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Criminological Highlights is produced approximately six times a year by the Centre of Criminology, University of Toronto and is designed to provide an accessible look at some of the more interesting criminological research that is being published.

Contents

- After this page, we have written a "headline" that summarizes the important points of the article. This is followed by a single paragraph "conclusion" on what one might learn from the paper. **We suggest that the busy user of this service should begin by reading the headlines** and any of the "conclusions" that seem interesting.
- Next comes the core of this document (8 pages) where we have provided one-page summaries of each paper.

Copies of articles can be obtained, at cost, from the Centre of Criminology library (Email Tony Doob or Tom Finlay – addresses above).

This issue of *Criminological Highlights* was prepared by a group of faculty, librarians, and graduate students at the Centre of Criminology, University of Toronto.

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Comments or suggestions should be addressed to Anthony N. Doob or Tom Finlay at the Centre of Criminology, University of Toronto

High levels of violence in the home are damaging in two ways: Children experience psychological harm and they themselves become more violent.

It is probably well known that people who are violent come from violent homes. This study replicates that finding. However, it takes "violence in the home" one step further and shows that witnessing violence in the home has negative mental health impacts on children, even when that violence is at relatively moderate levels. "Adolescents exposed to home violence are more likely than adolescents not so exposed to become angry, to say something mean to others, and/or to act aggressively toward others, all increasing their risk for future perpetration of violence." (Item 1)

The way in which society punishes varies across time and place. When societies create harsh penalties, they often create systems of "mercy" to counteract the harshness. In the end, it may be just as important that the "punishment fit the time" as it is for the "punishment to fit the crime."

Various examples of changes in punishments imposed on offenders – public executions, whippings, the pillory, on the one hand, and the rise of the use of imprisonment on the other – demonstrate that "the specific forms of punishments are variable and change with the attitudes, sensibilities, and political and social objectives of the day" (p. 47). But even when penalties are imposed, one must remember punishments are often modified and, therefore, "theories of mercy must take into account the peculiarities of time and place" (p. 10). More importantly, "the history of modified punishment should also urge us to question policy-makers who see mercy as a possible way out, having painted themselves into a retributivist corner. Because it is exercised through discretionary means, the modification of punishment can be arbitrary, unaccountable and unfair. Mercy can be inspired for all the wrong reasons..." (p. 17). There never have been "good old days" when, in a world similar to our own, offenders were punished quickly and harshly without some reflection and consideration given to individual circumstances in individual cases. (Item 2)

"Community punishments" -- evaluated in sensible ways -- are more cost effective than prison. Given "the lack of any demonstrable superiority on the part of institutional sentencing in controlling recidivism, [it is] custody not community sentencing that has to be justified and defended" (p.179-80).

"In the aggregate, community-based punishments are at least as effective in tackling recidivism as an institutional sentence. Put the other way around, the research evidence *certainly does not rule out the use of community sentences on the grounds of public protection, especially when what is being looked for is long term efficacy against recidivism rather than some shorter term incapacitative effect*" (p. 179). One suggestion made here is that there needs to be an attempt "to find better ways of insulating [sentencing policy] from the immediate influences of political fortune hunting that have led in the past to ambivalence, inconsistency and injustice" (p. 196). "The problem with opting for tougher sentencing policies, even ostensibly in the short term, is that it is not necessarily the same thing as taking reasonable and effective steps against crime... Moreover, the evidence [from England] and elsewhere suggests strongly that the public will never be satisfied with tougher new regimes unless widespread misperceptions about leniency in sentencing are challenged and changed" (p. 191). (Item 3)

The nature of hate crimes may have changed over the centuries, but attacks on (largely) "devalued, disenfranchised, and isolated" groups have occurred for centuries. At the same time, a careful examination of the burnings of black churches in the US in 1996 demonstrated that what might appear to be an epidemic of hate motivated crime may turn out to be a media-created moral panic.

For the most part, an examination of what usually falls into the category of "hate crime" suggests that the victims are usually vulnerable, and the perpetrators see the group (with which the immediate victim is identified) as a threat to their way of life. One difficulty that arises in dealing with "hate motivated crimes" is that it is often difficult to identify whether there is, in fact, an increase in particular types of crimes or if these crimes are simply being noticed and reported more and linked by the media. Calling something a hate crime when it is not has potential risks. Though "it is commendable that the US has become sensitive to racial violence... (p.512), there is concern that explaining "ordinary" crimes as "hate crimes" may lead those who are seen as the targets "to become more fearful, suspicious, and angry..." Also, many white Americans "may become sceptical of reports of [actual] racist incidents in the future" (p. 512). "Adopting the worst possible interpretation of ugly events is unlikely to produce positive societal effects." (Item 4)

Employment for those being released from prison can reduce recidivism, but success may be tied to building in a follow-up program to address the wide range of difficulties that ex-prisoners experience.

Effective employment programs -- which appear to address the real employment needs of many ex-prisoners -- provide services in a custodial setting as well as providing support and *post-employment* follow-up rather than limiting themselves to "traditional job preparation and placement assistance." One study estimated that in a large program (that serviced 6500 clients) costing about \$4 million for one year, about 20% "avoided reincarceration in part because of their participation in [the program] and resulting employment." Incarceration costs for them would have been over \$19 million. The over \$15 million savings does not include an estimated \$1.2 million that these ex-offenders paid in taxes. There seem to be two prerequisites to success in running these programs: good working relationships with other agencies and a willingness and an ability to help ex-offenders with various problems that they face which are barriers to peaceful reintegration. (Item 5)

Judges in the US appear to be considering the possibility of being more active in speaking publicly about their roles. Most American judges who responded to a recent survey believe that they are under more pressure to be accountable to public opinion, and there appears to be a growing belief that judicial independence does not necessarily require judicial public silence.

Clearly there is tension between judicial independence and public accountability. However, the argument is made that the "court's legitimacy rests on their independence and fairness.... At the same time, simply asserting the importance of judicial independence and accountability... rings hollow given democratic expectations for accountability. Judicial independence itself is vulnerable to the claim that judges are 'out of touch.' The problem of public criticism of courts exposes this circularity -- that judicial independence rests on judicial legitimacy and vice versa -- and implies that courts' best institutional response is to promote both responsiveness and independence through greater involvement in the community and through public education and outreach efforts" (p. 117). Clearly the issues are not simple ones. One wonders whether Canadian judges would, as a group, be comfortable speaking publicly about what they do. (Item 6)

The *Young Offenders Act* did not cause youth crime: During the period 1977-1996 there was little overall change in police-reported youth crime in Canada.

"The per capita rate of young persons *charged* has increased significantly since the inception of the Young Offenders Act (YOA)." More important is the finding that "the per capita rate of youth apprehended by police increased rapidly during the late 1970s.... From 1980 to 1988, youth crime remained at about the same level, then it rose to a peak in 1991, and fell back almost to its former level by 1996" (p. 13). This overall increase from the 1970s to the 1990s cannot, therefore, be attributed to the YOA, since most of the increase took place either before the YOA was implemented or some years after. "There is no basis in fact for public concern about increased level of youth crime or the supposed failure of the YOA to control youth crime." We should be careful not to attribute changes in the behaviour of adults (charging practices) to youth (crime). (Item 7)

In 1998 the US prison system hit a new plateau: It now has 1 million people in prison for non-violent offences. Most of the increase in prison population in recent years is due to an increase in non-violent prisoners. The evidence is clear: very high levels of imprisonment have negligible impacts on crime rates but large impacts on the ability to fund other government programs.

The United States now has 1.8 million people in prisons and jails. California, with a population about 8% larger than Canada, has about 145,000 people in its state prisons and jails in comparison with Canada's 34,000 (page 10). These impacts of high imprisonment policies are obviously not evenly felt. "There are four times as many African American men in California's prisons as in its university system...." Statistic after statistic can be presented demonstrating that changes in crime rates appear to be unrelated to imprisonment rate changes. Concerns are being expressed now about the longer term impact of high levels of imprisonment on those currently in prison. Eventually almost all will be released but "their chances of pursuing a merely viable, much less satisfying, conventional life after prison are diminished by their time behind bars" (p. 13). Research carried out some time ago shows that "convicted felons sent to prison had significantly higher rates of rearrest after release than similar offenders placed on probation" (p. 13). The long term impacts are yet to come. (Item 8)

High levels of violence in the home are damaging in two ways: Children experience psychological harm and they themselves become more violent.

Governments, within Canada and elsewhere, have realized that violence against women is not only a difficult problem to address, but has a history of being neglected. Also, because so much “family violence” is really violence perpetrated by men against their spouses, there is a tendency not to think of the potential for harmful effects on children whose live in violent homes.

This study examined the lives of 3724 14-19 year olds in a number of Ohio and Colorado schools. The youths reported, on an anonymous questionnaire administered in school, how much violence they experienced or witnessed at home. Various measures of the psychological impact of these experiences were administered as well as a self-report measure of violence perpetrated by these same youths.

The impact of exposure to violence (either as a victim or as an observer) was dramatic. Youths, both girls and boys, responded to exposure to violence with adaptive strategies (e.g., talking to friends, getting more involved in school activities, joking), neutral strategies (crying, watching television), and maladaptive strategies (getting angry, saying mean things to others, and using drugs and alcohol). Consistent with other research, violence in the home led to more violence on the part of the children (both boys and girls) who witnessed it.

Effects of violence on the well-being of the children. The youths were also administered a measure of “psychological trauma symptoms.” There were very large differences on these measures, both for boys and for girls, between those who had experienced high vs. medium vs. low amounts of violence in the home. For each symptom -- anger, anxiety, depression, dissociation, post-traumatic stress -- and for both boys and girls, those with high exposure to violence in the home reported more symptoms than did those with a medium level of exposure. Furthermore, those with medium levels of exposure to violence in the home showed more symptoms than those with low levels. In other words, it is *not* just children who grow up in the most violent homes who would appear to suffer as a result of high levels of exposure. Even those whose homes are, relatively speaking, only moderately violent show negative impacts.

Conclusion. It is probably well known that people who are violent come from violent homes. This study replicates that finding. However, it takes “violence in the home” one step further and shows that witnessing violence in the home has negative mental health impacts on children, even when that violence is at relatively moderate levels. “Adolescents exposed to home violence are more likely than adolescents not so exposed to become angry, to say something mean to others, and/or to act aggressively toward others, all increasing their risk for future perpetration of violence” (p. 44).

Reference: Flannery, Daniel J., Mark Singer, Laura Williams, and Peter Castro. Adolescent violence exposure and victimization at home: Coping and psychological trauma symptoms. *International Review of Victimology*, 1998, 6, 29-48.

The way in which society punishes varies across time and place. When societies create harsh penalties, they often create systems of “mercy” to counteract the harshness. In the end, it may be just as important that the “punishment fit the time” as it is for the “punishment to fit the crime.”

When Americans kill one another using firing squads, lethal injections, the electric chair, or gas chambers, there is seldom concern expressed about the means of imposing death. Concern is focused solely on whether death, by any means, is an appropriate penalty for the crime. Yet when an American citizen was convicted of a crime in Singapore in 1994 and was sentenced to the lash – a penalty that was taken out of the Canadian Criminal Code only 25 years ago – it prompted moral outrage.

We are reminded, in these selections, how quickly these kinds of concerns change. In eighteenth century London, England, public hangings were a “highly ritualized ‘cultural’ event” where the offender was paraded through the city before the actual hanging took place (p. 28). Public hangings ended, in England, in part because it was felt that “the empathic experience of pain alone [from observing the offender being punished] signalled the wrong message because it failed to strike terror into the hearts of men, women, and children who watched” (p. 29). More generally, what happened was the decline of physical punishments. Not only did hangings become more private, but other punishments changed. The pillory, for example, where offenders, whose heads and hands were locked by the device, and who were thus “rendered helpless in the face of missiles, taunts, and jeers from the crowd” lost favour at about the same time.

Even whipping changed in its nature. Whereas two hundred years ago, it was acceptable to impose a penalty of being “publicly whipped from the one End of Great George Street to the other”, its frequency was declining and today such a sentence would probably be seen, even by the most “law and order” types amongst us, as being a little bit too brutal.

The recently introduced *Youth Criminal Justice Act* contains a few new punishments in the menu now available to judges when punishing young offenders. It is interesting that, in the search for new ways of punishing wrongdoers, that we typically do not look for “punishments of the body.” The closest we come to such punishments, it would seem, is in the regimes associated with “boot camps” for youth. But the “boot camp” punishments are seen as being “good” for the young person, and they are administered in private.

Conclusion. These examples – public executions, whippings, the pillory, on the one hand, and the rise of the use of imprisonment on the other – demonstrate that “the specific forms of punishments are variable and change with the attitudes, sensibilities, and political and social objectives of the day” (p. 47). But even when penalties are imposed, one must remember punishments are often modified and, therefore, “theories of mercy must take into account the peculiarities of time and place” (p. 10). More importantly, “the history of modified punishment should also urge us to question policy-makers who see mercy as a possible way out, having painted themselves into a retributivist corner. Because it is exercised through discretionary means, the modification of punishment can be arbitrary, unaccountable and unfair. Mercy can be inspired for all the wrong reasons...” (p. 17). There never have been “good old days” when, in a world similar to our own, offenders were punished quickly and harshly without some reflection and consideration given to individual circumstances in individual cases.

Reference: Smith, Greg T. “Civilized people don’t want to see that kind of thing: The decline of public physical punishment in London, 1760-1840.” Strange, Carolyn “Introduction”. Both essays in Strange, C. *Qualities of Mercy: Justice Punishment, and Discretion*. Vancouver: UBC Press, 1996.

“Community punishments” -- evaluated in sensible ways -- are more cost effective than prison. Given “the lack of any demonstrable superiority on the part of institutional sentencing in controlling recidivism, [it is] custody not community sentencing that has to be justified and defended” (p.179-80).

Background. Everyone is in favour of the evaluation of the impact of different types of sentences. Fewer, however, ask what it is that should be evaluated. These are not “neutral” decisions, since two sentences might be equally likely to have a favourable impact on recidivism, but one might cost three times as much as the other (e.g., a community sanction vs. prison). An evaluation that did not look at cost would lead to a different conclusion than one that did. In addition, one must be extraordinarily careful to understand what the meaning is of certain types of “evaluative” findings. An English study, for example, found that there were “204 serious incident reports” in a 13 month period ending in December 1996 involving those serving sentences in the community. Though that may sound like a lot, it is noteworthy that England has about 200,000 people serving sentences in the community at any one time.

Evaluation studies are important since they appear to show that, all things considered, there is no evidence that “prison works” (p. 173-4). In thinking about “recidivism” it is important to realize that the seriousness of the offence of conviction is a poor indicator of the likelihood that someone will reoffend. A “seriously recidivist” shoplifter is more likely to get probation than is a person who committed a serious, though uncharacteristic, violent offence. In fact, given that many “high risk to reoffend” people are given probation, it is surprising that the recidivism rates for probation are not dramatically higher than prison. “In the aggregate, community-based punishments are at least as effective in tackling recidivism as an institutional sentence. Put the other way around, the research evidence *certainly does not rule out the use of community sentences on the grounds of public protection, especially when what is being looked for is long term efficacy against recidivism rather than some shorter term incapacitative effect*” (p. 179).

Then why are prison populations increasing in many countries? England’s Lord Chief Justice suggests that “The tenor of political rhetoric has strongly favoured the imposition of severe sentences; this rhetoric has been faithfully reflected in certain elements of the media; and judges accused of passing lenient sentences have found themselves routinely castigated in some newspapers... The increase in the prison population is not explained by any recent increase in sentencing powers, and I have no doubt that it is related to the pressure of public opinion” (quoted on p. 188). One suggestion made here is that there needs to be an attempt “to find better ways of insulating [sentencing policy] from the immediate influences of political fortune hunting that have led in the past to ambivalence, inconsistency and injustice” (p. 196). “The problem with opting for tougher sentencing policies, even ostensibly in the short term, is that it is not necessarily the same thing as taking reasonable and effective steps against crime... Moreover, the evidence [from England] and elsewhere suggests strongly that the public will never be satisfied with tougher new regimes unless widespread misperceptions about leniency in sentencing are challenged and changed” (p. 191).

Reference: Brownlee, Ian. *Community punishment: A critical introduction*. London and New York: Longman. 1998.

The nature of hate crimes may have changed over the centuries, but attacks on (largely) “devalued, disenfranchised, and isolated” groups have occurred for centuries. At the same time, a careful examination of the burnings of black churches in the US in 1996 demonstrated that what might appear to be an epidemic of hate motivated crime may turn out to be a media-created moral panic.

Hate crimes are not a new phenomenon. The nature of the crimes, and, as a result of new technologies, the potential harms that “hate groups” can cause may have increased, but the phenomenon has been part of the history of western countries for centuries. It does not take much work to find examples of what we would now call “hate motivated” crimes in any historical period.

Defining the phenomenon is not straightforward, but, for the most part, an examination of what usually falls into the category suggests that, for the most part, the victims are usually vulnerable, and the perpetrators see the group (with which the immediate victim is identified) as a threat to their way of life. Looking at US history over the past couple of centuries, one can count each of the following as an example of “hate crimes” that were, to varying extents, acceptable in American society: the killing of thousands of Native Americans, the lynching of blacks, and the enslaving of African-Americans. The fact that some of these were institutionalised makes some of them slightly different from crimes carried out by individuals. Nevertheless, those institutionalised events set the stage for individualized attacks on members of these groups.

Perhaps the most important change to have occurred in recent years is that individuals and groups involved in hate crimes have available to them weapons which allow for more damage to be done by smaller numbers of people (e.g., high powered automatic rifles, bombs, etc.). In addition, some have argued that as extremist ideologies (and religious zealotry) grow in acceptance, the potential for hate crime increases. On the other hand, minority populations are more integrated and less isolated.

One difficulty that arises in dealing with “hate motivated crimes” is that it is often difficult to identify whether there is, in fact, an increase in particular types of crimes or if these crimes are simply being noticed and reported more and linked by the media. The “1996 Black Church fires” in the US are one example. These fires were described in such words as being part of a pattern, a wave, an epidemic, or a conspiracy. They were seen as being “part of a much deeper problem” and as part of an “organized effort...” The president of the US compared them to genocide in Bosnia and Rwanda and the Holocaust. The only problem with the “epidemic” of black church fires is that when one looks carefully at the investigations of these fires, “no epidemic of church arsons was demonstrated” (p. 508). Although “some suspects were implicated in more than one fire, and a handful were members of racist groups... the majority of those convicted acted alone; they were juveniles, mentally ill people, thieves, opportunists, and copycats” (p.509). “The 1996 church fires almost certainly were not a wave of arsons; more likely they were a reporting phenomenon” (p. 512). Though “it is commendable that the US has become sensitive to racial violence... (p.512), there is concern that explaining “ordinary” crimes as “hate crimes” may lead those who are seen as the targets “to become more fearful, suspicious, and angry....” Also, many white Americans “may become sceptical of reports of [actual] racist incidents in the future” (p. 512). “Adopting the worst possible interpretation of ugly events is unlikely to produce positive societal effects.” On the other hand, it is possible “as Emile Durkheim would have predicted, [that] the societal response to the violation of widely shared values (religious freedom and racial tolerance) has reaffirmed those values” (p. 513).

References: Petrosino, Carolyn. Connecting the past to the future: Hate crime in America. *Journal of Contemporary Criminal Justice*, February 1999, 15 (1), 22-47. Jacobs, James B. and Elizabeth E. Joh. Tremors on the racial fault line: The 1996 Black church fires in retrospect. *Criminal Law Bulletin*, 1998 (November-December), 34 (6), 497-519.

Employment for those being released from prison can reduce recidivism, but success may be tied to building in a follow-up program to address the wide range of difficulties that ex-prisoners experience.

Background. It is thought that one of the reasons that “jobs programs” for offenders often fail is that they are not intensive enough and that many offenders suffer from other personal (e.g., substance abuse) and social (lack of affordable housing) problems. Moreover, many prison programs focus on “job readiness” (training the person for potential jobs) rather than on *job placement*.

This paper looks at the research literature on a more limited number of prison employment programs -- those that focus on “preparing inmates and parolees for employment and [which help] them find jobs” (p. 91). These programs -- which appear to address the real employment needs of many ex-prisoners -- provide services in a custodial setting as well as providing support and *post-employment* follow-up rather than limiting themselves to “traditional job preparation and placement assistance.” The type of assistance these programs offer varies enormously from client to client. In one case, an employment specialist arranged for a client to receive necessary dietary supplements, clothing, medical care and eyeglasses so as to ensure that these problems did not interfere with employment. One program has special “lifeguards” who “do nothing but remain in touch with placed clients for a year *after* they have found job, offering help with any emerging problems that arise, from finding child care to meeting a parole mandate to enter substance abuse counselling” (p. 105).

The results of these programs is encouraging but not miraculous. The programs seem to be relatively successful in placing their clients in jobs. Furthermore, the rate of getting jobs appears to be much higher for those who were in the programs than for those who did not participate. Minority group members appeared to benefit most from the programs. There is some evidence that the programs reduce the reincarceration rate, especially for those who seem to be at high risk for being unemployed.

One study estimated that in a large program (that serviced 6500 clients) costing about \$4 million for one year, about 20% “avoided reincarceration in part because of their participation in [the program] and resulting employment.” Incarceration costs for them would have been over \$19 million. The over \$15 million savings does not include an estimated \$1.2 million that these ex-offenders paid in taxes.

There seem to be two prerequisites to success in running these programs: good working relationships with other agencies and a willingness and an ability to help ex-offenders with various problems that they face which are barriers to peaceful reintegration. Nevertheless, it is clear that programs such as these can succeed if “help” to ex-offenders can be extended, with stable government funding, to the period beyond the formal sentence.

Reference: Finn, Peter. Job placement for offenders in relation to recidivism. *Journal of Offender Rehabilitation*, 1998, 28 (1/2), 89-106.

Judges in the US appear to be considering the possibility of being more active in speaking publicly about their roles. Most American judges who responded to a recent survey believe that they are under more pressure to be accountable to public opinion, and there appears to be a growing belief that judicial independence does not necessarily require judicial public silence.

Background. A recent survey of federal and state judges in the Midwestern United States “demonstrates the difficulties for courts in relying on third parties to represent their functioning to the public” (p. 113). The suggestion is made that “in contemporary society the ability of courts to act as *independent* decision makers depends on their *involvement* in local communities through various public outreach efforts” (p. 113). As many commentators have pointed out (in the US and in Canada) judges have a difficult time, when they act as if they have sworn an oath of public silence, in responding to irresponsible or uninformed criticism of their judgements. There is questioning of the traditional view of judges roles, that “when individual judges render decisions fairly, responsibly, and competently, the courts as an institution will presumably enjoy the respect and goodwill of the citizens” (p. 113). The opposing view appears to be gathering support: “isolation from society is increasingly insufficient for maintaining support” (p. 113).

This survey of judges suggests that most (91% of those surveyed) judges would feel comfortable speaking with a reporter about an area of law or judicial process that is generally misunderstood. This is obviously quite different from defending a specific decision, but does suggest that these judges would be comfortable venturing down from their benches. Part of the reason that so many judges may be willing to take the plunge into public debate is that most (73%) reported that there had been recent attacks on judges in their states and most (81%) feel that these attacks do serious harm to the public’s opinion of the judiciary. Judges in the US, like those in this country, generally do not respond publicly to criticism: only 9 of the 88 judges who had been “recently and publicly criticized” responded in any way to the criticism. Only two felt that their responses were effective.

Judges think that the future looks bleak unless they do something. Most (84%) thought that courts “should devote more resources to public relations” (p. 116). It would appear that US judges are not satisfied with leaving their defence to others (e.g., lawyers).

Conclusion. Clearly there is tension between judicial independence and public accountability. However, the argument is made that the “court’s legitimacy rests on their independence and fairness.... At the same time, simply asserting the importance of judicial independence and accountability... rings hollow given democratic expectations for accountability. Judicial independence itself is vulnerable to the claim that judges are ‘out of touch.’ The problem of public criticism of courts exposes this circularity -- that judicial independence rests on judicial legitimacy and vice versa -- and implies that courts’ best institutional response is to promote both responsiveness and independence through greater involvement in the community and through public education and outreach efforts” (p. 117). Clearly the issues are not simple ones. One wonders whether Canadian judges would, as a group, be comfortable speaking publicly about what they do.

Reference: Esterling, Kevin M. Public outreach: the cornerstone of judicial independence. *Judicature*, November-December 1998, 82 (3), 112-117.

The Young Offenders Act did not cause youth crime: During the period 1977-1996 there was little overall change in police-reported youth crime in Canada.

Background. There are no direct measures of youth crime. Instead we infer youth crime by looking at police and court activities with youthful offenders. The police data (Uniform Crime Reports) contain two relevant measures: youth charged, and youth handled otherwise. Both of these are imperfect measures since for a youth to be charged or dealt with otherwise, not only does an offence have to have been committed, but a youth must be apprehended and seen as having committed the offence. Assuming that reporting rates (and recording practices) have not changed, these measures give us some indication of what crime can legitimately be blamed on youth.

This paper represents an attempt to explain a simple sounding finding: “the per capita rate of young persons charged has increased significantly since the inception of the Young Offenders Act (YOA).” It suggests that if there were a sudden change in youth crime after the full implementation of the YOA in 1985 that could not be attributed to other identifiable causes, that would support the conclusion that the YOA was in some way a cause. There is a complex set of technical problems which this paper had to address before examining the data from police reports (Uniform Crime Reports): creating measures of the apprehension and charging of youth that are comparable across the years 1977 to 1996 at a time when the definition of a youth was changing (from age 7 to 12, and from age 15 to 17 in some provinces).

The results are quite clear. “The per capita rate of youth apprehended by police increased rapidly during the late 1970s.... From 1980 to 1988, youth crime remained at about the same level, then it rose to a peak in 1991, and fell back almost to its former level by 1996” (p. 13). This overall increase from the 1970s to the 1990s cannot, therefore, be attributed to the YOA, since most of the increase took place either before the YOA was implemented or some years after.

Looking at the data on a province-to-province basis, one finds that the apprehension of youth showed a “jump” after 1985 in NB, SK, and BC. However, there were *drops* in rates in Quebec and Ontario, and no evidence of change in the other five provinces and two territories.

Rates at which youth were charged are, however, quite a different matter. Across Canada, there was “a jump in charging in 1986 that did not occur in apprehensions of young persons” (p. 18). The result was that there was a 27% higher charge rate in 1986-96 as compared to 1980-83, as compared to a 7% increase in apprehension rate. In other words, the police exercised their discretion differently under the YOA than they had under the JDA: they charged a higher proportion of those youth who were apprehended. Quebec was the only province that showed a decrease in charge rates (p. 23). What happened in the other provinces is that the YOA clearly changed police charging practice. Furthermore a previous detailed analysis of two provinces (Ontario and Saskatchewan) suggests that the increase in proportions charged “applied over the entire YOA age range... and was therefore not simply due to the addition of 16 and 17 year olds...” (p. 24).

Conclusion. “There is no basis in fact for public concern about increased level of youth crime or the supposed failure of the YOA to control youth crime.” We should be careful not to attribute changes in the behaviour of adults (charging practices) to youth (crime).

Reference. Carrington, Peter J. Trends in youth crime in Canada, 1977-1996. *Canadian Journal of Criminology*, 1999, 41, 1-32.

In 1998 the US prison system hit a new plateau: It now has 1 million people in prison for non-violent offences. Most of the increase in prison population in recent years is due to an increase in non-violent prisoners. The evidence is clear: very high levels of imprisonment have negligible impacts on crime rates but large impacts on the ability to fund other government programs.

Background. The United States now has 1.8 million people in prisons and jails. California, with a population about 8% larger than Canada, has about 145,000 people in its state prisons and jails in comparison with Canada's 34,000 (page 10). From 1992 to 1996 homicide rates in California decreased by about 25% and prison populations *increased* by the same amount.

Many Americans may believe that most of those in prisons are violent offenders and, even if prisons are not rehabilitative, there is, at least, an incapacitative impact of large scale imprisonment. There are, however, two responses to such views: (1) most – 77% -- of the growth in prison populations in the US in recent years has been in non-violent offenders, and (2) as a crime control strategy, broadly based incapacitation is extraordinarily inefficient. Michael Tonry, one of America's most informed and intelligent criminal justice researchers, points out that "you could choose another two million Americans at random and lock them up, and that would reduce the number of crimes, too" (page 10). The question, really, is what the size of the impact is on crime and what the opportunity costs are of a high imprisonment policy.

These impacts of high imprisonment policies are obviously not evenly felt. "There are four times as many African American men in California's prisons as in its university system....The District of Columbia... has more inmates in its prisons than students in its university system" (p. 9).

The impact of high levels of imprisonment is now quite evident. "In 1995... there was nearly a dollar-for-dollar tradeoff between corrections and higher education, with university construction funds decreasing by \$954 million (to \$2.5 billion) while corrections funding increased by \$926 million (to \$2.6 billion)" (p. 8). Similar tradeoffs are found in university operating costs (p. 8-9).

Much has been made, in recent years, of the drop in crime rate in New York. "But, ironically, New York's crime rate fell despite the fact that it has had one of the slowest growing prison systems... over the past few years, and the New York City jail system has seen a real decline in the number of people it has held over this period" (p. 12). Statistic after statistic can be presented demonstrating that changes in crime rates appear to be unrelated to imprisonment rate changes. New York's violent crime rate decreased by about 39% between 1992 and 1997 with an increase in its prison population of about 13%. California, on the other hand, had a smaller decrease in its violent crime rate (23%) but had a larger (30%) prison population increase.

Concerns are being expressed now about the longer term impact of high levels of imprisonment on those currently in prison. Eventually almost all will be released but "their chances of pursuing a merely viable, much less satisfying, conventional life after prison are diminished by their time behind bars" (p. 13). Research carried out some time ago shows that "convicted felons sent to prison had significantly higher rates of rearrest after release than similar offenders placed on probation" (p. 13). The long term impacts are yet to come.

Reference: Irwin, John, Vincent Schiraldi and Jason Ziedenberg. *America's One Million Nonviolent Prisoners.* Justice Policy Institute, 1999.