



Centre for Criminology & Sociolegal Studies
UNIVERSITY OF TORONTO

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. What happens if a medium security prison is set up in a manner that allows prisoners to live productive lives within the prison walls?
2. What accounts for the fact that the Black incarceration rate in the US is roughly 6 times that of the White incarceration rate?
3. What is the impact on crime of letting prisoners out sooner than might be expected?
4. Why are calls to “defund” or “abolish” the police counterproductive?
5. What is missing in the manner in which halfway houses are conceptualized and run?
6. Why might the term “overdose prevention site” be preferable to the term “safe injection site”?
7. Are police more at risk when they respond to disputes involving intimate partners than when they respond to similar incidents in which the participants are not in such a relationship?
8. Do mandatory sentencing laws affect crime rates?

A medium security prison in Uruguay for about 600 male prisoners demonstrates that prisons can be operated in a manner in which prisoners’ every movement is not controlled, the informality of normal society is tolerated, if not encouraged, and in which prisoners make their own decisions on how they are going to engage in activities that are seen as productive by prison authorities and themselves.

This is clearly an unusual prison. But it demonstrates that those who have committed criminal offences and are sent to prison can be given opportunities and a style of life that looks quite different from what is normally thought of as prison life in most countries. Given the data from many countries on the harmful impacts of prisons on those who experience them, it raises various questions including whether a “strategy based on more informal, open and horizontal relations between custodians and prisoners [would be] possible and desirable” (p. 88) in other countries.

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Increases in the ratio of black to white incarceration rates in the U.S. between 1977 and 2015 appear to be driven, in part, by increases in the fear of crime.

The “findings illustrate that fear of crime can account for a sizable portion of the growth of racial disparity in incarceration rates” (p. 445) in the U.S. “The effect of fear of crime is comparable [in importance] to the effect of legally relevant factors, such as racial differences in violent crime” (p. 447). Though this study did not examine the mechanism for the fear-of-crime effect, it is possible that “fear of crime may influence racial disparity in sentencing and arrests and motivate police mobilization to predominantly black neighbourhoods” (p. 447).

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A program in Norway designed to get those convicted of criminal offences out of prison as quickly as possible reduced reoffending.

The study demonstrates that, in comparison with a sentence served in prison, serving one’s sentence in the community while being electronically monitored leads to no more, and possibly less, recidivism. It is impossible to know, from this study, whether electronic monitoring (EM) contributed in any important way to the effects. The availability of EM may have simply been a justification for allowing the prisoner to serve the sentence in the community rather than in prison. Clearly, however, the program of early release of prisoners on EM did not increase long- or short- term risk to the community.

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People who are truly interested in reforming the police by ensuring that they are well-trained and carefully monitored would be more successful in getting support for these goals if they did not use simplistic slogans that advocate “abolishing” or “defunding” the police.

Policies based on the slogans of defunding or abolishing the police were much less popular than the broader suggestion that the police be reformed. The challenge is that members of the (American) public linked reduced police strength – carried out under any slogan – with increased crime. “It appears that advocates [of police reform] would do well to articulate the specific reforms they seek, because this may further increase support for a movement that is already supported by most” (p. 139). But given that many people have apparently “interpreted calls for abolishing and defunding the police literally” (p. 141) and they believe that this would lead to increased crime, it would seem that those truly wanting reform of the police need to go beyond slogans to get public support.

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Placing prisoners in a halfway house is often seen as a discrete step in the path of reentry from prison to the community in which they live. This conception ignores the fact that the halfway house is only one step in a process for the former prisoner whose ultimate destination and activities may have little resemblance to life in the halfway house.

The findings highlight the importance, for successful reentry, of “paying attention to ex-prisoners’ conceptions of their futures, including when and where they will enact different aspects of their reentry (e.g., economic versus social integration). [Hence the findings] underscore the importance of both targeted reentry support located in the city into which they are released, as well as follow-up support and coordinated services across cities and provinces informed by ex-prisoners’ own conceptions of their future” (p. 615).

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Public support for “safe injection facilities” increases dramatically when these sites are referred to using a name that more clearly reflects their purpose: “overdose prevention sites.”

“Support for these facilities, at both the general U.S. and the local neighbourhood levels, is driven primarily by the label used to refer to the facilities... rather than whether and what kind of information is provided about these facilities... Support...at both the US and local levels was higher when they were labelled Overdose Prevention Sites, compared to Safe Injection Facilities” (p. 744). In other words, language matters: a label that focuses on the lifesaving potential of these facilities makes them more acceptable than a label that focuses on the safe consumption of illicit drugs.

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The risk to police officers when they respond to calls involving domestic disputes is lower than it is when they respond to similar incidents that do not involve current or former intimate partners.

The findings clearly show that police officers are at less risk of harm when responding to domestic incidents than they are when responding to comparable other incidents not involving close victim-offender relationships. “The findings support recent research suggesting that the danger of domestic-related incidents to [police] officers is not as great as previously believed... Only focusing on those incidents in which officers are assaulted, injured, or killed excludes the majority of officer-citizen interactions – those in which the officer(s) are not assaulted, injured, or killed” (p. 1418).

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A mandatory sentencing law in Oregon had no effect on crime rates.

The results from the two statistical methods are easy to summarize: two different statistical approaches “indicated that the law had no appreciable effect on violent or property crimes” (p. 1378). Indeed, there were some increases in crime found using one of the methods. The supporters of the change in law had suggested that it would be effective as a result of the incapacitation of offenders and/or because of general deterrence. The law did seem to change sentencing: imprisonment for the crimes covered by the change in law increased as did sentence length. However, the findings related to the law’s effect on crime are “consistent with centuries of practice and decades of research” (p. 1378): Increasing the severity of sentences is not an effective approach to crime control.

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A medium security prison in Uruguay for about 600 male prisoners demonstrates that prisons can be operated in a manner in which prisoners' every movement is not controlled, the informality of normal society is tolerated, if not encouraged, and in which prisoners make their own decisions on how they are going to engage in activities that are seen as productive by prison authorities and themselves.

Uruguay's Punta de Rieles prison is unusual compared to prisons in any country including Uruguay. For that reason, it has been the subject of several [documentaries](#). One of its defining characteristics is that prisoners are expected to be active, meaning that they must engage in productive activities (employment or entrepreneurial).

This paper is based on about 300 hours of fieldwork and interviews in various settings in the prison. Other than sex offenders and those convicted of drug trafficking offences, the prison accepts almost anyone as long as they are willing to engage in productive activities. The prison itself is secure (with walls, barbed wire, armed guards, etc.). Aside from that, within its walls, it looks more like a village than a prison and, for the most part, prisoners move around without control. They can use cell phones and the internet and largely are encouraged to live as normal a life as possible.

Formal rehabilitative programs (or predefined or compulsory programs) based on "expert knowledge," (p. 86), which are typical in other prison settings, are not part these prisoners' daily lives. Instead, prisoners work for the prison, or for a private employer (another prisoner or a private company), or they can become entrepreneurs. In the words of the warden, "You are not obliged to have a project. You are obliged to do something... not to do time" (p. 76). There are about 50 businesses in the prison that are owned by prisoners. About half of the prisoners work for one

of these businesses. Others work for the prison in various forms of maintenance. In Uruguayan law, working or studying during imprisonment leads to sentence reduction. All prisoners are paid for their work. Any money that the prisoner saves is given to him upon release.

Prisoners with ideas for new businesses can apply to a fund—directed by prisoners, the warden, and one prison officer—for a no-interest loan. If funding is approved, the prisoner is given a contract to sign that is similar to the agreement an outside private company operating in the prison needs to agree on. The failure of a prisoner's entrepreneurial project is not held against him. Generally, the overall strategy is "to influence the prisoners by moulding their choices for them to engage in activities valued as 'positive' by prison authorities" (p. 87). Interaction between prisoners and staff (including the warden) are largely informal.

The critical reality in the prison is that "prisoners must make a choice and develop the activity that they have chosen" (p. 85). But once involved in a positive activity, they are, for the most part, left alone. The two possible

roles—workers and entrepreneurs—are promoted by prison authorities, giving prisoners an important degree of agency. "The vast majority of prisoners fulfill the imperative of activation by engaging in an economic productive activity..." (p. 84). If not, they can be transferred to another (ordinary) prison.

Conclusion: This is clearly an unusual prison. But it demonstrates that those who have committed criminal offences and are sent to prison can be given opportunities and a style of life that looks quite different from what is normally thought of as prison life in most countries. Given the data from many countries on the harmful impacts of prisons on those who experience them, it raises various questions including whether a "strategy based on more informal, open and horizontal relations between custodians and prisoners [would be] possible and desirable" (p. 88) in other countries.

Reference: Avila, Fernando and Máximo Sozzo (2022). Peculiar Responsibilization? Exploring a Governing Strategy in an Atypical Prison in the Global South. *Punishment & Society*, 24(1), 69-94.

Increases in the ratio of black to white incarceration rates in the U.S. between 1977 and 2015 appear to be driven, in part, by increases in the fear of crime.

In the U.S., the black incarceration rate is about six times the white rate. Although the black arrest rate is also higher than the white rate, neither of these ratios is fully understood. This paper examines the impact of fear of crime on the disparity of the two incarceration rates.

Fear of crime could have an effect for at least two reasons: fear of crime could lead to racially targeted crime policies (e.g., racialized sentencing laws) and it could “motivate social control of black neighbourhoods and enhance the severity of punishments doled out to black offenders” (p. 433). If it is true that “crime... has become heavily racialized in the mind of the American public” (p. 432), then it would not be surprising if the salience of crime issues would, in the context of black criminal stereotyping, “provide traction to the law-and-order politics of mass incarceration” (p. 432), especially of blacks.

This paper looks at the black/white incarceration rate ratio in 40 US states between 1978 and 2015. It uses data from 102 separate surveys carried out during this period by 12 different polling organizations in the US in which feeling afraid/unsafe walking alone in one's neighbourhood at night was assessed. Explicit prejudice was assessed using a range of different questions (e.g., opposition to school integration) as was “laissez-faire prejudice” (e.g., belief that blacks do not suffer, generally, from prejudice). The statistical approach that was used examines within-state change

over time, hence controlling for constant differences among states (e.g., whether it is a southern state). Various controls were included: percent black and percent of black unemployment in the population, black-white voter and unemployment ratios, 7 measures of crime rates, and 2 measures of political preferences.

Fear of crime and the black-white ratio of incarceration show parallel changes over time in most states: As fear changed in a given state, the ratio of black to white incarceration rates changed in a similar manner. Neither explicit nor laissez-faire prejudice related directly to the black/white incarceration ratio in a manner that explained racial disparity in incarceration. In the full analysis using all the data from the 40 states for the 38-year period, increases in fear of crime were associated with increases in racial disparity in incarceration rates. The black-white violent crime ratio and the black homicide rates also explained some of the disparity in incarceration. It is important to note, however, that fear of crime is somewhat independent of, and “is roughly as impactful [on the disparity in incarceration] as, racial differences in violent offending” (p.444).

Conclusion: The “findings illustrate that fear of crime can account for a sizable portion of the growth of racial disparity in incarceration rates” (p. 445) in the U.S. “The effect of fear of crime is comparable [in importance] to the effect of legally relevant factors, such as racial differences in violent crime” (p. 447). Though this study did not examine the mechanism for the fear-of-crime effect, it is possible that “fear of crime may influence racial disparity in sentencing and arrests and motivate police mobilization to predominantly black neighbourhoods” (p. 447).

Reference: Duxbury, Scott W. (2021). Fear or Loathing in the United States? Public Opinion and the Rise of Racial Disparity in Mass Incarceration, 1978-2015. *Social Forces*, 100(2), 427-453.

A program in Norway designed to get those convicted of criminal offences out of prison as quickly as possible reduced reoffending.

There is a substantial amount of information that imprisonment does not lower recidivism rates and can have other harmful effects (e.g., *Criminological Highlights* 11(4)#2, 17(3)#3, 17(6)#2, 18(2)#1, 19(1)#8). The challenge, of course, is how to shift people from prison to the community.

This paper examines one way in which Norway reduced its prison population. Norway was facing a prison overcrowding problem in 2008. One way in which this problem was addressed was permitting the correctional service, not judges, to allow a person to serve their sentence in the community. This program was not generally available to those with any record of violent or sexual offences or those who had reoffended while serving another sentence. When released, eligible former prisoners were expected to participate in work-related activities or other employment or volunteer work. Though their movements were electronically monitored, this regime was clearly very different from “electronically monitored house arrest” in that the former prisoners could – and were expected to – leave home for multiple approved reasons.

The electronic monitoring (EM) early release program was rolled out over a period of 6 years across the country. Hence it was easier at certain times in some locations to receive release with EM than in other locations. Because of the slow roll-out of the program, it was possible find people who were

comparable to those released with EM but who were not released because the program was not available in their location. Criminal charges were tracked for those on EM and for the non-EM group for at least 36 months after the sentence ended. Overall recidivism was assessed as was the severity of the charges and the frequency with which people were charged.

The 1-, 2-, and 3-year recidivism rates of those released early (on EM) were considerably lower for those who served their sentences in the community on EM than for those who served their sentences in prison (e.g., a 2-year recidivism rate of 42% for those who served their sentences in prison compared to 24% recidivism rate for who served their sentences in the community on EM). When appropriate controls were included, this effect remained statistically significant. Indeed, when one looks at all 9 measures of recidivism (total, severity, frequency of recidivism at 1, 2, and 3 years), all 9 measures show lower rates for those in the community on EM than for those who served their sentences in prison. Three of these effects were statistically significant.

Conclusion: The study demonstrates that, in comparison with a sentence served in prison, serving one’s sentence in the community while being electronically monitored leads to no more, and possibly less, recidivism. It is impossible to know, from this study, whether electronic monitoring (EM) contributed in any important way to the effects. The availability of EM may have simply been a justification for allowing the prisoner to serve the sentence in the community rather than in prison. Clearly, however, the program of early release of prisoners on EM did not increase long- or short-term risk to the community.

Reference: Andersen, Synøve N. and Kjetil Telle (2022). Better Out than In? The Effect on Recidivism of Replacing Incarceration with Electronic Monitoring in Norway. *European Journal of Criminology*, 19(1), 55-76.

People who are truly interested in reforming the police by ensuring that they are well-trained and carefully monitored would be more successful in getting support for these goals if they did not use simplistic slogans that advocate “abolishing” or “defunding” the police.

In recent years, concern about police brutality and killings of Black and other racialized people has led to lower levels of trust in the police in some countries. It has also led to suggestions from some quarters to ‘defund’ or ‘abolish’ the police. One difficulty is that it is not clear what these slogans actually mean and how they are generally interpreted. A July 2020 survey, for example, estimated that most Americans (58%) believe that “major police reforms were needed” (p. 129) but only 15% supported abolishing police departments.

This paper uses data from a national survey of U.S. adults conducted in October 2020. Three policy slogans (and an explanatory statement about what each meant) were presented to all respondents: (1) “Defunding the police: Reduce police budgets and reallocate funds to social services”, (2) “Abolishing the police: Eliminate police and reallocate funds to other activities”, and (3) “Reforming the police: Keep the police on the streets, but make sure they are well trained and carefully monitored” (p. 131). These were presented in a random order. Hence about 1/3 of the respondents saw each of these three slogans first. In the end, it was shown that the order of presentation did not make any difference. Respondents were asked to indicate their level of support for each slogan and statement on a 5-point scale (from ‘None at all’ to ‘A great deal’).

The slogan and explanation that received, by far, the most support was “reforming the police”. The lowest level of support was given to “abolishing the police.” These results held both for the slogan and

the explanatory statement. Respondents were asked what policies they thought supporters of each of the three slogans wanted. Respondents believed that supporters of each slogan wanted the same things (e.g., making firing of police easier, implementing civilian review boards, banning the use of chokeholds, requiring warnings before shooting).

Similarly, many of the respondents indicated that they believed that there were certain types of incidents in which the police should not be involved (e.g., a heroin overdose in a park, loud music being played in a park, a drunk person yelling, a person yelling racist slurs).

However, respondents believed that reductions in the number of police would lead to two related, but undesirable, outcomes: increased crime and decreased safety. Given that “defunding” or “abolishing” the police was linked, in respondents’ minds, to increased crime and decreased safety because of decreased spending and fewer police, it is not surprising that these slogan-based policy options were not popular.

Conclusion: Policies based on the slogans of defunding or abolishing the police were much less popular than the broader suggestion that the police be reformed. The challenge is that members of the (American) public linked reduced police strength – carried out under any slogan – with increased crime. “It appears that advocates [of police reform] would do well to articulate the specific reforms they seek, because this may further increase support for a movement that is already supported by most” (p. 139). But given that many people have apparently “interpreted calls for abolishing and defunding the police literally” (p. 141) and they believe that this would lead to increased crime, it would seem that those truly wanting reform of the police need to go beyond slogans to get public support.

Reference: Vaughn, Paige E., Kyle Peyton, and Gregory A. Huber (2022). Mass Support for Proposals to Reshape Policing Depends on the Implication for Crime and Safety. *Criminology & Public Policy*, 21, 125-146.

Placing prisoners in a halfway house is often seen as a discrete step in the path of reentry from prison to the community in which they live. This conception ignores the fact that the halfway house is only one step in a process for the former prisoner whose ultimate destination and activities may have little resemblance to life in the halfway house.

Many federal prisoners in Canada begin the process of reentry into the community when they are moved from a secure penitentiary to a halfway house. For prisoners, however, reentry is often “experienced and thought of as a temporally fragmented and piecemeal process that occurred across different locales...” (p. 602).

Many of the residents of the Edmonton, Alberta, halfway houses interviewed for this paper did not come from Edmonton (and had never lived there). Hence, not surprisingly, the “reintegration” related to their stay in the halfway house was to a location that many did not intend to reside in after the expiry of their residence requirements. This was not necessarily intentional on the part of prison authorities: few communities outside of large cities in Canada have halfway houses, space in halfway house is limited, and prisoners often have no choice in the location of where they are placed. Separation from family and social networks – which could be important in finding permanent housing and jobs – was, therefore, a feature of the halfway house system.

Indeed, some former prisoners had conditions of their release forbidding them from travelling to their home communities. The halfway house neighbourhood was, therefore, a

“temporary place in their lives” that many did not feel safe in. Indeed, some felt that the placement of the halfway houses in particular neighbourhoods served as a “test whether they were able to resist the presence of drugs and other vice and refrain from re-offending” (p. 609). More generally, prisoners often saw the real purpose of placement in a halfway house as a “test that enabled ex-prisoners to demonstrate their readiness for more freedom... Their status as halfway house residents was precarious, and... reincarceration was a real possibility if they were deemed unable to adjust to the new level of mobility that release had secured” (p. 609). At the same time, for some prisoners, halfway house residency provided a free place to live which, if they were employed, allowed them to save money for their future after their sentence had expired. Hence “while halfway house living produces pains and hardships among former prisoners, it can also be productive” (p. 613).

Conclusion: The findings highlight the importance, for successful reentry, of “paying attention to ex-prisoners’ conceptions of their futures, including when and where they will enact different aspects of their reentry (e.g., economic versus social integration). [Hence the findings] underscore the importance of both targeted reentry support located in the city into which they are released, as well as follow-up support and coordinated services across cities and provinces informed by ex-prisoners’ own conceptions of their future” (p. 615).

Reference: Maier, Katharina (2021). ‘Mobilizing’ prisoner reentry research: Halfway houses and the spatial-temporal dynamics of prison release. *Theoretical Criminology*, 25(4), 601-618.

Public support for “safe injection facilities” increases dramatically when these sites are referred to using a name that more clearly reflects their purpose: “overdose prevention sites.”

Previous work (e.g., *Criminological Highlights* 19(6)#2) has shown that the manner in which people respond to the use of illicit drugs is closely linked to the factors associated with the particular drug (e.g., beliefs about the race of users of the drug). This paper takes this issue one step further and examines the public’s acceptance of drug harm reduction as a function of how it is described.

Some cities in Canada and in Europe have what are often described as safe injection (or consumption) sites – locations where drugs can be used under the supervision of medical professionals. The US, however, has been slow to create such facilities, often because of public opposition. When referring to these sites, previous research suggests that US newspaper articles typically provide a favourable view of these sites. Nevertheless, a criminal justice perspective typically was the focus of these articles. In contrast, in Canadian news, health perspectives on harm reduction tended to be the theme.

In this study, 1200 adult Americans were asked for their views about the use of these facilities to deal with the opioid epidemic. The facilities were described using either the term “safe injection facility” or “overdose prevention sites.” For one third of each of these groups, people simply got a brief description of what happens in the facility (e.g., drugs are not provided, illicit substances are used under the care of medical staff, should an overdose occur..., etc.). A second group of respondents got

information about the crime control benefits of such programs. A third group was given evidence of the public health benefits of these sites.

Respondents then were asked to indicate their support for having such programs in the US, and their support for having such a facility in their own neighbourhood. People in all conditions were more supportive of having such programs somewhere in the US than they were in having them in their own neighbourhood. More importantly, however, there was considerably more support when these sites were labelled “overdose prevention sites” than when they were called “safe injection facilities.” This was true for their views of having these programs somewhere in the US as well as in their own neighbourhood. Information that was given about the “crime control” or “public health” benefits did not seem to be very important.

Support for having such a facility in one’s own neighbourhood was, not surprisingly, related to respondents’ views of the extent of the problem both nationally and locally.

Conclusion: “Support for these facilities, at both the general U.S. and the local neighbourhood levels, is driven primarily by the label used to refer to the facilities... rather than whether and what kind of information is provided about these facilities... Support...at both the US and local levels was higher when they were labelled Overdose Prevention Sites, compared to Safe Injection Facilities” (p. 744). In other words, language matters: a label that focuses on the lifesaving potential of these facilities makes them more acceptable than a label that focuses on the safe consumption of illicit drugs.

Reference: Scotia, Kelly M, Rebecca Stone, Wilson R. Palacios, and John Cluverius (2021). Focus on Prevention: The Public is More supportive of “Overdose Prevention Sites” than they are of “Safe Injection Facilities.” *Criminology & Public Policy*, 20, 729-754.

The risk to police officers when they respond to calls involving domestic disputes is lower than it is when they respond to similar incidents that do not involve current or former intimate partners.

It is often believed that police who respond to domestic incidents are at especially high risk of being victims of violence. Part of this belief may come from the special attention that is given to those rare incidents in which police are injured or killed when responding to domestic incidents. But it is also possible that these beliefs come about in part because of a ‘denominator problem.’ These incidents need to be put in the context of the number of similar incidents (domestic and other) that the police respond to.

This study uses data from over a million incidents reported to and recorded by over 6,000 police agencies in 36 US states. In each incident in which a police officer responded, the most serious offence was noted. For these incidents, victim-offender relationship information was collected as was information about the incident (e.g., victim injury, use of weapons). In about 53% of these incidents, at least one victim and offender were either current or former intimate partners or relatives. In 23% of these incidents, a violent offence was recorded as having been committed and in 1.6% of the incidents a police officer was assaulted, injured, or killed.

In order to be able to determine whether the type of victim-offender relationship was important above and beyond other factors, various factors were controlled for. These included whether a violent offence actually took place, whether weapons were involved, whether the police officer suspected that the apparent offender had used drugs or alcohol, the location of the incident, time of day, and number of victims.

Although the incidence of police officers being assaulted was low, these assaults were much more likely to take place when the officers were responding to *non-domestic* incidents (2.11% of incidents) than when they were responding to domestic incidents (0.23%). A similar pattern was found when examining whether an officer was injured or killed (0.81% in non-domestic incidents and 0.15% in domestic incidents). These findings held when 15 factors were statistically controlled.

Clearly assaults against police were, in general, rare, though they were even more rare in domestic incidents. The fact that the results held even when various controls were included suggests that domestic incidents are inherently *less* dangerous for police than non-domestic incidents. The problem, of course, is that current (incorrect) perceptions may have an impact on the behaviour of the police officer in unfortunate ways. For example, the police officer may be “more on edge or aggressive when they arrive on scene” (p. 1419) in the case of incidents in which the victim and offender are believed to have a domestic relationship.

Conclusion: The findings clearly show that police officers are at less risk of harm when responding to domestic incidents than they are when responding to comparable other incidents not involving close victim-offender relationships. “The findings support recent research suggesting that the danger of domestic-related incidents to [police] officers is not as great as previously believed... Only focusing on those incidents in which officers are assaulted, injured, or killed excludes the majority of officer-citizen interactions – those in which the officer(s) are not assaulted, injured, or killed” (p. 1418).

Reference: Nix, Justin, Tara N. Richards, Gillian M. Pinchevsky, and Emily M. Wright (2021). Are Domestic Incidents Really More Dangerous to Police? *Justice Quarterly*, 38(7), 1405-1427.

A mandatory sentencing law in Oregon had no effect on crime rates.

A standard justification for mandatory sentencing laws (or mandatory minimum penalties) is that they reduce crime. Since these changes in the law often come at times when crime is high or increasing, it is not surprising that crime rates regress to their normal levels soon after the laws are implemented making it look as if the policy had a desirable effect. The question, however, is whether the change in law *causes* the change in crime rates.

In 1994 in Oregon, a voter initiative (“M11”) on sentencing passed with support of about two-thirds of voters. It did three things: (1) It introduced mandatory minimum sentences (of 70 to 300 months) for 21 serious crimes; (2) It required those age 15 and older charged with these crimes to be tried and sentenced as adults; and (3) It eliminated the possibility of prisoners earning time toward early release.

Crime decreased in Oregon after the initiative became law. But it also decreased in the US as a whole (and in Canada). Nevertheless, the change in the law was seen by some as the cause of the decrease in crime. Crime rates vary over time for a wide range of reasons. Hence it is necessary to use sophisticated statistical techniques to determine whether there is evidence, in circumstances such as this, to support the inference that the change in the law contributed to a decline in the crime rate. In this case, two quite different statistical approaches were used.

Using the “regression point displacement design” approach (designed to account for national influences on crime rates), the crime measures for Oregon were assessed using two comparisons: data from the other 49 states and data from the 14 states that did not implement sentencing reforms in the 1990s. This approach found that there were *increases* in the rates of many crimes in Oregon compared to the rest of the country or the states with constant sentencing laws.

The second approach – interrupted time series – compares the pattern of change in crime rates after the change in the law to the changes in crime prior to the legal changes. In this case, monthly crime data were available for 5 years prior to the change and 8 years after the change. Two hypotheses were assessed: that the change in law would create an abrupt change in crime or that the change in crime would be gradual. The results across crime type were not consistent and were not consistent with the findings using the other statistical method.

Conclusion: The results from the two statistical methods are easy to summarize: two different statistical approaches “indicated that the law had no appreciable effect on violent or property crimes” (p. 1378). Indeed, there were some increases in crime found using one of the methods. The supporters of the change in law had suggested that it would be effective as a result of the incapacitation of offenders and/or because of general deterrence. The law did seem to change sentencing: imprisonment for the crimes covered by the change in law increased as did sentence length. However, the findings related to the law’s effect on crime are “consistent with centuries of practice and decades of research” (p. 1378): Increasing the severity of sentences is not an effective approach to crime control.

Reference: Sundt, Jody and Brenna Boppre (2021) Did Oregon’s Tough Mandatory Sentencing Law “Measure 11” Improve Public Safety? New Evidence About an Old Debate from a Multiple-design, Experimental Strategy. *Justice Quarterly*, 38(7), 1363-1384.