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Criminological Highlights

Volume 6, Number 2
December 2003

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Criminological Highlights is produced with the support of the Department of Justice, Canada and the Correctional Service of Canada.

Criminological Highlights is designed to provide an accessible look at some of the more interesting criminological research that is currently being published. There are six issues in each volume. 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) Would harsher sentences reduce crime?
- 2) How does the imprisonment of women differ from the imprisonment of men?
- 3) Is the preference for non-custodial sentences over prison the same for all groups?
- 4) Can "quick fix" programs designed to reduce offending have the opposite effect?
- 5) Do young people have an adequate understanding of the court process?
- 6) Do members of the public really want mandatory minimum sentences?
- 7) Are women who live in very poor neighbourhoods especially vulnerable to being assaulted by their intimate partners?
- 8) How do Canadian police forces deal with labour disputes?

Contents Three 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, Dena Demos, Elizabeth Griffiths, Michael Mopas, Andrea Shier, Jane Sprott, Sara Thompson, and Carolyn Yule.

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

The imposition of harsher sentences does not deter crime.

The conclusion of this review paper is based on recent evidence including the inability of “3-strikes” sentencing regimes to reduce crime. Consistent with the findings of other comprehensive summaries, no convincing evidence was found to suggest that crime can be reduced by harsh sentences. It is true that one can never prove the absence of a phenomenon. However, the enormous efforts which have been expended over the past 30 years to find the opposite – that is, consistent deterrent effects (of harsher punishment) - have proven unsuccessful. From a policy perspective, it would seem that the time has come to accept the conclusion that harsh sentences do not deter.

Reference: Doob, Anthony N. and Cheryl Marie Webster (2003). Sentence Severity and Crime: Accepting the Null Hypothesis. In Michael Tonry (ed.). *Crime and Justice: A Review of Research, Volume 30*. Chicago: University of Chicago Press, pp. 143-195. **[Item 1]**

The imprisonment of women should be considered separately from that of men. Indeed, important differences exist between these two phenomena which require focused examination.

Until fairly recently, the imprisonment of women has not received much attention from researchers in part because a substantially smaller number of women than men are incarcerated. However, with more than 91,000 women currently in prison in the U.S., low numbers can no longer justify this lack of knowledge. This review suggests that women’s experiences in prison and upon release are not only different from those of men, but also that there is considerable variation in the characteristics of women inmates, their prisons, and their experiences while incarcerated. Unfortunately, these aspects of the imprisonment of women are also inadequately understood.

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Black adults on probation rate alternatives to imprisonment as being more punitive than do white probationers. Further, it appears that blacks - in comparison to whites – are more likely to prefer to avoid non-custodial options.

Given the over-representation of certain disadvantaged groups in prisons (e.g., blacks in the U.S. and Canada; aboriginal people in Canada), it is often suggested that additional effort should be expended to find alternative sanctions for these offenders. For example, section 718.2(e) of the Canadian Criminal Code requires judges to consider “all available sanctions other than imprisonment that are reasonable in the circumstances ... for all offenders, with particular attention to the circumstances of aboriginal offenders.” This study suggests that alternatives to imprisonment may not be seen as equally desirable by all groups in society. If, in fact, one is attempting to impose the least onerous sentence, the most appropriate sanction may be in the eyes of the beholder.

Reference: Wood, Peter B. and David C. May (2003). Racial Differences in Perceptions of the Severity of Sanctions: A Comparison of Prison with Alternatives. *Justice Quarterly*, 20(3), 605-631. **[Item 3]**

“Scared Straight” programs in which young people ‘visit’ prisons in order to ‘teach them’ that crime does not pay were initially shown to be ineffective in the early 1980s. Despite the same conclusion having been reached more recently by nine high quality evaluations, they continue to be used. Even more disturbing is the fact that such programs have been shown to increase offending.

This program appears to increase rather than decrease crime. Nevertheless, “despite the gloomy findings reported here and elsewhere, Scared Straight and its derivatives continue in use.... When the negative results from [a California program] came out, the result was to end evaluation – not the program. Today the... program continues, evaluated by the testimonials of prisoners and participants alike” (p.59). While it is not understood why the program has a criminogenic effect, it is clear that initiatives such as this one need to be evaluated and monitored to ensure that crime is not made even worse. Indeed, negative impacts of well-intentioned interventions have occurred before (see *Criminological Highlights* 5(4) Item 1). The research on Scared Straight highlights the importance of relying on hard data rather than anecdotal evidence when assessing the crime reduction strategies.

Reference: Petrosino, Anthony; Carolyn Turpin-Petrosino and John Buehler (September 2003). Scared Straight and Other Juvenile Awareness Programs for Preventing Juvenile Delinquency: A Systematic Review of the Randomized Experimental Evidence. *Annals of the American Academy of Political and Social Science*, 589, 41-62. **[Item 4]**

A large scale multi-site (U.S.) study finds that many youths (aged 15 and younger) demonstrate levels of impairment in responding to the criminal justice system consistent with the performance of those typically found incompetent to stand trial.

The data show that “juveniles aged 15 and younger are significantly more likely than older adolescents and young adults to be impaired in ways that compromise their ability to serve as competent defendants in a criminal proceeding Approximately one third of 11-13 year olds and one fifth of 14-15 year olds are as impaired in capacities relevant to adjudicative competence as are seriously mentally ill adults who would likely be considered incompetent to stand trial by clinicians who perform evaluations for courts” (p. 356). These age-related effects held across demographic groups in the community and in a sample of people who were in custody. Once again, it is clear that it is important to respect these differences when developing procedures for dealing with young offenders.

Reference: Grisso, Thomas; Lawrence Steinberg; Jennifer Woolard; Elizabeth Cauffman; Elizabeth Scott; Sandra Graham; Fran Lexcen; N. Dickon Reppucci and Robert Schwartz (2003). Juveniles' Competence to Stand Trial: A Comparison of Adolescents' and Adults' Capacities as Trial Defendants. *Law and Human Behavior*, 27, 333-363. **[Item 5]**

Beware of the soundbite question. The picture that one gets of the public's views of mandatory sentencing laws depends on the questions which are asked. Simple, general questions tend to portray the public as harsh and vengeful. In contrast, specific questions about particular cases demonstrate a more thoughtful and nuanced set of public attitudes.

Though "it would be overstating the case to conclude that the public strongly opposes mandatory sentences" (p.505), it would appear that the public responds quite differently to individual cases in which a mandatory sentence might be imposed and to the concept more generally. Given that most members of the public do not immediately consider the full consequences of a mandatory sentencing regime, this apparent inconsistency is not surprising. One might suggest that a legislature which is considering mandatory sentences should go beyond the slogan of being "tough on crime" and take into account both the broader implications of mandatory sentences and the public's response to those cases falling under such a regime.

Reference: Roberts, Julian V. (2003). Public Opinion and Mandatory Sentencing. *Criminal Justice and Behavior*, 30, 483-508. **[Item 6]**

Women who live in economically disadvantaged neighbourhoods are more likely than other women to experience violence at the hands of their intimate partners. This finding appears to be a true *neighbourhood* effect – that is, it holds true even when relevant characteristics of the couple are statistically held constant.

The likelihood of being the victim of wife assault is a function not only of the characteristics of the couple, but also of the neighbourhoods in which they reside. It would appear that the risk to *any*woman of being the victim of wife assault increases if the couple lives in a neighbourhood whose level of social and economic disadvantage is severe.

Reference: Benson, Michael L; G. L. Fox; A. DeMaris and J. Van Wyk (2003). Neighborhood Disadvantage, Individual Economic Distress and Violence Against Women in Intimate Relationships. *Journal of Quantitative Criminology*, 19, 207-235. **[Item 7]**

Canadian police departments indicate that they prefer to take a "minimalist role" in situations involving labour unrest. Their policies state that order is to be maintained by "limiting the show and use of force, while relying on negotiation and persuasion to resolve conflicts" (p.220).

The development of policies for dealing with labour disputes suggests that "Canadian police are defining and applying their role in a substantially different manner" (p.230) from that which was the norm in the past. More specifically, they currently see their primary function as avoiding conflict and "realizing their own interests by bringing their practices in line with a labour relations regime of consent-based controls" (p.232).

Reference: Hall, Alan and Willem de Lint (2003). Policing Labour in Canada. *Policing and Society*, 13, 219-234. **[Item 8]**

The imposition of harsher sentences does not deter crime.

Background. Over the past 25 years, many reviews have been carried out of the research literature on deterrence. Those reviews which examined a substantial number of studies on the deterrent effect of sentence severity have concluded that no convincing evidence exists to suggest that harsher sentences deter. The reviews which have claimed that severe sanctions do reduce crime are based on a highly selected group of papers of questionable value (see below). Despite these findings, most scholars have been reluctant to claim definitively that variation in the severity of sentences (within ranges that are plausible in western democratic countries) does *not* have an impact on crime rates. Instead, the majority have suggested that more evidence is needed before a firm conclusion can be drawn.

This paper concludes that “[i]t is time to accept the null hypothesis” that “variation in the severity of sanctions is unrelated to levels of crime” (p.143). Although the existence of the criminal justice system as a whole and the perception of an increased likelihood of apprehension appear to deter crime, no consistent and convincing evidence has emerged over the last quarter century to justify the claim that increases in sentence severity have a deterrent effect on criminal activity. In addition to those studies examined in earlier comprehensive reviews, this paper assesses the most recent research on the topic. Consistent with prior findings, this literature did not support the conclusion that harsh sentences deter. In particular, the following studies were reviewed:

- Simple descriptive comparisons of crime rates between harsh “3-strikes” sentencing states and those without these severe sentencing laws.
- Studies examining the effects of variation in the implementation of 3-strikes legislation (See *Criminological Highlights*, 1(3) Item 4)
- Research on the impact of changes in sentencing policy, more generally.
- Studies on the effect of mandatory minimum penalties (See *Criminological Highlights*, 3(4) Item 6).
- Research on the impact of habitual offender laws in deterring crime.
- Studies of offenders’ thought processes.
- Research that attempts to disentangle the independent effects of apprehension, conviction and punishment.

Further, studies that purport to demonstrate deterrent impacts of harsh sentences are shown in this paper to have a range of serious problems. More specifically, the following problematic areas are identified:

- Selective use of data.
- Confusion between “certainty” and “severity” effects, and/or the use of measures that combine conceptually different constructs.
- Effects which “do not show a consistent, replicated pattern” (p.167).
- Stated conclusions which are at odds with the data (*e.g.*, effects that are neither consistent nor statistically significant).

Conclusion. The conclusion of this review paper is based on recent evidence including the inability of “3-strikes” sentencing regimes to reduce crime. Consistent with the findings of other comprehensive summaries, no convincing evidence was found to suggest that crime can be reduced by harsh sentences. It is true that one can never prove the absence of a phenomenon. However, the enormous efforts which have been expended over the past 30 years to find the opposite – that is, consistent deterrent effects (of harsher punishment) - have proven unsuccessful. From a policy perspective, it would seem that the time has come to accept the conclusion that harsh sentences do not deter.

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The imprisonment of women should be considered separately from that of men. Indeed, important differences exist between these two phenomena which require focused examination.

Background. The increase in imprisonment rates of American men since the mid-1970s has been paralleled by similar trends in the imprisonment of women. Between 1925 and 1979, incarceration levels for women in the U.S. varied between 5 and 10 per hundred thousand. By 2000, this figure had risen to over 59 women per hundred thousand. The “war on drugs” is partly responsible for this dramatic increase. While “drugs” constituted the most serious offence for 12% of the women in state prisons in 1986, they accounted for 35% in 1999. Further, the growth of imprisonment of non-white women has increased at a faster rate in the last decade (1990-2000) than that of white women. This finding is remarkable - in part - because the levels of imprisonment of black, Hispanic, and American Indian women started off the decade considerably higher than those for white women. In other countries, the picture is different. In Canada, it would appear that we have not witnessed the dramatic changes in imprisonment rates of men and women which have occurred in the U.S. Further, the pattern in England and Wales is somewhat different from both those of the U.S. and Canada.

This review of women’s imprisonment makes a number of points which highlight the importance of considering women’s imprisonment separately from that of men. For example:

- Changes in the criminal justice system have not impacted on women in the same way that they have on men. For instance, the guideline movement in the U.S. which typically forbids the use of “personal” factors such as the effect of imprisonment on prisoners’ children has obviously had a disproportionate effect on women.
- It appears that physical violence from other inmates is not as great an issue for incarcerated women as it is for men. Furthermore, the nature of violence in women’s prisons is different. More specifically, “[p]hysical aggression by women in prison is... relatively rare, individualistic rather than collective, and often attributable to conflicts over intimate relationships” (p.33). On the other hand, issues surrounding emotional intimacy may be more important for female than male prisoners.
- Self-harm is more prevalent among imprisoned women than men. In the general population (*e.g.*, in England) suicide rates for men are considerably higher than for women, but rates in prison appear to be similar for these two groups (and generally much higher than in the general population). This finding suggests that being incarcerated increases women’s risk of suicide considerably more than it does for men.
- There are “no consistent gender differences ... in the prevalence of misbehaviour or rule infractions” (p.32). However, this observation can easily be misinterpreted because “[c]ompared to female prisoners, male prisoners are more likely to commit serious infractions, including assaults on other inmates and staff” (p.33). Hence, it appears that the difference resides in the seriousness of their rule violations in prison – a phenomenon which parallels similar variations in the seriousness of their original crimes.
- A general lack of information exists with regard to those programs that work for women offenders and, in particular, whether their effectiveness varies across different groups of women. There is often an assumption – perhaps because of the relatively smaller number of women in prison compared to men – that “what works” for one group of women will work for all others (p.44).
- Although the predictors of recidivism by women and men tend to be similar, the rate of re-offending for women released from prison is lower than that for men. Similarly, parole violation rates are lower for women.

Conclusion. Until fairly recently, the imprisonment of women has not received much attention from researchers in part because a substantially smaller number of women than men are incarcerated. However, with more than 91,000 women currently in prison in the U.S., low numbers can no longer justify this lack of knowledge. This review suggests that women’s experiences in prison and upon release are not only different from those of men, but also that there is considerable variation in the characteristics of women inmates, their prisons, and their experiences while incarcerated. Unfortunately, these aspects of the imprisonment of women are also inadequately understood.

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Black adults on probation rate alternatives to imprisonment as being more punitive than do white probationers. Further, it appears that blacks - in comparison to whites - are more likely to prefer to avoid non-custodial options.

Background. It is easy to assume that non-custodial sanctions will generally be preferred over prison sentences. Indeed, the only obvious exception to this assumption would be at the extremes – *e.g.*, the choice between a very short custodial sentence and a long term of probation with many onerous conditions. However, an offender's preference for alternative sanctions may not be as straightforward as one would think. Non-custodial sentences also involve a certain degree of risk to the offender. For instance, a term of probation may include conditions with which it is difficult to comply (*e.g.*, non-association orders, curfews, abstaining from alcohol). Consequently, these sentences put people at risk of being charged with additional 'administration of justice' offences. Particularly for those who do not have confidence in the fairness of the criminal justice system – such as blacks in the U.S. and in Canada (See *Criminological Highlights*, 3(1), Item 3) – non-custodial sanctions may not be an attractive alternative. Indeed, they may be seen as little more than indirect tickets to prison if these populations suspect that they will not be fairly treated by those who are supervising them.

This study interviewed black and white probationers in Indiana. Approximately 75% of them had spent some time in a county jail, and many had experienced various alternative sanctions. Respondents were asked to indicate the number of months of each of 10 alternative sanctions that they would be willing to endure to avoid imprisonment of 4, 8, and 12 months. In many instances, respondents indicated that - if given a choice - they would refuse to participate in the specified alternative. For them, straight time in prison was considered preferable to the non-custodial sentence. More blacks than whites indicated that they would choose the prison sentence over *any* length of the alternative sanction for each of 10 alternatives when contrasted with each of three different lengths of imprisonment (30 comparisons in all). In fact, when given a choice between prison and alternatives such as day reporting, regular probation, or electronic monitoring, blacks were two to six times more likely than whites to choose the custodial sentence. For those willing to choose a non-prison sanction over imprisonment, blacks were more likely than whites to indicate that the alternative had to be very short for it to be an attractive substitute for custody. For example, blacks (on average) said that approximately three months of electronic monitoring would make an enticing alternative to four months of imprisonment, whereas whites stated that they would be willing to endure up to 6.3 months of this non-custodial sanction to avoid the same four-month prison sentence.

Conclusion. Given the over-representation of certain disadvantaged groups in prisons (*e.g.*, blacks in the U.S. and Canada; aboriginal people in Canada), it is often suggested that additional effort should be expended to find alternative sanctions for these offenders. For example, section 718.2(e) of the Canadian Criminal Code requires judges to consider "all available sanctions other than imprisonment that are reasonable in the circumstances ... for all offenders, with particular attention to the circumstances of aboriginal offenders." This study suggests that alternatives to imprisonment may not be seen as equally desirable by all groups in society. If, in fact, one is attempting to impose the least onerous sentence, the most appropriate sanction may be in the eyes of the beholder.

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“Scared Straight” programs in which young people ‘visit’ prisons in order to ‘teach them’ that crime does not pay were initially shown to be ineffective in the early 1980s. Despite the same conclusion having been reached more recently by nine high quality evaluations, they continue to be used. Even more disturbing is the fact that such programs have been shown to increase offending.

Background. Crime fighters are constantly looking for “quick, short-term, and inexpensive cures to solve difficult social problems” (p.43) such as crime. This phenomenon has been identified by one researcher as the “Panacea Phenomenon” (p.43). “Scared Straight” and other “juvenile awareness” programs remain attractive to those looking for quick fixes. In these programs, young people are taken for visits of prisons and are “educated” by inmates about the consequences of offending. Like boot camps, the theory is that “tough” treatments work. The idea appears to be that the youth learns that penitentiaries are unpleasant places and, by extension, that crime does not pay. Though the operational costs of these programs are minimal, the initial (1982) evaluation of the first “Scared Straight” initiative showed that they were ineffective, at best, and a cause of increased crime, at worst. Nevertheless, as recently as 1999, a program extolling the virtues of the original project was aired on television in various locations. Indeed, despite evidence to the contrary, “Scared Straight-type programs remain popular and continue to be used” (p.44).

This paper examines the nine highest quality evaluations of these programs. Carried out in eight different states, these studies involved approximately 1000 juveniles who were randomly assigned to either a Scared Straight-type program or a control group. Various official measures such as arrests, juvenile court intakes or charge measures, were used to assess group outcomes. The findings are similar to those published 20 years ago: “The nine [studies taken as a whole] do not yield evidence for a positive effect for Scared Straight and other juvenile awareness programs on subsequent delinquency” (p.52).

The more disturbing findings from this set of research replicate those demonstrated by the initial evaluation. When one looks across all of the studies, most of the comparisons between the experimental and control groups on measures of subsequent offending - though not always individually statistically significant - showed that the Scared Straight youths committed *more* crime. In fact, only one of the nine studies demonstrated positive impacts of the program. Overall, then, “[t]he intervention increases the odds of offending by about 1.7:1 (*i.e.* 1.7 treatment participants offend for every control youth who offends)” (p.55). Clearly, “[d]oing nothing would have been better than exposing juveniles to the program” (p.58).

Conclusion. This program appears to increase rather than decrease crime. Nevertheless, “despite the gloomy findings reported here and elsewhere, Scared Straight and its derivatives continue in use.... When the negative results from [a California program] came out, the result was to end evaluation – not the program. Today the... program continues, evaluated by the testimonials of prisoners and participants alike” (p.59). While it is not understood why the program has a criminogenic effect, it is clear that initiatives such as this one need to be evaluated and monitored to ensure that crime is not made even worse. Indeed, negative impacts of well-intentioned interventions have occurred before (see *Criminological Highlights* 5(4) Item 1). The research on Scared Straight highlights the importance of relying on hard data rather than anecdotal evidence when assessing the crime reduction strategies.

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A large scale multi-site (U.S.) study finds that many youths (aged 15 and younger) demonstrate levels of impairment in responding to the criminal justice system consistent with the performance of those typically found incompetent to stand trial.

Background. It is well established that youths in their mid-teens have less knowledge about legal concepts and trials than do young adults. At the same time, adolescents are perceived to be as capable as adults in understanding factual and conceptual information that is provided to them. The problem resides in the fact that young people appear to be less competent than the adult population in making decisions that relate to their legal situation. More specifically, “[d]ifferences between adolescents and adults not only are cognitive, but also involve aspects of psychosocial maturation that include progress toward greater future orientation, better risk perception, and less susceptibility to peer influence” (p.335).

The basic question addressed in this study is whether younger adolescents should be considered to be fully competent as defendants in criminal proceedings. Building on previous studies (See, for example, *Criminological Highlights* 1(6)Item 1, 4(4)Item 4; 5(3)Item 5), young people’s abilities were assessed in four U.S. cities using samples of youths (aged 11-17) and young adults (aged 18-24) drawn from the community as well as correctional institutions. These two populations were evaluated using both a standardized measure of “competence to stand trial” and a measure of the quality of their decisions regarding the adjudicative process. Various other factors (*e.g.*, intelligence, the presence of mental health problems) were also examined.

The results showed consistent age effects which were generally found across the community and custodial samples. In terms of legal competence, younger youths tended to understand the process to a lesser degree and were less capable of recognizing and processing both the information that was relevant for a legal defence and its applicability for the youth’s own situation. Generally speaking, the 11-13 year olds and the 14-15 year olds performed less well than did the older youths (aged 16-17) and young adults. Not surprisingly, more intelligent youths (at each age) performed better. However, even among those in the youngest age group (11-13) with average or higher IQs, approximately 20% were “seriously impaired with respect to understanding or reasoning or both” (p.350). Further, over 50% of those aged 11 -13 years in the lowest IQ group (who were over-represented in the custodial sample) were found to be significantly impaired. One of the forms in which this impairment manifested itself within this youngest age category was the significantly greater tendency to comply with authority (*e.g.*, police) these youths showed compared to the older groups. This age effect held across gender, ethnicity, and the respondent’s current residence (*i.e.* community or custody).

Conclusion. The data show that “juveniles aged 15 and younger are significantly more likely than older adolescents and young adults to be impaired in ways that compromise their ability to serve as competent defendants in a criminal proceeding Approximately one third of 11-13 year olds and one fifth of 14-15 year olds are as impaired in capacities relevant to adjudicative competence as are seriously mentally ill adults who would likely be considered incompetent to stand trial by clinicians who perform evaluations for courts” (p. 356). These age-related effects held across demographic groups in the community and in a sample of people who were in custody. Once again, it is clear that it is important to respect these differences when developing procedures for dealing with young offenders.

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Beware of the soundbite question. The picture that one gets of the public's views of mandatory sentencing laws depends on the questions which are asked. Simple, general questions tend to portray the public as harsh and vengeful. In contrast, specific questions about particular cases demonstrate a more thoughtful and nuanced set of public attitudes.

Background. Most western nations have at least some mandatory sentencing laws. This legislation has typically been created for political reasons rather than as a result of a careful assessment of justice needs. Indeed, given that public opinion polls in many countries indicate that people perceive sentences to be too lenient (p.486), it could be argued that mandatory sentencing laws – which invariably seem to be *harsh* in nature – are consistent with public wishes. Further, this type of legislation promises certainty and severity – two sentencing principles apparently favoured by the public.

This paper examines the public's views of mandatory sentencing laws. It begins by noting that people in many countries – including Canada – are not able to identify those offences which carry mandatory minimum sentences. Further, opinion polls do not typically ask people to consider the actual or opportunity costs of these sanctions or the fact that many mandatory laws violate the principle of proportionality in sentencing. In addition, survey respondents are rarely given a choice between mandatory sentences and the obvious alternative (*i.e.* allowing judges to determine sanctions).

These initial observations are particularly relevant in light of the fact that some of the support for this type of legislation may come from those who do not consider the implications of mandatory sentences or their alternatives. In one study, it was clear that part of the popular support for 3-strikes sentencing laws is derived from people who only think about this legislation in broad, abstract terms. For instance, 88% of respondents supported the notion of harshly punishing third-time felony offenders. In contrast, only 17% of these same people indicated support for concrete sentences presented to them that would be imposed as a result of 3-strikes laws. Clearly, it would appear that people may not be thinking of actual cases when indicating support for harsh mandatory sentences. As an illustrative example, most people polled in Canada favour the mandatory life sentence for murder. However, approximately three quarters of Canadians also indicated being opposed to this legislation in the Robert Latimer case (*i.e.* an individual charged with killing his severely disabled daughter who was experiencing chronic severe pain). In other words, “[t]he mandatory sentence appeals to the public in principle, but once confronted with actual cases, people quickly [abandon] their position and express a preference for less punitive punishment” (p.501). This phenomenon may be explained – in part – by the fact that consideration of mandatory sentences for individual cases calls attention to violations of proportionality – a principle that the public has been shown to strongly support.

Conclusion. Though “it would be overstating the case to conclude that the public strongly opposes mandatory sentences” (p.505), it would appear that the public responds quite differently to individual cases in which a mandatory sentence might be imposed and to the concept more generally. Given that most members of the public do not immediately consider the full consequences of a mandatory sentencing regime, this apparent inconsistency is not surprising. One might suggest that a legislature which is considering mandatory sentences should go beyond the slogan of being “tough on crime” and take into account both the broader implications of mandatory sentences and the public's response to those cases falling under such a regime.

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Women who live in economically disadvantaged neighbourhoods are more likely than other women to experience violence at the hands of their intimate partners. This finding appears to be a true *neighbourhood* effect – that is, it holds true even when relevant characteristics of the couple are statistically held constant.

Background. “There is evidence that intimate violence against women is associated with economic disadvantage at both the neighbourhood and individual levels” (pp. 207-8). The challenge is clearly to determine whether the effects that appear at the neighbourhood level are due to characteristics of the victim and offender or, alternatively, to those of the neighbourhoods in which they live. While traditionally less studied in the criminological literature, the latter explanation is not without theoretical support. According to social disorganization theory, “residents of structurally disadvantaged areas are more likely to have weak social bonds to their neighbours than [are] residents of advantaged neighbourhoods” (p.209). As such, this lack of social cohesion may lead to increased risk for domestic violence because potential victims are isolated and their neighbours are less likely to intervene or call the police.

This study examines data from a U.S. longitudinal survey and focuses on 5031 couples identified in 1994 as having lived together since they were initially interviewed in 1988. If at least one of the two partners indicated that violence had been used against the woman in the previous year, the case was described as being one in which wife assault had taken place. Using 1990 census data, respondents were divided into four equal groups according to the level of disadvantage of their neighbourhood in 1994. In neighbourhoods falling into the three most advantaged groups, the rates of violence against the female partner were remarkably similar (roughly 3.5%). In contrast, the rate of violence in the most disadvantaged neighbourhoods was almost twice as high (6.9%). In other words, “[i]t is only in the upper end of the distribution [of economic disadvantage] that the crime-related effects of disadvantage [on wife assault] are manifested” (p.218).

The results focus on the level of wife assault in 1994 holding constant not only the level of intimate violence that she experienced in 1988 but also various other characteristics of the couple (e.g. several income measures, whether the male was reported to have a drinking problem, instability of employment of the male, age, race, and education). Not surprisingly, women who had experienced violence in 1988 were more likely to have been assaulted six years later. Male employment instability was also associated with high levels of intimate violence against the female partner in 1994 (consistent with findings reported in *Criminological Highlights*, 3(2), Item 6).

Most interesting were the neighbourhood effects. It is often difficult to disentangle neighbourhood effects from individual effects because it may be the case that the couple’s *own* disadvantaged socioeconomic status puts them at risk for both living in a disadvantaged community and increased domestic violence. However, this study demonstrated that when the couple’s own socioeconomic status was controlled for, the average socioeconomic status of the neighbourhood affected the likelihood of domestic violence. Indeed, those women living in neighbourhoods with either the highest level of concentrated disadvantage or high concentrations of people who had moved during the previous five years (a measure of neighbourhood instability) were most likely to have experienced violence at the hands of their partners.

Conclusion. The likelihood of being the victim of wife assault is a function not only of the characteristics of the couple, but also of the neighbourhoods in which they reside. It would appear that the risk to *any* woman of being the victim of wife assault increases if the couple lives in a neighbourhood whose level of social and economic disadvantage is severe.

Reference. Benson, Michael L; G. L. Fox; A. DeMaris and J. Van Wyk (2003). Neighborhood Disadvantage, Individual Economic Distress and Violence Against Women in Intimate Relationships. *Journal of Quantitative Criminology*, 19, 207-235.

Canadian police departments indicate that they prefer to take a “minimalist role” in situations involving labour unrest. Their policies state that order is to be maintained by “limiting the show and use of force, while relying on negotiation and persuasion to resolve conflicts” (p.220).

Background. In recent decades, there has been increasing evidence of a shift in police strategy when dealing with labour strikes. More specifically, the prevention of violence is currently sought through “communication, negotiation, self-policing, and restraint in the use of arrest powers” (p.220).

This study examined the policies for dealing with labour disputes as described by officers in 38 large police forces in major population centres in Canada. Twenty-one of these police forces had written policies explicitly pertaining to the policing of labour disputes. An additional 12 had more general strategies which dealt with labour strike situations within a more general policy. Findings showed that “[m]ost [police] services reported ... a major shift to “liaison approach policing” in the early to mid-1990s” (p.223). These strategies reflected the views by police “that unions could be relied on to control their members under most circumstances and that close policing was not only unnecessary, but frequently harmful” (p.224). Organizationally, police intervention typically took the form of specific personnel with “a high level of expertise in communication skills and conflict resolution” (p.224) who would be assigned a specialized ‘labour liaison’ function. The role of these officers was generally proactive, in that they would make contact with both sides before strikes had even begun. One purpose of this early contact was to aid the parties in developing protocols on such matters as the amount of time that vehicles and people could be delayed at the picket line. Overall, police policy mandated that officers’ public roles should be limited to those situations involving true safety concerns or criminal acts. Otherwise, the policies indicated that police officers should minimize their presence but offer advice on avoiding disputes where necessary. Apparently, employers who were interested in engaging the police to stop union members from blocking people or vehicles are typically told to seek civil remedies rather than using the criminal process.

Unions indicated to the researchers that they “often modified their picket behaviour where they thought the police requests were reasonable ... such adjustments [being] interpreted as ‘negotiated outcomes’ not as products of police or legal coercion” (p.227). As alternatives to the “display of uniformed personnel, arrests and force, this view ‘talks up’ or reproduces the centrality of civil courts and labour boards” (p.228). An advantage to the police of using civil rather than criminal remedies is that officers are able to maintain a relationship of trust with both sides rather than using force against one faction in the service of the other. One reason that such a “mediation” or “managerial” role may work is that labour disputes - unlike many conflictual public order situations - involve parties that not only have had similar prior experiences and are known to each other and to the police, but they can also expect to face similar situations in the future.

Conclusion. The development of policies for dealing with labour disputes suggests that “Canadian police are defining and applying their role in a substantially different manner” (p.230) from that which was the norm in the past. More specifically, they currently see their primary function as avoiding conflict and “realizing their own interests by bringing their practices in line with a labour relations regime of consent-based controls” (p.232).

Reference: Hall, Alan and Willem de Lint (2003). Policing Labour in Canada. *Policing and Society*, 13, 219-234.