



Criminological Highlights: **Children and Youth**

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

1. Should schools suspend or expel youths who are involved in fights?
2. Is there evidence concerning the effects on crime of having police in schools?
3. Why do ordinary witnesses in court feel that courts don't want to hear their evidence?
4. When a witness mentions a detail of a crime a long time after an initial account is given, is this 'newly remembered' detail likely to be accurate?
5. What is the effect of the imprisonment of fathers on the behaviour of their young children?
6. How does the imprisonment of men affect their spouses?

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

The effect of harsh school policies on violent offending – those favouring suspension from school rather than sanctions carried out within school – can be counterproductive. For youths who tend to make careful decisions about their own lives, harsh school policies are associated with *increased* violent offending.

Some of the most common delinquency prevention programs involve improving adolescents’ cognitive skills, or, in the context of these findings, encouraging thoughtful and reflective decision making. However, these findings suggest that “harsher school disciplinary regimes disarm the process of cognitive reflection.” Though there was some evidence that simple harsh policies (suspensions from school) might be associated with lower levels of certain misbehaviour (being drunk in school) for those youths with “extremely weak cognitive skills”, these positive effects were offset by the fact that harsh school sanctions undermined the generally favourable impact of thoughtful decision making.

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There is no plausible empirical evidence to support the hypothesis that non-educational police involvement in schools reduces crime in schools.

It is surprising, given the amount of police resources being expended in school settings, that we do not know more about whether there has been a positive impact of increased police resources in schools. Furthermore, we know almost nothing about what might provide positive results. Clearly what is needed is a program of randomized assignment of schools to different ‘treatment’ conditions. Given that most communities have limited resources to assign to police in schools, and many cities have many schools in their public school systems, random assignment of schools to receive (or not receive) police programs could provide both a fair distribution of resources and an opportunity to determine whether a school-police program was effective.

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If courts are interested in hearing what witnesses experienced during an offence, they might want to consider encouraging witnesses to give an uninterrupted narrative of what happened.

Given the evidence favouring the accuracy of the narrative approach to gathering evidence, “permitting a greater measure of uninterrupted narrative testimony could raise evidential quality and improve lay people’s courtroom experience...” (p. 288). To some extent, there may be a trade-off between, on the one hand, allowing witnesses to recount their experiences in their own words, and, on the other hand structuring the evidence strictly according to rules of evidence (e.g., by forcing people to respond to questions with a ‘yes’ or ‘no’ rather than allowing them to explain the nuances of their answers).

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When witnesses don’t mention a detail of an event the first time they are asked to recall what they saw, but mention it when questioned later on, they may not be believed. However, in fact, they are just as likely to be correct as they are with facts mentioned when first questioned.

Ordinary people appear to believe that details of something that is witnessed which are recalled for the first time a long time after the event, but not immediately after, are likely to be inaccurate. In fact, this does not appear to be the case. In these studies, every ‘witness’ recalled at least one fact a long time after witnessing it but not immediately after the event, and most of these ‘reminiscences’ were, in fact accurate. In this study “Actual accuracy was [roughly] four times higher than expected [by those estimating it]” (p. 273). Given that ‘reminiscence’ (recalling of details later, but not earlier) is common, the fact that these memories tend to be about as accurate as immediate recall is important when evaluating eyewitness accounts.

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The incarceration of fathers leads to increased physical aggression in their 5-year old sons.

Perhaps the most important finding, from a policy perspective, is that “the effects of paternal incarceration on boys’ physical aggression are concentrated among boys of nonviolent fathers” (p. 304). For young boys, 3-5 years old, the incarceration of their fathers appears to cause an increase in aggressive behaviour. Whether this will translate into criminal behaviour when the child is older is, of course, not known. However, given that the increase in childhood aggressiveness from paternal incarceration is concentrated in families of non-violent offenders, an examination of sentencing policies for these offenders might be warranted.

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One of the collateral effects of imprisonment is that the imprisonment of the father of a young child increases the likelihood of a major depressive episode in the mother.

Incarcerating a child’s father appears to have a causal link with the onset of depression in the mother. It does not appear to be solely a ‘selection’ effect. Though changes in the quality of the relationship between the parents explained some of the effect of incarceration, changes in parenting experiences and economic well-being appear to be important in understanding why mothers whose partners are incarcerated are likely to suffer from major depression. Mothers whose partners are incarcerated experience depression in large part because it “leads to financial instability among mothers, further deterioration of already vulnerable relationships, and growing parental stress” (p. 234).

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The effect of harsh school policies on violent offending – those favouring suspension from school rather than sanctions carried out within school – can be counterproductive. For youths who tend to make careful decisions about their own lives, harsh school policies are associated with *increased* violent offending.

It has been suggested that “an individual’s ability to process information adequately and to consider available choices effectively” – sometimes referred to as “thoughtfully reflective decision making” – will be important in youths’ choices to avoid involvement in crime (p. 499). There is some evidence, however, that “settings with high levels of sanctioning [may] *disarm* individuals’ cognitive decision making processes and *attenuate* the effect of thoughtfully reflective decision making on delinquent behaviours” (p. 501).

As part of a survey of adolescents in Grades 7 through 12 in 132 American schools, school administrators were asked to indicate what the school does with a youth who is caught, for the first time, fighting with another youth. Almost 70% removed the youth from school temporarily or expelled them permanently from the school. Youths in these schools were assessed on their level of thoughtfully reflective decision making by asking their level of agreement with questions such as “When you have a problem to solve, one of the first things you do is to get as many facts about the problem as possible.” Youths also were asked about their own violent offending, generally, not just in school. Previous research would suggest that a substantial amount of youth violence takes place in or around school.

Overall, youths who generally engage in thoughtfully reflective decision making were less involved in violence. This effect held up even when various individual characteristics (e.g., sex, age, race, family

structure, school performance, prior levels of violence, and the amount of unstructured socializing they engaged in) were controlled statistically. In addition, youths attending schools that removed youths from schools after they were caught fighting were somewhat *more* likely to engage in violence.

However, the effect of thoughtful decision making on violence differed depending on schools’ policies. For youths attending schools that used less harsh (in-school) techniques of responding to fights, the youths who engaged in thoughtful decision making were less likely to be violent than were those who did not engage in thoughtful decision making. Most importantly, however, the extent to which the youth engaged in thoughtfully reflective decision making was essentially irrelevant for those youths who went to schools with harsh levels of punishment for violence. It appeared that engaging in thoughtful decision making was rendered irrelevant by harsh school discipline procedures.

Conclusion: Some of the most common delinquency prevention programs involve improving adolescents’ cognitive skills, or, in the context of these findings, encouraging thoughtful and reflective decision making. However, these findings suggest that “harsher school disciplinary regimes disarm the process of cognitive reflection.” Though there was some evidence that simple harsh policies (suspensions from school) might be associated with lower levels of certain misbehaviour (being drunk in school) for those youths with “extremely weak cognitive skills”, these positive effects were offset by the fact that harsh school sanctions undermined the generally favourable impact of thoughtful decision making.

Reference: Maimon, David, Olena Antonaccio, and Michael T. French (2012). Severe Sanctions, Easy Choice? Investigating the Role of School Sanctions in Preventing Violent Offending. *Criminology*, 50(2), 495-524.

There is no plausible empirical evidence to support the hypothesis that non-educational police involvement in schools reduces crime in schools.

Although students are typically safer from crime in schools than elsewhere in their communities and school crime in most locations does not seem to be increasing (see *Criminological Highlights* 2(2)#1, 4(4)#6), some crime does take place in schools. Not surprisingly, therefore, police in many countries have partnered with schools to reduce crime, especially violence, in schools. In the U.S., police presence in schools often increases after high profile school shootings take place. In addition, various special enforcement programs (e.g., searches) and laws (e.g., special penalties for the possession of weapons at or near schools) have been instituted.

However, “there has not been a systematic review of the evaluative evidence specific to the ‘policing schools’ area” (p. 82), though there have been some evaluations of programs in which the police teach a structured curriculum (e.g., on drug abuse resistance). This study examined the existing research in western countries on school-based, non-educational strategies in which the police have a dominant role. Thus the programs that were examined involved such things as “school resource officer” programs where officers are, in effect, assigned to particular schools and attempt to develop rapport with students, provide a positive role model for students, or address problems such as youth gangs.

A very thorough search of published and unpublished research literature was undertaken electronically and manually for papers that included at least one measure of crime or disorder (e.g., police reports, self-reports, school disciplinary records). Bibliographies of school research were scanned. Google searches using various search terms were undertaken. Experts in the area were contacted. For a study to be included in the analysis that eventually was carried out, it had to have an adequate research design. Most importantly, “simple pre-post designs (comparing a before and an

after period), which are quite common in policing studies, were not included... [Also not included were] studies that compared results for a [single] school [in which an intervention took place] to all statewide or city schools” (p. 84). These studies do not adequately control for other factors occurring at the time, long term trends, etc. In the absence of an *equivalent* control school (or schools) one cannot know whether the change was caused by the intervention. What is interesting, however, is that many of the simple, but inadequate, pre-post designs showed “large and dramatic decreases in school crime or student misbehaviour” (p. 92). This is not surprising given that police resources are often assigned to a particular school *because* of an unusual outbreak of violence that subsequently recedes on its own.

Perhaps the most remarkable finding of this study is that only 11 studies were located that met the eligibility criteria. Most of these 11 were quite weak methodologically. But even among these 11, *none* of the studies involved a randomized experimental design. And most, if not all, of the 11 studies that were located for the purposes of this review did not have fully adequate designs that would allow one to draw strong inferences even if there had been

positive results. In any case, *none* of these 11 studies showed favourable impacts of police presence in the schools.

Conclusion: It is surprising, given the amount of police resources being expended in school settings, that we do not know more about whether there has been a positive impact of increased police resources in schools. Furthermore, we know almost nothing about what might provide positive results. Clearly what is needed is a program of randomized assignment of schools to different ‘treatment’ conditions. Given that most communities have limited resources to assign to police in schools, and many cities have many schools in their public school systems, random assignment of schools to receive (or not receive) police programs could provide both a fair distribution of resources and an opportunity to determine whether a school-police program was effective.

Reference: Petrosino, Anthony, Sarah Guckenburg, and Trevor Fronius (2012). ‘Policing Schools’ Strategies: A Review of the Evaluation Evidence. *Journal of MultiDisciplinary Evaluation*, 8 (17), 80-101.

If courts are interested in hearing what witnesses experienced during an offence, they might want to consider encouraging witnesses to give an uninterrupted narrative of what happened.

“Procedures for giving testimony taken as normative by... judges and lawyers run against the way accounts of such events are given in normal social interaction” (p. 287). Quite often, however, court business is conducted “according to procedural conventions and in language that many lay people find bewildering and even unjust” (p. 288).

The challenge for the courts in receiving evidence from ordinary witnesses is to accomplish separate purposes simultaneously: receiving only the evidence that is legally admissible and, at the same time, giving witnesses the “opportunity to help the court see events from their perspective.” The origin of the conflict is simple: courts have rules that regulate testimony. These rules do not exist in ordinary conversations and make the presentation of evidence quite unnatural to most witnesses.

Part of the difficulty is that the limits on what witnesses can talk about – e.g. prior assaults that may have been declared inadmissible – make no sense to witnesses because they are, from the witness’ perspective, relevant to understanding the behaviour in question: why everyone acted in the manner that they did. Similarly, ordinary questions that might be asked in cross examination also make no sense from the perspective of the witness. For example, in one of the 65 crown court trials in England observed for this study, the following exchange occurred:

Defence lawyer: I suggest it was only 2 punches that you saw.

Witness: No, it was a fury of punches [demonstrating with her fists]... Why are you calling me a liar? You were not there. It was awful. You were not there.

Judge: ... Counsel is not suggesting he was there.... You are being cross-examined in a normal way....

Or in another assault case:

Crown: What eye was hurt?

Witness: I don’t know, as this wasn’t the first time I have received a black eye from [him]. He has quite a temper.

From the witness’ perspective the presence of multiple incidents explains her failure to remember which eye had been blackened. From the court’s perspective, the witness is introducing evidence, perhaps inadmissible, related to incidents not then before the court.

In addition, witnesses frequently feel that they did not have sufficient opportunity to respond to questions from the other party, often because the lawyer interrupted the flow of the narrative or because the witness had been asked to answer ‘yes’ or ‘no’. “A feeling that they should have said more, that important things were not elicited, was a common feature in witnesses’ post-trial interviews” (p. 301).

Although courts have a responsibility to establish what happened, they appear, for various reasons, to shun free narrative testimony. This is, of course, quite different from the police who often ask witnesses, victims, and accused people to

start by telling what happened in their own words. Aside from anything else, this is clearly quite different from the often fragmented, unnatural (e.g., non-chronological) manner in which evidence is elicited in court in which explanations for behaviour are often excluded.

Conclusion: Given the evidence favouring the accuracy of the narrative approach to gathering evidence, “permitting a greater measure of uninterrupted narrative testimony could raise evidential quality and improve lay people’s courtroom experience...” (p. 288). To some extent, there may be a trade-off between, on the one hand, allowing witnesses to recount their experiences in their own words, and, on the other hand structuring the evidence strictly according to rules of evidence (e.g., by forcing people to respond to questions with a ‘yes’ or ‘no’ rather than allowing them to explain the nuances of their answers).

Reference: Fielding, Nigel G. (2013). Lay People in Court: The Experience of Defendants, Eyewitnesses, and Victims. *British Journal of Sociology*, 64 (2), 287-307.

When witnesses don't mention a detail of an event the first time they are asked to recall what they saw, but mention it when questioned later on, they may not be believed. However, in fact, they are just as likely to be correct as they are with facts mentioned when first questioned.

Inconsistencies in witnesses' statements about what they recall are sometimes seen as indications that the statements are not accurate. The problem is that there are different forms of inconsistency. "While explicit contradictions necessarily imply that one statement is incorrect, the mere presence versus absence of a detail does not" (p. 266). Jury instructions, however, often talk about inconsistency without differentiating between these.

This paper examines two related phenomena: (a) the accuracy of items recalled for the first time after the person has witnessed an event and has already described that event; and (b) estimates, from a different group of people, of how accurate these 'reminiscences' are.

In the first study, undergraduate psychology students were shown a set of pictures. Immediately after being shown the pictures, and then again 5 minutes, 20 minutes, and 1 week later, they were asked to describe as many details as they could. They were unaware of the fact that there would be multiple tests. Items recalled for the first time 5 minutes, 20 minutes, or a week after they had been shown the pictures and had been tested were, in fact, very accurately recalled. Over 90% of these 'new' reports were accurate. Law students were asked to describe their *expectations* of accuracy for events first recalled at one of these three times. They indicated – incorrectly – that they thought that the accuracy of details recalled for the first time in the second and subsequent tests would be significantly lower than in the test that immediately followed the observation of the pictures.

In a second experiment, one group of students watched a short film clip and reported what they had seen. A week later, they were asked again to recall what they had seen. A different group of students were asked to guess how accurate such 'witnesses' would be. 'Witnesses' recalled slightly fewer items a week after viewing the film than immediately after (22.5 vs. 24.6), but the average accuracy of their reports (over 90% accurate) did not change significantly. Some items were recalled both times, some were only recalled at the first test and others were recalled only on the second test. 84% of the items recalled, for the first time, a week after viewing the film were, in fact, accurate. However, people estimated that only 19% would be accurate. Those items recalled immediately and a week later were accurate 93% of the time. Those estimating accuracy guessed that about 58% of these memories would be correct. Finally, those items recalled immediately, but not a week later, were accurate 91% of the time and people estimated that they would be accurate about 68% of the time.

Conclusion: Ordinary people appear to believe that details of something that is witnessed which are recalled for the first time a long time after the event, but not immediately after, are likely to be inaccurate. In fact, this does not appear to be the case. In these studies, every 'witness' recalled at least one fact a long time after witnessing it but not immediately after the event, and most of these 'reminiscences' were, in fact accurate. In this study "Actual accuracy was [roughly] four times higher than expected [by those estimating it]" (p. 273). Given that 'reminiscence' (recalling of details later, but not earlier) is common, the fact that these memories tend to be about as accurate as immediate recall is important when evaluating eyewitness accounts.

Reference: Oeberst, Aileen (2012). If Anything Else Comes to Mind... Better Keep It to Yourself? Delayed Recall is Discrediting – Unjustifiably. *Law and Human Behavior*, 36 (4) 266-274.

The incarceration of fathers leads to increased physical aggression in their 5-year old sons.

It is well established that the incarceration of a parent has collateral effects on families and communities (see *Criminological Highlights* 12(5)#1, 9(5)#6, 10(2)#2, 10(3)#2). “Seeing a father arrested, visiting him in prison, and dealing with paternal absence may traumatize children” (p. 285). When combined with diminished financial resources and generally less favourable parenting, the effects on children can be serious. This paper examines the impact of paternal incarceration on very young children’s level of physical aggression.

Using data from a longitudinal study of largely ‘at risk’ families, mothers were interviewed in hospital shortly after birth of the child, and again when the child was 1, 3, and 5 years old. The aggressiveness of the child was assessed from the mother’s report when the child was 3 and 5 years old. The focus of the study was on incarcerations that took place when the child was between 3 and 5 years old. In addition, data were collected on a large number of ‘risk’ factors including whether the father had been incarcerated prior to the child’s third birthday.

Children were matched at age 3 on their likelihood of experiencing paternal incarceration after their third birthday. Boys who experienced incarceration of their fathers after age 3 were reported to be more physically aggressive at age 5. This effect held even when the sample was restricted to families in which the father had been incarcerated at some time prior to the boy’s third birthday. For girls, however, the incarceration of the father after age 3 did not increase childhood aggression.

Various statistical tests “provided no evidence that changes in family life (aside from paternal absence and stigma) mediate the relationship between paternal incarceration and boys’ physical aggression” (p. 299). Other analyses suggest that “the first time boys experience paternal incarceration, they experience it as they would experience the separation of parents – with increasing aggression while the father is gone that dissipates when he returns. For boys who have already experienced paternal incarceration, a new bout of incarceration has large effects both during the incarceration and after it” (p. 301). Removing a father who was abusive to the mother had an independent effect of reducing aggressiveness at age 5. Thus for these families, “the benefits of having a [father who was abusive to the mother] removed from the household may outweigh the costs” (p. 304).

Conclusion: Perhaps the most important finding, from a policy perspective, is that “the effects of paternal incarceration on boys’ physical aggression are concentrated among boys of nonviolent

fathers” (p. 304). For young boys, 3-5 years old, the incarceration of their fathers appears to cause an increase in aggressive behaviour. Whether this will translate into criminal behaviour when the child is older is, of course, not known. However, given that the increase in childhood aggressiveness from paternal incarceration is concentrated in families of non-violent offenders, an examination of sentencing policies for these offenders might be warranted.

Reference: Wildeman, Christopher (2010). Paternal Incarceration and Children’s Physically Aggressive Behaviours: Evidence from the Fragile Families and Child Wellbeing Study. *Social Forces*, 89(1), 285-310.

One of the collateral effects of imprisonment is that the imprisonment of the father of a young child increases the likelihood of a major depressive episode in the mother.

In some communities – most notably low income minority communities in the U.S. – the incarceration of a parent is a relatively common event. Incarceration clearly can have important impacts – separation of partners, transforming an intact family into single parent family, diminished social and economic resources, and stigma which “spreads to people associated with inmates” (p. 217). This paper examines the impact of incarceration of fathers on mothers’ mental health.

Currently in the US, “one in four black children can expect to have a parent imprisoned during their childhood” and the parent (most commonly the father) is likely to be “absent during key developmental periods of their children’s lives” (p. 218). As a consequence, the incarceration of the father can affect children’s mental health which, itself, is likely to have a negative impact on the mother.

The difficulty in evaluating the impact of the incarceration of the father of a child on the mother’s mental health is that “mothers who share children with incarcerated men may suffer from high levels of stress whether or not the father was incarcerated” in part, perhaps, because of the characteristics of men who are sent to prison. Alternatively, mental illness, or “depression itself may be associated with mothers getting involved with incarcerated men” (p. 220).

This study examined the families of 3,826 children from a survey in which the parents (a disproportionate number of whom were identified as ‘at risk’) were interviewed when the child was 1, 3, and 5 years old. Standard measures of maternal depression and life dissatisfaction were

obtained from the mothers at the 3- and 5-year surveys. “Recent” paternal incarceration was defined as incarceration at least once between the 3- and 5-year surveys and characterized 20% of the sample. Incarceration prior to the 3-year interview (39% of the sample) was defined as “distal” incarceration. Various factors associated with paternal incarceration and maternal mental health were statistically controlled.

Recent paternal incarceration was associated with a much greater risk of maternal depression. Some – but not all – of the simple association could be explained by characteristics of the mother (e.g., that she had a parent who had experienced depression or she experienced material hardship), and an additional portion can be explained by characteristics of the father. Nevertheless, the relationship of the recent incarceration of the father to depression in the mother was still significant. The effect of the ‘recent’ incarceration held even for those who had been incarcerated prior to the 3-year interview, suggesting that the effect was not caused simply by characteristics of the mother or father.

Conclusion: Incarcerating a child’s father appears to have a causal link with the onset of depression in the mother. It does not appear to be solely a ‘selection’ effect. Though changes in the quality of the relationship between the parents explained some of the effect of incarceration, changes in parenting experiences and economic well-being appear to be important in understanding why mothers whose partners are incarcerated are likely to suffer from major depression. Mothers whose partners are incarcerated experience depression in large part because it “leads to financial instability among mothers, further deterioration of already vulnerable relationships, and growing parental stress” (p. 234).

Reference: Wildeman, Christopher, Jason Schnittker, and Kristin Turney (2012). *American Sociological Review*, 77(2), 216-243.