of the abuse. It would seem that "the better a study's methods, the less likely it is to find evidence of missing memory for trauma" (p. 235). "An exhaustive literature search focusing on more than 10,000 survivors of severe, specific, historically documented traumatic events did not find even one person who developed amnesia for the trauma" (p. 235). "Studies examining children's recall of sexual mistreatment show that such experiences… are typically recalled well" (p. 235).

Finally, a number of experiments have shown that questioning of ordinary people can induce 'memories' of events that never occurred. In one experiment, people were asked to reminisce about childhood events, three of which were real events that had been provided to the researcher by a family member, and one of which was false (getting lost in a shopping mall as a child). By the end of the study, 25% of the participants in the study "remembered at least some details about the episode" (p. 152) – an event that did not actually occur. "Research using a variety of techniques now demonstrates that we can implant a range of false memories in subjects" (p. 153).

Conclusion: "The available research repeatedly demonstrates that memories of traumatic events appear to follow the same laws as do those of more mundane events. In both kinds of memories, details fade as time passes; both kinds of memories are subject to interference from later experiences; and both can be systematically distorted over time" (p. 237). "Psychological research gives no reason to believe that the productions called recovered memories necessarily or invariably represent accurate descriptions of childhood experiences" (p. 237-8).

Reference: Piper, August, Linda Lillevik and Roxanne Kritzer (2008). What's Wrong with Believing in Repression? A Review for Legal Professionals. *Psychology, Public Policy, and Law, 14* (3), 223-242. Takarangi, Melanie K.T., Devon L. L. Polaschek, Maryanne Garry and Elizabeth F. Loftus (2008). Psychological Science, Victim Advocates, and the Problem of Recovered Memories. *International Review of Victimology, 15*, 147-163.

Should Corporal Punishment of Children be Criminalized?

Starting with Sweden in 1979, 23 countries have instituted universal bans on the corporal punishment of children – defined as "causing the child to experience bodily pain so as to correct or punish the child's behaviour" (p. 232). Corporal punishment of children has been a controversial topic in many countries. This paper examines the evidence and arguments on this controversial topic.

Surveys in the U.S. suggest that some form of physical punishment of very young children is quite common (e.g., one survey of 1000 parents suggests that 63% used physical punishments on 1- and 2-year-olds (p. 232). At the same time, however, "the research to date indicates that physical punishment does not promote long-term, internalized compliance" (p. 234). And the majority of studies in western countries suggest that corporal punishment is associated with more, not less, aggressive behaviour on the part of the child, but part of this relationship may be the result of the characteristics of parents who use corporal punishment and the severity of the punishment itself (see, for example, *Criminological Highlights, 4*(1)#3).

In addition, children with more behaviour problems elicit more corporal punishment from their parents than do more well behaved children. Nevertheless, concern has been expressed that there may be other negative impacts on children (e.g., eroded parent-child relationships, mental health problems, later violent behaviour). Not surprisingly, in this context, parents who use corporal punishment are more likely than other parents to physically injure their children.

In 2007, 49 of 50 states in the U.S. permitted corporal punishment by parents and 22 allowed corporal punishment in schools. In Canada, the Criminal Code states that "Every schoolteacher, parent or person standing in the place of a parent is justified in using force by way of correction toward a pupil or child, as the case may be, who is under his care, if the force does not exceed what is reasonable under the circumstances" (s. 43). However, the Supreme Court of Canada placed certain restrictions on its use (e.g., age, severity of the punishment). Most of the 23 countries with bans on all forms of corporal punishment (either through legislation or court decisions) have policies that suggest prosecutorial restraint in prosecuting those suspected of using corporal punishment. In some countries, there have been advertising campaigns to try to bring awareness of the bans on corporal punishment, though it is not clear how effective they have been.

Conclusion: The difficulty with a ban on corporal punishment is clear: it would, in effect, criminalize behaviour that is being engaged in by the vast majority of parents. Studies done in this decade suggest that by the time they reach Grade 5, most (80%) American children had been corporally punished by their parents, and about half reported being hit by a belt or other such object. Criminalization, then, could put large numbers of people (i.e., most parents) at risk of prosecution for behaviour that is not currently seen as being criminal. As one set of commentators has noted, "The customs and laws of a society should be given due respect and consideration before banning or stigmatizing a practice, such as physical punishment, that most members practice and consider useful in accomplishing their goals…." (p. 261). On the other hand, some have suggested that a ban on corporal punishment would give a clear message about what is unacceptable within a community.

Reference: Gershoff, Elizabeth T. and Susan H. Bitensky. (2007). The Case Against Corporal Punishment: Converging Evidence from Social Science Research and International Human Rights Law and Implications for U.S. Public Policy. *Psychology, Public Policy, and Law, 13*(4), 231-272.