

THE JUSTICE SYSTEM AND THE FAMILY

Police, Courts, and Incarceration

Edited by Sheila Royo Maxwell
and Sampson Lee Blair

CONTEMPORARY PERSPECTIVES
IN FAMILY RESEARCH

VOLUME 20

THE JUSTICE SYSTEM AND THE FAMILY

CONTEMPORARY PERSPECTIVES IN FAMILY RESEARCH

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RESEARCH VOLUME 20

**THE JUSTICE SYSTEM AND
THE FAMILY: POLICE, COURTS,
AND INCARCERATION**

EDITED BY

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and

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INVESTOR IN PEOPLE

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ABOUT THE CONTRIBUTORS

Dr Britni L. Adams received her PhD in Sociology from the University of California Irvine. She is currently an Assistant Professor at University of Nevada, Reno, in the Department of Criminal Justice. Her research focuses on family and youth experiences impacted by the criminal justice system and intimate person violence. Specifically, one branch of her research examines family networks that support young fathers while in jail. This work uses longitudinal data that include perspectives from multiple family members, including child perspectives – a contribution for understanding variation in consequences of jail incarceration to families (published in *Sociological Studies of Children and Youth*). Additionally, in partnerships with community organizations in Florida, she and her colleagues received a grant to facilitate a youth-led study exploring the support children of incarcerated parents receive and still need during parental incarceration. Moreover, the other main branch of her research highlights developmental outcomes and the evolution of relationships following family violence and child maltreatment for young adults. Most recently, her work has focused on qualitative methods, specifically in-depth interviews, to gain insight into retrospective perceptions of childhood family violence victimization and the evolution of family relationships with perpetrators of that trauma. She wishes to illuminate the relationship between youth homelessness and childhood family violence to reduce these experiences and youth contact with the juvenile and criminal justice systems. She also utilizes datasets to investigate widespread patterns of child protection services contact for youth, youth perspectives on having a caring adult in their lives, and the role of school as a space for support when home life is volatile. Recent mixed-method publications in *Family Relations* and *One Health* examines the evolving family unit to include animal companions as support mechanisms and barriers to health during the Covid-19 pandemic for families and children.

Dr Moran Benisty has dedicated her MA research, during the past decade, to investigating addiction and recovery processes of male prisoners through a positive criminology point of view (at Bar-Ilan University, Israel). Her PhD research, titled *An Offspring's Incarceration as a Family Crisis* (also conducted at Bar-Ilan University, Israel), was established and granted in 2019, during her stay as a Visiting scholar at the Prisons Research Centre in the Institute of Criminology, University of Cambridge (England). Her main research interests include families' experiences of an offspring or sibling's imprisonment and resettlement, family processes, positive criminology, psychological resilience, addiction, recovery, and desistance. In 2011, she began to focus on conducting criminological assessments and creating rehabilitation programs for people in various legal stages, from early legal proceedings to parole committees. In addition, she has been guiding and

supporting family members of detainees and prisoners throughout and after legal processes. Therefore, in her view, this volume is of particular importance in raising social and academic awareness to the unique experience of parents and siblings of detainees/prisoners. She is also a lecturer in several academic institutes in Israel and has been teaching a variety of courses in criminology, psychology, and sociology for over a decade. She is also a member of the appointed specialists list to conduct formal inspections of the Israeli Prison Service.

Mandy D. Burton is a Professor of Socio-Legal Studies at the University of Leicester, England, UK. Her research lies in the fields of criminal law, criminal justice, and family law. She is particularly interested in police and prosecution decision making, courts and victims' rights. Her main research interests include protections for vulnerable victims and witnesses in the legal process (both family and criminal) and legal responses to domestic abuse. She has carried out numerous empirical studies resulting in research reports for UK government departments and other public bodies. In 2019, she was appointed as an Expert by the Ministry of Justice in the UK to be a member of the "Harm Panel" looking at allegations of domestic abuse in child arrangement proceedings. She is coauthor of the 2020 Harm Panel report, which found structural barriers to safe processes and outcomes and made comprehensive recommendations for reform of the approach of the family courts to better support victims of domestic abuse. She remains committed to policy relevant research that has an impact beyond academia. She is an author and coauthor of numerous books and articles, including books on the English legal system, criminal justice, and research methods in law. Her book *Legal Responses to Domestic Violence* (Routledge, 2008) took a comprehensive view of how the legal system in England and Wales handles domestic abuse in the family, civil, and criminal justice spheres. It argued that there are flaws in each of legal spheres, and that a big obstacle to protecting victims is the "silo" approach of each sphere. Her new book *Domestic Abuse, Victims and the Law* (Routledge, 2022) examines legal developments over the past decade, situated in the context of the fuller recognition of domestic abuse as a violation of the human rights of victims, requiring an effective state response.

Elizabeth Cauffman, PhD, is a Professor in the Department of Psychological Science at the University of California, Irvine, and has published over 150 articles, chapters, and books on a range of topics in the study of adolescent brain development and juvenile justice. Findings from her research were incorporated into the American Psychological Association's amicus briefs submitted to the US Supreme Court in *Roper v. Simmons*, which abolished the juvenile death penalty, and in both *Graham v. Florida* and *Miller v. Alabama*, which placed limits on the use of life without parole as a sentence for juveniles. She currently directs the Center for Psychology & Law (<http://psychlaw.soceco.uci.edu/>) as well as the Masters in Legal & Forensic Psychology (<https://mlfp.soceco.uci.edu/>) at UCI.

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Arriell Jackson, MA, is a Doctoral candidate in Prevention Science at the University of Oregon. Her research focuses on issues related to equity and

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Shelley Keith is an Associate Professor in the Department of Criminology and Criminal Justice at the University of Memphis. Her research centers on the social psychological causes of crime with an emphasis on the role of identity and emotions on crime. Her recent work has appeared in *Feminist Criminology*, *Deviant Behavior*, *Contemporary Justice Review: Issues in Criminal, Social, and Restorative Justice*, and the *Journal of Interpersonal Violence*.

Jean M. Kjellstrand, PhD, is an Assistant Professor in the Department of Counseling Psychology and Human Services in the College of Education at the University of Oregon. As a researcher, she focuses on the impact of parental incarceration on children including the mechanisms that increase risk to these vulnerable populations. Additionally, she works with the community to develop and test comprehensive interventions to support individuals and their families during incarceration and after they return to their communities.

Alyssa LaBerge, MS, is a Doctoral student in the School of Criminal Justice at Michigan State University. She leads program evaluation as part of the Juvenile Risk Assessment Team in partnership with Ingham County 30th Circuit Court – Family Division. She partners with the Michigan Department of Health and Human Services to study outcomes of youth dually involved in the child welfare and juvenile justice systems. Her primary research interests include dually involved youth, adolescent offending, juvenile sentencing and corrections practices, and familial relationships.

Bin Liang (PhD/JD) is a Professor of Sociology at Oklahoma State University. His research interests include globalization and its impact on the Chinese legal system, crime and deviance in China, and comparative studies in criminology and criminal justice. He is the author of five books, including *The Changing Chinese Legal System, 1978 – Present: Centralization of Power and Rationalization of the Legal System* (2008) with Routledge, *China's Drug Practices and Policies: Regulating Controlled Substances in a Global Context* (2009, coauthored) with Ashgate, *Jurisprudence* (2012, co-edited, in Chinese) with Renmin University of China Press, *The Death Penalty in China: Policy, Practice and Reform* (2016, co-edited) with Columbia University Press, and *Chinese Netizens' Opinions on Death Sentences: An Empirical Examination* (2021, coauthored) with University of Michigan Press. In addition to books above, his works also appeared in many peer-reviewed journals in the United States and other nations, including *Journal of Criminal Justice*, *British Journal of Criminology*, *The China Quarterly*, *Modern China*, *European Journal on Criminal Policy and Research*, *Australian and New Zealand Journal of Criminology*, *International Journal of Offender Therapy and*

Comparative Criminology, Crime, Law and Social Change, and *Asian Journal of Criminology*.

Hong Lu is a Professor of the Criminal Justice Department at University of Nevada, Las Vegas. Her areas of interest include comparative criminology, court and sentencing, the death penalty, and sociology of law. She coauthored/edited several academic books (Cambridge University Press, Columbia University Press, and Routledge), edited special issues for journals, and published dozens of journal articles in some of the top-tiered journals (*Law and Society Review*, *British Journal of Criminology*, *China Quarterly*, and *Justice Quarterly*). She was a Visiting Senior Research Fellow at the Asia Research Institute of the National University of Singapore and a recipient of the Barrick Scholar Award for the Outstanding Faculty Researcher at UNLV.

Dr Jacqueline McNett joined the faculty in the Department of Criminal Justice at Auburn University at Montgomery in 2019. She received a Bachelor of Science degree in Psychology from The University of Alabama, a Master of Science in Criminal Justice from The University of Alabama, and her PhD from the Department of Sociology at Mississippi State University. She currently teaches graduate classes for the Master of Science program in Homeland Security and Emergency Management including Introduction to Homeland Security and Emergency Management; Human Trafficking; Protests, Riot, and Panic; Disaster Management and Emergency Preparedness; Psychology of Terrorism and Fear; and Violence in America. Her research and teaching interests include homeland security, emergency management, crime and deviance, jury studies, and fear of crime. Currently, she is serving as the Advisor for the Department's Criminal Justice Club Lambda Alpha Epsilon (LAE), Co-advisor for the Criminal Justice Honor Society Alpha Phi Sigma, and Treasurer for the Alabama-Mississippi Sociological Association. She is also working on several research projects including a study on pistol teams in academia, IOT cybersecurity, and media depictions of missing persons.

Sharon Menezes is a Faculty with the Centre for Criminology and Justice (CCJ), School of Social Work (SSW), TISS, Mumbai, and Joint Project Director of Prayas, a field action project of the CCJ, SSW, TISS that engages with persons accused of crime and those exploited for commercial sex. Her teaching, research, and field practice center around social work methods, women, and children in custody and institutions; human trafficking for commercial sexual exploitation; procedural justice; and rehabilitation and social reintegration of individuals, groups, and communities involved in or vulnerable to crime, commercial sexual exploitation, stigma, and destitution. She believes that a large number of young people reaching the criminal justice system – as offenders or victims – have had disturbing life trajectories. Their encounters with criminal elements occur in the process of negotiating with compromised life choices. Social workers in the criminal justice system can help persons break these trajectories and reenter communities while they distancing themselves from violence and exploitation.

Her writings reflect the voices of stigmatized people otherwise not visible to the public on account of their lost claim over their entitlements and agency.

Robyn E. Metcalfe, MS, is a PhD student in Counseling Psychology at the University of Oregon. Her research interests center around evidence-based parenting interventions to help support effective parenting behavior for families facing significant challenges as well as issues at the intersection of the criminal justice system and the family. Her clinical interests include parenting interventions (e.g., parent management training), interventions for suicidality (e.g., dialectical behavior therapy), and mental health crisis counseling for adolescents who are justice system involved.

Etta Morgan, PhD, is a Graduate of the University of Alabama in Tuscaloosa. She is currently an Associate Professor in the Department of Criminal Justice and Sociology at Jackson State University. Her research interests include female criminality, Race and Gender Issues, Gun Violence, Corrections, and Family Interventions.

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Xiaoli Su, PhD, is an Assistant Professor in the Department of Criminal Justice and Sociology at the Jackson State University. She received both her MA and PhD from the Department of Sociology at the University of Georgia. She has taught courses at both undergraduate and graduate levels. These courses include, but are not limited to, research methods, criminological theories, social statistics, and juvenile delinquency and justice. She has conducted three major lines of research. The first line of her research focuses on family and delinquency. In this line of research, she has primarily studied the relationships between various family problems and delinquency and has made research efforts to identify a systematic way to reduce familial risk factors for delinquency and improve family environment. Specifically, she has explored and tested the roles of Home Economics Education in improving family environment and in the prevention of delinquency. The second line of her research focuses on offender rehabilitation. She and her coauthors have proposed an “Authoritative Parenting” model

of offender rehabilitation wherein harsh punishment is administered in a context of reacceptance/love for offenders. She is interested in testing the roles of Home Economics Education in facilitating smooth reentry processes of ex-offenders. The third line of her research focuses on the study of fear of crime. She has tested whether or not single parenthood is a vulnerability factor for fear of crime. She has also tested how children's age affected the relationship between single parenthood and fear of crime. She has publications in peer-reviewed journals and paper presentations in professional meetings at both regional and national levels.

Laima Vaige currently works as a Senior Lecturer in law at Örebro University in Sweden. She defended her first doctoral thesis at Mykolas Romeris University (Lithuania), focusing on women's rights under international law, and her second doctoral thesis on Uppsala University (Sweden), on cross-border recognition of formalized same-sex relationships in Europe. She has undertaken applied research projects related to human rights and was involved in trainings of advocates and civil servants in Lithuania on human rights issues prior to moving to Sweden in 2016. She worked with and within civil society organizations in Lithuania and Sweden and continues to be affiliated with the Lithuanian Human Rights Centre, of which she is a Board Member. Her research interests are women's rights, LGBTQ rights, and the confluence of "public" and "private" international law. In research, she uses feminist and interdisciplinary methodologies.

Cody Warner is an Associate Professor of Sociology in the Department of Sociology and Anthropology at Montana State University (MSU). He joined MSU after receiving a PhD in Sociology from the Pennsylvania State University in 2013. His research and teaching interests are centered around corrections, and particularly the social consequences of contact with incarceration and other forms of criminal justice contact. Much of this work has examined housing-based outcomes such as residential mobility, residential independence, and boomeranging back to the parental home. Individual and collaborative studies have appeared in journals such as the *American Sociological Review*, *Social Science Research*, *Journal of Marriage and Family*, and *Sociology of Education*.

FOREWORD

Millions of individuals across the globe are entangled in justice systems as offenders, as victims, or vicariously as family members of those directly involved. There is no question that across these justice systems, the family, as the central unit of society, is substantially impacted causing economic and social strains and relationship tensions. There are numerous studies on the role of the family (with family often represented as a singular measure in quantitative studies, such as single-parent households, marital status of the offender, degree of family violence, and many others) has on delinquency and crime, as well as on justice system processing and the reintegration of offenders back into the community post-sanction. Predominantly, the role of the family is invoked in studies that pertain to juvenile offending and juvenile processing, since indeed parental relationships exert a salient influence on youth behaviors. In addition, aspects of adult incarceration, rehabilitation, and reentry also often identify the family as an important dimension in the success or failure of institutional- and community-based programs. Fewer studies have focused on the impacts that policing and other enforcement strategies have on the family. While there are numerous studies on perceptions of the police, most have focused on individual perceptions or on variations across racial/ethnic groups, often precluding the family or family characteristics in these perceptions or how family dynamics play into coping strategies with negative police encounters.

This volume's focus on the *justice system and the family* is an attempt to bring more attention to the central role of the family in justice processes, the universality of this phenomenon across cultures, and the need for more research and interrogations into the interplay between justice system processes and family dynamics, and their overall impact on behaviors.

In this volume, 12 contributions by researchers spanning work across nine countries provide valuable insights into the centrality of the family across justice processes by shedding light on the diverse nature of familial influences and functions across cultural contexts. In Chapter 1, *A Family Affair: The Effect of Criminal Justice Processing on Family Relationships*, Heather Scheuerman and Shelley Keith used data from the Australian Reintegrative Shaming Experiments (RISE) to examine how the processing of offenders, that is either via courts or conferences, affected familial bonds. Sheuerman and Keith (this volume) used both reintegrative and disintegrative shaming as mediators in predicting the effects of court processing on familial bonds and found a positive effect of conferences on familial bonds that is partially mediated by reintegrative shaming. This finding provides an important link between the type of justice processing and family dynamics, highlighting that less confrontational, more reintegrative

processing sets the milieu for family reparation and bonding which are incredibly important factors toward positive behavioral outcomes.

In Chapter 2, *Do Parental Monitoring Habits Change in Response to Juvenile Recidivism*, Caitlin Cavanagh, Erica Dalzell, Alyssa LaBerge, and Elizabeth Cauffman investigate the extent to which mothers' monitoring habits (measured through parental monitoring knowledge and effort) change after their son's first rearrest (operationalized through self-reports and official rearrest records). Interviews of 317 mother-son dyads across three states over two time periods were used. Among other important findings, Cavanagh et al. (this volume) found that mothers who reported more monitoring behaviors (both knowledge and effort) at Time1 had sons who self-reported less recidivism and were less likely to be rearrested at Time2. Mothers' monitoring efforts also increased with their sons' recidivism records. These findings point to the importance of improving the capacity of parents to monitor their children, thus providing necessary supervision of the juveniles that can have lasting gains against offending.

Continuing with the theme of the family and juvenile delinquency, Xiaoli Su, Jacqueline McNett, Etta Morgan, and Manoj Sharma in *The Associations Between Home Economics Education and Familial Risk Factors for Delinquency: An Exploratory Study* demonstrates that an often-overlooked element in rehabilitative programs for youth offenders within family settings may be home economics education (HEE). Their study provides evidence of the positive effects of HEE, which often encompasses interventions that are already used to address youth problems, such as training programs that specifically target parenting skills. HEE potentially provides a broader umbrella of parenting and familial skills (household management, finance, culinary) that can have broad impacts on family functioning and behaviors of delinquent youth. Although criminologists and social scientists have not necessarily focused on HEE as a particular type of program for crime and delinquency, its all-encompassing structure is consistent with current models of wrap-around interventions that are often employed in reentry programs.

Stresses within family relationships during and after incarceration are another challenge well recognized by criminologists, family scholars, and practitioners within the justice system. There is no doubt that incarceration is a serious disruption to family functioning. The ability by all family members to negotiate and cope with such disruption needs serious attention. Three scholarly contributions in this volume specifically explore the dynamics of family functioning during and after incarceration. In *Parents and Siblings of Incarcerated Men: Questioning Intersectionality and Familial Invisibility*, Moran Benisty focuses on incarcerated men as "offspring" and explores interpretations and challenges that imprisonment imposes on the incarcerated's parents and siblings. This focus is unique since current literature mostly centers on the effects of imprisonment on romantic partners and/or the children, and very meagerly on parents and siblings (thus their "invisibility" according to Benisty). Semi-structured interviews were conducted of 27 parents and siblings of incarcerated men in Israel, providing a rare glimpse into the perceptions and difficulties of these family members in coping with familial incarceration, and providing helpful frameworks toward further

studies. Robyn E. Metcalfe, Claudia Reino, Arriell Jackson, Jean M. Kjellstrand and J. Mark Eddy's *Supporting Incarcerated Parents Prior to Reentry: A Gender and Racial Equity-Oriented Lens* focus on the necessity for reentry programs to address more intentionally the racial and gender inequities in post-incarceration hardships. Black men have particularly higher rates of recidivism and suffer from greater stigma as well as social and economic hardships post-incarceration. Similarly, women experience greater challenges in parenting and custody issues and are typically offered fewer prison programs than their male counterparts. Metcalfe et al. (this volume) fittingly assert and discuss the need to improve support systems for these groups before and after reentry. The authors provide valuable guidelines for programming based upon the unique needs of these groups. In *Maintaining Family Ties and Facilitating Father–Child Contact During Jail: The Role of Extended Kin*, Britni L. Adams examine an often neglected but essential aspect in maintaining parent–child/ren relationships when a parent is incarcerated – the extended kin. In her qualitative interviews of predominantly young, Latino fathers, Adams highlights the important role of kin members, particularly paternal kin, in facilitating and organizing father–child contact. This study provides information not only of the importance of kin members as conduit and support to both the incarcerated parent and the child but also a glimpse at potential differences in needs across ethnically diverse family structures.

The importance of considering someone's ethnic position in the justice processes is highlighted in Linda Mussel's *The Ripple-effects of Carceral Policy*. In this chapter, Linda Mussel particularly brings into focus the unintended and potentially negative consequences of colonial carceral policies on indigenous peoples in Canada, Australia, and New Zealand, countries that have had lasting colonial carceral legacies across generations. Mussel's work (this volume) is a welcome shift from the predominant focus in current literature on nuclear families and programs, to the broader family and community, kinships, institutions, and government–community power relations. This broad perspective allows comparisons of carceral policies on indigenous peoples across the three nations and challenges researchers to consider the larger picture, the colonial or political legacies toward better understanding justice and carceral equity.

In *Criminal Justice Contact and Coresidence in Young Adulthood: Exploring the Role of the Family Context*, Cody Warner used the National Longitudinal Survey of Youth to examine how criminal justice involvement by young adults precipitate coresidence with their parents subsequent to their justice involvement and examines the implications this has on support for justice involved individuals and their families. Warner's examination of variations in coresidence patterns by family types and contexts advances knowledge about transitions of criminally involved young adults and especially clarifies housing challenges within this population and its implications on policy.

Challenges in family adaptations present itself in varying ways across cultures and nations. Hong Lu, Bin Liang, and Deena DeVore, in *Restorative Justice and Crime Victim's Family in China* provides a fascinating glimpse into the complexity of cultural norms and the interplay between culture, family, and justice processes. Lu et al. examine the context of China's legal system, the roles and functions of

crime victims and their families in the justice system, and the potential role for restorative justice using case analysis of a noted double murder case in China, the Nian Bin case. Their qualitative analysis provides a unique and valuable framework for further study.

Three chapters in this volume focus on family violence and the justice system. Family violence remains one of the most difficult problems that a family can face. Although much had been published about family violence, there is still great need to better understand the justice system context and policies about family violence across nations and cultures. The three contributions in the volume provide needed insights into these processes across three nations. In *Falling Through the Fault Lines: Victims Experiencing Poor and Fragmented Legal Responses to Domestic Abuse in England and Wales*, Mandy D. Burton interrogates the utility of the integrated domestic abuse courts (IDACs) in England and Wales, in light of the critical inadequacies of traditional justice responses to domestic abuse. Burton (this volume) underscores the poor interface and poor information sharing between “silos” of the legal system – such as the criminal, civil, and family systems in England and Wales – and asserts that these “silos” have resulted in contradictory and conflicting orders for domestic abuse cases. A 2020 “harm panel” report found that these “silos” have indeed resulted in harm to families and children. Thus, legal responses to domestic abuse cases need to be revisited and reexamined. In *Domestic Violence Against LGBTQs: The Promise and the Challenges of the Istanbul Convention*, Laima Vaige presents key normative, conceptual, and substantive challenges to the Convention on Preventing and Combating Violence against Women and Domestic Violence, 2011 (the Istanbul Convention), as it pertains to the LGBTQ community. The convention had 34 ratifications as of December 2021 and 11 signatures without ratifications. Vaige (this volume) identifies tensions between the national (state) understandings of domestic violence and the Convention and identifies that such tensions stem from cultural differences that will necessitate more serious discussions at the national and international levels. This broad analysis highlights substantive areas that can benefit from greater international discussions. In the volume’s last chapter, *Familial Violence and Human Trafficking: Stories From India*, Sharon Menezes provides a fascinating glimpse on the family’s role in promoting and sometimes perpetrating child trafficking in India’s North Karnataka region. Menezes (this volume) makes a case for the insufficiency of carceral approaches to child trafficking and family violence problems, particularly the cultural complexity of the devadasi system, where young girls mostly from the lower castes are dedicated by their families to the service of a god/goddess, but which then also becomes pretext for commercial sex. Also making use of data sourced from urban India where traffickers are shown to be former victims, Menezes highlights the difficult cultural and economic context of the devadasi system, which is now illegal in India, and suggests initiatives beyond carceral policies that may be more constructive in addressing tensions between cultural norms, legislation, and economic necessities.

This volume’s effort to bring together studies that focused on the centrality of the family across the range of justice processes brought 12 insightful

contributions. We believe that these 12 contributions demonstrate the significance of family units and dynamics across the justice process, including the importance of the family in constructive behavioral outcomes. The contributions varied in how the family and justice dynamics were operationalized and as such demonstrate that “family” or the influence of family on justice processes may be investigated and interpreted in innumerable ways. Importantly, the contributions in this volume also highlighted significant cultural nuances that undergird family and justice system dynamics.

Since the family is the primary unit of society and as such influences many social processes and interactions, it is important that researchers recognize the centrality of the family across the entire justice process. While aspects of a family may be peripherally examined in studies that focus on justice system processing (e.g., in quantitative representations of marital status, single-parent or two-parent households, etc.), the 12 contributions to this volume demonstrate the benefits of more fully recognizing the role of family units in all justice processing, how it impacts or is impacted by such processes, and how these can influence later behavioral outcomes. We hope that this volume builds an impetus for further studies, particularly in areas where such studies are almost nonexistent, such as in the interplay between family dynamics and police-citizen encounters.

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