



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” followed by one-page summaries for 8 articles.

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

1. Can social programs really reduce crime?
2. Why do Americans think tough-on-crime programs will reduce crime?
3. Do intuitive (or clinical) over-rides of crime-prediction instruments improve predictions?
4. How do families react to the pretrial detention of one of their family members?
5. Which police officers are most likely to use force when dealing with citizens?
6. Can a country with a high homicide rate due to gangs and organized crime reduce that rate quickly?
7. How do school teachers react to the incarceration of a student's parent?
8. How does pretrial detention affect an accused person's decisions in court?

Interventions in the lives of young people that focus on improving the life chances of at-risk youths demonstrate that these interventions can prevent delinquency and later criminal behaviour when implemented rigorously.

It is unfortunate that currently most government departments focus on the operation of the criminal justice system when looking for ways to prevent crime. Studies like those summarized in this paper suggest not only that effective long term crime prevention is possible, but that by focusing resources on improving the childhood of “at risk” children, their lives will be improved on many dimensions and, in addition, their likelihood of being involved in crime will be lowered.

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Five legal rational myths about punishment provide possible explanations for why imprisonment and other forms of punishment thrive in the United States and perhaps elsewhere.

The theory proposed in this paper is that each of these five myths “now constitutes an independent basis for widespread faith in the efficacy and morality of punishment. Collectively, they reinforce each other, coalescing into a modern ‘civil religion’ around law and order” (p. 972). Having 5 separate myths makes it easier to “sustain a common punitive campaign” since attacks on one leave the other myths intact and also “makes it easier for the carceral state to navigate a period of legitimacy-challenging criticisms and calls for change” (p. 973).

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Structured risk assessments make many errors when predicting re-offending. Clinical overrides are more likely to increase rather than decrease their error rates.

The results show “a clear pattern of override use leading to either a deterioration or no change in predictive validity [of offender recidivism]. The data do not support the principle or view that discretionary clinical judgement aids or improves the accuracy of a risk assessment. In fact, it the opposite” (p. 229). But in addition, of course, the scales that were examined show a fairly large error rate even before the error-increasing overrides were imposed.

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The families of prisoners who are in pretrial custody or who are serving relatively short jail sentences *can* be important to their jailed family members. But only some family members see themselves as having a role in the management of their relative’s situation. And there is important variation in the extent to which jails are perceived by prisoners’ family members as possibly playing a constructive role in the lives of prisoners.

Family visitors to prisoners in a single rural jail varied in how they saw their own roles with respect to “their” prisoner and how they viewed the possible impact of the prison itself. “Most families shared an understanding that the incarceration was part of an unfolding situation of unmet needs. Once the family encountered the criminal legal system, each individual conceptualized a different role for themselves within a system in which they had no formal place” (p. 659).

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Informal social networks among police officers contribute to racial disparities in the likelihood that ordinary citizens will experience excessive force at the hands of police officers.

The number of police friendships reported by police officers is “linked to excessive force against Black victims but is not linked to use against White victims...” (p. 1553). The “findings support hypotheses on social networks and officers’ use of excessive force against Black and White citizens. Network size is associated with force use against Black, but not White victims. The number of friendships a Black officer has with White officers is associated with force use against Black citizens. [The study] did not find evidence that friendships with Black officers are associated with force use against either Black or White victims” (p. 1554).

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Between 2002 and 2022, El Salvador used two very different approaches to reduce its extremely high homicide rate. Homicide data show that negotiations involving warring gangs and civil society were much more effective in reducing homicide rates than were aggressive enforcement, harsh punishments and authoritarian measures.

The purpose of the aggressive crackdown on violence was to reduce the level of criminal group violence. However, “violence was 54% higher in El Salvador during the *mano dura* [“iron fist”] periods relative to the gang truce periods” (p. 628). This reduction during the truce periods demonstrates that “government-brokered gang truces can be effective intermediate harm reduction strategies. Still, they must be part of a comprehensive plan to reduce criminal group-related crime, address the underlying causes of their existence and avoid the perils of the state’s collaboration with criminal organizations.” At the same time, these results demonstrate that criminal organizations have the capacity to modulate violence, “illustrating their organizational capacity and quasi-state and insurgency-like function” (p. 628).

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American teachers, when evaluating what was designed to look like a mediocre male student’s writing assignment, tended to give higher marks to students whom they believed were experiencing the incarceration of a parent. They also tended to give higher marks to another group – Black students – who also are likely to experience special challenges in American society.

Teachers tended to grade students more leniently if the student was described as having an incarcerated parent and if the student was assumed to be Black (rather than White). It may be that teachers had lower expectations for success of students who had an incarcerated parent (and/or were Black) and, as a result graded on a more generous curve in order to compensate for the disadvantage(s) facing the student. It obviously is not clear, from this one experiment, what the long-term impact is of systematic differential evaluation of students facing disadvantages.

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Pretrial detention of those charged with criminal offences disadvantages accused people because “detainees accept plea agreements to escape violence, the misery of court holding tanks, poor jail conditions, and address primary-caregiver role strain – even while maintaining their innocence” (p. 490).

The decisions that are made in court for those who are in pretrial detention need to be interpreted in light of the influence of the experience of pretrial detention on the accused person’s ability to influence what happens in court. The decisions that accused people make in court are, to some extent, a result of the experiences of pretrial detention rather than assessments by the accused of what is likely to be presented to the court.

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Interventions in the lives of young people that focus on improving the life chances of at-risk youths demonstrate that these interventions can prevent delinquency and later criminal behaviour when implemented rigorously.

Developmental crime prevention strategies operate outside of the formal justice system and focus on a young person's life course experiences rather than on punishment and crime control measures. This paper assesses information from 12 high-quality developmental crime prevention studies.

The basic hypothesis of such programs is that "good preschool programs can help children in poverty make a better start in their transition from home to community and thereby set more of them on paths to become economically self-sufficient, socially responsible, adults" (p. 75). For this paper, studies of interventions (e.g., parental training in child rearing, preschool experiences, family support) before the child was 10 years old were examined. In each study there were comparable comparison groups (sometimes determined on the basis of random assignment). The length of the intervention varied from less than a year to five years. Follow-up periods were generally at least 10 years.

For example, in one study interventions began prenatally and were focused largely on impoverished and single women. The interventions involved home visits and childcare up to age 5. Fewer youths in the treatment group were referred to juvenile court. Girls in the treatment group had better school attendance and performance. In another study, children were randomly assigned either to a treatment group with 5 years of full

day preschool care or a control condition where they received what had been normally available in the community. At age 30, youths in the treatment group were less likely to have used public assistance, were more likely to have completed post-secondary education and had better employment records. In a third program, in which children were randomly assigned to have access (or not) to an enriched preschool program, the treatment youths were less likely to be convicted of a serious crime. A number of other outcome measures were used in evaluating each intervention. Not all outcome measures showed statistically significant improvements. But in general, each program had some favourable impacts (many on crime measures). The net financial benefits of the programs tended to be favourable.

In evaluating these programs, it is important to keep in mind that their purposes were not limited to crime prevention. Hence it is important to note that "all the studies reported significant improvement in other important outcomes (e.g., education, employment, health, mental health, substance use)..."

p. 91). Furthermore, although only a few of the studies examined intergenerational effects, "those that did reported that children of participants who received the intervention... also had improved outcomes during early stages of their life course" (p. 91).

Conclusion: It is unfortunate that currently most government departments focus on the operation of the criminal justice system when looking for ways to prevent crime. Studies like those summarized in this paper suggest not only that effective long term crime prevention is possible, but that by focusing resources on improving the childhood of "at risk" children, their lives will be improved on many dimensions and, in addition, their likelihood of being involved in crime will be lowered.

Reference: Welsh, Brandon C., H. L. Paterson, M. Rocque and D. P. Farrington (2024). Early Developmental Crime Prevention and Social Impact over the Life Course. *ANNALS, ASPSS*, 714, July 2024, 74-96.

Five legal rational myths about punishment provide possible explanations for why imprisonment and other forms of punishment thrive in the United States and perhaps elsewhere.

Before 1975, the overall imprisonment rate (federal and state prisons plus estimates for jails) in the US was about 150 per hundred thousand people in the general population. By 2009 it has risen to about 750 prisoners per 100,000 residents. Since then, it has decreased to about 600 per 100,000 residents. If it were to continue falling at this rate, it would take at least 30 years to return to its early 1970s rate. In other countries imprisonment might be significantly lower and more stable (e.g. Canada, see *Highlight* 8(2)#6) but there is always pressure to increase its use and taken-for-granted beliefs about its utility. This paper provides some possible explanations for the continuing high rate of imprisonment in the US. It may also provide insights for other jurisdictions into why it can be difficult to reduce its use or counter public pressure to use it more.

The paper suggests that five “legal rational myths” (p. 958) are taken for granted in the US and provide a “reliable source of legitimation” (p. 959) for high rates of imprisonment in that country. The theory described in this paper suggests that each of the myths (summarized below) has become a “civic religion in which punishment is taken for granted as the solution to crime” (p. 960):

1. *Punishment repays the debt of crime.* Essentially the notion is that until a person has served a prison sentence, they have not repaid their debt to society for their involvement in a crime. Indeed, the belief is often that the debt can never be fully repaid. “The persistent threat of impunity – the failure to punish crime – runs through our politics of law from the late medieval world” (p. 963) to the present.

2. *Punishment manages racial threat.* High rates of imprisonment are driven disproportionately by the imprisonment of Black Americans. Behind this notion is the belief that Black communities create a high risk of crime and punishment keeps this problem in check. “Anti-Blackness is a foundational myth of the carceral state in the US....” (p. 963-4).

3. *Punishment reforms the idle.* The theory suggests that punishment will create habits of hard work and thrift among the poor. Crime is seen as the product of idleness. More specifically the myth that the “bad habits of people who commit crimes will be disciplined out of them by the hardships, if not the hard work, of prison remains a perennial source faith in punishment” (p. 968).

4. *“Prison removes the dangerous minority of highly deviant individuals whose criminality disproportionately harms society”* (p. 968). Derived in part from the Eugenics movement, “the idea that punishment, especially prison, removes the dangerous minority of highly deviant individuals whose criminality disproportionately harms society is perhaps the most powerful and durable myth of our modern civil religion of punishment” (p. 968).

5. *“Disorder and minor illegality deteriorate neighbourhood safety, and aggressive policing and punishment can reinforce social norms and keep neighbourhoods safe and economically viable”* (p. 970). It is suggested that this myth emerged with the “enormous expansion of existing

institutions (courts, prisons, police, probation, etc.) along with a coordinated effort to ‘harden’ their response toward incarceration for increasing numbers of people” (p. 971).

Conclusion: The theory proposed in this paper is that each of these five myths “now constitutes an independent basis for widespread faith in the efficacy and morality of punishment. Collectively, they reinforce each other, coalescing into a modern ‘civic religion’ around law and order” (p. 972). Having 5 separate myths makes it easier to “sustain a common punitive campaign” since attacks on one leave the other myths intact and also “makes it easier for the carceral state to navigate a period of legitimacy-challenging criticisms and calls for change” (p. 973).

Reference: Simon, Jonathan (2025). Dignity Defied: Legal-Rational Myths and the Surplus Legitimacy of the Carceral State. *Law & Social Inquiry*, 50, 955-982.

Structured risk assessments make many errors when predicting re-offending. Clinical overrides are more likely to increase rather than decrease their error rates.

“Formal instruments, termed risk assessments, are commonly used to aid assessors in making judgements about offenders’ risk of reoffending” (p. 217-218). Clinical overrides are sometimes used in an attempt to integrate special conditions related to a case thus reducing error rates. This paper examines data, from 21 published articles, to assess whether these overrides improve predictions that are being made.

The studies summarized in this paper examined the effects of overrides of predictions made using 8 different scales. The percent of cases in which overrides were imposed varied from about 3% to almost all cases, with a median override rate of 14%-15%. The overrides were largely used in a manner that increased the predicted recidivism rates.

The accuracy of predictions of general recidivism was the focus of the study. In many of the studies, the accuracy of subsamples was also examined. Two different types of comparisons were made. First the predicted recidivism of the basic scale was compared, for all cases in a study, to the accuracy of the predictions for all cases (those in which overrides were made and those that were left unchanged). Second, the accuracy of the original prediction and the override value were compared for those cases in which overrides were made. The results of these two types of analysis were very similar.

The main measure that was used was the “Area Under the Curve” (AUC) which can be thought of as the probability that the prediction that is made for a

randomly chosen positive and negative example (e.g., an actual recidivist and a non-recidivist in this case), will be higher for the recidivist than for the non-recidivist. An AUC of 0.50, therefore, is what would be expected by chance, whereas an AUC of 1.00 would be that the model was perfect. An AUC of 0.70 would mean that a randomly chosen recidivist would have a 70% chance of having a higher score than a randomly chosen non-recidivist.

In this case, the average AUC before an override was .722 whereas after an override was imposed the AUC (accuracy) was reduced to .704. In the subset of studies in which only those cases with overrides were also examined, the accuracy again declined when overrides were included— in this case from .674 to .593. In some of the studies, subgroups were examined. Results—accuracy before and after the override— were presented for 107 comparisons. In 29 (27%) of these 107 comparisons, the override resulted in a statistically significant reduction in accuracy. There were *no* instances in which a significant increase in accuracy resulted from an override.

Conclusion: The results show “a clear pattern of override use leading to either a deterioration or no change in predictive validity [of offender recidivism]. The data do not support the principle or view that discretionary clinical judgement aids or improves the accuracy of a risk assessment. In fact, it the opposite” (p. 229). But in addition, of course, the scales that were examined show a fairly large error rate even before the error-increasing overrides were imposed.

Reference: Oliver, Casey, Amy Killen, Fred Schmidt, and Daryl G. Kroner (2025). A Scoping Review and Meta-Analyses of Clinical Override Use in Structured Risk Assessments: Clinical and Training Implications for Field Practice. *Psychology, Public Policy, and Law*, 31(3), 217-233.

The families of prisoners who are in pretrial custody or who are serving relatively short jail sentences *can* be important to their jailed family members. But only some family members see themselves as having a role in the management of their relative's situation. And there is important variation in the extent to which jails are perceived by prisoners' family members as possibly playing a constructive role in the lives of prisoners.

This paper examines the views of family members of prisoners (pretrial detention and prisoners serving short sentences) in a rural New York State county. Because the stay (remand or sentenced) in jails tends to be of short duration, prisoners in these facilities (almost necessarily) have fewer programs and, often, have stricter controls placed on them than do prisoners in state prisons.

In this paper, interviews with family members suggest that "Families typically described their jail experiences as part of an ongoing and often escalating situation involving other social problems" (p. 652). These include problems such as drug and alcohol addiction and/or mental illness of their jailed family member. Families saw jails as existing along a continuum – from jails simply being restrictive institutions to jails being institutions that could provide some constructive services for their family members. But the families themselves varied in how they saw their roles with respect to their incarcerated relatives. Some families felt that they had some responsibility to try to manage the incarcerated person's situation, whereas other family members tended to feel that they weren't responsible for managing that situation. It is important, therefore, to keep in mind that there is variation in both the view that family members have of prisons and the view that they have about what they themselves can do for the prisoner.

For some families, "Incarceration can provide a welcome relief... as in the case of substance abuse or domestic violence that the family could not

address alone" p. 648). But for other families, imprisonment "means the loss of a both a meaningfully contributing family member... and family autonomy" (p. 648). The important point to keep in mind is that the relationship of the prison to the family can vary dramatically and simplistic assertions about the relationship of family members to prisons are not helpful. In some cases, family members may attempt to address violent or disruptive behavior within the household for example by "invoking the system in hopes of securing therapeutic consequences such as social service placement" (p. 648).

It is suggested that there are four different ways in which families view the jailing of their family members: (1) Some people thought that they, as family members, had responsibility for their family members and the jail could help them meet the needs of that person. (2) Alternatively, the jail might be thought of as being a constructive institution, but it was the *jail's* responsibility (not the family member's) to improve the prisoner's outcome. (3) For some family members, jails were seen as being restrictive organizations that they, as

family members, had to try to work with. (4) Finally other people who had a family member in jail saw jails as being restrictive institutions that they could not influence.

Conclusion: Family visitors to prisoners in a single rural jail varied in how they saw their own roles with respect to "their" prisoner and how they viewed the possible impact of the prison itself. "Most families shared an understanding that the incarceration was part of an unfolding situation of unmet needs. Once the family encountered the criminal legal system, each individual conceptualized a different role for themselves within a system in which they had no formal place" (p. 659).

Reference: Dwyer Emory, Allison (2026). Navigating the Situation: Family Experiences of Jail Incarceration in Rural America. *Social Problems*, 73, 646-662.

Informal social networks among police officers contribute to racial disparities in the likelihood that ordinary citizens will experience excessive force at the hands of police officers.

Previous research has suggested that the extent to which a police officer uses force with ordinary citizens “depends [to some extent] on whether their ‘colleague groups’ sanction their behaviour.... Group solidarity shapes officers’ willingness to use force during citizen encounters and their unwillingness to report or informally sanction other officers for doing so” (p. 1542).

Police officers’ social networks within a southern United States city police department were assessed twice, roughly one year apart. Police officers were asked to list up to 10 officers whom they considered to be “close friends” (p. 1545). By collecting the data at two different times, it was possible to link within-officer *changes* in network size and racial contribution to *changes* in the officer’s use of excessive force. The dependent variables in the study were the number of excessive use of force complaints registered with respect to Black and White victims. The main explanatory variables were network size (the number of outgoing friendship ties connected to each officer) and the racial composition of the network. *Outgoing* ties were used because they capture the perceptions of a given officer – the number of friends the officer believes they have within the police organization.

Various control variables – e.g., age, sex, rank, injuries on the job, area of the city where they were largely located – were statistically controlled for.

When looking at the number of friendships White or Black officers had, the findings show that as the number of friendships increased, there was an increase in the rate of excessive force use against Black victims. This increase appeared to be due to increases in the number of White officer friends. However, the coefficient for the number of friendships with Black officers was not significant.

The data on use of force with White victims was quite different. Neither the overall number of friendships identified by the police officer nor the number of those friendships that were Black or White predicted officer use of force.

Conclusion: The number of police friendships reported by police officers is “linked to excessive force against Black victims but is not linked to use against White victims....” (p. 1553). The “findings support hypotheses on social networks and officers’ use of excessive force against Black and White citizens. Network size is associated with force use against Black, but not White victims. The number of friendships a Black officer has with White officers is associated with force use against Black citizens. [The study] did not find evidence that friendships with Black officers are associated with force use against either Black or White victims” (p. 1554).

Reference: Duxbury, Scott W., Marie Ouellet, and Sadat Hashimi (2026). *Black in Blue Networks: Social network Integration and Racial Disparities in Police Use of Force. Social Forces*, 104, 1539-1561.

Between 2002 and 2022, El Salvador used two very different approaches to reduce its extremely high homicide rate. Homicide data show that negotiations involving warring gangs and civil society were much more effective in reducing homicide rates than were aggressive enforcement, harsh punishments and authoritarian measures.

El Salvador, in the beginning of the 21st century, had one of the highest homicide rates in the world. The evidence pointed to criminal groups – gangs or organized crime groups – as being largely responsible for this violence. Between 2003 and 2022, there were two periods that might be characterized as “a war on gangs through suppression strategies of police and military raids” and two periods in which the government “facilitated a truce between two major groups in conflict” (p. 614).

El Salvador’s *mano dura* (“iron fist”) approach to violence (in 2003-2012 and 2014-2019) involved zero tolerance law enforcement, hardline criminal group suppression, aggressive prosecution and punishment of those known to have or suspected of criminal involvement. The approach focused on “sweeping law enforcement intervention into civil society without evidence or due process, including police and military raids, harassment and arrest of many who are not involved...” (p. 616). There was an increase in arrests (though many were released due to insufficient evidence). These policies are thought to have both created instability among criminal groups and fueled recruitment (e.g., in prisons) of new members for these criminal organizations.

The truces were initiated by the government (in 2012-2014 and 2019-2022) and facilitated initially by church officials and others. Gang leaders were transferred to regular prisons and granted privileges that had previously not been available to them. Violence-

free zones were created in exchange for reduced police operations. “Truces open communication channels for conflict resolution and provide a sort of ‘criminal constitution’ to promote the cooperative behaviors of member in the organization and regulate behavior that is costly to the organization, such as unnecessary violence” (p. 621).

In this study, monthly homicide figures for El Salvador were collected for the 224 months encompassing two periods of *mano dura* and two periods of gang truces. Overall, there were 202 homicides per month during truce periods and 311 during *mano dura* periods. Using interrupted time series (statistical) techniques, it was clear that the homicide rates between the two types of periods were very different. The monthly data showed that the homicide rates dropped dramatically at the beginning of each truce period.

Conclusion: The purpose of the aggressive crackdown on violence was to reduce the level of criminal group violence. However, “violence was 54% higher in El Salvador during the *mano dura* [“iron fist”] periods relative to the gang truce periods” (p. 628). This reduction during the truce periods demonstrates that “government-brokered gang truces can be effective intermediate harm reduction strategies. Still, they must be part of a comprehensive plan to reduce criminal group-related crime, address the underlying causes of their existence and avoid the perils of the state’s collaboration with criminal organizations.” At the same time, these results demonstrate that criminal organizations have the capacity to modulate violence, “illustrating their organizational capacity and quasi-state and insurgency-like function” (p. 628).

Reference: Escaño, Guillermo Jesús, D. McDowall and W.A. Pridemore (2026). *Mano Dura v. Uneasy Peace in El Salvador: Effects of Tough-on-Crime and Gang Truce Policies in the Former Murder Capital of the World. The British Journal of Criminology*, 66, 613-631.

American teachers, when evaluating what was designed to look like a mediocre male student's writing assignment, tended to give higher marks to students whom they believed were experiencing the incarceration of a parent. They also tended to give higher marks to another group – Black students – who also are likely to experience special challenges in American society.

There is evidence that parental incarceration is associated with poor educational outcomes for children. This is likely attributable to the economic impacts of incarceration on families and the trauma and stress of parental separation rather than discrimination by the educational system. This study asks whether teachers tend to treat the children of incarcerated parents differently.

Previous studies have found that children who experience parental incarceration are less likely to complete high school and college. In addition, parental incarceration decreases adolescents' expectation of college completion, even though it does not affect the child's perception of the importance of completing college. More generally the incarceration of a parent has been shown to be harmful to their children and is associated with increase in offending by their children (see, for example, *Criminological Highlights* 9(5)#6, 12(5)#1, 12(6)#7, 14(2)#1, 16(2)#1, 16(4)#8, 16(6)#8, 18(3)#8).

In this study, high school teachers were recruited from three school districts (of different sizes) in each state in the US by using publicly available lists of teachers. Though those who participated in the study were not necessarily a representative sample of all teachers (e.g., for some districts email addresses were not available) a heterogeneous sample (1492 teachers) was willing to engage in the research exercise.

Each responding teacher was given a 225-word biography of one hypothetical male student who was given the name

"DeShawn" or "Conner." Other research has shown that in the US, the name *DeShawn* is seen to be the name of a Black male and the name *Conner* is seen as being White. The biography of the student showed him to be a mediocre student. For about a third of the respondents, the biography they received had no mention of parental involvement in the criminal justice system; for the others, the biography noted that the student's mother (or his father) was in prison. Hence there were six versions of the biography: the student was given a name associated with being Black or White and the student's mother or father (or neither of them) was described as being in prison. The respondent then read a 182-word assignment supposedly written by this student on a neutral topic (arguments for or against allowing students to leave school premises during the school lunch period).

The responding teachers then indicated (on a 10-point scale) what mark they would give the essay. The average grade given corresponded to a C+. There were two very straightforward findings: Statistically significantly higher marks were given to the students who had an incarcerated parent (mother or father).

And higher marks were given to students who had the Black-associated name. The interactions between the incarcerated status of the parent and the race of the student were not significant.

Conclusion: Teachers tended to grade students more leniently if the student was described as having an incarcerated parent and if the student was assumed to be Black (rather than White). It may be that teachers had lower expectations for success of students who had an incarcerated parent (and/or were Black) and, as a result graded on a more generous curve in order to compensate for the disadvantage(s) facing the student. It obviously is not clear, from this one experiment, what the long-term impact is of systematic differential evaluation of students facing disadvantages.

Reference: McCauley, Erin J. (2025). The Leniency of Low Expectations: Parental Incarceration, Race, and Teachers' Evaluation of Student Writing. *American Journal of Sociology*, 131(3), 539-585.

Pretrial detention of those charged with criminal offences disadvantages accused people because “detainees accept plea agreements to escape violence, the misery of court holding tanks, poor jail conditions, and address primary-caregiver role strain – even while maintaining their innocence” (p. 490).

There is a substantial amount of evidence to suggest that “detained defendants experience substantially worse case outcomes than their non-detained counterparts” (p. 49). See also the *Criminological Highlights* special issue on *Bail, Pretrial Evidence and Evidence*. This paper suggests that pretrial detention disrupts the manner in which accused people navigate the challenges of criminal courts and leads them to being disadvantaged in court.

By definition, accused people who are detained in custody while awaiting court determination of their cases are embedded, simultaneously, in two institutions: jails and courts. In this study, 65 people who experienced pretrial detention for felonies and were not able to post cash bail were interviewed. Prisoners were aware of the fact that accused people who were not detained had a much easier time preparing for both court appearances and their cases for presentation. Depending on the quality of the jail, for example, detained prisoners had to concentrate their efforts on physical survival (e.g., violence from gangs and other prisoners) rather than being able to concentrate on what might be necessary to deal effectively with their cases in court. As noted in a study of Canadian pretrial detainees (*Criminological Highlights* 17(6)#1), the pretrial process, including ordinary court appearances, is stressful and often seen as serving little or no purpose. In this study, fights (among accused people) were reported to be widespread even during trips to courts. But, in addition, the

court appearances appear to accomplish little: pretrial detainees “are often unlikely to make a single utterance during the 5-15 minute court appearance, a pattern that reflects the cumulative burdens of pretrial detention” (p. 512).

Accused people themselves reported that experiencing pretrial detention led them to be more likely to accept a plea offer even if they knew that one of the reasons they were willing to accept it was the collateral effect of spending additional time in pretrial detention. A prison sentence, for some accused, “represents a substantial quality-of-life upgrade” or a “*refuge from jail*” (p. 506). Regular prisons provided more certainty (e.g., release date) and stability than jails.

More generally, however, the findings offer an “understanding of why and how the disadvantage of pretrial detention recalibrates decision-making and translates into unfavourable court outcomes, as detainees accept plea agreements to escape violence, the misery of court holding tanks, poor jail

conditions, and primary-caregiver strain – even while maintaining innocence.... Detainees sometimes forgo the potential benefit of legal counsel, offering a compelling account of how this decision appears reasonable within the constraints of jail life, yet ultimately reproduces institutional disadvantage” (p. 510).

Conclusion: The decisions that are made in court for those who are in pretrial detention need to be interpreted in light of the influence of the experience of pretrial detention on the accused person’s ability to influence what happens in court. The decisions that accused people make in court are, to some extent, a result of the experiences of pretrial detention rather than assessments by the accused of what is likely to be presented to the court.

Reference: Moore, Caylin Louis (2026). Collateral Decision-Making: The Case of Pretrial Detention and the Criminal Courts. *American Sociological Review*, 91(3), 490-518.