



Centre for Criminology & Sociolegal Studies  
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# *Criminological* Highlights

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

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*Criminological Highlights* is available at [www.criminology.utoronto.ca](http://www.criminology.utoronto.ca) and directly by email.

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

1. Do punitive policies directed at disruptive students affect other students in the school?
2. Are people released from prison after serving time for a homicide offence likely to reoffend?
3. Does attending an ‘advantaged’ school affect all students equally?
4. Does making a victim impact statement have therapeutic effects for victims?
5. Is procedural justice important for young people?
6. Do those who favour harsh penalties for offenders also believe that poor people in our communities are largely responsible for their condition?
7. Does an arrest without a charge hurt a person’s life chances?
8. How can a well-meaning police officer’s polite treatment of an eyewitness undermine the accurate identification of an offender?

**Punitive policies in schools interfere with the school performance of students who are not directly subject to those policies.**

The findings suggest that “punishment is not a discrete response to certain transgressions, but a system of social order that produces wider meanings and consequences” (p. 1083). It may be that “high suspension environments can create a heightened sense of anxiety, constituting a psychological burden of control” (p. 1083). In addition, “frequent use of suspension [may] disrupt school communities” (p. 1083) or could undermine the sense that people are being treated fairly. Whatever the reasons, the “findings level a strong argument against punitive and control-oriented school policies that result in high suspension rates” since these policies “threaten the academic success of all students, even those who have never been suspended” (p. 1085).

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**People who have been incarcerated for homicide offences are very unlikely to commit another homicide offence when they are released back to the community.**

Parole authorities are cautious about releasing those convicted of murder. This is reflected by the fact that 82% of those serving sentences for 1<sup>st</sup> degree murder in Canada are currently in custody. The only certain way to reduce reoffending in the community to zero for those convicted of murder would be to prohibit release of *everyone* serving a life sentence for murder. To reduce the number of ‘repeat homicides’ by those convicted of 1<sup>st</sup> or 2<sup>nd</sup> degree murder to zero, Canada would have to imprison the 1749 people serving life sentences for murder currently in the community, at a net additional cost (imprisonment cost minus supervision cost) of \$145 million a year. Focusing on, and focusing resources on, this group, however, ignores the fact that 99.6% of homicides in Canada were *not* committed by those who had committed a previous homicide offence.

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**Youths who are enrolled in “advantaged” schools – most notably boys and those who are especially high risk for offending – are less involved in offending than would be the case if they were in less advantaged schools.**

The impact of personal characteristics normally related to involvement in delinquency – being male and being impulsive/sensation-seeking are reduced in favourable settings (advantaged schools). It is possible that the advantaged schools have higher levels of social cohesion and social control, or that the youths are simply exposed to fewer risk factors. Whatever the reason, it would appear that providing favourable settings for ‘at risk’ youths, in particular, can reduce offending.

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**Providing a court with a victim impact statement does not necessarily make victims less anxious or angry. Other factors – also in control of the justice system – may be more important determinants of the recovery process.**

The data suggest that the act of providing a written or oral victim impact statement cannot be assumed to have positive therapeutic effects. Nevertheless, the choice to provide a victim impact statement sets those victims apart from those who do not, and highlights the need to focus on “helping crime victims overcome the trauma they have experienced and examine possible positive effects of participating in criminal justice procedures” (p. 31).

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**Procedural justice is just as important for youths as it is for adults in understanding their views of the legitimacy of the police and their willingness to report crimes to the police.**

“Procedural justice policing has many advantages over a coercive deterrence-based policing approach. The main advantage is that the motivation by young people to obey the rules and norms of society, as well as obey police directives, is self-regulatory under a procedural justice policing model. This means that... people voluntarily defer to police requests and directives and are less likely to challenge and defy police decisions” (p. 71). It appears that youths’ views of the police, once established, are related to cooperation with the police in much the same way as they are for adults. Once again, the findings demonstrate the importance of fair and respectful treatment by the police of ordinary citizens – for both youths and adults.

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**Residents of Canada, the UK, USA, Australia and New Zealand who believe that people are responsible for - and should be held responsible for - their own economic welfare also believe that sentences are too lenient.**

The results support the conclusion that economic individualism and dispositional attributions of crime are linked to punitive attitudes. “Relatively consistently across the countries studied, a belief that success is the product of hard work and a preference for individual responsibility for one’s own economic well-being predicts support for punitive sentencing” (p. 39).

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**Records of arrests by police *not* leading to convictions make it difficult to get a job.**

When applying for entry level jobs, it would seem that people are slightly disadvantaged if they have a record of misdemeanour arrest. However, the effect is not large. Furthermore, the presence of an African-American in the workplace – which reduces the size of the effect of a low level record for other African-American – suggests the possibility that these employers are familiar with the fact that these non-conviction records do not predict workplace behaviour.

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**Telling eyewitnesses that they have successfully identified a suspect who, in fact, is innocent, reduces the likelihood that, subsequently, they will be able to identify the correct suspect.**

Giving eyewitnesses feedback that they are correct in their identification is dangerous: if it turns out that the first culprit is quickly shown to be innocent (e.g., if other evidence turns up demonstrating that he could not have committed the offence), the witnesses’ ability to identify the actual culprit has been impaired, unnecessarily. The results suggest not only that the police should not give positive feedback to eyewitnesses, but also that mis-identifications from lineups with very dissimilar people in them are particularly likely to impair memory of the actual offender.

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## **Punitive policies in schools interfere with the school performance of students who are not directly subject to those policies.**

Perhaps the most punitive policies under the control of schools involve the suspension of troublesome students. School suspension rates in the US public schools have doubled since the 1970s. A key rationale for policies encouraging the suspension of troublesome students is that it benefits non-suspended students. The difficulty, as some research has suggested, is that “a punitive school environment can subvert genuine institutional authority and create student apathy and disconnection” (p. 1071).

This study examines the effect of school suspensions on math and reading achievement in 16,148 students in Grades 6-10 in 17 schools over a three year (6 semester) period. 22% of the students had experienced at least one suspension during their school careers. The number of suspensions in a *school* during a given semester was used to predict test performance at the end of that semester. Because of the longitudinal design, students, in effect, act as their own control, since each student's change in performance can be examined as a function of variation in school disciplinary practices over time. The analysis, however, focuses only on those students not suspended during the three years of the study in order to understand the effect of suspensions (of other students) on those still in school. Various other individual measures are included in order to control for differences in students (e.g., economic factors, disciplinary infractions, whether the student was receiving special education services) and differences in the schools (e.g., racial makeup, overall student characteristics, drug and violence problems).

The effect of the number of school suspensions on the reading scores of those students not suspended is curvilinear. “Increasing school suspension is associated with very modest growth in reading achievement, to about the mean level of exclusionary discipline, at which point achievement begins to decline rapidly with increasing suspension” (p. 1076). The harm associated with increasing exclusionary discipline is particularly strong in schools with low levels of violence. In very violent schools, the negative effect of high levels of suspension can still be seen, but the effect is less pronounced.

The results for math achievement were very similar. “High levels of exclusionary discipline threaten math achievement in all schools but are particularly problematic in organized and non-violent environments” (p. 1079).

In interpreting these results, it is important to recall that the effects that are described relate to those students who are not suspended. In other words, excluding those who, presumably, are disruptive has negative impacts on those who are not misbehaving.

*Conclusion:* The findings suggest that “punishment is not a discrete response to certain transgressions, but a system of social order that produces wider meanings and consequences” (p. 1083). It may be that “high suspension environments can create a heightened sense of anxiety, constituting a psychological burden of control” (p. 1083). In addition, “frequent use of suspension [may] disrupt school communities” (p. 1083) or could undermine the sense that people are being treated fairly. Whatever the reasons, the “findings level a strong argument against punitive and control-oriented school policies that result in high suspension rates” since these policies “threaten the academic success of all students, even those who have never been suspended” (p. 1085).

*Reference:* Perry, Brea L. and Edward W. Morris (2014). Suspending Progress: Collateral Consequences of Exclusionary Punishment in Public Schools. *American Sociological Review*, 79(6), 1067-1087.

## People who have been incarcerated for homicide offences are very unlikely to commit another homicide offence when they are released back to the community.

Releasing homicide offenders into the community is often controversial. The Canadian Minister of Justice recently introduced a bill requiring life without parole for certain homicide offenders, suggesting that it “demonstrates our continued commitment to protecting Canadians.” The question is whether there is a *special* need to protect ordinary citizens from those released on parole from, or after serving, a prison sentence for murder or whether protection from homicide specifically, or violent offences more generally, could best be accomplished by investing resources elsewhere.

In a Swedish study, 153 homicide offenders were tracked for 32 years. Five (3%) committed a subsequent homicide offence (2 murders and 3 other homicide offences). Those homicide offenders who, during the follow-up period, committed any serious offence (10% of the sample) were substantially younger when they committed the first offence (29) than those who did not commit another violent offence (36). Repeat homicides occurred an average of only 5.0 years (range 1-11 years) after the earlier homicide, reflecting the fact that in Sweden sentences tend to be considerably shorter than in the US or Canada. Repeat homicide offenders tended to be young when they committed their first offence, and were still relatively young when they committed their second.

An American study, examining the 3-year recidivism rates of prisoners released in 15 states, also shows low rates of homicide re-offending. In that study 1.2% of 4,433 people released from prison after serving a sentence for any form of homicide were re-arrested for a subsequent homicide offence. However, this group was dramatically more likely to be re-arrested for a property (10.8%) or drug offence (13%) than for homicide. Those released after serving time for

homicide were responsible for fewer than 1% of all homicides that occurred during this period.

A Canadian report on 4,131 people who had previously committed murder found that 13 of them who were on full or day parole committed repeat homicide offences from 1975 to 1999. One of these 13 had previously been convicted of capital or first degree murder. An additional 24 of the 7,652 offenders serving sentences for manslaughter committed another homicide offence while on conditional release. Most of this latter group (16) were on ‘statutory release’ (a presumptive form of supervised release prior to the end of the sentence for those not released on parole). “Repeat homicide offenders [of all types] on conditional supervision accounted for less than four tenths of 1% of the [15,266] reported homicide deaths in Canada [during this 24 year period]” (p. 5).

*Conclusion:* Parole authorities are cautious about releasing those convicted of murder. This is reflected by the fact that 82% of those serving sentences for 1<sup>st</sup> degree murder in Canada are currently in custody. The only certain way to reduce reoffending in the community

to zero for those convicted of murder would be to prohibit release of *everyone* serving a life sentence for murder. To reduce the number of ‘repeat homicides’ by those convicted of 1<sup>st</sup> or 2<sup>nd</sup> degree murder to zero, Canada would have to imprison the 1749 people serving life sentences for murder currently in the community, at a net additional cost (imprisonment cost minus supervision cost) of \$145 million a year. Focusing on, and focusing resources on, this group, however, ignores the fact that 99.6% of homicides in Canada were *not* committed by those who had committed a previous homicide offence.

*Reference:* Sturup, Joakim and Per Linqvist (2014): Homicide Offenders 32 years Later: A Swedish Population-based Study on Recidivism. *Criminal Behaviour and Mental Health*, 24, 5-17.  
Langan, Patrick. A. and David. J. Levin (2002). Recidivism of Prisoners Released in 1994. US Department of Justice: Bureau of Justice Statistics.  
National Parole Board of Canada (1999). Repeat Homicide Offences Committed by Offenders Under Community Supervision.

## **Youths who are enrolled in “advantaged” schools – most notably boys and those who are especially high risk for offending – are less involved in offending than would be the case if they were in less advantaged schools.**

It is well established that youths' own levels of delinquency are affected by the delinquency level of those whom they spend time with (see *Criminological Highlights* 6(4)#5, 6(4)#6, 7(4)#5, 10(5)#3, 10(6)#4, 14(2)#3, 14(2)#4). This paper extends these findings by relating the characteristics of the school that a young person attends to the youth's involvement in delinquency. Specifically, the paper examines the differential impact of the school environment on youths who vary in personality characteristics related to involvement in delinquency.

Schools in many cities vary dramatically in terms of the socioeconomic status of the families of the students, the ethnicity of the students, and the likelihood that students have been involved with the justice system. Thus, like neighbourhoods (see *Criminological Highlights* 1(2)#2, 8(1)#5, 8(2)#4, 9(6)#6, 10(5)#3, 11(6)#8, 13(3)#6, 14(1)#5, 14(2)#5), schools may have an independent effect on a youth's offending. In addition, research has shown that youths with certain personality types – impulsivity and sensation seeking, for example – are more likely to be involved in crime. This paper investigates the hypothesis that the impact of personal characteristics related to offending in youths – being male and being impulsive/sensation seeking – is reduced in “advantaged” schools (those with large numbers of youths from relatively well-off families, etc.).

Data were collected from a sample of 5619 Grade 9 youths from 89 schools in Stockholm, Sweden. A measure of ‘school advantage’ was developed consisting of three highly correlated indicators: the average student marks at the school, the percent of students in the school born in Sweden, and the percent of students with at least one parent with post-secondary education.

A delinquency measure – self-reports of the frequency of 19 different offences, calculated so as to give more weight to more serious offences – was calculated for each student. Various individual controls were also included in the analyses: gender, how long the youth had lived in Sweden, parents' education, family structure, parental unemployment, alcohol and drug use, whether the youth smoked, and the youth's marks. Impulsivity/sensation seeking was measured by the youth's level of agreement with statements such as “I like doing exciting and dangerous things, even if they are forbidden” and “Sometimes I do things without thinking.”

Not surprisingly, delinquency was, overall, lower in the more advantaged schools, even controlling for the individual characteristics of the youths. Girls reported less delinquency than boys. More interesting was the fact that the impact of impulsivity/sensation-seeking traits was lower in more organized schools, even taking into account all of the control variables. Said differently, in the more advantaged schools, there was very little impact of the youth's level of impulsivity/sensation seeking; but in the less advantaged schools, there were strong effects of impulsivity/sensation-seeking. Similarly, the difference between

delinquency levels for boys and girls was lower in the advantaged schools.

*Conclusion:* The impact of personal characteristics normally related to involvement in delinquency – being male and being impulsive/sensation-seeking are reduced in favourable settings (advantaged schools). It is possible that the advantaged schools have higher levels of social cohesion and social control, or that the youths are simply exposed to fewer risk factors. Whatever the reason, it would appear that providing favourable settings for ‘at risk’ youths, in particular, can reduce offending.

*Reference:* Elkund, Jenny M. and Johan Fritzell (2014). Keeping Delinquency at Bay: The Role of the School Context for Impulsive and Sensation-Seeking Adolescents. *European Journal of Criminology*, 11(6), 682-70.

## **Providing a court with a victim impact statement does not necessarily make victims less anxious or angry. Other factors – also in control of the justice system – may be more important determinants of the recovery process.**

There is a great deal of variability in how people are affected by criminal victimizations. What is known, however, is that those who choose to provide the court with a victim impact statement (VIS) typically differ from those who decline to take advantage of this opportunity.

Although not all of those who are offered the opportunity to provide a VIS to the court actually do so, it has been suggested that it is important to provide people with the opportunity because it helps give victims some control over their recovery process. Focusing on feelings of anxiety and anger, this paper first looks at the differences among three groups of people who were offered the opportunity to make a VIS: those who choose not to provide a VIS and two groups of people who chose to provide a criminal court with a VIS – those whose VIS was in written form and those who made an oral VIS statement in court. The main interest in the study was change – from 2 weeks before the court appearance to 2 weeks after – in feelings of anxiety and anger as a function of the victim's choice of how to respond to the offer to make a VIS.

Dutch victims who were eligible to submit a VIS (as a victim of a serious violent crime or a surviving relative of one) filled out a questionnaire 2 weeks before the scheduled date for the trial and again 2 weeks after the trial. They were also interviewed 4 weeks after the trial. Anger was measured by degree of agreement with such questions as “When I get angry I stay angry” and “My anger has had a bad effect on my health.” Anxiety

was measured by the degree of agreement with “I can sit at ease and feel relaxed.” In addition, they were asked to indicate their feelings of the level of control they had over the recovery process. This was measured with questions such as “I don't feel there is much I can do to help myself feel better” (p. 24).

Women were more likely than men to choose to present an oral or written VIS. There were no age differences or differences in familiarity with the perpetrator for the three groups. Two weeks before the court appearance, those who had chosen to present a written or oral VIS were more anxious and reported lower levels of control over the recovery process than those who chose not to present a VIS. Those who provided a written VIS also had higher levels of anger, before the court appearance, than the other two groups.

Two weeks after the court appearance, the two VIS groups had higher levels of anxiety and anger than the group who chose not to present a VIS. “Delivering a VIS has no *direct* ‘therapeutic’ effects in the sense that this leads to significant decreases in feelings of anger or anxiety” (p. 30). Furthermore, there was “no evidence that delivering a VIS results in significantly higher feelings of control

over the recovery process” (p. 30). However, those victims who felt that they had been dealt with in a procedurally just fashion appeared to show reductions in feelings of anger and anxiety.

*Conclusion:* The data suggest that the act of providing a written or oral victim impact statement cannot be assumed to have positive therapeutic effects. Nevertheless, the choice to provide a victim impact statement sets those victims apart from those who do not, and highlights the need to focus on “helping crime victims overcome the trauma they have experienced and examine possible positive effects of participating in criminal justice procedures” (p. 31).

*Reference:* Lens, Kim ME, Antony Pemberton, Karen Brans, Johan Braeken, Stefan Gogaerts, and Esmah Lahlah (2015). *European Journal of Criminology*, 12(1), 17-34.

## **Procedural justice is just as important for youths as it is for adults in understanding their views of the legitimacy of the police and their willingness to report crimes to the police.**

A number of studies have demonstrated that the manner in which the police treat those whom they come in contact with is important in understanding citizens' views of the legitimacy of the police and their willingness to report offences to the police (see, for example, *Criminological Highlights* 4(4)#1, 7(1)#4, 11(4)#1). This study examines whether the effect of fair treatment on the perceived legitimacy of the police is the same for youths as it is for adults.

A heterogeneous sample of 513 youths (age 12-17) in grades 7-10 in a medium sized Australian city were sampled along with 2611 adults (age 18-94, mean=49) from the same city. In a written survey, police legitimacy was measured by the extent of agreement with statements such as "Most police are honest" and "I have great respect for the police." Respondents' views of procedural justice by police were measured as the extent of agreement with statements such as "It depends on what mood a police officer is in whether they book you/tell you off" or "Police treat you differently depending on where you live". Police effectiveness was measured with questions such as "How well do police do in dealing with problems that concern people in your suburb/at keeping an eye on gangs of young people?" (p. 76). Various control measures were included in regression analyses including age, gender, whether respondents were of Australian ancestry, and whether they had had recent contact with the police.

Regression analyses, carried out separately for youths and for adults, showed generally similar effects for youths and adults. Those who rated the police favourably on the measure of procedural justice were more likely to see

the police as acting legitimately in the community. A similar, and independent, effect on police legitimacy was found for police effectiveness. Further, those who viewed the police favourably on the procedural justice measures were also more likely than others to report that they would report crimes (e.g., a gang beating up someone). However, one effect was significant only for youths: youths, but not adults, who saw the police as being highly effective were more likely to indicate that they would report criminal incidents to the police.

The effects of procedural justice and police effectiveness on reporting criminal incidents to the police were mediated by views of the legitimacy of the police. When adults and youths believe that the police act in a procedurally fair way, they see police as generally acting legitimately. This, in turn, appears to increase the likelihood that they would report crime to the police. The results for adults are similar to those for youths, but it would appear that views of police legitimacy in adults do not fully mediate, or explain, the relationship between views of procedural justice of the police and the reporting of crime.

*Conclusion:* "Procedural justice policing has many advantages over a coercive deterrence-based policing approach. The main advantage is that the motivation by young people to obey the rules and norms of society, as well as obey police directives, is self-regulatory under a procedural justice policing model. This means that... people voluntarily defer to police requests and directives and are less likely to challenge and defy police decisions" (p. 71). It appears that youths' views of the police, once established, are related to cooperation with the police in much the same way as they are for adults. Once again, the findings demonstrate the importance of fair and respectful treatment by the police of ordinary citizens – for both youths and adults.

*Reference:* Murphy, Kristina (2015). Does Procedural Justice Matter to Youth? Comparing Adults' and Youths' Willingness to Collaborate with Police. *Policing and Society*, 25(1), 53-76.

## Residents of Canada, the UK, USA, Australia and New Zealand who believe that people are responsible for - and should be held responsible for - their own economic welfare also believe that sentences are too lenient.

The term “economic individualism” usually refers to a set of beliefs supporting the view that “each individual is responsible for their own welfare and that economic success is a function of hard work and thrift” (p. 28). There are two reasons “to expect that economic individualism may be relevant to explaining punitive attitudes: economic individualism results in dispositional attribution of crime, and economic individualism causes negative attitudes toward the poor” (p. 29).

Economic individualism may encourage people to believe that an offender’s behaviour is completely subject to their own control and that social or community factors are irrelevant in understanding why people commit offences (see also, *Criminological Highlights* 13(1)#5). Crime, therefore, is seen as being the result of a strategic decision that a person makes on how to maximize personal rewards. Belief in this theory of crime, would logically lead one to assume that crime can be effectively controlled by making the ‘cost’ of crime higher with harsher penalties.

But in addition, economic individualism may cause negative attitudes towards the poor, since they have demonstrated that they are not exerting effort to move themselves from poverty. Poverty and low status are seen as a consequence of personal failure, not structural features of society. Punitiveness, then, is “part of a general constellation of resentment toward, and scapegoating of [the poor]” (p. 31).

This study examines the relationship between economic individualism and punitive attitudes in Canada, the UK, USA, Australia and New Zealand. The measures used include two types of

economic individualism. “Descriptive individualism” reflects “whether respondents attribute people getting ahead in life, or being in need, to personal effort” (p. 33). Normative individualism, on the other hand, reflects respondents’ views of whether the governments should take an active role in providing for people and improving their standards of living. Punitiveness was measured by support for harsher sentences and support for the death penalty. Various control factors (age, gender, minority status, education, income, religiosity, marital status, and conservatism) were included in the analysis.

Data from surveys collected for various other purposes from these five countries were analyzed for this study. Because the surveys were each carried out independently, the measures varied somewhat from country to country, and not all measures were available everywhere. Overall, in theory, there might have been 20 tests of the hypothesis (2 types of individualism by 2 measures of punitiveness, by 5 countries). However, data were only available for 18 tests of the hypotheses. Sample sizes varied, for the individual analyses, from 419 to 5758.

In 15 of 18 tests of the hypothesis the relationship between individualism (descriptive and normative) and punitiveness (support for harsher sentences or for the death penalty) was significant. In the other 3, the trend was in the same direction, but not statistically significant. Over and above the control variables, economic individualism – both descriptive and normative – predicted support for harsh sentences and support for the death penalty.

*Conclusion:* The results support the conclusion that economic individualism and dispositional attributions of crime are linked to punitive attitudes. “Relatively consistently across the countries studied, a belief that success is the product of hard work and a preference for individual responsibility for one’s own economic well-being predicts support for punitive sentencing” (p. 39).

*Reference:* Kornhauser, Ryan (2015). Economic Individualism and Punitive Attitudes: A Cross-National Analysis. *Punishment & Society*, 17(1), 27-53.

## Records of arrests by police *not* leading to convictions make it difficult to get a job.

Previous research has established that those with criminal records have a more difficult time getting entry level jobs than those without records – even in situations in which the potential employer doesn't know the nature of the record (*Criminological Highlights* 6(3)#2).

This study investigates the impact of non-conviction records on employment. Police, it seems, often keep records of contacts with citizens that do not lead to convictions; these records are disclosed, nevertheless, when 'criminal record checks' are required (see, for example, reports by the John Howard Society of Ontario <http://www.johnhoward.on.ca/wp-content/uploads/2014/07/johnhoward-ontario-help-wanted.pdf> and the Canadian Civil Liberties Association <http://ccla.org/wordpress/wp-content/uploads/2012/09/CCLA-NCD-Report.pdf>). This study attempted to discover if those arrested but not charged "may still bear the mark of a criminal record" (p. 628). Previous research (*Criminological Highlights* 14(3)#1) has shown that arrests not leading to a conviction are very common and that punishments are imposed on those who are arrested even if there is no finding of guilt.

In this study, an experiment was carried out in which 300 applications were made, in person, to 150 employers for entry level jobs in the Minneapolis-St. Paul region. The jobs required no special skills or licenses. Half of the applications were made by Black males in their 20's; half were made by comparable Whites. In half of each group the applicant indicated to the potential employer that they "had been arrested, but never

convicted of a misdemeanour offence. It was minor and stupid on my part, and I wanted to be upfront about it in case it came up in a background check" (p. 633). If they were asked about details they provided them, indicating that it was for a disorderly conduct misdemeanour, involving a fight... "Nobody was actually hurt. I just acted irresponsibly, but I was young and that's all in the past" (p. 633).

The results suggest that a misdemeanour arrest had, overall, a small, but statistically significant, impact on whether the person was called back for an interview (or was offered the job). Those applying for the jobs noted, when they were in the workplace, whether there were non-white employees present in the workplace at the time of their application. Using the presence of non-white employees as an indicator of workplace 'diversity', it seems that Blacks with arrest records applying for jobs in diverse workplaces were not disadvantaged by their records. Why, then, was the effect of a misdemeanour arrest small? In interviews carried out independently with employers, 3 reasons were noted. First, many employers made 'personal' rather than solely 'on paper' assessments of the job applicants. Second, it seemed that many employers discounted the importance of the event leading to the arrest because of its minor, common nature. Third, some employers clearly distinguished between arrests

and convictions; and they interpreted the volunteering of an *arrest* record as showing good character.

*Conclusion:* When applying for entry level jobs, it would seem that people are slightly disadvantaged if they have a record of misdemeanour arrest. However, the effect is not large. Furthermore, the presence of an African-American in the workplace – which reduces the size of the effect of a low level record for other African-American – suggests the possibility that these employers are familiar with the fact that these non-conviction records do not predict workplace behaviour.

*Reference:* Uggen, Christopher, Mike Vuolo, Sarah Lageson, Ebony Ruhland, and Hilary K. Whitham. (2014). The Edge of Stigma: An Experimental Audit of the Effects of Low-Level Criminal Records on Employment. *Criminology*, 52(4), 627-654.

## **Telling eyewitnesses that they have successfully identified a suspect who, in fact, is innocent, reduces the likelihood that, subsequently, they will be able to identify the correct suspect.**

When trying to identify a culprit in a criminal matter, police routinely will engage eyewitnesses in the process. If, early in the investigation, police ask the witness to identify the culprit and the witness identifies the person whom the police suspect committed the crime, it would be perfectly natural for the police to thank the eyewitness and indicate that they think the eyewitness identified the right person. This paper demonstrates that there are serious costs in doing so.

Previous research has shown that post-identification feedback to witnesses that they have made the correct identification causes witnesses to alter their memories of key aspects of the identification process. The feedback leads them to believe that they paid more attention to the actual culprit when they initially saw him and it makes them more certain that they identified the right person. This paper shows that, in addition, such feedback makes it harder, subsequently, to identify the actual suspect if it turns out that the first person they identified was not the actual culprit.

Participants in an experiment viewed a video of an airport scene in which one person switched luggage with another passenger and then left. They were then shown 6 pictures of people. The actual culprit was *not* included in the set. They were asked to identify which was the culprit. They were not explicitly given a choice of 'not there.' Everyone, as it turns out, picked out someone from the array of 6 pictures. The six pictures were all of people approximately the same age as the culprit. However, half of the study participants received pictures of people who had been rated as being quite similar to one another. The other

half were shown 6 pictures of people who looked quite different from one another. After identifying someone, the researcher said to half of the participants "Good job, you identified the suspect" (p. 287). The other participants were given no such feedback.

The researcher then feigned having made a mistake, indicating that he had shown the participants the wrong lineup. Participants were told to "disregard whatever you saw in the first lineup" (p. 287). They were then given a new photo lineup which included the culprit and 5 others whom they had never seen.

Giving feedback at the 'early stage' of the process that they had been right made it more difficult for witnesses to identify the actual culprit. In the 'no feedback' conditions, 64% of the respondents were correct in identifying the culprit. However, when they had previously been told that they were correct (when in fact they had identified an 'innocent' person), only 47% correctly identified the culprit. In addition, those who made their original identifications from a group of people who were dissimilar from one another were less accurate, subsequently, in identifying the culprit.

*Conclusion:* Giving eyewitnesses feedback that they are correct in their identification is dangerous: if it turns out that the first culprit is quickly shown to be innocent (e.g., if other evidence turns up demonstrating that he could not have committed the offence), the witnesses' ability to identify the actual culprit has been impaired, unnecessarily. The results suggest not only that the police should not give positive feedback to eyewitnesses, but also that mis-identifications from lineups with very dissimilar people in them are particularly likely to impair memory of the actual offender.

*Reference:* Smalarz, Laura and Gary L. Wells (2014). Confirming Feedback Following a Mistaken Identification Impairs Memory for the Culprit. *Law and Human Behaviour*, 38(3), 283-292.