



ARCHIVED - Archiving Content

Archived Content

Information identified as archived is provided for reference, research or recordkeeping purposes. It is not subject to the Government of Canada Web Standards and has not been altered or updated since it was archived. Please contact us to request a format other than those available.

ARCHIVÉE - Contenu archivé

Contenu archivé

L'information dont il est indiqué qu'elle est archivée est fournie à des fins de référence, de recherche ou de tenue de documents. Elle n'est pas assujettie aux normes Web du gouvernement du Canada et elle n'a pas été modifiée ou mise à jour depuis son archivage. Pour obtenir cette information dans un autre format, veuillez communiquer avec nous.

This document is archival in nature and is intended for those who wish to consult archival documents made available from the collection of Public Safety Canada.

Some of these documents are available in only one official language. Translation, to be provided by Public Safety Canada, is available upon request.

Le présent document a une valeur archivistique et fait partie des documents d'archives rendus disponibles par Sécurité publique Canada à ceux qui souhaitent consulter ces documents issus de sa collection.

Certains de ces documents ne sont disponibles que dans une langue officielle. Sécurité publique Canada fournira une traduction sur demande.



Centre for Criminology & Sociolegal Studies
UNIVERSITY OF TORONTO

Criminological Highlights

The Centre for Criminology and Sociolegal Studies, University of Toronto, gratefully acknowledges the Ontario Ministry of the Attorney General for funding this project.

Volume 13, Number 5

August 2013

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, John Beattie, Scot Wortley, Holly Campeau, Tom Finlay, Maria Jung, Alexandra Lysova, Natasha Madon, Katharina Maier, Voula Marinos, Nicole Myers, Holly Pelvin, Andrea Shier, Jane Sprott, Sara Thompson, Adriel Weaver, and Kimberly Varma.

Criminological Highlights is available at www.criminology.utoronto.ca and directly by email.

Views – expressed or implied – in this publication are not necessarily those of the Ontario Ministry of the Attorney General.

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

1. How do members of organized crime groups know whom they can trust?
2. Why do ordinary witnesses in court feel that courts don't want to hear their evidence?
3. When a witness mentions a detail of a crime a long time after an initial account is given, is this 'newly remembered' detail likely to be accurate?
4. What does it mean when people say that sentences are too lenient?
5. What are 'bail conditions' supposed to accomplish?
6. What can the police do to ensure that the public will cooperate with them?
7. Which correctional programs have been shown to be effective outside of North America?
8. How does the public want offences that take place during riots to be punished?

Cooperation among members of organized crime groups in Italy is most likely to occur when they share information about violent acts.

“Both kinship and sharing information about violence increase cooperation among law-breakers who wish to keep their identity unknown to the authorities” (p. 281). Both can be seen as a form of hostage-taking: a member of a group can more easily be found and punished if he shares information with kin than with others. “Sharing compromising information about acts of violence also helps foster cooperation by making each member hostage to all others and reducing his incentives to defect” (p. 281).

..... Page 4

If courts are interested in hearing what witnesses experienced during an offence, they might want to consider encouraging witnesses to give an uninterrupted narrative of what happened.

Given the evidence favouring the accuracy of the narrative approach to gathering evidence, “permitting a greater measure of uninterrupted narrative testimony could raise evidential quality and improve lay people’s courtroom experience...” (p. 288). To some extent, there may be a trade-off between, on the one hand, allowing witnesses to recount their experiences in their own words, and, on the other hand, structuring the evidence strictly according to rules of evidence (e.g., by forcing people to respond with to questions with a ‘yes’ or ‘no’ rather than allowing them to explain the nuances of their answers).

..... Page 5

When witnesses don’t mention a detail of an event the first time they are asked to recall what they saw, but mention it when questioned later on, they may not be believed. However, in fact, they are just as likely to be correct as they are with facts mentioned when first questioned.

Ordinary people appear to believe that details of something that is witnessed which are recalled for the first time a long time after the event, but not immediately after, are likely to be inaccurate. In fact, this does not appear to be the case. In these studies, every ‘witness’ recalled at least one fact a long time after witnessing it but not immediately after the event, and most of these ‘reminiscences’ were, in fact accurate. In this study “Actual accuracy was [roughly] four times higher than expected [by those estimating it]” (p. 273). Given that ‘reminiscence’ (recalling of details later, but not earlier) is common, the fact that these memories tend to be about as accurate as immediate recall is important when evaluating eyewitness accounts.

..... Page 6

The proportion of people who indicate that they think that criminal courts are, in general, too lenient depends on how the question is asked.

These findings, taken in the context of other studies suggesting that expressions of harshness are often based on an inadequate understanding of alternative approaches to sentencing or inadequate information (e.g., *Criminological Highlights* 8(6)#1, 12(8)#5, 12(4)#3, 12(4)#5), suggest that harsh treatment of offenders is unlikely to make the public content with sentencing. Not only do members of the public not know about patterns of sentences (*Criminological Highlights*, 7(6)#4), their assessments of sentences, generally, depend on exactly what they are asked.

..... Page 7

Many conditions of release on bail imposed on Canadian youths bear no relationship either to their alleged offences or to plausible concerns about those who remain in the community awaiting trial.

In order to be released, youths consented to, or had imposed on them, an average of 9.3 separate conditions, the violation of any one of which could – and often did – result in additional criminal charges. In other words, almost all of the conditions criminalized ordinary behaviour. In the case referred to in the title of the article, a youth charged with shoplifting from one store in Ontario’s largest chain of drug stores was prohibited from entering this store and any of their other 622 stores in the province (but not, apparently, the stores of its competitors).

..... Page 8

People judge the legitimacy of the police by whether the police follow the law, whether the police have been procedurally fair in their dealings with citizens, the fairness of the outcome of encounters with the police, and the effectiveness of the police. The perceived fairness of the police predicts voluntary cooperation with them.

Belief in the legitimacy of the police (acting lawfully, procedural and distributive fairness) affected people’s willingness to cooperate voluntarily with the police. This effect was over and above the effect of any feelings that people had of legal obligation to help the police fight crime. Though these factors are, generally, important, the various factors that determine cooperation with the police vary across groups in society. Considering the population as a whole, then, cooperation with the police is likely to be highest if the police are seen as acting in a manner that is both lawful and fair.

..... Page 9

A survey of methodologically rigorous studies of European correctional programs for youths demonstrates that the same kinds of programs shown to be effective in North America are effective in Europe.

The most effective programs appeared to be those that applied the ‘risk-need-responsivity’ model. Assuming a recidivism rate for the control group of 50%, these programs would, on average, be expected to reduce it to 34%. Other programs did not show overall significant reductions in recidivism. “It is plausible that community programs show larger effects [than programs taking place in correctional institutions] because they contain more opportunities for real life application and transfer” (p. 36). What is also notable about this study is the small number of methodologically adequate studies on this topic carried out in this part of the world and the large number of studies in which one could not reliably make judgments of program effectiveness.

..... Page 10

Members of the public want those who commit offences during public disturbances to be punished more severely than ‘ordinary’ offenders – but not much more.

English courts and the public both believe that sentences for riot-related property offences should be harsher than sentences for equivalent ordinary offences. However, the public appears to be less enthusiastic than are judges about sentences that are considerably harsher than normal. In addition, when those members of the public who prefer a custodial sentence were informed of the cost of such a sentence and asked whether they would be content with a strictly enforced and punitive non-custodial sentence (involving curfews, unpaid community service) for riot related behaviour – a sentence that would cost the taxpayer about one-third as much – 52% found this to be ‘definitely acceptable’ and an additional 34% found it to be ‘probably acceptable’. The public’s desire for punishment for wrongdoing can be met in many cases with appropriate punitive community sanctions.

..... Page 11

Cooperation among members of organized crime groups in Italy is most likely to occur when they share information about violent acts.

In non-criminal settings, there are many reasons why agreements between people are upheld. There may be legally binding contracts; people may value their reputations for being trustworthy; or there may be informal sanctions imposed on those who break their word.

In underworld settings, on the other hand, state enforcement mechanisms (e.g., courts) cannot be turned to if agreements are broken. In addition, there is no obvious source of good information about a person's trustworthiness (or even that a person is not an undercover police officer or police informant). Trust, within a criminal organization, is a difficult commodity to assess and achieve. In this paper, two mechanisms of trust are examined: entrusting key tasks to kin, and sharing knowledge about violent acts. With kin, one knows - at a minimum - who a person is. Furthermore, it is easy to identify relatives of kin who can be punished. Committing violent acts with another person means that people have compromising information on one another that can be used to ensure that people live up to their agreements.

In this study, extensive records of wiretaps of two separate organizations – an Italian Mafia organization located north of Naples and a Russian Mafia organization operating in Rome – were analyzed. In each case, the idea was to see if kinship and shared information involving violence predicted cooperation between members of a group. Cooperation was defined as the number of times people were in contact with each other. Since very few of the actual contacts involved conflict (10% for the Italian group and 1% of the Russian contacts) contact meant that people were cooperating with

one another in Mafia-related activities. Though the Italian group had many blood ties within the group, the Russians did not. For the Russians, then, “extended kinship” was defined as having a blood tie with at least one other member of the group. Many people (37% within the Italian group and 73% within the Russian group) shared information about violence with associates.

The question, then, is: what predicts ‘cooperation’ (contact for activities related to the criminal organization) within each of these groups. Contacts were classified as serving, primarily, one of four purposes: group management (remuneration, monitoring, intimidation, and punishment of group members), resource acquisition, protection activities, or economic investments (legal and illegal). There were, in the Italian group, 1828 contacts that were recorded (involving 202 people) and, in the Russian group, 758 contacts (involving 164 people). The data used here involved only those people subsequently listed on the Italian government indictments of members of the two groups.

The results demonstrate that having kinship ties with members of the group increased the likelihood of cooperation with other people in the group. But in addition, “having shared information about violent acts increases the frequency of contacts occurring among two

actors” (p. 278). The effect of “shared information about violence” was stronger than the effect of kinship ties. The effects of kinship – and the strong effect of shared information about violence – also predicted cooperation when only matters related to economic investments and resource acquisition were being discussed, suggesting that the effects still hold even when the activities themselves do not involve violence.

Conclusion: “Both kinship and sharing information about violence increase cooperation among law-breakers who wish to keep their identity unknown to the authorities” (p. 281). Both can be seen as a form of hostage-taking: a member of a group can more easily be found and punished if he shares information with kin than with others. “Sharing compromising information about acts of violence also helps foster cooperation by making each member hostage to all others and reducing his incentives to defect” (p. 281).

Reference: Campana, Paolo, and Federico Varese (2013). Cooperation in Criminal Organizations: Kinship and Violence as Credible Commitments. *Rationality & Society*, 25, 263-289.

If courts are interested in hearing what witnesses experienced during an offence, they might want to consider encouraging witnesses to give an uninterrupted narrative of what happened.

“Procedures for giving testimony taken as normative by... judges and lawyers run against the way accounts of such events are given in normal social interaction” (p. 287). Quite often, however, court business is conducted “according to procedural conventions and in language that many lay people find bewildering and even unjust” (p. 288).

The challenge for the courts in receiving evidence from ordinary witnesses is to accomplish separate purposes simultaneously: receiving only the evidence that is legally admissible and, at the same time, giving witnesses the “opportunity to help the court see events from their perspective.” The origin of the conflict is simple: courts have rules that regulate testimony. These rules do not exist in ordinary conversations and make the presentation of evidence quite unnatural to most witnesses.

Part of the difficulty is that the limits on what witnesses can talk about – e.g. prior assaults that may have been declared inadmissible – make no sense to witnesses because they are, from the witness’ perspective, relevant to understanding the behaviour in question: why everyone acted in the manner that they did. Similarly, ordinary questions that might be asked in cross examination also make no sense from the perspective of the witness. For example, in one of the 65 crown court trials in England observed for this study, the following exchange occurred:

Defence lawyer: I suggest it was only 2 punches that you saw.

Witness: No, it was a fury of punches [demonstrating with her fists]... Why are you calling me a liar? You were not there. It was awful. You were not there.

Judge: ... Counsel is not suggesting he was there.... You are being cross-examined in a normal way....

Or in another assault case:

Crown: What eye was hurt?

Witness: I don’t know, as this wasn’t the first time I have received a black eye from [him]. He has quite a temper.

From the witness’ perspective the presence of multiple incidents explains her failure to remember which eye had been blackened. From the court’s perspective, the witness is introducing evidence, perhaps inadmissible, related to incidents not then before the court.

In addition, witnesses frequently feel that they did not have sufficient opportunity to respond to questions from the other party, often because the lawyer interrupted the flow of the narrative or because the witness had been asked to answer ‘yes’ or ‘no’. “A feeling that they should have said more, that important things were not elicited, was a common feature in witnesses’ post-trial interviews” (p. 301).

Although courts have a responsibility to establish what happened, they appear, for various reasons, to shun free narrative testimony. This is, of course, quite different from the police who often ask witnesses, victims, and accused people to

start by telling what happened in their own words. Aside from anything else, this is clearly quite different from the often fragmented, unnatural (e.g., non-chronological) manner in which evidence is elicited in court in which explanations for behaviour are often excluded.

Conclusion: Given the evidence favouring the accuracy of the narrative approach to gathering evidence, “permitting a greater measure of uninterrupted narrative testimony could raise evidential quality and improve lay people’s courtroom experience...” (p. 288). To some extent, there may be a trade-off between, on the one hand, allowing witnesses to recount their experiences in their own words, and, on the other hand, structuring the evidence strictly according to rules of evidence (e.g., by forcing people to respond with to questions with a ‘yes’ or ‘no’ rather than allowing them to explain the nuances of their answers).

Reference: Fielding, Nigel G. (2013). Lay People in Court: The Experience of Defendants, Eyewitnesses, and Victims. *British Journal of Sociology*, 64 (2), 287-307.

When witnesses don't mention a detail of an event the first time they are asked to recall what they saw, but mention it when questioned later on, they may not be believed. However, in fact, they are just as likely to be correct as they are with facts mentioned when first questioned.

Inconsistencies in witnesses' statements about what they recall are sometimes seen as indications that the statements are not accurate. The problem is that there are different forms of inconsistency. "While explicit contradictions necessarily imply that one statement is incorrect, the mere presence versus absence of a detail does not" (p. 266). Jury instructions, however, often talk about inconsistency without differentiating between these.

This paper examines two related phenomena: (a) the accuracy of items recalled for the first time after the person has witnessed an event and has already described that event; and (b) estimates, from a different group of people, of how accurate these 'reminiscences' are.

In the first study, undergraduate psychology students were shown a set of pictures. Immediately after being shown the pictures, and then again 5 minutes, 20 minutes, and 1 week later, they were asked to describe as many details as they could. They were unaware of the fact that there would be multiple tests. Items recalled for the first time 5 minutes, 20 minutes, or a week after they had been shown the pictures and had been tested were, in fact, very accurately recalled. Over 90% of these 'new' reports were accurate. Law students were asked to describe their *expectations* of accuracy for events first recalled at one of these three times. They indicated – incorrectly – that they thought that the accuracy of details recalled for the first time in the second and subsequent tests would be significantly lower than in the test that immediately followed the observation of the pictures.

In a second experiment, one group of students watched a short film clip and reported what they had seen. A week later, they were asked again to recall what they had seen. A different group of students were asked to guess how accurate such 'witnesses' would be. 'Witnesses' recalled slightly fewer items a week after viewing the film than immediately after (22.5 vs. 24.6), but the average accuracy of their reports (over 90% accurate) did not change significantly. Some items were recalled both times, some were only recalled at the first test and others were recalled only on the second test. 84% of the items recalled, for the first time, a week after viewing the film were, in fact, accurate. However, people estimated that only 19% would be accurate. Those items recalled immediately and a week later were accurate 93% of the time. Those estimating accuracy guessed that about 58% of these memories would be correct. Finally, those items recalled immediately, but not a week later, were accurate 91% of the time and people estimated that they would be accurate about 68% of the time.

Conclusion. Ordinary people appear to believe that details of something that is witnessed which are recalled for the first time a long time after the event, but not immediately after, are likely to be inaccurate. In fact, this does not appear to be the case. In these studies, every 'witness' recalled at least one fact a long time after witnessing it but not immediately after the event, and most of these 'reminiscences' were, in fact accurate. In this study "Actual accuracy was [roughly] four times higher than expected [by those estimating it]" (p. 273). Given that 'reminiscence' (recalling of details later, but not earlier) is common, the fact that these memories tend to be about as accurate as immediate recall is important when evaluating eyewitness accounts.

Reference: Oeberst, Aileen (2012). If Anything Else Comes to Mind... Better Keep It to Yourself? Delayed Recall is Discrediting – Unjustifiably. *Law and Human Behavior*, 36 (4) 266-274.

The proportion of people who indicate that they think that criminal courts are, in general, too lenient depends on how the question is asked.

Public opinion polls in many western countries have found that most people indicate that sentences in criminal courts should be harsher than they are. Though this finding may be fairly consistent across time and place, it is not clear what it means. For example, few, if any, respondents in any country have sufficient information to evaluate the appropriateness of sentences generally. The desire for harsh sentences is affected by relevant information made available to respondents such as the costs of imprisonment (see *Criminological Highlights*, 4(1)#5). And people may want harsh sentences because they believe, incorrectly, that harsh sentences reduce crime.

This study looks at the effect of different wording of questions about sentence severity on the proportion of people who think that sentences are too lenient. In two earlier surveys in the US, half of the sample was asked a version of the standard 'sentence severity' question: "In general, do you think the courts in this area deal too harshly or not harshly enough with criminals?" Even though they were not offered a "Don't know" alternative, in the first of these surveys about 7% volunteered that they didn't know. The other half of the respondents to this survey were asked a question which explicitly encouraged them to think about whether they had enough information: "In general, do you think that the courts in this area deal too harshly, or not harshly enough with criminal, or don't you have enough information about the courts to say?" In this case, 29% indicated that they couldn't say. Looking at the overall findings, 78% of the first sample indicated that they thought that courts were not harsh enough. This dropped to 60% in the other sample which was offered a "Can't say" option. The results of the second survey were similar.

In the current study, equivalent groups of students in Florida were asked about their views of sentences. The respondents, on a random basis, were asked about their views using different questions. When asked a question that focused on harsh treatment – "In general, do you think the courts in this area deal too harshly or not harshly enough with criminals?" – 43% indicated that they thought that sentences were not harsh enough. However, when asked what is logically the same question, except in a form that focuses on leniency – "In general, do you think the courts in this area are not lenient enough or too lenient with criminals" – only 30% of an identical group of students indicated that they thought that courts were too lenient.

There was some indication that the questions were tapping into somewhat different attitudes. For example, there was a significant relationship between politician conservatism and belief that sentences were too lenient when respondents were asked the second question (with its focus on leniency). However, there was no relationship between political conservatism and the question of whether the courts dealt too harshly or not harshly enough with those being sentenced.

Conclusion: These findings, taken in the context of other studies suggesting that expressions of harshness are often based on an inadequate understanding of alternative approaches to sentencing or inadequate information (e.g., *Criminological Highlights* 8(6)#1, 12(8)#5, 12(4)#3, 12(4)#5), suggest that harsh treatment of offenders is unlikely to make the public content with sentencing. Not only do members of the public not know about patterns of sentences (*Criminological Highlights*, 7(6)#4), their assessments of sentences, generally, depend on exactly what they are asked.

Reference: Applegate, Brandon K, and Joseph B. Sanborn (2011). Public Opinion on the Harshness of Local Courts: An Experimental Test of Question Wording Effects. *Criminal Justice Review*, 36(4), 487-497.

Many conditions of release on bail imposed on Canadian youths bear no relationship either to their alleged offences or to plausible concerns about those who remain in the community awaiting trial.

Many Canadian youths, instead of being released by the police when they are arrested are detained in custody for a bail hearing. Most of these youths are eventually released on conditions set by a judge or a justice of the peace. Previous research (*Criminological Highlights* 12(5)#3) has shown that if the court imposes large numbers of conditions on youths released on bail and the case is not disposed of relatively quickly, the youth is likely to be charged with a new offence – “failure to comply with a court order.” In Canada in 2011/12, 3508 youths (or 7.3% of the cases disposed of that year) had ‘failure to comply with a court order’ (most often related to conditions of bail) as the most serious offence in the case.

This study examines the conditions that are imposed on youths in four Toronto-area courts. Youths can be detained if it is thought that they would not appear in court when required or that they would commit a criminal offence that would threaten public safety. The principle specified in Canadian bail laws is that, in general, the least onerous form of release is presumed to be appropriate unless the prosecutor can demonstrate to the court why a more onerous form of release is justified. The manner in which the law is written, then, implies that conditions should not be imposed on youths unless they can be shown to be necessary.

This court observation study recorded the conditions imposed on youths, noting, as well, the information about the offence that was available to the presiding justice. More conditions were imposed on youths who had committed more serious offences and youths facing large numbers of charges. Many conditions showed no logical relationship to ensuring that the youth appeared in court as required and did not threaten public safety (the justification for conditions).

The most common conditions were that the youth should reside with the youth’s surety (76% of cases), “be amenable to

the rules of the home” (84% of cases), not possess any weapons or a firearms acquisition certificate (79% of cases) and attend school (39% of cases). 31% of the youths were put under house arrest, and 30% were required to attend counselling.

Conditions were then evaluated by the authors as having a “clear connection” or “no apparent connection” or an “ambiguous connection” with the concerns related to release. Residing with one’s surety, for example, was seen as having an ambiguous relationship since its connection with reoffending and appearing in court is possible, but not clear. “Not communicating with the victim” (or co-accused) on the other hand, was always rated as having a ‘clear connection.’ Curfews, on the other hand, often had no apparent connection (e.g., when the offence didn’t take place during the curfew hours) but sometimes did. Some conditions – such as attending school – almost never had a connection with concerns about bail. None of the counselling orders had any relationship to the offence.

In one rather ordinary case a youth had taken the contents of the pockets of another youth – 20 cents and some

membership cards – at 11:15 in the morning. The youth was charged with robbery and released on bail with 8 separate conditions including attending counselling and house arrest (except when accompanied by mother or father to attend school or counselling).

Conclusion: In order to be released, youths consented to, or had imposed on them, an average of 9.3 separate conditions, the violation of any one of which could – and often did – result in additional criminal charges. In other words, almost all of the conditions criminalized ordinary behaviour. In the case referred to in the title of the article, a youth charged with shoplifting from one store in Ontario’s largest chain of drug stores was prohibited from entering this store and any of their other 622 stores in the province (but not, apparently, the stores of its competitors).

Reference: Myers, Nicole M. and Sunny Dhillon (2013). The Criminal Offence of Entering Any Shoppers Drug Mart in Ontario: Criminalizing Ordinary Behaviour with Youth Bail Conditions. *Canadian Journal of Criminology & Criminal Justice*, 55, 187-214.

People judge the legitimacy of the police by whether the police follow the law, whether the police have been procedurally fair in their dealings with citizens, the fairness of the outcome of encounters with the police, and the effectiveness of the police. The perceived fairness of the police predicts voluntary cooperation with them.

The willingness of citizens to volunteer information to the police about crime and disorder in their communities is seen generally as enabling the police to carry out their function (see, for example, *Criminological Highlights* 12(5)#2, 7(1)#4, 4(4)#1, 11(4)#1).

People may obey police either because they consider the police to be legitimate, or because they are afraid of the costs of non-obedience to the police. From the police perspective, it is clearly preferable if ordinary citizens believe in the legitimacy of the police and comply with them because they think it is the right thing to do rather than because they are afraid of being punished if they don't. Previous research has suggested that "legality or lawfulness [is] the first and most basic level of legitimacy" (p. 108). But in addition, procedural justice – that decisions within the rule of law should be impartial, consistent, and should allow citizens to "make representations of their side of the case before decisions are made" (p. 108) – is also seen as important.

A survey of residents of London, England, was carried out in which people were asked questions related to police legitimacy. In addition, they were asked about their feelings of obligation to obey the police as well as their willingness to provide the police with information voluntarily. It would appear that there are four separate, but somewhat related, aspects of police

legitimacy: (1) Lawfulness: assessed by questions including "When the police deal with people in my neighbourhood, they always behave according to the law"; (2) Procedural fairness – e.g., "The police provide opportunities for unfair decisions to be corrected." (3) Distributive fairness – e.g., "People usually receive the outcomes they deserve under the law", and (4) Effectiveness – assessed by asking respondents how well the police address various kinds of crime.

Voluntary cooperation with the police (e.g., by offering to provide them with information) appears to be related to some extent with feelings of *obligation* to obey the police. But in addition, high ratings of the police on lawfulness, procedural fairness and distributive fairness were also associated with the citizens' willingness to voluntarily provide the police with crime-related information. For people who had experienced a criminal victimization in the previous 12 months, those who believed the police were generally effective in dealing with crime were more likely to indicate they were willing to cooperate with the police. For non-victims, however, the opposite relationship was found. It would

appear that non-victims thought it was less important for them to voluntarily cooperate with the police if the police were, without their help, already doing a good job.

Conclusion: Belief in the legitimacy of the police (acting lawfully, procedural and distributive fairness) affected people's willingness to cooperate voluntarily with the police. This effect was over and above the effect of any feelings that people had of legal obligation to help the police fight crime. Though these factors are, generally, important, the various factors that determine cooperation with the police vary across groups in society. Considering the population as a whole, then, cooperation with the police is likely to be highest if the police are seen as acting in a manner that is both lawful and fair.

Reference: Tankebe, Justice (2013). Viewing Things Differently: The Dimensions of Public Perceptions of Police Legitimacy. *Criminology*, 51(1), 103-135.

A survey of methodologically rigorous studies of European correctional programs for youths demonstrates that the same kinds of programs shown to be effective in North America are effective in Europe.

Reviews of correctional programs generally show relatively consistent favourable effects “for cognitive behaviour treatment, structured therapeutic communities, and multimodal systems-oriented programs, whereas pure punishment, deterrence, and supervision-based interventions reveal either negligible or slightly negative outcomes” (p. 20).

In addition, there is empirical support for the “risk-need-responsivity” model of corrections which suggests that “treatment should correspond to the offenders’ risk level of reoffending, address their dynamic risk factors, and match their learning styles and capabilities...” (p. 20). A concern, however, is that most of this work is North American in origin. This paper, by looking at European studies, helps understand whether these findings generalize outside of the North American context.

A systematic search for studies of the effectiveness of correctional treatment for adjudicated young people (under age 25) was carried out. Programs designed to focus exclusively on specific populations (e.g., sex offenders, psychopaths) were excluded. For a paper (published or unpublished in any language) to be included in the detailed analysis described here, it needed to report on a defined intervention that had some measure of offending (official or self-report) and it had to have a comparison group with an adequate demonstration of its equivalence to the treatment group.

Although 14,001 separate studies were located (using a variety of search techniques), only 25 of these met the methodological criteria described above.

These 25 studies could be described as falling into 3 groups: cognitive-behavioural and behavioural treatment, intensive supervision and deterrence-based interventions, and non-behavioural treatment (e.g., job skills, mentoring, restorative justice, intensive probation support).

The studies that appeared to show favourable rehabilitative effects (better outcomes for the treatment group than the comparison group) were largely those reporting outcomes of “Behavioural/Cognitive-behavioural” programs. The other types of programs did not show statistically reliable favourable outcomes. Programs were more likely to be effective if they took place in the community rather than in custody. Both voluntary and obligatory programs were effective.

Conclusion: The most effective programs appeared to be those that applied the ‘risk-need-responsivity’ model. Assuming a recidivism rate for the control group of 50%, these programs would, on average, be expected to reduce it to 34%. Other programs did not show overall significant reductions in recidivism. “It is plausible that community programs show larger effects [than programs taking place in correctional institutions] because they contain more opportunities for real

life application and transfer” (p. 36). What is also notable about this study is the small number of methodologically adequate studies on this topic carried out in this part of the world and the large number of studies in which one could not reliably make judgments of program effectiveness.

Reference: Koehler, Johann A., Friedrich Lösel, Thomas D. Akoensi, and David K. Humphreys (2013). A Systematic Review and Meta-analysis on the Effects of Young Offender Treatment Programs in Europe. *Journal of Experimental Criminology*, 9, 19-43.

Members of the public want those who commit offences during public disturbances to be punished more severely than 'ordinary' offenders – but not much more.

Following riots in a number of English cities in August 2011, English criminal courts responded by handing down significantly harsher sentences to those whose offences related to the disturbances than they would have received for comparable offences committed under ordinary circumstances.

Two justifications are offered for harsher sentences for offences that take place during large civil disturbances: (a) offences during disturbances may be seen by sentencing judges as more serious than the same behaviour during ordinary times, and (b) the perceived special need to decrease future crimes during riots by way of general deterrence.

Data from a survey, carried out in England in March 2012 (about 7 months after the 2011 disturbances), show that only 17% of respondents saw offences during a riot as justifying a harsher sentence in all cases. Rather they generally want the circumstances to be considered by the judge. An offence committed during a riot was seen as less deserving of an increased sentence than other offences with certain aggravating factors (e.g., a vulnerable victim, a victim chosen because of victim's race, premeditation, or the offender having previous convictions).

In this survey, half of the respondents were asked about 'ordinary' crimes; the other half had essentially the same crime described (e.g., burglary from a shop) but they were asked, in addition, for their reactions to the offence if it had taken place during the previous summer's riots. Burglaries in the riot context were seen as more deserving of a prison sentence than an ordinary burglary. One case

in particular had received a lot of press coverage at trial and during the appeal in which the sentences were upheld; both the trial and appeal took place prior to the administration of the survey. This case involved defendants who were convicted and imprisoned for 4 years for inciting a riot by placing a notice on Facebook. When asked about the sentence, 70% of the respondents indicated correctly that the offenders had been imprisoned, but only 17% of all respondents thought that the offenders had received prison sentences of 3 years or more. Hence if the purpose of the unusually harsh sentence was to deter, then even in this case involving large amounts of publicity, the sentence was almost certainly ineffective in doing so since only a small minority of respondents knew about it.

In general, the public wanted harsher sentences to be handed down for offences that took place in the context of a riot. They saw these offences as more serious because of this context (even when the other facts of the case were held constant). Although the English courts appear to have decided there should be a substantially more severe sentence imposed for offences that take place during a riot, members of "the public believe that a relatively modest uplift in severity is the appropriate response to a riot-related offence involving property" (p. 253).

Conclusion: English courts and the public both believe that sentences for riot-related property offences should be harsher than sentences for equivalent ordinary offences. However, the public appears to be less enthusiastic than are judges about sentences that are considerably harsher than normal. In addition, when those members of the public who prefer a custodial sentence were informed of the cost of such a sentence and asked whether they would be content with a strictly enforced and punitive non-custodial sentence (involving curfews, unpaid community service) for riot related behaviour – a sentence that would cost the taxpayer about one-third as much – 52% found this to be 'definitely acceptable' and an additional 34% found it to be 'probably acceptable'. The public's desire for punishment for wrongdoing can be met in many cases with appropriate punitive community sanctions.

Reference: Roberts, Julian V. and Mike Hough (2013). Sentencing Riot-Related Offending: Where Do the Public Stand? *British Journal of Criminology*, 53, 234-256.