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Criminological Highlights

The Centre of Criminology, University of Toronto, gratefully acknowledges the Department of Justice Canada for funding this project.

Volume 9, Number 5

July 2008

Criminological Highlights is designed to provide an accessible look at some of the more interesting criminological research that is currently being published. There are six issues in each volume. Copies of the original articles can be obtained (at cost) from the Centre of Criminology Information Service and Library. Please contact Tom Finlay or Andrea Shier.

Contents: "Headlines and Conclusions" for each of the eight articles. Short summaries of each of the eight articles.

Criminological Highlights is prepared by Anthony Doob, Tom Finlay, Rosemary Gartner, John Beattie, Andrea Shier, Carla Cesaroni, Carolyn Greene, Maria Jung, Myles Leslie, Natasha Madon, Nicole Myers, Jane Sprott, Sara Thompson, Kimberly Varma, and Carolyn Yule.

Comments or suggestions should be addressed to Anthony Doob or Tom Finlay at the Centre of Criminology, University of Toronto.

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

1. What are realistic goals for restorative justice programs?
2. How do experienced English trial judges assess the competence of the juries who heard serious and complex fraud trials?
3. What are the problems with using predictive risk assessments in determining sentences?
4. Do police crackdowns on the carrying of illegal guns reduce gun crime?
5. Can processing a youth in a welfare-oriented justice system increase re-offending?
6. What are the consequences for children of sending their mothers to prison?
7. Are there effective treatments for sex offenders that will reduce future offending?
8. What determines whether a repeat offender will go straight after being released from prison?

The immediate reduction of recidivism may not be the only appropriate goal for restorative justice procedures.

Although many have argued that it is unreasonable to expect restorative justice processes such as conferences to have dramatic and immediate impacts on reoffending, it might be more appropriate to think of restorative justice events as providing offenders with “an opportunity to facilitate a desire, or consolidate a decision, to desist” (p. 352). The reduction of offending is a legitimate goal for restorative justice, “but it is a goal which must be seen both in the context of other legitimate goals for restorative justice (not least victim-centred ones) and in the context of the messy and unpredictable ‘real world’ in which restorative justice encounters take place” (p. 353). “To the extent that such encounters are voluntarily entered into by offenders, there is a high likelihood that at least some will take the opportunity to participate as a means of consolidating or reinforcing a decision to desist” (p. 352-3). Hence “the potential of restorative justice to ‘deliver’ reductions in reoffending... will always be circumscribed” (p. 353).

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English trial judges who have extensive experience with serious and complex fraud trials have confidence in the juries that hear these cases.

Given that the English judges believed, on the basis of their own personal experience, that juries are capable of understanding the evidence and rendering defensible verdicts, it is not surprising that these specialists in complex fraud cases that are normally heard by a judge-and-jury did not support proposals to replace juries with judge-alone trials. Indeed, the judges were not uniformly confident that cases would be shorter if heard by a judge alone. Judges feared that prosecutors might “put boxes of materials and extra charges before the judge” (p. 760) because they might think that the judge was more capable of handling such material. One wonders whether the disillusionment with juries, in some quarters, comes from the difficulty in presenting complex cases rather than with the juries themselves. The judges appeared to agree that an important part of serious fraud prosecutions is the organization of the evidence and effective advocacy by those presenting the cases.

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Using predictive risk assessments to determine sentences in ordinary criminal cases punishes large numbers of people based on notions of what someone else might do.

Under Virginia’s sentencing scheme, individuals are punished because the predictions concerning the ‘group’ to which they belong (e.g., young, unmarried, unemployed males) rather than because of something they themselves did. Because people with certain characteristics are more likely to offend than are people without those characteristics, those with those characteristics receive harsher punishments. This occurs even though it is well established that many of those with those characteristics will not re-offend. The labels associated with the group may reflect ‘life style’ variables and may not be ‘causal’ in a real sense. A person with the characteristics that predict future recidivism will, therefore, be punished because of those characteristics (e.g., being unemployed) rather than because of anything that the offender has done. Who the offender is, rather than what the offender has done, is the crucial variable under a ‘predicted recidivism’ model.

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Police crackdowns on the carrying of illegal guns may have an impact on gun crime, though the results should not be considered to be conclusive.

It is possible that increased police presence and proactive approaches to gun carrying had an impact on gun crime, but the data are not completely convincing. Further, the effects, such as they are, do not appear to last beyond the period of increased police activity. The one clear finding from this summary is that police departments that are interested in determining the impact of their programs need to implement them in a manner that allows for adequate evaluation.

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In the Scottish youth justice system – which operates explicitly on welfare principles – those children who penetrated most deeply into the formal system were most likely to re-offend.

The findings “add further weight to the international research evidence that youth justice systems may be congenitally unable to deliver the reductions in offending” (p. 339) that some policies and policy makers assume to be possible. It is argued that “the key to reducing youth offending lies in maximum diversion and minimal intervention” even in this system “that is explicitly aimed at decriminalization and destigmatization” (p. 340).

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The incarceration of mothers with young children contributes to crime: their children, as adults, are more likely to be involved in the criminal justice system than are children of mothers who are equally involved in crime, but who avoided being incarcerated.

Although it is not completely clear why maternal incarceration is linked with the adult offending of their offspring, it is clear that the effect is not simply that the mothers were themselves offenders or that it is a continuation of childhood delinquency of the child. Part of the effect could, of course, be that the incarceration of the mother is yet another form of maternal absence which, itself, appears to have impacts on offending. Whatever the reason, however, it would appear that there are collateral impacts of maternal incarceration on children and these effects persist into early adulthood.

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Treatment can reduce the likelihood that sex offenders will re-offend.

Overall it appears that treatments for sex offenders can be effective, though it would be wrong to conclude that any treatment will necessarily work. It appears that voluntary cognitive-behavioural or classic behavioural treatments that take place in the community have shown the most success in the past.

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Whether or not men released from prison ‘go straight’ depends on the types of social obstacles and the disadvantages that they face in the community as well as their mindset as they leave prison.

“The findings provide some support for the importance of individual cognitions and meaning systems prior to release from prison....[suggesting] that subjective changes may precede life-changing structural events and, to that extent, individuals can act as agents of their own change” (p. 155). Although social factors such as employment and housing had the strongest relationships with reconviction or re-imprisonment, “individual cognitions and meaning systems prior to release from prison” are clearly important.

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The immediate reduction of recidivism may not be the only appropriate goal for restorative justice procedures.

Traditionally, restorative justice programs in the criminal justice system have had two quite distinct goals: to involve and meet the needs of victims of crime and to reduce reoffending. In the past decade or so, restorative justice programs have become increasingly popular in many western countries. At the same time, it would appear that the goal of immediately reducing reoffending is tending to eclipse, in the minds of policy makers, the more traditional goals of addressing the needs of victims and of creating more subtle changes in the offender.

This paper suggests that “there is a case to be made for a subtle shift in ways of thinking about the recidivism reduction potential of restorative justice... [by thinking of it] as an opportunity to facilitate a desire, or consolidate a decision, to desist [from crime]” (p. 337). Some of the theoretical literature on restorative justice has attempted to distance itself from the simple goal of reducing reoffending, in part because it is argued that it is unrealistic and in part because such an emphasis diminishes the importance of victim-centred goals. However, “benefits for offenders, such as reducing reoffending or rehabilitation... are actually often welcomed and desired by victims” (p. 340). Hence these two separate goals should not be seen as being in opposition to one another. In a study of 280 conferences involving adult offenders who had committed a range of offences against persons (i.e., rather than organizations or businesses) it was found that outcome agreements tended to focus largely on offenders’ future behaviour rather than on victims’ needs. For many victims “an offender’s stated intention to ‘do something’ about their offending behaviour constituted a form of

reparation” (p. 341) and was a legitimate and welcomed outcome of the restorative process.

“Desistance, or offenders stopping offending ... is increasingly regarded as a process of gradually decreasing offending, rather than a sudden one-off decision not to offend again...” (p. 347). Indeed, it is possible “that, for at least some offenders, a restorative justice event may be less a *trigger* for desistance than a potentially significant ‘stepping stone’ on a journey toward desistance on which they have already embarked” (p. 347). Hence giving offenders an opportunity to consider changing their lives “could [constitute] rare but important safe spaces for offenders intending to desist to consider the next few months of their lives and how those months could be lived” (p. 348). Clearly, if this is the case, then conferences would be likely to be effective only for those offenders who have voluntarily consented to the restorative conference process.

Conclusion: Although many have argued that it is unreasonable to expect restorative justice processes such as conferences to have dramatic and immediate impacts on reoffending, it

might be more appropriate to think of restorative justice events as providing offenders with “an opportunity to facilitate a desire, or consolidate a decision, to desist” (p. 352). The reduction of offending is a legitimate goal for restorative justice, “but it is a goal which must be seen both in the context of other legitimate goals for restorative justice (not least victim-centred ones) and in the context of the messy and unpredictable ‘real world’ in which restorative justice encounters take place” (p. 353). “To the extent that such encounters are voluntarily entered into by offenders, there is a high likelihood that at least some will take the opportunity to participate as a means of consolidating or reinforcing a decision to desist” (p. 352-3). Hence “the potential of restorative justice to ‘deliver’ reductions in reoffending... will always be circumscribed” (p. 353).

Reference: Robinson, Gwen and Joanna Shapland (2008). Reducing Recidivism: A Task for Restorative Justice? *British Journal of Criminology*, 48, 337-358.

English trial judges who have extensive experience with serious and complex fraud trials have confidence in the juries that hear these cases.

It is sometimes suggested that jurors may be capable of making appropriate decisions in 'ordinary' criminal cases, but they cannot do an adequate job with long, complex trials. These suggestions have been challenged in studies of jurors in actual complex cases and in detailed studies of those who serve on juries (See *Criminological Highlights*, V9N1#6, V2N2#8), though it is clear that in some cases, the job of the jury could be made easier (see *Criminological Highlights*, V3N3#8). In this study, a New York State Supreme Court Judge interviewed nine of the ten English judges who had recently tried, with a jury, serious fraud cases. The focus of the interview was the debate over whether these cases should be tried by a judge alone.

All nine judges held a "firm belief that juries have the capacity to understand properly litigated complex fraud cases" (p. 750) and should continue to hear these cases. They suggested that "usually the complexity of a serious fraud case gradually evaporates as the trial progresses when the proof is competently and carefully presented" (p. 754). The judges all indicated that they agreed with a very high proportion of jury verdicts in cases that they presided over. One judge noted, "I have been surprised less often by the jury's verdict in long cases than perhaps in short cases" (p. 754). Another judge suggested that when he didn't agree with the verdict, he still understood why the jury came to the decision it did. A consistent theme was that juries in long complex cases were *more* likely to arrive at the same verdict as the judge.

Judges agreed that juries acquired a good understanding of the evidence in these cases. Sometimes this was evident to the judge from the questions that the jury asked, and

by the pattern of the decisions in multiple charge or multiple defendant cases. At the same time, "Many of the judges observed that the quality of case preparation and trial advocacy are both essential to juror understanding" (p. 759). One judge noted that the real issue is the "competence of the prosecution in cases where juries don't understand, not the competence of the jury" (p. 759). These findings are consistent with a 'mock jury' study which evaluated comprehension and competence in a complex case that was presented to people outside of the court setting.

Conclusion: Given that the English judges believed, on the basis of their own personal experience, that juries are capable of understanding the evidence and rendering defensible verdicts, it is not surprising that these specialists in complex fraud cases that are normally heard by a judge-and-jury did not support proposals to replace juries with judge-alone trials. Indeed, the judges were not uniformly confident that cases would be shorter

if heard by a judge alone. Judges feared that prosecutors might "put boxes of materials and extra charges before the judge" (p. 760) because they might think that the judge was more capable of handling such material. One wonders whether the disillusionment with juries, in some quarters, comes from the difficulty in presenting complex cases rather than with the juries themselves. The judges appeared to agree that an important part of serious fraud prosecutions is the organization of the evidence and effective advocacy by those presenting the cases.

Reference: Julian, Robert F. (October 2007). Judicial Perspectives on the Conduct of Serious Fraud Trials. *Criminal Law Review*, 97, 751-768.

Using predictive risk assessments to determine sentences in ordinary criminal cases punishes large numbers of people based on notions of what someone else might do.

Many criminal justice systems use predictions of recidivism at some stage of the criminal justice process. Offenders being released from prison are often assessed for risk of reoffending in part so that resources can be allocated in a manner that might reduce those risks. Parole boards use risk assessment tools to try to minimize the number of people who commit offences while on parole. But when determining how much punishment a person should receive “There is a threshold ethical dilemma that we seldom consider: how good must predictive efforts be to justify using them to take restrictive actions...?” (p. 700).

Although judges in many sentencing systems are forced to make decisions about offender riskiness, the state of Virginia chose to rely on a formal quantitative risk assessment tool to determine sentences for non-violent felony offenders. Interestingly, they chose not to rely on a ‘needs assessment’ that might have been used to try to identify services to reduce the likelihood that an offender would re-offend. The study that Virginia chose to base its sentencing guidelines on used data from a single cohort of offenders who had been incarcerated and then released during an 18 month period in the early 1990s. These offenders were followed for 3 years to see who was reconvicted of a felony. The study showed that recidivism was higher if the offender was male, young, unmarried, unemployed, acted alone at the time of the offence, had multiple convictions, had a criminal record (especially for drugs), and had been incarcerated as an adult or child. Those with ‘low risk’ scores were deemed eligible for non-custodial sentences. The recidivism study also showed that blacks were more likely to re-offend than whites, but the sentencing commission decided against using race in sentencing because “the commission viewed race as a proxy for social and economic

disadvantage” (p. 705). Judges could depart from the guideline sentence (i.e., the risk assessment sentence) but they only did so in about 19% of the cases.

Since this law was implemented in 2002, various concerns have been raised including the fact that the predictors themselves may be flawed since they were derived from a study that only followed those released from incarceration. In other words, the guidelines are not informed by the subsequent behaviour of those who received non-custodial sentences. More importantly, “the reality of risk-based assessment is that it involves considerable error” (p. 711). In the Virginia scheme, for example, it was estimated that only 24% of those who were recommended for a prison sentence (for incapacitation) would actually re-offend. Even though this was higher than the rate of those for whom a non-custodial sentence was recommended, the error rate is clearly high. And of course, the consequence of focusing sentencing decisions on predictions of future behaviour is that sentences cannot be proportional to the harm that was done. This is because it is almost inevitable that ‘harm’ and ‘recidivism risk’ would not lead to the same ordering of cases.

Conclusion: Under Virginia’s sentencing scheme, individuals are punished because the predictions concerning the ‘group’ to which they belong (e.g., young, unmarried, unemployed males) rather than because of something they themselves did. Because people with certain characteristics are more likely to offend than are people without those characteristics, those with those characteristics receive harsher punishments. This occurs even though it is well established that many of those with those characteristics will not re-offend. The labels associated with the group may reflect ‘life style’ variables and may not be ‘causal’ in a real sense. A person with the characteristics that predict future recidivism will, therefore, be punished because of those characteristics (e.g., being unemployed) rather than because of anything that the offender has done. Who the offender is, rather than what the offender has done, is the crucial variable under a ‘predicted recidivism’ model.

Reference: Netter, Brian (2007). Using Group Statistics to Sentence Individual Criminals: An Ethical and Statistical Critique of the Virginia Risk Assessment Program. *Journal of Criminal Law & Criminology*, 97 (3), 699-729.

Police crackdowns on the carrying of illegal guns may have an impact on gun crime, though the results should not be considered to be conclusive.

Cracking down on gun crime by systematically searching for illegal guns, enhanced surveillance of probationers and parolees, and weapon-reporting hotlines are all approaches used by police in many cities to deal with this form of serious crime. Because these crackdowns typically happen in locations that have recently experienced large numbers of high profile gun crimes, they generally suffer from 'regression' artefacts: decreases are plausibly the result of 'natural' reversion to pre-existing levels of crime rather than to programs initiated by the police. This paper examined the research literature on this topic and located studies that took place in three American and two Columbian cities that had relatively adequate, but not ideal, data that address the effectiveness of these crackdowns. None involved randomized controlled trials.

All of the studies examined directed patrols in which additional police officers were assigned to high-crime areas at high risk times. These officers were supposed to focus on proactive investigation and enforcement rather than answering calls for service.

- In Kansas City in the early 1990s, evening gun patrols were implemented in a small area that had a very high homicide rate (20 times the U.S. national average at the time). Rates of police reported gun crime during the interventions were compared to rates prior to the interventions and to rates in a (non-intervention) comparison area some distance away which differed in potentially important ways. The intervention involved extra car and pedestrian stops as well as informing residents of the crackdown and the existence of a police tips hotline (that ended up receiving only 2 calls). There was a reduction, in the intervention area, of gun crimes, but not of total, violent, or property crimes though "it is hard to rule out a regression artefact..." (p. 240). When the intensified patrols were re-instituted a few months later, there appeared, once again, to be a gun crime reducing effect.
- In Indianapolis, directed patrols were instituted in two areas (each of which had very high violent crime rates), and not in a comparison area (which, unfortunately, started off being quite different from the areas in which the interventions took place, decreasing its effectiveness as an equivalent comparison area). The intervention involved extra pedestrian and traffic stops and searches. In one area these were targeted against suspicious people and vehicles. In the other, the approach was more general. The focused approach appeared to show a reduction in total gun crime, but the more general approach seemed ineffective.
- Pittsburgh (see *Criminological Highlights*, V7N6#1) focused its enhanced patrols in two sections of the city during high crime parts of the week, using the other days and other (different) locations as controls. Reports of gunshots and hospital reports of gunshot injuries were lower during the intervention periods. Once again, the effects are not robust and could be due to pre-existing differences. In any case, the reduction was only found on the days of the crackdown.
- Two similar studies were carried out in the Columbian cities of Cali and Bogotá. Bans on the carrying of guns were implemented, and the police did a substantial amount of searching of cars, pedestrians, and patrons in bars. The homicide rates in these cities (over 100 per 100,000 residents in Cali; and between 60 and 80 in Bogotá) may have been reduced slightly on intervention days, but these days were advertised in advance. Homicide rates increased after the intervention period ended.

Conclusion: It is possible that increased police presence and proactive approaches to gun carrying had an impact on gun crime, but the data are not completely convincing. Further, the effects, such as they are, do not appear to last beyond the period of increased police activity. The one clear finding from this summary is that police departments that are interested in determining the impact of their programs need to implement them in a manner that allows for adequate evaluation.

Reference: Koper, Christopher S. and Evan Mayo-Wilson (2006). Police Crackdowns on Illegal Gun Carrying: A Systematic Review of Their Impact on Gun Crime. *Journal of Experimental Criminology*, 2, 227-261.

In the Scottish youth justice system – which operates explicitly on welfare principles – those children who penetrated most deeply into the formal system were *most* likely to re-offend.

Careful analyses of treatment programs for youths (see *Criminological Highlights* V7N4#1) would suggest that effective programs are not likely to reduce substantially reoffending by youths. In addition, there has sometimes been “a rather naïve assumption among policy makers that measures that appear to work in one jurisdiction can be successfully transplanted into others, without any need to consider differences in the culture and social contexts within which such measures are to be implemented” (p. 317). At the same time, “there is a growing body of research... which indicates that contact with the youth justice system and experience with more severe forms of sanctioning, in particular, are as likely to result in enhanced as in diminished offending risk” (p. 318).

This study examines the impact of the Scottish model of youth justice on future offending. Rather than being based on punishment by a court, the core of the Scottish youth justice system uses a lay tribunal to address the needs of the child. It is designed to “avoid criminalization and hence stigmatization of young people” (p. 320). Since 1995, however, public protection can take priority if there is a risk to the child and/or the public. Youth cases in Scotland typically start with a police officer who may or may not charge a youth. If charged, the youth is referred to a police Juvenile Liaison Officer (JLO). The JLO may or may not refer the case to the Reporter who may or may not refer the case to a panel for a full hearing. “The principal role of the Reporter [in this context] is to investigate the case to determine whether at least one of the statutory grounds for referral to a hearing has been met *and* that the child is in need of compulsory measures of care” (p. 321).

This study demonstrates that boys and disadvantaged children as well as youths who had a history of offending were more likely to be charged by the police officer than were children who did not have these characteristics. “Children who reported that they had been charged in previous years were *over seven times* more likely to be charged at age 15 than were children with no such a history – a factor that is completely independent of their current

involvement in serious offending...” (p. 327). Being from non-two-birth-parent families and having previously been referred to the Reporter increased the likelihood of being referred by the JLO to the Reporter. Hearings were more likely to be held for youths who had many charges, those who were assessed as having many needs, and those who were disadvantaged. When other factors were controlled, “children who have been identified as troublemakers in previous years are significantly more likely to be charged and subsequently referred to the Reporter” (p. 330).

Children who were chosen for more serious interventions (by the original police officer, or by the JLO, or by the Reporter) at each stage of the process were compared to a second group. This second group consisted of children who did not receive the more serious intervention but who were similar to the youths in the first group on those factors that reflected the reasons for the decision to refer the case deeper into the system. Those who were charged by the police did not differ from similar children who were not charged in their rates of self-reported offending (theft from a motor vehicle, riding in a stolen vehicle, carrying an offensive weapon, housebreaking, arson, robbery, or any of six types of violence). Similarly, referral by the JLO to the Reporter did not appear to affect the subsequent prevalence of serious offending. “However, those who

were brought to children’s hearings [when they were approximately 14.5 to 15.5 years old] were significantly *more* likely to report involvement in serious offending one year later than were their comparable counterparts” (p. 333). It appeared that those who were not brought to a hearing reduced their level of offending, but those who “were brought to a children’s hearing on offence grounds and made subject to compulsory measures of care... [showed] no significant reduction in their self-reported frequency of serious offending” (p. 334).

Conclusion: The findings “add further weight to the international research evidence that youth justice systems may be congenitally unable to deliver the reductions in offending” (p. 339) that some policies and policy makers assume to be possible. It is argued that “the key to reducing youth offending lies in maximum diversion and minimal intervention” even in this system “that is explicitly aimed at decriminalization and destigmatization” (p. 340).

Reference: McAra, Lesley and Susan McVie (2007). Youth Justice? The Impact of System Contact on Patterns of Desistance from Offending. *European Journal of Criminology*, 4(3), 315-345.

The incarceration of mothers with young children contributes to crime: their children, as adults, are more likely to be involved in the criminal justice system than are children of mothers who are equally involved in crime, but who avoided being incarcerated.

In the U.S. it is estimated that 63% of incarcerated women have one or more minor children, most living with them prior to incarceration and that 7% of African American children have a parent in federal or state prison. Various problems for children – e.g., depression, anxiety, school-related difficulties, substance abuse, and aggressive/antisocial behaviour – have been linked to parental incarceration.

In this study, a large national (American) sample of children was repeatedly surveyed from childhood into early adulthood. Some of the questions asked of the respondents (the youths) involved whether a parent was incarcerated at the time of the interview. Respondents were followed into early adulthood and their criminal convictions were recorded. The study included various control variables in an attempt to separate out the effect of the incarceration of the mother from other related factors (e.g., absence of the mother for other reasons, delinquency of the child, the mother's involvement in crime), as well as standard demographic variables such as gender, race, education of the child and of the mother, whether the mother was an adolescent when the child was born.

The focus of the study is on adult criminal involvement measured by whether or not respondents were convicted of an offence in adult court up to age 21. The main comparison was between survey respondents whose mothers had or had not been incarcerated at some point during the respondents' childhood years. The findings are clear: those study

participants whose mother had been incarcerated were considerably more likely to have been convicted in adult court (26%) than were those study participants whose mothers had not been incarcerated (only 10% of these respondents were convicted).

The results showed some of the usual correlates of criminality. Those youths who indicated that they felt peer pressure to get involved in various criminal activities were, as adults, more likely to have an adult conviction. And those who had not lived with their mothers for at least some time for reasons other than the mother's incarceration were more likely to be involved in crime. And, of course, males were more likely to have been convicted as adults than were females. Maternal offending had a small effect on whether the youth, as an adult, was convicted, but had a significant impact on whether the youth reported ever being on adult probation.

Above and beyond these effects (and the delinquency of the respondent as a youth), those youths whose mothers had been incarcerated when they were young were, as adults, more likely to have been convicted of a criminal

offence. Interestingly, "maternal imprisonment did not appear to be a risk marker for poor home environments.... although children of incarcerated mothers did report significantly lower levels of parental supervision" (p. 292).

Conclusion: Although it is not completely clear why maternal incarceration is linked with the adult offending of their offspring, it is clear that the effect is not simply that the mothers were themselves offenders or that it is a continuation of childhood delinquency of the child. Part of the effect could, of course, be that the incarceration of the mother is yet another form of maternal absence which, itself, appears to have impacts on offending. Whatever the reason, however, it would appear that there are collateral impacts of maternal incarceration on children and these effects persist into early adulthood.

Reference: Huebner, Beth M. and Regan Gustafson (2007). The Effect of Maternal Incarceration on Adult Offspring Involvement in the Criminal Justice System. *Journal of Criminal Justice*, 35, 283-296.

Treatment can reduce the likelihood that sex offenders will re-offend.

Many people appear to believe that sex offenders are different from other offenders on two important dimensions: recidivism rates and treatability. They are often seen as being very likely to reoffend and to be untreatable. It is well established that sex offenders do not have especially high rates of recidivism (See *Criminological Highlights*, V3N3#3, V5N1#4, V6N3#3, V6N6#8, V8N3#8, V9N2#5). This paper addresses the second issue: Can sex offenders be effectively treated?

Research on the effectiveness of treatment programs for sex offenders is often difficult to carry out in progressive prison systems because, as serious offenders, they are often universally required to participate in treatment programs, making it difficult to find an equivalent comparison group. This review looked at studies of treatment programs for sex offenders that had the following characteristics: the treatment had to include a therapeutic, not simply a deterrent, intervention; recidivism had to be measured; there had to be a comparison group; and both the treatment and control group had to have a plausible number of offenders to allow for comparisons to be made. Sixty-nine papers containing 80 separate studies were located, most having been published since 1990. Thirty-seven of the 80 studies examined cognitive-behavioural programs.

Looking at 'treatment programs' overall, there was an average rate of sexual recidivism for the untreated control offenders of 17.5%. This was reduced to a rate of 11.1%

re-offending for the treated offenders. Results for other types of offending were similar. Looking at overall recidivism, among those who had not been treated, about 33% of the offenders committed a new offence; with treatment, this rate was reduced to about 22%. The physical treatments that were examined (surgical castration or hormonal treatments) had the largest impacts. For psychosocial treatments, only cognitive-behavioural treatments and classic behaviour therapy had significant impacts on sexual recidivism. Insight and other psychosocial therapies as well as therapeutic communities had no overall impact. Outpatient and voluntary treatments had significant impacts in reducing recidivism but prison based programs did not have an overall impact.

Though these findings are encouraging in that they suggest that certain types of treatment can reduce offending, it should be noted that the quality of the studies was only moderate. Nevertheless, unlike other research using non-equivalent comparison groups, it should be noted that

non-equivalence works 'against' finding a program to be effective. In this type of research, the treatment group is likely to include the worst offenders. Hence when comparisons are made with a 'control' group, the treatment group starts off being, if anything, worse than the comparison group.

Conclusion: Overall it appears that treatments for sex offenders can be effective, though it would be wrong to conclude that any treatment will necessarily work. It appears that voluntary cognitive-behavioural or classic behavioural treatments that take place in the community have shown the most success in the past.

Reference: Lösel, Friedrich and Martin Schmucker (2005). The Effectiveness of Treatment for Sexual Offenders: A Comprehensive Meta-Analysis. *Journal of Experimental Criminology*, 1, 117-146.

Whether or not men released from prison ‘go straight’ depends on the types of social obstacles and the disadvantages that they face in the community as well as their mindset as they leave prison.

Most persistent offenders eventually stop offending (*Criminological Highlights*, V6N4#3). There is little disagreement about the static predictors of recidivism among persistent offenders released from prison: e.g., age, gender, criminal history, and various family background factors. Less is known about the importance of factors that are amenable to change when the offender reaches the community. These have often been categorized as being of two types: social factors (such as employment, addictions) and subjective factors (e.g., cognitive factors relating to choices, goals, values, motivations, etc.).

A major focus of this study was on the manner in which men, about to be released from prison, viewed their life chances in the community. A total of 130 male ‘career’ offenders in the UK were interviewed just before they were released from prison. The interview focused on their “aspirations and expectations for life after prison and what they saw as the chief stumbling blocks to desistance from further offending” (p. 140). They were questioned on such matters as whether they thought they could go straight, their regret about their past involvement in crime, whether they expected to find social prejudice in the community against ex-convicts, and whether they thought they could contribute positively to their families. Four to six months after being released, the former inmates were re-interviewed. This time the focus of the interview was on the problems they were experiencing in the community (e.g., being homeless or unemployed). Ten years later, 126 of the 127 men who were still alive were successfully traced through a variety

of records to determine if they had been reconvicted or re-imprisoned.

Those who, before being released, thought that they did not have the ability to go straight were more likely to experience large numbers of social problems 4-6 months after release from prison. The number of social problems (housing, employment, finances, relationships with partner/family, alcohol, drugs) that the offender was experiencing shortly after release from prison was a fairly robust predictor of re-offending and re-imprisonment. But so also was the offender’s view, before being released, that society was prejudiced against ex-convicts and that this would make it difficult for him to go straight. “Regret for one’s past involvement in crime and self-identification as a ‘family man’ [seemed also] to contribute positively to the desistance process” (p. 154).

“The accumulation of [social problems such as homelessness and addiction]... seems to have a direct and powerful influence over one’s

ability to go straight... [But in addition] measures of the mindset of men about to leave prison are at least marginally significant predictors of post-imprisonment outcomes as well” (p. 154).

Conclusion: “The findings provide some support for the importance of individual cognitions and meaning systems prior to release from prison.... [suggesting] that subjective changes may precede life-changing structural events and, to that extent, individuals can act as agents of their own change” (p. 155). Although social factors such as employment and housing had the strongest relationships with reconviction or re-imprisonment, “individual cognitions and meaning systems prior to release from prison” are clearly important.

Reference: Lebel, Thomas P., Ros Burnett, Shadd Maruna, and Shawn Bushway (2008). The ‘Chicken and Egg’ of Subjective and Social Factors in Desistance from Crime. *European Journal of Criminology*, 5(2), 131-159.