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Criminological Highlights

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

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

1. How can we tell that at least part of the over-representation of Indigenous youth in the youth justice system relates to police decisions?
2. What is the effect of the gentrification of a neighbourhood on policing?
3. What is the effect of school suspensions on crime?
4. How can schools reduce future adult offending by people who, as youths, were aggressive?
5. What are the impacts of increasing the presence of police in schools?
6. Are former prisoners who are immigrants likely to reoffend?
7. How can public support for pardons be increased?
8. How does involvement in the criminal justice system and being Indigenous affect one’s ability to obtain rental housing?

The over-representation of Indigenous people in the criminal justice system is a serious concern in many countries. Focusing on Australian youths, this paper demonstrates that the criminal justice component of this problem starts with police decisions on whether to charge or divert youths who are apprehended for offences.

This study looks at a crucial step in the criminalization of a disproportionate number of Indigenous youths. By looking at police decision-making about youths coming into contact with the justice system for the first time, the idea that the over-representation of Indigenous youths in the justice system is due solely to differential rates of offending is eliminated as an explanation. Whatever the offending rates of Indigenous and non-Indigenous youths may be, these data make it clear that at their first contact with the youth justice system, Indigenous youths are more likely to be treated formally rather than diverted.

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Gentrification in urban neighbourhoods may not have a consistent impact on the nature of policing in those neighbourhoods, but gentrification does appear to increase police stops in adjacent neighbourhoods not undergoing gentrification.

The most dramatic impacts of gentrification of New York neighbourhoods were indirect: Gentrification in a tract does not necessarily lead to consistently increased numbers of police stops in the gentrifying neighbourhood. Instead, the effects are felt most clearly in adjacent or neighbouring areas. “Gentrifying in-movers likely do not prefer to see heavy and frequent policing in their neighbourhoods any more than they prefer to see signs of ‘disorder’ as it sends negative signals about their neighbourhoods, specifically about crime. The dislocation of policing from these changing neighbourhoods to adjacent neighbourhoods would be consistent with those preferences” (p. 920-3).

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Being suspended from school increases the likelihood that youths will commit offences and “may fundamentally alter [their] trajectories of offending across time” (p. 753).

It has been suggested that “most [school] administrators turn to school exclusion as a disciplinary tool because they need to do something and don’t know what else to do” (p. 754). However, this paper suggests that “school suspensions appear to increase offending within individuals across time and present a cumulative effect on offending between-individuals.” (p. 752). In other words, although school suspensions may provide a simple (or simplistic) solution to disciplinary problems within the school, they may simply be shifting the location of where these problems can be found from the school to the community more generally.

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Youths aged 6 to 16 who were described by their school classmates as being aggressive were more likely than other youths to be charged with criminal offences as adults (age 18-49). However, if a youth managed to achieve high levels of education, the effect of their early childhood aggressiveness was eliminated.

“Children who are highly aggressive will be more likely to have fewer years of education but may have lower probabilities of criminal offending if they continue in school despite this risk. It may be that education can be protective for children who are aggressive, if they can be provided with resources for dealing with these early behavioural risks” (p 552). These findings suggest that, in studying the development of criminal offending, “education should not be overlooked or used simply as a control variable: it may have a mediating or protective effect on the relations between risk variables and criminal outcome...” (p. 554). Hence “strengthening schools and programs in disadvantaged neighbourhoods and targeting children with behavioural problems within these at-risk populations are essential elements in a prevention strategy” (p. 554).

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Increasing the presence of police acting as “school resource officers” does not improve public safety but does increase both the number of youths charged for certain drug and weapon offences and the number of youths excluded from regular classrooms for disciplinary reasons.

For students without special needs, “as the amount of time allocated to law enforcement activities increased [by the police officers in the schools], so did the counts of all types of offences except property offences” (p. 927). The primary goal of having additional police in the schools, according to the National Association of School Resource Officers, is to make schools and children safer and not to increase the use of formal (e.g., court) discipline. However, prior research suggests that increased police in schools leads to higher levels of arrest and referral of students to law enforcement. This study adds to these findings by demonstrating that increased presence of police officers in schools leads to increased use of exclusionary responses by the schools, an effect that clearly can have negative impacts on youths (see *Criminological Highlights* 18(6)#3).

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Immigrants to the US are not only less likely to commit offences than native-born Americans, but, if they do commit offences, they are less likely than equivalent native-born Americans to re-offend.

Previous research has demonstrated that immigrants are less likely than native-born residents to commit criminal offences. The data are consistent across different definitions of immigrants, different measures of offending, and different countries. This study extends these findings by showing that foreign-born residents released from prison are also less likely to re-offend than native-born residents.

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The Canadian public would be likely to be more supportive of granting pardons to those convicted of sex offences if the public knew that people convicted of sex offences were not likely to commit another sex offence.

Canada’s pardon system, in the past decade or so, has been made increasingly difficult to access. Fees have increased from \$50 to \$631. Waiting times have increased from 3 or 5 years to 5 or 10 years. And many people have been made ineligible for pardons. The findings from this study suggest that public support for pardons can – at least in some ways – be increased if the government were to provide very basic information about pardons, one of its more successful criminal justice programs.

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Those once convicted of criminal offences in Canada – even if they were subsequently exonerated – will have difficulty finding rental housing. If the person looking for housing is Indigenous, they are even less likely to be able to get rental housing.

Admitting to having a criminal record, even when also reporting that one has been exonerated, makes it dramatically less likely that one will be able to rent an ordinary apartment. But there is an added disadvantage for those whose names would indicate that they might be Indigenous. It is not surprising, therefore, that reintegration into Canadian society is difficult for those released from prisons, especially in the case of Indigenous former prisoners.

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The over-representation of Indigenous people in the criminal justice system is a serious concern in many countries. Focusing on Australian youths, this paper demonstrates that the criminal justice component of this problem starts with police decisions on whether to charge or divert youths who are apprehended for offences.

When the police apprehend youths, they often decide, especially for those who are apparently being apprehended for the first time, that the youth should be diverted. This is typically a decision made without publicity and is typically not reviewable. This paper examines whether youths apprehended for the first time in New South Wales (Australia) and who are eligible for diversion from the formal justice system are less likely to be diverted if they are Indigenous.

Data on 53,632 cases were examined in which a young person was apprehended for an offence for the first time. The legislation in place at the end of the data collection period was designed to “provide an alternative process to court proceedings for dealing with children who commit certain offences...” (p. 1072). But in addition, the legislation explicitly aimed to “address the over-representation of Aboriginal and Torres Strait Islander children in the criminal justice system” (p. 1072). The alternatives available to the police instead of a court summons included a caution, warning, or youth conference.

Various factors were controlled in the analysis including age, sex, total number of charges, and the number of violent charges. Overall, 85% of these youths (who were apprehended for the first time) were diverted from the formal system. Overall, non-Indigenous youths were more likely to be diverted (87%) than were Indigenous youths (77%). This effect remained in analyses that included the various control factors. Not surprisingly, males, those with many charges and/or many violent charges were more likely to be sent to court. Indigenous youths were

more likely to have a greater number of charges involving violence. However, the difference in the likelihood of being sent to court for Indigenous and non-Indigenous youths held for those with 0, 1, 2, or 3 or more charges of violence. The change in the law that took place during the study – adopting the explicit encouragement of diversion -- did make a difference: fewer youths were charged after the new law came into effect. But Indigenous youths were disadvantaged in both time periods, though the size of the effect size appears to be less after the change in the law.

One possible explanation for the differential treatment of Indigenous vs. non-Indigenous youths is that there may be fewer diversionary options in rural or remote areas of the state. If this were the case, it likely reflects a state decision about the allocation of resources. Alternatively, the effect could reflect “perceptions of increased criminogenic risk [that] may influence police decisions to formally process Indigenous youth” or “the often documented historically poor relationship between police and Indigenous communities” (p. 1081). These explanations are not mutually exclusive.

Conclusion: This study looks at a crucial step in the criminalization of a disproportionate number of Indigenous youths. By looking at police decision-making about youths coming into contact with the justice system for the first time, the idea that the over-representation of Indigenous youths in the justice system is due solely to differential rates of offending is eliminated as an explanation. Whatever the offending rates of Indigenous and non-Indigenous youths may be, these data make it clear that at their first contact with the youth justice system, Indigenous youths are more likely to be treated formally rather than diverted.

Reference: Papalia, Nina and 5 others (2019). Disparities in Criminal Justice System Responses to First-Time Juvenile Offenders According to Indigenous Status. *Criminal Justice and Behavior*, 46(8), 1067-1087.

Gentrification in urban neighbourhoods may not have a consistent impact on the nature of policing in those neighbourhoods, but gentrification does appear to increase police stops in adjacent neighbourhoods not undergoing gentrification.

Using a variety of data from New York City, this study investigates the effect of gentrification and neighbourhood change on policing practices not only in the neighbourhood experiencing gentrification but also in adjacent neighbourhoods.

One of the more controversial forms of policing involves proactive police stops of citizens who are not apparently committing offences (see the *Criminological Highlights* collection *Understanding the Impact of Police Stops* <https://www.crimsl.utoronto.ca/research-publications/faculty-publications/understanding-impact-police-stops>). This type of policing represents “a more general shift away from the social tolerance of deviance or difference toward a more punitive approach...” (p. 902). This form of “order maintenance policing” might be expected to vary within a city according to the spatial distribution of gentrification.

Gentrification, in this study, was defined by an index including indicators such as changes in the percent of the population with at least a bachelor’s degree and in the percent involved in various “professions” (education, science, health, management, etc.). Citizen demand for order maintenance policing was measured by the number of calls to the city directed to the police to deal with neighbourhood problems (e.g., public drinking, noise, skateboarding on the sidewalk). The main dependent variable was the per capita intensity of street-level police stops that occurred under the city’s “stop, question, and frisk” policing program. Census tracts were defined as ‘eligible’ to gentrify if, in the year 2000,

they had at least 500 residents who generally had low income and rents in the neighbourhood were generally low. Gentrified or gentrifying tracts were those where rent and the gentrification index (education, occupation) were high or increasing between 2000 and 2014.

The challenge, when trying to understand the distribution of police stops, is to separate out the effects of gentrification from the effects of race, class, demands for police services, and crime levels. This was accomplished by using a specific technique (spatial Durbin models) that can control for these other effects while simultaneously looking at the impact of change on adjacent tracts as well.

There was a small, and not very consistent, impact of gentrification on police stops in the location that was being gentrified during this period (2000-2014). However, there was a large and consistent impact of gentrification of a census tract on the rate of police stops in nearby locations: police stops in neighbourhoods *adjacent to gentrifying neighbourhoods* increased dramatically as the neighbourhood became gentrified. These effects did not appear to be consistently associated with the number of calls from citizens to the police. Hence it did not appear that people in neighbourhoods adjacent to gentrifying neighbourhoods were requesting police involvement.

Conclusion: The most dramatic impacts of gentrification of New York neighbourhoods were indirect: Gentrification in a tract does not necessarily lead to consistently increased numbers of police stops in the gentrifying neighbourhood. Instead, the effects are felt most clearly in adjacent or neighbouring areas. “Gentrifying in-movers likely do not prefer to see heavy and frequent policing in their neighbourhoods any more than they prefer to see signs of ‘disorder’ as it sends negative signals about their neighbourhoods, specifically about crime. The dislocation of policing from these changing neighbourhoods to adjacent neighbourhoods would be consistent with those preferences” (p. 920-3).

Reference: Laniyonu, Ayobami (2018). Coffee Shops and Street Stops: Policing Practices in Gentrifying Neighborhoods. *Urban Affairs Review*, 54(5), 898-930.

Being suspended from school increases the likelihood that youths will commit offences and “may fundamentally alter [their] trajectories of offending across time” (p. 753).

Previous research has found that being suspended from school can have serious negative impacts on youths. Those who have been suspended appear to be more likely both to be arrested and to commit certain violent offences. And, not surprisingly, school suspensions change the group of friends a youth has and increase the likelihood that a youth will have friends who commit offences and use illegal substances.

One of the limitations of previous research is that it doesn't look at within-individual change in offending as a function of being suspended. Instead the research tends to compare the rate of offending by those who are suspended and rate of offending of similar youths who were not suspended. One problem, then, is whether increased offending is the result of the suspension or whether youths who offend are more likely to be suspended. By looking at 'within individual' change and offending by youths who were and were not suspended, this study can unravel, in a more satisfactory manner, the direction of the causal relationship between suspension and offending.

This study uses data on youths age 12-18 who participated in a large US longitudinal study. It uses four annual waves of data (from 1997 to 2000). The measure of offending combined the frequency and the severity of self-reports of attacks/assaults, carrying a firearm, selling illegal substances, destroying property and theft. Youths were asked whether they had been suspended from school since the previous interview (or in the past year, in the case of the first wave of data collection). Various control measures were included such as whether the youth was a member of a gang, whether the youth had delinquent friends, the youth's attachment to the family, and family income.

Because only some youths had been suspended (about 26% were suspended at least once), and because it was possible, from the second wave of data collection onwards, to control for the youth's circumstances in the previous year (including whether they had been suspended prior to the most recent year), it was possible to look at changes in behaviour across time, while controlling both for 'within group' changes and for differences across youths who were and were not suspended.

The results are easy to describe: Controlling for differences that existed prior to the most recent year, being suspended in the 12-month period immediately prior to a data collection point increased the youth's involvement in delinquent behaviour. But in addition, the more times the youth had been suspended the larger the increase in the level of delinquent behaviour. That increase existed even when levels of prior offending were controlled for. “Prior work has demonstrated strong racial and ethnic inequalities in the use of suspensions.... Specifically, [US] studies have shown that Black and Hispanic youth are far more likely to receive suspensions than their White counterparts... [thus suggesting] that the effects of punitive school discipline may exacerbate difference in offending across racial/ethnic groups over time” (p. 753).

Conclusion: It has been suggested that “most [school] administrators turn to school exclusion as a disciplinary tool because they need to do something and don't know what else to do” (p. 754). However, this paper suggests that “school suspensions appear to increase offending within individuals across time and present a cumulative effect on offending between-individuals.” (p. 752). In other words, although school suspensions may provide a simple (or simplistic) solution to disciplinary problems within the school, they may simply be shifting the location of where these problems can be found from the school to the community more generally.

Reference: Mowen, Thomas J., John J. Brent, and John H. Bowman IV (2020). The Effect of School Discipline on Offending Across Time. *Justice Quarterly* 37(4), 739-760.

Youths aged 6 to 16 who were described by their school classmates as being aggressive were more likely than other youths to be charged with criminal offences as adults (age 18-49). However, if a youth managed to achieve high levels of education, the effect of their early childhood aggressiveness was eliminated.

Aggressive behaviour in childhood is associated with increased likelihood of committing crimes later in life. But in addition, aggression may be affecting other aspects of the child's life such as educational attainment. But educational attainment, itself, is associated with other risk factors such as neighbourhood disadvantage. This paper attempts to disentangle the role of these factors by looking at the effects of education on the trajectory from childhood risk to adult offending.

The study uses longitudinal data from French-speaking children who participated in a longitudinal study in Montreal, Quebec. The study began in 1976 with children who were in grades 1, 4, and 7. They were followed until 2010. It was hypothesized that neighbourhood disadvantage would be associated with childhood aggression and educational achievement, and that these three factors would be associated with later criminal behaviour. In addition, it was hypothesized that high educational achievement would reduce the negative impact of childhood aggressiveness and neighbourhood disadvantage.

In 1976-78, children in grades 1, 4, and 7 were asked to identify classmates whom they thought were aggressive. Educational achievement records for these children were obtained from the Ministry of Education. Criminal charges (for violence, property and drugs) were obtained from court records for the youth from age 18 into middle-adulthood (age 38-49). Separate analyses were carried out for males and females.

Not surprisingly, neighbourhood disadvantage and childhood aggression were each associated with fewer total years of education. Childhood aggression was also associated, for males and females, with higher rates of violent, property and drug charges. But higher levels of educational achievement were independently associated with reduced rates of criminal charges for both sexes.

The finding that is, perhaps, most interesting is that if the child achieved high levels of education (one standard deviation above the mean) there was essentially no difference in adult criminal charges for people who had been high or low aggression youths. This held true for charges against both sexes for property and drug charges and for violent charges for males only. In other words, if the child managed to achieve high levels of education, the deficits from being highly aggressive disappeared.

Conclusion: "Children who are highly aggressive will be more likely to have fewer years of education but may have lower probabilities of criminal offending if they continue in school despite this risk. It may be that education can be protective for children who are aggressive, if they can be provided with resources for dealing with these early behavioural risks" (p 552). These findings suggest that, in studying the development of criminal offending, "education should not be overlooked or used simply as a control variable: it may have a mediating or protective effect on the relations between risk variables and criminal outcome..." (p. 554). Hence "strengthening schools and programs in disadvantaged neighbourhoods and targeting children with behavioural problems within these at-risk populations are essential elements in a prevention strategy" (p. 554).

Reference: Kennedy-Turner, Kathleen and five others (2020). Prevention of Criminal Offending: The Intervening and Protective Effects of Education for Aggressive Youth. *British Journal of Criminology*, 60, 537-558.

Increasing the presence of police acting as “school resource officers” does not improve public safety but does increase both the number of youths charged for certain drug and weapon offences and the number of youths excluded from regular classrooms for disciplinary reasons.

In many parts of the US, the use of school resource officers (SROs) – sworn police officers placed in schools as part of a “community policing” initiative – has increased dramatically, particularly in secondary schools. A recent study found that 84% of secondary schools with enrollments of over 1000 had SROs assigned to them.

The use of SROs is controversial. Those who favour their use suggest that not only do SROs increase safety through surveillance and enforcement, but SROs also develop strong bonds with students encouraging information sharing about security threats. Critics question the value of SROs for public safety, suggesting that their presence encourages punitive criminal justice responses to problems that would otherwise have been handled by the schools.

This study examined the impact of increased use of SROs in 33 schools in California that occurred because of new funding. The increase was from an average of 13 hours of SRO presence per week prior to the implementation of new funding to 20 hours per week. These schools were compared to 72 schools that did not receive additional SRO support and, in the same period, showed little change in the number of hours of SRO presence in the school (11 hours per week). The impact of this increased SRO presence in schools was measured 11 and 20 months after the increase.

Various control measures were taken into account. These included the number of security practices in place in the schools during the study, the number of prevention programs related to school safety, the number of non-SRO law enforcement officers in the schools, and the concentration of other security personnel.

For students described as having ‘special needs’ there was no impact of the increased concentration of SROs on recorded weapons and drug related offences. For students without special needs, however, there was an increase in the recorded number of these offences in the schools with increased SRO concentration. During this same time period, there was no change in the comparison schools (in which SRO presence did not change). The change in disciplinary actions for non-special needs students suggests that the impact of the increased presence of SROs was, relative to the comparison schools, to increase the use of disciplinary actions. Disciplinary actions were defined as an action that removed the student from their regular classroom setting for one or more days.

SROs were more likely than school administrators to endorse punishment-oriented approaches to school problems rather than prevention-oriented approaches. Thus, in comparison with school administrators, SROs, when questioned, were more likely to agree with statements such as “Schools cannot afford to tolerate students who disrupt the learning environment” and were less likely to agree with statements such as “Suspension is unnecessary if we provide a school climate and challenging instruction” (p. 921).

Conclusion: For students without special needs, “as the amount of time allocated to law enforcement activities increased [by the police officers in the schools], so did the counts of all types of offences except property offences” (p. 927). The primary goal of having additional police in the schools, according to the National Association of School Resource Officers, is to make schools and children safer and not to increase the use of formal (e.g., court) discipline. However, prior research suggests that increased police in schools leads to higher levels of arrest and referral of students to law enforcement. This study adds to these findings by demonstrating that increased presence of police officers in schools leads to increased use of exclusionary responses by the schools, an effect that clearly can have negative impacts on youths (see *Criminological Highlights* 18(6)#3).

Reference: Gottfredson, Denise C. and 6 others (2020). Effects of School Resource Officers on School Crime and Responses to School Crime. *Criminology & Public Policy*, 19, 905-940.

Immigrants to the US are not only less likely to commit offences than native-born Americans, but, if they do commit offences, they are less likely than equivalent native-born Americans to re-offend.

Previous research (see *Criminological Highlights*, 18(5)#1, 5(4)#6, 10(6)#7, 11(1)#4, 13(6)#7, 16(1)#2, 17(1)#3, 17(4)#1) has made it clear that compared to native-born residents, immigrants in the US and Canada are less likely to commit criminal offences. This paper goes one step further and examines whether, after committing offences and being imprisoned, immigrants and native-borns differ in the likelihood that they will commit further offences after they are released.

It is well established that “prisoner reentry is a particularly difficult transition for those returning to society” (p. 438). It would be plausible to find that prisoner re-entry might be more difficult for immigrants because they are less integrated into the dominant society or because they may lose touch with those (few) people who might be supportive of them. On the other hand, there are data suggesting that compared to native-born residents (of the US), immigrants are, in general, more likely to be employed and married, both of which may make it easier for them to reintegrate peacefully into society. In addition, after release, immigrants may be returning to a community with strong social bonds. Hence it is difficult to form a strong hypothesis about recidivism rates of immigrants vs. native-born people after release from prison.

This study examines the reoffending of 192,556 people (2% of whom were foreign-born) released from Florida prisons between 2004 and 2011. It does not include those who were released to a non-Florida location (since they couldn't be easily tracked) nor does it include those who were deported or transferred to US immigration authorities. It only examines new crimes rather than supervision offences. The main dependent variable was whether the person reoffended in the three years following release. Various other factors were statistically controlled.

These included age, sex, education, marital status, previous employment, various measures of prior record and prison commitments, the offence(s) related to the current sentence, and supervision violations.

Two approaches were used to ‘control for’ irrelevant differences between native- and foreign-born people. First, these control variables were included in a logistic regression predicting recidivism. Controlling for 25 other factors, those who were foreign-born were significantly less likely to reoffend. The second approach – propensity score matching – compares “foreign- and native-born ex-offenders who are statistically equivalent across all covariates [control variables] included in the analysis” (p. 446).

The results are very simple. In each analysis, foreign-born former prisoners were less likely to reoffend than were native-born people released from prison. Without controlling for other differences between the groups, 19% of the foreign-born were convicted of a felony offence within three years of release, compared to 32% of native-born. When controls for the differences between native- and foreign-born former prisoners were included in the analysis using logistic regression, the odds of recidivism within three years of release were over 20% lower for foreign-born ex-prisoners than for native-born former prisoners. The propensity score matching technique

has the advantage of using a subset of prisoners (n=7,510) who were almost exactly matched on the control variables, thus avoiding the possibility that an effect could be explained by the possibility that the ‘worst’ of the foreign-born prisoners had been deported (out of the country and therefore out of the study). The results were almost exactly the same: Foreign-born ex-prisoners had lower re-offending rates than native-born ex-prisoners.

Obviously, what is not known is why immigrants are less likely to re-offend than comparable native-born former prisoners and whether the mechanisms that account for these findings are the same as might account for the earlier findings (that immigrants, generally, are less likely to commit offences than native-born people).

Conclusion: Previous research has demonstrated that immigrants are less likely than native-born residents to commit criminal offences. The data are consistent across different definitions of offending, and different countries. This study extends these findings by showing that foreign-born residents released from prison are also less likely to re-offend than native-born residents.

Reference: Ramos, Javier and Marin R. Wenger (2020). Immigration and Recidivism: What is the link? *Justice Quarterly*, 37(3), 436-460.

The Canadian public would be likely to be more supportive of granting pardons to those convicted of sex offences if the public knew that people convicted of sex offences were not likely to commit another sex offence.

Canada, like many jurisdictions, has a system in place by which adults who are convicted of criminal offences can have their criminal records suppressed so that they no longer have to live with the negative consequences of a criminal record. This paper suggests that providing ordinary citizens with small bits of information that are relevant to the issue of pardons may make the granting of a pardon for a criminal offence more acceptable.

Canada has had a system of allowing people to have their criminal records effectively eliminated since the early 1970s. The advantages of such a system for those who have offended and for society more generally are summarized elsewhere – see the *Criminological Highlights* collection *Evaluating the Benefits of Pardons: An Overview of Criminological Highlights Summaries of Research Related to Pardons*. <https://www.crimsl.utoronto.ca/research-publications/faculty-publications/evaluating-benefits-pardons-overview-criminological>

In Canada, the ‘pardon legislation’ has been, in recent years, politicized and thus the level of public support is relevant to understanding why governments, since the availability of pardons was restricted, have not been motivated to make changes. This paper examines the importance of public knowledge in determining support for this part of the justice system.

One of the more contested aspects of Canada’s pardon system is the granting of pardons for sexual offences. Many people apparently believe that the likelihood of reoffending for those who have been convicted of sexual offences is very high – and, importantly, higher than it is for other offences even though the evidence

does not support this conclusion (see the *Criminological Highlights* collection *Some Recent Research on Sex Offenders and Society’s Responses to Them*. <https://www.crimsl.utoronto.ca/research-publications/faculty-publications/some-recent-research-sex-offenders-and-society%E2%80%99s>).

In this paper, ordinary Canadians, approached in public places, took part in an experiment embedded in a survey. Half of the respondents were asked a simple question about pardons for those convicted of sex offences: “Should people convicted of sexual offences be allowed to apply for pardons?” The other half were asked this same question but after being given an introduction explaining to them that reoffending rates for sex offenders are no higher than for other offenders and that typically, if they do reoffend, it does not involve a sex offence. Those who received the information about sex offending were significantly more favourable to the idea of allowing those convicted of sex offences to apply for pardons.

A detailed analysis of the findings suggested that the information about re-offending by those once convicted of sex offences tended to reduce, most dramatically, the proportion of those strongly opposed to pardons for this

group. The single 35-word statement reduced the proportion of those strongly opposed to pardons for sex offenders from 46% to 30%. Women in the sample, were, compared to men, more strongly opposed to allowing pardons for those convicted of sex offences. Not surprisingly, those who generally supported the pardon system favoured allowing those convicted of sex offences to apply.

Conclusion: Canada’s pardon system, in the past decade or so, has been made increasingly difficult to access. Fees have increased from \$50 to \$631. Waiting times have increased from 3 or 5 years to 5 or 10 years. And many people have been made ineligible for pardons. The findings from this study suggest that public support for pardons can – at least in some ways – be increased if the government were to provide very basic information about pardons, one of its more successful criminal justice programs.

Reference: Murphy, Yoko (2020). Contextualizing opposition to pardons: Implications for Pardon Reform. *Criminology & Criminal Justice*, 20(1), 21-38.

Those once convicted of criminal offences in Canada – even if they were subsequently exonerated – will have difficulty finding rental housing. If the person looking for housing is Indigenous, they are even less likely to be able to get rental housing.

Contact with the criminal justice system has been shown to have various negative effects that it is in society's interest to attempt to minimize (see, for example, *Criminological Highlights* collections on *The Effects of Imprisonment: Specific Deterrence and Collateral effects* <https://www.crimsl.utoronto.ca/research-publications/faculty-publications/effects-imprisonment-specific-deterrence-and-collateral> and *Evaluating the Benefits of Pardons* <https://www.crimsl.utoronto.ca/research-publications/faculty-publications/evaluating-benefits-pardons-overview-criminological>). This paper examines one of the challenges – obtaining rental housing -- for those with criminal records as well as those first convicted and then exonerated.

The hypothesis was that even if a person is demonstrated to have been wrongfully convicted, the contact with the criminal justice system itself will still be stigmatizing. The problem, of course, is exacerbated in the case of Black and Indigenous people who are likely to be discriminated against in fundamental areas such as obtaining housing.

In this study, a total of 1107 online advertisements for one-bedroom apartments in cities across Canada were identified. Apartments advertised by property management or real estate companies were excluded because many such organizations routinely respond to all advertisements. The researchers composed email inquiries asking whether the apartment was still available. The email indicated that the applicant had a job and had the money for first and last months' rent. The applicant identified himself using a name that had been pretested and shown to identify the applicant as probably being a Black person (Tyronne Lewis), an Indigenous person (Dowanhowee Musquash) or a white person (Matthew Smith). In the email application, one third of each group either indicated nothing about a

criminal justice background. Another third of the applications said that the applicant had "a criminal record... did something stupid... served my time." The final group said that the applicant "had a criminal record... was wrongfully convicted... and DNA has exonerated me" (p. 304). Landlords were randomly assigned to one of the nine conditions (3 race/ethnicity groups by 3 types of criminal background).

The main outcome measure was whether the landlord replied indicating that the apartment was still available (as contrasted with not replying at all or responding that it was not available). In the 'control' condition (no mention of criminal justice involvement) 68% of the inquiries resulted in the landlord indicating that the apartment was available. Only 27% of those with an ordinary criminal record were told by their potential Canadian landlord that the apartment was available. Interestingly, even fewer (18%) of those who said that they had a criminal record but had been exonerated were offered an opportunity to look at the apartment. The pattern of the effects was similar across the three race/ethnicity groups.

However, there was an overall effect of race in that Indigenous applicants were less likely to receive a positive response from landlords than White applicants (33% positive replies for Indigenous applicants vs. 42% positive replies for White applicant). Black applicants were between these two groups (39%) and were not significantly different from either. The basic finding on criminal record was replicated in a second experiment carried out only in Toronto.

Conclusion: Admitting to having a criminal record, even when also reporting that one has been exonerated, makes it dramatically less likely that one will be able to rent an ordinary apartment. But there is an added disadvantage for those whose names would indicate that they might be Indigenous. It is not surprising, therefore, that reintegration into Canadian society is difficult for those released from prisons, especially in the case of Indigenous former prisoners.

Reference: Zanella, Lesley and 4 others (2020). The Effects of Race and Criminal History on Landlords' (Un)willingness to Rent to Exonerees. *Law and Human Behavior*, 44(4), 300-310.