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Criminological Highlights
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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 currently being published. Copies of the original articles can be obtained (at cost) from the Centre of Criminology Information Service and Library. Please contact Tom Finlay or Andrea Shier.

This issue of *Criminological Highlights* will address the following questions:

- 1) Should restorative justice programs be seen as simple alternatives to the criminal justice process?
- 2) How are poverty and delinquency associated?
- 3) Does drug testing of youthful parolees reduce offending?
- 4) Which factors lead to a breakdown of social order in prisons and how can order be restored?
- 5) Does an understanding of the concept of lying predict whether very young children will lie?
- 6) Do rigid federal sentencing guidelines ensure that minority group members are sentenced in the same way as whites?
- 7) What are the long term effects of imprisonment on wages?
- 8) What is the link between "broken homes" and delinquency?

Contents: Four pages containing "headlines and conclusions" for each of the eight articles.
One-page summaries of each of the eight articles.

Criminological Highlights is prepared by Anthony Doob, Tom Finlay, Cheryl Webster, Rosemary Gartner, John Beattie, Carla Cesaroni, Myrna Dawson, Dena Demos, Elizabeth Griffiths, Voula Marinos, Andrea Shier, Jane Sprott, Kimberly Varma, and Carolyn Yule. The production of *Criminological Highlights* is assisted by contributions from the Department of Justice, Canada, and the Correctional Service of Canada. Comments or suggestions should be addressed to Anthony N. Doob or Tom Finlay at the Centre of Criminology, University of Toronto.

Restorative justice approaches which are tied to the criminal justice system raise important questions about “the proper division of functions between the state, victims, offenders, and ‘communities’” (p.578). Further, “greater emphasis upon procedural safeguards and substantive limits in the pursuit of the apparently beneficent goals of restorative justice” (p.578) becomes vital.

It is argued that “a fundamental role of the state [is] to maintain a system for the administration of justice and to ensure that proper standards of procedural protection are applied” (p.590) (See *Criminological Highlights* 4(4), Item 1 for a related article). Values such as independent and impartial tribunals, proportionality, and human rights are central to the justice system (whether delivered or not) but largely irrelevant to RJ. “Too often... enthusiasm for... processes [such as restorative justice] leads proponents either to overlook the need for safeguards or to imply that they are not relevant” (p.591). It is argued that “governments must retain a primary role [in criminal justice], and that the proper role of the victim in criminal justice processes should be reappraised” (p.591). Even though “most of those interested in promoting RJ seem to oppose penal severity... clear limits are important to prevent violations of rights behind a mask of benevolence.... The relationship between the formal system and any restorative justice processes must be carefully crafted so as avoid inequities” (p.592). Said differently, the ‘justice’ in RJ may need to be restored.

Reference: Ashworth, Andrew (2002). Responsibilities, Rights, and Restorative Justice. *British Journal of Criminology*, 42, 578-595. [Item 1]

Poverty and delinquency are related. Children who experience long periods of poverty between birth and age 5 or in the early teenage years (ages 11-15) are more likely to engage in both property and violent offending.

Growing up in a chronically poor household is clearly associated with youthful offending. These results are consistent with other research showing a relationship between welfare rates and crime (See *Criminological Highlights*, 1(5), Item 1 and 1(6), Item 4). The fact that both early chronic (ages 0-5) and late chronic (ages 11-15) poverty affect offending suggests that poverty may act through different mechanisms at these two developmental periods. For instance, poor prenatal and postnatal care as well as deficient nutrition in the earlier interval and lack of educational or employment opportunities in the latter period may constitute possible intervening variables. Whatever the mechanisms, growing up chronically poor clearly suggests a context of persistent disadvantage for the child. Unfortunately, it may only be at the moment in which the disadvantaged youth offends for the first time that the community becomes aware of the adverse effects of policies which permit chronic poverty.

Reference: Jarjoura, G. Roger; Ruth A. Triplett, and Gregory P. Brinker (2002). Growing Up Poor: Examining the Link Between Persistent Childhood Poverty and Delinquency. *Journal of Quantitative Criminology*, 18, 159-187. [Item 2]

Drug testing of youthful offenders on parole may create more problems than it resolves.

“One of the main rationales for increased drug testing has been its assumed value for improving the behaviour of the offenders being tested... The logic of drug testing as a tool for enhancing an agent’s ability to observe and respond to drug use would suggest its value for controlling drug use... The present results suggest the need for a thorough review of this assumption... This study provided experimental evidence that the variations in drug testing frequencies that can be implemented as part of regular parole did not produce expected behavioural differences among serious young offenders” (pp. 237-8). In fact, some evidence indicated that high levels of drug testing *increased* rather than decreased arrests for violent (and “total”) offences when these youths were followed for 42 months. In other words, interventions which are designed to decrease offending may, in fact, make things worse.

Reference: Haapanen, Rudy and Lee Britton (2002). Drug Testing for Youthful Offenders on Parole: An Experimental Evaluation. *Criminology and Public Policy*, 1, 217-244. **[Item 3]**

The manner in which prisons are run makes a difference: Case studies of two troubled correctional facilities demonstrate that “prison administrators and state and national governments can create the conditions under which social order breaks down or is restored” (p.499).

It would be wrong to see the reduction in New York of those factors associated with riots and their creation in New Mexico as being determined by differences in the degree of tolerance that prison management displayed vis-à-vis disorder. Rather, it appears that disorder is much more likely to be related to the ways in which the prison administration averts those conditions which increase the probability of riots. More specifically, “prison management must gain the loyalty of a professional staff and the compliance of a base population that is involuntarily placed in their care, while also coping with external demands and constraints” (p.519). “Neither demographic factors, nor reform policies, nor a lax or harsh style of management, have any particular advantages; what matters for good order are sound and coherent relationships among administrators, staff, base population, and the external community” (p.522). Interestingly, it would appear that private correctional facilities are less effective in achieving these goals.

Reference: Useem, Bert and Jack A. Goldstone (2002). Forging Social Order and its Breakdown: Riot and Reform in U.S. Prisons. *American Sociological Review*, 67, 499-525. **[Item 4]**

Children as young as 3 years old understand what it means to tell the truth or to lie. Like adults, they will sometimes lie to conceal their own transgressions. Yet, the child's ability to demonstrate a conceptual understanding of lying does not predict whether the child will actually tell a lie. However, getting children to promise to tell the truth reduces lying.

It appears that simply getting children to promise to tell the truth has a larger "truth telling" impact than discussions about the concept of lying and truth-telling. "The study failed to confirm the... legal assumption underlying the court competence examination that children who, understanding the concept and moral implications of truth- and lie-telling, are more likely to tell the truth than those who do not understand these concepts" (pp. 409-410). If anything, the results suggest that those who appear to fully understand the abstract concepts might be more likely to lie. These findings clearly "do not support the exclusion of children from testifying because they fail certain conceptual questions about lie- and truth-telling. The fact that a child understands lie- and truth-telling conceptually does not relate to his or her actual truthfulness. Thus using competence examinations to screen out children with limited understanding of lie- and truth-telling is problematic. Such a practice will prevent children who are able to give truthful and useful testimony from testifying" (pp. 411-412).

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Even rigid sentencing grids do not ensure that people of different racial backgrounds will be punished equally. "African Americans, Hispanics, and Native Americans receive relatively harsher sentences than whites..." (p.189) under the U.S. federal sentencing guidelines.

It might have been assumed that the apparent sentencing differences between whites, on the one hand, and African American, Hispanics, and Native Americans on the other could be due to differences in the offences of which they are convicted. However, "race/ethnicity differences [in sentencing] are *not* explained wholly by offence-related characteristics" (p.206). Moreover, the effects of other factors related to the sentence but unrelated to offence seriousness and criminal record (*e.g.*, whether the accused pleaded guilty, the offender's age and education, *etc.*) raise serious doubts about the assumption that even rigid sentencing guidelines eliminate or reduce unfairness in sentencing.

Reference: Everett, Ronald S. and Roger A. Wojkiewicz (2002). Difference, Disparity, and Race/Ethnic Bias in Federal Sentencing. *Journal of Quantitative Criminology*, 18, 189-211. **[Item 6]**

Being imprisoned has a permanent effect on wages: those who have been incarcerated are likely not only to have reduced wage income, but the effect of imprisonment increases as workers get older. Hence, the increase in wages that ex-offenders experience as they age is smaller than that earned by non-offenders.

“Incarceration is a turning point that reduces the earnings mobility of young men” (p.541). Indeed, “[t]here is strong evidence that incarceration reduces the wages of ex-inmates by 10-20 percent... [as well as their] rate of wage growth by about 30 percent” (p.541). This finding is particularly disconcerting when one recalls that “research relating crime to labour market outcomes views stable employment as an important source of criminal desistance... These effects appear strongest for men in their late 20s and 30s... The low wages earned by ex-inmates may thus be associated with further crime after release from prison. The causal path from incarceration to irregular employment to crime may be especially damaging because the economic pain of incarceration is largest for older men – precisely the group that benefits from stable employment” (p.542). Moreover, the impact on racial inequality cannot be ignored. “By the 1990s, around one-fifth of minority men and a comparable proportion of those with only a high school education will pass through prison at some point in their lives. Under these conditions, it appears that the U.S. penal system has grown beyond disciplining the deviant few, to imposing a systemic influence on broad patterns of inequality” (p.542).

Reference: Western, Bruce (2002). The Impact of Incarceration on Wage Mobility and Inequality. *American Sociological Review*, 67, 526-546. [Item 7]

The nature and timing of a broken home affects the relationship between family structure and delinquency. Moreover, the impact of family structure on delinquent behaviour appears to be mediated by other factors (e.g., association with deviant peers).

It appears that some, but not necessarily all, of the impact of broken homes is mediated by other variables such as association with delinquent peers and attachment to conventional values. Nevertheless, it seems that at least for status offences, family structure (recent appearance in the family of a stepparent) has an effect on (short term) misbehaviour. Like other research (See *Criminological Highlights*, 4(2), Item 5) this study suggests that to the extent that single-parent families are likely to be associated with elevated levels of delinquency, a policy focus on the mechanisms for such an effect is likely to be more effective than are nostalgic calls for conventional family structures.

Reference: Rebellon, Cesar J. (2002). Reconsidering the Broken Homes/Delinquency Relationship and Exploring its Mediating Mechanism(s). *Criminology*, 40, 103-135. [Item 8]

Restorative justice approaches which are tied to the criminal justice system raise important questions about “the proper division of functions between the state, victims, offenders, and ‘communities’” (p.578). Further, “greater emphasis upon procedural safeguards and substantive limits in the pursuit of the apparently beneficent goals of restorative justice” (p.578) becomes vital.

Background. Restorative justice (RJ) practices have developed largely without careful consideration of their implications. Substituting “community” for “state” justice raises important issues. The most basic concern is obvious but sometimes ignored: Does the state -- or the community at large -- have an interest in ensuring that people who commit certain wrongs are punished? If crime control and punishment for offending are seen by members of the public as a state responsibility, what happens when a ‘crime’ is defined as the exclusive property of victims (perhaps broadly interpreted) and offenders? Clearly, the state has not pleased everyone in its control of crime and punishment. Issues of its legitimacy have been raised. Nevertheless, both public interest and human rights issues are part of the debate on state involvement in criminal justice.

Restorative Justice approaches can be seen as sacrificing “the rule of law” and the values associated with it (e.g., consistency, impartiality, proportionality). One issue that arises when matters are turned over to the “community” is that RJ advocates have seldom addressed what is meant by the “community.” If a resolution has to be acceptable to the “community”, it would seem necessary to define those who constitute this collectivity. Victims’ interests in reparation are obvious. However, does a victim or a “community” have special powers over that which is defined as the “public interest” when dealing with an offender (e.g., through punishment or otherwise)? If “victim satisfaction” is a primary goal of RJ, it necessarily follows that proportional penalties are sacrificed. Further, matters such as proportionality or impartiality *might* be deemed irrelevant for an offender if he/she consents to a RJ procedure instead of a “normal” criminal justice procedure. However, is consent freely given if an offender contemplates harsher treatment because he/she rejects a RJ process? Should “one victim’s forgiveness of an offender [or] another’s desire for vengeance” (p.588) be relevant to the outcome of a case? These questions amongst others need to be addressed if RJ is going to become more closely associated with the justice system. Prejudices and inequalities are clearly not left at the doorstep of the RJ forum.

Conclusion. It is argued that “a fundamental role of the state [is] to maintain a system for the administration of justice and to ensure that proper standards of procedural protection are applied” (p.590) (See *Criminological Highlights* 4(4), Item 1 for a related article). Values such as independent and impartial tribunals, proportionality, and human rights are central to the justice system (whether delivered or not) but largely irrelevant to RJ. “Too often... enthusiasm for... processes [such as restorative justice] leads proponents either to overlook the need for safeguards or to imply that they are not relevant” (p.591). It is argued that “governments must retain a primary role [in criminal justice], and that the proper role of the victim in criminal justice processes should be reappraised” (p.591). Even though “most of those interested in promoting RJ seem to oppose penal severity... clear limits are important to prevent violations of rights behind a mask of benevolence.... The relationship between the formal system and any restorative justice processes must be carefully crafted so as avoid inequities” (p.592). Said differently, the ‘justice’ in RJ may need to be restored.

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Poverty and delinquency are related. Children who experience long periods of poverty between birth and age 5 or in the early teenage years (ages 11-15) are more likely to engage in both property and violent offending.

Background. Much of the research on poverty and delinquency does not show a simple connection between these two phenomena. Part of the explanation for these inconclusive results may be that researchers have tended to look for simultaneous effects: the impact of poverty at a particular time in a child's life and delinquent behaviour at that same point in time. This approach may be problematic because it does not distinguish between more common short spells of poverty (under a year) and less frequent chronic poverty. Indeed, some studies have shown that as many as one-third of children experience poverty during at least one year of their lives, whereas only about one in twenty children experience ten or more years of poverty.

This paper identifies youths growing up in *persistent* poverty as well as the time during their lives in which it occurred. Data are from an American longitudinal study of youths which followed a cohort of individuals from birth to age 10-15 (in 1992). Complete information about their household's financial status from birth onward was available from annual interviews of their mothers. The sample tended to over-represent children born to mothers who were young, poor, and members of minority groups. Self-report delinquency data were obtained from the children.

The findings suggest that chronic poverty is more important in understanding delinquency than is poverty at the time that delinquency is assessed. More interesting is the fact that "after controlling for persistent poverty [defined, in one analysis, as those who experienced poverty for 8 or more years], the cross-sectional measure of poverty status [at the time of the assessment of delinquency] was no longer related to delinquent involvement" (p.179). Long term poverty is clearly more serious in its effects than short term spells.

The length of time in which a child experiences poverty is related to both property and violent offending, but not to the likelihood of committing status offences. However, the time at which a child experiences poverty also matters. Children who experience persistent poverty early in their lives (birth to age 5) or in adolescence (ages 11 to 15) are more likely to self-report delinquency than those of other age groups. Indeed, poverty experienced between ages 6 and 10 is unrelated to later delinquent behaviour.

Conclusion. Growing up in a chronically poor household is clearly associated with youthful offending. These results are consistent with other research showing a relationship between welfare rates and crime (See *Criminological Highlights*, 1(5), Item 1 and 1(6), Item 4). The fact that both early chronic (ages 0-5) and late chronic (ages 11-15) poverty affect offending suggests that poverty may act through different mechanisms at these two developmental periods. For instance, poor prenatal and postnatal care as well as deficient nutrition in the earlier interval and lack of educational or employment opportunities in the latter period may constitute possible intervening variables. Whatever the mechanisms, growing up chronically poor clearly suggests a context of persistent disadvantage for the child. Unfortunately, it may only be at the moment in which the disadvantaged youth offends for the first time that the community becomes aware of the adverse effects of policies which permit chronic poverty.

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Drug testing of youthful offenders on parole may create more problems than it resolves.

Background. Drug testing might appear to some observers to be an obvious way of controlling drug use for those serving sentences in the community. However, its value has not been adequately examined. Given that a frequent condition of probation (or parole) is that offenders abstain from the use of drugs, it is important to assess the effects of such policies. One obvious problem is that drug testing changes the nature of the relationship between the offender and his/her supervisor. To the extent that a delicate balance exists between support and surveillance in the parole officer - offender relationship, "an over-reliance on testing may push the balance toward control" (p.219).

This study examined the impact of variations in the frequency of drug testing of youths who were under the control of the California Youth Authority. These young offenders had been released on parole from indeterminate custodial sentences. Most (88%) had been committed to custody for offences other than those related to drugs, with over half having been sentenced for a violent crime. They were *randomly* assigned to one of five conditions which varied in the frequency of drug testing from no routine testing to testing every week or two (though not necessarily at predictable intervals). Because of random assignment, the actual groups can be considered to be similar on all dimensions.

The results are easy to summarize: There was no evidence that increased frequency of drug testing enhanced parole adjustment or reduced criminality (as measured by arrests). In fact, arrests during and after the parole period tended to be slightly higher for groups tested more often as part of this study (p.232). Said differently, frequent drug testing did not increase the likelihood that an offender would serve his or her parole period successfully, as opposed to being removed from parole because of a technical violation or a new criminal offence. Generally speaking, it appeared that parole officers were tolerant of positive drug tests up to the third positive test. However, there were some negative impacts of positive drug tests: one-fifth of parolees who tested positive "went AWOL.... They absconded rather than face the possible consequences of detected drug use" (p.236).

Conclusion. "One of the main rationales for increased drug testing has been its assumed value for improving the behaviour of the offenders being tested... The logic of drug testing as a tool for enhancing an agent's ability to observe and respond to drug use would suggest its value for controlling drug use... The present results suggest the need for a thorough review of this assumption... This study provided experimental evidence that the variations in drug testing frequencies that can be implemented as part of regular parole did not produce expected behavioural differences among serious young offenders" (pp. 237-8). In fact, some evidence indicated that high levels of drug testing *increased* rather than decreased arrests for violent (and "total") offences when these youths were followed for 42 months. In other words, interventions which are designed to decrease offending may, in fact, make things worse.

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The manner in which prisons are run makes a difference: Case studies of two troubled correctional facilities demonstrate that “prison administrators and state and national governments can create the conditions under which social order breaks down or is restored” (p.499).

Background. Previous research (*Criminological Highlights*, 3(1), Item 2) suggests that the way in which prisons are managed can affect the likelihood that prison disorder will occur. This paper proposes a set of conditions that increase the likelihood of a prison riot: (1) external pressures (*e.g.*, fiscal restraints, changes in the law) that the institution is incapable of addressing easily; (2) conflictual relationships between correctional staff and management; (3) inmate demands related to conditions that they believe to be unfair or worse than they should be; (4) inmate ideologies that support disruption (*e.g.*, the conviction that only riots will attract outside attention to their grievances), and (5) actions of the prison administration which are perceived as unjust or ineffective.

This paper examines changes in two prisons – New York City’s Rikers Island facility which holds approximately 20,000 inmates, and a New Mexico prison, with a capacity of about 1250 prisoners. The Rikers Island correctional complex had been in a continuous state of disorder from 1990 until a new administrator was hired in 1998. The incoming management could not be characterized as either permissive or strict. On the contrary, its approach appeared to attack the causes of the disturbances, rather than their symptoms (*e.g.*, unrest). Said differently, it “(1) balanced resources and demands on the administration and ended conflict with the city; (2) created unity and coherence in policy among the warden and correctional staff; (3) increased safety for prisoners, curbing excessive use of force by staff while also providing security for corrections officers; (4) undercut the ‘Hobbesian’ ideology that justified rebellion, and (5) enforced swift and effective responses to inmate provocations” (p.504). Serious violence dropped dramatically at a time when resources to the prison were also reduced. Yet, the atmosphere was not permissive. In fact, inmate arrests increased significantly. However, this practice was coupled with an increase in perceived fairness by the prisoners. For instance, advance warning was given when rules were altered (*e.g.*, the introduction of a ban on ‘gang-identifying jewelry’) and inmates were dealt with in a manner that they perceived as just.

In contrast, New Mexico opened two new private prisons in 1998 as a means of reducing overcrowding. Inexperienced, poorly paid (\$8/hour) staff were worried about keeping their jobs. Moreover, conditions for prisoners were worse than those to which they had been accustomed (*e.g.*, 2-person cells with no electrical outlets, lower wages for work than they had previously experienced) and inmates felt that they were being treated unfairly. For instance, the prison administration terminated what had been seen as Native American entitlements, given as a response to the over-representation of this minority group in the facility. In combination, these factors created the necessary conditions for disorder. Predictably, riots occurred.

Conclusion. It would be wrong to see the reduction in New York of those factors associated with riots and their creation in New Mexico as being determined by differences in the degree of tolerance that prison management displayed vis-à-vis disorder. Rather, it appears that disorder is much more likely to be related to the ways in which the prison administration averts those conditions which increase the probability of riots. More specifically, “prison management must gain the loyalty of a professional staff and the compliance of a base population that is involuntarily placed in their care, while also coping with external demands and constraints” (p.519). “Neither demographic factors, nor reform policies, nor a lax or harsh style of management, have any particular advantages; what matters for good order are sound and coherent relationships among administrators, staff, base population, and the external community” (p.522). Interestingly, it would appear that private correctional facilities are less effective in achieving these goals.

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Children as young as 3 years old understand what it means to tell the truth or to lie. Like adults, they will sometimes lie to conceal their own transgressions. Yet, the child's ability to demonstrate a conceptual understanding of lying does not predict whether the child will actually tell a lie. However, getting children to promise to tell the truth reduces lying.

Background. Child witnesses are often used in court cases. The doubt that arises is whether they understand the difference between telling lies and telling the truth. The problem is that children are generally able to give testimony in court only if they can provide appropriate answers to questions about the concepts of truth and lies as well as promise to tell the truth. Although previous studies tend to show that youths understand the notions of lying/truth-telling, research has not linked this conceptual comprehension to actual behaviour of telling lies/the truth.

This study involved three experiments in which children were placed in a situation in which they could be tempted to lie. Children were told that they would get a prize if they guessed which toy they had heard making sounds in the room that they were in. They were warned that they couldn't look, but were given an opportunity to "cheat." Children were classified by observers into groups who "peeked" (cheated) and those who did not. The respondents were subsequently asked if they had peeked. In addition, the researchers also assessed the child's conceptual understanding of what it means to tell a lie. In particular, children were told a story about a girl who had eaten candy after being told not to. The children were asked what they thought this girl should say when asked whether she had eaten the sweets. Further, they were told that the girl said she hadn't eaten the candy. The children were subsequently questioned about whether the response of the lying girl was a lie or the truth and whether it was good/bad.

The results of the three experiments were straightforward. Three-year-old "peekers" were considerably less likely to lie than were older children. Further, the older respondents were somewhat more likely to see the lying girl in the story as bad than were the younger ones. More important was the finding that although the majority of the children understood correctly what it meant to lie and that it was bad to lie, the level of understanding of the "meaning" of lying did not predict actual lying by the child. In the final experiment, instead of questioning children about what it meant to lie, half of the children were asked to promise to tell the truth. 75% of those who were simply asked a set of questions about truth telling lied. In comparison, only 59% of those who were asked to promise to tell the truth lied. Of course, there are currently no data to evaluate whether these proportions are any higher than they would be for adults.

Conclusion. It appears that simply getting children to promise to tell the truth has a larger "truth telling" impact than discussions about the concept of lying and truth-telling. "The study failed to confirm the... legal assumption underlying the court competence examination that children who, understanding the concept and moral implications of truth- and lie-telling, are more likely to tell the truth than those who do not understand these concepts" (pp. 409-410). If anything, the results suggest that those who appear to fully understand the abstract concepts might be more likely to lie. These findings clearly "do not support the exclusion of children from testifying because they fail certain conceptual questions about lie- and truth-telling. The fact that a child understands lie- and truth-telling conceptually does not relate to his or her actual truthfulness. Thus using competence examinations to screen out children with limited understanding of lie- and truth-telling is problematic. Such a practice will prevent children who are able to give truthful and useful testimony from testifying" (pp. 411-412).

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Even rigid sentencing grids do not ensure that people of different racial backgrounds will be punished equally. “African Americans, Hispanics, and Native Americans receive relatively harsher sentences than whites...” (p.189) under the U.S. federal sentencing guidelines.

Background. One of the purposes of a sentencing guideline system is to increase the likelihood that similar cases result in similar sentences. Whatever other concerns might have been expressed about the U.S. federal sentencing grid, the very narrow range of sanctions available for offence-criminal record combinations would appear to make sentencing rather mechanical. As a result, many observers believe that there is little room for discriminatory sentencing. Indeed, it has been assumed that racial discrimination – if it exists at all – occurs primarily in charging decisions or in the relative severity of crimes associated with race (*e.g.*, the dramatically higher sentences required for crack-cocaine versus pure cocaine offences).

The U.S. federal sentencing grid divides federal criminal cases into 43 types of offence and 6 gradations of offending history. Each of the 258 cells (formed by the combination of offence seriousness and criminal history) contains a range of legal guideline sentences. The top of the sentencing range in each of these cells is only 25% (or a minimum of 6 months) higher than the bottom of the range (*e.g.*, a range of 32-40 months might be specified for a given offence-criminal history combination). Because departures from the guidelines are so restricted, “the key opportunity for judicial discretion is the decision of where [to sentence] within the determined [very narrow] range” (p.194). This study looks at the use of this restricted range as a function of the race of the offender.

This study examined the relationship between the defendant’s race/ethnicity and the quartile within which his/her sentence fell (*i.e.* the first, second, third, or fourth quarter of the sentencing range under the U.S. federal sentencing guidelines). The overall distribution of sentences within the restricted available range is interesting in and of itself: the majority of sentences (64%) were in the bottom quarter while 21% were in the top quartile. Only 15% were in the middle two quarters (combined).

The results demonstrate that African Americans, Hispanics, and Native Americans are more likely than whites to receive sentences in the top quarter of the range. These findings held true even after the researchers statistically controlled for a large number of additional factors. More specifically, the effects of such variables as criminal record, type and seriousness of crime, whether the offender pleaded guilty or had a full trial and whether the offender explicitly took responsibility for the offence as well as the offender’s level of education, gender, age, and the region in the U.S. in which he/she was sentenced were held constant and not found to explain the effect of race. In addition to this finding, the U.S. federal guidelines also permitted an examination of other determinants. For instance, it was found that:

- males tended to be sentenced more harshly than were females.
- those with lower levels of education tended to receive harsher sentences.
- those pleading guilty received more lenient sentences than did those who had a full trial.
- those explicitly taking responsibility for the offence received a more lenient sentence.

Conclusion: It might have been assumed that the apparent sentencing differences between whites, on the one hand, and African American, Hispanics, and Native Americans on the other could be due to differences in the offences of which they are convicted. However, “race/ethnicity differences [in sentencing] are *not* explained wholly by offence-related characteristics” (p.206). Moreover, the effects of other factors related to the sentence but unrelated to offence seriousness and criminal record (*e.g.*, whether the accused pleaded guilty, the offender’s age and education, *etc.*) raise serious doubts about the assumption that even rigid sentencing guidelines eliminate or reduce unfairness in sentencing.

Reference: Everett, Ronald S. and Roger A. Wojkiewicz (2002). Difference, Disparity, and Race/Ethnic Bias in Federal Sentencing. *Journal of Quantitative Criminology*, 18, 189-211.

Being imprisoned has a permanent effect on wages: those who have been incarcerated are likely not only to have reduced wage income, but the effect of imprisonment increases as workers get older. Hence, the increase in wages that ex-offenders experience as they age is smaller than that earned by non-offenders.

Background. It is well accepted that there is increasing wage disparity in the U.S. This study examines the extent to which U.S. income disparity is exacerbated by imprisonment policies. Indeed, incarceration may be expected to have a long term impact on a person's wages for a number of reasons. For instance, the stigma of imprisonment, the lack of job skills acquired while incarcerated, the debilitating effects of prison on physical and mental health, and the nature of those with whom the prisoner is in social contact while in custody can negatively affect subsequent wage income.

This study takes advantage of a remarkable finding: the data from the U.S. National Longitudinal Study of Youth on survey respondents' residence includes whether he/she was in prison. In 1998, 3.2% of the interviews of males between the ages of 14-21 were carried out while the respondent was incarcerated. This incidence is clearly the result of U.S. imprisonment policy. Indeed, studies have shown that 7.8% of all American males have been imprisoned at least once by age 40. The comparable figure for black males is 27%. In fact, it was found that "more black male high school dropouts [in the U.S.] age 20 to 35 were in custody than in paid employment" (p.526) on an average day in 1996.

The results show that "incarceration eliminates *all* wage growth among ex-convicts" (p.536). Further, "[t]he wage gap between nonconvicts and ex-convicts grows as convicts age" (p.538). This is particularly interesting because the effect of incarceration on *whether* the ex-convict is employed *decreases* over time. In other words, it would seem that ex-convicts are eventually able to find jobs. However, these jobs offer little opportunity for wage growth. In addition, "[t]he effect of incarceration on [wage] inequality is twice as large for blacks and Hispanics [as it is for whites]" (p.540).

Conclusion: "Incarceration is a turning point that reduces the earnings mobility of young men" (p.541). Indeed, "[t]here is strong evidence that incarceration reduces the wages of ex-inmates by 10-20 percent... [as well as their] rate of wage growth by about 30 percent" (p.541). This finding is particularly disconcerting when one recalls that "research relating crime to labour market outcomes views stable employment as an important source of criminal desistance... These effects appear strongest for men in their late 20s and 30s... The low wages earned by ex-inmates may thus be associated with further crime after release from prison. The causal path from incarceration to irregular employment to crime may be especially damaging because the economic pain of incarceration is largest for older men – precisely the group that benefits from stable employment" (p.542). Moreover, the impact on racial inequality cannot be ignored. "By the 1990s, around one-fifth of minority men and a comparable proportion of those with only a high school education will pass through prison at some point in their lives. Under these conditions, it appears that the U.S. penal system has grown beyond disciplining the deviant few, to imposing a systemic influence on broad patterns of inequality" (p.542).

Reference: Western, Bruce (2002). The Impact of Incarceration on Wage Mobility and Inequality. *American Sociological Review*, 67, 526-546.

The nature and timing of a broken home affects the relationship between family structure and delinquency. Moreover, the impact of family structure on delinquent behaviour appears to be mediated by other factors (e.g., association with deviant peers).

Background. Being from a “broken home” has been known to be associated with delinquency for decades. However, one difficulty with previous research is that little is known about the mechanisms which account for these effects. Similarly, the timing and nature of the separation is not adequately understood. Finally, to talk about “delinquency” in this context assumes that the impact of a broken home and the mechanisms by which the disruption has its effects are the same for all types of delinquency.

This study examined a number of different kinds of living circumstances for adolescents in a three-year longitudinal study. “Broken” homes were divided into a number of distinct types – e.g., those in which the separation/divorce took place at least three years before the final measure of delinquency, those in which a divorce/separation had recently transpired, and those in which a remarriage had recently occurred.

The difficulty in interpreting the results is demonstrated by findings which suggest that family structure is associated - in complex ways - with several other factors known to be related to delinquency (e.g., level of involvement of the child with the family, views concerning whether certain delinquent behaviours are wrong, association with delinquent peers, etc.).

The results tend to show that the effect of growing up in a broken family is mediated by other associated risks.

- Early divorce/separation is associated with property offending. However, this relationship is no longer statistically significant (p.123) after the effects of other factors such as parental abuse, beliefs about whether delinquent acts are wrong, and association with delinquent peers are removed.
- Early divorce/separation and the presence of a stepparent in the home early in life are both associated with violent offending (p.126). However, these effects disappear when the impact of other factors such as the strength of the youth’s commitment to conventional institutions (e.g., education and family) and association with delinquent peers are held constant.
- In contrast, the impact of a recent remarriage of the parent on status offences (e.g., running away, lying about age, cheating on tests) appears to remain even after various other factors are taken into account (p.120).

Conclusion. It appears that some, but not necessarily all, of the impact of broken homes is mediated by other variables such as association with delinquent peers and attachment to conventional values. Nevertheless, it seems that at least for status offences, family structure (recent appearance in the family of a stepparent) has an effect on (short term) misbehaviour. Like other research (See *Criminological Highlights*,4(2), Item 5) this study suggests that to the extent that single-parent families are likely to be associated with elevated levels of delinquency, a policy focus on the mechanisms for such an effect is likely to be more effective than are nostalgic calls for conventional family structures.

Reference: Rebellon, Cesar J. (2002). Reconsidering the Broken Homes/Delinquency Relationship and Exploring its Mediating Mechanism(s). *Criminology*, 40, 103-135.