Centre of Criminology
University of Toronto
Toronto, Ontario
Canada M5S 3H1

Telephone: 416/978-6438 x230 (Doob)
416/978-6438 x236 (Finlay)
Fax: 416/978-4195
Electronic Mail: anthony.doob@utoronto.ca
finlay@library.utoronto.ca
Courier address: 130 St. George Street, Room 8001

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.

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

1) Do sex offender registries and community notification systems prevent sex offences?
2) Which types of cases are more likely to result in a hung jury?
3) Are young people more likely than adults to confess to crimes they did not commit?
4) Does the provision of resources intended to reduce the opportunities for interpersonal violence lead to fewer domestic homicides?
5) Is the rate of pollution by pulp-and-paper mills determined solely by the nature of the formal regulatory regime in which they operate?
6) Were the first juvenile courts in the early 1900s designed to handle cases of serious violence?
7) Was Ireland's adoption of a “pro-imprisonment” policy in the late 1990s a response to increasing crime rates?
8) Which factors determine the priority that a police officer will give to community policing initiatives?

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Contents: Three pages containing “headlines and conclusions” for each of the eight articles.
One-page summaries of each of the eight articles.

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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.

Sex offender registries and community notification of the presence of a convicted sex offender in a particular neighbourhood are of questionable value.

Registries and notification systems are not without their own problems and, as such, demand careful scrutiny before being implemented. This warning gains even more salience when one recognizes that their proclaimed benefits have yet to receive empirical support. Within this context, it would seem particularly important to consider the non-trivial costs of these approaches to public safety in light of the opportunity costs – that is, alternative avenues to crime prevention that are ignored because of a focus on these largely untested strategies.

References: (1) Survey Finds Large Gaps in Megan's Law Enforcement. (2003). *Criminal Justice Newsletter*, February 18, 5-6. (2) Jacobs, Deborah. (2003). Why Sex Offender Notification Won't Keep Our Children Safe. *Corrections Today*, February, 22. (3) Klaas, Marc. (2003). Sex Offender Registries Protect Our Children. *Corrections Today*, February, 23. (4) Cuffley, Natalie. (2003). Tattooing Sex Offender on His Forehead. *Criminal Reports* (6th), 134-155. (5) Zevitz, Richard G. and Farkas, Mary Ann. (2000). Sex Offender Community Notification: Managing High Risk Criminals or Exacting Further Vengeance? *Behavioral Sciences and the Law*, *18*, 375-391**. [Item 1]**

Hung juries are not random events. Rather, they occur with some predictability.

It would seem that findings from recent research confirm – to a great extent – the conclusions drawn by Kalven and Zeisel on American juries in the 1950s. In particular, approaches that make the evidence, expert testimony, and judges' instructions more understandable and accessible to the jury might still be good places to start when attempting to reduce the occurrence of hung juries.

Reference: Hans, Valerie P., Paula L. Hannaford-Agor, Nicole L. Mott, and G. Thomas Munsterman. (2003). The Hung Jury: The *American Jury*'s Insights and Contemporary Understanding. *Criminal Law Bulletin*, *39*(1), 33-50. **. [Item 2]**

Young children (ages 12-13) are more likely than older youths and young adults to take responsibility for transgressions that they did not, in fact, commit.

The high rate of false confessions among youths in this study indicates the need - as exists in Canadian youth justice legislation - for special safeguards for young offenders when considering their confessions. It appears that young children are obedient to authority figures – police officers in interrogations and experimenters in the research setting. Obedience, when a suggestion is made that the accused did something he or she did not do, can, therefore, lead to a false confession being given. Given that so-called experts on police interrogation argue that similar techniques for extracting a confession should be used with youths as with adults, these results suggest that there should be heightened concern whenever a youth confesses to a crime.

Reference: Redlich, Allison D. and Gail S. Goodman. (2003). Taking Responsibility for an Act Not Committed: The Influence of Age and Suggestibility. *Law and Human Behavior, 27,* 141-156. **. [Item 3]**

Do it right or don't do it at all: Programs and services designed to reduce domestic violence do so only if they are adequately implemented.

Based on the results of this study, the challenge is clearly "to specify the conditions under which exposure-reducing opportunity and retaliation-inducing motivation [might] occur" (p.194). "These findings do not mean that designing prevention strategies based on exposure reduction is a bad idea. They do, however, suggest that a little exposure reduction (or unmet promises of exposure reduction) in severely violent relationships can be worse than the status quo. Absolute reduction of exposure in such relationships is an important policy objective. But achieving this type of protection from abuse is not easy" (p.194). In addition, it seems important to recognize that policies which have an impact on one subset of potential victims may have different impacts on others.

Reference: Dugan, Laura, Daniel S. Nagin, and Richard Rosenfeld. (2003). Exposure Reduction or Retaliation? The Effects of Domestic Violence Resources on Intimate-Partner Homicide. *Law and Society Review*, 37, 169-198. **. [Item 4]**

Regulatory standards matter in explaining corporate environmental behaviour but they aren't everything. Indeed, economic factors, management style, and public pressure on industry from local community and activist groups push companies beyond mere compliance with the law.

"Theories of corporate environmental behaviour that focus on a single variable – whether legal, economic, or attitudinal – are almost always doomed to be incomplete and inadequate" (p.76). Environmental performance is more likely to be shaped by interactions among two sets of variables: legal, economic, and social/political, on the one hand, and corporate management attitudes, on the other. Further, while regulatory requirements appear to set the benchmark for enforcers, other factors seem to be important in explaining variation in how far corporations operated "beyond compliance" (p.83). Indeed, "*social license pressures* and the character of *corporate environmental management* appear to be the most powerful factors that prod some firms further beyond compliance than others" (p.83) while "*economic pressures* limit how far even the most environmentally committed firm can leap ahead of its competitors" (p.83).

Reference: Kagan, Robert A., Neil Gunningham, and Dorothy Thornton. (2003). Explaining Corporate Environmental Performance: How Does Regulation Matter? *Law and Society Review, 37,* 51-89. **. [Item 5]**

Although it is sometimes argued that youth crime has become dramatically more serious than it was when separate youth justice systems were first established in North America, the original juvenile courts were, in fact, established to respond effectively to serious and violent young offenders.

"The 20th century has witnessed a transformation in the legal response to juvenile homicide [in the U.S.]. The flexible system that often protected children [including homicide offenders] from being prosecuted as adults in the early 20th century has been replaced over time" (p.689). This paper suggests that the rehabilitative ideal has been replaced with punitive procedures. Indeed, "Whereas youth had been a mitigating factor in juvenile homicide cases in the early 20th century, it had become a legal liability by century's end" (p.689).

Reference: Tanenhaus, David S. and Steven A. Drizin. (2003). "Owing to the Extreme Youth of the Accused": The Changing Legal Response to Juvenile Homicide. *Journal of Criminal Law and Criminology, 92,* 641-705. **. [Item 6]**

The substantial increase in the imprisonment rate in the Republic of Ireland during the last decade of the 20th century was *not* the result of a rise in the crime rate. Rather, it would appear to reflect new 'law and order' politics.

At a time of falling crime rates, there appears to be a consolidation of the prison "at the hub of the criminal justice system" (p.57) in the Republic of Ireland. This recent phenomenon seems to be associated with the institution of a pro-imprisonment and zero-tolerance policy toward crime by the government. Despite this hard-line rhetoric though, a set of inherent contradictions are evident. The public has not completely fallen for this 'law and order' approach: in a recent referendum, 62% voted for ensuring that capital punishment could not be reintroduced under any circumstances. Similarly, there was never a decline in support of rehabilitation in prison, and detention is set out as a last resort for young offenders in 2001 legislation. Like Canada, Ireland does not appear to have a simple 'culture of control' that many scholars claim characterizes the U.S. and, to some extent, Great Britain (see *Criminological Highlights*, Volume 3, Number 5, Item 4).

Reference: O'Donnell, Ian and Eoin O'Sullivan. (2003). The Politics of Intolerance – Irish Style. *British Journal of Criminology, 43*, 41-62. **. [Item 7]**

In deciding how to respond to "community policing," police officers are guided more by what they *think* their supervisors' attitudes are than by either their own attitudes or their supervisors' actual attitudes.

Clearly, the amount of time police officers spend on problem solving is affected by what the senior police officer communicates to his/her subordinates. More specifically, "It is...quite telling that the officers for whom problem solving is a high priority spend more time on problem solving to the extent that they perceive – in many instances erroneously – it is a priority for their supervisors" (p.158). "Officers whose supervisors espouse community policing and problem solving goals engage in no more problem solving than other officers. Interestingly, however, this appears to be due... to a failure of these supervisors to communicate their expectations, inspire their subordinates to practice problems solving and facilitate their efforts to do so.... Officers' perceptions of their supervisors' goals did not correspond to supervisors' actual goals" (pp. 158-9).

Reference: Engel, Robin Shepard and Robert E. Worden. (2003). Police Officers' Attitudes, Behavior, and Supervisory Influences: An Analysis of Problem Solving. *Criminology, 41*, 131-166. **. [Item 8]**

Sex offender registries and community notification of the presence of a convicted sex offender in a particular neighbourhood are of questionable value.

Background. Members of the public and politicians alike are constantly on the lookout for the silver bullet that will deal a deadly blow to serious crime. Sex offender registries and community notification systems have recently been heralded as the panacea for sexual offences (especially against children). This positive assessment is held in spite of research which has shown that reoffending rates for this type of crime are low (see *Criminological Highlights*, *5*(1)#4, and 3(3)#3) and that even with properly functioning notification systems, almost no sex offences would be averted (*Criminological Highlights*, *4*(1)#2). Currently, registries have been established in all 51 U.S. jurisdictions (References #1,4,5) and have begun to be implemented in Canada as well. Notification is also allowed under certain provincial laws (Reference #4, pp.136-7). Despite this extensive adoption, the debate over the value of these strategies has yet to be resolved.

These papers present arguments both in favour of and against the use of sex offender registries. More specifically, several of the identified virtues of this criminal justice approach are as follows:

- By making names public, practices such as those which occurred within the Catholic Church over the past several years of simply moving offending priests from one location to another may be discouraged (Reference #3).
- No "cure" is perfect for all offenders (Reference #3).
- The harassment of identified sex offenders in the community is relatively low (3.5%) (Reference #3).
- Registries and notification give parents an opportunity to protect their children (Reference #3).

The difficulties with the registry-notification approach appear to include the following:

- The registries are incomplete. A U.S. survey showed that only 32 of 51 jurisdictions were able to provide "failure to register" statistics. Further, the overall 'failure' rate for these 32 jurisdictions was 24%, with that of some states (*e.g.,* California) being even higher (44%) (Reference #1).
- These registries give an illusion of safety by implicitly communicating the (erroneous) idea that all sex offenders are known and that this type of crime is more likely to be committed by strangers than by trusted others (References #2&4). As such, these registries may be used simply "to appease the fears of the average citizen" (Reference #4, p.155).
- Sex offender registries may interfere with rehabilitation and reintegration (References #2&4). For example, one study (Reference #5) of sex offenders who had been subject to registration, news media releases, flyers and/or community notification meetings showed that 83% of the sample had not been allowed to rent residences and 77% had been ostracized by neighbours or acquaintances.
- Sex offender registries may drive offenders underground (Reference #2). Aside from anything else, registration systems are seen by many registered offenders (57% in the survey reported in Reference #5) as being responsible for loss of employment.
- Registries and notification systems have been known to promote vigilantism. In a study of registered sex offenders (Reference #5), 77% of those surveyed had received threats or had been subject to harassment while 3% had received vigilante attacks. Further, almost all registered sex offenders reported fear for their safety. These risks are even more problematic when one recalls that the information in the registries may be inaccurate. In these cases, non-offenders may be targeted because they live at an address that has incorrectly been identified as that of an ex-offender (Reference #4).

- Costs of registry systems are considerable. Further, law enforcement agencies are typically not given additional resources for implementing and updating these registries (Reference #5, pp. 377-8).
- Registry and notification can also lead to collateral harm to the family members of those subject to them (Reference #5, pp. 382-4).

Conclusion. Clearly, registries and notification systems are not without their own problems and, as such, demand careful scrutiny before being implemented. This warning gains even more salience when one recognizes that their proclaimed benefits have yet to receive empirical support. Within this context, it would seem particularly important to consider the non-trivial costs of these approaches to public safety in light of the opportunity costs – that is, alternative avenues to crime prevention that are ignored because of a focus on these largely untested strategies.

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Hung juries are not random events. Rather, they occur with some predictability.

Background. America's best known jury scholar - Hans Zeisel - once described the hung jury as a "treasured but paradoxical phenomenon" (p.33). More specifically, the hung jury reflects the law's deep respect for minority perspectives, but can only exist if it occurs infrequently. If there were large numbers of hung juries, changes would be made (e.g., allowing majority verdicts rather than requiring unanimous verdicts) to eliminate this possible outcome. Kalven and Zeisel's seminal work, *The American Jury* (1966), set out to describe the circumstances under which it does, in fact, happen. Their data suggest that hung juries were considerably more likely to occur in cases in which judges indicated that it was not clear from the evidence whether defendants were guilty or innocent. It was also found that for most hung juries, the majority of jurors favoured conviction. Similarly, their findings suggested that the judge would have convicted in the majority of cases in which the jury was, in fact, hung. Further, 42% of hung juries had only one or two holdout jurors. However, it was also shown that the first-ballot votes of those juries which were unable to ultimately come to a verdict *initially* had substantial splits of opinion.

More recently, it has been demonstrated that there is enormous variability across jurisdictions in the U.S. in hung jury rates, varying from 0.1% to 14.8% in one study. Juries were more likely to hang on all counts when the defendant was charged with few offences. Moreover, hung juries were more probable when a large proportion of the jurors had prior jury service. However, the likelihood of coming to a verdict did not relate to the demographic characteristics of the jury.

In addition, the complexity of the evidence in the case was found to be important. Jurors from cases which hung on at least one charge were more likely than those from cases which went to verdict to rate the evidence as complex and difficult to understand. This same relationship existed with regard to jurors' appraisals of the intricacies both of expert witnesses and of the instructions that they received from judges. In contrast, the ratings by judges and lawyers of these same elements in cases where there was a verdict and those where there was a hung jury did not differ. Similar to earlier studies, more recent research also suggests that hung juries are most likely to occur in cases in which the jury is fairly evenly split on the verdict at the time of the initial vote.

Theories suggesting that "increasing diversity [within a jury] makes it more difficult for jurors to agree were not [supported] in the [most recent] study [of hung juries]" (p.49). If the number of hung juries has, in fact, increased, it would appear to be the result of "practices that are within the purview of the prosecution, such as bringing cases with relatively ambiguous evidence to trial, and charging multiple counts, [which] appear to be stronger factors that increase the likelihood of a hung jury [on any given count]" (p.49). The evidence suggests that juries that are allowed majority (non-unanimous) verdicts do not deliberate as fully as those required to come to a unanimous verdict. The study showed that in a small number of juries, the final unanimous verdict was in the opposite direction of that held by a strong majority in the initial vote.

Conclusion. It would seem that findings from recent research confirm – to a great extent – the conclusions drawn by Kalven and Zeisel on American juries in the 1950s. In particular, approaches that make the evidence, expert testimony, and judges' instructions more understandable and accessible to the jury might still be good places to start when attempting to reduce the occurrence of hung juries.

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Young children (ages 12-13) are more likely than older youths and young adults to take responsibility for transgressions that they did not, in fact, commit.

Background. It is well established that people being interrogated by the police will occasionally take responsibility for acts that - it is later shown - they did not do. While people have "often pondered how or why a person would confess to a crime that he/she did not commit" (p.142), it is clear that external forces in the police interrogation setting are often at least partially responsible. The data on false confessions in criminal cases suggest that two factors are responsible for this phenomenon: the vulnerability of the suspect and the presentation of false evidence by an interrogator.

This study used youths aged 12-13 and 15-16, as well as young adults (mean age of 20) in a laboratory experiment in which they were asked to respond to certain stimuli. They were told not to hit a certain key on the keyboard because this action - they were told - would crash the computer and cause a loss of data. Unbeknownst to them, the computer was programmed to crash automatically during the study. At this point, half of the participants were presented with (false) computer generated evidence that they had, in fact, pressed the forbidden key. Participants were subsequently asked to take responsibility for the computer crash by signing a statement confessing to the 'crime'. In doing so, they assumed responsibility for hitting the key and agreed to work for 10 hours re-entering the data that had supposedly been lost by their alleged error.

The results suggested that approximately ¾ of the youths of "young offender" age confessed to the transgression that they had not, in fact, committed whereas only 59% of the young adults took responsibility for the act. The presentation of false evidence had a dramatic impact on the likelihood that 15-16 year olds would confess (increasing the rate from 56% to 88%) but did not have a significant effect on the other age groups. The study also found that the more 'suggestible' participants (*i.e.* those individuals with a tendency to demonstrate compliance with the suggestions of others) were more likely to take responsibility for acts they had not committed.

Conclusion. The high rate of false confessions among youths in this study indicates the need - as exists in Canadian youth justice legislation - for special safeguards for young offenders when considering their confessions. It appears that young children are obedient to authority figures – police officers in interrogations and experimenters in the research setting. Obedience, when a suggestion is made that the accused did something he or she did not do, can, therefore, lead to a false confession being given. Given that so-called experts on police interrogation argue that similar techniques for extracting a confession should be used with youths as with adults, these results suggest that there should be heightened concern whenever a youth confesses to a crime.

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Do it right or don't do it at all: Programs and services designed to reduce domestic violence do so only if they are adequately implemented.

Background. Rates of homicides involving intimate partners in the U.S. have decreased over the past 25 years even though the overall homicide levels have shown a considerably different pattern. Some have argued that increased resources for victims of domestic violence (*e.g.*, hotlines, shelters) have been at least partially responsible for this decline. Indeed, the theory underlying this explanation is that "policies, programs, and services that effectively reduce contact between intimate partners reduce the opportunity for abuse and violence" (p.170). However, it is equally possible that these programs could also create a *retaliation* effect. More specifically, domestic violence resources could, in fact, increase interpersonal homicide if they added to "the level of stress or conflict in the relationship without effectively reducing victim exposure" (p.170).

This study assesses these two competing hypotheses by examining the effect of a broad range of domestic violence resources on interpersonal homicides between 1976 and 1996 in 48 large U.S. cities. The primary focus is on the presence of policies related to situations in which protection orders are violated. In addition, various other policies were assessed. A total of twelve victim types (*i.e.* combinations by sex, race - African-American, white or all victims – and marital status – married or unmarried) were examined.

The results were presented in such a manner that only the most robust findings (as defined by the authors) were accepted as true. This study uncovered partial support for both hypotheses. With regard to the 'reduced opportunity' theory, this study found that "[m]ore aggressive arrest policy is associated with fewer killings of unmarried intimates" (p.191). Similarly, the adoption of mandatory arrest laws (for those who violate protection orders) "is associated with fewer deaths of married women of all races..." (p.192). However, polices often appeared to affect different groups (*e.g.*, unmarried vs. married, certain racial groups) in diverse ways. Finally, other non-criminal justice strategies which might indirectly affect victim exposure were also found to have an impact on domestic violence. For instance, a decline in welfare rates (*i.e.* aid to families with dependent children) was related to an increase in the homicide victimization of unmarried men – especially African-Americans (p.191). In contrast, some support for the retaliation theory was also evident. In particular, the willingness of prosecutors to take on cases of protection order violations was associated with a rise in homicides for most groups when adequate protection was not provided.

Conclusion. Based on the results of this study, the challenge is clearly "to specify the conditions under which exposure-reducing opportunity and retaliation-inducing motivation [might] occur" (p.194). "These findings do not mean that designing prevention strategies based on exposure reduction is a bad idea. They do, however, suggest that a little exposure reduction (or unmet promises of exposure reduction) in severely violent relationships can be worse than the status quo. Absolute reduction of exposure in such relationships is an important policy objective. But achieving this type of protection from abuse is not easy" (p.194). In addition, it seems important to recognize that policies which have an impact on one subset of potential victims may have different impacts on others.

Reference: Dugan, Laura, Daniel S. Nagin, and Richard Rosenfeld. (2003). Exposure Reduction or Retaliation? The Effects of Domestic Violence Resources on Intimate-Partner Homicide. *Law and Society Review*, 37, 169-198.

Regulatory standards matter in explaining corporate environmental behaviour but they aren't everything. Indeed, economic factors, management style, and public pressure on industry from local community and activist groups push companies beyond mere compliance with the law.

Background. Many companies operate "beyond compliance" with regulatory requirements, suggesting that compliance is more complex than simply establishing and enforcing regulations. In order to understand environmental performance, it is necessary to look further than the traditional uni-dimensional legalistic perspective to economic variables, political and social pressures, and corporate cultures.

This paper examines the control of water pollution in 14 pulp and paper mills in four countries (U.S., Canada, Australia, and New Zealand). Over the past few decades, pulp and paper pollution has generally decreased. However, notwithstanding the fact that the mills in the U.S. have been subject to more costly and punitive lawsuits than those elsewhere – a phenomenon described as an "enforcement frenzy" in contrast with Canada's "partnering approach" (p.63) – this study found "no consistent differences among regulatory jurisdictions in the environmental performance of [the various] pulp mills" (p.63). In fact, the variation within a jurisdiction was demonstrated to be as large as the variation across jurisdictions. While there was some evidence that regulatory regimes matter (*e.g.*, when there was a requirement that particular pollutants be eliminated by a certain date), variation in these standards was not sufficient to explain differences.

Beyond legalistic factors, corporation size was not found to be significant in explaining variation in compliance, though the companies with larger profit margins generally had lower rates of pollution (p.67). In contrast, social variables emerged as important predictors of compliance. Indeed, mill managers reported "significant environmental pressures" (p.69) from their host communities, and were very conscious of "anything that can give you a bad name" (p.69). Similarly, pressure from customers had an impact on some mills. Differences were also detected with regard to management style. Based on qualitative data, this variable was assessed from interviews with managers which queried their attitudes concerning environmental issues as well as their explanations for various actions that they had taken. Each mill's type of environmental management was subsequently categorized as being either a true believer, an environmental strategist, a committed complier, or a reluctant complier. The first two classifications described those plants which saw value in investments in environmental performance, and in searching for measures which would reduce pollution and cut costs. Not surprisingly, the mills with these management styles also tended to pollute less.

Conclusion. "Theories of corporate environmental behaviour that focus on a single variable – whether legal, economic, or attitudinal – are almost always doomed to be incomplete and inadequate" (p.76). Environmental performance is more likely to be shaped by interactions among two sets of variables: legal, economic, and social/political, on the one hand, and corporate management attitudes, on the other. Further, while regulatory requirements appear to set the benchmark for enforcers, other factors seem to be important in explaining variation in how far corporations operated "beyond compliance" (p.83). Indeed, "*social license pressures* and the character of *corporate environmental management* appear to be the most powerful factors that prod some firms further beyond compliance than others" (p.83) while "*economic pressures* limit how far even the most environmentally committed firm can leap ahead of its competitors" (p.83).

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Although it is sometimes argued that youth crime has become dramatically more serious than it was when separate youth justice systems were first established in North America, the original juvenile courts were, in fact, established to respond effectively to serious and violent young offenders.

Background. Since the early 1990s, there has been concern that young offenders have become a "new breed" who are best described as "juvenile superpredators" or as "remorseless and morally impoverished" (p.642). As a consequence, most U.S. states have made it easier to prosecute youths as adults. This practice is largely based on the argument that the juvenile system was not designed to deal with these serious offenders. As one prosecutor put it, "Our juvenile criminal act was written at a time when kids were knocking over outhouses, not killing people" (p.641). The result is not only that youths are prosecuted as adults in numbers unimagined a few decades ago, but the confidentiality of records and proceedings in the U.S. has also dramatically declined.

This paper challenges the view that "once upon a time" youths only committed minor, annoying offences and, by extension, that the juvenile courts were unprepared to respond to violent offenders. Indeed, some newspaper stories of serious crimes in the early 20th century "made it sound as if one of today's so-called 'superpredators' had been transported back in time" (p.655). For instance, one accused juvenile killer was described as "terrorizing a whole... settlement" (p.655).

The historical data collected for this research demonstrate that the first U.S. juvenile court in Illinois was designed, in fact, to hear *all* cases involving juvenile offenders. All boys under 17 and all girls under 18 were under the jurisdiction of the juvenile court in 1905. Therefore, this Chicago court was clearly hearing homicide cases in the early 1920s. Presumably these offences had not been "pleaded down" from charges involving overturned outhouses. It was clear that an informal understanding existed regarding which cases could be handled in adult court. Only a small number (estimated at 0.6%) of cases - largely constituting repeat offenders (all of whom were over the age of 16) – were transferred to adult court.

One of the central changes that occurred since the early days of the juvenile court and which accelerated in the last decade of the 20th century was the use of adult court to try youths. This practice was largely a result of both legislative decisions to exclude certain types of cases from juvenile court and laws which allowed prosecutors to avoid juvenile court if they so desired. Indeed, juvenile court judges are not – to a significant degree - responsible for decisions on whether a youth will be tried in adult court. For example, Florida - with a population of approximately 16 million - has roughly 7000 youths prosecuted in adult court as a result of prosecutorial decisions. In comparison, Canada - with a population of about 31 million - transferred a total of 41 cases to adult court in 2000/1.

Conclusion. "The 20th century has witnessed a transformation in the legal response to juvenile homicide [in the U.S.]. The flexible system that often protected children [including homicide offenders] from being prosecuted as adults in the early 20th century has been replaced over time" (p.689). This paper suggests that the rehabilitative ideal has been replaced with punitive procedures. Indeed, "Whereas youth had been a mitigating factor in juvenile homicide cases in the early 20th century, it had become a legal liability by century's end" (p.689).

Reference: Tanenhaus, David S. and Steven A. Drizin. (2003). "Owing to the Extreme Youth of the Accused": The Changing Legal Response to Juvenile Homicide. *Journal of Criminal Law and Criminology, 92,* 641-705.

The substantial increase in the imprisonment rate in the Republic of Ireland during the last decade of the 20th century was *not* the result of a rise in the crime rate. Rather, it would appear to reflect new 'law and order' politics.

Background. The reported crime rate in the Republic of Ireland was fairly stable from the 1920s until the 1960s as was the case in Canada. From the mid-1960s to approximately 1980, the level of reported indictable offences increased significantly in both countries. However, imprisonment rates in Ireland – unlike those in Canada which have been relatively stable for years – rose dramatically at the end of the 20th century at a time when crime rates were, if anything, decreasing. This divergence appears to coincide with a sudden change in public perception of crime in the Republic of Ireland. In 1980 and again in 1988 and 1994, survey data showed that crime was seen as the most important problem facing the Irish nation by only 2% - 8% of the population. In contrast, survey data from 1996 showed that 50% identified law and order as the most critical issue facing the government.

This paper suggests that changes in the criminal justice climate in Ireland resulting from two killings within two weeks of each other in 1996 (one of a police officer and one of a journalist) set the stage for a significant shift in penal policy. In response to a 'moral panic' that followed these murders, a special parliamentary debate on crime was held. It was felt that new legislation was the "solution" to the recent crime problem. In fact, the opposition justice critic described the country as being "under threat" (p.48), and "law and order were key issues [in the 1997 general election, with] politicians engaged in a frenzied bidding war, promising more [police], more prisons and less tolerance" (p.49). Borrowed from New York, zero tolerance - defined as "no crime, no matter how small, is insignificant" (p.49) - and the building of new prisons constituted the official crime policy of the opposition. Importantly, when this party formed the new government, this "commitment to zero tolerance never varied" (p.52). In particular, action against beggars and other "public order" offences increased dramatically. In addition, the prison population increased by 39% between 1995 and 2000, resulting in an imprisonment rate per 1000 reported crimes which was twice that of Canada. Although the other main party has not attempted to "out-tough" (p.56) the party in power, dissenting voices on crime policy have been "silenced or ignored" (p.56). Although a parliamentary committee recommended that there be a "fundamental reappraisal of the role of the prison" (p.56), little actual change has occurred.

Conclusion. At a time of falling crime rates, there appears to be a consolidation of the prison "at the hub of the criminal justice system" (p.57) in the Republic of Ireland. This recent phenomenon seems to be associated with the institution of a pro-imprisonment and zero-tolerance policy toward crime by the government. Despite this hard-line rhetoric though, a set of inherent contradictions are evident. The public has not completely fallen for this 'law and order' approach: in a recent referendum, 62% voted for ensuring that capital punishment could not be reintroduced under any circumstances. Similarly, there was never a decline in support of rehabilitation in prison, and detention is set out as a last resort for young offenders in 2001 legislation. Like Canada, Ireland does not appear to have a simple 'culture of control' that many scholars claim characterizes the U.S. and, to some extent, Great Britain (see *Criminological Highlights*, Volume 3, Number 5, Item 4).

Reference: O'Donnell, Ian and Eoin O'Sullivan. (2003). The Politics of Intolerance – Irish Style. *British Journal of Criminology, 43*, 41-62.

In deciding how to respond to "community policing," police officers are guided more by what they *think* their supervisors' attitudes are than by either their own attitudes or their supervisors' actual attitudes.

Background. Police officers' behaviour is often described as being "shaped by their occupational outlooks" (p.133). Nevertheless, most research has found that the relationship between officers' attitudes and their actions is weak. These findings suggest that there is something about the nature of the occupational climate in policing that is important in understanding how police officers carry out their jobs. The implementation of community policing provides an opportunity to assess the importance of attitudes and values in determining the ways in which police act. Community policing – operationalized as the identification and understanding of problems and the search for their solutions – is considerably different from traditional policing (*e.g.*, enforcing laws or stopping and interrogating citizens).

This study examined the attitudes of 243 police officers in two police departments who were observed during a total of 577 normal shifts. These officers were supervised by 70 different senior officers. The main measure used in this research was the percentage of an officer's shift that was spent in problem solving policing (*e.g.*, implementing a long term plan or project or identifying - or attempting to solve or prevent - the occurrence or recurrence of a problem). On average, police officers spent about 10% of their time on these activities. Officers' orientation toward problem solving was assessed by asking them how often they should be expected to work on this type of policing. Their priorities for problem solving were measured by their choice of activities which they thought were most important.

The findings suggest that the individual characteristics of police officers were not particularly important in understanding the amount of time that officers spent on conducting problem solving policing. However, female officers and those with fewer years of experience were found to spend more time in these activities. More interesting is the finding that police officers' perceptions of their supervisors' priorities affects the time that they spend on problem solving. Those who think that their supervisors place a priority on this type of policing are more likely to spend time problem solving themselves. Police officers' own views of these activities did not predict problem solving policing above and beyond their view of their supervisors' priorities. Similarly, the supervisor's actual attitudes were not important in understanding the time spent on problem solving. Interestingly, the officers' own views of this type of policing correlated with their perceptions of their supervisors' attitudes.

Conclusion. Clearly, the amount of time police officers spend on problem solving is affected by what the senior police officer communicates to his/her subordinates. More specifically, "It is...quite telling that the officers for whom problem solving is a high priority spend more time on problem solving to the extent that they perceive – in many instances erroneously – it is a priority for their supervisors" (p.158). "Officers whose supervisors espouse community policing and problem solving goals engage in no more problem solving than other officers. Interestingly, however, this appears to be due... to a failure of these supervisors to communicate their expectations, inspire their subordinates to practice problems solving and facilitate their efforts to do so.... Officers' perceptions of their supervisors' goals did not correspond to supervisors' actual goals" (pp. 158-9).

Reference: Engel, Robin Shepard and Robert E. Worden. (2003). Police Officers' Attitudes, Behavior, and Supervisory Influences: An Analysis of Problem Solving. *Criminology, 41,* 131-166.