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Criminological Highlights

The Centre of Criminology, University of Toronto, gratefully acknowledges the Department of Justice Canada for funding this project.

Volume 11, Number 1

February 2010

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.

Criminological Highlights is prepared by Anthony Doob, Rosemary Gartner, Tom Finlay, John Beattie, Carla Cesaroni, Maria Jung, Myles Leslie, Ron Levi, Natasha Madon, Nicole Myers, Holly Pelvin, Andrea Shier, Jane Sprott, Sara Thompson, Kimberly Varma, and Carolyn Yule.

Criminological Highlights is available at www.criminology.utoronto.ca/lib and directly by email. Views – expressed or implied – in this publication are not necessarily those of the Department of Justice, Canada.

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

1. Does the incarceration of offenders reduce their likelihood of offending?
2. Is it true that the first time people go to prison, they learn from their mistakes and, as a result, are likely to reduce their offending after release?
3. Are there any problems with mandatory minimum penalties other than the fact that they do not reduce crime?
4. Why do cities with large numbers of immigrants have *lower* crime rates than cities with few immigrants?
5. Does living near high concentrations of public housing increase one's likelihood of being a victim of serious violence?
6. Why is the size of Canada's remand population increasing?
7. Why is there stability in the size of the remand population in prisons in England & Wales?
8. Are those people involved in “organized crime” demonstrably different from ordinary offenders?

Incarcerating offenders who could be given non-custodial sanctions does not reduce the likelihood that they will commit further offences. In fact, incarceration may increase the probability of recidivism.

“The great majority of [competently carried out] studies point to a null or criminogenic effect of the prison experience on subsequent offending. This... should, at least, caution against wild claims – at times found in ‘get tough’ rhetoric voiced in recent decades – that prisons have special powers to scare offenders straight” (p. 178). Hence, the continued use of prisons for the simple purpose of reducing re-offending cannot be justified by the considerable amount of evidence that currently exists.

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First-time imprisonment of offenders increases the likelihood that they will re-offend.

On balance, then, the criminogenic effects of first time imprisonment are fairly consistent across offence types and age. Though not all of the criminogenic effects of first time imprisonment were significant, there were *no* crime reducing effects of imprisonment that were significant, and only 9 of 64 comparisons between those imprisoned and not were in the direction of suggesting a crime reduction effect. It could be argued, therefore, that judges who send offenders to prison for the first time in circumstances in which alternatives to imprisonment are plausible are likely to be contributing to an increased crime rate.

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Numerous studies have shown that mandatory penalties do not affect crime rates. The evidence is equally consistent in showing that they interfere with accountability and the efficient operation of the criminal justice system.

“Mandatory penalties often result in injustice to individual offenders. They undermine the legitimacy of the courts and the prosecution process by fostering circumventions that are wilful and subterranean. They undermine... equality before the law when they cause comparably culpable offenders to be treated radically differently” (p. 100). And 40 years of increasingly sophisticated research shows they do not have deterrent effects. Getting rid of mandatory penalties however, is not straightforward. One approach is to follow the lead of some jurisdictions: change mandatory penalties into presumptive penalties. Alternatively, “sunset” clauses could be enacted that would abolish the mandatory nature of the law unless the legislature were to re-enact them.

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Violent crime rates decrease when immigrants move into a city. This occurs in part because immigrants are more likely to bolster intact (two-parent) family structures.

These findings – immigration leading to lower violent crime rates in large part because immigration is associated with more intact families – suggest that immigration “may have beneficial impacts on important social institutions” (p. 466). Whether these effects of immigration will be maintained across generations is, of course, a separate issue.

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Highly concentrated public housing neighbourhoods in the U.S. have high homicide rates. These homicides typically involve victims and offenders from the same neighbourhood in which the crime takes place. Those who live in public housing are less likely to commit homicides outside of their neighbourhoods than are people from other neighbourhoods.

Homicides involving public housing residents (as victims or offenders) overwhelmingly take place within the neighbourhood of the victim and offender. Neighbourhoods adjoining public housing, therefore, do not appear to be disproportionately at risk from proximity to public housing. The challenge raised by these findings is to implement changes in public housing neighbourhoods that address the isolation of these residents and protect residents from victimization.

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The size of Canada’s remand population is increasing rapidly even though reported crime is decreasing and the overall imprisonment rate is relatively stable.

Given that Canada’s overall imprisonment rate has not shown the same increase as the rate of imprisonment of unsentenced prisoners, it is simplistic to suggest that the ‘remand problem’ is a result of simple ‘new punitiveness.’ Instead, it is argued that the institutional risks of the release of an accused are high and public. In contrast, the benefits to criminal justice institutions of releasing an accused are hidden. Similarly, the benefits to the institution of detaining an accused are visible. Said differently, criminal justice decision makers are seldom criticized for being ‘tough’ but are subject to criticism if they are seen as responsible for the release of an accused who might, or does, commit an offence.

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Even though the laws concerning the granting of bail in England & Wales have been ‘tightened up,’ the size of the remand population has not increased.

It is clear that there is no one ‘silver bullet’ that has kept the remand population in England & Wales from increasing. Furthermore, official policy from the government appears to favour controls on the remand population. The government wrote to courts “asking decision makers to think carefully before remanding defendants in custody” (p. 18). It would appear that the tightening up on bail laws were “largely presentational rather than operational” (p. 19).

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People who are involved in organized crime are much more likely to be “adult onset” offenders than any other group of offenders whose pattern of offending has been studied.

When looking at people involved in organized crime, it is clearly quite common that the first contact with the justice system does not occur until relatively late in life. This is very different from ordinary offenders who typically start young and finish their criminal careers early in their lives. Organized crime may – unlike ordinary less organized crime – only be open to those who are older and have had time to develop opportunities and access.

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Incarcerating offenders who could be given non-custodial sanctions does not reduce the likelihood that they will commit further offences. In fact, incarceration may increase the probability of recidivism.

Evidence does not support the conclusion that increasing the severity of sentences – e.g., by imposing incarceration rather than a non-custodial sentence – increases the general deterrent impact of the criminal law (e.g., *Criminological Highlights*, V6N2#1). But in addition, incarceration is often justified by assertions that it reduces crime by incapacitating or deterring imprisoned offenders. This paper looks at the possibility that the latter mechanism – deterrence through imprisonment – might be effective. Though the rate at which offenders are imprisoned varies dramatically across countries, imprisonment is, almost certainly, the most expensive sanction in any country. Hence if imprisonment is being employed for utilitarian purposes, it is important to know if there is a crime-reducing effect. On the other hand, if, as some suggest, imprisonment *increases* the likelihood of recidivism, then policies that increase imprisonment may not only be expensive, they may lead to increased crime and even higher rates of imprisonment.

There are theoretical reasons to expect that imprisonment will *decrease* crime just as there are reasons to expect that it will *increase* crime. The theory of specific deterrence is grounded in the idea that a chastening effect, derived from the experience of imprisonment, will deter reoffending. The structure of sentencing law as it addresses recidivists may also cause previously convicted individuals to revise upward their estimates of the likelihood and/or severity of punishment for future lawbreaking. This could occur because the criminal law commonly prescribes more severe penalties for recidivists. On the other hand, being in prison may increase crime by making crime seem more acceptable, decreasing the stigma of offending, creating opportunities for people to associate with others who are likely to offend, or by decreasing legitimate opportunities for offenders.

One of the most difficult challenges in estimating the impact of any sanction (especially imprisonment) on offenders is that comparisons of those who did and did not receive the sanction are needed. Given that imprisonment is rarely imposed on a truly random basis, care must be taken

to ensure that studies have appropriate comparison groups. This is especially important because offenders over about age 18 are likely, over time, to decrease their involvement in crime.

This paper looks at a range of high quality studies on the effect of imprisonment.

- 5 studies were found in which sanctions were, in effect, handed down randomly (e.g., *Criminological Highlights* V3N4#4). The evidence suggests imprisonment either has no impact or a criminogenic (crime-increasing) impact.

- 32 studies were characterized as using a ‘matched’ control (carried out on a variable-by-variable basis) or on a ‘propensity score’ basis. The best of the variable-by-variable studies shows a clear criminogenic impact of custodial sanctions as does the best of the propensity score studies. The majority of the studies show tendencies (often not statistically significant) toward criminogenic effects of imprisonment. “Overall, across both types of matching studies, the evidence points to a criminogenic effect of the experience of incarceration” (p. 153).

- The 31 regression based studies have the enormous disadvantage of failing to take account of age in an adequate fashion. Nevertheless, in 22 of the 31 studies, the majority of estimates support the conclusion that imprisonment is criminogenic; in only 7 do the majority of the estimates support a crime-reducing impact of imprisonment; the remaining studies were evenly split.

Conclusion: “The great majority of [competently carried out] studies point to a null or criminogenic effect of the prison experience on subsequent offending. This... should, at least, caution against wild claims – at times found in ‘get tough’ rhetoric voiced in recent decades – that prisons have special powers to scare offenders straight” (p. 178). Hence, the continued use of prisons for the simple purpose of reducing re-offending cannot be justified by the considerable amount of evidence that currently exists.

Reference: Nagin, Daniel S., Francis T. Cullen, and Cheryl Lero Jonson (2009). Imprisonment and Reoffending. In *Crime and Justice: A Review of Research* (Tonry, Michael, ed.), Volume 38. University of Chicago Press.

First-time imprisonment of offenders increases the likelihood that they will re-offend.

It has been demonstrated (e.g., *Criminological Highlights* V11N1#1) that placing offenders in prison either has no impact or a criminogenic (crime increasing) impact on them. However, the effect on those sent to prison for the first time may be very different. "Imprisonment may exert more of an influence on those with criminal histories that are relatively short and involve relatively few offenses than for individuals with a prior criminal trajectory that starts early and involves many convictions" (p. 228).

Because offending rates are so age-dependent, this study compares the "post-release re-conviction rate of imprisoned individuals and matched controls who were not imprisoned over identical ages" (p. 228). The sample of cases that were examined started with a group of male offenders tried in the Netherlands in 1977. All convictions prior to that date and up until 2002 were recorded. The study focused on offenders who were imprisoned for the first time between age 18 and age 38. It then examined their offending in the three years after release from prison. The length of imprisonment (for those in the sample who were imprisoned) varied in length from 1 day to 1 year, with about 80% imprisoned for 6 months or less.

In order to match those who were incarcerated with those who were not, offenders were grouped according to their offending trajectories. "The method is designed to identify groups of individuals following approximately the same developmental trajectory over a specified period of time for the outcome of interest (criminal convictions)" (p. 236). Hence, "regardless of prison status at a certain age, individuals in the same trajectory group up to that age appear to be headed along the same path, at least so far as criminal offending is concerned"

(p.236). In all, 21 separate group-based trajectory models were estimated. The purpose was to provide a baseline set of expectations of the conviction histories of individuals who had not been imprisoned over the period of the trajectory.

In addition, a 'propensity score', estimating for each individual the likelihood of future offending, was created on the basis of offence characteristics, criminal history, and various measures of the offender's life circumstances. Then individuals who were first imprisoned at a given age were matched with up to 3 individuals who were not imprisoned at that same age. The propensity scores of these matched individuals had to be the same or very close. Obviously some people were unable to be matched: those relatively high rate offenders who committed relatively serious offences were almost invariably sent to prison. Matches for them could not be found. By dropping these offenders from the study, the confidence in the study is *increased* since it demonstrates that the study only compared offenders for whom similar offenders (imprisoned and non-imprisoned) could be found.

The results are easy to describe: For all crimes (combined) and for three different types of crimes separately

(property, violent, and all other) the experience of first-time imprisonment *increased* the likelihood of reconviction within a three year period. There was, in addition, some evidence that the crime-generating impact of imprisonment was larger for those imprisoned at younger ages.

Conclusion: On balance, then, the criminogenic effects of first time imprisonment are fairly consistent across offence types and age. Though not all of the criminogenic effects of first time imprisonment were significant, there were *no* crime reducing effects of imprisonment that were significant, and only 9 of 64 comparisons between those imprisoned and not were in the direction of suggesting a crime reduction effect. It could be argued, therefore, that judges who send offenders to prison for the first time in circumstances in which alternatives to imprisonment are plausible are likely to be contributing to an increased crime rate.

Reference: Nieuwebeerta, Paul, Daniel S. Nagin, and Arjan A. J. Blokland (2009). Assessing the Impact of First-Time Imprisonment on Offenders' Subsequent Criminal Career Development: A Matched Sample Comparison. *Journal of Quantitative Criminology*, 25, 227-257.

Numerous studies have shown that mandatory penalties do not affect crime rates. The evidence is equally consistent in showing that they interfere with accountability and the efficient operation of the criminal justice system.

“Experienced practitioners, policy analysts, and researchers have long agreed that mandatory penalties in all their forms... are a bad idea” (p. 65). That “is why nearly every authoritative nonpartisan law reform organization that has considered the subject... [has] opposed enactment, and favoured repeal of mandatory penalties” (p. 66). Three justifications are offered for mandatory penalties: evenhandedness, transparency, and the prevention of crime. None withstands careful scrutiny.

There is substantial evidence demonstrating that when mandatory penalties are seen as being too severe, prosecutors and judges will often (but not always) circumvent them, in effect moving sentencing decisions from the open courtroom to dark hallways and private offices. This ensures that the penalties handed down are neither consistent across similar cases nor transparent to anyone.

That mandatory sentencing laws are often nullified when their application would be unfairly harsh has been known for at least 3 centuries. The proliferation of mandatory death sentences in 18th century England led to the development of judicial technicalities meant to prevent their application and to widespread refusal by juries to convict offenders of crimes punishable by death. A wide variety of modern techniques (e.g., the prosecution’s “swallowing the gun” or alleging lesser quantities of drugs than were really involved or changing of charges) are today commonly used to circumvent mandatory penalties.

Mandatory penalties have repeatedly been shown to increase the number of trials (since the consequences of

guilty pleas to the original charge are often disproportionately harsh and no benefit can be given for a guilty plea). In many instances, probabilities of conviction decreased when mandatory penalties are implemented and return to normal only when new charge and plea bargaining conventions have evolved. Prosecutors sometimes use the threat of overly harsh mandatory penalties to induce risk-avoidance guilty pleas to lesser charges. For example, Oregon’s dramatic mandatory minimum law (enacted by referendum in 1994) shifted pleas from charges carrying the new mandatories to other lesser included charges (see *Criminological Highlights*, V5N4#5).

A frequently cited justification for enactment of mandatory penalties is their presumed deterrent impact. Repeatedly, however, it has been shown that the imposition of mandatory penalties is not associated with reduced crime (e.g., *Criminological Highlights* V6N2#1, V7N3#6). Of fifteen recent studies summarized in this paper, only one shows any deterrent effects, and it uses a methodology that does not take into account what is known

about crime and the processing of criminal cases.

Conclusion: “Mandatory penalties often result in injustice to individual offenders. They undermine the legitimacy of the courts and the prosecution process by fostering circumventions that are wilful and subterranean. They undermine... equality before the law when they cause comparably culpable offenders to be treated radically differently” (p. 100). And 40 years of increasingly sophisticated research shows they do not have deterrent effects. Getting rid of mandatory penalties however, is not straightforward. One approach is to follow the lead of some jurisdictions: change mandatory penalties into presumptive penalties. Alternatively, “sunset” clauses could be enacted that would abolish the mandatory nature of the law unless the legislature were to re-enact them.

Reference: Tonry, Michael (2009). The Mostly Unintended Effects of Mandatory Penalties: Two Centuries of Consistent Findings. In *Crime and Justice: A Review of Research* (Tonry, Michael, ed.), Volume 38. University of Chicago Press.

Violent crime rates decrease when immigrants move into a city. This occurs in part because immigrants are more likely to bolster intact (two-parent) family structures.

A substantial amount of recent research would suggest that – contrary to popular perceptions – immigrants are, if anything, less likely to be involved in crime than their native born counterparts (e.g., *Criminological Highlights*, V10N6#7, V8N3#5). What may be important about the relationship of immigration to crime is that “there are good reasons to suspect that immigration affects demographic, economic, and social structures in ways that will impact overall crime rates [above and beyond] any differences in the individual-level offending of immigrants and [those born in the country]” (p. 448).

This study looks at the relationship between changes in the number of immigrants in 159 U.S. cities between 1980 and 2000 and rates of violent crime. More importantly, it attempts to understand why immigration rates might have a relationship to rates of violent crime by systematically investigating changes in the cities that relate to changes in the concentration of immigrants.

Violent crime was estimated by using rates of homicides, robberies, aggravated assaults, and rapes for each city at three points in time: the first three years of the 1980s, 1990s, and 2000s. Immigration was estimated using three highly correlated measures: the percent of the population who had immigrated in the previous 10 years, the percent who did not know English or reported speaking it “not well,” and the percent Latino.

The analyses examined whether within-city changes over time in immigration affect within-city changes over time in violence. Without controlling for any other factors, there was a relationship: large

increases in immigration in a city were related to decreases in violent crime. When various other predictors of violent crime – e.g., percent young males, city size, residential instability, poverty rates, drug market arrests – were statistically controlled for, there was essentially no change in the relationship between immigration and crime.

A measure of family instability – a combination of the percent of the adult population that is divorced and the percent of family households not headed by married couples – did relate to the violent crime rate: cities with high levels of family instability tended to have higher violent crime rates. More importantly in the context of immigration, family stability or family structure “is an important mediator of the effect of immigration on the violent crime rate” (p. 463). When family instability was controlled for, the size of the negative relationship between immigration rates and crime was cut in half. These results are “consistent with the hypothesis that increases in the immigrant population

led to less violent crime in large part by altering family structure. More specifically, immigration appears to have a dampening influence on family instability, which in turn, lowers violent crime rates” (p. 463-4).

Conclusion: These findings – immigration leading to lower violent crime rates in large part because immigration is associated with more intact families – suggest that immigration “may have beneficial impacts on important social institutions” (p. 466). Whether these effects of immigration will be maintained across generations is, of course, a separate issue.

Reference: Ousey, Graham C. and Charis E. Kubrin (2009). Exploring the Connection between Immigration and Violent Crime Rates in U.S. Cities, 1980-2000. *Social Problems*, 56(3), 447-473.

Highly concentrated public housing neighbourhoods in the U.S. have high homicide rates. These homicides typically involve victims and offenders from the same neighbourhood in which the crime takes place. Those who live in public housing are less likely to commit homicides outside of their neighbourhoods than are people from other neighbourhoods.

High rates of crime in concentrated public housing developments are the result not simply of characteristics of those who live there, but of the built environment itself. In the United States, “Rates of violent crime in public housing are higher than in other disadvantaged, non-public housing neighbourhoods... (p.476). It is suggested that public housing developments may “inhibit social control... and [create] a social environment that limits social interactions between residents and the broader society” (p. 475).

This paper examines homicides that occurred in the Southeast Policing Area of Los Angeles, California between 1980 and 2000. This is a chronically disadvantaged area on almost all social and economic measures. The study looks at the location of the residence of the victim and offender as well as the location of the homicide incident. The hypothesis was that “if public housing is socially isolated.... *internal homicides* [where victim and offender live in the same neighbourhood in which the homicide takes place] should be significantly more common among homicides that occur in public housing developments relative to those occurring in other neighbourhoods” (p. 479).

The average homicide rate during the period of study in the public housing neighbourhood was 131 per 100,000 residents compared to 69 in the rest of the policing area. (The U.S. rate during this period varied between 5.5 and 10.2; Canada’s varied between 1.8 and 2.7.) The challenge faced by the study was not only to see if certain ‘types’ of homicides are more likely to occur in public housing neighbourhoods, but to see if this

concentration held after characteristics of the victim and offender (e.g., race, age) and ‘event type’ (e.g., gang or drug motive, relationship of victim to offender) were held constant. In addition to *internal* homicides, homicides were classified as being *predatory* (victim lives in homicide location, offender does not), *intrusion* (offender lives in homicide location but victim lives elsewhere), *offence mobility* (offender and victim live in same neighbourhood, but incident happens elsewhere), and *total mobility* (victim and offender live in different neighbourhoods, and incident occurs in 3rd neighbourhood).

Overall, “Victims and offenders who live in public housing... are overwhelmingly involved in homicides within their developments” (p. 485). Only 23% of the victims who were known to live in public housing were killed outside of their own development. In contrast, 56% of non-public housing victims were killed outside of their home neighbourhoods. More importantly, taking into account various characteristics of the victim, offender, and the nature of the homicide, homicides that take place

in public housing are more likely than non-public housing homicides to involve resident offenders and resident victims. In addition, homicides committed by residents of public housing are more likely than homicides committed by residents of non-public housing to take place in their own neighbourhoods.

Conclusion: Homicides involving public housing residents (as victims or offenders) overwhelmingly take place within the neighbourhood of the victim and offender. Neighbourhoods adjoining public housing, therefore, do not appear to be disproportionately at risk from proximity to public housing. The challenge raised by these findings is to implement changes in public housing neighbourhoods that address the isolation of these residents and protect residents from victimization.

Reference: Griffiths, Elizabeth and George Tita (2009). Homicide In and Around Public Housing: Is Public Housing a Hotbed, a Magnet, or a Generator of Violence for the Surrounding Community. *Social Problems*, 56(3), 474-493.

The size of Canada's remand population is increasing rapidly even though reported crime is decreasing and the overall imprisonment rate is relatively stable.

Canada's overall imprisonment rate has been relatively stable for more than 50 years (*Criminological Highlights*, V8N2#6) varying between about 82 and 116 per hundred thousand residents. However, the remand rate (counts of prisoners on an average day which is included within the overall imprisonment rate) has risen steadily in the past 20 years from 15 per hundred thousand residents in 1987 to 39 in 2007. In 1987 remand prisoners represented 15% of Canada's total prison population. By 2007, 35% of all Canada's adult prisoners had not yet been sentenced. These figures, however, obscure one other paradox: although criminal law is a federal responsibility, there are huge differences across provinces in the remand prisoner rate. For example, in Manitoba in 2007 there were about 90 remand prisoners per 100,000 residents. In Prince Edward Island there were 12 remand prisoners per 100,000 residents.

Canada's remand population has been increasing in recent years at the same time that overall reported crime and violent crime have both been decreasing. It appears – at least for the one province for which data are available (Ontario, Canada's largest province) – that the increase in the remand population is occurring for both men and women, suggesting that the increase is not likely to be a simple response to concerns about gangs, guns, or domestic violence.

In Ontario there appear to be a number of reasons for the increase in the remand population, including the following:

- There is an increase in the number of cases (per 1000 residents) going to court, even though crime in the province is decreasing.
- More importantly, the number of cases (per 1000 residents) that are ending up in bail court has increased substantially in recent years (an increase of 38% between 2001 and 2007).
- The cases being brought to bail court appear to be somewhat more complex than they were a few years

ago. On average they had 14% more charges associated with them in 2007 than in 2001. Charging practice, therefore, may contribute to the belief by the courts that accused people should be detained.

- Perhaps the most important changes in the nature of the charges going to court involved administration of justice charges (e.g., failure to comply with a court order such as a bail condition). Cases including one or more administration of justice charge were dramatically more likely to result in a police decision to detain the accused for a bail hearing (54% of such cases were detained for a bail hearing in 2007) compared to cases without an administration of justice charge (26%).
- Once it was determined that an accused person should be remanded in custody awaiting trial, they were likely to remain in this state for a longer period of time than they were 6 years earlier.

It would also appear that bail courts are becoming less efficient. Data from 1974 indicated that most bail decisions

were made in a single appearance. In 2007, it was taking, on average about 2.5 bail appearances for a decision to be made, an increase of about 20% from 6 years earlier.

Conclusion: Given that Canada's overall imprisonment rate has not shown the same increase as the rate of imprisonment of unsentenced prisoners, it is simplistic to suggest that the 'remand problem' is a result of simple 'new punitiveness.' Instead, it is argued that the institutional risks of the release of an accused are high and public. In contrast, the benefits to criminal justice institutions of releasing an accused are hidden. Similarly, the benefits to the institution of detaining an accused are visible. Said differently, criminal justice decision makers are seldom criticized for being 'tough' but are subject to criticism if they are seen as responsible for the release of an accused who might, or does, commit an offence.

Reference: Webster, Cheryl Marie, Anthony N. Doob, and Nicole M. Myers (2009). The Parable of Ms. Baker: Understanding Pre-trial Detention in Canada. *Current Issues in Criminal Justice*, 21(1), 79-102.

Even though the laws concerning the granting of bail in England & Wales have been ‘tightened up,’ the size of the remand population has not increased.

In 1976, laws in England & Wales were changed to a system in which it was presumed that defendants should be released while awaiting trial, unless it was believed that they would abscond, commit further offences, or interfere with witnesses. However, since that time, the laws have been toughened up. For example, detention is now presumed to be appropriate for those charged with certain offences and for those alleged to have committed offences while on bail.

The overall prison population in England & Wales increased dramatically from 1980 to 2008. Most of this increase, however, was due to an increase in sentenced prisoners. The remand population nearly doubled in the 1980s, but since that time has not increased appreciably. Indeed, in the past 10 years, the size of the remand population has been relatively steady. This stability stands in contrast to that of Canada and Australia each of which has shown large increases in remand populations.

It is difficult to know exactly why England & Wales have managed to stabilize the size of their remand populations. Systematic research on this topic has not been carried out. However, it is likely that the stability in the size of the remand population is the result of one or more of the following factors:

- There has been a decline of about 14% in the number of individual cases going to court, probably as a result of programs to deal with certain cases outside of the court process. Formal cautions now account for about 20% of all case disposals. In addition, since 2003, conditions can be added to cautions making it more attractive than it

had been for police to dispose of cases in this way.

- Penalty notices, which are, in effect, ‘on-the-spot’ fines issued by police (for offences such as minor thefts and vandalism) reduce the number of criminal cases (although failure to pay the fine can result in criminal processes being initiated). Because penalty notices are not recorded as being ‘criminal’ offences, repeat offenders can repeatedly be given penalty notices as if they were continually first offenders. Hence repeat offenders (including those who, in the absence of such programs might be detained because they would be seen as offending while on bail) may not appear to be worthy of detention.
- Many fewer accused people are detained in police custody for a bail hearing than they were in the 1980s. Indeed, between 2003 and 2007, the number of accused detained for a bail hearing dropped by 28%.
- The shift of the authority for the decision to charge from the police to the Crown Prosecution Service (in 2004) may have decreased the number of cases involving weak evidence and may have reduced

the seriousness of the charges that accused were, at that early stage, facing. Weeding out weak cases early and possibly limiting ‘over-charging’ could have reduced the perception that pretrial detention was appropriate.

- Time awaiting trial has decreased for all cases in England and Wales, unlike the situation in Canada and Australia.

Conclusion: It is clear that there is no one ‘silver bullet’ that has kept the remand population in England & Wales from increasing. Furthermore, official policy from the government appears to favour controls on the remand population. The government wrote to courts “asking decision makers to think carefully before remanding defendants in custody” (p. 18). It would appear that the tightening up on bail laws were “largely presentational rather than operational” (p. 19).

Reference: Hucklesby, Anthea (2009). Keeping the Lid on the Prison Remand Population: The Experience of England & Wales. *Current Issues in Criminal Justice*, 21(1), 3-23.

People who are involved in organized crime are much more likely to be “adult onset” offenders than any other group of offenders whose pattern of offending has been studied.

Relatively little systematic knowledge is available on those involved in organized crime. Instead, we are generally left with individual biographies of high profile crime figures and have little idea how representative they are. This study uses quantitative and qualitative information from judicial data sources in the Netherlands on all offenders identified as being engaged in organized crime between 1994 and 2006.

In this study, groups are defined as being engaged in organized crime when their activities are primarily “focused on obtaining illegal profits, [and they] systematically commit crimes with serious damage for society, and are reasonably capable of shielding their criminal activities from the authorities” (p. 108). A total of 120 criminal groups were studied, involving 1623 offenders. All judicial contacts in the Netherlands from age 12 onwards were available to the researchers. Information on each of the organized crime groups included interview data with police and prosecutors as well as information from interrogations, wiretaps, police observations, etc. This information was, for each group, summarized in a 20-50 page document. This paper examines the criminal careers of the 854 offenders who were in the Netherlands from age 12 onwards.

The 120 groups were involved in three types of activities: drug trafficking, organized fraud (e.g., importing cigarettes without paying duty), and other illegal activities (e.g., trafficking in humans, illegal immigrants, and other illegal goods). Four different roles were distinguished: leaders or central figures (11%), coordinators (23%), lower level workers who are involved in the actual activities (e.g., transport of goods or people) and are easily replaceable (55%), and others

(11%) such as specialists (e.g., money exchangers, forgers of documents).

The most notable finding was that at the time of the ‘organized crime’ offence that identified these offenders as participants in organized crime, the offenders were much older (average age of 38) than ordinary offenders. Their first contacts with the justice system – occurring at an average age of 26 – was, clearly, much later in the life cycle than is the case for ordinary offenders. The oldest organized offender was a woman who was 76 when she was first identified as an organized crime figure. Lower level offenders tended to be slightly younger (37) at the time they were identified as organized crime figures than those who were leaders or coordinators (40 and 39, respectively). In addition those involved in organized frauds tended to be a bit older (42) than those involved in drugs or other offences (38 and 37 years old respectively).

Four separate groups – defined by their histories of contact with the justice system – could be distinguished. A small proportion (11% overall) looked like ordinary offenders in that they started early and were relatively high rate offenders. Another group (30%) started their careers in early adolescence and continued until late adulthood. The largest group (40%) were adult-onset offenders. They did

not begin offending until their 20s. Finally, there was a group of first offenders (19%) who had not had contact with the justice system before they were identified at an average age of 37 as being involved in organized crime. The proportions in these groups did not vary dramatically across offence types or roles in the organization (except for the fact that there were larger proportion of first offenders and a slightly lower proportion of ‘early starters’ among the lower level members of the criminal organizations).

Conclusion: When looking at people involved in organized crime, it is clearly quite common that the first contact with the justice system does not occur until relatively late in life. This is very different from ordinary offenders who typically start young and finish their criminal careers early in their lives. Organized crime may – unlike ordinary less organized crime – only be open to those who are older and have had time to develop opportunities and access.

Reference: van Koppen, M. Vere, Christianne J. de Poot, Edward R. Kleemans, and Paul Nieuwbeerta (2010). Criminal Trajectories in Organized Crime. *British Journal of Criminology*, 50, 102-123.