



Criminological Highlights: **Children and Youth**

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

1. Are Black youths living on the street particularly vulnerable to being stopped and searched by the police?
2. Are dark-skinned Blacks especially likely to be imprisoned?
3. Why are girls in bail court perceived to be more likely to be in need of ‘treatment’ than boys?
4. How does the involvement of Black citizens in the local political process affect crime rates?
5. How does an arrest during high school affect a youth’s educational prospects?
6. Does wearing a hijab or niqab make it more difficult to tell whether a woman is telling the truth?

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

Black high school students in Toronto are more likely to be stopped and searched by the police than non-Black students. However, there do not appear to be differences between Black and White youths living on the street in the rate of being stopped and searched.

“For high school students... race attracts police attention. Among youth who engage in roughly similar types of behaviour, and similar levels of delinquency, black youth are stopped and searched more often than white youth” (p. 342). For street youths, who by definition are seen as being deviant, race becomes less important. For these youths, multiple stops and searches are part of normal existence, independent of race.

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Criminal sanctions for Black and White defendants are harsher for those with darker skin tones.

This research suggests that much of the black-white disparity in the imposition of prison sentences is attributable to the manner in which dark-skinned blacks are treated. Dark-skinned blacks were especially likely to receive unconditional prison sentences even when legal factors were controlled. “The most novel finding [was that] overall, whites with features that are more typically associated with blacks – darker skin tone and more Afrocentric facial features – are treated more punitively” (p. 115).

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Girls in Canada’s youth courts are much more likely than boys to have broad treatment conditions imposed on them as a condition of pretrial release.

Simply being a girl, it would seem, was sufficient for the court to require a treatment order in 70% of the cases, quite independent of the number and nature of current charges and whether or not there had been previous charges. Boys not only were less likely than girls to receive treatment orders, but the likelihood of receiving a treatment order for boys appeared to relate to features of the case. Since youths when they appear in bail court have not been assessed to see if there is a need for treatment and they have obviously not been convicted of anything, it is curious that girls in bail court appear to the court almost automatically to ‘need’ treatment. “Are we observing anachronistic vestiges of the view that females in conflict with the law must be either ‘mad’ or ‘bad’?” (p. 94)

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In cities in which black Americans play important roles in city politics, there is no relationship between the percentage of blacks in a neighbourhood and the level of violent crime in that neighbourhood. When black Americans are shut out of the political process, however, neighbourhoods with high concentrations of blacks also have high rates of violent crime.

“Cities with favourable political environments [for black Americans] typically nullify the effect of percentage black on violent crime at the neighbourhood level.... These results challenge cultural stereotypes that [link] black neighbourhoods inevitably to violence.... Black political opportunities and mobilization [may] help reduce or offset the effects of disadvantages that neighbourhoods with greater percentages of blacks often otherwise face” (p. 110).

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Youths who are arrested during high school are less likely *ever* to enroll in a four-year postsecondary education program than equivalent youths who were not arrested.

Youths who are arrested in high school had a substantially lower likelihood of ever attending a 4-year post-secondary educational institution. Given that prior to the arrest, the youths were equivalent on many relevant dimensions including cognitive abilities and involvement in crime, it would appear that being arrested sets in motion a set of processes that has a permanent negative impact on youths' educational attainment.

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Ordinary people are better at determining whether female witnesses are telling the truth when the women are wearing a hijab or niqab than when they are wearing no form of face or head covering.

In this study, then, wearing a veil actually improved lie detection. It would appear likely that when the witness they were observing was wearing a veil – either a niqab or a hijab – those charged with the responsibility of determining if the witness was telling the truth focused on the actual statements coming from the person they were observing. “Seeing a person’s entire face does not appear to be necessary for lie detection; banning the niqab because it interferes with one’s ability to determine whether the speaker is lying or telling the truth is not supported by scientific evidence” (p. 408).

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Black high school students in Toronto are more likely to be stopped and searched by the police than non-Black students. However, there do not appear to be differences between Black and White youths living on the street in the rate of being stopped and searched.

There is a substantial amount of evidence from many jurisdictions that Blacks are more likely to be stopped and searched by the police even when various relevant controls are taken into account. This paper replicates these findings using a survey of 3,393 high school students carried out in 2000 along with data from 396 'street youths' recruited in three shelters and four drop-in centres that provide services for Toronto's homeless.

Students from 5 randomly chosen homeroom classes in each of 30 randomly chosen Toronto high schools (public and Catholic) were sampled. Most (82%) of the youths who were asked to participate in the survey completed it. Street youths, defined as those between ages 14 and 24 who were living either on the street or in a shelter, were interviewed (face-to-face) to ensure that those who might have difficulty reading a survey would be able to answer the questions.

Most (86%) street youths reported being stopped at least once in the previous 2 years, compared to 'only' 39% of the high school students. 74% of the street youth had been searched at least once during this same period, compared to 18% of the high school students. Black high school students were considerably more likely to be stopped at least once than were white high school students (63% vs. 41%). 30% of high school youths of other races reported being stopped at least once. Other variables also predicted stops and/or searches including social class, the level of engagement in public activities on the street, involvement in partying, frequency of driving, involvement in illegal activities, and membership in gangs. However, while

these factors independently predicted stops and searches, being Black had an impact above and beyond these factors for the high school students.

Youths who reported higher levels of involvement in illegal behaviour were more likely to be stopped by the police than youths with lower levels of involvement. For those highly involved in illegal activities, there was no difference between Blacks and Whites in the likelihood of being stopped by the police: Multiple stops were reported by 86% of the Black youths and a statistically indistinguishable 80% of the White youths. At the other end of the spectrum, however, for youths who reported no involvement in illegal activities, 4% of the White youths and 27% of the Black youths reported multiple police stops. It seems that "good behaviour does not protect Black youth from police contact to the same extent that it protects white youth" (p. 340).

Among the street youths, however, race did *not* predict stops or searches. 66% of the street youths met the criteria for being 'highly involved in illegal activities.' It would seem that "high

criminality exposes people of all races to equal levels of police scrutiny" (p. 341). Hence, street youths, as a group, had a very high likelihood of being stopped and searched no matter what their race.

Conclusion: "For high school students... race attracts police attention. Among youth who engage in roughly similar types of behaviour, and similar levels of delinquency, black youth are stopped and searched more often than white youth" (p. 342). For street youths, who by definition are seen as being deviant, race becomes less important. For these youths, multiple stops and searches are part of normal existence, independent of race.

Reference: Hayle, Steven, Scot Wortley, and Julian Tanner (2016). Race, Street Life, and Policing: Implications for Racial Profiling. *Canadian Journal of Criminology & Criminal Justice*, 58(3), 322-353.

Criminal sanctions for Black and White defendants are harsher for those with darker skin tones.

Race has been shown to be an important determinant of the severity of treatment within the criminal justice system in the US and elsewhere. There also is evidence that light-skinned African-Americans fare better in U.S. society than do those with darker skin tones. This study examines whether the disadvantages of having a darker skin tone and Afrocentric facial features carry into the criminal justice system for Black, as well as White, defendants.

One of the challenges in studies like this is to determine what the punishment 'should have been' independent of extra-legal characteristics such as skin tone. In this study, the problem was overcome by using data from Minnesota, a state with sentencing guidelines, in which the presumptive sentence is determined explicitly by a guideline that is a function of the offence and the criminal record.

The researchers obtained 'booking photographs' of males charged in 2009 from the police in the Twin Cities, Minnesota. These were linked to the sentencing information for 264 offenders coded as white in the state guideline commission files and 602 offenders coded as black. The incarceration decisions for these 866 offenders resulted in three outcomes: incarceration imposed and executed, incarceration imposed but stayed, incarceration stayed (no imprisonment).

The researchers had each of the police booking photographs rated by four people (2 of each sex; 2 Blacks, 1 White, and 1 Hispanic). They rated skin tone (7-point scale, very light to very dark). They also rated (on three separate dimensions) how "Afrocentric" the face was. These three dimensions of Afrocentric characteristics were combined into one index. The indexes had high inter-rater reliability.

Without controls, those offenders described as Black in the official files were more likely to go directly to prison and less likely to receive a stay of the imposition of a prison sentence. However, once various controls were introduced, this measure of race no longer had a statistically significant effect on incarceration decisions. Said differently, once the presumptive sentence under the Minnesota guidelines, criminal history, whether the accused went to trial and type of offence (drug, violent) were accounted for, race was not significant.

Using the same set of controls, the effect of skin tone was examined. Those rated as 'dark' and those with 'Afrocentric features' were significantly more likely to be imprisoned and less likely to receive a stay (no imprisonment). Looking only at the 602 offenders officially described as Black, those with dark skin tones were more likely to be unconditionally imprisoned than those with lighter skin tones. There was, however, no impact of Afrocentric features for these 602 offenders. For the 264 White offenders, those with darker skin tones and those with Afrocentric features were more likely to be imprisoned.

Conclusion: This research suggests that much of the black-white disparity in the imposition of prison sentences is attributable to the manner in which dark-skinned blacks are treated. Dark-skinned blacks were especially likely to receive unconditional prison sentences even when legal factors were controlled. "The most novel finding [was that] overall, whites with features that are more typically associated with blacks – darker skin tone and more Afrocentric facial features – are treated more punitively" (p. 115).

Reference: King, Ryan D., and Brian D. Johnson (2016). A Punishing Look: Skin Tone and Afrocentric Features in the Halls of Justice. *American Journal of Sociology*, 122(1), 90-124.

Girls in Canada's youth courts are much more likely than boys to have broad treatment conditions imposed on them as a condition of pretrial release.

Although there has been a substantial decline in the rate that youths are brought to youth courts in Canada, the rate for one offence – failure to comply with a court order (typically the charge of failing to comply with a condition of pretrial release imposed in bail court) -- has not shown a similar decline. Currently these charges are the most serious charge in 17% of youth court cases.

To some extent, the courts themselves are responsible for this large number of 'status offences' in Canadian youth courts: previous research (*Criminological Highlights* 12(5)#3, 13(1)#1, 13(5)#5, 15(3)#1) has demonstrated that imposing large numbers of conditions – many of which have little relationship to the offence – on youths who are released, especially when combined with long waits until their cases are disposed of, increases the likelihood of youths failing to comply with their bail conditions.

This paper looks carefully at the bail conditions imposed on boys and girls in one of Canada's largest youth courts. Although the *Youth Criminal Justice Act* states that youths cannot be detained in custody as a substitute for social welfare purposes (s. 29(1)), there is nothing in the *Act* that explicitly prohibits courts from imposing treatment or welfare-based bail release conditions. Although higher courts have decided that it is not sufficient simply to impose conditions on a youth just because someone in the courtroom at the time the decision is made thinks it might be a good idea, it would appear that there are few restrictions on conditions imposed on youths.

This paper looks at whether or not treatment orders were included in the bail conditions imposed on a random sample of youths – 425 boys and 75 girls – who were released by a Toronto court between 2009 and 2013. Girls were significantly more likely, overall, to have treatment orders imposed on them (70% of girls and 45% of boys received treatment conditions). Typically if a youth received a treatment order it was rather broadly defined. For example, it might require a youth to be assessed by a doctor or to "follow a doctor's orders" or to attend a program such as counselling, anger management, or substance abuse. Usually the conditions included both attending a treatment program and "being amenable" to treatment.

For boys, treatment orders were significantly more likely to be imposed if the most serious offence involved violence, if the youth was facing more than one charge and if the youth had a previous charge. Girls, for each category of each of these variables (e.g., cases involving violence and cases without violence), were more likely to receive treatment orders than boys. More importantly, however, *none* of these three variables was significantly related to whether a girl received a treatment order.

Conclusion: Simply being a girl, it would seem, was sufficient for the court to require a treatment order in 70% of the cases, quite independent of the number and nature of current charges and whether or not there had been previous charges. Boys not only were less likely than girls to receive treatment orders, but the likelihood of receiving a treatment order for boys appeared to relate to features of the case. Since youths when they appear in bail court have not been assessed to see if there is a need for treatment and they have obviously not been convicted of anything, it is curious that girls in bail court appear to the court almost automatically to 'need' treatment. "Are we observing anachronistic vestiges of the view that females in conflict with the law must be either 'mad' or 'bad'?" (p. 94)

Reference: Sprott, Jane B. and Allan Manson (2017) YCJA Bail Conditions: "Treating" Girls and Boys Differently. *Canadian Criminal Law Review*, 22, 77-94.

In cities in which black Americans play important roles in city politics, there is no relationship between the percentage of blacks in a neighbourhood and the level of violent crime in that neighbourhood. When black Americans are shut out of the political process, however, neighbourhoods with high concentrations of blacks also have high rates of violent crime.

It is well established that in many cities in North America, rates of violence or homicide are higher in neighbourhoods with high concentrations of black residents. This effect is reduced in strength, and sometimes disappears, when other factors – the level of neighbourhood disadvantage of residents or their access to other resources – are controlled for (see *Criminological Highlights* 14(2)#5, 6(4)#2).

This paper extends this research by examining the hypothesis that the political context of cities may help explain whether there is, or is not, a link between the racial makeup of a neighbourhood and its level of violent crime. Essentially it is suggested that “the association between percentage black and neighbourhood violence depends on the degree to which cities present favourable political context for blacks.” (p. 94). “Forces beyond neighbourhood borders... shape the fate of local areas” (p. 94-5). There is a need to look at the city as a whole.

Using data from 87 US cities, Black political opportunities were operationalized in a number of different ways: the election of black politicians (which can lead to increased black representation in city departments), black representation on the police force, the presence of a civilian police review board, and the receptivity to black issues (measured by voting Democratic). Various other characteristics of the 87 cities and of the 8931 census tracts in these cities were examined including economic disadvantage, residential instability, the presence of manufacturing jobs, and the percent of the population that were young males.

In general, before other factors were controlled for, the violent crime rate (homicides and robberies) was higher in neighbourhoods with high concentrations of black residents. However, the strength of this relationship varied considerably across the 87 cities. When measures of neighbourhood disadvantage were controlled for, the effect of the percent black in the neighbourhood decreased but did not disappear.

More important are the findings that break down the cities into those in which black citizens play a substantial political role and those in which they do not. After including the economic and other controls, there is no relationship between the percent black in a neighbourhood and violent crime in cities with a black mayor. In cities with a nonblack mayor, violence rates are higher in neighbourhoods with high concentrations of blacks. The results are similar when one looks at cities in which blacks are well represented among elected officials, or cities in which there are high concentrations of minority advocacy organizations. Cities in which there are high rates of black political involvement do not show a relationship between the percent black in a neighbourhood and levels of violence. Those in which black

Americans are shut out of the political process do show a relationship between the percent black in a community and the neighbourhood violence rate.

Conclusion: “Cities with favourable political environments [for black Americans] typically nullify the effect of percentage black on violent crime at the neighbourhood level.... These results challenge cultural stereotypes that [link] black neighbourhoods inevitably to violence.... Black political opportunities and mobilization [may] help reduce or offset the effects of disadvantages that neighbourhoods with greater percentages of blacks often otherwise face” (p. 110).

Reference: Vélez, María B., Christopher J. Lyons, and Wayne A. Santoro (2015). The Political Context of the Percent Black-Neighborhood Violence Link: A Multilevel Analysis. *Social Problems*, 62, 93-119.

Youths who are arrested during high school are less likely *ever* to enroll in a four-year postsecondary education program than equivalent youths who were not arrested.

There is substantial evidence that contact with the criminal justice system can have negative effects on youths (e.g., *Criminological Highlights* 14(6)#1, 11(4)#3). This paper examines the long-term impact of arrest on an important aspect of youths' lives: the likelihood that they will enroll in a 4-year post-secondary education program.

An arrest can have a direct impact on a youth's chances of being accepted into a college or university program since many educational institutions require applicants to provide information about their discipline history and criminal record. Surveys of college admissions officers indicate that "two thirds would consider denying admission to a student who had been convicted of marijuana distribution and half would consider denying [admission] to a student who had ever been [simply] arrested for the same crime" (p. 641). But in addition, there can be indirect effects: "the stigma of an arrest may trigger social exclusion at school" and "teachers or guidance counselors [may] perceive arrested students as poor investments" (p. 624) and not encourage them to do what is necessary to gain admission to a 4-year program.

The study used data from a large (US) longitudinal study. Youths, who had graduated from high school and who had been arrested during their first 3 years in high school, were matched with very similar students who had not been arrested. A statistical technique (propensity score matching) was used to create equivalent groups of youth who had the same likelihood of being arrested (given their background characteristics on 59 variables such as involvement in delinquency, substance use, friends who

engaged in anti-social behaviour). In this way 162 arrested youth were matched with one or more control youths (who had not been arrested).

31% of youths who had not been arrested in high school enrolled in a four-year postsecondary institution within 9 months of graduation, compared to only 21% of those who had been arrested. There was, however, *no* (significant) difference between the groups in the enrollment rates in 2-year colleges. The difference in enrollment rates in a 4-year program between those arrested and those not arrested persisted for 10 years after graduation. At that point, 50% of those who had not been arrested, but only 41% of those who had been arrested ever enrolled in a 4-year post-secondary education program.

A substantial amount of the difference in the likelihood of enrollment in a 4-year postsecondary educational institution for those arrested and those not arrested appears to be due to two factors: grade point average and enrollment in advanced courses in the fourth year of high school. Arrest did *not* significantly predict college entrance exam scores and suspensions from school did *not* predict enrollment in a 4-year postsecondary program, so neither factor could be said to account for the difference in 4-year postsecondary enrollment.

Conclusion: Youths who are arrested in high school had a substantially lower likelihood of ever attending a 4-year post-secondary educational institution. Given that prior to the arrest, the youths were equivalent on many relevant dimensions including cognitive abilities and involvement in crime, it would appear that being arrested sets in motion a set of processes that has a permanent negative impact on youths' educational attainment.

Reference: Widdowson, Alex O., Sonja E. Siennick, and Carter Hay (2016). The Implications of Arrest for College Enrollment: An Analysis of Long-Term Effects and Mediating Mechanisms. *Criminology*, 54(4), 621-652.

Ordinary people are better at determining whether female witnesses are telling the truth when the women are wearing a hijab or niqab than when they are wearing no form of face or head covering.

The wearing of a niqab (a veil that covers a wearer's face except for her eyes) is contentious in many communities. In court, such face coverings are seen as problematic because of the belief that the trier of fact – a judge or a jury – must see the witness's face in order to determine whether she is telling the truth.

Determining whether such beliefs have merit starts with the simple fact that people, in general, are not very good at telling whether what a stranger says is true. But in addition, "A meta-analysis of 50 studies revealed that overall lie detection accuracy was similar, whether observers received audio (i.e., more restricted) or audiovisual (i.e., less restricted) information" (p. 402).

In this paper, two studies, using the same basic design and materials, were carried out first with Canadian university students (Experiment 1), and then with university students from Canada, the Netherlands (using only those with relatively good English language skills) and the UK. Female students observed a video of woman who had been asked to watch a stranger's bag. Half of the students saw a video in which the woman stole something from the bag; half saw a video in which the woman did not steal anything. The students were then told to imagine that they were called as a witness for the accused – to state that they did not see her steal anything. Hence half were asked to lie; half were told to tell the truth. They were then randomly assigned to wear a black niqab, a black hijab or to remain unveiled. A black shawl was used to cover their clothing.

A trained research assistant arranged the veils and shawls. Each "witness" was then examined and cross examined. From these videos, sets of 20 clips – 10 with the witness telling the truth and 10 with her lying (in random orders) – were created for each of the three veiling conditions (niqab, hijab, no veil).

Male and female students were then shown one set of video clips and were asked to indicate whether, in each clip, the witness was telling the truth. Note that a response bias – toward saying that the witness was lying or telling the truth – could not increase or decrease accuracy.

The results from the two experiments were very similar across countries. "Contrary to the assumptions underlying [some court decisions suggesting that being able to see the face is important for determining veracity], lie detection was not hampered by veiling. In fact, observers were more accurate at detecting deception in witnesses who wore niqabs or hijabs than those who did not veil. Discrimination between lie- and truth-tellers was no better than guessing in the latter group.... It was only when witnesses wore veils (i.e., hijabs or niqabs) that observers performed above chance levels" (p. 407).

Conclusion: In this study, then, wearing a veil actually improved lie detection. It would appear likely that when the witness they were observing was wearing a veil – either a niqab or a hijab – those charged with the responsibility of determining if the witness was telling the truth focused on the actual statements coming from the person they were observing. "Seeing a person's entire face does not appear to be necessary for lie detection; banning the niqab because it interferes with one's ability to determine whether the speaker is lying or telling the truth is not supported by scientific evidence" (p. 408).

Reference: Leach, Amy-May, Nawal Anmar, D. Nicole England, Laura M. Remigio, Bennett Kleinberg, and Bruno J. Verschuere. (2016). Less is More? Detecting Lies in Veiled Witnesses. *Law & Human Behaviour*, 40(4), 401-410.