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Criminological Highlights

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Criminological Highlights is designed to provide an accessible look at some of the more interesting criminological research that is currently being published. 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.

Contents: "Headlines and Conclusions" for each of the eight articles. Short summaries of each of the eight articles.

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

1. Why are youth justice systems seen as being ineffective?
2. Should crime victims be allowed to be jurors?
3. Does stress help or hurt a witnesses' ability to identify an offender?
4. Should sex offenders be prohibited from living near children?
5. How can parents keep their children from spending time with delinquent youths?
6. Are people as punitive as they sound?
7. Why do people confess to crimes they didn't do?
8. Does press coverage of a trial affect prosecutorial punitiveness?

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To determine whether a youth justice system is effective, one first has to define what its primary purpose might be. “Many of the conflicts and tensions, both within the juvenile justice system and in public debate, arise because we want the system to do many different things that may be incompatible, or at least hard to reconcile.”

“Progressives and reformers often base their analysis [of the youth justice system] on the idea that the only function of the system is changing the future behaviour of young offenders, and deliberately repress or overlook the pressures for condemnation, retribution and victim satisfaction. This is a mistaken strategy on many levels. These demands will always reassert themselves. Success in changing behaviour patterns will never be striking, but the more that the intervention is justified in terms of crime reduction consequences, the greater the pressure to expand the scope of the system. Attempts to meet offenders’ needs, to rehabilitate, to reintegrate, will often be unsuccessful, but should always be justified by their intrinsic value [rather than their effects on crime reduction]... The reformers’ best strategy is to recognize the multiple aims of the system, rather than sweep them under the carpet. Once these aims are acknowledged, it becomes clear that they do not have to be expressed in the same way everywhere” (p. 194).

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Jurors who have been the victim of the same crime as the case they are deciding are more likely to favour a guilty verdict.

It would appear that those who had themselves been the victim of a household burglary or knew someone who had been similarly victimized were more likely to favour a guilty verdict for a similar crime. It does not appear, however, that the effect is one of simple victimization: these data would suggest that the crime must be similar for there to be an effect on a juror’s verdict. What is not known, however, is what the mechanism is for this effect. It could be that those who have experienced a similar victimization (directly or vicariously) use a relaxed standard of proof necessary for a guilty finding. Alternatively, those with direct or indirect experience with a similar crime may give

more weight to the evidence from prosecution witnesses. Whatever the mechanism might be, the findings suggest that extra caution would be advisable in considering whether to allow those who have been victims of similar crimes to serve on juries.

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Heightened stress affects the ability of witnesses to identify offenders.

When the police have apprehended a suspect and they place that person in a lineup, a witness who was highly stressed at the time of the criminal incident is less likely to be able to identify the suspect as the offender than would a person who did not experience stress at the time. Pooling across studies, witnesses experiencing low stress at the time of the incident were correct in their identifications 50% of the time. This was reduced to 33% accuracy under high stress. In interpreting the meaning of a failure to identify a possible suspect, then, it would appear to be important to know the witness’ (reported) level of stress at the time that the crime occurred.

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For sex offenders released from prison and living in the community, residence restrictions prohibiting them from living in certain areas seldom make sense.

Legislatures often pass laws that sound like ‘quick fixes’ to complex problems. Sex offender recidivism, whatever its rate, is obviously a serious problem. The difficulty with laws such as these residence restrictions is that they may make it more difficult for offenders to reintegrate safely into the community. Blanket restrictions such as these “may fail to address individualized risk factors that are related to potential offending patterns” (p. 175). It is suggested that restrictions should be “sensible and feasible and should be based on a thorough assessment of past offence patterns and current risk factors” (p. 176).

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The behaviour of parents appears to be an important determinant of whether or not a youth acquires delinquent friends: Young people who spend a lot of time away from home in unsupervised settings and whose parents do not know where they are appear to be more likely to have delinquent friends than are youths who spend more time alone or in supervised settings or whose parents know their whereabouts.

These results suggest that “the family exerts an indirect effect on delinquency through its influence on the kinds of friends that children acquire” (p.99). To some extent, of course, parents may not be able – in part because of constraints on their own lives – to be fully aware or to control directly how their adolescent children spend their time. However, indirect supervision – largely through communication with the adolescent and other parents or others who may know of the youth’s activities – “appears to be more of a matter of parental choice and thus more indicative of engaged parents. Together, these two forms of supervision exert substantial but largely independent effects on delinquent associations” (p. 99). In addition, of course, communities (through various programs for youth) may well be able to contribute to active, but indirect, supervision through the provision of attractive programs for youth.

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People may not be as punitive as they sound when they answer questions about criminal justice punishment. A Scottish study demonstrates that different ways of asking questions about sentencing and punishment result in quite different findings.

“Politicians should approach survey results with more care. The evidence from the results presented here and elsewhere suggests that the public are not as punitive as survey data suggest. There is evidence of public support for more rational penal policies. There is sadly little evidence of political leadership prepared to argue this case” (p. 254).

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Crime suspects who are innocent are especially vulnerable to making false confessions when “normal” police interrogation techniques are used.

Innocence puts innocent suspects at risk to making false confessions in five ways: “1. With confidence, police investigators... presume innocent suspects guilty; 2. Naively believing that truth and justice will prevail, innocent suspects waive their rights to silence and to counsel; 3. Despite or because of their plausible and vigorous denials, innocent suspects trigger highly confrontational interrogations; 4. Certain interrogation techniques (e.g., isolation, false evidence, minimization) increase the risk of false confession; 5. In contrast to the assumption that “I’d know a false confession if I saw one” police over-believe the confessions of innocent people” (p. 224).

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American prosecutors are more likely to request harsh sentences in cases that receive large amounts of press coverage.

“Prosecutors operate in dual worlds. They are charged with seeking justice, yet they are restrained by such practical considerations as their electable image” (p. 72) in jurisdictions in which prosecutors are elected. In this study, it was shown that even one newspaper article about a case dramatically increased the likelihood that a prosecutor would seek a higher penalty, when all other aspects of the case were held constant. The question that is, of course, unanswered by this study is whether prosecutors who are appointed, rather than elected, would seek more punitive sentences solely as a result of press coverage when career advancement, reputation among peers and reputation in their home communities, rather than electability, could be affected.

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To determine whether a youth justice system is effective, one first has to define what its primary purpose might be. “Many of the conflicts and tensions, both within the juvenile justice system and in public debate, arise because we want the system to do many different things that may be incompatible, or at least hard to reconcile” (p. 184).

Young people are seen as being responsible for their actions, including their criminal behaviour. At the same time they are seen as objects to be controlled by adults in a manner that would not be permissible if they were fully mature. A youth justice system can be seen as an attempt to reconcile these opposing principles.

The “effectiveness” of a youth justice system can be defined in a number of different ways including the following:

1. Responding in a morally and legally appropriate manner to offending. “The emphasis is on retribution out of a sense of justice” (p. 183).
2. Communicating to the general public “through appropriate symbolic gestures” (p. 183). Often, in the case of serious crimes, the message is simply that certain types of behaviour are not to be tolerated.
3. Satisfying victims of crimes committed by youths.
4. Responding in a “caring” fashion to the needs of young people who offend.
5. Deterring youth crime.
6. Controlling and supervising troublesome youths.
7. Changing the behaviour of young offenders so that they will not offend when they are no longer under the control of the youth justice system.

One reason to be hesitant in defining “effectiveness” solely in terms of rehabilitating young offenders is that the effects of better rehabilitative programs tend to be modest – with many showing effects “equivalent to a reduction in re-offending rates of about 5%, for example from 50% to 45%.” The programs that tend to show larger effects “are those that directly address behaviour problems, by using a social learning approach, teaching social and interpersonal skills and helping young people to perceive and think about their own and other people’s behaviour in a different way.... [a cognitive behavioural approach]” (p. 188). More generally, the evidence does not support the notion that intervention *per se* by the youth justice system will reduce subsequent offending.

Conclusion. “Progressives and reformers often base their analysis [of the youth justice system] on the idea that the only function of the system is changing the future behaviour of young offenders, and deliberately repress or overlook the pressures for condemnation, retribution and victim satisfaction. This is a mistaken strategy on many levels. These demands will

always reassert themselves. Success in changing behaviour patterns will never be striking, but the more that the intervention is justified in terms of crime reduction consequences, the greater the pressure to expand the scope of the system. Attempts to meet offenders’ needs, to rehabilitate, to reintegrate, will often be unsuccessful, but should always be justified by their intrinsic value [rather than their effects on crime reduction].... The reformers’ best strategy is to recognize the multiple aims of the system, rather than sweep them under the carpet. Once these aims are acknowledged, it becomes clear that they do not have to be expressed in the same way everywhere” (p. 194).

Reference: Smith, David J. (2005) The Effectiveness of the Juvenile Justice System. *Criminal Justice*, 5(2), 181-195.

Jurors who have been the victim of the same crime as the case they are deciding are more likely to favour a guilty verdict.

Few, if any, jurisdictions automatically dismiss jurors if they have been victims of a crime, even if they have been victims of the same crime the accused allegedly committed. Previous research has suggested that jury members who knew rape victims were more likely to convict a defendant charged with rape than were jury members who did not know any rape victims.

In this study, over 2400 members of the jury pool in El Paso, Texas, observed a video of the trial of a person accused of a home burglary. They were then asked to arrive at an individual verdict of guilty or not guilty. Participants were divided into four groups: (a) those who had not been victims of a home burglary and did not know anyone who had, (b) those who had both been victims and also knew someone who had been a victim, (c) those who had been a victim but knew no other victims or (d) those who had not been victims but knew at least one victim. Those respondents who both had been victims of a home burglary and knew others who also had been victims were most likely (72%) to see the defendant as being guilty. Those who had not been victims and did not know any victims were least likely (55%) to see the defendant as guilty. The other two groups (those who had been victimized or who knew someone who had been, but not both) were in the middle (64% and 62%, respectively).

When the respondents were broken down according to their experiences with theft (and the experiences of their acquaintances), the effects were similar but less pronounced. It does not appear that it is victimization *per se* that is important: those who had been victims of a violent offence were *not* more likely to favour a guilty verdict for burglary than were those who had not been victims of any crime (54% vs. 55%, respectively).

Conclusion. It would appear that those who had themselves been the victim of a household burglary or knew someone who had been similarly victimized were more likely to favour a guilty verdict for a similar crime. It does not appear, however, that the effect is one of simple victimization: these data would suggest that the crime must be similar for there to be an effect on a juror's verdict. What is not known, however, is what the mechanism is for this effect. It could be that those who have experienced a similar victimization (directly or

vicariously) use a relaxed standard of proof necessary for a guilty finding. Alternatively, those with direct or indirect experience with a similar crime may give more weight to the evidence from prosecution witnesses. Whatever the mechanism might be, the findings suggest that extra caution would be advisable in considering whether to allow those who have been victims of similar crimes to serve on juries.

Reference: Culhane, Scott E., Harmon M. Hosch, and William G. Weaver. (2004) Crime Victims Serving as Jurors: Is There Bias Present? *Law and Human Behaviour*, 28(6), 649-659..

Heightened stress affects the ability of witnesses to identify offenders.

A person who witnesses a crime almost always experiences stress. Stress may affect the ability of the witness to recall details of the crime or the crime scene or to identify the face of the offender. This paper reviews 16 published articles with 27 independent estimates of *face identification*, and an additional 18 articles with 36 independent estimates of recall of matters other than the perpetrator's face.

Overall, there was "clear support for the hypothesis that heightened stress has a negative impact on eyewitness identification accuracy" (p. 694) of faces. The effect was largest for "staged crime" experiments – those studies in which the experimenter had staged a crime (often a theft) that the participants observed and thought was a real crime. "The overall negative impact of heightened stress on accuracy of face identification was due entirely to a substantial effect on hit [accurate identification] rate for target present lineups [those lineups in which the actual perpetrator was included]. The correct rejection rate for target absent lineups was unaffected by stress level" (p. 695). In practical terms, this means that witnesses who are asked to pick the offender out of a lineup in which the actual offender is present are most likely to show the negative

impact of stress. The failure of a highly stressed witness to pick a suspect out of a lineup should, therefore, be given less weight than it might otherwise be given. High stress does not appear to increase the likelihood that a person will incorrectly identify someone as the offender from a lineup in which the actual perpetrator is not present.

Conclusion. When the police have apprehended a suspect and they place that person in a lineup, a witness who was highly stressed at the time of the criminal incident is less likely to be able to identify the suspect as the offender than would a person who did not experience stress at the time. Pooling across studies, witnesses experiencing low stress at the time of the incident were correct in their identifications 50% of the time. This was reduced to 33% accuracy under high stress. In

interpreting the meaning of a failure to identify a possible suspect, then, it would appear to be important to know the witness' (reported) level of stress at the time that the crime occurred.

Reference: Deffenbacher, Kenneth A., Brian H. Bornstein, Steven D. Penrod, and E. Kierman McGorty. (2004). A Meta-Analytic Review of the Effects of High Stress on Eyewitness Memory. *Law and Human Behaviour*, 28(6), 687-706..

For sex offenders released from prison and living in the community, residence restrictions prohibiting them from living in certain areas seldom make sense.

In Florida, residence restrictions apply to sex offenders sentenced for crimes involving victims under age 18. These restrictions typically prohibit those released from prison for these offences from living within 1000 feet of a school, daycare centre, park, playground, school bus stop, or “other place where children regularly congregate” (p. 170). One convicted sex offender noted, “I couldn’t live in an adult mobile home park because a church was 880 feet away and had a children’s class that met once a week. I was forced to move to a motel where right next door to my room was a family with three children – but it qualified under the rule.”

This study examined the perceptions of 135 men who were convicted of sex offences in Florida and who were subject to restrictive residency restrictions. The statutes under which such restrictions are imposed exist in 14 U.S. states and are based on the questionable presumption that sex offenders have a very high rate of re-offending (See *Criminological Highlights* 3(3)#3, 5(1)#4, 6(3)#3, 6(6)#8).

From a public safety perspective, one of the most basic problems with such rules is that prisoners have difficulty finding a place to live. Approximately half of the offenders who were interviewed for this study could not return to their owned or rented homes after being released. Forty-four percent reported that they could not live with supportive family members because of the residency restrictions, and approximately half indicated that they had suffered financially and/or emotionally because of the rules. Only 2 of the 135 reported that they saw these restrictions as an effective way to reduce the temptation to offend. Most noted that the restrictions were silly. As one respondent noted, “It doesn’t matter where a sex offender lives if he sets his mind on reoffending...

He can just get closer by walking or driving. The 1000-foot rule is just a longer leash; I don’t see the point” (p. 174). “Many respondents pointed out that they have always been careful not to reoffend in close proximity to their homes, so geographic restrictions provided little deterrence. The rule ‘serves no purpose but to give some people the illusion of safety’ said one respondent” (p. 174). Another respondent noted, “I never noticed how many schools and parks there were until I had to stay away from them” (p. 174). The Florida rule allows those subject to the restriction to appeal to the court for an exception. Those who reported being successful in their appeals (typically because of the hardship that the rule imposed) were given exemptions without any assessment of their risk factors or other background characteristics.

Conclusion. Legislatures often pass laws that sound like ‘quick fixes’ to complex problems. Sex offender recidivism, whatever its rate, is obviously a serious problem. The difficulty with laws such as these residence restrictions is that they may make it more difficult for offenders to reintegrate safely into the community. Blanket restrictions such as these “may

fail to address individualized risk factors that are related to potential offending patterns” (p. 175). It is suggested that restrictions should be “sensible and feasible and should be based on a thorough assessment of past offence patterns and current risk factors” (p. 176).

Reference: Levenson, Jill S. and Leo P. Cotter. (2005) The Impact of Sex Offender Residence Restrictions: 1,000 Feet from Danger or One Step from Absurd? *International Journal of Offender Therapy and Comparative Criminology*, 49(2), 168-178..

The behaviour of parents appears to be an important determinant of whether or not a youth acquires delinquent friends: Young people who spend a lot of time away from home in unsupervised settings and whose parents do not know where they are appear to be more likely to have delinquent friends than are youths who spend more time alone or in supervised settings or whose parents know their whereabouts.

The supervision of adolescent children by adults can be accomplished in a number of ways: directly – by way of having an adult (not necessarily the parent) physically present observing the activity of the youths – or indirectly, through communication with the youth or other adults (e.g., the parents of friends) who know where the youth is.

This study examined youths' self-reports of whether their friends engaged in various delinquent behaviours. Data were gathered from both the young people themselves and from a parent. Children who reported that their parents knew where they were tended to have parents who were more actively involved in their lives in other dimensions (e.g., spending time together). These same children tended to have fewer delinquent friends than did youths whose parents did not know where they were or whom they were with. It would appear that spending a lot of time away from the home and being unsupervised is associated with having delinquent friends. However, spending unsupervised time at home is not associated with having delinquent friends unless that time is during summer days. Those who reported being unsupervised during the daytime in the summer were more likely to have delinquent friends than were those under some form of

supervision. Unsupervised time at home after school or in the evenings did not appear to be associated with having delinquent friends.

“Adolescents with strong emotional bonds to their parents are less prone than others to acquire [delinquent] friends” (p. 95). It appears that this relationship “is mediated to a substantial degree by parental supervision. Parents who are close to their children, it seems, are more consistently conscious of their children's associates, and that awareness reduces the chances that their children will take up with delinquent friends” (p. 96).

Conclusion. These results suggest that “the family exerts an indirect effect on delinquency through its influence on the kinds of friends that children acquire” (p.99). To some extent, of course, parents may not be able – in part because of constraints on their own lives – to be fully aware or to

control directly how their adolescent children spend their time. However, indirect supervision – largely through communication with the adolescent and other parents or others who may know of the youth's activities – “appears to be more of a matter of parental choice and thus more indicative of engaged parents. Together, these two forms of supervision exert substantial but largely independent effects on delinquent associations” (p. 99). In addition, of course, communities (through various programs for youth) may well be able to contribute to active, but indirect, supervision through the provision of attractive programs for youth.

Reference: Warr, Mark. (2005) Making Delinquent Friends: Adult Supervision and Children's Affiliations. *Criminology*, 43(1), 77-105..

People may not be as punitive as they sound when they answer questions about criminal justice punishment. A Scottish study demonstrates that different ways of asking questions about sentencing and punishment result in quite different findings.

Scottish respondents to a standard public opinion survey indicated overwhelmingly that they thought judges were out of touch with what ordinary people think about punishment (79%) and that sentencing is too lenient (70%). One could easily conclude that Scotland, like many western countries, has fallen prey to populist punitiveness. Though most people (88%) indicated that they are interested in crime and justice matters, most also indicated that they knew little or nothing about levels of crime (59%), or what happens in court (70%) or in prison (83%). At the same time, these same people were willing to answer questions about these matters.

When dealing with actual cases, however, the average person made recommendations on sentencing similar to the decisions made by members of the judiciary. In addition to data from a standard survey, this study used focus group discussions and discussions from a large day-long meeting of ordinary citizens to try to understand views about sentencing and punishment. The main finding was that views of sentencing are “more nuanced and contradictory” than they are usually thought to be: “Punitive attitudes exist alongside more liberal views” (p. 246). For example, focus groups favoured “more extensive use of constructive community based [sentences] instead of short prison sentences for less serious offenders” especially when costs were made salient. These results are, in fact, quite similar to Canadian findings (See *Criminological Highlights*, 4(1)#5).

The difficulty for those interested in sensible criminal justice policy is what might be called a “narrative of insecurity” where people believe that crime is a growing problem, especially among young people, and

have lost faith in the institutions of society – judges, courts, and prisons – that they have been repeatedly told can control crime. “This lack of confidence may be, at least in part, a reflection of the loss of faith in authority and expert knowledge more generally and not simply a response to perceived failures of criminal justice institutions in particular” (p. 254). On the other hand, when faced with the task of trying to craft outcomes for an individual case, ordinary citizens were more interested in finding a constructive offending-reducing solution than they were in expressing punitive values. At the same time, people did not appear to make clear distinctions among the causes of crime, crime prevention, and punishment policies. “People’s talk about crime and punishment sometimes reflects anxieties and insecurities about living in the modern world” (p. 252). Hence it is not surprising that attitudes are not based solely on information. Discussion, and thinking about crime and punishment, may lead people to express more liberal attitudes toward punishment. This is not because people have more information, but

rather because what is salient to them may change as a result of more thought.

Conclusion. “Politicians should approach survey results with more care. The evidence from the results presented here and elsewhere suggests that the public are not as punitive as survey data suggest. There is evidence of public support for more rational penal policies. There is sadly little evidence of political leadership prepared to argue this case” (p. 254).

Reference: Hutton, Neil. (2005) Beyond Populist Punitiveness? *Punishment and Society*, 7(3), 243-258.

Crime suspects who are innocent are especially vulnerable to making false confessions when “normal” police interrogation techniques are used.

False confessions by innocent accused persons have been shown to be the second most common cause of known wrongful convictions. (Wrongful convictions are most likely to be caused by eyewitness mis-identifications.) “Innocence” in these studies is now typically determined by studying only DNA-exonerated defendants. False confessions often arise out of police interrogations conducted by those who start with the assumption that the suspect is, in fact, guilty.

Interrogations are not designed to get information as much as they are designed to get information that will ensure a finding of guilt. In “pre-interrogation interviews,” it has been shown that people – police officers included – are often no better than chance at determining guilt. (See *Criminological Highlights* 2(6)#8, 5(4)#5). Consequently, “innocence does not protect a suspect from interview-based judgements of deception” (p. 217). Another non-protection comes from standard police warnings (see *Criminological Highlights* 5(5)#5): Innocent people (especially those without a criminal record) are more likely to waive their right to silence in part because they feel that they have nothing to hide. It would appear that innocent suspects’ belief in justice leads them down a path that ultimately puts them at *increased* risk of wrongful conviction: Innocent suspects appear to be more likely to waive their rights to a full police identification lineup, figuring that simply showing a single photo to a witness will lead to their exoneration.

Interrogation, then, is a “guilt-presumptive process” where interrogators look for confirmatory evidence and tend to ignore evidence that does not fit with their

presumption. With “guilt” as the starting point, interrogators are taught a nine step process that is “designed to get suspects to incriminate themselves by increasing the anxiety associated with denial and minimizing the perceived consequences of confession” (p. 220). These nine steps can be seen as attempts to create three processes: (1) isolation, (2) confrontation “in which the suspect is accused of the crime, presented with evidence, real or manufactured, and blocked from denial,” (p. 221) and (3) minimization, in which the crime is morally justified or the suspect’s role is minimized leading suspects to see confession as a way of escaping further interrogation. Courts have tended to reject confessions where direct promises or threats are made, “But courts have not similarly excluded confessions drawn from threats and promises that were merely implied by minimization techniques” (p. 222). Many of the confessions later proven to be false come about after very long interrogation sessions in which the confession is made partly because the innocent suspect, believing that the justice system would not falsely convict an innocent person, wishes to end the interrogation. Thus the innocent target of the interrogation confesses, assuming that the confession will end

the immediate ordeal and that his or her innocence will be made obvious by other evidence.

Conclusion. Innocence puts innocent suspects at risk to making false confessions in five ways: “1. With confidence, police investigators... presume innocent suspects guilty; 2. Naively believing that truth and justice will prevail, innocent suspects waive their rights to silence and to counsel; 3. Despite or because of their plausible and vigorous denials, innocent suspects trigger highly confrontational interrogations; 4. Certain interrogation techniques (e.g., isolation, false evidence, minimization) increase the risk of false confession; 5. In contrast to the assumption that “I’d know a false confession if I saw one” police over-believe the confessions of innocent people” (p. 224).

Reference: Kassir, Saul M. (2005) On the Psychology of Confessions: Does *Innocence* Put *Innocents* at Risk? *American Psychologist*, 60(3), 215-228.

American prosecutors are more likely to request harsh sentences in cases that receive large amounts of press coverage.

Previous research suggests that two factors are important in determining the amount of press coverage a case gets. First, the unusual or the spectacular case is more likely to be covered by media outlets than is the mundane case. Second, killings involving victims who are white or female appear to attract more publicity than other killings. In the United States, it is argued that "prosecution is a political process and prosecutors have a political stake in how their actions are perceived.... When a case is in the public view, prosecutors may feel pressure to take a punitive stance... [In interviews] many prosecutors indicated that they would not plea bargain a case if it was receiving media attention" (p. 63).

This paper first examined the press coverage of 209 murder cases in Baltimore, Maryland, that met statutory criteria that allowed the prosecutor to ask for "life without parole" rather than the normal sentence of "life." The focus was on whether or not the prosecutor filed a motion that he or she would seek a penalty of life in prison without parole eligibility. Various predictors of the prosecutor's decision to seek "life without parole" were examined including the strength of the prosecutor's case, various characteristics of the victims and of the offenders, aggravating and mitigating factors in the case, the "heinousness" of the crime (e.g., the presence of reports of torture or of there being blood spattered everywhere), and the amount of press coverage that the case had received.

The results showed that the amount of press coverage that a case received was a predictor of the prosecutor's decision

to seek "life without parole" above and beyond all other factors of the cases that were measured. Holding these other factors constant, it was estimated that for average cases 11% of the cases with no press coverage resulted in a motion from the prosecutor for "life without parole." If there was one article about the case in the local newspapers, the probability increased to 18%. Cases with 2 or more press articles had a 28% chance of having a "life without parole" motion filed by the prosecutor.

Conclusion. "Prosecutors operate in dual worlds. They are charged with seeking justice, yet they are restrained by such practical considerations as their electable image" (p. 72) in jurisdictions in which prosecutors are elected. In this study, it was shown that even one newspaper article about a case dramatically increased the likelihood that a prosecutor would seek a higher penalty, when all other aspects of the

case were held constant. The question that is, of course, unanswered by this study is whether prosecutors who are appointed, rather than elected, would seek more punitive sentences solely as a result of press coverage when career advancement, reputation among peers and reputation in their home communities, rather than electability, could be affected.

Reference: Bierie, David and Kathryn Murphy (2005) The Influence of Press Coverage on Prosecutorial Discretion: Examining Homicide Prosecutions, 1990-2000. *Criminal Law Bulletin*, 41(1), 60-74.