



Criminological Highlights: **Children and Youth**

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This issue of *Criminological Highlights: Children and Youth* addresses the following questions:

1. When members of the public say that they want harsh penalties for youths, what do they mean?
2. Does being apprehended and arrested for a crime act as a deterrent?
3. How can the principles of general deterrence be employed in a manner that may reduce crime?
4. Did the Gang Resistance Education and Training (G.R.E.A.T.) program reduce crime and keep youths out of gangs?
5. Do police stops of youths increase or decrease offending?
6. Do trustworthy looking people have an advantage at trial?

Criminological Highlights is designed to provide an accessible look at some of the more interesting criminological research that is currently being published. These summaries of high quality, policy related, published research are produced by the Centre for Criminology & Sociolegal Studies at the University of Toronto. The *Children and Youth* edition constitutes a selection of these summaries (from the full edition) chosen by researchers at the National Center for Juvenile Justice and the University of Toronto. It is designed for those people especially interested in matters related to children and youth. Some of the articles may relate primarily to broad criminal justice issues but have been chosen because we felt they also have relevance for those interested primarily in matters related to children and youth. Each issue of the *Children and Youth* edition contains "Headlines and Conclusions" for each of 6 articles, followed by one-page summaries of each article.

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Sentencing youths to life in prison without eligibility for parole is a popular public option for youths who murder for a very simple reason: Members of the public don't know that there are plausible alternatives to this sanction.

The results are consistent with other findings showing that when respondents are provided with a range of plausible sanction options, support for highly punitive options often decreases dramatically. Other studies have shown that the public may talk tough in sentencing matters, but in fact wants mitigating factors to be considered when sentences are being imposed (*Criminological Highlights* 12(1)#4). Similarly, Canadian respondents were much more favourable toward conditional sentences of imprisonment after they understood the nature of the punitive conditions that could be imposed under a conditional sentence (*Criminological Highlights* 3(3)#4). The public supports mandatory minimum sentences, but, simultaneously would prefer that there be some mechanism to 'opt out' of the mandatory requirement (*Criminological Highlights*, 6(2)#6, 8(6)#1). The findings in this and other studies suggest that politicians who prefer to follow their constituents rather than lead them would do well to ensure that those whom they are following have complete knowledge of the options that are available.

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When youths are apprehended and arrested for offences, their perceptions of the likelihood of being caught in the future increase – but not very much.

It appears that "even among serious offending juveniles, an arrest still has a potential deterrent effect, at least as far as increasing risk perceptions. However, among more experienced or frequent offenders, this gain from deterrence may be reduced or, in some cases, lost all together" (p. 691). There was, however, a great deal of individual variability. Thus it cannot be assumed that apprehension and arrest is, for all youths, a crime reducing strategy. It is difficult, moreover, to estimate how much impact the changes in perception (of apprehension) may have on actual offending. One study found that a 10% change in the perceived likelihood of apprehension reduced offending by approximately 3% to 8% depending on the offence. Applying these findings to the present results would suggest that the impact of an arrest would be quite modest – reducing offending through individual deterrence by between 1.2% and 3.2%.

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"Certainty of apprehension, not the severity of the ensuing legal consequence, is the more effective deterrent."

"There is little evidence that increasing already long prison sentences has a material deterrence effect. Evidence on the deterrent effect of the certainty of punishment is more consistent... The certainty effect stems primarily from the police functioning in their official guardian role rather than in their apprehension agent role" (p. 252-3). "Crime control effectiveness would be improved by shifting resources from corrections to policing methods that enhance the effectiveness of police in their official guardian role" (p. 253. See also *Criminological Highlights*, 11(6)#1).

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An evaluation of the Gang Resistance Education and Training (G.R.E.A.T.) program suggests that the program reduced gang membership in some, but not all, cities, but had no impact on youths' involvement in crime.

Previous research (see *Criminological Highlights* 4(1)#8, 3(1)#5, 8(6)#3) has demonstrated that "membership" in a gang can mean very different things to different youths. Hence it is not too surprising to find that a program might affect self-reported gang membership, but not self-reported delinquency. As other researchers have noted, "Gang prevention is not synonymous with delinquency prevention" (*Criminological Highlights* 8(3)#3). One of the attractive aspects of the G.R.E.A.T. program is that it is a relatively small and inexpensive intervention into the lives of youths. However, this implies that it is reasonable to expect that the effects of the program would not be large. Nevertheless, as one commentator put it, "The inconvenient truth is that G.R.E.A.T. had no effect on the... delinquency... scores [or the] inventory of violent delinquency... scores which included an item asking whether respondents had been "involved in gang fights" (p. 430). "What is the value of a program that causes some kids to disavow gang membership but does not reduce criminal offending?" (p. 428).

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Being stopped by the police increases future offending.

Stop-and-frisk interactions between youths and police "may have the unintended consequence of increasing future delinquent involvement. Thus police practices of engaging in high rates of stops, many of which are 'unproductive' or 'innocent,' may be counterproductive" (p. 956). "For both youth who are stopped and youth who are arrested, delinquency amplification is partially explained by the attenuation of prosocial bonds, changes in deviant identity, and increased involvement with delinquent peers" (p. 956-7).

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Prosecutorial evidence against a person whose face looks trustworthy is not as persuasive as exactly the same evidence used against a person whose face is not seen as being trustworthy.

This study suggests that men whose faces make them look untrustworthy may be disadvantaged at their trials or perhaps when the police are looking for suspects for a crime. Quite independent of what the evidence is, people appear to draw inferences about what *kind* of person someone is from the physical characteristics of their faces. Participants in an experiment were more likely to conclude, on the basis of incomplete evidence against an accused, that he was guilty if he appeared to have an untrustworthy face than if he was perceived to be trustworthy, even though the objective evidence against the two accused was the same. That this effect appeared only in the most serious cases (murders), suggests that in less serious crimes, people may attend more to the evidence rather than drawing inferences from the physical characteristics of the accused.

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Sentencing youths to life in prison without eligibility for parole is a popular public option for youths who murder for a very simple reason: Members of the public don't know that there are plausible alternatives to this sanction.

In 2005, there were an estimated 2,225 people in the U.S. serving life sentences without eligibility for parole (LWOP) for murders that they committed when they were 17 years old or younger. A 2010 U.S. Supreme Court held that LWOP for any offence other than murder was unconstitutional. LWOP is a rare sanction for people of any age outside of the U.S. A survey of 154 countries found only 3 that allowed this sanction for youths and they, in total, only had 12 youths serving these sentences.

Other studies show that the public's preference for harsh penalties decreases dramatically when alternative sanctions are offered as possibilities. For example, support for the death penalty for adult murderers in the US decreases substantially if other options – e.g., life with a long parole ineligibility period or LWOP – are offered as alternatives.

In Michigan, children of any age can be sentenced to LWOP in an adult prison, though depending on the age of the child, other options are also possible. In a survey carried out in Michigan in 2005-6, respondents were first asked "How strongly do you agree or disagree with Michigan's current law that requires an adolescent to be sentenced to life without parole for certain offences?" 43% agreed or strongly agreed with the law.

In a follow-up question, respondents were asked which of six sentencing options they thought "an adolescent convicted of committing a homicide should receive as a punishment." When presented with a larger menu of choices, 5% favoured LWOP in an adult facility, and an

additional 11% chose confinement in a juvenile facility until 18, and then LWOP. Hence a total of 16% favoured LWOP in one or the other of these forms. The most popular options involved confinement in a juvenile facility until 18, and then a prison sentence with the possibility of parole in 20 years (41%) or less than 20 years (25%). An additional 5% preferred that the initial confinement be in an adult facility, but that parole would be possible after 20 years. 13% preferred confinement in a youth facility until age 21 and then release.

In simple terms, however, the support for LWOP dropped from 43% of the respondents to 16%. Support for LWOP was lower among females, African Americans, and those over 30 years old.

Conclusion: The results are consistent with other findings showing that when respondents are provided with a range of plausible sanction options, support for highly punitive options often decreases dramatically. Other studies have shown that the public may talk tough in sentencing matters, but in fact wants mitigating factors to be considered

when sentences are being imposed (*Criminological Highlights* 12(1)#4). Similarly, Canadian respondents were much more favourable toward conditional sentences of imprisonment after they understood the nature of the punitive conditions that could be imposed under a conditional sentence (*Criminological Highlights* 3(3)#4). The public supports mandatory minimum sentences, but, simultaneously would prefer that there be some mechanism to 'opt out' of the mandatory requirement (*Criminological Highlights*, 6(2)#6, 8(6)#1). The findings in this and other studies suggest that politicians who prefer to follow their constituents rather than lead them would do well to ensure that those whom they are following have complete knowledge of the options that are available.

Reference: Kubiak, Sheryl Pimlott and Terrence Allen (2011). Public Opinion Regarding Juvenile Life Without Parole in Consecutive Statewide Surveys. *Crime & Delinquency*, 57(4), 495-515.

When youths are apprehended and arrested for offences, their perceptions of the likelihood of being caught in the future increase – but not very much.

Much of the popular and academic interest in deterrence has to do with general deterrence, or reductions in crime (by people other than the offender) through harsher penalties. General deterrence, however, has been shown largely to be ineffective. But punishments may be effective in other ways. Specifically, it may be that catching and arresting people for offences will reduce their future offending by increasing their assessments of the likelihood that they will be caught and arrested should they offend in the future. In other words, a criminal justice system that is good at catching offenders may teach them, in effect, that crime does not pay. This study looks into this possibility with a sample of adolescents who had been found guilty of relatively serious offences in either of two U.S. counties.

These adolescents were interviewed once every 6 months for three years starting when they were, on average, about 16.5 years old. Among other things, they were asked how likely it was that they would be caught and arrested if they were to commit each of seven different crimes ranging in seriousness from 'stealing clothes from a store' and 'vandalism' to 'robbery with a gun' and 'stabbing someone' (p. 652). They were also asked to report how many times, if any, they had committed each of 22 offences. Arrests were recorded from juvenile court records in the two locations. The focus of the study was on the youths' estimates of the probability of being apprehended as a function of whether they had been caught for any offences they had committed during this period.

Overall, the findings showed that the youth's estimate, during any six month period, of being apprehended for offending was a function of two things: the youth's perception of being apprehended prior to that period and whether the youth had been apprehended

for offending during the previous six months. Overall, if a youth committed a crime, the youth's estimate of being apprehended increased by 6.3% if the youth had been arrested compared to if they had not. It would appear that arrests for one type of crime (aggressive crimes) also affected respondents' perceptions that they would be apprehended for income-generating offences, though this effect is slightly smaller. In other words, there was some evidence that the impact of an arrest was not crime specific. Overall the data show that although the youths did change their subjective estimate of being apprehended, there was a good deal of variability in whether and how much updating of these estimates actually took place.

Conclusion: It appears that "even among serious offending juveniles, an arrest still has a potential deterrent effect, at least as far as increasing risk perceptions. However, among more experienced or frequent offenders, this gain from deterrence may be reduced or, in some cases, lost all together" (p. 691). There

was, however, a great deal of individual variability. Thus it cannot be assumed that apprehension and arrest is, for all youths, a crime reducing strategy. It is difficult, moreover, to estimate how much impact the changes in perception (of apprehension) may have on actual offending. One study found that a 10% change in the perceived likelihood of apprehension reduced offending by approximately 3% to 8% depending on the offence. Applying these findings to the present results would suggest that the impact of an arrest would be quite modest – reducing offending through individual deterrence by between 1.2% and 3.2%.

Reference: Anwar, Shamena and Thomas A. Loughran (2011). Testing a Bayesian Learning Theory of Deterrence Among Serious Juvenile Offenders. *Criminology*, 49 (3), 667-698.

“Certainty of apprehension, not the severity of the ensuing legal consequence, is the more effective deterrent.”

For more than forty years, there have been suggestions that increasing the severity of punishments imposed on apprehended offenders will not reduce crime through the mechanism of general deterrence. Many reviews (e.g., *Criminological Highlights* 6(2)#1) of this literature have been written over the years, most of which come to the same conclusion as the quotation from this review (on p. 199) that forms the title of this summary.

“The theory of deterrence is predicated on the idea that if state-imposed sanction costs are sufficiently severe, criminal activity will be discouraged, at least by some,” but there must be “some possibility that the sanction will be incurred if the crime is committed” (p. 206). Certainty of apprehension, then, is a key component of deterrence. The police have two important roles in achieving deterrence: “apprehending the perpetrators of crime and serving in a sentinel function that deters crime from happening in the first place” (p. 207). One of the complexities in the research literature on deterrence that needs to be addressed is that often certainty and severity are intertwined. For example, one study of strategies to get people to pay fines compared ordinary enforcement with the imminent threat of a short period of incarceration. The latter approach was more effective and may be seen as supporting the conclusion that “certainty rather than the severity of punishment is the more powerful deterrent.” However, it is also necessary that “certainty must result in a distasteful consequence in order for it to be a deterrent” (p. 228). For there to be an effect of certainty, the penalty cannot be trivial in comparison to the expected value of committing the offence. However, the nature of the relationship

between the severity of a penalty and its effect on crime may be such that most if not all penalties are already at a level that they are having maximum effects. Increasing penalties that are already seen as being very harsh cannot be expected to affect crime rates. In fact, for much of the population (e.g., middle class people not normally committing crimes) the fact that something is criminalized may be sufficiently severe to have maximal deterrent impact.

Achieving deterrence through increasing apprehension risk assumes two things: first that apprehension risk can readily be increased, and second that it is known. Though it appears to be difficult to increase apprehension risk for many crimes, the strategic deployment of police can deter crime through another mechanism: by creating prohibitively high perceived risk of apprehension. This is, of course, the theory behind deploying large numbers of police in identified crime ‘hot spots.’ Nevertheless, for various reasons, “overall crime control policy [involving the police] cannot be built [solely] around such a narrowly formulated tactic” (p. 240). The challenge for deterring through increasing risk of apprehension is to focus on ways of persuading those who are likely to commit offences that they will, indeed, be apprehended if they offend.

Conclusion: “There is little evidence that increasing already long prison sentences has a material deterrence effect. Evidence on the deterrent effect of the certainty of punishment is more consistent... The certainty effect stems primarily from the police functioning in their official guardian role rather than in their apprehension agent role” (p. 252-3). “Crime control effectiveness would be improved by shifting resources from corrections to policing methods that enhance the effectiveness of police in their official guardian role” (p. 253. See also *Criminological Highlights*, 11(6)#1).

Reference: Nagin, Daniel S. (2013). Deterrence in the Twenty-First Century. In Tonry, Michael (ed.). *Crime and Justice: A Review of Research*, 42, 199-263.

An evaluation of the Gang Resistance Education and Training (G.R.E.A.T.) program suggests that the program reduced gang membership in some, but not all, cities, but had no impact on youths' involvement in crime.

The Gang Resistance Education and Training (G.R.E.A.T.) program has received a fair amount of favourable publicity in part because it is a relatively inexpensive, school-based, prevention program that was implemented as part of a randomized control trial, thus allowing it to be evaluated properly. Designed to reduce gang membership, the program involves about 13 classroom lessons to youths in Grade 6 or 7. The program is typically presented by police officers.

In 31 schools in 7 American cities, 195 classrooms were randomly assigned either to receive the G.R.E.A.T. program or not. The youths from these classrooms were then followed for 4 years. Each time they were interviewed, the youths were asked about gang membership, general delinquency, and violent delinquency. "Gang membership" was measured with one question -- "Are you now in a gang?" (p. 384). Delinquency was measured with 14 questions that captured both the variety of types of delinquency the youth engaged in as well as the frequency of involvement in offending. In this paper, the effects one year and four years after the end of the program were reported.

Pooling across the 7 cities, there was a significant reduction in self-reported gang involvement. One year after the end of the program, 6.4% of the control group and 3.8% of the treatment group reported being in gangs (p. 430). Four years after the treatment, the effect was still significant, but it was smaller. However, these favourable effects held for only 3 of the 7 sites one year after the end of the program, and 2 of the 7 sites 4 years after the end of the program.

Though youths in some cities were somewhat less likely to report joining gangs if they were exposed to the program, there were *no* differences in delinquency (overall or violent; frequency or the variety of types) between the youths who received the program and those who did not. In fact, using the traditional definition of statistical significance, in only *one* city, on one of the four measures, was there a favourable effect of the program. But in another city, those who participated in the program reported *more* involvement in delinquency on this same measure. The safest conclusion would appear to be that the program had no impact on delinquency.

Conclusion: Previous research (see *Criminological Highlights* 4(1)#8, 3(1)#5, 8(6)#3) has demonstrated that "membership" in a gang can mean very different things to different youths. Hence it is not too surprising to find that a program might affect self-reported gang membership, but not self-reported delinquency. As other researchers have noted, "Gang prevention is not synonymous with delinquency prevention" (*Criminological Highlights*

8(3)#3). One of the attractive aspects of the G.R.E.A.T. program is that it is a relatively small and inexpensive intervention into the lives of youths. However, this implies that it is reasonable to expect that the effects of the program would not be large. Nevertheless, as one commentator put it, "The inconvenient truth is that G.R.E.A.T. had no effect on the... delinquency... scores [or the] inventory of violent delinquency... scores which included an item asking whether respondents had been "involved in gang fights" (p. 430). "What is the value of a program that causes some kids to disavow gang membership but does not reduce criminal offending?" (p. 428).

Reference: Esbensen, Finn-Aage, D. Wayne Osgood, Dana Peterson, Terrance J. Taylor, and Dena C. Carson. (2013) Short-and Long-Term Outcome Results from a Multisite Evaluation of the G.R.E.A.T. Program. *Criminology & Public Policy*, 12(3) 373-411. Pyrooz, David C. (2013). Gangs, Criminal Offending, and an Inconvenient Truth. *Criminology & Public Policy*, 12(3) 427-436.

Being stopped by the police increases future offending.

There is a growing body of research suggesting that being processed by the criminal justice system can increase subsequent offending (see *The Effects of Imprisonment: Specific Deterrence and Collateral Effects. Research Summaries Compiled from Criminological Highlights* on our website) This study compares the impact on subsequent offending of being stopped by the police, or being stopped and arrested.

The concern, derived from labeling theory is that “a public label may lead to secondary deviance... through social exclusion and the weakening of social bonds” (p. 930), and “once the deviant label is applied and the process of social exclusion is set in motion, the labeled individual may begin to develop or adopt a deviant identity” (p. 931).

This study uses four waves of longitudinal data on 2,127 youths, collected in the context of a program evaluation, to evaluate the impact of police contact. Youths were interviewed each year for four years. Their propensity to offend was estimated on the basis of the first years’ data. Police contact was assessed during the next two years and in the fourth interview, delinquency – the outcome variable - was measured. The number of stops for questioning was obtained from each youth as was the number of arrests.

In the third wave of data, school commitment was assessed as was youths’ involvement with delinquent and non-delinquent peers. To assess ‘deviant identity’ youths were asked questions such as how guilty they would feel if they engaged in a range of different types of offences. On the basis of their contact with the police, youths were divided into three groups: those with no contact with

the police, those stopped (only) by the police, and those stopped and arrested. Then, on the basis of their answers to questions during the first wave of data collection (when they were 11-12 years old) they were matched on their apparent propensity to be stopped and/or arrested by the police. Though sets of youths with the same propensity to be stopped/arrested were created, only some were, in fact stopped or arrested by the police. It is reasonable to assume, therefore, that the police contact was, in a sense, randomly determined since the members of the three groups were matched with those in other groups who had the same ‘propensity’ to do whatever it was that would bring them into contact with the police.

The results showed that after matching youths on their propensities to experience police contact, those who were arrested were significantly more likely to engage in delinquencies than those who were only stopped, and those stopped were more likely to engage in delinquencies than those who had no police contact. Furthermore, there was a tendency for more police contact to reduce commitment to school, increase the likelihood that the youth would have delinquent friends, and reduce their feelings of guilt about offending.

Other analyses suggest that the impact of being stopped by the police on offending is caused, in part, by increased likelihood that the youth will have larger numbers of delinquent friends. But in addition, being arrested appears to increase delinquency through its effect on reducing commitment to school, reducing anticipated guilt about engaging in delinquency, and increasing the youth’s belief that offending really does not hurt anyone.

Conclusion: Stop-and-frisk interactions between youths and police “may have the unintended consequence of increasing future delinquent involvement. Thus police practices of engaging in high rates of stops, many of which are ‘unproductive’ or ‘innocent,’ may be counterproductive” (p. 956). “For both youth who are stopped and youth who are arrested, delinquency amplification is partially explained by the attenuation of prosocial bonds, changes in deviant identity, and increased involvement with delinquent peers” (p. 956-7).

Reference: Wiley, Stephanie Ann, Lee Ann Slocum, and Finn-Aage Esbensen (2013). The Unintended Consequences of Being Stopped or Arrested: An Exploration of the Labeling Mechanisms Through Which Police Contact Leads to Subsequent Delinquency. *Criminology* 51(4) 927-966.

Prosecutorial evidence against a person whose face looks trustworthy is not as persuasive as exactly the same evidence used against a person whose face is not seen as being trustworthy.

One traditional justification for deferring to judges and juries on questions of the credibility of witnesses in court is that judges and juries are able to observe the witness. The theory seems to be that by observing the demeanour of witnesses, people can determine whether they are telling truth. Evidence, however, suggests that ordinary people and even trained police officers are not very good at determining whether someone is telling the truth (*Criminological Highlights* 2(6)#8, 5(4)#5). The focus on cues from people's faces when they are giving evidence ignores, however, the possibility that some people simply look more trustworthy than others. In other words, observers of court hearings may be drawing inferences about the guilt of an accused simply from what he looks like, whether he testifies or not.

A group of university students rated each of 20 photographs of white males exhibiting neutral expressions. The people in each photograph were rated on a number of dimensions including attractiveness, kindness, and trustworthiness. Two photographs were chosen – the one rated as being most trustworthy and the one rated as being the least trustworthy.

A new set of university students was given two trial vignettes. Each vignette was accompanied by one of the photographs (counterbalanced across participants such that each vignette was equally likely to be paired with each of the photographs). There were four vignettes in total: two involving serious crimes (a robbery-murder and a sex-offence-murder) and two involving less serious crimes (a fraud and a car theft). The prosecutor's evidence was presented to the study participants one item at a time. They were asked after each piece of evidence had been presented whether they were, at that point, convinced of the accused person's guilt.

There were no differences attributable to the rated trustworthiness of the person depicted in the photographs associated with the less serious crimes. In other words, for the less serious crime, the same amount of evidence was necessary to convince people that the accused was guilty when the accused looked trustworthy as when he looked untrustworthy. However, for the serious crimes (involving murder), more prosecutorial evidence was necessary to convince participants of the accused's guilt when the accused looked trustworthy (5.9 pieces of evidence) than when the accused looked untrustworthy (4.2 pieces of evidence). Said differently, it would appear that compared to someone who 'looks trustworthy', ordinary people are willing to infer guilt on less evidence when an accused has facial characteristics that, in our culture, make him look untrustworthy.

Conclusion: This study suggests that men whose faces make them look untrustworthy may be disadvantaged at their trials or perhaps when the police are looking for suspects for a crime.

Quite independent of what the evidence is, people appear to draw inferences about what *kind* of person someone is from the physical characteristics of their faces. Participants in an experiment were more likely to conclude, on the basis of incomplete evidence against an accused, that he was guilty if he appeared to have an untrustworthy face than if he was perceived to be trustworthy, even though the objective evidence against the two accused was the same. That this effect appeared only in the most serious cases (murders), suggests that in less serious crimes, people may attend more to the evidence rather than drawing inferences from the physical characteristics of the accused.

Reference: Porter, Stephen, Leanne ten Brinke and Chantal Gustaw (2010). Dangerous Decisions: The Impact of First Impressions of Trustworthiness on the Evaluation of Legal Evidence and Defendant Culpability. *Psychology, Crime & Law*, 16(6), 477-491.