



Centre for Criminology & Sociolegal Studies
UNIVERSITY OF TORONTO

Criminological Highlights

The Centre for Criminology and Sociolegal Studies, University of Toronto, gratefully acknowledges the Department of Justice Canada for funding this project.

Volume 19, Number 1

December 2020

Criminological Highlights is designed to provide an accessible look at some of the more interesting criminological research that is currently being published. Each issue contains “Headlines and Conclusions” for each of 8 articles, followed by one-page summaries of each article.

Criminological Highlights is prepared by Anthony Doob, Rosemary Gartner, Jessica Bundy, Maria Jung, Tyler King, Jane Sprott, Fernando Avila, Jacqueline Briggs, Daniel Konikoff, Alex Luscombe, Audrey Macklin, Holly Pelvin, and Andrea Shier.

Criminological Highlights is available at <https://www.crimsl.utoronto.ca/research-publications/criminological-highlights> and directly by email.

Follow us: <https://twitter.com/CrimHighlights>

Views – expressed or implied – in this publication are not necessarily those of the Department of Justice, Canada.

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

1. What problems can be created for survivors of intimate partner violence by laws that require the reporting of child abuse and neglect to government authorities?
2. Why do rape victims report their victimizations to the police, and why are their motivations important?
3. How can the police and courts reduce, with almost no cost, the number of failures to appear in court?
4. What is the effect of the presence of a drug court on overall court caseload?
5. Is it meaningful that a psychometric test suggests that a prisoner has improved after treatment?
6. Are community sanctions experienced as being lenient?
7. Does experience in the criminal justice system undermine self-control in youths?
8. Should we invest in more electronic monitoring?

The mandatory reporting of suspicions of child abuse or neglect to government authorities is meant to protect children and prevent abuse. Mandatory reporting requirements, however, can have negative impacts on innocent parents, including survivors of intimate partner violence, and their children. This is especially the case for trans and gender non-conforming survivors as well as racialized survivors.

Mandatory reporting laws create barriers for intimate partner violence survivors who are seeking supports. In particular, survivors appear to fear people in their informal networks. For those who did report their experiences, the report “worsened their situation, often by involving them in systems they deemed unhelpful at best and harmful at worst” (p. 265). Among the harmful impacts of mandatory reporting, particularly for racialized women, was the removal of children from the home of the intimate partner violence survivor.

..... Page 4

The reality of why rape victims report their experiences to the police is more complicated than the dominant public narratives about reporting – that victims are simply seeking retributive justice. By ignoring the victims’ actual aspirations, it is inevitable that there will often be a large gap between the aspirations of the victim who reports and the reality of the justice system’s response.

The data from interviews with victim-survivors of rape suggest they “are likely to experience an ‘aspiration-reality gap’ due to stubborn differences between the reasons and expectations attached to their report and the ensuing criminal justice process and outcomes” (p. 190). “Understanding how and why victim-survivors start their criminal justice journey is an essential precursor to meeting their needs and conceptualizing their experiences. The experiences of rape victims are varied, just as are the aspirations of these victims. The justice system clearly needs to be attentive to this variability if it wishes to narrow the aspiration-reality gap” (p. 191).

..... Page 5

Governments can, with *no* extra cost, easily increase the likelihood that people will show up on time for court appearances. They need only to expend a very small amount of effort redesigning the summons that police give to accused people. In addition, with a very small expenditure, they can further reduce failures to appear by sending accused people a reminder by text message.

Many people miss court dates for a very simple reason: they forget about them and may not think that the consequences are more serious than forgetting a dentist appointment. Making the information about court appearance time/dates and legal consequences of a failure to appear salient and reminding people by text message of an approaching court date reduces the rate of failures to appear substantially.

..... Page 6

Drug courts do not reduce overall court caseloads. Compared to arrests in cities without drug courts, the founding of a drug court in US cities with populations of 50,000 or more led to a 17% *increase* in arrests and charges for drug possession.

The challenge for drug courts from their inception has been a practical one. Are public resources being allocated effectively to address the drug addictions of those who would benefit most from proven drug treatments, and are drug courts the best way for communities or governments to allocate those resources? One problem is that other research suggests that many drug court participants are not chemically dependent but participate in drug court because they see drug courts as creating fewer negative consequences than ordinary court. If, without the presence of a drug court, such non-chemically dependent drug users would not be arrested (as shown in this study), it would mean that scarce treatment resources are being wasted on those apparently not in need of treatment.

..... Page 7

A psychometric measure that predicts recidivism in a prison *population* may be of little use for the purpose of assessing whether an *individual* prisoner has become less of a risk after participating in a correctional program.

The findings of this study question in important ways the usefulness of measured *change* on standard psychometric instruments in assessing whether prisoners are likely to reoffend upon release. Said differently, this study demonstrates that a prisoner who does not show any apparent change in their measured risk to reoffend violently after participating in a program may be no more likely to reoffend violently than a prisoner whose test scores suggest that a program has reduced the likelihood of reoffending.

..... Page 8

Those convicted of offences do not always prefer community sanctions to imprisonment. For many people under active supervision in the community, many of whom had previously served jail sentences, a jail sentence of up to 14 days would be preferable to what might look, to many, as relatively lenient community punishments (e.g., 23 days of electronic monitoring).

“There is little evidence that individuals under community supervision draw sharp distinctions between jail and community-based sanctions in terms of their overall punitiveness.” (p. 713). Judges who might worry about a community-based sanction not being experienced as a punishment should feel reassured by this finding. But the findings also imply that “decision-makers should use restraint when doling out community-based punishments, as it does not take exorbitant amounts of community sanctions to achieve a substantial punitive effect” (p. 713).

..... Page 9

Reduced levels of self-control may be an important determinant of offending by youths. But in addition, reduced levels of self-control can be the *result* of youths’ experiences of school sanctions and police contact.

“The finding that sanctions predict delinquency, while contradicting deterrence theory, provides further empirical support for previous empirical research suggesting either no effect of sanctioning or the finding that sanctioning actually contributes to reoffending rather than preventing it” (p. 213). Sanctioning, then, may undermine self-control. Hence it is possible that “criminogenic factors, such as sanctioning or cumulative disadvantage, are related to crime precisely because they impact on people’s levels of short-sightedness and their ability to exert self-control” (p. 214).

..... Page 10

The effects of the electronic monitoring of those convicted of offences are inconsistent enough to warrant the conclusion that electronic monitoring cannot be assumed to be a useful technology.

The most obvious conclusion from this thorough review is that the effects of electronic monitoring (EM) on reoffending are likely to vary across circumstances and populations of offenders. Thus whether the recidivism rates of those in the community are compared to other community sentences without EM or imprisonment will make a difference. And the type of offender may also make a difference. Hence it would seem that the one firm conclusion from the research on EM is that any jurisdiction thinking of implementing a new program involving EM should evaluate it carefully looking not only at recidivism but also costs – to the justice system as well as to those who are subject to it.

..... Page 11

The mandatory reporting of suspicions of child abuse or neglect to government authorities is meant to protect children and prevent abuse. Mandatory reporting requirements, however, can have negative impacts on innocent parents, including survivors of intimate partner violence, and their children. This is especially the case for trans and gender non-conforming survivors as well as racialized survivors.

The first of these two papers highlights that when survivors of intimate partner violence (IPV) turn to public systems for support “often as a last resort to protect their children... they necessarily submit to the scrutiny of staff who are required to report suspicions of child abuse or neglect to the state child protective system” (p. 217). In Ontario, for example, under the *Child, Youth and Family Services Act* (s. 125) any person who suspects that a child is at risk of physical or sexual harm must report it to appropriate authorities. Such laws are the norm in many jurisdictions.

The problem is that exposure to IPV can be deemed to be abuse. Similarly, “poverty can be easily (mis)interpreted as neglect” (p. 219) as the poor may not have sufficient food, shelter, or other resources. Being poor, then, puts people at risk of being reported as neglecting their children. “Ideally poverty-related neglect would result in increased services and supports... [but sometimes a mother’s] poverty is effectively criminalized as maltreatment” (p. 220). This may be especially likely in racialized families.

The second of these two papers examines the intersection of mandatory reporting laws and IPV with data from IPV survivors who were seeking support on a telephone IPV hotline. Though obviously they cannot be assumed to be a representative group of IPV survivors, the results illustrate some of the problems with mandatory reporting of suspicions of childhood risk or neglect.

Many (35%) of the respondents indicated that they had avoided asking for help from at least one person because of a fear that the information would be reported. Often the person they did *not* seek help from for this reason was a

family member or friend. Often the fear was that the partner would be arrested, making things worse and/or leading to increased poverty. IPV survivors also feared that reporting would lead to child protective services involvement, resulting in the survivors’ children being taken away from them.

About 15% of the callers – especially multi-racial survivors - indicated that, while seeking help, they were warned that what they say might have to be reported to authorities. Often this warning came from a medical or mental health provider or a family member or friend. For 61% of the participants who were warned, the result was that they changed what they had planned on sharing – including withholding of information or misrepresenting their experiences. For some, the warning led them to stop seeking help. As one IPV survivor put it: “I talk to no one, there’s no one I can trust, no one I can turn to and nowhere I can go” (p. 262).

The idea behind mandatory reporting is, presumably, that there will be benefit to the survivor if the IPV and related matters get reported to authorities. From the survivor’s perspective, however

this was not the case. Most survivors said that the impact of a mandatory report was to make their situation “much worse” (51%) or a little worse (12%). Only 17% indicated that reporting made things better, with the remaining 20% saying that it didn’t change things.

Conclusion: Mandatory reporting laws create barriers for intimate partner violence survivors who are seeking supports. In particular, survivors appear to fear people in their informal networks. For those who did report their experiences, the report “worsened their situation, often by involving them in systems they deemed unhelpful at best and harmful at worst” (p. 265). Among the harmful impacts of mandatory reporting, particularly for racialized women, was the removal of children from the home of the intimate partner violence survivor.

Reference: Goodman, Lisa A. and Jennifer E. Fauci (2020). The Long Shadow of Family Separation: A Structural and Historical Introduction to Mandatory Reporting in the Domestic Violence Context. Lippy, Carrie and four others. The Impact of Mandatory Reporting Laws on Survivors of Intimate Violence. *Journal of Family Violence*, 35, 217-223 and 255-267.

The reality of why rape victims report their experiences to the police is more complicated than the dominant public narratives about reporting – that victims are simply seeking retributive justice. By ignoring the victims’ actual aspirations, it is inevitable that there will often be a large gap between the aspirations of the victim who reports and the reality of the justice system’s response.

Studies have typically found that the rates at which women report rapes and other sexual assaults to the police are low. At the same time, “the enduring research and policy preoccupation with the problem of underreporting to the police appears to have obscured the question of why victim-survivors *do* report” (p. 176).

This paper examines the accounts and experiences of a small (n=24) sample of Scottish women who did report their victimizations to the police. In many cases, friends, relatives, or others were critical in the decision to report the rape to the police. In trying to understand why women reported their victimizations, the most important finding is that there was no simple dominant reason. “While some participants’ reasons for reporting were underpinned by their need for the criminal justice system to provide safety and protection, for others, reporting to the police represented a way of validating their experience and acknowledging the harm that they had suffered” (p. 182).

For many, it was important that the perpetrator be held accountable for the harm he had inflicted. Similarly, victims felt it was important that he not get away with what he had done. At the same time, “perpetrator-oriented reasons were not always punitive.... The retributive aspects of these reasons [for reporting] were largely underpinned by a desire for the attacker to be publicly exposed and held accountable rather than to encounter pain and punishment” (p. 184). Other victims described their reasons for reporting in terms of broader

social responsibility: to exert control and attempt to reduce victimization. For some, it was simply the “right thing to do” for various reasons including to prevent the perpetrator from repeating his crimes. Not surprisingly, “marked differences were observed in the aspirations and determination associated with reporting between women who had experienced rape or sexual assault as part of historical, long term, or domestic abuse compared with women who had experienced recent assaults perpetrated by someone less intimately known to them” (p. 188).

“The findings indicate that women largely report [rape] to protect other women and due to a moral obligation to ‘do the right thing’ or ‘take a stand’ against sexual violence” (p. 189). But this leads to what might be called an “aspiration-reality” gap which “reflects the likely discord experienced by victim-survivors between their expectations and the reality of criminal justice processes and outcomes, and between their aspiration to validate their experiences and protect others by ‘doing the right thing’ and the ability of the criminal justice system to respond in kind” (p. 189).

Conclusion: The data from interviews with victim-survivors of rape suggest they “are likely to experience an ‘aspiration-reality gap’ due to stubborn differences between the reasons and expectations attached to their report and the ensuing criminal justice process and outcomes” (p. 190). “Understanding how and why victim-survivors start their criminal justice journey is an essential precursor to meeting their needs and conceptualizing their experiences. The experiences of rape victims are varied, just as are the aspirations of these victims. The justice system clearly needs to be attentive to this variability if it wishes to narrow the aspiration-reality gap” (p. 191).

Reference: Brooks-Hay, Oona (2020). Doing the “Right Thing”? Understanding Why Rape Victims-Survivors Report to the Police. *Feminist Criminology*, 15(2), 174-195.

Governments can, with *no* extra cost, easily increase the likelihood that people will show up on time for court appearances. They need only to expend a very small amount of effort redesigning the summons that police give to accused people. In addition, with a very small expenditure, they can further reduce failures to appear by sending accused people a reminder by text message.

Thousands of people in many countries fail to show up for scheduled court appearances. Even though the original charge may be minor, those found guilty of failure to appear in court may be punished quite severely. In Canada, 43% of those found guilty of this offence are imprisoned – a slightly higher rate than for criminal offences overall (39%).

This study suggests that there are some very simple solutions to the problem of failure to appear in court that are consistent with previous work (see *Criminological Highlights* 13(4)#1). The authors started with the assumption that for many people, failing to appear in court is a simple human error (perhaps because missing a court appearance may not be seen as a ‘big deal’ given that courts, themselves, force people to wait for hours for an ‘appointment’ that may only take a few minutes.) If not showing up at court is, in many cases, simply a human error, then the challenge is straightforward: make it less likely that people make mistakes.

The first study, carried out in New York City, redesigned the court summons form to simplify and highlight the relevant information. The original summons prioritized information about the offence, description of the accused and the police officer, with the court date at the bottom. On the back of the form, accused people were told that arrest warrants could be issued for those who failed to comply. The first experiment simply redesigned the summons to make relevant information (date and location of the appearance) more salient. Then,

in bold print, it points out that a failure to appear would lead to a warrant being issued. Police started using the newly designed summons when they ran out of the old ones, meaning that different police officers started using the new forms at different times – constituting a very strong quasi-experimental design. The new form, which cost essentially nothing to implement, reduced failure to appear from about 47% to 42%.

In the second study, another inexpensive intervention was used: a text message to those who had received summons. Those who were willing to give police officers their cell phone number were randomly assigned to one of four groups. The control group received no messages. All text messages groups were messaged 7, 3, and 1 day(s) before the scheduled court date. All messages included information about the date, time, and place of the court appearance. But in addition, some people received suggestions to “plan” for the appearance (by marking calendars, etc.). Another group received information about the consequences of failing to appear. A third group got both sets of information. Receiving any of the three types of messages reduced the failure rate from about 38% to 30%.

Other experiments carried out on people not facing charges suggested that the new summons form did, indeed, make it easier to see the court date/time information and to recall this information as well as information about the consequences of a failure to appear. Interestingly, ordinary members of the community thought that failures to appear were intentional, not unintentional, consequences of forgetting.

Conclusion: Many people miss court dates for a very simple reason: they forget about them and may not think that the consequences are more serious than forgetting a dentist appointment. Making the information about court appearance time/dates and legal consequences of a failure to appear salient and reminding people by text message of an approaching court date reduces the rate of failures to appear substantially.

Reference: Fishbane, Alissa, Aurelie Ouss, and Anuj K. Shah (2020). Behavioural nudges reduce failure to appear in Court. *Science* 10.1126/science.abb6591 (2020).

Drug courts do not reduce overall court caseloads. Compared to arrests in cities without drug courts, the founding of a drug court in US cities with populations of 50,000 or more led to a 17% increase in arrests and charges for drug possession.

Drug courts became popular among those who were looking for ways of reducing criminal justice involvement for those involved in the simple possession of certain drugs. The theory was that by creating a “therapeutic” court, those using illegal drugs could be ‘treated’ rather than punished in ordinary courts. This paper suggests that one of the most important effects of opening a drug court is to encourage police to charge people whom they might otherwise have dealt with completely outside the court system.

Drug courts are popular in many countries. In Canada, for example, the federal government (as of November 2020) indicated that it would fund the development, delivery and evaluation of drug treatment courts. Evaluations appear to focus on quality of life improvements for those sent to drug court. One problem, of course, is that providing services through court systems can be both expensive and stigmatizing and may draw expensive drug treatment resources away from non-criminal justice settings. And if many of those in drug court would not have been arrested were it not for the existence of a drug court, there may be very little, if any, ‘added value’ of having a drug court. The original theory behind drug courts was that their ‘clients’ (accused people) would, in the absence of a drug court, have been (fully) prosecuted criminally for their drug offence. This paper suggests that this is not the case.

This study examines what happened in 257 US cities with populations of 50,000 or more. Cities that started a drug court were matched with 115 statistically similar cities that never had a drug court, using a “propensity score” approach where the propensity to have a drug court in 1996-7 was used for matching

purposes. Various statistical techniques were used to estimate the impact of drug court implementation on arrests in those cities with drug courts compared to those cities that never had them.

Misdemeanor drug arrests increased substantially in US cities during the 1990s. More importantly, the increase was larger in those cities with drug courts than those without drug courts. These results were not driven solely by large cities. This effect persisted “across a variety of specifications with controls for demographic and economic influences as well as measures of police force size and enforcement activity” (p. 300).

These results are similar to previous findings on the impact of drug courts (see *Criminological Highlights* 16(6)#7). During this period of time drug *use* arrests generally increased in the US while drug *sales* arrests declined somewhat. This was true both in drug court and nondrug court jurisdictions. Instead, what appeared to have happened is that “the long-term dedication of resources toward relatively minor offenders may have exacerbated the nationwide focus on minor drug offences, resulting in an unintended net-widening effect” (p. 301).

Conclusion: The challenge for drug courts from their inception has been a practical one. Are public resources being allocated effectively to address the drug addictions of those who would benefit most from proven drug treatments, and are drug courts the best way for communities or governments to allocate those resources? One problem is that other research suggests that many drug court participants are not chemically dependent but participate in drug court because they see drug courts as creating fewer negative consequences than ordinary court. If, without the presence of a drug court, such non-chemically dependent drug users would not be arrested (as shown in this study), it would mean that scarce treatment resources are being wasted on those apparently not in need of treatment.

Reference: Lilly, David R., Megan D. Stewart, and Kasey Tucker-Gail (2020). Drug Courts and Net-Widening in US Cities: A Reanalysis Using Propensity Score Matching. *Criminal Justice Policy Review*, 31(2), 287-308.

A psychometric measure that predicts recidivism in a prison *population* may be of little use for the purpose of assessing whether an *individual* prisoner has become less of a risk after participating in a correctional program.

Some correctional programs have been demonstrated to be effective in reducing reoffending for certain types of prisoners. And some psychometric measures used with prisoners have been shown to correlate with reoffending after a prisoner has been released. This paper asks an important question: Does *change* in the score on such a psychometric measure after participating in a correctional program predict recidivism?

It is generally accepted that all prisoners who participate in a correctional program do not necessarily benefit from it. It seems natural, then, to use *change* on a “proven” psychometric measure (after treatment compared to before treatment) to see whether a person has become less at risk to re-offend if they were released. At the same time, it is necessary to control for a prisoner’s pre-treatment risk and needs. Otherwise, it is impossible to know whether an effect is really due to a *change* that has occurred in the prisoner rather than something about their initial risk and needs.

This study looked at 227 prisoners in Canada’s federal penitentiaries who were serving sentences averaging 6.7 years. They had participated in a cognitive behavioural violence prevention program. In previous studies, program participants had been shown to have lower recidivism rates than ‘equivalent’ non-participants, suggesting, logically, that the program had made them less likely to offend. All participants in this study were deemed by Correctional Service Canada to be “persistently violent” (p. 222) meaning that they had at least 2 convictions for violence and had been assessed to be high risk to commit further violent offences. Prisoners were followed for 5 years (or until they had been convicted of a new criminal offence).

Five standard measures related to individual aggression were used to assess pre- to post-program change in the prisoners (an aggression questionnaire, a measure of various components of anger, a measure of anger in response to provocation, an impulsivity scale, and a general violence risk scale). The pre- to post-treatment changes were substantial on all measures (nearly a full standard deviation).

The most important finding was that in no cases did *change* on *any* of the five scales predict violent recidivism within either 3 or 5 years of release. When looking at ‘general recidivism’ there were small negative relationships between change on 2 of the 5 scales and recidivism at 3 years and one small effect in the opposite direction --favourable change being associated with higher general recidivism within 5 years of release.

The results suggest that “it may be erroneous to rely on apparent within-treatment change in some key constructs – such as anger and impulsivity – ostensibly targeted and measured after the course of intervention” (p. 227) when determining how prisoners should serve their sentences and when they should be released. Change on these scales as a result of treatment does not help predict violent reoffending upon release.

Conclusion: The findings of this study question in important ways the usefulness of measured *change* on standard psychometric instruments in assessing whether prisoners are likely to reoffend upon release. Said differently, this study demonstrates that a prisoner who does not show any apparent change in their measured risk to reoffend violently after participating in a program may be no more likely to reoffend violently than a prisoner whose test scores suggest that a program has reduced the likelihood of reoffending.

Reference: Higgs, Tamsin, Mark E. Olver, Kevin Nunes, and Franca Cortini (2020). Risk Relevance of Psychometric Assessment and Evaluator Ratings of Dynamic Risk Factors in High Rate Violent Offenders. *Law & Criminological Psychology*, 25, 219-236.

Those convicted of offences do not always prefer community sanctions to imprisonment. For many people under active supervision in the community, many of whom had previously served jail sentences, a jail sentence of up to 14 days would be preferable to what might look, to many, as relatively lenient community punishments (e.g., 23 days of electronic monitoring).

There is, in many jurisdictions, concern about the overuse of prison or jail sentences, especially short sentences. The belief is that it would be better to substitute community-based punishments. This paper examines how these community-based punishments are perceived by those who are subjected to them.

Short periods of time in jail or prison can be expensive and are generally not seen as serving community safety functions. Hence there is a tendency to look to community sanctions as viable alternatives. But in a sentencing system that is based at least in part on the notion that the punitive aspects of the sanction should be proportionate to the harm that was done, there is a need to think about equivalences: what kind of community sanction is likely to be as punitive as a sentence involving incarceration of a given length?

Obviously, community sanctions vary in their punitiveness. One could easily imagine that a large number of community service hours (e.g., spent picking up trash along a highway) would be more punitive than a few days in jail. But how many hours of community service would be equivalent to, for example, 7 days in jail? In this study, 185 adult probationers were recruited for a survey. About half were unemployed and 68% reported their financial situation as either “struggling” or “falling way behind” (p. 703). Most (58%) had experienced jail sentences in the past, 43% had experienced enhanced drug testing, and 43% had experienced community service. 28% were on a form of enhanced supervision.

Participants were given written descriptions of sanctions (jail, written assignments, outpatient treatment, electronic monitoring, curfew, day reporting, enhanced drug testing, community service, halfway house placement and inpatient treatment). They were then asked to estimate the maximum amount of the alternative sanction they would be willing to complete in order to avoid serving a specified time – 2, 7 and 14 days – in jail.

Using the median equivalency score as the equivalent, inpatient treatment and halfway house placement were seen as equally punitive as jail. What is notable about the other equivalences is that relatively small amounts of each “community sanction” were seen as being equivalent to short jail sentences. For example, 14 days of living under a curfew was seen as equivalent to 7 days in jail. 30 hours of community service was seen as equivalent to 14 days in jail. And 14 days of electronic monitoring was seen as equivalent to 7 days of jail. No community sanctions were seen as easy: the median number of pages a probationer would be willing to write (on a topic such as “detailing the negative physical effects of long-term marijuana use”) instead of 7 days in jail was 10 pages.

The strongest single predictor of the severity of the alternative the probationer was willing to endure instead of prison was the level of stress that the probationer reported experiencing at the time that the survey was carried out: As levels of stress increased, the number of hours or days of the alternative sanction that the person was willing to experience in lieu of a jail sentence decreased.

Conclusion: “There is little evidence that individuals under community supervision draw sharp distinctions between jail and community-based sanctions in terms of their overall punitiveness.” (p. 713). Judges who might worry about a community-based sanction not being experienced as a punishment should feel reassured by this finding. But the findings also imply that “decision-makers should use restraint when doling out community-based punishments, as it does not take exorbitant amounts of community sanctions to achieve a substantial punitive effect” (p. 713).

Reference: Wodahl, Eric J., Brett E. Garland, and Kimberly Schweitzer (2020). Are Jail Sanctions More Punitive than Community-Based Punishments? An Examination into the Perceived Severity of Alternative Sanctions in Community Supervision. *Criminal Justice Policy Review* 31(5), 696-720.

Reduced levels of self-control may be an important determinant of offending by youths. But in addition, reduced levels of self-control can be the *result* of youths' experiences of school sanctions and police contact.

It has often been shown that “individuals low in self-control tend to place little weight on the generally long-term consequences of their criminal actions and tend to overvalue the mostly immediate benefits” (p. 200). At the same time, however, there is evidence that the level of self-control within an individual may not be very stable over time.

This paper suggests that sanctioning practices themselves may reduce levels of self-control for three reasons: (1) Sanctioning processes, such as interactions with police, may be perceived as disrespectful and unfair by those subjected to them; (2) Sanctioning may trigger feelings of anger and resentment; and (3) Sanctions may lead people to seek out or find themselves in environments that encourage short-sighted behaviour.

This paper is based on a longitudinal study of youths in Zurich, using data from three separate periods when youths averaged 13.7, 15.4, and 17.4 years of age. Delinquency, operationalized as the number (maximum =14) of different types of offences the youth self-reported for the past year, was measured at each of point in time. Self-control was measured when the youths averaged 13.7 and 15.4 years with such questions as “I often act on the spur of the moment without stopping to think” (p. 204). Police contact in the previous year and school sanctions in the previous 2 years were measured when the youths averaged 15.4 years. This allowed analyses to be carried out that looked at *change* in the self-control measure between age 13.7 and 15.4, and to see whether these changes were associated with increased

delinquency reported at age 17.4. Various other control variables measured when the youths were 13.7 years old were included in the analysis. These included sex, ethnicity, and the family's socio-economic status.

Police contact prior to the time when the youth was about 15.4 years old predicted short-sightedness at age 15.4 controlling for the level of short-sightedness at age 13.7. Said differently, police contact made youths more short-sighted in their actions than they had been before. And short-sightedness at age 15.4 predicted delinquency at age 17.4 year, even when controlling for delinquency when the youth was 13.7 years old. Similar results were found for school sanctions. Those who experienced sanctioning from the school showed increased short-sightedness. And this, in turn led to increased delinquency at age 17.4.

When thinking about the relationship between ‘self-control’ and offending, we typically think that those whose thinking focuses on the short-term and who do not show self-control will tend to be higher rate offenders since they aren't thinking about the consequences of their behaviour. These findings do not challenge that causal ordering, but instead suggest that the causality

may *also* be in the opposite direction: those who are sanctioned by the police or by schools become more oriented toward the present rather than the future and, as a result, are more likely to offend in the future.

Conclusion: “The finding that sanctions predict delinquency, while contradicting deterrence theory, provides further empirical support for previous empirical research suggesting either no effect of sanctioning or the finding that sanctioning actually contributes to reoffending rather than preventing it” (p. 213). Sanctioning, then, may undermine self-control. Hence it is possible that “criminogenic factors, such as sanctioning or cumulative disadvantage, are related to crime precisely because they impact on people's levels of short-sightedness and their ability to exert self-control” (p. 214).

Reference: Van Gelder, Jean-Louis, Margit Averdijk, Denis Ribeaud, and Manuel Eisner (2020). Sanctions, short-term mindsets, and delinquency: Reverse causality in a sample of high school youth. *Law & Criminological Psychology*, 25, 199-218.

The effects of the electronic monitoring of those convicted of offences are inconsistent enough to warrant the conclusion that electronic monitoring cannot be assumed to be a useful technology.

Electronic monitoring (EM), typically accomplished with a device being attached to offenders' wrists or ankles, is used a variety of different ways in the criminal justice system, including as a condition of bail, as part of a community sentence, or as a way of monitoring those released from prison. As the technology has become more sophisticated and possibly less expensive, questions have arisen concerning its effectiveness (in accomplishing various goals), as well as its appropriateness.

One consistent concern about EM is that it is often an "add on" to some existing form of community punishment. Furthermore, it is often used on those deemed to be low risk. But an additional problem is that when people think about the *effectiveness* of EM, they need to think carefully about what EM is compared to. If, for example, "community sanctions with EM" is compared to incarceration (in prison or jails), then one doesn't know whether any effects that might appear are due to EM or the fact that any community sanction might differ from incarceration. This review focuses primarily on whether EM can be used to reduce reoffending.

After an extensive search of 14 electronic databases and an examination of the 4,662 records of studies that looked at EM, it was discovered that there were only 34 studies that had quantitative findings based on plausible research designs. But only 18 of these studies reported quantitative findings in a manner that allowed inferences about the size of the effect of EM on offending. In only two studies were participants randomly assigned to EM or some comparison treatment.

There was substantial variation in the outcomes across studies. In only about

5 of the individual studies were there effects larger than one might expect by chance. But even then, the results were inconsistent across methods of combining the findings across studies. One approach suggested that EM might be effective in reducing recidivism, but using a more conservative approach, there was no significant effect. More importantly, perhaps, the 7 highest quality studies showed no significant effects of EM vs. some comparison.

More interesting is the fact that when EM was compared to "business as usual" in that jurisdiction (typically unmonitored community sentences), there were *no* significant differences. But when EM in the community was compared to imprisonment, the results favoured EM. Taken together, these findings challenge the idea that EM reduces reoffending. It is quite plausible that the EM vs. imprisonment comparisons are simply another illustration of a negative impact of imprisonment (compared to a community sanction with or without EM). However, looking only at the positive effects – where EM was associated with reduced reoffending – there is little evidence in this study that allows one to make "confident identification of the mechanisms that produce the effect of EM on recidivism" (p. 15).

Finally, EM is considerably more expensive than ordinary supervision in the community, though it is almost certainly less expensive than imprisonment.

Conclusion: The most obvious conclusion from this thorough review is that the effects of electronic monitoring (EM) on reoffending are likely to vary across circumstances and populations of offenders. Thus whether the recidivism rates of those in the community are compared to other community sentences without EM or imprisonment will make a difference. And the type of offender may also make a difference. Hence it would seem that the one firm conclusion from the research on EM is that any jurisdiction thinking of implementing a new program involving EM should evaluate it carefully looking not only at recidivism but also costs – to the justice system as well as to those who are subject to it.

Reference: Belur, Juoti, Amy Thornton and four others (2020). A Systematic Review of the Effectiveness of the Electronic Monitoring of Offenders. *Journal of Criminal Justice*, 68, 1-18.