



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. Do sanctions, such as Canada’s absolute and conditional discharges, which help avoid labelling an offender as a convicted person, affect subsequent offending?
2. Who, among those who are subject to mandatory minimum sentences, actually receives them?
3. What is the relationship between serious mental illness and crime?
4. If people are not optimistic about their financial future, what can we expect to happen to rates of property crime?
5. In most countries, the most serious violence is disproportionately committed by those who are relatively young, isn’t it?
6. What can be done to reduce the already relatively low rate of recidivism among ‘serious sex offenders’ being released from prison?
7. What did the American “War on Drugs” really do?
8. Why do young adolescents belong to gangs?

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Labelling someone a ‘convicted felon’ increases the likelihood of recidivism.

It appears that being found guilty and convicted of a felony “significantly and substantially increases the likelihood of recidivism in comparison with those who have had adjudication [conviction] withheld” (p. 570). This finding is strongest for those who appear to have a strong stake in conformity to society’s values: those who are over 30 years old and have not yet been found guilty of an offence. One might conclude that “minimizing harm at the individual [offender] level has consequences for reducing harm [in the form of re-offending] in the broader community” (p. 571).

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Mandatory minimum sentences aren’t really mandatory unless prosecutors wish to impose them. The decision to impose a mandatory minimum sentence is affected by factors that normally affect most sentences (e.g., the nature of the offence, the criminal record of the accused) as well as sex and race.

Legislators may believe that when they pass mandatory minimum penalty laws those who are given the responsibility of enforcing these laws will ensure that these mandatory minimums are imposed. This clearly is not the case. Prosecutors, who in many jurisdictions determine whether a mandatory minimum is imposed, focus in the first instance on the factors that normally determine the sentence: e.g., offence seriousness, criminal record, and whether or not the offender pleaded guilty. But they also use other factors, including race, age, and sex, to determine whether someone is deserving of a mandatory minimum sentence.

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The relationship between serious mental illness and crime is largely, but not completely, a result of the fact that those with serious mental illnesses are likely to abuse alcohol or other drugs.

For property offending, it would appear that the relationship of serious mental illness (SMI) to arrest is completely a result of substance use. “For violent offences, however, the association between SMI and arrest... cannot be [completely] attributed to drug use” (p. 596). It is suggested that “reducing the criminal justice involvement of individuals with SMI seems to be contingent, in large measure, on properly assessing and treating co-occurring substance use disorders” (p. 598).

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When people are optimistic about their financial well-being, and people anticipate good economic times ahead, property crime and robbery rates are likely to decline.

Collective economic perceptions and attitudes – or more specifically economic confidence and optimism – had an influence on robbery and property crime rates during the period 1970-2003. Furthermore, it is estimated that a substantial amount of the ‘crime drop’ of the 1990s can be attributed to improving consumer sentiment. These effects appear to be somewhat independent of normal economic indicators (unemployment and gross domestic product).

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Japan’s homicide rate dropped 70% in the last 50 years largely as a result of a dramatic drop in the rate of homicides by young males.

Japan’s homicide rate dropped dramatically in the past 50 years largely because of a dramatic decrease in homicide by young males. Nevertheless the “Japanese media and government officials often depict the nation’s youth as morally vacuous ‘monsters in the house’.” Furthermore, “commentators increasingly claim that youth are a root cause of [Japan’s] purported ‘law and order collapse’” (p. 152). The reasons for the differences between Japan and most other countries are not clear. It does not seem to be due to the economy since homicide rates have not increased since Japan’s economic problems began in 1990. And, more importantly, this explanation – like others that have been offered for Japan’s overall low homicide rate – does not account for the unusual age distribution of homicide. In the end, understanding the difference between the rate and distribution of homicides in Japan and those of most western countries may help us understand the nature of homicide more generally.

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A volunteer community-based program for sex offenders reduces re-offending.

The Circles of Support and Accountability project is highly structured. Volunteers are trained; a detailed manual exists; and there are clear rules about how supervision is to take place. Within this context, therefore, it is reasonably clear that the program can reduce sexual and violent re-offending dramatically when its outcomes are compared to a comparable group of offenders who were not offered the program. Though the program results appear to suggest that the program is effective, it is not perfect: some re-offending still occurs. From a policy perspective, however, it is important to place this decreased rate of re-offending in its proper comparative context.

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The War on Drugs in the United States was lost on the battlefield. But it did have a dramatic impact on the operation of the criminal justice system.

One of the many problems with the drug war is that it has focused largely on small ‘buy and bust’ law enforcement operations. Such approaches may constitute an efficient way of filling prisons, but these operations do little to stem the flow or use of drugs. In addition, they can have devastating impacts on the communities in which these operations take place. Perhaps as a result of the lack of effect of the war on the use and supply of drugs, other approaches to drugs have begun to gain some support. Sentencing systems, including the United States Sentencing Commission’s tough guideline sentence for crack cocaine have begun to be loosened in their application or reduced. Drug courts are becoming very popular. “These legislative developments represent an acknowledgement that the past strategy [focusing on] enforcement has failed to stem the tide of drug abuse, while creating unsustainable growth in the correctional system” (p. 26).

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The reasons for gang membership amongst early adolescents vary with the race or ethnicity of the youth. Interventions aimed at reducing gang membership should, therefore, take into account why young people are in those gangs.

In general, factors related to feelings of marginality were important in predicting whether 13-15 year old youths were involved in gangs. Clearly, however, the factors that predict whether a youth is a member of a gang at a given point in time depend, to some extent, on the race/ethnic background of the youth. Hence it is important to consider race/ethnicity when crafting programs that might be used to reduce involvement in gangs that are involved in illegal activities.

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Labelling someone a 'convicted felon' increases the likelihood of recidivism.

Traditionally, labelling theory has suggested that the deeper a person is processed by the criminal justice system (i.e., from police contact to arrest, conviction, or imprisonment) the more likely it is that this person will acquire the identity of 'offender' and or experience structural impediments to conventional life. Some jurisdictions such as Florida allow courts to avoid labelling offenders as 'convicted felons' simply by finding them guilty, sentencing them to probation and avoiding labelling them as having been *convicted*. An equivalent outcome in Canada would be a sentence of a conditional discharge with probation. Labelling theory would suggest that those people who successfully avoided the label 'convicted felon' would be less likely to re-offend. There is a substantial history of findings suggesting that at least for some offenders, being labelled "offender" increases recidivism. For example, a study of drinking driving found that for first offenders, a formal conviction appeared to increase recidivism by about 12%.

In this study, the recidivism rates for almost 96,000 property, drug, and violent offenders in 67 counties in Florida were examined. About 40% of them received a formal conviction; the others were not labelled as convicted felons, but were given a probation sentence. Various characteristics of offenders were controlled statistically. Higher rates of recidivism were associated with being male, younger, a property or drug offender rather than a violent offender, having a history of violating a condition of supervision, having a more substantial criminal record, and being black. Above and beyond these effects, however, those who had been labelled as convicted offenders were more likely to reoffend within two years than were those who were found guilty but did not have a 'conviction' entered into their records. This effect appears to hold true for men and women, Hispanics, blacks, and whites, and those with and without a prior criminal record.

Conclusion: It appears that being found guilty and convicted of a felony "significantly and substantially increases the likelihood of recidivism in comparison with those who have had adjudication [conviction] withheld" (p. 570). This finding is strongest for those who appear to have a strong stake in conformity to society's values: those who are over 30 years old and have not yet been found guilty of an offence. One might conclude that "minimizing harm at the individual [offender] level has consequences for reducing harm [in the form of re-offending] in the broader community" (p. 571).

Reference: Chiricos, Ted, Kelle Barrick, and William Bales (2007). The labeling of convicted felons and its consequences for recidivism. *Criminology*, 45 (3), 547-581.

Mandatory minimum sentences aren't really mandatory unless prosecutors wish to impose them. The decision to impose a mandatory minimum sentence is affected by factors that normally affect most sentences (e.g., the nature of the offence, the criminal record of the accused) as well as sex and race.

From a prosecutor's perspective, legislation that imposes mandatory minimum sentences on an accused can be a source of direct sentencing power. In some jurisdictions – such as Pennsylvania, the location of this study – prosecutors decide whether or not to charge an accused with an offence that carries a mandatory minimum sentence. In addition, prosecutors can effectively decide whether to apply the law requiring a mandatory minimum sentence. Research by the U.S. Sentencing Commission suggests that only about half of those convicted of offences which made them eligible for mandatory minimum sentences actually received them – a process common enough that it has come to be known as “de-mandatorizing.” From the accused person's perspective, de-mandatorizing a case has the advantage of avoiding the mandatory minimum sentence, whereas from the prosecutor's perspective de-mandatorizing can assure certainty of conviction and some punishment.

This study identified cases in Pennsylvania (between 1998-2000) that were eligible to receive mandatory minimum sentences. Most were drug cases, though some were second and third ‘three strikes’ cases in which mandatory minimums were ‘required.’ Though there were some differences across these two types of cases, the findings were reasonably consistent. The ‘overall’ (full sample) findings are reported here. Only 18% of these cases actually had mandatory minimum sentences imposed. Those who were young, and those who went to trial (as compared to pleading guilty) were more likely to have the mandatory minimum applied, as were those with a prior criminal record, and those charged with more serious or multiple offences.

Americans of Hispanic origins, especially young Hispanic males, were also more likely to receive mandatory minimum sentences. Blacks, overall,

were not significantly more likely to receive a mandatory sentence. However, looking across counties in the state, in those counties in which there was a substantial proportion of Black residents, Blacks were much more likely to receive a mandatory minimum sentence. In contrast, in those counties with few black residents, there were no real differences in the likelihood of ‘mandatorizing’ a case for white and black offenders. It was suggested that “prosecutors might [be] differentially [applying] mandatories in counties with larger minority populations to assuage White fear of minority crime and to be seen as protecting the community from offenders the majority public perceives to be dangerous” (p. 436).

Conclusion: Legislators may believe that when they pass mandatory minimum penalty laws those who are given the responsibility of enforcing these laws will ensure that these

mandatory minimums are imposed. This clearly is not the case. Prosecutors, who in many jurisdictions determine whether a mandatory minimum is imposed, focus in the first instance on the factors that normally determine the sentence: e.g., offence seriousness, criminal record, and whether or not the offender pleaded guilty. But they also use other factors, including race, age, and sex, to determine whether someone is deserving of a mandatory minimum sentence.

Reference: Ulmer, Jeffrey, Megan C. Kurlychek, and John H. Kramer. (2007). Prosecutorial Discretion and the Imposition of Mandatory Minimum Sentences. *Journal of Research in Crime and Delinquency*, 44(4), 427-458.

The relationship between serious mental illness and crime is largely, but not completely, a result of the fact that those with serious mental illnesses are likely to abuse alcohol or other drugs.

It is well known that a high proportion of those in prison have a history of mental illness. For example, the Correctional Service of Canada reports that 10% of those admitted to its penitentiaries have a mental health diagnosis on admission and 29% of females and 15% of male offenders had spent time in a psychiatric ward or hospital prior to their admission to penitentiary. The Los Angeles County jail system might be considered to be one of the largest psychiatric facilities in the country, given that about 3300 of its 21,000 detainees require daily mental health services. In the same vein, the second and third largest psychiatric facilities in the U.S. are also jails (Cook County Jail in Chicago and Rikers Island Jail in New York). One possible explanation for the high involvement of those with serious mental illnesses (SMI) in prison systems is the high rate of co-occurring drug and alcohol abuse in this group.

As part of a large survey of American adults (n=73,579 adults), respondents were asked a number of questions which have been shown to be reasonably effective at identifying those who, were they to be given a full assessment, would be found to have a SMI. They were also questioned about alcohol and drug abuse. Among those who reported being arrested in the year prior to the survey, 34% reported abuse or dependence on alcohol, and 20% reported use of one or more illegal drugs. For those who had not been arrested, the corresponding rates were 6% and 2%, respectively. Those who had been arrested in the previous year were much more likely than those who had not been arrested to report experiencing any serious mental illness (18% vs. 8% on one measure; 11% vs. 5% on another measure).

Controlling for various demographic variables (age, sex, race/ethnicity, education, employment, etc.), the presence of almost any SMI predicted

alcohol or drug abuse or dependence. Each of the eight categories of SMI, except for post-traumatic stress disorder also predicted whether the respondent had been arrested for a violent offence in the previous year. However, when alcohol or drug abuse/dependence was controlled for, the strength of the association between SMI and violent offending decreased substantially. For some psychiatric diagnoses, controlling for substance abuse/dependence reduced the relationship between SMI and being arrested for a violent offence to insignificance. "Most of the increase in the odds of an arrest for a violent offence among those with an SMI can be accounted for by substance use and abuse" (p. 593). The simple relationship between SMI and property crime was quite similar: Most SMIs were related to property offending when substance use was not controlled for. For property offending, however, as soon as substance abuse or dependence was controlled for, there was no longer a

significant relationship between SMI and arrest for any property offence.

Conclusion: For property offending, it would appear that the relationship of SMI to arrest is completely a result of substance use. "For violent offences, however, the association between SMI and arrest... cannot be [completely] attributed to drug use" (p. 596). It is suggested that "reducing the criminal justice involvement of individuals with SMI seems to be contingent, in large measure, on properly assessing and treating co-occurring substance use disorders" (p. 598).

Reference: Swartz, James A. and Arthur J. Lurigio. (2007). Serious Mental Illness and Arrest: The Generalized Mediating Effect of Substance Use. *Crime and Delinquency*, 53 (4), 581-604.

When people are optimistic about their financial well-being, and people anticipate good economic times ahead, property crime and robbery rates are likely to decline.

The relationship between economic conditions and crime is both obvious and elusive. “A generation of research on the impact of unemployment on crime has produced mixed results and has led some researchers to question the validity of the unemployment rate as an indicator of the full range of economic conditions that may influence crime rates” (p. 736). It is for this reason that some researchers (see, for example, *Criminological Highlights*, 8(2)#8) have suggested that it is not unemployment per se that is important. Rather, they have suggested that it is the strength of the overall economy that is an important determinant of crime rates.

This paper examines the impact on acquisitive crime of the ‘Index of Consumer Sentiment’ (ICS) – a measure of respondents’ “perceptions of change in their financial situation during the previous year and expected change over the next 12 months” (p. 740). The ICS has been assessed in each of four regions in the United States over a period of 34 years (1970-2003). The relationship of this measure to four crimes (Robbery, Burglary, Motor Vehicle Theft, and other Theft) was examined. The ICS was assessed with five questions such as “Would you say that you [and your family] are better off or worse off than you were a year ago?” and “Looking ahead, which would you say is more likely – that in the country as a whole we’ll have continuous good times during the next five years or so, or that we will have period of widespread unemployment or depression, or what?”

The findings are fairly consistent: When people in a region are optimistic about their financial situation, all

four acquisitive crime rates that were measured tend to show decreases. A subsequent analysis suggests that this effect is *not* a result of high or escalating crime rates leading people to worry about general economic conditions. These relationships – between consumer sentiment and crime – hold even when the unemployment rate and the gross domestic product (GDP) are held constant statistically. GDP and unemployment each had statistically significant relationships with some of the crime rates. However, the results of additional analyses suggest that “part of the effect of GDP on robbery, burglary, and larceny is a function of the relationship between GDP and consumer sentiment.” Said differently, when the economy is, in fact, going down, people become less optimistic and, in these circumstances, crime rates tend to increase.

Conclusion: Collective economic perceptions and attitudes – or more specifically economic confidence and optimism – had an influence on robbery and property crime

rates during the period 1970-2003. Furthermore, it is estimated that a substantial amount of the ‘crime drop’ of the 1990s can be attributed to improving consumer sentiment. These effects appear to be somewhat independent of normal economic indicators (unemployment and gross domestic product).

Reference: Rosenfeld, Richard and Robert Fornango (2007). The Impact of Economic Conditions on Robbery and Property Crime: The Role of Consumer Sentiment. *Criminology*, 45 (4), 735-769.”

Japan's homicide rate dropped 70% in the last 50 years largely as a result of a dramatic drop in the rate of homicides by young males.

A high violence or homicide rate among young males is often thought to be 'universal' across cultures. John Braithwaite, in his now classic book *Crime, Shame and Reintegration* (1989) listed as the first two "facts a theory of crime ought to fit" the findings that "Crime is committed disproportionately by males" and "Crime is perpetrated disproportionately by 15-25 year olds" (p. 44-45). Similarly, Gottfredson and Hirshi (1990) in their book *A General Theory of Crime* suggest that "The effect of age [on crime] is everywhere and at all times the same" (quoted, p. 150).

Japan's homicide rate currently is dramatically lower than that of almost every country for which data are available. This was not always the case. Between 1885 and 1931, the rate (*including* attempts) fluctuated between about 2.5 and 4.5 per 100,000 people. It was in this same range immediately after World War II. However, beginning in 1955, the rate began a steady decline, stabilizing at around 1.0 in 1990. Canada's homicide rate, in contrast, increased sharply in the 1960s until the mid-1970s when it hit about 3 per 100,000. Since then it has drifted downward to its current rate of about 2 per 100,000 residents.

Japan's decline is not the result of general changes in homicide rates across all age groups. It is largely a result of the decline in murders committed by young men. In 1955, it is estimated that there were about 23 murders per 100,000 men aged 20-24. Since 1990, the corresponding rate is about 2.0 per 100,000 men of this age. "Japanese males not only commit fewer murders than youth in other countries, they kill far less frequently than their predecessors did in previous decades" (p. 150). It is men in their 40s and 50s who

are most likely to kill. Generally speaking, however, Japan's homicides are distributed rather equally across offenders between the ages of 18 and 60. This is completely different from the age distribution of homicide offenders in most western countries.

Japan is not, however, unique in the world. In South Korea, people in their 30s and 40s account for more homicides than do people in their 20s. Indeed, of those South Korean offenders whose age is known, 32% were in their 30s and an additional 35% were in their 40s compared to only 14% who were in their 20s. In contrast, looking at those offenders whose ages were known in the U.S., only 18% were in their 30s and 12% were in their 40s compared to 43% who were in their 20s. Homicide offenders and victims in Russia also tend to be older than in other industrialized nations

Conclusion: Japan's homicide rate dropped dramatically in the past 50 years largely because of a dramatic decrease in homicide by young males. Nevertheless the "Japanese media and government officials often depict the nation's youth as morally vacuous 'monsters in the house'."

Furthermore, "commentators increasingly claim that youth are a root cause of [Japan's] purported 'law and order collapse'" (p. 152). The reasons for the differences between Japan and most other countries are not clear. It does not seem to be due to the economy since homicide rates have not increased since Japan's economic problems began in 1990. And, more importantly, this explanation – like others that have been offered for Japan's overall low homicide rate – does not account for the unusual age distribution of homicide. In the end, understanding the difference between the rate and distribution of homicides in Japan and those of most western countries may help us understand the nature of homicide more generally.

Reference: Johnson, David T. (2008). The Homicide Drop in Postwar Japan. *Homicide Studies*, 12 (1), 146-160.

A volunteer community-based program for sex offenders reduces re-offending.

Although sex offenders do not have unusually high recidivism rates (see *Criminological Highlights*, 9(2)#5, 8(3)#8, 6(6)#8, 6(3)#3, 5(1)#4, 3(3)#3), and, when they do re-offend are likely to commit offences other than sex offences, the belief that they are extremely likely to reoffend has led to a number of special procedures aimed at reducing further offending. Circles of Support and Accountability (COSA) is one such approach used in parts of Ontario, Canada. The program focuses on individual sex offenders who are released from penitentiary at the end of their sentences (i.e., who are not released on parole and not released under normal 'statutory release' at the 2/3 point in their sentences). The offender 'voluntarily' agrees to meet regularly with a group (or circle) of 4-7 trained volunteers and often meet individually with members of the 'circle' outside these sessions. The group provides support and attempts to help the offender follow a written set of rules. The group also provides help with issues that arise as the offender re-enters society. The Correctional Service of Canada indicates on its website that the work of the circles is supported by "community agencies, treatment providers like psychologists, sometimes parole or probation officers, the police, and the courts." Courts have often imposed 'peace bonds' on the offenders with various restrictive conditions.

This study compared recidivism rates of 60 offenders who had participated in this program with a matched set of 60 sex offenders (matched on the best available measure of the likelihood of recidivism) released at more or less the same time. Both groups were detained until the end of their sentences, indicating that in the opinion of both the correctional and parole authorities, they had high likelihood of re-offending. The matching also ensured that members of the two groups had received similar treatment while in penitentiary. The only pre-existing differences between the groups were that members of the COSA group had victimized more people, and were less likely to have victimized only women and on one of the measures of predicted recidivism were predicted to be slightly *more* likely to re-offend. The follow-up period averaged about 4.5 years for the two groups. Sexual and other violent recidivism was defined as being charged with any offence. In addition, any form of offending (including breaching a condition of a 'peace

bond' if the offender was subject to such an order) was measured.

Only 5% of the COSA group was charged with committing a sexual offence during the follow-up period, a rate that was significantly lower than that of the comparison group (17%). The offences of the three COSA group members who were charged were "qualitatively less severe or invasive than the offence for which they had most recently served a sentence" (p. 332). This was not true for the comparison group. Their offences were just as serious as the offences that resulted in their initial incarceration. Similarly, the rate of violent (including sexual) recidivism for the COSA group (15%) was less than half the violent recidivism rate of the comparison group (35%).

Conclusion: The Circles of Support and Accountability project is highly structured. Volunteers are trained; a detailed manual exists; and there are clear rules about how supervision is to take place. Within this context,

therefore, it is reasonably clear that the program can reduce sexual and violent re-offending dramatically when its outcomes are compared to a comparable group of offenders who were not offered the program. Though the program results appear to suggest that the program is effective, it is not perfect: some re-offending still occurs. From a policy perspective, however, it is important to place this decreased rate of re-offending in its proper comparative context.

Reference: Wilson, Robin J., Janice E. Picheca, and Michelle Prinzo. (2007) Evaluating the Effectiveness of Professionally-Facilitated Volunteerism in the Community-Based Management of High-Risk Sexual Offenders: Part Two – A Comparison of Recidivism Rates. *The Howard Journal*, 46 (4), 327-337.

The War on Drugs in the United States was lost on the battlefield. But it did have a dramatic impact on the operation of the criminal justice system.

The American War on Drugs, which began in 1982, was successful on one dimension: the number of drug arrests in the U.S. increased from about 581,000 in 1980 to 1.8 million in 2005. In 2005, most of these arrests (81%) were for simple possession of drugs, and most (43%) of all drug offences involved marijuana. Surveys indicated that drug use in the U.S. had begun to decline *prior* to the beginning of the War on Drugs, and by 1991 these levels had declined by more than half. Nevertheless, drug arrests – increasingly marijuana possession arrests (see, for example, *Criminological Highlights*, 8(5)#8) – continued to increase. There is no evidence that the ‘war’ reduced drug consumption at all.

One problem with a program that targets ‘soft’ drugs such as marijuana is that resources used in an attempt to suppress the use of these drugs use might be better employed elsewhere. In Illinois, for example, between 1984 and 1989, drug arrests increased by 47%, and impaired driving arrests decreased by 23%. The most dramatic shift, of course, is in the use of prison resources. In 1980, 6% of state prison inmates and 25% of federal prison inmates were there for drug offences. By 2003, these percents had increased to 20% for state prisons and 55% for federal prisons. Overall, the *number* people in jails and prisons serving for drug offences increased from about 41,000 in 1980 to about 494,000 in 2003. The proportion of women who are in prison for drug offences is higher than the proportion of men who are in prison for these offences. Obviously, most of these drug offenders were not important importers or suppliers of drugs.

The focus on drugs has had additional unfortunate effects: many other Americans are in prison for drug related offences. Most state prison inmates in 2004, for example, had used drugs in the month prior to their arrest, and about one in six reported

committing an offence to obtain money to purchase drugs. A decreasing proportion of state prison inmates who had used drugs in the month prior to their offence received drug treatment in prison (37% in 1991; 14% in 2004), perhaps as a result of the fact that basic incarceration costs for the various states have increased so much that funds are not available for treatment. The figures for federal inmates were about the same (34% in 1991 and only 15% in 2004). These are particularly important findings given that drug treatment has been shown to be cost effective (see *Criminological Highlights*, 1(6)#7).

African-Americans appear to be particularly likely to be casualties of the War on Drugs. Surveys suggest that they constitute about 13% of the American population and about 14% of those who use drugs at least once a month. However at the beginning of this decade, 37% of the drug arrests and 56% of those incarcerated for a drug offence were African American. About a third of crack cocaine users are apparently African-Americans, but 82% of those sentenced in federal court for crack cocaine are African Americans.

Conclusion: One of the many problems with the drug war is that it has focused largely on small ‘buy and bust’ law enforcement operations. Such approaches may constitute an efficient way of filling prisons, but these operations do little to stem the flow or use of drugs. In addition, they can have devastating impacts on the communities in which these operations take place. Perhaps as a result of the lack of effect of the war on the use and supply of drugs, other approaches to drugs have begun to gain some support. Sentencing systems, including the United States Sentencing Commission’s tough guideline sentence for crack cocaine have begun to be loosened in their application or reduced. Drug courts are becoming very popular. “These legislative developments represent an acknowledgement that the past strategy [focusing on] enforcement has failed to stem the tide of drug abuse, while creating unsustainable growth in the correctional system” (p. 26).

Reference: Mauer, Marc and Ryan S. King. (2007). *A 250-Year Quagmire: The War on Drugs and Its Impact on American Society*. Washington, D.C. The Sentencing Project. www.sentencingproject.org

The reasons for gang membership amongst early adolescents vary with the race or ethnicity of the youth. Interventions aimed at reducing gang membership should, therefore, take into account why young people are in those gangs.

Although gang membership is not exclusively the domain of racial and ethnic minorities (see, for example, *Criminological Highlights*, 8(6)#3), there are data from a number of studies that suggest that minority group youths are more likely than others to be involved in gang-related activity. In this study of 4,997 youths in Grade 8 who had been in schools in which a gang resistance education program had taken place the previous year in “11 geographically and demographically diverse sites across the U.S.” (p. 607), 4.8% of whites reported being in gangs, compared to 8.7% of African-Americans, and 10.5% of Hispanics. .

It has been suggested that the special attraction of gangs to minority group members could be, in part, a response to marginalization of these youths. Marginalization can occur in various ways. In particular, it is suggested that social and economic conditions “disrupt social control institutions, such as family, schools, and law enforcement. [Then] a street subculture [which] fills the void left by these eroded institutions precipitates street socialization and pushes some adolescents into gangs” (p. 604).

Although respondents in this study were asked if they had ‘ever’ been in a gang, the findings reported here relate only to whether a youth was in a gang at the time the data were collected. In addition, respondents were classified as being in a gang only if they also indicated that the gang was involved in one or more illegal activities.

Consistent with findings from other studies, those who were male, African-American or Hispanic, and those who lived in a single parent family were more likely to be gang members. The predictors of gang membership,

however, varied somewhat across groups. For Whites, those most likely to be gang members were those whose parents had relatively low levels of education, who indicated that they felt lonely (at school, or with their family or friends) and who indicated that they didn’t feel it important to obey the law (e.g., they agreed with such statements as “It is okay to steal something if that’s the only way you could ever get it”) (p. 610).

For African Americans and Hispanics, the predictors of gang membership for youths aged 13-15 were somewhat different. For African-Americans, those who were most likely to be gang members were those youths who had the following characteristics: youths who felt alienated from school (e.g., youths who felt that school was a waste of time and didn’t feel that it provided them with a future); youths who thought the police were unfair, dishonest, and/or prejudiced; youths who didn’t think it important to obey the law; and youths who hung out with friends in locations where drugs and alcohol were available. The predictors of current gang membership

for Hispanic youths were relatively similar to those for African-American youths.

Conclusion: In general, factors related to feelings of marginality were important in predicting whether 13-15 year old youths were involved in gangs. Clearly, however, the factors that predict whether a youth is a member of a gang at a given point in time depend, to some extent, on the race/ethnic background of the youth. Hence it is important to consider race/ethnicity when crafting programs that might be used to reduce involvement in gangs that are involved in illegal activities.

Reference: Freng, Adrienne and Finn-Aage Esbensen (2007). Race and Gang Affiliation: An Examination of Multiple Marginality. *Justice Quarterly*, 24(4), 600-628.f