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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 and directly by email.

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

1. Why do pretrial detention decisions take so long to make?
2. How does the involvement of Black citizens in the local political process affect crime rates?
3. What can local police do to reduce violent crime?
4. Do those who have direct experience with the courts – jurors – see judges as being out of touch with the public on sentencing?
5. Are sequential lineup presentations better than simultaneous presentations when implemented by the police with witnesses in real cases?
6. What do the changes in Canada's pardon legislation accomplish?
7. When are litigants better off not having a lawyer?
8. What kinds of drug treatment programs have been shown to reduce crime?

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Ontario bail courts are efficient at doing one thing: adjourning cases to be heard on a later date even though a "full days' work" for these courts typically adds up to less than half a day.

Large numbers of unproductive adjournments are common in many courts and are seen as a problem in some (see *Criminological Highlights 4*(6)#1, *9*(4)#1). However, "bail court is unique in that all accused appearing in this court are in custody and will remain there until a bail decision is made" (p. 144). It appears that there is "a 'culture of adjournment' in which an adjournment is not only the most common way to deal with a case but is also the most accepted…. While court actors are certainly aware of issues of backlog and delay, there appears to be considerable ambivalence toward ensuring the bail decision is made expeditiously" (p. 145).

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In cities in which black Americans play important roles in city politics, there is no relationship between the percentage of blacks in a neighbourhood and the level of violent crime in that neighbourhood. When black Americans are shut out of the political process, however, neighbourhoods with high concentrations of blacks also have high rates of violent crime.

"Cities with favourable political environments [for black Americans] typically nullify the effect of percentage black on violent crime at the neighbourhood level…. These results challenge cultural stereotypes that [link] black neighbourhoods inevitably to violence…. Black political opportunities and mobilization [may] help reduce or offset the effects of disadvantages that neighbourhoods with greater percentages of blacks often otherwise face" (p. 110).

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Putting extra resources into the policing of high crime areas isn't enough. To reduce violent crime police need to focus their attention on specific individuals who were known or suspected to be involved in violent crimes – an approach that can be carried out without an increase in the indiscriminate stopping and questioning of ordinary residents.

A focus by the police on people known or suspected of involvement in serious violence appears to be an effective use of police resources in reducing violent crime. Furthermore, it can be done without the negative impact of increased use of stops of ordinary citizens. "By focusing police efforts on the problem people associated with the problem places, police can achieve significant crime reductions while avoiding negative community perceptions of their actions" (p. 46).

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People who have served on juries do not think that judges are out of touch with the public on sentencing. When they see the sentence that the judge handed down in 'their' case, they are even less likely to think that judges are out of touch.

Jurors, generally, made favourable comments about the judges, though many differentiated their experience with 'their' particular judge from what they believed to be the case for judges generally. Clearly jurors from the 162 trials believed that the judge presiding over their trial not only handed down an appropriate sentence, but was in touch with what the public thought about sentencing. This study, along with other findings on public opinion toward sentencing, suggests that before the public's stated view that 'sentences are too lenient' is blindly followed, it should be remembered that it is the public that is not 'in touch' with what is actually going on in court. In large part, ordinary members of the public seldom have the kind of information about cases that jurors are exposed to.

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Sequential presentations of lineups used by police in actual cases are more effective than simultaneous presentations of lineups. Fewer incorrect identifications are made and there is no reduction in the rate of identification of the actual suspect.

"Although the results showed an advantage for the sequential lineup procedure overall in reducing the rate of known (filler) errors, it is also clear that the differences were small" (p. 10). Generally, however, the results are similar to the laboratory studies. They may be weaker because there is more variation across lineups (e.g., on whether the actual suspect is in the lineup, the time between the witnessed event and the lineup, as well as variation in the original viewing of the crime). These factors, however, did not differ systematically across the lineup conditions since eyewitnesses were randomly assigned to one of the presentation styles. Nevertheless, the findings confirm earlier laboratory research suggesting that there are clear advantages, and no disadvantages, of using a sequential lineup procedure rather than a simultaneous presentation of a lineup.

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Canada's system of pardons for ordinary offences was designed to reduce the stigma of a criminal conviction. Recent legislative changes were designed to undermine this purpose.

The original legislation was designed to deal with a problem inherent in criminal convictions identified by the opposition (Conservative) party in Parliament in 1970. As they put it, it was "absolutely unfair for a person to carry on his shoulders for a lifetime, something which was done perhaps on the spur of the moment." The pardon legislation, as it operated for about 40 years, appeared to be working quite well. Nevertheless, the government of Canada decided, without empirical justification, to restrict the availability of pardons.

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For an asylum seeker, having a good lawyer can increase the likelihood of success in part because good lawyers know how to tailor their arguments for specific immigration judges. Having a bad lawyer, however, is worse than having no lawyer at all.

It is clear that good representation at immigration asylum hearings can level the playing field between the applicant and the government. However, given that poor representation is worse for the applicant than having no lawyer at all, one needs to be cautious about any policy suggestion that simply provides "lawyers" of any quality on the assumption that 'some' support is better than none.

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An analysis of all known treatment programs for drug-abusing offenders in Europe that have relatively adequate evaluations demonstrates that programs that include pharmacological substitution treatments were quite effective. Programs that relied primarily on drug testing were ineffective.

It would appear that the European drug treatment programs may have a larger effect on reoffending than studies carried out elsewhere. This may have to do with the fact that the effective treatments in this review involved pharmacological substitution. The necessity of adequate control groups was also demonstrated by the fact that, over time, in most of these studies, there was a reduction in drug use in *both* the treatment and the control groups. A simple "before – after" design, without a control group would therefore have been inadequate since any program, even ones that had no effect, would demonstrate 'change' in these circumstances.

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Ontario bail courts are efficient at doing one thing: adjourning cases to be heard on a later date even though a "full days' work" for these courts typically adds up to less than half a day.

For most cases in which an accused is brought to court to determine if they should be released on bail, the law says that the onus is on the Crown to demonstrate the need to detain an accused person. This observational study of 142 days of operation of 11 of Ontario's bail courts demonstrates that almost half of those people who are brought to bail court do not get a decision at that hearing, notwithstanding the fact that courts are actively hearing cases for an average of only 3 hours and 15 minutes in a full court day.

Part of the reason for this is that "There is no management structure or system of accountability in place to monitor the daily performance of the court" (p. 129). The court can best be thought of as an organization of different people (prosecutors, defence counsel, justices of the peace) with different interests. What they hold in common is a desire to 'get through the list' of cases on the docket, not necessarily to make decisions.

An average of about 30 cases are 'heard' each day but 53% of the 3376 cases that were observed as part of this study ended the day simply being adjourned to another day (and often to different prosecutors and justices). Most (81%) of the adjournments were requested – directly or indirectly – by defence counsel. The remaining cases were equally likely to be initiated by the Crown and the Justice. Remarkably, however, since staff rotated into and out of the bail court "on a regular, if not daily basis", there was nobody who seemed interested in "having the business of each appearance build on that of the previous appearance" (p. 137). The result was that the likelihood of a decision being made concerning whether the accused should be detained or released was about 50% whether it was the first appearance in court for the accused or any subsequent appearance.

Cases that were ready to proceed, however, did not always get heard. Some courts would not allow contested hearings to be started after about 3 p.m. even though various people necessary for release had been waiting in court all day. One day, for example, a justice refused to allow a contested hearing even though the court had actively used only 3 hours and 12 minutes of a full court day (p. 140). On an average day, there were only 1.6 contested matters that were heard.

Asking for adjournments was seldom controversial and was seldom challenged by anyone. The reasons for adjournments were coded for the 2008 cases (of the 3376 cases that were observed). 17% occurred because defence counsel was not available. In 16% of the cases a surety – a person willing to take responsibility for the accused person and to pay the court a specified sum if the accused person did not follow the terms of release – was not available on that day. There is no legal requirement for sureties though they are almost always required as a condition for release. There is also no legal requirement that they be examined in court though that is common practice. In 20% of the adjournment requests, the justification that was offered was the need for some court service or further information. 7% were adjourned because the court said it didn't have the time to deal with the matter, and 16% were for other reasons (e.g., to plead guilty). The acceptance of adjournments as a legitimate "outcome" is demonstrated by the fact that for the remaining 24% of cases, no reason was offered or requested.

Conclusion: Large numbers of unproductive adjournments are common in many courts and are seen as a problem in some (see *Criminological Highlights* *4*(6)#1, *9*(4)#1). However, "bail court is unique in that all accused appearing in this court are in custody and will remain there until a bail decision is made" (p. 144). It appears that there is "a 'culture of adjournment' in which an adjournment is not only the most common way to deal with a case but is also the most accepted…. While court actors are certainly aware of issues of backlog and delay, there appears to be considerable ambivalence toward ensuring the bail decision is made expeditiously" (p. 145).

Reference: Myers, Nicole Marie (2015). Who Said Anything About Justice? Bail Court and the Culture of Adjournment. *Canadian Journal of Law and Society, 30*(1), 127-146.

In cities in which black Americans play important roles in city politics, there is no relationship between the percentage of blacks in a neighbourhood and the level of violent crime in that neighbourhood. When black Americans are shut out of the political process, however, neighbourhoods with high concentrations of blacks also have high rates of violent crime.

It is well established that in many cities in North America, rates of violence or homicide are higher in neighbourhoods with high concentrations of black residents. This effect is reduced in strength, and sometimes disappears, when other factors – the level of neighbourhood disadvantage of residents or their access to other resources – are controlled for (see *Criminological Highlights 14*(2)#5, *6*(4)#2).

This paper extends this research by examining the hypothesis that the political context of cities may help explain whether there is, or is not, a link between the racial makeup of a neighbourhood and its level of violent crime. Essentially it is suggested that "the association between percentage black and neighbourhood violence depends on the degree to which cities present favourable political context for blacks." (p. 94). "Forces beyond neighbourhood borders… shape the fate of local areas" (p. 94-5). There is a need to look at the city as a whole.

Using data from 87 US cities, Black political opportunities were operationalized in a number of different ways: the election of black politicians (which can lead to increased black representation in city departments), black representation on the police force, the presence of a civilian police review board, and the receptivity to black issues (measured by voting Democratic). Various other characteristics of the 87 cities and of the 8931 census tracts in these cities were examined including economic disadvantage, residential instability, the presence of manufacturing jobs, and the percent of the population that were young males.

In general, before other factors were controlled for, the violent crime rate (homicides and robberies) was higher in neighbourhoods with high concentrations of black residents. However, the strength of this relationship varied considerably across the 87 cities. When measures of neighbourhood disadvantage were controlled for, the effect of the percent black in the neighbourhood decreased but did not disappear.

More important are the findings that break down the cities into those in which black citizens play a substantial political role and those in which they do not. After including the economic and other controls, there is no relationship between the percent black in a neighbourhood and violent crime in cities with a black mayor. In cities with a nonblack mayor, violence rates are higher in neighbourhoods with high concentrations of blacks. The results are similar when one looks at cities in which blacks are well represented among elected officials, or cities in which there are high concentrations of minority advocacy organizations. Cities in which there are high rates of black political involvement do not show a relationship between the percent black in a neighbourhood and levels of violence. Those in which black Americans are shut out of the political process do show a relationship between the percent black in a community and the neighbourhood violence rate.

Conclusion: "Cities with favourable political environments [for black Americans] typically nullify the effect of percentage black on violent crime at the neighbourhood level…. These results challenge cultural stereotypes that [link] black neighbourhoods inevitably to violence…. Black political opportunities and mobilization [may] help reduce or offset the effects of disadvantages that neighbourhoods with greater percentages of blacks often otherwise face" (p. 110).

Reference: Vélez, María B., Christopher J. Lyons, and Wayne A. Santoro (2015). The Political Context of the Percent Black-Neighborhood Violence Link: A Multilevel Analysis. *Social Problems, 62*, 93-119.

Putting extra resources into the policing of high crime areas isn't enough. To reduce violent crime police need to focus their attention on specific individuals who were known or suspected to be involved in violent crimes – an approach that can be carried out without an increase in the indiscriminate stopping and questioning of ordinary residents.

There is some evidence that increased police presence in high crime areas can have some impact on crime, although the effects may be short-lived. Other research suggests that what the police do when policing a high crime area may be the key to understanding these effects on crime 'hot spots' (see *Criminological Highlights 12*(3)#3, *14*(5)#3, *13*(3)#2).

This study examined the impact of three different police tactics designed to reduce the incidence of violent crime in high crime areas. 27 areas (with an average of 3 miles of streets and 23.5 intersections) with high levels of violent crime were identified by the police as being appropriate for each of the three experimental treatments. 20 were randomly assigned to receive the treatment; 7 were randomly assigned to be policed as they always had been.

One third of the experimental areas were assigned to receive foot patrols for a minimum of 8 hours per day, 5 days a week. Typically officers patrolled in pairs. In another set of areas, officers were encouraged to engage in 'problem-oriented policing' and were given special training for this. The actual activities of these officers varied from area to area. In another set of areas, police officers engaged in 'offender-focused policing' in which residents of the area suspected or known to engage in repeat violence were identified by the police intelligence unit. Police officers made contact with these people or, in some cases, served arrest warrants for recently committed offences. More commonly, the police simply exercised surveillance on these people.

Each policing tactic was implemented for a minimum of 12 weeks and a maximum of 24 weeks. Violent crime in all areas (experimental and control) was monitored for 38 weeks. The "offender focused" approach caused a reduction in violent crime in the experimental areas of about 42%. Analyses of changes in crime in adjacent areas suggest that there was no displacement of violent crime to these areas. If anything, there was a reduction in violent crime in adjacent areas suggesting a "diffusion of crime-control benefits" (p. 42).

Neither the problem-oriented policing nor the foot patrols had significant impacts on violent crime. In fact, it was very difficult for police officers to implement the problem-oriented policing tactics. Even though the areas had been chosen because they were relatively high in violent crime, police officers reported that in many of the areas citizens did not see violent crime as the biggest local problem.

In the "offender focused" areas, there was no increase in the number of pedestrian stops, car stops, or narcotics incidents. This suggests that if the police have a specific set of individuals to watch, they will not bother those not on their list. This is a very different approach, then, from 'saturation patrols' in which ordinary people are indiscriminately stopped and questioned or in which people are arrested for minor (e.g., drug possession) offences.

Conclusion: A focus by the police on people known or suspected of involvement in serious violence appears to be an effective use of police resources in reducing violent crime. Furthermore, it can be done without the negative impact of increased use of stops of ordinary citizens. "By focusing police efforts on the problem people associated with the problem places, police can achieve significant crime reductions while avoiding negative community perceptions of their actions" (p. 46).

Reference: Groff, Elizabeth R. J. H. Ratcliffe, C.P. Haberman, E.T. Sorg, N.M. Joyce, and R.B. Taylor (2015). Does What Police Do at Hot Spots Matter? The Philadelphia Police Tactics Experiment. *Criminology, 53*(1), 23-53.

People who have served on juries do not think that judges are out of touch with the public on sentencing. When they see the sentence that the judge handed down in 'their' case, they are even less likely to think that judges are out of touch.

Previous research has demonstrated that jurors who thought that sentences generally were too lenient were quite likely to approve of the sentence handed down in cases in which they determined the finding of guilt (*Criminological Highlights 11*(6)#2). This study looks in more detail at whether jurors think that sentencing judges, generally, are out of touch with public opinion on sentencing.

Jurors from 162 trials in Tasmania, Australia, in which a verdict of guilty was returned were asked – after they had rendered their verdict but before they heard the sentence that the judge imposed in the case they had heard – "How in touch do you think judges are with public opinion on sentencing?" (p. 732). In clear contrast to surveys of ordinary Australians that show the most Australians believe that judges are not in touch with what ordinary people think about sentencing, 71% of Tasmanian jurors thought that judges are very (12.4%) or somewhat (58.2%) in touch with public opinion on sentencing.

After the sentence was handed down in the case that they heard, jurors were sent a package of material including the sentence and the judge's comments about the sentence as well as information about crime and sentencing. They were then asked to fill out and return a second questionnaire. This questionnaire included the same question concerning their views of whether judges were out of touch with the public on sentencing. 82% of the jurors, in this second round of questioning, thought that judges were very (26%) or somewhat (56%) in touch with the public on sentencing. In other words, after the experience of jury service, more people overall (82% vs. 71%) thought that judges were in touch with the public on sentencing, and about twice as many (26% vs 12%)thought that judges were very in touch with the public on sentencing matters.

Both before they knew the actual sentence and after they heard about the sentence in the case they had heard, they were asked whether they thought that sentences were generally too lenient for four categories of offences (sex, violence, property, and drugs). Respondents were less likely to think that sentences for all four types of cases were too lenient after they had heard the judge's sentence in 'their' case than before. However, this effect appeared to be determined largely by those who thought that judges were in touch with ordinary people's views on sentencing. Not surprisingly, those who thought that judges were out of touch with ordinary people's views on sentencing were more likely to think that sentences were too lenient.

Conclusion: Jurors, generally, made favourable comments about the judges, though many differentiated their experience with 'their' particular judge from what they believed to be the case for judges generally. Clearly jurors from the 162 trials believed that the judge presiding over their trial not only handed down an appropriate sentence, but was in touch with what the public thought about sentencing. This study, along with other findings on public opinion toward sentencing, suggests that before the public's stated view that 'sentences are too lenient' is blindly followed, it should be remembered that it is the public that is not 'in touch' with what is actually going on in court. In large part, ordinary members of the public seldom have the kind of information about cases that jurors are exposed to.

Reference: Warner, Kate, Julia Davis, Maggie Walter, and Caroline Spiranovic (2014). Are Judges Out of Touch? *Current Issues in Criminal Justice, 25*, 729-743.

Sequential presentations of lineups used by police in actual cases are more effective than simultaneous presentations of lineups. Fewer incorrect identifications are made and there is no reduction in the rate of identification of the actual suspect.

Police lineups using photographs can be run in two different ways. A picture of a suspect can be placed in an array of photographs of non-suspects and the array of photographs is then shown simultaneously to the witness. Alternatively, the individual pictures are shown sequentially to the witness with the witness making a decision for each photograph about whether it represents the person they saw. Typically witnesses do not know how many pictures they will be shown in these sequential lineups. Hence 'absolute' judgements are made rather than 'relative' judgements (as might be the case in a simultaneous lineup).

Laboratory research – typically involving people who witnessed a simulated crime – suggest strongly that sequential lineups lead to more correct and fewer incorrect identifications (see *Criminological Highlights 12*(4)#6). A 2011 survey of US police services found that 32% of them use sequential lineups. This study takes that research one important step further. In actual criminal cases in 4 police jurisdictions, witnesses were randomly assigned to view lineups presented either sequentially or simultaneously.

The four police services implemented an experiment in a manner that attempted to ensure that any differences in the outcome were due to the simultaneous vs. sequential manipulation. The "filler" pictures along with the suspect's picture were chosen by detectives (who did not know which type of lineup would eventually be presented). The pictures were then imported into a computer and placed in a random order, except that the actual suspect was never in Position 1 (for either type of lineup). A second detective, not involved in the creation of the lineup and who did not know who the actual suspect was, conducted the lineup using a laptop computer. The computer randomly determined which type of lineup was to be presented once all instructions had been presented (e.g., that the suspect may or may not be in the lineup, etc.). A computer program largely instructed the witnesses and ran the lineup. Witnesses who viewed the sequential lineup were allowed to repeat the presentation if they asked to do so and were told that they would have as much time as they wanted. They were also told that if they identified a person early in the procedure they should still look at the full series of pictures.

In all, 494 lineups were carried out, about half sequential and half simultaneous. In about a quarter of the lineups the suspect was identified. This rate was essentially the same for simultaneous and sequential lineups. Of course, unlike the simulated crimes used in laboratory studies, it was not known whether the suspect was in fact the person whom the eyewitness saw. A "filler" was identified as the offender in 11.1% of the cases on the first presentation of the sequential lineup and in 12.3% in either the first or second presentation. In the simultaneous lineups, a filler was incorrectly identified in 17.8% of cases.

Conclusion: "Although the results showed an advantage for the sequential lineup procedure overall in reducing the rate of known (filler) errors, it is also clear that the differences were small" (p. 10). Generally, however, the results are similar to the laboratory studies. They may be weaker because there is more variation across lineups (e.g., on whether the actual suspect is in the lineup, the time between the witnessed event and the lineup, as well as variation in the original viewing of the crime). These factors, however, did not differ systematically across the lineup conditions since eyewitnesses were randomly assigned to one of the presentation styles. Nevertheless, the findings confirm earlier laboratory research suggesting that there are clear advantages, and no disadvantages, of using a sequential lineup procedure rather than a simultaneous presentation of a lineup.

Reference: Wells, Gary L., Nancy K. Steblay, and Jennifer E. Dysart (2015). Double-Blind Photo Lineups Using Actual Eyewitnesses: An Experimental Test of a Sequential Versus Simultaneous Lineup Procedure. *Law and Human Behavior, 39*(1), 1-14.

Canada's system of pardons for ordinary offences was designed to reduce the stigma of a criminal conviction. Recent legislative changes were designed to undermine this purpose.

In 1970, when Canada's pardon legislation was introduced, the main Canadian political parties were in agreement with its overall purpose. Pardons were seen as a mechanism to reintegrate offenders back into society. 480,035 pardons have been issued since 1970. Only 5% of them have been revoked.

Recently, however, the Canadian government made changes in the legislation. The triggering events that the government used to justify the changes to the pardon related to two high profile offenders. One had received a pardon and was later found to have committed other offences decades before the pardon was issued. The other, a high profile offender, was approaching the time when she would have been eligible to apply for a pardon.

The legislation eliminated the word "pardon" from the law. Some of those with criminal convictions can now apply for "record suspensions" reflecting, apparently, the Government's view that those who have committed criminal offences should no longer be pardoned or forgiven for what they have done. As one Government spokesperson put it, "A pardon suggests that everything is now OK" (p. 222).

In addition, those guilty of certain offences (e.g., certain sex offences) or patterns of offences, are never eligible for pardons. The waiting time for applications increased from 3 to 5 years for less serious offences and from 5 to 10 years for more serious offences. No empirical justification was offered. Finally the application fee was raised from $50 to $150 and then to $631 on the theory, according to the government minister, that "ordinary Canadians shouldn't be having to foot the bill for a criminal asking for a pardon" (p. 222).

Using data from an organization that helps those applying for pardons complete the application, it would appear women are very slightly over-represented among pardon applicants compared to those found guilty in court (22% vs. 16%). Compared to those found guilty in courts, those receiving pardons are considerably more likely to have been found guilty of a drinking-driving offence (33% vs. 14%) or a property offence (35% vs. 22%) and much less likely to have been found guilty of an administration of justice offence (0% vs. 25%). They were equally likely to have been found guilty of a violent offence (19%).

Unlike those found guilty in court, about half were age 45 or older. Most (82%) were employed and the vast majority were applying because of work related issues (71%). A sizable number, however, were applying because of matters of conscience (15%) or so that they could do volunteer work (14%). These latter two purposes were mentioned disproportionately by those over age 45 and by those who had waited a long time after becoming eligible for a pardon. In effect, then, those applying for pardons "were convicted of ordinary, relatively minor types of offences and they desired a pardon for… employment purposes, or simply to clear their conscience of a mistake, or to be able to volunteer… exactly what was envisioned – and hoped for – by the drafters of the original pardons bill introduced in 1970" (p. 220).

Conclusion: The original legislation was designed to deal with a problem inherent in criminal convictions identified by the opposition (Conservative) party in Parliament in 1970. As they put it, it was "absolutely unfair for a person to carry on his shoulders for a lifetime, something which was done perhaps on the spur of the moment." The pardon legislation, as it operated for about 40 years, appeared to be working quite well. Nevertheless, the government of Canada decided, without empirical justification, to restrict the availability of pardons.

Reference: Murphy, Yoko, Jane B. Sprott, and Anthony N. Doob (2015). Pardoning People Who Once Offended. *Criminal Law Quarterly, 62,* 209-225

For an asylum seeker, having a good lawyer can increase the likelihood of success in part because good lawyers know how to tailor their arguments for specific immigration judges. Having a bad lawyer, however, is worse than having no lawyer at all.

People applying for asylum in the US are classic "one shot" players in court faced with the "repeat player" federal government. It is suggested here that "high capability legal counsel is able to even the odds in this type of litigation between one-shot litigant asylum seekers and the repeat player federal government" (p. 210). Applicants for asylum must demonstrate "a well-founded fear of persecution" (p. 210). However, "the legal strictures in asylum cases are loose because both the facts and the law are vague" (p. 210).

This paper examines the outcome of 197,704 US asylum cases between 1990 and 2010 involving 1,234 different lawyers or law firms. Various measures of lawyer capability (including past successes in asylum cases) and their success with particular immigration judges (IJ) were developed. Various other controls were included such as a measure of judicial liberalism (based on background characteristics of the IJ), characteristics of the country of origin, year in which application was heard, and party in power at a national level.

The results suggest that having a lawyer who specializes in immigration law does not affect the likelihood of a successful outcome, nor does the lawyer's overall experience with immigration law (measured by the number of cases the lawyer has taken). Indeed, "increased experience appears to *reduce* the likelihood of victory" (p. 227). "As the case load of an immigration lawyer increases, the likelihood of securing relief for any given client decreases" (p. 228). To some extent this may be the result of the fact that many one-case or low volume lawyers in the sample are pro-bono lawyers working in other areas of law, who are working with other organizations.

"Being unrepresented appears to make one more likely to receive relief than being represented by a poor attorney…. [However] the average attorney is about 9 percentage points better than no attorney (p. 228). These effects hold for clients coming from countries of all levels of human rights oppression.

Not surprisingly, those who have been successful in the past with asylum cases are likely to be successful in the case that they are handling. More interesting is the fact that "an attorney that has previously won every case before a specific IJ is 64 percentage points more likely to prevail than an attorney who has never won before a particular IJ" (p. 228) even when overall success is held constant.

It is suggested that "A large component of attorney success is found in being able to tailor an argument to a specific IJ, perhaps knowing and playing on their proclivities…. In immigration court it is not just mere experience before a judge, but rather having past experience in winning cases before a judge" (p. 230). The data suggest that "there is a great deal of nuance in the relationships between attorneys and IJs, a relationship that is perhaps enhanced by the harried nature of asylum decision making: IJs are left to rely heavily on the ability of attorneys to develop cases, given their extreme workloads" (p. 232).

Conclusion: It is clear that good representation at immigration asylum hearings can level the playing field between the applicant and the government. However, given that poor representation is worse for the applicant than having no lawyer at all, one needs to be cautious about any policy suggestion that simply provides "lawyers" of any quality on the assumption that 'some' support is better than none.

Reference: Banks, Miller, Linda Camp Keith, and Jennifer S. Holmes (2015). Leveling the Odds: The Effect of Quality Legal Representation in Cases of Asymmetrical Capability. *Law & Society Review, 49*(1), 209-239.

An analysis of all known treatment programs for drug-abusing offenders in Europe that have relatively adequate evaluations demonstrates that programs that include pharmacological substitution treatments were quite effective. Programs that relied primarily on drug testing were ineffective.

It is quite clear from a number of studies that substance abuse and crime are linked: drug abuse is common among prisoners and the likelihood of offending is considerably higher among those using illegal drugs than it is in the general population. Not surprisingly, therefore, correctional authorities often provide drug treatment programs.

What is more surprising is how little is known, on a systematic basis, about the relative value of various forms of drug treatment programs. In large part, this is the result of the failure of correctional authorities to do high quality evaluations. Equally often, drug programs are implemented in a manner that does not permit a 'no treatment' or 'treatment as usual' comparison group.

This paper presents a systematic review of European studies (published and unpublished, and written in any European language) on drug treatment programs where crime reduction was one of the measured goals. Only studies that include a demonstrated equivalence between treatment and control groups were included. There had to be, as well, some measure of subsequent offending (self-report or criminal justice). Over 30 thousand studies were initially identified of which 1422 passed an initial screening (on such factors as the presence of a comparison group). In the end, however, there were only 13 studies with 15 controlled evaluations (involving 1698 people in the drug treatment program) that met the selection criteria. Most programs, clearly, are not adequately evaluated.

Twelve of these 15 studies involved primarily substitution-based treatment, often combined with various psychological or psychosocial treatments, client supervision and drug testing. The remaining 3 studies focused primarily on the effectiveness in reducing crime of criminal justice-based drug testing orders. In the pharmacological substitution studies, the form of the treatments varied considerably as did the frequency of contact between the client and the clinic delivering the treatment. The control groups were typically "treatment-as-usual." For example, for opiate-dependent populations in many European countries, methadone maintenance treatment is the conventional program; hence this was often the 'treatment-as-usual' condition.

There were significant positive improvements associated with the treatment on various physical health measures. "Pharmacological substitution treatments [showed] particularly strong… effects on both crime and illicit drug use" (p. 593). Programs based on drug-testing, however, did not demonstrate significant effects on either crime or drug use. It would appear that, on average, re-offending rates dropped by about 37% with the substitution drug treatment.

Conclusion: It would appear that the European drug treatment programs may have a larger effect on reoffending than studies carried out elsewhere. This may have to do with the fact that the effective treatments in this review involved pharmacological substitution. The necessity of adequate control groups was also demonstrated by the fact that, over time, in most of these studies, there was a reduction in drug use in *both* the treatment and the control groups. A simple "before – after" design, without a control group would therefore have been inadequate since any program, even ones that had no effect, would demonstrate 'change' in these circumstances.

Reference: Koehler, Johann A., David K. Humphreys, Thomas D. Akoensi, Olga Sánchez de Ribera, and Friedrich Lösel (2014). A Systematic Review and Meta-Analysis on the Effects of European Drug Treatment Programs on Reoffending. *Psychology, Crime & Law, 20*(6), 584-602.