



# *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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*Criminological Highlights* is prepared by Anthony Doob, Rosemary Gartner, John Beattie, Luca Berardi, Holly Campeau, Carla Cesaroni, Tom Finlay, Maria Jung, Alexandra Lysova, Ron Levi, Natasha Madon, Katharina Maier, Voula Marinos, Nicole Myers, Holly Pelvin, Andrea Shier, Jane Sprott, Sara Thompson, and Kimberly Varma.

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

1. What aspect of Canada’s Youth Criminal Justice Act has been a (relative) failure?
2. Why were Mexican-American boys less likely than white boys to be given “out-of-family placements” for criminal offences in the 1930s and 1940s in Los Angeles, California?
3. Is the experience of racial discrimination a cause of crime?
4. How do White Americans’ estimates of the proportion of crime that Black youths are responsible for affect Whites’ views about how young offenders should be punished?
5. How do people’s understanding of the causes of crime and their responses to crime shape their views about the manner in which society should respond to crime?
6. Does providing people information about crime change their attitudes about sentencing?
7. How do high imprisonment policies ensure that there are sufficient people to imprison?
8. What determines the rate of deportation of non-citizen criminals in the US?

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© Centre for Criminology and Sociolegal Studies, University of Toronto, Toronto, Ontario, Canada M5S 3K9

Telephone: 416.978.6438 x230 (Doob) x235 (Gartner) Fax: 416.978.4195

Email: [anthony.doob@utoronto.ca](mailto:anthony.doob@utoronto.ca) [rosemary.gartner@utoronto.ca](mailto:rosemary.gartner@utoronto.ca)

Courier Address: 14 Queen’s Park Crescent West

**The 2003 Canadian Youth Criminal Justice Act may have been generally successful in two of its explicit goals (reducing the use of youth court and youth custody) but has not been successful in addressing two status-like offences (failing to comply with bail orders or with sentences).**

These two offences (failing to comply with bail orders or with dispositions) appear to be the exception – but a very large exception – to the general decline in the use of youth court and youth custody for minor offences. It is also noteworthy that the reduction in the use of youth court for minor offences *other than* these two administration of justice offences can be traced directly to legislative provisions that explicitly encourage the use of non-court approaches for minor offences. It would appear that a lesson can be learned from the relative success of other parts of the youth justice legislation: change is unlikely to occur unless legislation is enacted that addresses this growing part of the youth court caseload in Canada.

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**In Los Angeles, California, during the 1930s and 1940s, Mexican-American boys who came before the juvenile court were less likely than white boys to be removed from their homes because court officials did not want to use expensive and scarce resources to try to rehabilitate them.**

Currently, the term “disproportionate minority confinement” of youths is a common enough problem that the acronym “DMC” is sometimes used, in the context of American juvenile justice, without the perceived need to explain either what the acronym stands for or its historically-specific origins and development. As the case of Mexican Americans in Los Angeles during the 1930s and 1940s illustrates, when out-of-home placements were still seen as a means of providing beneficial services to delinquent youths, minority boys were, at least in some courts, less likely than whites to be removed from their homes. These findings suggest that the present over-representation of minority youth in custodial institutions is related to the decline of the rehabilitative ideal and the greater association of out-of-home placement with punishment and incapacitation rather than treatment and rehabilitative services.

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**The experience of racial discrimination by African Americans appears to be a cause of increased offending by members of this group.**

This study suggests that “interpersonal racial discrimination is an important source of offending among African Americans and thus [is] a contributor to racial disparities in crime” (p. 668). But the study also highlights “the effects of preparation for bias, which protected against the criminogenic effects of discrimination” (p. 668). Preparation for bias “largely operated to reduce negative behavioural responses rather than cognitive or affective ones” (p. 668). Said differently, preparation for bias gave youths methods to cope in non-criminal ways with discrimination.

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**White Americans who believe that Black youths disproportionately commit crime and that whites are disproportionately the victims of violent crime are likely to believe that the youth justice system should be more punitive toward young offenders.**

Although “White Americans are only modestly supportive of punitive juvenile justice policies” (p. 695), “racialized views of youth crime play an important role in shaping public opinion on juvenile justice.... Punitiveness toward juvenile offenders tends to be higher among both Whites who believe that Black youths commit a larger proportion of juvenile crime in comparison with White youths, and those who think that Whites account for a larger percentage of violent crime victims in comparison with Blacks” (p. 697).

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**People who view crime as being the result of personal choices of those who commit offences are likely to express high levels of anger about crime. Those who are angry about crime are likely to be more punitive toward offenders.**

Those reporting that scenarios about crime made them feel angry were more punitive in their views about how offenders should be treated, a finding consistent with previous research (*Criminological Highlights* V10N3#5). Punitiveness was not associated, however, with being a victim, and after controlling for anger and worry about future crime, fear was not a significant predictor of punitive attitudes. However, the manner in which “individuals have conceptualized the reasons for crime appears to be a more important variable explaining punitive attitudes than emotions about crime” (p. 476). But those who made internal attributions were angrier about crime. It may be, therefore, that political rhetoric that conceptualizes crime as being solely the result of rational decisions by offenders, combined with rhetoric that legitimizes anger and worry in response to crime, may be an effective way of using crime policy to elicit political support.

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**Providing ordinary citizens with authoritative information about crime, the effect of harsh sentences, and mandatory minimum sentences appears to have an immediate impact on their general satisfaction with sentences and the courts. However, these effects are not long-lasting.**

It would appear that although information and deliberation about sentencing has an immediate impact, its effect is short lived, presumably, in part, because in many communities the assumption that harsh sentences are good is the dominant publicly expressed attitude. “Emotions of fear, anger, and disgust are... easy to elicit on topics of crime and punishment” (p. 161) and these emotions can lead to the expression of punitive attitudes toward sentencing. But a focus on these emotions ignores the fact that, when engaged with the issue of sentencing, the public appears to have more moderate views.

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**When the fathers of children under 12 years old are imprisoned, there is an increased likelihood that these children will offend as adults.**

The finding of a small but measurable effect of imprisonment of the father on the offending rate of his children when they are young adults is consistent with the growing literature on the effects of imprisonment on the families of those imprisoned (*Criminological Highlights* V12N6#7, V12N6#8). These findings, combined with those showing that imprisonment can increase the likelihood of future offending by those imprisoned (*Criminological Highlights* V11N1#1, V11N1#2), suggest that any presumed incapacitative impacts of imprisonment need to be assessed in the context of possible increases in criminal activity of those imprisoned and the family of the prisoner.

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**During some periods of American history, high rates of deportations of non-citizen criminals were associated with high rates of unemployment. This relationship held only when three factors were in place: law enforcement resources were available, the law made it relatively easy to deport, and judges had the power to control whether or not noncitizen offenders were to be deported.**

Rates of unemployment and criminal deportations are clearly linked, but only when laws, bureaucratic processes, and judicial discretion allow it. In recent years, with substantial resources focused on the deporting of non-citizen offenders and a diminished ability of judges to have an impact on deportations, the relationship between unemployment and criminal deportations essentially disappeared.

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**The 2003 *Canadian Youth Criminal Justice Act* may have been generally successful in two of its explicit goals (reducing the use of youth court and youth custody) but has not been successful in addressing two status-like offences (failing to comply with bail orders or with sentences).**

From 1984 onward, youths in Canada could not be brought to youth court for behaviour that was not also an offence if committed by an adult. In other words, 'status offences' were officially eliminated. However, what is normally non-criminal behaviour could be criminalized in two different ways: by prohibitions that were part of a bail order or conditions imposed as part of a sentence (e.g., as part of a probation order). Hence, for example, 'staying out late' could be criminalized if a youth had a curfew imposed as part of a bail or probation order. Similarly, a youth could be detained in custody for not going to school if attending school was part of a bail order.

Generally speaking, Canada's 2003 youth justice law has accomplished its central goals of diverting minor cases from the youth court and reducing dramatically the use of custody (*Criminological Highlights*, V10N1#1, V10N3#1). However, one exception to its success involves the two offences of failure to comply with an order (largely the violation of conditions of release on bail) and failure to comply with a disposition (or sentence). These two offences together currently (2011) account for over 20% of all youths charged with criminal offences. Furthermore, although the rate (per 10,000 youths) of bringing youths to court from 1998 onwards declined for all offences and for minor property and minor assaults in particular, the rates of bringing youths to court for failing to comply with bail conditions or dispositions increased during this same period.

Since 2003, under *Canada's Youth Criminal Justice Act*, the number of guilty findings for all offences as well as minor property offences and minor assaults continued to decline. This was not the case for failure to comply with bail conditions or dispositions. These have stayed the same or increased slightly. The picture is very similar

for custodial sentences: the rate (per 10,000 youths) of the imposition of custodial sentences for all offences and for minor property crimes or minor assaults has continued to decline in recent years, but this is not the case for these two administration of justice offences.

Data from one large Toronto court may help explain part of the problem. The number of conditions placed on youths released on bail has steadily increased since 2005. In addition, youths have increasingly been required – if they want to be released on bail – to sign documents allowing the police or others to monitor whether they are complying with 'treatment' orders or orders to attend school while on bail. Hence courts have not only 'criminalized' an increasing amount of normal behaviour, but they have increasingly required youths to make it easy for police to determine whether they are committing these 'status offences.'

Girls' youth court caseload is more likely than boys' caseload to involve failure to comply with a disposition. It also appears that girls are more likely than boys to fail to comply with their non-custodial sentences.

Similarly, girls are more likely (per 100 releases from pretrial detention) to be charged with failing to comply with bail orders than are boys.

*Conclusion:* These two offences (failing to comply with bail orders or with dispositions) appear to be the exception – but a very large exception – to the general decline in the use of youth court and youth custody for minor offences. It is also noteworthy that the reduction in the use of youth court for minor offences *other than* these two administration of justice offences can be traced directly to legislative provisions that explicitly encourage the use of non-court approaches for minor offences. It would appear that a lesson can be learned from the relative success of other parts of the youth justice legislation: change is unlikely to occur unless legislation is enacted that addresses this growing part of the youth court caseload in Canada.

*Reference:* Spratt, Jane B. (2012). The Persistence of Status Offences in the Youth Justice System. *Canadian Journal of Criminology and Criminal Justice*, 54(3), 309-332.

## **In Los Angeles, California, during the 1930s and 1940s, Mexican-American boys who came before the juvenile court were less likely than white boys to be removed from their homes because court officials did not want to use expensive and scarce resources to try to rehabilitate them.**

In the first half of the 20<sup>th</sup> century there was an optimistic belief that “fatherly, compassionate judges and well-trained probation officers would assist parents in guiding their children through adolescence while simultaneously rooting out the causes of crime” (p. 194). The assumption was that when families and the community failed, the court would act in the child’s best interest and remove the youth from the adverse environment.

In Los Angeles in the 1930s, Mexican Americans “suffered regular discrimination; they were prohibited from certain whites-only parks and restaurants; and they were assigned mainly to segregated schools” (p. 196). State, county, and federal governments attempted to deport and repatriate them and many were forced out of the country illegally. However, interventions by courts into the lives of Mexican-American children were seen, by some, as a form of child welfare (i.e., a privilege extended to them). The view was sometimes expressed that Mexican-American families expected the courts to take care of their children and were unfairly taking advantage of being in the United States.

During the 1930s and 1940s, Mexican-American children were disproportionately likely to be arrested by the police. Whether this was due to higher rates of offending, more concentrated enforcement of minority neighbourhoods, or the use of discretion by the police in screening out white youths is not clear. What is clear, however, is that when white and Mexican-American youths ended up in juvenile court in Los Angeles, white

youths were considerably more likely to be given dispositions that involved them being removed from the family. This held true even when age, family structure, whether they were receiving welfare, whether the youth was born in California, as well as the offence seriousness and prior involvement with the court were statistically controlled.

In California during this time, “out-of-family placements – and the newly developed youth forestry camps in particular – were viewed as scarce commodities to be reserved, largely, for more ‘deserving’ white boys. “For a variety of reasons, correctional officials concluded that Mexican-American youth were unresponsive to the programming offered at their institutions, and that the presence of too many Mexican Americans detracted from the rehabilitative programming designed primarily for whites” (p. 210). The lower likelihood of Mexican-American youths receiving a sentence of out-of-family placement, then, appears to be the result of conscious decisions to limit this group’s access to what were seen as beneficial services.

*Conclusion:* Currently, the term “disproportionate minority confinement” of youths is a common enough problem that the acronym “DMC” is sometimes used, in the context of American juvenile justice, without the perceived need to explain either what the acronym stands for or its historically-specific origins and development. As the case of Mexican Americans in Los Angeles during the 1930s and 1940s illustrates, when out-of-home placements were still seen as a means of providing beneficial services to delinquent youths, minority boys were, at least in some courts, less likely than whites to be removed from their homes. These findings suggest that the present over-representation of minority youth in custodial institutions is related to the decline of the rehabilitative ideal and the greater association of out-of-home placement with punishment and incapacitation rather than treatment and rehabilitative services.

*Reference:* Schlossman, Michael B. (2012). Less Interest, Less Treatment: Mexican-American Youth and the Los Angeles Juvenile Court in the Great Depression Era. *Punishment & Society*, 14(2), 193-216.

## The experience of racial discrimination by African Americans appears to be a cause of increased offending by members of this group.

In the US, it is well established that African Americans are more likely than others to be involved in certain kinds of crime. Higher rates of offending by African Americans are usually explained by structural differences (e.g., poverty, access to employment) between African Americans and others. This paper examines the hypothesis that personal experiences of racial discrimination increase the likelihood that people will become involved in crime.

In this study, African American families that included a Grade 5 child were recruited in two US states (Georgia and Iowa). Youths started their involvement in the study at age 10-12 and ended when they were 17-20. The number of different delinquent acts reported by the youth at age 17-20 was the focus of the study. 69% of youths reported involvement in at least one form of delinquency. Youths' experience with racial discrimination (e.g., "How often has someone said something insulting to you because of your race or ethnic background?") was assessed in their late adolescent years.

In addition, various other measures thought to be affected directly by experiences of discrimination were assessed. These included disengagement from conventional norms (how wrong the respondent saw certain deviant behaviours such as cheating on a test or criminal acts such as shoplifting to be), hostile views of relationships (e.g. agreement with questions like "When people are friendly, they usually want something from you") and depression (whether the respondent felt sad, irritable, worthless, etc.).

Racial discrimination had direct effects on disengagement from conventional

norms, hostile views of relationships, and depression. Each of these factors, in turn, was associated with increased delinquency. But in addition, experiencing racial discrimination had a direct effect on delinquency at age 17-20: those who had experienced discrimination reported higher levels of involvement in crime.

The survey also included questions related to practices within the family that were designed to assess levels of cultural socialization the youth experienced (e.g., taking the child to places reflecting racial heritage; being encouraged to read books about the youth's heritage) as well as questions related to practices of the adult family members in preparing youths for discrimination (e.g., talking about discrimination or prejudice, or talking about the possibility that people would treat the youth badly or unfairly). Cultural socialization reduced the effect of racial discrimination on disengagement from conventional norms but this did not translate into less offending at age 17-20. "Preparation for bias, on the other hand, significantly reduces the effects of discrimination on offending. It does so primarily by decreasing the effects of hostile views [of relationships], disengagement from

norms, and depression on increased offending" (p. 665).

*Conclusion:* This study suggests that "interpersonal racial discrimination is an important source of offending among African Americans and thus [is] a contributor to racial disparities in crime" (p. 668). But the study also highlights "the effects of preparation for bias, which protected against the criminogenic effects of discrimination" (p. 668). Preparation for bias "largely operated to reduce negative behavioural responses rather than cognitive or affective ones" (p. 668). Said differently, preparation for bias gave youths methods to cope in non-criminal ways with discrimination.

*Reference:* Burt, Callie Harbin, Ronald L. Simons, and Frederick X. Gibbons (2012). Racial Discrimination, Ethnic-Racial Socialization, and Crime: A Micro-sociological Model of Risk and Resilience. *American Sociological Review*, 77(4), 648-677.

## **White Americans who believe that Black youths disproportionately commit crime and that whites are disproportionately the victims of violent crime are likely to believe that the youth justice system should be more punitive toward young offenders.**

Previous research has demonstrated that White Americans who perceive that they live in neighbourhoods with high concentrations of Blacks are more likely to report high levels of fear of crime (*Criminological Highlights* V1N1#7). In addition, those White Americans who see Black Americans as responsible for a disproportionate amount of crime are most likely to be punitive (*Criminological Highlights* V7N1#5). This paper explores the possibility that support for a more punitive youth justice system is concentrated among those who view Blacks as largely responsible for youth crime and who believe that Whites are disproportionately victims of violence.

Youth justice systems in the US and in Canada have one important common element: they are based on the idea that youths who offend should be treated less harshly than adults who committed the same act. Though most research suggests that Americans and Canadians favour retaining a separate youth justice system, there is some support in each country for a harsher response to offending by youths. This study examines data from 743 White respondents to a US national poll carried out in 2010.

The main focus of the study was a set of 7 questions in which respondents indicated their level of support for specific punitive policies (e.g., “Trying more juveniles in adult courts”; “Making sentences more severe for juveniles who commit crimes”). In addition, respondents were asked what they thought should be “the youngest age that we should allow someone who commits a violent offence to be tried as an adult.” Respondents were asked two key variables related to race: “When you think about juveniles who commit crimes, approximately what percent would you say are White...

Black... Latino?” They were asked a similar question about victims of violent crime.

The White respondents were not, overall, very punitive toward young offenders. Most of the respondents (63%) thought that youths under 16 were too young to be tried as adults. In addition, most (81%) believed that it is generally possible to rehabilitate young offenders who have committed violent offences.

However, even when controlling for characteristics of the community (e.g., employment rate of the community, crime rate) and of the individual (e.g., age, sex, education, income, perceived victimization risk, whether their household had been victimized), those who saw delinquency concentrated among Black youths and those who saw Whites as disproportionately likely to be victims of violent crime were more likely to hold punitive attitudes toward young offenders. Similarly, those who saw Blacks as disproportionately responsible for youth crime were more likely to favour trying younger youths as adults. In other words, “among

Whites, judgements about whether [young] offenders possess qualities that warrant a legal distinction between them and adult criminals are influenced by racial concerns” (p. 694).

*Conclusion:* Although “White Americans are only modestly supportive of punitive juvenile justice policies” (p. 695), “racialized views of youth crime play an important role in shaping public opinion on juvenile justice.... Punitiveness toward juvenile offenders tends to be higher among both Whites who believe that Black youths commit a larger proportion of juvenile crime in comparison with White youths, and those who think that Whites account for a larger percentage of violent crime victims in comparison with Blacks” (p. 697).

*Reference:* Pickett, Justin T. and Ted Chiricos (2012). Controlling Other People’s Children: Racialized Views of Delinquency and Whites’ Punitive Attitudes Toward Juvenile Offenders. *Criminology*, 50 (3), 673-710.

## **People who view crime as being the result of personal choices of those who commit offences are likely to express high levels of anger about crime. Those who are angry about crime are likely to be more punitive toward offenders.**

About 12 years ago it was suggested that “the urge to punish the criminal is deep-seated and probably universal. People want order and are antagonistic to those who break it. Thus, it is not surprising that those who appeal to these emotions are likely to be successful. Indeed, their approaches resonate with public wishes” (*Criminological Highlights*, V4N3#1).

This paper argues that those who believe crime is the result of rational decision making on the part of offenders are also likely both to believe that offenders should be punished more severely and to respond to crime with anger. Furthermore, the emotion of anger in response to crime directly leads to the belief that offenders should receive harsh punishments.

Canadians 18 years and older in 6 provinces were interviewed by telephone in 2005. A scale of punitiveness toward offenders was created using respondents' agreement with 7 separate proposals such as “make sentences more severe for all crimes”, “make prisoners work on chain gangs”, “take away TV and recreation privileges from prisoners”, and “send repeat juvenile offenders to adult courts”. Fear was assessed by giving respondents 4 short scenarios (e.g., a house break-in) and asking them the degree to which each scenario made them fearful. They were then asked how much each of these 4 situations made them angry. Worry was assessed by asking questions such as “I worry about being robbed or assaulted in my own neighbourhood at night.” Internal attributions of crime involved

responses to 3 questions such as “Most criminals commit crimes because they know they can get away with it” (p. 459-461).

To estimate the relationships of internal attributions, anger, fear, and worry with punitiveness, various factors were statistically controlled, including political conservatism which, itself, was moderately related to punitive attitudes. Having been a victim of crime was unrelated to punitive attitudes. Above and beyond these control factors, those who made stronger internal attributions of crime (i.e., those who believe that offenders know exactly what they are doing when they commit crime) were more punitive. In addition, feelings of anger toward offenders and worry about being victimized in the future were each associated with punitive attitudes. Above and beyond all of these factors ‘fear’ had no effect.

*Conclusion:* Those reporting that scenarios about crime made them feel angry were more punitive in their views about how offenders should be treated, a finding consistent with previous research (*Criminological Highlights* V10N3#5). Punitiveness

was not associated, however, with being a victim, and after controlling for anger and worry about future crime, fear was not a significant predictor of punitive attitudes. However, the manner in which “individuals have conceptualized the reasons for crime appears to be a more important variable explaining punitive attitudes than emotions about crime” (p. 476). But those who made internal attributions were angrier about crime. It may be, therefore, that political rhetoric that conceptualizes crime as being solely the result of rational decisions by offenders, combined with rhetoric that legitimizes anger and worry in response to crime, may be an effective way of using crime policy to elicit political support.

*Reference:* Hartnagel, Timothy F. and Laura J. Templeton (2012). Emotions about Crime and Attitudes to Punishment. *Punishment & Society*, 14 (4), 452-474.



**Providing ordinary citizens with authoritative information about crime, the effect of harsh sentences, and mandatory minimum sentences appears to have an *immediate* impact on their general satisfaction with sentences and the courts. However, these effects are *not* long-lasting.**

In some western countries (e.g., Canada, the U.S., Australia), most residents, when asked to give their views about sentencing, tell pollsters that sentences are not harsh enough. It has often been asserted – and sometimes demonstrated – that when people are given some information about sentences, their views of sentences become more moderate. For example, when people are given information showing that having the death penalty does not reduce crime, there is an immediate reduction in support for the death penalty. However, a number of such studies suggest that the effect is not long lasting.

Some have suggested that to achieve lasting impact, people need to engage with the information through discussion and deliberation. However, little evidence exists that ‘once only’ engagement with issues surrounding sentencing will have lasting impact. In this study, the impact of discussion and deliberation about sentencing matters is examined over a relatively long time period (5-8 months).

A representative sample of 6005 Australian adults were interviewed (on the telephone) in 2008-9 (Time 1). They were asked questions about three aspects of sentencing: (1) their confidence in sentencing, (2) their preferences for harsh sentences, and (3) their willingness to accept alternatives to imprisonment for certain types of offenders. Most of those interviewed agreed to be interviewed at a later time.

Approximately 9 months later (Time 2) a random sample of 815 of this group were interviewed a second time (the ‘information session’). They were provided information about the purposes of sentencing and given some sentencing scenarios, and then they were asked to indicate which purposes should guide sentences.

Next, they were provided some key facts about sentencing (e.g., relative costs of prison and alternatives, the ineffectiveness of high imprisonment as a crime control technique, problems with mandatory minimum sentences). They were also asked to consider the importance of these facts in directing policy (e.g., whether to build more prisons). Finally, they gave their views on the same three issues they had been questioned about 9 months earlier.

About 7 months later (Time 3) these same people, and a randomly selected control group of people who had not been contacted for the (Time 2) ‘information session’ were interviewed. The views of members of both groups were assessed using the same scales.

The results are quite consistent across measures. The immediate impact of the information deliberation at Time 2 was significant on all three measures. People expressed more moderate views after engaging with sentencing information and sentencing purposes. However, at Time 3 – 7 months after people had been given information and had been induced to think about it – these moderating

effects of information disappeared almost completely: “No substantial differences could be observed between the group exposed to the intervention and the control group some 6-9 months after the intervention” (p. 160).

*Conclusion:* It would appear that although information and deliberation about sentencing has an immediate impact, its effect is short lived, presumably, in part, because in many communities the assumption that harsh sentences are good is the dominant publicly expressed attitude. “Emotions of fear, anger, and disgust are... easy to elicit on topics of crime and punishment” (p. 161) and these emotions can lead to the expression of punitive attitudes toward sentencing. But a focus on these emotions ignores the fact that, when engaged with the issue of sentencing, the public appears to have more moderate views.

*Reference:* Indermaur, David, Lynne Roberts, Caroline Spiranovic, Geraldine Mackenzie and Karen Gelb (2012). A Matter of Judgement: The Effect of information and Deliberation on Public Attitudes to Punishment. *Punishment & Society*, 14(2), 147-165.

## When the fathers of children under 12 years old are imprisoned, there is an increased likelihood that these children will offend as adults.

It is well established that children whose parents have committed criminal offences are, themselves, more likely to commit offences. Thus it is hardly surprising that children whose fathers spent time in prison are more likely than other children to offend. This paper allows an examination of the impact of imprisonment of fathers on their children while controlling for the criminal behaviour of the father.

This study tracks 5,981 children who were born in the early 1970s and tracked until 2003. All of them had fathers who were convicted of a crime in the Netherlands in 1977. Most of the fathers (59%) had been convicted of a crime but were never imprisoned. The fathers of the others had been imprisoned at least once before the child reached 18. The criminal convictions of the father may have taken place before the child was born, when the child was less than 12 years old, or between 12 and 18, or some combination of these.

In an analysis without control variables, the imprisonment of the father was associated with a higher rate of offending (likelihood of offending each year after age 18) for both boys and girls. It appears that the effect of the father's imprisonment was largest when the father was imprisoned between the child's birth and when the child was 12 years old.

Some of the controls that were added – for example whether the parents separated at some point before the child turned 18 years old – could well be, in part, a consequence of imprisonment of the father.

Nevertheless, adding various controls – the offending history of the father, whether the parents separated, whether the father was born outside of the country, whether the child was born when the mother was under 20 years old – reduced, but did not eliminate the impact of the father's imprisonment. “Children whose father was imprisoned between ages 0 and 12 thus have a significantly higher chance of a conviction, even after accounting for the father's criminal history (and other family characteristics) compared to children whose fathers never went to prison” (p. 98).

The impact of the imprisonment of the father was significant, but rather small in size once the offending history of the father had been taken into account. One possible explanation for the small effect is that during the period of the study “the Netherlands had a history of an extended social welfare system and... a relatively mild penal climate with relatively low prison populations” (p. 101).

*Conclusion:* The finding of a small but measurable effect of imprisonment of the father on the offending rate of his

children when they are young adults is consistent with the growing literature on the effects of imprisonment on the families of those imprisoned (*Criminological Highlights* V12N6#7, V12N6#8). These findings, combined with those showing that imprisonment can increase the likelihood of future offending by those imprisoned (*Criminological Highlights* V11N1#1, V11N1#2), suggest that any presumed incapacitative impacts of imprisonment need to be assessed in the context of possible increases in criminal activity of those imprisoned and the family of the prisoner.

*Reference:* Van de Rakt, Marike, Joseph Murray, and Paul Nieuwbeerta (2012). The Long-Term Effects of Paternal Imprisonment on Criminal Trajectories of Children. *Journal of Research in Crime and Delinquency*, 49(1), 81-108.

**During some periods of American history, high rates of deportations of non-citizen criminals were associated with high rates of unemployment. This relationship held only when three factors were in place: law enforcement resources were available, the law made it relatively easy to deport, and judges had the power to control whether or not noncitizen offenders were to be deported.**

In 2009, the US deported approximately two hundred thousand non-citizen criminals. As a proportion of all deportations, criminal deportations were relatively rare before the 1980s except during the Great Depression years. However, from the 1980s onwards, criminal deportations increased dramatically. The result of high deportation rates means that “approximately 1.6 million US residents are now separated from a spouse or child due to criminal deportation” (p. 1787).

Some have argued that the style of punishment generally, and the rate of deportation in particular, may be determined, in part, by the need for inexpensive labour. The issue of what to do with illegal immigrants is, of course, related to general views of immigration. This paper, then, examines the deportation of criminals in the context of policies and discourse on labour and immigration.

This paper divides the past century into three periods. From 1908 until 1940, there was the slow development of laws related to the deportation of non-US citizens, though “for most of this period, the social and political desire to expel criminals and ‘immoral classes’ was widespread” (p. 1795). From 1941 to 1986, we see the beginning of active controls on non-citizens. Non-citizens were required to be registered in 1940 and “by 1941 the machinery of deportation was effectively in place” (p. 1796). This machinery included a list of deportable offences. Nevertheless, during this period of time, judges could decide on a case-by-case basis whether a particular offender should be deported, thus allowing them to ameliorate the impact of the prosecution if there were extenuating

circumstances. The period 1987-2005 was very different. Harsh and rigid criminal justice penalty systems were being developed and the deportation bureaucracy was well established. These would be expected to increase numbers of deportations (which indeed did occur), but to reduce the relationship between unemployment and deportations (since judges did not have the power to block the deportation).

From 1908 until 1940, changes in unemployment had no relationship to changes in the number of criminal deportations, even though criminal deportations were up, in general, during the Great Depression. This may have happened because the deportation apparatus was underdeveloped and hence unable to respond to any external pressures. In the period 1940-1986, when there was “relative stability in the deportation law [and] a larger federal law enforcement bureaucracy and judicial discretion, unemployment emerges as a strong predictor of criminal deportation” (p. 1811). For most years during this period when there was a spike in unemployment, there was also a spike in deportations. In this period, it appears (from a count

of the number of New York *Times* stories on employment, immigration, and labour each year) that discourse on immigration and labour rose in times of high unemployment and this increased salience of the issue may account for part of the relationship between unemployment and criminal deportations. During the final period (1987-2005), changes in unemployment had no apparent relationship to the number of criminal deportations.

*Conclusion:* Rates of unemployment and criminal deportations are clearly linked, but only when laws, bureaucratic processes, and judicial discretion allow it. In recent years, with substantial resources focused on the deporting of non-citizen offenders and a diminished ability of judges to have an impact on deportations, the relationship between unemployment and criminal deportations essentially disappeared.

*Reference:* King, Ryan D., Michael Massaglia, and Christopher Uggen (2012). Employment and Exile: US Criminal Deportations, 1908-2005. *American Journal of Sociology*, 117(6), 1786-1825.