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Dear Honorable Members of the U.S. Sentencing Commission:

I greatly appreciate the opportunity to provide you with information about crime and the demographics of criminal offending and victimization. In addition, I highlight here key findings from a long-term longitudinal study of crime over the life course, which I believe is relevant to your considerations of how to view youthful individuals in future sentencing decisions.

I. Facts about Crime, Offenders, and Victims

Facts are the foundation for setting a strong research agenda and creating effective policies and programs that will reduce crime and violence. What does the extant research tell us about crime, offenders, and victims? One major development in criminology over the last 25 years is the recognition that there is no single cause or risk factor for crime and violence. Indeed, there are multiple pathways to crime and violence. We also know from the Philadelphia Cohort Study that chronic offending begins during childhood and adolescence. Wolfgang and his colleagues found that six percent of the cohort (followed to age 18) were responsible for more than half of the criminal offenses and two-thirds of the violent crime generated by the total cohort. In other words, 627 boys committed more than 5,000 offenses by age 18 (Wolfgang, Figlio, and Sellin, 1972: 105).¹ Chronic offenders, in particular, have multiple risk factors in their background, including *individual* factors, such as hyperactivity, impulsivity, and attention

¹ This finding was confirmed in a second birth cohort in Philadelphia (see Tracy and Kempf-Leonard, 1996) as well as in numerous longitudinal studies in the United States and around the world.

deficit; *family* characteristics, especially single-parent households and poor family functioning and child rearing practices; *school* factors like poor school achievement and low commitment to school; and *peer* factors, especially associating with delinquent peers and gang membership. In addition, *community* influences such as concentrated poverty, inequality, race and family composition, and neighborhood disorder and change are important risk factors of criminal offending, especially violence. Moreover, these factors may turn out to be cumulative and interact with one another over time, which would have important implications for policy and practice.

In examining the demographic characteristics of offenders and victims, my focus here is on common law crimes which include murder, rape, robbery, assault, burglary, motor vehicle theft, larceny, and arson (see Hindelang, 1978). For these kinds of crimes, the known patterns of offending are remarkably stable across age, gender, race/ethnicity, and socio-economic status, regardless of the data source (official criminal justice records vs. self-report surveys of offending), crime type (e.g., violent crime vs. property crime), or time period (1970 vs. 1980 vs. 1990 vs. 2010 vs. 2020). What are the known facts about offending?

- Crime, especially serious crime, is the province of the young. The relationship between age and crime has been called “invariant” -- the peak age of offending is mid-to-late adolescence and the age-crime curve shows a rapidly declining pattern in the 20s and beyond (Gottfredson and Hirschi, 1990). In the aggregate, crime is most likely to occur between the ages of 15 and 25.
- Crime, especially serious crime, is heavily dominated by male offenders. This fact confirmed not only by official crime statistics, but by studies using self-reports. According to the National Research Council: “The most consistent pattern with respect to gender is the extent to which male criminal participation in serious crimes at any age greatly exceeds that of females, regardless of source of data, crime type, level of involvement, or measure of participation” (Blumstein, Cohen, Roth, and Visher, 1986: 40).

- The relationship between race, ethnicity, and crime is complex.² On the one hand, the majority of those arrested as well as those self-reporting crime, are white. On the other hand, crime is disproportionately concentrated among blacks and other minorities when examining rates of offending while taking into account population size. This is especially the case for crimes like homicide and robbery. In self-report surveys, blacks report more involvement in serious crimes as well as more frequent offending overall. According to the National Research Council, “combining data from several studies with criminal participation broadly defined as nontraffic offenses, the black/white ratio averages 1.8:1; for index crimes³, the ratio averages, 3.2:1” (Blumstein, et al., 1986: 41; see also Sampson and Lauritsen, 1997: 324-333; Tonry and Melewski, 2008; and Tonry, 2010).
- Like race, the relationship between socio-economic status and crime is complicated due to poor conceptualization and measurement. We know that more serious and more frequent criminal offending is found among those of low socio-economic status. This is especially the case for crimes like homicide and robbery. In self-report surveys, respondents from low socio-economic status groups report more involvement in serious crimes as well as more frequent offending overall (Blumstein, et al, 1986: 47-49).

Like criminal offending, patterns of criminal victimization across age, gender, race/ethnicity, and socio-economic status for common law crimes reveal remarkable stability. This is true using data from the National Crime Victimization Survey (NCVS) as well as official criminal justice records such as the FBI’s Supplemental Homicide Reports. What are the known facts about victimization?

- Age is one of the strongest correlates of victimization. The NCVS data show an inverse relationship between age of the victim and the risk of both personal and household victimizations. Rates of victimization peak for youth and young adults

² Data on race and ethnicity in crime and justice processing are notoriously poor and as a result one often is only able to focus on comparisons between blacks and whites (see Sampson and Lauritsen, 1997; Hawkins, Laub, and Lauritsen, 1998; and Peterson, Krivo, and Hagan, 2006).

³ Index crimes are defined by the FBI as including homicide, forcible rape, robbery, aggravated assault, burglary, larceny-theft, motor vehicle theft, and arson.

in the 16 to 24 age-group and decline as age increases. The relationship between age and victimization is especially strong in homicide, aggravated assault, and robbery.

- Victimization rates for males are considerably higher than comparable rates for females. The relationship between sex and victimization is especially strong in homicide, aggravated assault, and robbery. The obvious exception to this pattern is sexual assault.
- The NCVS data tell us that the rate of violent victimizations – especially aggravated assaults and robberies – is greater for blacks than for whites (see Sampson and Lauritsen, 1997: 318-324). The data for homicide are especially striking. Using data from the National Center for Health Statistics, Lo and colleagues show the homicide victimization rate for black males ages 15-24 is more than seven times the rate for white males ages 15 to 24 (Lo, Howell, and Cheng, 2013: 126). Moreover, these black-white rate disparities have persisted for more than 50 years.
- Income is also related to the risk of personal victimization. As income goes up, risk goes down. Rates of burglary are also higher for those with low income.

It is important to recognize that there is a great deal of overlap between the demographic characteristics of offenders and victims. Gottfredson and Hirschi have written “It turns out that victims and offenders tend to share all or nearly all social and personal characteristics. Indeed, the correlation between self-reported offending and self-reported victimization is, by social science standards, very high” (1990: 17). In fact, the link between offending and victimization has found across time, place, and for various subgroups in the population. Moreover, it is significant regardless of the type of data used or the type of offending or victimization under consideration. It persists despite controls for demographic correlates and lifestyle characteristics such as drug or alcohol use, time spent with delinquent peers, gang involvement, or other measures of activities. This so-called “victim-offender overlap” has not received the attention it deserves (see Lauritsen and Laub, 2007).

Finally, we have known for a long time that crime, especially violent crime, is concentrated by place. In his book, *Great American City*, Robert Sampson demonstrates the enduring effect of neighborhoods for crime and violence as well as a wide range of social

phenomenon including health, civic engagement, infant mortality, teen births, altruism, and immigration. With respect to crime patterns in the city of Chicago, Sampson shows that, despite crime declines over the last two decades, high rates of violence persist in the most violent areas, just as low rates of violence persist in areas with historically less violence. Sampson concludes that “legacies of inequality” including crime are “persistent in terms of neighborhood concentration, especially for black areas” (2012: 119). Thus, it appears to be the case that structural disadvantage and social organization of neighborhoods affect the behavior of residents.

The fundamental fact is that criminal offending and criminal victimization for common law crimes are not randomly distributed across persons and places. Inequalities are present in patterns of serious criminal offending and serious criminal victimization *prior* to any contact with the justice system. Chronicity in offending is also related to gender, race, and social class (see Wolfgang et al., 1972, Blumstein et al., 1986, and Tracy and Kempf-Leonard, 1996). One can think of these as *input* to the justice system.

II. Understanding Crime Across the Life Course

Are children and adolescents who break the law fated to become lifelong offenders? To answer this question, in the 1980s, Robert Sampson and I began a program of research to track the lives of 1,000 disadvantaged males born in Boston during the Great Depression era. The original data were culled from a classic mid-20th century study, *Unraveling Juvenile Delinquency* (1950), by Sheldon and Eleanor Glueck at Harvard Law School. We used early waves of data from the study, and then tracked down the males included in it to collect further information on their histories of criminal offending through old age. Over the last 30 years, we used this rich, long-term trove of information for two books and dozens of journal articles and book chapters. Here I summarize the core ideas and major findings.

The Importance of Tracking and Explaining Lives

The idea that adult criminality is the inexorable result of childhood traits and troubles is a dominant theme in the science of criminology and media coverage of crime. Connections between childhood and adult behavior certainly do exist, but our research has been premised on

the realization that findings about crime can be distorted when scholars start with adult offenders and then ask about their childhoods. In this retrospective approach, adult criminals regularly turn out to be troubled children with early histories of delinquency. It is easy to jump to the simple, seductive conclusion that “bad boys grow up to become bad men.”

By if we start with children and follow lives forward for many years, we find considerable heterogeneity in adult outcomes. For example, although it is easy to presume that most antisocial children will become involved in delinquency as adolescents and then graduate to adult offending, in fact many antisocial children cease offending by adulthood. Although long-term research is challenging to carry out, only what scholars call “longitudinal prospective data” – that is, information repeatedly collected as particular children become adolescents and then younger and older adults – can allow researchers to shed full light on complex causal processes playing out over many years in people’s lives. Yet even repeatedly collected data are not sufficient. Also needed is a life-course theory of crime to make sense of the underlying patterns.

Explaining Crime across the Life Course

In this first part of our project, we reconstructed data from archives containing the detailed records from the Gluecks three-wave prospective study of juvenile and adult criminal behavior. Their data collection started in 1940 with a sample of 500 male delinquents ages 10-17 plus data on 500 additional boys of the same age who were not delinquents. The two groups were matched case-by-case on their age, race and ethnicity, IQ intelligence test scores, and low-income residence locations in Boston, Massachusetts. Data were collected about the 1,000 boys at three points in time—at ages 14, 25, and 32.

In our 1993 book, *Crime in the Making: Pathways and Turning Points through Life*, we analyzed these data and developed a theory to explain childhood antisocial behavior, adolescent delinquency, and early adult criminal infractions. Our general organizing principle is that crime is more likely to occur when an individual’s ties to society are weak. Furthermore, we theorized that the most important social ties change as individuals grow from childhood to adulthood. Parental supervision, consistent discipline, and warmth between children and parents matter most to keep children on course, whereas adolescents are also guided by ties to peers and school. For young adults, the ties that matter most include stable marriages, military service, and employment. (For details see Sampson and Laub, 1993.)

In *Shared Beginnings, Divergent Lives: Delinquent Boys to Age 70*, our second book published in 2003, we traced as many of the same men as we could find in their final years. For this long-term research, we pulled together narrative life-histories and quantitatively analyzed data about life pathways across seven decades for men who had, in their Boston adolescence, committed infractions that sent them to reform school. From one of the longest longitudinal studies of crime in the world, several important findings emerged. First, we found that family and school ties are crucial: people tend to stay out of trouble when they are strong, but engage in delinquent or criminal acts when these ties are weak or nonexistent. Second, children and adolescents who commit early offenses are, indeed, more likely than others to keep offending across the life span; but whereas trajectories of crime are influenced by childhood experiences and activities, they are not rigidly determined by early experiences. Third, lives can get back on course in adulthood – early offenders can stop committing offenses – because of stable marriages, military service, employment, and neighborhood change. These can be called turning points in the life course. (For details see Laub and Sampson, 2003.)

Policy Challenges

Our findings show that stable social ties and institutional connections make a difference. Yes, delinquent children sometimes become life-long repeat offenders. But experiences in adolescence and adulthood can redirect life trajectories in either positive or negative ways.

Constructive turning points tend to have several features – they cut off negative past experiences and thrust people into new situations where they experience stronger supervision and positive social pressures along with new opportunities of social support and growth. Constructive turning points also involve changes in routine activities toward greater stability and structure – and they provide opportunities for identity transformation, allowing people to think of themselves in new, more constructive ways, such as taking on the identity of “a father providing for his family.”

Our findings offer hope – and suggest that a key challenge is to pinpoint life course turning points when reinforced ties to families, jobs and structured military or community service can lead offenders to desist from further crime. Life course corrections can happen, and everyone benefits when they do. Moreover, it is worthwhile to consider whether justice system actors can serve as a potential source of positive turning points.

III. Thoughts on the Proposed Amendments Regarding Youthful Individuals

The U.S. Sentencing Commission is considering two provisions relating to youthful individuals. “Part A addresses the computation of criminal history points for offenses committed prior to age eighteen. Part B addresses the sentencing of youthful individuals” (December 26, 2023: 13). There is ample research that indicates that it is time to consider the sentencing of youthful individuals, both juvenile adjudications and convictions in adult court sustained by individuals under the age of eighteen. I encourage serious deliberation of the proposed amendments for two reasons.

First, neuroscience research shows that adolescents have diminished capacity and have not yet gained full reasoning skills and abilities to weigh the consequences of their actions and resist peer influences. There is some evidence that brain development continues until age 25. As Steinberg and Icenogle state “Because young people -- even after they have matured cognitively -- evince higher sensation seeking, impulsivity, sensitivity to peer influence, reward sensitivity, and short-sightedness than adults, it is sensible to withhold certain privileges and responsibilities before individuals are socially and emotionally mature” (2020: 1.14). Steinberg and Icenogle further state that “based on the evidence from developmental science, adolescents under 18 should not ... be held to adult standards of criminal responsibility” (2020: 1.14).

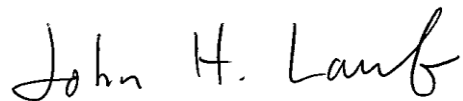
Second, while there is strong evidence that persistent offending during adolescence is related to adult crime, the relationship is not perfect. Indeed, there is considerable heterogeneity in adult outcomes. From our research using the Glueck data, we found that many serious, persistent juvenile offenders desisted from crime in adulthood. For example, when considering predatory crimes of violence and property, we found 24% had no arrests for predatory crime after age 17; 48% had no arrests for predatory crime after age 25; 60% had no arrests for predatory crime after age 31; and 79% had no arrests for predatory crime after age 40. From my perspective, behavioral change is possible, especially in early adulthood and the justice system writ large needs to do all it can to facilitate behavioral change.

If the proposed amendments are adopted, I urge you to conduct rigorous evaluation studies of their effects. Unfortunately, there is a long history of unintended consequences in justice system reform. In addition, I am skeptical that the proposed amendments will reduce

racial inequalities in the justice system. Differences in offending in common law crimes across age, gender, race/ethnicity, and socio-economic status are built into the system response. Thus, it is crucial to distinguish analytically disparities and inequalities that are *input* to the justice system and those disparities and inequalities that are the resulting *output* from the justice system.

Thank you for the opportunity to share research findings and my views with you. Please feel free to contact me at jlaub@umd.edu for any further information or questions.

Sincerely,

A handwritten signature in black ink that reads "John H. Laub". The signature is written in a cursive, flowing style.

John H. Laub

Distinguished University Professor Emeritus

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