Criminological Highlights: Children and Youth

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

1. Does employment reduce offending for ‘high risk’ youths?
2. Do transfers to adult court hurt youths’ life chances?
3. How can school policies affect crime?
4. Why is it in the public interest to allow people to free themselves from their criminal records?
5. Does what men look like affect the sentences they receive?
6. Do drug courts encourage police to charge minor drug offenders?

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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Regular – but not temporary – employment or receiving public assistance can reduce property offending by youths released from a treatment facility at age 18.

It is possible that the stability that regular employment demands in a person’s life explains why regular, but not temporary, employment appears to reduce property crime. That apparent stability did not carry over to violent crime: employment of any kind had no impact on violent crime. Receiving public assistance – a form of social welfare provided to the most disadvantaged residents of The Netherlands where this study was carried out – did reduce property offending. However, the fact that no type of social welfare program or employment affected violent offending suggests that violent offending is largely a function of factors other than a person’s financial circumstances.

Youths charged with offences in late adolescence and then transferred to adult court are likely to earn less money when they reach their early 20s in large part because they have spent considerably more time in custody than youths who remained in youth court.

Taken together, these studies suggest that there probably is not an overall impact of transfer to adult court on the level of educational attainment, but transfer clearly does impede the ability of young adults to earn a living, in large part because youths transferred to adult court spend more time incarcerated and less time in the community. One limitation of these studies is that they followed the youths only until they were in their early 20s. Nevertheless, given the known lack of deterrent value of juvenile transfers and the harmful impacts of imprisonment (on youths and adults), the two studies raise serious questions about the value of juvenile transfers.

Being suspended from school increases the likelihood of being arrested.

Previous work “demonstrates that youths who experience punitive punishments are likely to find themselves in prison due, in large part, to dropping out of school” (p. 648). In addition, however, while “prior work has shown that punitive school discipline can lead to a whole host of destructive outcomes within school, such as diminished academic performance, grade retention, and decreased extracurricular participation, [the] findings [in this study] show that school discipline may serve as an important negative turning point setting youth up for additional formal sanctions even when they remain in school” (p. 648). The results imply that although suspension from the perspective of the school may at least temporarily rid the school of a problem, the long term impact on society may well be to increase the negative consequences for the youths who are suspended.

Allowing people with criminal records to work in jobs that are presumptively restricted to those without criminal records reduces the likelihood that they will re-offend.

Enabling those with criminal records to obtain employment that would otherwise be unavailable to them appears to reduce subsequent offending. The job applicants in this study were, on average, about 39 years old. Previous research (Criminological Highlights 4(3)#6) has suggested that employment for those over age 27 is particularly likely to reduce reoffending. It would appear that there are advantages to both those who have offended and society more generally to reducing the barriers to employment for those once arrested or convicted.
People being sentenced whose faces are independently judged to be attractive (or young and innocent-looking) are less likely to be perceived as threatening and less likely to be sentenced to prison.

The results of this study appear to support the conclusion that “the power of facial appearance to prejudice perceivers could lead to alarming bias in the criminal justice system” (p. 536). The findings “reveal that defendant appearance invokes social attributions that connect certain offenders to enhanced impressions of danger, violence, culpability, and suitability to prison” (p. 538). Obviously the sentencing guideline and the criminal history score were important factors in determining the sentence these offenders received. But above and beyond these factors certain facial characteristics (e.g., low attractiveness) were associated with a higher likelihood of receiving a sentence of imprisonment.

The presence of a drug court in a community can encourage police to bring minor drug cases to court that otherwise they would have ignored.

“Drug courts were developed to aid the expansion of alternatives to incarceration for individuals with drug or alcohol dependencies who were charged with non-violent [offences]…. However, arrests for misdemeanor drug offences increased substantially during the 12 years following creation of this experimental program in 1989. Regression analyses in this study provide clear evidence that cities and counties that created drug courts experienced increases, rather than declines in arrest for misdemeanor drug use and possession” (p. 690). It seems likely, therefore, that the availability of drug courts encourages police to bring minor drug users to court.
Regular – but not temporary – employment or receiving public assistance can reduce property offending by youths released from a treatment facility at age 18.

The effect of employment on crime is not straightforward. Although it might be logical to assume that crime – especially property crime – would be less frequent if a person was employed, this relationship is not as simple or universal as some might think (see *Criminological Highlights*, 4(3)#6, 6(4)#5, 8(6)#4, 10(2)#3, 13(3)#5, 14(2)#7, 14(5)#7, 15(3)#3, 15(5)#3).

The analysis in this study allows one to estimate not only the effect of employment on crime (property and violent), but also the effect of engaging in crime on subsequent employment. In addition, it allows one to separate out the effect of third variables that might lead to both unemployment and crime, for example “individual preferences and abilities that select individuals into offending [and] … into unemployment” (p. 183). Such preferences and ability could suggest, spuriously, that there was a causal relationship between unemployment and crime.

In this study, 270 male youths who spent at least 2 months in a ‘judicial treatment institution’ in The Netherlands were followed from age 18 to 32. 92% had committed at least one offence prior to age 18. Monthly data were collected from government files on temporary or continuing employment, as well as unemployment insurance, disability insurance and public assistance (a welfare payment providing the minimum income needed for subsistence). Offending was measured as convictions for offences (identified by month of the offence) that took place during this 14 year period. Controls were included for whether the person was incarcerated, married, or a parent.

As with other ‘high risk’ offenders, this group had a relatively low employment rate: on average only 31% were employed in any given month, with about 74% of those who had any employment having regular employment. In the sample as a whole, property crime declined with age; violent crime did not.

Regular employment (where a person was on the payroll of an employer) significantly reduced a person’s subsequent property offending. Temporary employment had no effect on a person’s subsequent property offending. Neither regular nor temporary employment had an effect on violent offending.

Whether or not a person received any type of social welfare (unemployment insurance, disability insurance, or public assistance) had no overall effect on subsequent property or violent offending. However, receiving public assistance – a form of social welfare provided to the most disadvantaged residents of The Netherlands where this study was carried out – did reduce property offending. The fact that no type of social welfare program or employment affected violent offending suggests that violent offending is largely a function of factors other than a person’s financial circumstances.

Conclusion. It is possible that the stability that regular employment demands in a person’s life explains why regular, but not temporary, employment appears to reduce property crime. That apparent stability did not carry over to violent crime: employment of any kind had no impact on violent crime. Receiving public assistance – a form of social welfare provided to the most disadvantaged residents of The Netherlands where this study was carried out – did reduce property offending. However, the fact that no type of social welfare program or employment affected violent offending suggests that violent offending is largely a function of factors other than a person’s financial circumstances.

Youths charged with offences in late adolescence and then transferred to adult court are likely to earn less money when they reach their early 20s in large part because they have spent considerably more time in custody than youths who remained in youth court.

There is a substantial amount of information supporting the conclusion that transfers of youths accused of committing crimes to adult court do not have specific or general deterrent impacts (Criminological Highlights, 1(3)#2, 1(5)#5, 3(5)#5, 6(6)#2, 8(4)#7). More generally, transfers do not reduce subsequent offending. These two papers examine whether transferring youths to adult court has an impact on educational attainment and income.

Both papers use data from the “Pathways to Desistance” project that followed youths for seven years after they were found guilty of serious offences when they were 14-17 years old. The project was carried out in two locations: Philadelphia and Phoenix. The study by S (see references) looked at males and females from both cities. The A&L study looked only at males from Phoenix. Each used ‘propensity score matching’ in an effort to equate youths who were transferred or to those dealt with in juvenile court. The exact methods of matching varied somewhat, as did the statistical analyses. Given the similarity of the results across studies, these differences indicate that the results are not a result of a particular operationalization of the constructs.

Both papers examine the impact of transfers on the educational prospects and on employment or earnings of the youths. The S study used a composite measure for employment (including hours worked and income earned) during the first four years after the decision on where the case would be heard or the full seven years. The A&L study, in contrast, looked at average hourly wage and average hours worked during years 6 and 7 (at the end of the follow-up period only).

Taken together, the two studies suggest that the overall educational attainment of those transferred and those allowed to remain in juvenile court were similar, though the transferred youths were more likely to receive a high school equivalency rather than a high school diploma. On income, the A&L study suggests that, in years 6 and 7, the youths who were transferred made less money. This, however, is apparently because the transferred sample spent, on average, a higher proportion of those two years out of the community (i.e., in custody) compared to the youths adjudicated in youth court. Indeed, the S study, which looked at the 7 year follow-up period as a whole, found that youths who were transferred did, in fact, fare worse on employment outcomes. However, when time in the community was adequately controlled for, there was no overall effect of the court in which the youths were adjudicated. This was true for both the 4-year and the 7-year follow-up periods.

**Conclusion:** Taken together, these studies suggest that there probably is not an overall impact of transfer to adult court on the level of educational attainment, but transfer clearly does impede the ability of young adults to earn a living, in large part because youths transferred to adult court spend more time incarcerated and less time in the community. One limitation of these studies is that they followed the youths only until they were in their early 20s. Nevertheless, given the known lack of deterrent value of juvenile transfers and the harmful impacts of imprisonment (on youths and adults), the two studies raise serious questions about the value of juvenile transfers.

Being suspended from school increases the likelihood of being arrested.

Though it is obvious that youths who are suspended from school are likely to be more troublesome than those who are never suspended, an important question, from a policy perspective, is whether being suspended increases, decreases, or does not affect the likelihood that a youth will get into more trouble in the future.

This paper uses data from the US National Longitudinal Study of Youth collected in four waves between 1997 and 2000. Each time youths were interviewed, starting when they were 14 years old, they were asked if they had received a school suspension in the previous year. They were also asked if they had been arrested since the previous interview. Across the whole period, 14.5% of the youths had been arrested at least once. Within each wave, about 11% of the sample reported receiving a school suspension. Youths were also asked about their own delinquencies; the number of delinquent acts engaged in over the prior year was used as a control variable. Other control variables included race, age, gender, and family income.

The analysis examines two ways in which suspensions could affect arrests. First, it examined the effect of a suspension in one period on a youth’s likelihood of arrest after being suspended. Second, it looked across youths at the impact on arrests of the number of years in which the youth experienced a suspension from school.

Black youths, males, older youths, those from low income families, and youths who reported higher levels of delinquency were more likely to be arrested. But holding these factors constant, school suspensions had additional effects on arrest. Youths who were suspended were more likely to report being arrested in years in which they were suspended than in years they were not. Looking across individuals, and controlling for these theoretically important factors, the more times youths were suspended, the higher the likelihood that they would be arrested by the police.

“These findings suggest that school discipline functions as a negative turning point for some youth. Prior work... has shown that contact with the criminal justice system often begets increased contact with the criminal justice system in the future” (p. 645). Furthermore, these data show that “even when youths stay in school [after being suspended] but receive formal punishment, they are likely to experience [additional] formal contact with the criminal justice system through arrest” (p. 646).

Conclusion: Previous work “demonstrates that youths who experience punitive punishments are likely to find themselves in prison due, in large part, to dropping out of school” (p. 648). In addition, however, while “prior work has shown that punitive school discipline can lead to a whole host of destructive outcomes within school, such as diminished academic performance, grade retention, and decreased extracurricular participation, [the] findings [in this study] show that school discipline may serve as an important negative turning point setting youth up for additional formal sanctions even when they remain in school” (p. 648). The results imply that although suspension from the perspective of the school may at least temporarily rid the school of a problem, the long term impact on society may well be to increase the negative consequences for the youths who are suspended.

Allowing people with criminal records to work in jobs that are presumptively restricted to those without criminal records reduces the likelihood that they will re-offend.

There is a substantial amount of information suggesting that people with criminal records have a difficult time getting employment and housing. Obtaining employment is one of the reasons that people attempt to have their criminal records suppressed (Criminological Highlights 6(3)#2, 15(3)#5, 15(2)#6, 16(3)#2). This paper examines the question of whether allowing people to avoid the negative impact of a criminal record on obtaining employment reduces subsequent re-offending.

Specifically, the paper examines the impact of waiving a normal prohibition against hiring people with criminal records (i.e., arrests or convictions). It focuses on a specific type of employment in which many job applicants have criminal records: Low wage jobs in the health care industry for which people do not need a specific license (such as those required of doctors or nurses), but do have contact with patients. These were generally unskilled jobs in facilities such as nursing homes, assisted living residences, etc. 71% of the applicants were women; 50% were Black.

The criminal background check for those wishing to be employed in these jobs in New York State involved a two stage process. A person could apply for the position, and then, if they had no record (only 48% of all applicants), they would be cleared for the job. Alternatively, a person with a record would normally be initially and tentatively denied the position, but would be invited to provide evidence of rehabilitation to reverse the proposed denial. “About 59% of those with criminal records did submit evidence of rehabilitation. 52% of those who submitted evidence of rehabilitation were cleared for employment. Those who had criminal records but did not submit evidence of rehabilitation were automatically denied the possibility of employment.

Information on criminal justice involvement of all job applicants was collected for the 3 years after the application was submitted. Only about 9% of the job applicants with criminal records reoffended, though this rate was, not surprisingly, considerably higher for men than for women (approximately 11.2% for men and 7.1% for women). Older job applicants were less likely to reoffend.

There was a 4% reduction in reoffending over the 3-year period for those cleared for work. In the context of a reoffending rate of around 10%, this reduction is obviously quite substantial. Given their higher base rate of offending, it is not surprising that the beneficial effect of being cleared for work was larger for men than for women. There was essentially no impact on being cleared for work for older women, a finding that also isn’t surprising, given that they had low reoffending rates overall, whether cleared for employment or not.

Most, but not all, of those cleared for work did, in fact, get jobs. It appears that the large reduction in reoffending by men who were cleared for employment “can be explained by increased employment opportunities in the health-care industry that would otherwise be unavailable” (p. 196).

Conclusion: Enabling those with criminal records to obtain employment that would otherwise be unavailable to them appears to reduce subsequent offending. The job applicants in this study were, on average, about 39 years old. Previous research (Criminological Highlights 4(3)#6) has suggested that employment for those over age 27 is particularly likely to reduce reoffending. It would appear that there are advantages to both those who have offended and society more generally to reducing the barriers to employment for those once arrested or convicted.

People being sentenced whose faces are independently judged to be attractive (or young and innocent-looking) are less likely to be perceived as threatening and less likely to be sentenced to prison.

There is a long history of social science research suggesting that what people look like affects the manner in which they are judged by others. “People routinely make character judgements based on physical appearance and… these judgements are consequential for individual life outcomes” (p. 520).

This study extends this line of research into decision-making in the criminal justice system by examining the sentencing outcomes for a random sample of 1,119 male felony defendants who were sentenced under the Minnesota Sentencing Guidelines in the Minneapolis-St. Paul metropolitan area.

Standardized colour facial ‘booking photos’ were located for these offenders. Each of these photos was rated by four people (2 males and 2 females; two Blacks, 1 White, and 1 Hispanic) on perceived dangerousness, violence, blameworthiness, and ability to serve time in prison. The people doing the rating had no information about any of the people in the photos. The four scores were averaged across raters. A score of “threatening appearance” was created by combining the four highly correlated measures. In addition, the defendant’s race and the presence of tattoos and scars were assessed (from the photo) as was the defendants’ perceived attractiveness and whether the defendant was described as “baby- vs. mature-faced.”

The sentence received was categorized as a non-prison sentence, a suspended prison sentence, and a prison sentence. Various controls were taken into account: the presumptive sentence under the guidelines, the offender’s age, criminal history, offence type, whether the accused had a private attorney, and whether the accused was convicted at trial.

Above and beyond the control factors, Blacks offenders were seen as more threatening and Asian Americans were seen as less threatening than White offenders. Those who were judged as being attractive, being “baby-faced” and not having scars or tattoos were seen as less threatening.

Those defendants judged to be more attractive or baby-faced were more likely to be sentenced leniently even when other legally relevant factors (e.g., the presumptive sentence, the offence and the criminal history) were taken into account. Interestingly, however, whether or not the offender was judged to have a ‘threatening appearance’ did not seem to be independently important in determining the sentence.

Conclusion: The results of this study appear to support the conclusion that “the power of facial appearance to prejudice perceivers could lead to alarming bias in the criminal justice system” (p. 536). The findings “reveal that defendant appearance invokes social attributions that connect certain offenders to enhanced impressions of danger, violence, culpability, and suitability to prison” (p. 538). Obviously the sentencing guideline and the criminal history score were important factors in determining the sentence these offenders received. But above and beyond these factors certain facial characteristics (e.g., low attractiveness) were associated with a higher likelihood of receiving a sentence of imprisonment.

There are three reasons to be concerned that the presence of a drug court in a community might lead to increased arrests: (1) that drug courts are seen as an effective tool to control (drug related) crime in a community; (2) The belief that law is an effective therapeutic tool to link drug-related offenders, who are viewed as being sick or injured, with appropriate services; (3) The belief that through a community restorative drug court process family, friends, etc., can be mobilized to find effective solutions to problems the accused person is believed to be facing. One problem is that studies of participants in drug court suggest that many (perhaps a third) score below the minimum threshold for drug dependency. One study found that only 6% of drug court participants were above the moderate range of addiction severity. Drug courts, in other words, appear to have a large number of “clients” who don’t have drug addiction problems.

This study examines drug arrests during a period when many cities were just beginning to create drug courts (1990-2002). The main focus was on arrests for drug use in each of 8,137 US jurisdictions during this time. The hypothesis tested was a simple one: drug use arrests (per 10,000 residents) might be expected to increase in the years after a city created a local drug court. Various characteristics of each jurisdiction were controlled for including support for and size of police services, arrests for disorder offences, as well as the racial makeup of the community, proportion of the population age 15-24, average income, and employment rate.

The analysis was one that “allowed pre-post comparisons among drug court jurisdictions while including non-participating jurisdictions as a control for overall nationwide trends in drug arrests. As such, the relative change in arrest rates was compared both within drug court jurisdictions (before and after) and between these jurisdictions [that had drug courts] and those that were never served by a drug court” (p. 689-690). Obviously, however, since drug courts are not implemented on a random basis, causal inferences should be made with caution.

Looking across all cities, arrests for serious crime and disorder decreased, but the rate of arrests for drug offences increased. More importantly, there was a significant increase in drug arrests, during this period (1990-2002), after a jurisdiction implemented a drug court. Various analyses were carried out (e.g., looking at relatively large and small cities separately, looking only at counties (and excluding cities and townships). The results were the same: the implementation of a drug court in a jurisdiction was associated with an increase in the likelihood that police would charge minor drug offenders.

Conclusion: “Drug courts were developed to aid the expansion of alternatives to incarceration for individuals with drug or alcohol dependencies who were charged with non-violent [offences]…. However, arrests for misdemeanor drug offences increased substantially during the 12 years following creation of this experimental program in 1989. Regression analyses in this study provide clear evidence that cities and counties that created drug courts experienced increases, rather than declines in arrest for misdemeanor drug use and possession” (p. 690). It seems likely, therefore, that the availability of drug courts encourages police to bring minor drug users to court.