



Centre for Criminology & Sociolegal Studies
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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 should one interpret denials by police that they engage in racially targeted policing?
2. Can probation supervision be made more effective?
3. How do immigrants' views of their local police differ from the views of those with similar origins but who were born in the country?
4. Has judicial review of long stays in solitary confinement in prison been shown to be effective?
5. Does a court-ordered “certificate of qualification for employment” overcome the stigma of a criminal record when looking for a job?
6. Has the US “imprisonment rate” really decreased in recent years?
7. Does the full prosecution of drinking-driving offences reduce reoffending?
8. Are criminal justice responses to intimate partner violence effective in reducing repeat offending?

Police officers in a city in which racial disparities in practices had been demonstrated deny the role of race in routine police work. At the same time, they explain their own and other officers’ actions in words that describe racially targeted policing.

This paper suggests that racism in policing is more deeply embedded in ‘normal police practices’ than it is often seen to be. The police officers whose actions reflected racism did not see their motivations in this way. Hence the “rejection of explicit racism alone is insufficient to address the progressive micro-racial aggression that emerges at key points during police-community encounters” (p. 374).

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The widespread implementation of an evidence-based system of supervising people on probation was effective in changing the behaviour of probation officers and in reducing the reoffending of those they were supervising.

There are obvious challenges in implementing and evaluating a program system wide. Given the history of inadequately implemented programs (often implementation in name only), this paper suggests that system-wide implementation of an evidence-based probation supervision program can be done and can change the behaviour of both probation officers (POs) and clients. “This requires a shift in policies and practices where the priorities are promoting an active change agent role for POs rather than an enforcement role...” (p. 8). For probation supervision to be effective in changing clients, the first step, it would seem, is to change POs’ behaviour.

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Canadian immigrants’ views of the police are shaped by different factors from the views of police held by non-immigrants. A study of the views of police among those of South Asian origin in Canada demonstrates that recent and settled immigrants have more favourable views of Canadian police than those born in Canada. Furthermore, South Asian immigrants’

views of the police are not as predictable as are the views of people of South Asian origins who were born in Canada.

When trying to understand immigrants’ views of police, it is important to specify the group that one is interested in and the length of time that people have spent in the host country. The set of factors that predict people’s views of the police in Canada are very different for those who are relatively recent immigrants compared to those whose origins are the same but were born in Canada. Furthermore, “the factors which *shape* these views may indeed be different among native-born, recent, and settled immigrants” (p. 15).

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In Israel, judges decide whether prisoners can be kept in solitary confinement beyond an initial 6-month period. This process, which largely ends up with judges agreeing with prison authorities’ decisions, does not address the “extreme asymmetries of power between prison authorities and the prisoner” (p. 19) in part because of the weak adversarial nature of the proceedings. In Canada, the review of solitary confinement stays by non-judges looks very similar, suggesting that *who* carries out the review may be less important than the structure in which the decisions are made.

Decisions on extending the length of stays in solitary confinement are made by judges in Israel, whereas in Canada independent non-judges have this responsibility. In both cases, decision makers largely accept the conclusions of prison authorities in large part because the structure favours this outcome. The *public* logic of these appeals is that an “independent person” assesses whether it is necessary for someone to remain in solitary confinement. But in both counties, it would seem that the decision makers accept the logic and evidence presented by prison authorities. It appears, then, that creating a truly independent review of the length of stay in solitary confinement is not going to be adequately accomplished simply by changing the occupation of the decision makers.

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A court-ordered “certificate of qualification for employment” designed to help those with criminal records get jobs helps White job applicants overcome the stigma of a criminal record. It appears to be of no benefit to African American job seekers, however.

There is, now, substantial evidence that job applicants with criminal records – even when that criminal record has no logical relationship to the job the applicant is applying for – are disadvantaged. The challenge is how to overcome the effect of a criminal record for African American applicants. Previous research (*Criminological Highlights* 17(4)#2) suggests that prohibiting employers from asking about criminal records may end up disadvantaging African American (and Hispanic) young men, possibly because of stereotypes concerning the likelihood that they might have a record. In jurisdictions in which large numbers of people – especially racialized people – are criminalized, the challenge of getting employment remains.

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The “imprisonment rate” (expressed as number of prisoners per hundred thousand *residents*) in the US may have decreased somewhat in the past ten years. But imprisonment indexes calculated in other ways (e.g., prisoners per hundred thousand *reported crimes*), show that punishment rates have increased. Furthermore, imprisonment rates are uneven across communities.

According to this paper, the “penal response to law breaking continued to intensify after 2007 when incarceration rates began to fall” (p. 23). Furthermore, the “findings... suggest that the greater commitment to the use of confinement by authorities in rural and suburban counties explains this pattern” (p. 23). More generally, “The findings presented here suggest that the end of the era of mass incarceration [in the US] is not yet upon us. Instead, the results indicate that the justice system’s response to crime has continued to intensify despite the falling crime rates and the adoption of state-level reforms intended to reduce prison populations” (p. 24).

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Full prosecution of those charged with driving while impaired by alcohol or drugs may be making the roads *less* safe.

The findings from this study suggest that “the harshest penalties for [drinking driving offences] are not the most effective. At a minimum this study revealed that there were no negative effects from using diversion” (p. 96). Though there was no difference in the recidivism rates for White males who were diverted rather than being found guilty, recidivism rates for Non-Whites and for women were *lower* for those who were diverted. Those advocating a policy of ‘full prosecution’ for all those charged with an impaired driving offence, therefore, should be aware of the fact that they are, in effect, advocating for higher rates of overall reoffending for some groups.

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Criminal justice responses to intimate partner violence do not appear to be effective. A meta-analysis of 57 different studies suggests that criminal prosecution of the offender *might* have reduced subsequent offending; a conviction had no effect; and incarceration was associated with *increased* subsequent offending.

The fact that there is variation across studies in the impact of prosecution, conviction, and incarceration on the likelihood that those who commit acts of intimate partner violence will, subsequently, repeat this offence suggests caution in looking to the criminal justice system as a way of reducing intimate partner violence. The results are clearest in the case of conviction and incarceration: neither criminal justice outcome is consistently associated with reduced offending. In fact, incarceration of the perpetrators of intimate partner violence appears to be associated with an increase in subsequent offending.

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Police officers in a city in which racial disparities in practices had been demonstrated deny the role of race in routine police work. At the same time, they explain their own and other officers' actions in words that describe racially targeted policing.

Previous work has suggested it is much easier to change police officers' views of the legitimacy of racialized policing than it is to change their actual behaviour (*Criminological Highlights* 19(3)#5). This paper reports the results of in-depth interviews of police officers on racialized policing. The findings demonstrate that police officers can simultaneously reject the possibility that they engage in racial profiling during traffic stops while they freely describe actions that clearly produce racially disparate outcomes.

This study took place in San Diego, California, a city in which it had been demonstrated that "Black and Latinx drivers were more likely than white drivers to be searched following a traffic stop and... were less likely to be found with contraband. Black drivers were subject to field interviews (the verbal questioning... during a stop) at more than double the rate of white drivers, but significantly less likely to receive a citation than white drivers..." (p. 378).

When police officers were interviewed, they "nearly universally denied the existence of racialized policing..." (p. 379), suggesting that racists are weeded out when people applied to be police officers. At the same time, police officers described traffic stops as an essential tool in policing and indicated that proactive police stops of citizens did not involve racially profiling. Instead, they suggested that police officers were *criminally* profiling drivers. Hence stops were described as taking place "in a local context in which more serious criminal behaviour is expected, in the hopes of finding evidence of a more serious crime" (p. 386). In this way, and by noting they respond to the behaviour

not the person, they suggested they were stopping 'the criminal element' who could be identified by their clothing, location, etc. (and not race). 'Criminal profiling', then, is "ideologically effective in concealing the racialized elements of police practice: race is not used alone to determine suspicious behaviour; rather it inextricably linked with other elements, such as a person's clothing, demeanor, mannerisms..." (p. 387). "Disparities revealed by analyses of traffic stop data were seen as reflecting differential behaviour rather than police practices.... Officers [were] unaware of how superficially neutral practices can be racialized, such as tactics that target specific neighbourhoods..." (p. 388).

The challenge, then, is that racialized police practices are, from the police officer's perspective, "submerged below the surface of routine police practice" (p. 389). Rejection of explicit racism alone obviously does not touch these actions. Police leadership, then, needs to understand how this "below the surface" form of racism operates and then examine aspects of training and tolerance in policing "that are found to indirectly facilitate racialized

practices around police interactions with communities of colour" (p. 389). "Finally, there is a fundamental need for police departments to reimagine the purpose of traffic stops toward de-escalation, education, and engagement, and to ground this in evidence-based practices.... Rather than having formal policies around 'equal treatment', when cultures and subcultures are so different" (p. 390), there needs to be a shift from 'formal rationality' to one of substantive justice.

Conclusion: This paper suggests that racism in policing is more deeply embedded in 'normal police practices' than it is often seen to be. The police officers whose actions reflected racism did not see their motivations in this way. Hence the "rejection of explicit racism alone is insufficient to address the progressive micro-racial aggression that emerges at key points during police-community encounters" (p. 374).

Reference: Welsh, Megan, Joshua Chanin, and Stuart Henry (2021). Complex Colorblindness in Police Processes and Practices. *Social Problems*, 68, 374-392.

The widespread implementation of an evidence-based system of supervising people on probation was effective in changing the behaviour of probation officers and in reducing the reoffending of those they were supervising.

Many correctional programs are evaluated under what might be considered 'ideal' conditions: in a limited and receptive target agency, with careful supervision by those familiar with the program and for a limited time. This study was different: it was implemented – and evaluated – across the entire Canadian province of British Columbia.

The framework under which this program was developed – the “Risk-Need-Responsibility (RNR) Model” --suggests that any program should target those most likely to reoffend; it should address the factors associated with reoffending; and should deliver programs that clients are motivated and capable of responding to (see *Criminological Highlights* 9(6)#3). Ordinary probation “supervision” does not fit this model and does not appear to be effective.

This study examined an attempt to train and implement a probation treatment model targeting medium- and high-risk probationers. Probation officers (POs) were taught to focus on criminogenic needs rather than more general issues such as life skills and self-esteem. And they were taught how they could “alter procriminal attitudes using cognitive and behavioural intervention techniques” (p.2).

British Columbia decided to implement the new model province-wide. This creates challenges not only for evaluation, but also for ensuring the program was implemented as it was designed. To evaluate the efficacy of the implementation, POs who were supervising medium- and high-risk probationers audio recorded 4 sessions

with probationers before the program began. After the training had taken place audio recordings were made of the POs' meetings with other similar clients. The evidence was that the training had its desired effects on the content of PO-client meetings.

There were some problems of implementation. When PO compliance with the program fell below expectations, the implementation was paused and “corrective steps to improve adherence to the... model and evaluation” were taken. “Organizations adopting new supervision models must be prepared to institute policies and practices to support and closely monitor implementation” (p. 10).

Re-conviction (using police records across Canada) for clients under the new regime was compared to recidivism for clients who started the supervision immediately prior to the implementation of the new program. Those who were supervised using the RNR model had lower rates of overall and violent reoffending. The time spent by the PO and client working on procriminal attitudes appeared to be effective: an increase of 10% in the proportion of time spent discussing criminogenic needs was associated with a 5% reduction in recidivism.

Conclusion: There are obvious challenges in implementing and evaluating a program system wide. Given the history of inadequately implemented programs (often implementation in name only), this paper suggests that system-wide implementation of an evidence-based probation supervision program can be done and can change the behaviour of both probation officers (POs) and clients. “This requires a shift in policies and practices where the priorities are promoting an active change agent role for POs rather than an enforcement role...” (p. 8). For probation supervision to be effective in changing clients, the first step, it would seem, is to change POs' behaviour.

Reference: Bonta, James, Guy Bourgon, Tanya Ruge, Chloe I. Pedneault & Seung C. Lee (2021). A system-wide implementation of the Strategic Training Initiative in Community Supervision. *Journal of Criminal Justice*, 74, 1-12.

Canadian immigrants' views of the police are shaped by different factors from the views of police held by non-immigrants. A study of the views of police among those of South Asian origin in Canada demonstrates that recent and settled immigrants have more favourable views of Canadian police than those born in Canada. Furthermore, South Asian immigrants' views of the police are not as predictable as are the views of people of South Asian origins who were born in Canada.

About 22% of the Canadian population is foreign born. It is less dominated by those of European origin than it was in the past. Hence it is not surprising that being an immigrant is often conflated with being a “visible minority” in Canada. Previous research has demonstrated that different racialized groups have very different views of the police in Canada. This paper examines the views of police by one ethnic group – South Asians living in Canada – in order to understand how immigration status of this group relates to views the police.

Using the 2014 (Canadian) General Social Survey, people of South Asian origin – the largest racialized group in Canada – living in an urban centre in one of Canada’s four most populous provinces were identified. Seven questions measuring respondents’ views of how good a job the police were doing, plus a measure of “confidence” in the police were combined into a single measure of views of the police. Various controls or explanatory variables were included: gender, age, marital status, education, perceptions of neighbourhood crime, length of time living in the neighbourhood, feelings of belonging in the neighbourhood, contact with the police, victimization, and whether the respondent reported being discriminated against in the past 5 years.

Overall, recent immigrants (who had been in Canada for less than 10 years) were the most favourably disposed toward the police. Immigrants who had been in Canada for 10 years or more were slightly less favourable. People of South Asian origins who were born in Canada had the least favourable views of the police. Controlling for all other factors, the two groups of immigrants were more favourable toward the police

than people of South Asian origins who were born in Canada.

When trying to understand the factors affecting the views of Canadians of South Asian origin toward their local police, it was clear that demographic factors and experiences related to crime contributed to the views of those born in Canada much more than they did to those who were born elsewhere. For those born in Canada, favourable views of the police were associated with 6 factors: being older, having less education, perceiving one’s neighbourhood to have low crime, feeling that they belonged in the neighbourhood, having no contact with the police and not having been a victim of a crime. For Canadians of South Asian origin who were born outside of Canada but had lived in Canada for 10 years or more, being married, having less education, perceiving one’s neighbourhood as having little crime, being new to the neighbourhood and not feeling discriminated against were associated with favourable views of police. For recent South Asian immigrants, only two factors -- having a sense of belonging in the neighbourhood and not having been a victim of crime -- were associated with favourable views of

the police. Generally speaking, “the set of variables typically used to understand people’s views of police... are more predictive for those [Canadians of South Asian origins] who are native-born [than for the immigrant groups]” (p. 13). Generally speaking, the overall findings were similar in each of the four provinces from which data were taken.

Conclusion: When trying to understand immigrants’ views of police, it is important to specify the group that one is interested in and the length of time that people have spent in the host country. The set of factors that predict people’s views of the police in Canada are very different for those who are relatively recent immigrants compared to those whose origins are the same but were born in Canada. Furthermore, “the factors which *shape* these views may indeed be different among native-born, recent, and settled immigrants” (p. 15).

Reference: Jung, Maria, Carolyn Greene, and Jane B. Sprott (2021). Homegrown Views? Exploring Immigrant and Racialized People’s Perceptions of Police in Canada. *Canadian Journal of Criminology & Criminal Justice*, 63(1), 1-22.

In Israel, judges decide whether prisoners can be kept in solitary confinement beyond an initial 6-month period. This process, which largely ends up with judges agreeing with prison authorities' decisions, does not address the "extreme asymmetries of power between prison authorities and the prisoner" (p. 19) in part because of the weak adversarial nature of the proceedings. In Canada, the review of solitary confinement stays by non-judges looks very similar, suggesting that *who* carries out the review may be less important than the structure in which the decisions are made.

Prisoners are placed in solitary confinement for various reasons. Both Israel and Canada have systems of review of various aspects of prison authorities' decisions to hold prisoners in solitary confinement. In Israel, decisions to extend solitary confinement are made by judges. In Canada, Independent External Decision Makers (IEDMs) make the decisions, some of which are meant to be binding on correctional administrators. Notwithstanding the IEDM review process, 28% of stays in Canada's "Structured Intervention Units" fall into the Mandela Rules definition of solitary confinement and another 10% fall into the definition of torture.

The challenge for independent reviewers of decisions to keep prisoners in solitary confinement is that they – whether judges or non-judges – appear to be reluctant to second-guess prison officials. Paper #1 reviewed 249 solitary confinement court decisions by Israeli judges. Judges were clearly aware of the "pains of solitary confinement" and "understood" it to be "harmful" (p. 7). Yet they often suggested that prisoners were not being subjected to "real" solitary confinement (p. 10). Similarly, in 67% of the cases, the judges implied they were not really responsible for any potential harm because they were only deferring to prison/ security/ sociomedical expertise. When there was a disagreement between the facts presented by state authorities and the facts presented by the prisoner, judges tended to accept prison authorities' assessment. In certain types of cases, the prisoner only received a paraphrase of the evidence against them and was not allowed to cross-examine state authorities. Where there was no evidence that the prisoner in solitary confinement was behaving in a problematic manner, the prisoner could be ordered to remain in solitary confinement because the

lack of misbehaviour showed that solitary confinement "worked." More generally "the discretionary nature of the judicial process seems to incentivize a risk-averse logic that counterbalances the prisoner's rights" (p. 16).

In the Israeli solitary confinement cases, the prison authority's position was approved by the judges 93% of the time. This is very similar to the Canadian approval rate where 87% of the contested decisions supported the prison authorities. Similar to those in solitary confinement in Israel, Canadian prisoners in solitary can make written submissions to the IEDM, but they do not necessarily know what the case against them consists of. Unlike Israel, in Canada the decisions are not public and cannot be assessed. Finally, "orders" to release Canadian prisoners from solitary confinement are often not implemented very quickly (Paper #2, p. 16).

Conclusion: Decisions on extending the length of stays in solitary confinement are made by judges in Israel, whereas in Canada independent non-judges have this responsibility. In both cases, decision makers largely accept the conclusions of

prison authorities in large part because the structure favours this outcome. The *public* logic of these appeals is that an "independent person" assesses whether it is necessary for someone to remain in solitary confinement. But in both countries, it would seem that the decision makers accept the logic and evidence presented by prison authorities. It appears, then, that creating a truly independent review of the length of stay in solitary confinement is not going to be adequately accomplished simply by changing the occupation of the decision makers.

References: Dagan, Netanel & Sharon Shalev (2021). The Role of Israeli Judges in Authorising Solitary Confinement Placements: Balancing Human Rights and Risk, or Neutralizing Responsibility? *Punishment & Society* <https://journals.sagepub.com/doi/10.1177/14624745211019112> [Paper #1]. Sprott, Jane B., A.N. Doob & Adelina Iftene (2021). Do Independent External Decision Makers Ensure that an Inmate's Confinement... <https://www.crimsl.utoronto.ca/news/reports-canada%E2%80%99s-structured-intervention-units> [Paper #2]

A court-ordered “certificate of qualification for employment” designed to help those with criminal records get jobs helps White job applicants overcome the stigma of a criminal record. It appears to be of no benefit to African American job seekers, however.

A substantial amount of research (e.g., *Criminological Highlights* 6(3)#2, 15(1)#7, 17(2)#7, 17(3)#5, 17(4)#2, 18(3)#6) has demonstrated that people with criminal records are disadvantaged in getting employment. One way of overcoming this disadvantage is to provide some manner of getting past the record, such as a pardon (see *Criminological Highlights* collection on “Evaluating the benefits of pardons”).

This paper examines the Ohio “Certificate for Qualification for Employment” (CQE) which can be issued by a court if the court deems it to be useful to the applicant in getting employment and the applicant is living a law-abiding life and if providing it does not pose an unreasonable risk to society.

Potential employers who had posted an online advertisement for an entry level worker received one of six different resumes. Excluded from the study were employers whose job advertisement indicated that only those without criminal records would be considered. All resumes contained the same contact information, educational background, employment experience and key skills. All applicants were described as having graduated from high school in a particular year suggesting that they were about 30 years old. Names of applicants were randomly assigned to be either “Tyrone Williams” (a name seen as associated with being African American) or “Matthew O’Brien” (a name seen as associated with being White). Applicants were described in one of three ways: having a one-year

old felony drug conviction, having the same record with a CQE, or no mention of a criminal record.

The principal outcome measure was whether the applicant received a callback from the potential employer. Consistent with previous findings, applicants with criminal records (but no CQE) had a lower probability of receiving a callback than did those apparently without a criminal record. This was true for both White and African American job applicants.

White applicants with a criminal record and a CQE received callbacks for employment at a rate that was indistinguishable from White applicants without a criminal record and at a significantly higher rate than those with a record but no CQE.

However, for African American job applicants, the CQE had no effect. The likelihood that an African American with a CQE would receive a callback was the same as that for African Americans with a record but no CQE.

Conclusion: There is, now, substantial evidence that job applicants with criminal records – even when that criminal record has no logical relationship to the job the applicant is applying for – are disadvantaged. The challenge is how to overcome the effect of a criminal record for African American applicants. Previous research (*Criminological Highlights* 17(4)#2) suggests that prohibiting employers from asking about criminal records may end up disadvantaging African American (and Hispanic) young men, possibly because of stereotypes concerning the likelihood that they might have a record. In jurisdictions in which large numbers of people – especially racialized people – are criminalized, the challenge of getting employment remains.

Reference: Leasure, Peter and Tia Stevens Andersen (2020). Race, Criminal Records, and Certificates of Relief. *Deviant Behavior*, 41(9), 1065-1083.

The “imprisonment rate” (expressed as number of prisoners per hundred thousand residents) in the US may have decreased somewhat in the past ten years. But imprisonment indexes calculated in other ways (e.g., prisoners per hundred thousand reported crimes), show that punishment rates have increased. Furthermore, imprisonment rates are uneven across communities.

Although the number of prisoners in the US decreased by about 11% between 2007 and 2016, the index crime rate (generally a measure of the rate of reported serious felonies) in the US decreased by about 24%. Not surprisingly, then, the proportion of arrests that resulted in imprisonment during this period has increased. Hence “imprisonment is an increasingly common postarrest outcome” (p. 2) of offending.

The drop in the imprisonment rate (prisoners per 100,000 residents) has sometimes been interpreted as reflecting changes in the laws governing punishment. However, the rate of imprisonment per hundred thousand crimes has increased. This suggests that punishment for crime has become more severe. Therefore, it seems more likely that the decrease in the size of the prison population is due to there being fewer crimes to prosecute. Suggestions that changes in the law are responsible for the smaller prison population also ignore the strong possibility that changes in prosecution policies may be important. Prosecution policies, however, are typically informal and are often locally determined. Furthermore, they are often invisible. That being the case, it is possible that changes in admissions to prisons are the result of local policies. Local policies are especially important given that local jails and state prisons hold about 90% of US prisoners; the other 10% are in federal prisons.

This paper focuses on the “punishment rate” – the ratio of the number of prison admissions to the number of

index crimes (generally the most serious felonies) – to measure the strength of the penal response to crime. Not surprisingly, crime and arrest rates are generally higher in urban counties in the US than in suburban and rural counties. However, the “punishment rates” in suburban and rural counties are higher than in urban areas.

This difference appears to be entirely due to the prosecution process rather than policing. The rate of arrests per 1000 crimes was similar across urban, suburban and rural counties at the turn of this century (2001-3) and ten years later (2011-13), although the rates generally were higher in the later period.

Prison admissions showed a different pattern. In the 21st century, the rate of prison admissions per 1000 arrests was close to twice as high in suburban and rural counties compared to urban counties. States themselves vary considerably in their punishment rates. However, the urban vs. suburban/ rural differences (higher punishment rates in the latter locations) hold for both the most and the least punitive states.

Conclusion: According to this paper, the “penal response to law breaking continued to intensify after 2007 when incarceration rates began to fall” (p. 23). Furthermore, the “findings... suggest that the greater commitment to the use of confinement by authorities in rural and suburban counties explains this pattern” (p. 23). More generally, “The findings presented here suggest that the end of the era of mass incarceration [in the US] is not yet upon us. Instead, the results indicate that the justice system’s response to crime has continued to intensify despite the falling crime rates and the adoption of state-level reforms intended to reduce prison populations” (p. 24).

Reference: Beckett, Katherine and Lindsey Beach (2021). The Place of Punishment in 21st Century America: Understanding the Persistence of Mass Incarceration. *Law & Social Inquiry*, 46(1), 1-31.

Full prosecution of those charged with driving while impaired by alcohol or drugs may be making the roads *less* safe.

This paper explores what happens when those apprehended for driving under the influence of alcohol or drugs are offered an “accelerated rehabilitative disposition”—a form of diversion from the criminal process—rather than being subject to a full criminal prosecution.

In Pennsylvania, prosecutors can divert from a full criminal prosecution those charged for the first time with drinking driving offences to an “accelerated rehabilitative disposition” (ARD) that does not result in a finding of guilt. The most important result is that those originally charged do not acquire a criminal record. Two questions were addressed in this study: (1) What are the characteristics of those who are diverted to the ARD programs compared to those who are found guilty? and (2) What is the effect of diversion on recidivism (defined as any arrest within 4 years)?

The likelihood of diversion is not equal across all groups. Men and White offenders were more likely than Women and Non-White offenders to receive the ARD. Those with criminal records (for offences other than drinking-driving) and younger people were also less likely to be diverted. Blood alcohol level was unrelated to the likelihood of being diverted. Those charged with driving under the influence of drugs (rather than alcohol) were less likely to be diverted.

Overall, controlling for various relevant variables (sex, race, age, number of prior arrests, age at first arrest, type of drinking-driving offence, and judicial district)

those who were originally diverted from a finding of guilt for their first drinking driving offence were less likely to be rearrested during the four years after the final disposition of their case.

However, for White males, the likelihood of rearrest was virtually identical for those originally found guilty of the driving while impaired charge and those who received the ARD. For Non-White males and females, and for White females, the likelihood of being rearrested was significantly lower for those who were diverted from a criminal conviction. It would appear then that the group most likely to receive the immediate benefit of the ARD—White males—was least likely to show any long-term reduction in reoffending.

In many jurisdictions, deterrence is central to the thinking about how to respond to drinking-driving offences. For example, in Canada, most of those (84%) apprehended for impaired driving offences (where there was no injury or death) in 2019 were charged criminally and most adults were found guilty (82%). For all other criminal offences, only 66% of people apprehended were charged criminally and 59% of adults were found guilty.

Conclusion: The findings from this study suggest that “the harshest penalties for [drinking driving offences] are not the most effective. At a minimum this study revealed that there were no negative effects from using diversion” (p. 96). Though there was no difference in the recidivism rates for White males who were diverted rather than being found guilty, recidivism rates for Non-Whites and for women were *lower* for those who were diverted. Those advocating a policy of ‘full prosecution’ for all those charged with an impaired driving offence, therefore, should be aware of the fact that they are, in effect, advocating for higher rates of overall reoffending for some groups.

Reference: Knoth, Lauren K., and R. Barry Ruback (2021). Conviction or Diversion and the Labeling of First-Time DUI Offenders: An Analysis of Sentencing and Recidivism in Pennsylvania. *Justice Quarterly* 38(1), 72-100.

Criminal justice responses to intimate partner violence do not appear to be effective. A meta-analysis of 57 different studies suggests that criminal prosecution of the offender *might* have reduced subsequent offending; a conviction had no effect; and incarceration was associated with *increased* subsequent offending.

For close to 40 years, research findings on the impact of criminal justice interventions on re-offending by those who apparently committed acts of interpersonal violence have been inconsistent. The results of a 1984 study and five replications are inconsistent, though the majority of the individual findings would suggest that arresting a perpetrator of intimate partner violence *may* reduce subsequent offending.

This paper examines the research on post-arrest sanctions for intimate partner violence: prosecution, findings of guilt, and incarceration. In all, 29 publications were found that included findings from 33 different samples. Many of these studies reported multiple tests of the various specific deterrence effects of post-arrest sanctions for intimate partner violence. Where multiple tests of the same hypothesis were reported, a decision had to be made on which test to use. The authors chose what appeared to them, using fairly strict criteria, to be the most rigorous test, though they also reported various other ways of combining these multiple tests. The effects of the three post-arrest decisions – prosecutions, findings of guilty, and incarceration of the offender – were examined separately.

Looking first at the 10 studies that reported effects of prosecution of those arrested, 7 of the 10 findings were in the direction favouring deterrence (prosecution leading to lower likelihood of subsequent intimate partner violence). Three were in the direction of an escalation of violence. Combining the best measures available in these 10 studies resulted in a non-significant ($p=.095$) overall effect favouring a

deterrent impact of prosecution. Other ways of combining the multiple tests within each study suggest that there may have been a (significant) deterrent impact of prosecution. What is, perhaps, more important is that the results across relatively high-quality studies were inconsistent.

The finding on the impact of conviction for intimate partner violence on subsequent intimate partner violence was tested in 26 studies. The combined finding of the best test of the deterrence effect of conviction in these studies showed no overall impact of conviction. Once again, however, there was considerable variation across studies, though different ways of combining tests made no difference.

Finally, the results of the incarceration of men convicted of intimate partner violence was tested in 21 studies. Though there was variation across studies, the overall effect – looking at the ‘best’ test or looking at other ways of combining tests within a study – suggests that the incarceration of those convicted of intimate partner violence significantly increases their likelihood of subsequent involvement in this same offence.

Conclusion: The fact that there is variation across studies in the impact of prosecution, conviction, and incarceration on the likelihood that those who commit acts of intimate partner violence will, subsequently, repeat this offence suggests caution in looking to the criminal justice system as a way of reducing intimate partner violence. The results are clearest in the case of conviction and incarceration: neither criminal justice outcome is consistently associated with reduced offending. In fact, incarceration of the perpetrators of intimate partner violence appears to be associated with an increase in subsequent offending.

Reference: Garner, Joel H., Christopher D. Maxwell and Jina Lee (2021). The Specific Deterrent Effects of Criminal Sanctions for Intimate Partner Violence: A Meta-Analysis. *Journal of Criminal Law & Criminology*, 111(1), 227-274.