Criminological Highlights: Children and Youth

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

1. Does pretrial detention for people accused of minor crimes contribute to public safety?
2. How are youth justice policies and health care needs linked?
3. What approach to reducing firearms deaths might work?
4. What are some of the necessary conditions that one should look for in youth justice treatment programs?
5. When homicide rates suddenly spike, should we be worried?
6. Are youths who have been found guilty of homicide offences especially dangerous when they are released into the community?

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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Full issues of Criminological Highlights are available at www.criminology.utoronto.ca and directly by email. Email Anthony.Doob@utoronto.ca or Rosemary.Gartner@utoronto.ca if you would like to be added to the email distribution list. The Children and Youth edition is also available from www.ncjj.org and www.ncjfcj.org

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Pretrial detention for minor offences is risky both for the accused person and for society. In comparison to being released while awaiting trial, detention in custody prior to trial for misdemeanour offences appears to be a cause of increased rates of pleading guilty, being sentenced to prison, and committing further crimes when released.

Those who are not released after arrest are dealt with more harshly by the system. But in addition, looking at the cumulative effect of being detained on new misdemeanour charges, it is clear that the short term incapacitative impact of being detained is short lived. Only for the first 19 days after the bail hearing (during which many of the accused who were detained were in jail) is the incidence of misdemeanours for detainees below that of those who obtained release. After 19 days, those accused who were detained are more likely to have been charged with a misdemeanour (during the period after their bail hearings) than those who were released immediately after their bail hearings. For new felonies, the incapacitative impact of detention lasts longer. But three months after their bail hearing, those detained are more likely to have been charged with a felony.

Experiencing incarceration as a youth has long term negative impacts on adult physical and mental health.

The results “suggest that incarceration during adolescence and early adulthood is independently associated with worse physical and mental health outcomes during adulthood. This relationship holds even when accounting for baseline health and key social determinants of health” (p. 7). The findings in this paper suggest, therefore, that incarceration can have serious long term effects on a person’s health. Given that previous research (e.g., *Criminological Highlights* 11(4)#3, 12(5)#7, 12(1)#8, 10(6)#1) has demonstrated that the incarceration of youths does not reduce rates of re-offending, it would appear there is little public safety benefit but substantial harm that can come from unnecessary incarceration.

There are more firearms owned by Americans than there are adults living in the country. From a practical perspective, the best strategy to reduce firearms homicides might be to concentrate on methods of making it more difficult to obtain firearms for criminal purposes.

“Gun regulations have… been carefully evaluated and shown effective at reducing criminal misuse of firearms.” But not all regulations have been shown to be effective. “In particular, jurisdictions that adopt regulations but do not enforce them will be disappointed” (p. 27). But it needs to be remembered that “the primary consequence of an assailant using a gun rather than a knife… is the likelihood that the attack will be fatal. Guns intensify violence. In that sense, separating guns from violence can be viewed as a mitigation strategy. The cost of any given volume of violence is keenly sensitive to the types of weapons used” (p.29).

Programs for youths in conflict with the law aren’t of much value unless they (1) identify the factors related to why the youth offended, (2) match the youth to interventions likely to address those factors, (3) deliver the interventions as they are designed, and (4) do so with an intensity and duration that has been demonstrated to make a difference.

The findings underline the importance of individualized matching of services to the specific needs of a youth, rather than addressing the general needs of all youths who find themselves in a youth custody facility. But in addition, “receiving adequate dosages of matched services for adequate lengths of time matters” (p. 55). Although the modest reduction in reoffending found in this study (about 15% fewer recidivists in the group that received proper treatment) may not seem large, these data clearly show that properly delivered treatment is better than no treatment or treatment inappropriately assigned and/or delivered.
Spikes in homicide rates in several US cities following police officer shootings of minority citizens are best explained as being the kind of random variation one expects with relatively rare events.

“Many of the potential explanations [for apparently higher than expected homicide rates in some cities] popular in the media appear to be cherry-picked to fit a popular narrative” (p. 135). There is a tendency to think, when a city’s homicide rate is unusually high, that there is something ‘new’ happening. This ignores what we know about the distribution of unusual events. The search for ‘causes’ of anomalous looking changes in crime rates needs to be carried out systematically rather than on an ad hoc basis.

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When Canadian youths found guilty of homicide offences are released from prison, their offending patterns are indistinguishable from those who were imprisoned for non-homicide offences.

The findings from this study “stand in contrast to early clinical conceptions of youth homicide offenders as a homogeneous and uniquely dangerous group with a propensity for serious violence…” (p. 31). In reality, these Canadian youth homicide offenders were indistinguishable in their reoffending rates and patterns from other youths who were incarcerated during the same period. The findings suggest that from an offending perspective, the fact that these youths have committed the most serious criminal offense possible does not appear to make them more likely to offend after they have served their sentences and been returned to the community.

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Pretrial detention for minor offences is risky both for the accused person and for society. In comparison to being released while awaiting trial, detention in custody prior to trial for misdemeanour offences appears to be a cause of increased rates of pleading guilty, being sentenced to prison, and committing further crimes when released.

There is no doubt that in many jurisdictions those detained are more likely than those released while awaiting trial to be found guilty, receive longer sentences, and, when released, commit more offences. This is, of course, what one might expect if those who were detained are more serious offenders. This article, however, presents evidence that these effects are due to pre-trial detention, not to the nature of the defendant (consistent with Criminological Highlights 17(2)#7). In other words, pretrial detention causes negative outcomes and a higher likelihood of committing more offences.

There are a number of reasons why detained defendants might experience worse outcomes than equivalent defendants who achieve pretrial release. They may plead guilty (whether guilty or not) simply to end their pretrial detention; it is more difficult or impossible for them to prepare a defence or prepare a sentencing plan that would be acceptable to the prosecutor and the court; and they cannot demonstrate positive behaviour in the community. In terms of reoffending, there is a fair amount of evidence that imprisonment has harmful effects.

This study uses data from Harris County, Texas (the third largest county in the US) on 380,689 cases filed between 2008 and 2013. Data on the accused (charges, criminal history, etc.) were combined with information about bail (dollar amount set and whether the accused was released). These data were linked with data on the defendant’s neighbourhood. Not surprisingly, accused from poor neighbourhoods were much more likely to be detained, even when looking at those with no previous records. The seriousness of the offence was unrelated to the wealth of the neighbourhood.

A regression analysis was carried out to test the effects of pretrial detention on conviction. Controls were included for the offence, demographics, neighbourhood of residence, criminal history, whether the accused made a claim that they could not afford a lawyer, and the bail amount. Even with all of these controls, those who were detained in pretrial custody were more likely to be convicted.

Similar analyses were carried out on other outcomes: whether the accused pleaded guilty, whether the accused received a prison sentence, and the length of the prison sentence. In all cases, those who were detained were disadvantaged. Separate analyses were carried out for various sub-groups: those with and without prior charges, citizens and non-citizens, whites and non-whites, the most serious current offence broken down into 5 categories, three different bail amounts, and the accused’s neighbourhood divided into 4 groups by income level. The disadvantages (conviction, incarceration sentence) showed up for all subgroups. A separate set of analyses, taking advantage of the fact that people are more likely to be released on certain days of the week demonstrated, once again, that those accused people who were detained were disadvantaged.

Conclusion: Those who are not released after arrest are dealt with more harshly by the system. But in addition, looking at the cumulative effect of being detained on new misdemeanour charges, it is clear that the short term incapacitative impact of being detained is short lived. Only for the first 19 days after the bail hearing (during which many of the accused who were detained were in jail) is the incidence of misdemeanours for detainees below that of those who obtained release. After 19 days, those accused who were detained are more likely to have been charged with a misdemeanour (during the period after their bail hearings) than those who were released immediately after their bail hearings. For new felonies, the incapacitative impact of detention lasts longer. But three months after their bail hearing, those detained are more likely to have been charged with a felony.

Experiencing incarceration as a youth has long term negative impacts on adult physical and mental health.

It is not surprising that youths and adults who are incarcerated have high rates of unmet physical and mental health needs since incarcerated youths and adults are likely to come from economically – and medically – disadvantaged backgrounds. This paper attempts to determine if incarceration is a likely cause of health problems.

There are reasons to suspect that the relationship between incarceration and health may not be causal: The ‘risk’ factors for poor health and incarceration (e.g., poverty, drug use) may be the same and people with poor health may be at higher risk for incarceration. In this paper, in order to establish a causal ordering of the relationship between incarceration and health, data were used from 14,344 participants in a 14-year longitudinal survey of youth in which the causal ordering could be disentangled.

Youths who participated in this survey were classified by how much time (before age 25) they spent incarcerated (none, <1 month, 1-12 months, and >1year) after the first interview and before the final interview. Health measures were obtained at the first interview (before possible incarceration) and at the final interview (after possible incarceration). Hence it was possible to control for pre-incarceration characteristics of the youth. Measures of self-reported adult general health, whether the person reported any symptoms of depression, and (at the end of the study) whether the respondent had seriously considered suicide were obtained in the first wave of data collection (prior to when some were incarcerated) and 14 years later (after some had been incarcerated). Various control variables that are likely to be associated with incarceration and health were obtained including not only the health measures at the beginning of the study but also sociodemographic measures (race, income, education) and various family and school measures.

14% of respondents experienced some incarceration, mostly for short periods. Even after controlling for demographic variables, connectedness with school and school performance, level of delinquent behaviour, drug use, family structure, parental incarceration, and initial health status, the experience of incarceration was associated with worse adult general health, more depressive symptoms, and suicidal thoughts. In general, longer periods of incarceration were associated with the worst physical and mental health. These same effects were found when the study excluded those who were first incarcerated after age 24.

Conclusion: The results “suggest that incarceration during adolescence and early adulthood is independently associated with worse physical and mental health outcomes during adulthood. This relationship holds even when accounting for baseline health and key social determinants of health” (p. 7). The findings in this paper suggest, therefore, that incarceration can have serious long term effects on a person’s health. Given that previous research (e.g., Criminological Highlights 11(4)#3, 12(5)#7, 12(1)#8, 10(6)#1) has demonstrated that the incarceration of youths does not reduce rates of re-offending, it would appear there is little public safety benefit but substantial harm that can come from unnecessary incarceration.

There are more firearms owned by Americans than there are adults living in the country. From a practical perspective, the best strategy to reduce firearms homicides might be to concentrate on methods of making it more difficult to obtain firearms for criminal purposes.

The crime figure that distinguishes the US most dramatically from most western democracies is its homicide rate. Firearms play a heavier role (73% of homicides) in the US than in most countries. Although there are more guns in the US than adult Americans, fewer than a third of US households have any firearms, meaning, obviously, that many gun owners have more than one firearm.

Although sales of new firearms – and handguns in particular – have increased dramatically since 2006, the proportion of individuals and households in the US with firearms has been decreasing steadily since 1980. In 2014 31% of households (22% of individuals) had one or more firearms. Fewer people now may own more guns but those who do own guns own more of them. To reduce firearms homicides, however, it may be useful to focus on the ease of obtaining one for criminal purposes since reducing overall availability appears to be politically unlikely.

The slogan that “guns don’t kill, people do” ignores one important fact: the ‘case-fatality rate.’ Crimes committed with firearms (especially high caliber firearms) are dramatically more likely to result in death than crimes committed with other weapons (e.g., knives). The more accurate slogan might be that “people commit offences but guns turn them into homicides.”

It is estimated that only about 10% of firearms used in crime were obtained legally. Most are obtained from friends, family, or from street contacts. Many are borrowed. “A variety of empirical research suggests that the availability of guns in a community affects the likelihood that a firearm will be used in assaults and robberies” (p. 24). Looking at changes in gun availability across states over time “suggests that more guns lead to more homicides” (p. 24), a result driven entirely by gun homicides. But it is not a case of ‘more guns – more crime’. Rather it is simply that the same crime carried out with a gun is much more likely to involve a death.

It is also, now, very clear that “deregulation of gun carrying… has undermined public safety” (p. 9), meaning that laws that restrict the ability of people to carry (concealed) firearms appear to be effective. Most firearms used against people are handguns. Guns recovered in states with tight firearms legislation (e.g., that restrict in some way easy access to handguns) are likely to come from other states that have few regulations. When states loosen up their firearms regulations, it turns out that guns from those states become more likely to be used for crime in other states. Furthermore “strong evidence suggests that expansions in the categories of people disqualified from owning guns could save lives” (p. 26). Gun availability, then, causes deaths.

Conclusion: “Gun regulations have… been carefully evaluated and shown effective at reducing criminal misuse of firearms.” But not all regulations have been shown to be effective. “In particular, jurisdictions that adopt regulations but do not enforce them will be disappointed” (p. 27). But it needs to be remembered that “the primary consequence of an assailant using a gun rather than a knife… is the likelihood that the attack will be fatal. Guns intensify violence. In that sense, separating guns from violence can be viewed as a mitigation strategy. The cost of any given volume of violence is keenly sensitive to the types of weapons used” (p.29).

Programs for youths in conflict with the law aren’t of much value unless they (1) identify the factors related to why the youth offended, (2) match the youth to interventions likely to address those factors, (3) deliver the interventions as they are designed, and (4) do so with an intensity and duration that has been demonstrated to make a difference.

The “risk-need-responsivity” approach to program delivery suggests that reoffending can be reduced in high risk delinquent youths if services are matched to deficits that are amenable to change. But the desired changes in the youth will not occur unless the program is delivered in a manner and intensity that are consistent with the original program design that was evaluated.

A “Standardized Program Evaluation Protocol” established a few years ago evaluated interventions based on the risk level of the youth, the quality/fidelity of the intervention (adherence to the treatment protocol and training of the staff) and the dosage of the treatment that is provided (total hours and number of weeks of treatment).

This study looked at data from 344 youths who had been incarcerated in Florida youth facilities and were released in 2014/15. All youths received at least one intervention for one of the youth’s 3 highest ranked criminological needs. This group of youths received the target number of actual treatment hours recommended for the intervention and the treatment continued for the recommended number of weeks. They were successfully matched (with a technique called propensity score matching) with youths who were similar, but had not received treatment deemed to have all the necessary characteristics (i.e., appropriate to their needs and applied adequately). Recidivism was defined as a youth adjudication or adult conviction within one year of being released from the youth custodial facility. Those data show that the two groups were very similar on various background character and risks/needs.

The one year recidivism rate was 56% for the youths who did not receive the appropriate treatment or for whom the treatment was not delivered as recommended. For those who received the treatment they needed and the treatment was delivered in the intensity that was recommended, the recidivism rate declined to 47%. Analyses of risks (e.g., social skills deficits or alcohol/drug use) supported the conclusion that program appropriateness and intensity are both important factors in achieving change.

Conclusion: The findings underline the importance of individualized matching of services to the specific needs of a youth, rather than addressing the general needs of all youths who find themselves in a youth custody facility. But in addition, “receiving adequate dosages of matched services for adequate lengths of time matters” (p. 55). Although the modest reduction in reoffending found in this study (about 15% fewer recidivists in the group that received proper treatment) may not seem large, these data clearly show that properly delivered treatment is better than no treatment or treatment inappropriately assigned and/or delivered.

Spikes in homicide rates in several US cities following police officer shootings of minority citizens are best explained as being the kind of random variation one expects with relatively rare events.

Because homicides are rare events, one can expect that there will be a fair amount of volatility in year-to-year rates. Not surprisingly, we tend to focus on the years in which homicides increase. The years in which homicides decreased pass without notice. Hence, specific theories – such as the suggestion that homicide rates are up because police (in some US cities) are wary about doing ‘proper policing’ – find ‘support’ especially when one looks at small or moderate sized cities because there are always some cities in which homicides increase – sometimes dramatically – in a single year.

Using one Canadian metropolitan area (Edmonton) as an example, the number of homicides in the past 10 years shows dramatic year-to-year variation, but little overall trend (number of homicides, 2007-2016: 36, 40, 30, 31, 53, 33, 27, 40, 38, 47). The problem, in looking only at one year’s rate compared to the previous year is that it is impossible to determine whether recent increases are atypical. The problem with rare events, of course, is that small locations (e.g., small towns or cities) will almost certainly show the highest and lowest rates simply because small variations in numbers create large variations in rates. The size of the ‘random error’ is a direct function of the population size. Random variation, in this context, is analogous to a ‘coin flip’ experiment. On average, one can expect that people who flip a coin 10 times will be correct in predicting the outcome half the time. But if 100 people each flip a coin 10 times, at least 5 of them would be expected to be correct by chance at least 80% of the time. Separating chance from psychic powers or other causes is sometimes a challenge.

This paper uses homicide data for cities for which complete data were available for a given year from 1960 through 2015. Clearly anomalous data were excluded (e.g., the 9/11 deaths in New York City). In the end, the focus of the paper is on data from 562 cities with a population of over 100,000 at any point during this period.

A model was created for each city estimating the probability distribution of each city’s homicide rate in each year. This was done using the city’s average homicide rate across the period 1960-2014, and the average homicide rate for all cities for a given year. Given that one expects some random variation (everyone in the population has a certain non-zero probability of being a homicide victim), the research question the paper addresses is whether the variation in the rates which are observed in each city for each year is within the range of what would be expected given random variation. Because of missing data, this resulted in 27,208 city-years in which homicide rates were predicted and available.

The model was created using the data from 1960 through 2014. For that period, the variation between actual and estimated homicide rates was what one would expect based solely on random variation. Looking at 2015, the number of cities that had homicide rates much higher than was predicted was exactly what one would expect by chance. But if one looked, in isolation, at some of those ‘higher than expected homicide rate’ cities, some might look for an explanation when an explanation was not needed: the most parsimonious explanation appears to be that there is random variation in the world of crime, as elsewhere.

Conclusion: “Many of the potential explanations [for apparently higher than expected homicide rates in some cities] popular in the media appear to be cherry-picked to fit a popular narrative” (p. 135). There is a tendency to think, when a city’s homicide rate is unusually high, that there is something ‘new’ happening. This ignores what we know about the distribution of unusual events. The search for ‘causes’ of anomalous looking changes in crime rates needs to be carried out systematically rather than on an ad hoc basis.

When Canadian youths found guilty of homicide offences are released from prison, their offending patterns are indistinguishable from those who were imprisoned for non-homicide offences.

Although youth homicide offenders are sometimes portrayed as being especially likely to commit other serious offences, their developmental risk factors tend to be very similar to those of other serious and violent offenders.

This paper examines the offending of youths convicted of a homicide offence who were subsequently released from custodial sentences in comparison to other youths with serious criminal records: those incarcerated for violent offences other than homicide and those incarcerated for non-violent offences. Specifically, it examined, among other things, the overall recidivism rates of these three groups after release and whether there is a specific offending trajectory for youth homicide offenders that differs from that of other serious and violent youths released from custody.

The focus of the study is on youths released from British Columbia (Canada) custodial facilities. The sample of youth ‘homicide’ offenders (youths convicted of murder, manslaughter or attempted murder) was relatively small (n=26), but that reflects the fact that these cases are rare in British Columbia. In British Columbia, only 25 youths were sentenced to custody for a murder/manslaughter and an additional 8 for attempted murder in the 10 years ending in 2000. Prior to their conviction for the homicide offence, youth homicide offenders had fewer previous offences than other violent and non-violent young offenders who ended up in British Columbia’s youth prisons. This finding is in line with other studies of youth homicide offenders.

When gender and ethnicity were taken into account (and in a separate analysis that looked only at males), there was no association between offender type (homicide, other violent, non-violent) and adult recidivism. Offending patterns for these offenders were examined throughout the life course. Four trajectories were identified: adolescent limited, stable relatively low rate offenders, high rate offenders who by about age 25 became indistinguishable from adolescent limited offenders, and high rate persisting offenders whose rates decreased but by the time they were in their mid-late 20s were still higher than the other groups. Youth homicide offenders were distributed across these groups at equivalent rates to youth non-homicide offenders.

Conclusion: The findings from this study “stand in contrast to early clinical conceptions of youth homicide offenders as a homogeneous and uniquely dangerous group with a propensity for serious violence…” (p. 31). In reality, these Canadian youth homicide offenders were indistinguishable in their reoffending rates and patterns from other youths who were incarcerated during the same period. The findings suggest that from an offending perspective, the fact that these youths have committed the most serious criminal offense possible does not appear to make them more likely to offend after they have served their sentences and been returned to the community.