



Centre for Criminology & Sociolegal Studies  
**UNIVERSITY OF TORONTO**

**The Effects of Imprisonment:  
Specific Deterrence and Collateral Effects**

Research Summaries Compiled from *Criminological Highlights*  
by

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*Criminological Highlights* is produced by a group of faculty (at the University of Toronto and at nearby universities), criminology doctoral students, and librarians. To find items appropriate for *Criminological Highlights*, we scan everything that comes into the Centre of Criminology library and over 100 journals that are available electronically. From time to time, we also consider papers published in journals in related fields. A short list (typically about 20-30 articles per issue) is chosen and the group reads and discusses each of these papers. For a paper to be included in *Criminological Highlights* it must be methodologically rigorous and it must have some (general) policy relevance.

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This overview of research findings is designed to be read along with the actual research summaries from *Criminological Highlights* which are contained in Part B of this report.

### **The effect of imprisonment on recidivism**

The renewed popularity of mandatory minimum sentences makes the examination of the effects of imprisonment more important than it might have been in the past. More generally, however, it is in the public interest to know what the impact of imprisonment is on those who experience it.

Mandatory minimum sentences almost always involve sentences of imprisonment. In some cases, people are sent to prison who – in the absence of a mandatory minimum prison sentence – would not have received a prison sentence. In other cases, the length of time that they spend in prison is longer than it would be otherwise because a mandatory minimum sentence is required.

Harsh sentences are often justified in terms of their *specific* deterrent impact – the presumed deterrent impact of the sentence on the offender being sentenced. The theory is simple: offenders will, because they receive harsh sentences, be deterred from committing additional offences in the future (after they have served their sentences) because they have learned that harsh penalties are the consequence of offending.

Recently, for example, the Government of Canada introduced specific deterrence (but not general deterrence) into the *Youth Criminal Justice Act*. This modification is based, one could assume, on their belief that Canadians would be safer if those being sentenced were given harsher sentences (or the government believes that Canadians believe that they would be safer from crime if specific deterrence was listed as a purpose of sentencing).

Implicitly, and occasionally explicitly, the Government of Canada has criticized judges for not being harsh enough. The implication of what spokespeople for the government state is clear: Canadians would be safer if judges handed down more and longer prison sentences. Said differently, judges are portrayed as being responsible for at least some crime in the community.

As it turns out, in some jurisdictions, this hypothesis – tough judges create lower recidivism rates – has been tested directly through what could be considered random assignment of those being sentenced to judges who vary in their average severity. In one study in Washington, D.C., drug felony cases were assigned to judges in what was almost a random fashion. Judges varied considerably in the average severity of the sentences they imposed. The most lenient judge sentenced about 23% of these cases to prison; the harshest judge sentenced 65% to prison. On average, the cases sentenced by the various judges were

similar. The most conservative interpretation of the findings was that the recidivism rates of those sentenced by tough and lenient judges were the same, although there were some indications that those sentenced by tough judges were *more* likely to reoffend (page<sup>1</sup> B-1). A similar study carried out in state courts in Chicago with ordinary offenders sentenced to a variety of different offences had similar findings (Page B-2).

A large review of the findings on the impact of imprisonment on reoffending (Page B-3) suggested – especially if one focused on the highest quality research – that the impact of imprisonment was either non-existent or that imprisonment of offenders (holding other relevant factors constant) increased the likelihood that they would re-offend over the alternative – imposing a non-prison sentence.

Studies focused on more homogeneous populations show similar effects. A true (randomized) experiment in Switzerland (page B-4) demonstrated that there was no evidence of a specific deterrence effect of imprisonment in comparison with a community service. In fact, there was some evidence on some measures that prison increased the rate of recidivism. A study carried out in the Netherlands (page B-5) using a different methodology found that those sentenced to prison were more likely to re-offend than those given community service orders. Two Australian studies demonstrate the same phenomenon: imprisoned offenders are at least as likely to reoffend as those who are not sentenced to prison (page B-6).

An American study, looking at matched pairs of offenders, one of whom was imprisoned one was not, found that for both sexes, those sent to prison were, if anything, more likely to reoffend (page B-7). Another study, using a range of different methodologies and different recidivism measures found that imprisonment increases the likelihood of reoffending (page B-8). The length of time an offender spends in prison appears to be unrelated to recidivism (page B-9).

Perhaps one of the more important findings is that those sent to prison for the first time are more likely to re-offend than are equivalent offenders sentenced to a community punishment (page B-10). Similarly, drug offenders sent to prison are more likely to reoffend than those sentenced to probation (page B-11).

Part of the difficulty for those who are incarcerated is that incarceration (above and beyond being found guilty) appears to reduce a person's likelihood of being in the workforce (page B-12).

The Canadian *Youth Criminal Justice Act* was designed explicitly to reduce the use of youth court and of youth custody. These strategies – avoiding formal processing of youths who have offended – appear to be sensible. A review of the data on this issue “indicates that

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<sup>1</sup> Page numbers for the *Criminological Highlights* summaries (Part B of this compendium) are to be found at the bottom right. (Other numbers that might be found on some pages relate to the original source of the summary).

there is no public safety benefit to [youth justice] system processing” (page B-13). Similar conclusions were reported in a recent Australian study (page B-14).

For youths, it needs to be remembered that offending rates tend to drop – even for high rate offenders – as youths age. Furthermore, long stays in juvenile facilities did not reduce reoffending (pages B-15 and B-16).

Part of the reason that harsh penalties do not appear to have much impact for youths may be that when they are apprehended, their perceptions of the likelihood of being caught in the future do not increase very much (page B-17).

Finally, for one of the more common types of offences - drinking driving offences<sup>2</sup> - the size of the fine that is imposed does not matter (page B-18). Governments may wish to raise the fine for impaired driving offences (as they have done numerous times in Canada). But they should not think that by doing so anyone is made safer.

### **Collateral impacts of imprisonment**

When one member of a family is incarcerated, it obviously can have effects on other family members (page B-19). In fact, the incarceration of fathers increases the physical aggressiveness of their young sons (page B-20), and increases the likelihood that their sons will commit offences (page B-21). Furthermore, the incarceration of fathers increases the likelihood that their children, when they become adults, will commit offences (B-22).

Incarceration of a father can also have a negative impact on the mental health of mothers who are left to care for their child (page B-23).

The incarceration of mothers has similar negative impacts on their children – increasing the likelihood that their children will commit offences (page B-24).

Not surprisingly, the effect of incarceration of a parent depends to some extent on the role that the parent was playing before the incarceration began and the nature of the relationship between the incarcerated parent and the (remaining) caregiver, whether that person is a parent or someone else (page B-25).

Finally, the negative impact of incarceration can go beyond the immediate family and have negative impacts on the community more generally (page B-26).

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<sup>2</sup> In Canada, in 2010, drinking driving offences constituted the most serious charge in the case of 15.6% of those cases in which there was a finding of guilt.

## Punitive judges don't stop crime.

A fair amount of published research suggests that harsher sentences do not reduce recidivism and may even increase the likelihood of future offending (*Criminological Highlights*, 11(1)#1, 11(1)#2). A weakness of many studies of the impact of imprisonment on subsequent offending is that it cannot be assumed that judges hand down sentences at random. Hence there remains the possibility that pre-existing differences between those offenders treated harshly and those treated more leniently may account for differences (or lack of differences) in their recidivism rates. In order to overcome this problem, this study takes advantage of one common fact, and one unusual procedure: judges vary in their punitiveness and, in Washington, D.C., judges have cases assigned to them in an essentially random fashion. In other words, it might be said that Washington, D.C. offenders are randomly assigned to be sentenced by judges who give sentences of quite different levels of severity.

This study looked at the impact of variation in sentence severity on recidivism in cases of drug felonies (largely distribution and possession for the purpose of distribution) in 2002/3. Cases were assigned to nine different judges in a sequential fashion. Though there were occasional departures from this procedure because a court was overloaded with cases, neither the facts of the case nor the defendant ever determined the court assignment. Indeed, a careful examination of the cases found that judges had very similar distributions of cases on 20 different dimensions. Most (85%) of the defendants had at least one prior arrest and most (67%) had at least one prior conviction.

There were nine court dockets (or judges). The proportion of these drug offenders who were incarcerated varied, across judges, from a low of 23% incarcerated to a high of 65%. These differences far exceeded what could be expected by chance. Said differently, the judge (as opposed to the characteristics of the case) was a major determinant of sentence severity. The average non-suspended prison sentence varied from 5.1 months for the least punitive judge to 11.9 months for the most punitive. The

proportion given probation, instead of or in addition to prison, varied from 29% to 60%. Clearly there was considerable variation across judges. The measure of recidivism was whether the offender was rearrested on any criminal charge in Washington, D.C., or the neighbouring state of Maryland within 4 years of the date on which the case was completed. Since those incarcerated had less opportunity to offend, this operationalization would tend to reduce the apparent re-offending rate of those incarcerated or those incarcerated for the longest period of time (i.e., it would tend to create effects that would support the idea that individuals are deterred by harsher sentences).

There was no evidence that those sentenced by harsh judges (i.e., those who incarcerated higher proportions of offenders; or those judges who, on average, incarcerated offenders for long periods of time) were less likely to recidivate. Similarly, the number of months of probation was unrelated to reoffending. If anything, those who received sentences from harsh judges (i.e., those prone to handing out prison sentences) were *more* likely to recidivate (even though they might have had less time to do so) though this

effect was not consistently statistically significant across analyses.

*Conclusion:* Whether one controls, statistically, for characteristics of the 1003 cases in the study, or simply compares the outcome of cases randomly assigned to be sentenced by 'tough' vs. 'lenient' judges, the findings are consistent. The most conservative conclusion would be that "Incarceration seems to have little effect on the likelihood of rearrest. Despite the fact that [the study] measured recidivism in a way that gives those incapacitated by prison time less time to recidivate than those who are not incarcerated, prison time seems to do little to reduce the odds of rearrest. Evidently, the combined effects of incapacitation and specific deterrence are weak in this setting" (p. 381). "Those assigned by chance to receive prison time and their counterparts who received no prison time were rearrested at similar rates over a 4-year time frame" (p. 382).

*Reference:* Green, Donald P. and Daniel Winik (2010). Using Random Judge Assignments to Estimate the Effects of Incarceration and Probation on Recidivism Among Drug Offenders. *Criminology*, 48(2), 357-387.

## Imprisonment does not reduce the likelihood of reoffending.

One of the traditional justifications for imprisonment is that it will increase the likelihood that offenders will stop offending and become reintegrated into society (e.g., by getting a job). The theory is that through one or more mechanisms – specific deterrence, rehabilitation, job training, separating the offender from a criminogenic community, or simply ‘breaking the cycle’ of offending – imprisonment will help them stop offending.

The data do not support this view. Research comparing those sent to prison (as compared to those receiving community sanctions) suggests that prison is more likely to increase future offending than it is to decrease it (*Criminological Highlights*, V11N1#1, V11N1#2, V11N5#2, V11N6#4, V13N2#3). This finding also appears to hold for youths (V10N6#1, V11N4#3, V12N5#7). In addition to studies using advanced statistical techniques to create comparable groups who are sentenced to prison or not, studies in which offenders are essentially randomly assigned to receive a prison or non-prison sanction (V3N4#4, V11N4#2) show the same effect: experiencing prison does not reduce reoffending.

This paper takes advantage of the fact that in the state courts in Chicago, criminal cases are randomly assigned to the judges. Each judge hears a wide variety of cases including violent offences such as sexual offences and robbery (10% of the cases), property offences such as burglary or theft (29%), weapons offences (8%) and drug offences (53%). This study shows that the judges varied in the punitiveness of their sentences. Overall, about 35% of offenders were incarcerated. However, the least punitive judge sent only 26% of those found guilty to prison, whereas the most punitive judge sentenced 47% to prison. The study looked at

relatively low level felony convictions to ensure that offenders would be released fairly soon after conviction if they were incarcerated. Though not the focus of this study, reoffending, not surprisingly, was related to race, age, the number of prior arrests, and offence.

Typically, of course, judges tend to imprison the ‘worst’ offenders – usually those with the longest criminal records. This normally makes it difficult to see whether there is an actual *causal* effect of imprisonment on offending. However, in this study, because judges varied in their punitiveness, and cases were randomly assigned to judges, there was an opportunity to see whether punitiveness of the sentences handed down *above and beyond the characteristics of the case* had an impact on recidivism.

Recidivism for this group of offenders was relatively high: the 5-year recidivism rates for those offenders who were sentenced by the 25 judges varied between about 60% and 70%. Most importantly, however, there was *no* relationship between the punitiveness of the judge and the recidivism rate for offenders sentenced by each judge. Said differently, the most punitive judges were no more successful in stopping crime than the least punitive judges. Judges, it would appear, aren’t responsible for crime.

About half of these offenders had been convicted previously of an offence, and about 80% had previously been arrested. In other words, many had a history of involvement in the criminal justice system. Five years after the conviction and sentencing examined in this study, fewer than 20% were involved in employment that could be tracked through deductions from their pay for social security purposes. Most importantly in terms of the purpose of this study, the rate of employment (based on this measure) at five years after sentencing did not vary for those dealt with by the most punitive compared to the least punitive judges.

*Conclusion:* It appears that variation in the use of prison had no effect on reoffending; nor did it have any impact on ordinary employment five years after sentencing. Instead, “these results reinforce the perspective that prisons function primarily as custodial institutions – interrupting but not fundamentally altering, the average life-course trajectory of their temporary inhabitants” (p. 157).

*Reference:* Loeffler, Charles E. (2013). Does Imprisonment Alter the Life Course? Evidence on Crime and Employment from a Natural Experiment. *Criminology*, 51(1), 137-166.

## **Incarcerating offenders who could be given non-custodial sanctions does not reduce the likelihood that they will commit further offences. In fact, incarceration may increase the probability of recidivism.**

Evidence does not support the conclusion that increasing the severity of sentences – e.g., by imposing incarceration rather than a non-custodial sentence – increases the general deterrent impact of the criminal law (e.g., *Criminological Highlights*, V6N2#1). But in addition, incarceration is often justified by assertions that it reduces crime by incapacitating or deterring imprisoned offenders. This paper looks at the possibility that the latter mechanism – deterrence through imprisonment – might be effective. Though the rate at which offenders are imprisoned varies dramatically across countries, imprisonment is, almost certainly, the most expensive sanction in any country. Hence if imprisonment is being employed for utilitarian purposes, it is important to know if there is a crime-reducing effect. On the other hand, if, as some suggest, imprisonment *increases* the likelihood of recidivism, then policies that increase imprisonment may not only be expensive, they may lead to increased crime and even higher rates of imprisonment.

There are theoretical reasons to expect that imprisonment will *decrease* crime just as there are reasons to expect that it will *increase* crime. The theory of specific deterrence is grounded in the idea that a chastening effect, derived from the experience of imprisonment, will deter reoffending. The structure of sentencing law as it addresses recidivists may also cause previously convicted individuals to revise upward their estimates of the likelihood and/or severity of punishment for future lawbreaking. This could occur because the criminal law commonly prescribes more severe penalties for recidivists. On the other hand, being in prison may increase crime by making crime seem more acceptable, decreasing the stigma of offending, creating opportunities for people to associate with others who are likely to offend, or by decreasing legitimate opportunities for offenders.

One of the most difficult challenges in estimating the impact of any sanction (especially imprisonment) on offenders is that comparisons of those who did and did not receive the sanction are needed. Given that imprisonment is rarely imposed on a truly random basis, care must be taken

to ensure that studies have appropriate comparison groups. This is especially important because offenders over about age 18 are likely, over time, to decrease their involvement in crime.

This paper looks at a range of high quality studies on the effect of imprisonment.

- 5 studies were found in which sanctions were, in effect, handed down randomly (e.g., *Criminological Highlights* V3N4#4). The evidence suggests imprisonment either has no impact or a criminogenic (crime-increasing) impact.

- 32 studies were characterized as using a ‘matched’ control (carried out on a variable-by-variable basis) or on a ‘propensity score’ basis. The best of the variable-by-variable studies shows a clear criminogenic impact of custodial sanctions as does the best of the propensity score studies. The majority of the studies show tendencies (often not statistically significant) toward criminogenic effects of imprisonment. “Overall, across both types of matching studies, the evidence points to a criminogenic effect of the experience of incarceration” (p. 153).

- The 31 regression based studies have the enormous disadvantage of failing to take account of age in an adequate fashion. Nevertheless, in 22 of the 31 studies, the majority of estimates support the conclusion that imprisonment is criminogenic; in only 7 do the majority of the estimates support a crime-reducing impact of imprisonment; the remaining studies were evenly split.

*Conclusion:* “The great majority of [competently carried out] studies point to a null or criminogenic effect of the prison experience on subsequent offending. This... should, at least, caution against wild claims – at times found in ‘get tough’ rhetoric voiced in recent decades – that prisons have special powers to scare offenders straight” (p. 178). Hence, the continued use of prisons for the simple purpose of reducing re-offending cannot be justified by the considerable amount of evidence that currently exists.

*Reference:* Nagin, Daniel S., Francis T. Cullen, and Cheryl Lero Jonson (2009). Imprisonment and Reoffending. In *Crime and Justice: A Review of Research* (Tonry, Michael, ed.), Volume 38. University of Chicago Press.

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**Community Service works: Those offenders given short prison sentences are, if anything, more likely to re-offend than equivalent offenders given community service.**

*Background.* Community service orders (CSOs) have become popular in many countries, including Canada, because they are seen as a less expensive alternative to prison. This study takes the examination of CSOs one step further and looks at the recidivism rates of offenders randomly assigned to CSOs or to a short period of incarceration.

*This study,* in one district in Switzerland, compared the impact of a CSO to a short (up to 14 days) prison sentence. If an offender sentenced to a short stay in prison were found to be eligible for community work, the offender was given the option of being assigned, *on a random basis*, to community work rather than prison. Because the assignment was random, the two groups (prison and CSO) can be assumed to be equivalent on all pre-existing dimensions.

*The results,* in general, showed no significant difference on the likelihood of being re-convicted or the average number of convictions within 24 months of the prison/CSO experience. However, when “re-arrest” data were examined, it appeared that those who were assigned to do community service were somewhat less likely to be re-arrested than those who served their sentences in prison.

Immediately after serving their sanction, all participants in the study answered a number of questions. In comparison with those who went to prison, the offenders who experienced community service were more likely to report that they believed that the sanction they received would reduce recidivism, and was fair. Those who went to prison were more likely to indicate that they no longer had a “debt” to society and were more likely to believe that the sentencing judge (but not the correctional authorities) had been unfair.

*Conclusion.* Clearly, short prison sentences are no better, and may be worse, than community service. It is possible that one reason why community service orders may be better is that offenders feel that they were dealt with fairly by the system. Thus this paper -- using what is sometimes referred to as the “gold standard” in evaluation research, the randomized controlled experiment -- serves as one more nail in the coffin of the belief in the “short sharp shock.”

*Reference:* Killias, Martin, Marcelo Aebi and Denis Ribeaud. Does community service rehabilitate better than short-term imprisonment?: Results of a controlled experiment. *The Howard Journal*, 2000, 39(1), 40-57.



## Community Service Orders are more effective at reducing recidivism than short sentences of imprisonment.

In The Netherlands, community service has been an increasingly popular alternative to prison sentences of less than 6 months. Dutch law initially allowed community service to be substituted for short prison sentences, and subsequently encouraged its use as a sanction in its own right. Simple comparisons of the recidivism rates of those who received prison sentences and those who received community service orders suggest that being sent to prison increases recidivism. This paper improves on this previous research by creating comparable groups of offenders, half of whom were sentenced to prison and half of whom received sentences of community service.

The challenge in a study of this kind is to create two groups of people who are as similar as possible on all characteristics except for the sentence they received. Often this is done by finding pairs of people who, on variables known to relate to recidivism, are identical except for the fact that one went to prison and the other was sentenced to community service. An alternative approach is to create an overall measure of the likelihood of receiving community service (using all of the background information that is available) and then matching on this 'propensity score' those who actually received community service with those who were sent to prison. This study did both, using offenders sentenced in The Netherlands in 1997. In other words, they took pairs of people whose backgrounds would appear to make them equally likely to have received community service, but only one actually did. In addition, they matched on age, sex, and the relative length of the sentence (in hours of community service and months of imprisonment). Offenders could receive up to 240 hours of community service or 6 months in prison. Only those offenders who had never before been sentenced to either community service or prison were

included in the study to ensure that there could be no 'carry over' effects from previous experience with either of these sanctions.

Recidivism measures – mean yearly conviction rates – were calculated for periods of time of 1, 3, 5, and 8 years (correcting statistically for the portion of each follow-up period that the offender was actually 'at risk' in the community). The results are easy to describe: those who were sentenced to prison had higher recidivism rates (average annual rate of convictions) at each of the four time intervals. This pattern – higher recidivism for those sent to prison – was found for all crime, and separately for property crimes and violent crimes. For example, looking at the five year follow-up period, those sentenced to prison were convicted of an average of 0.52 offences per year, whereas those sentenced to community service were convicted of only 0.28 offences per year.

*Conclusion:* The results are similar to results from other studies (see *Criminological Highlights* 3(4)#4, 11(1)#1, 11(1)#2): sending offenders to prison for the first time for periods of up to six months rather than

imposing community service on them appears to increase the likelihood of subsequent offending. "In the short term as well as in the long term, community service is followed by less recidivism than imprisonment... The absolute difference in recidivism after community service and imprisonment is 1.21 convictions after a follow-up period of five years" (p. 346). In 2008, 81% of the 86,717 offenders (or 70,353 offenders) sentenced to prison in Canada received sentences of less than 6 months. Not all of these 70,353 offenders would have met the criteria for this study since some of them had already experienced either imprisonment or a community service order. But these data would suggest that the alternative – up to 240 hours of community service – would have been an effective way (in terms of costs and recidivism) of being tough on crime.

*Reference:* Wermink, Hilde, Arjan Blokland, Paul Nieuwebeerta, Daniel Nagin, and Nikolaj Tollenaar (2010). Comparing the Effects of Community Service and Short-Term Imprisonment on Recidivism: A Matched Samples Approach. *Journal of Experimental Criminology*, 6, 325-349.

## Being sent to prison does not decrease subsequent offending.

Recent research (see *Criminological Highlights* 11(1)#1, 11(1)#2, 11(4)#2) suggests that sending offenders to prison is likely, if anything, to increase slightly the likelihood that they will re-offend compared to what would have occurred had they been given some other sentence. Given that prison sentences are expensive (in Canada, about \$322 per prisoner per day for federal prisoners and about \$161 for provincial prisoners), if sentences – particularly short sentences – cannot be shown to reduce subsequent offending, it would appear to make sense to search for less expensive alternatives.

This study, carried out in New South Wales, Australia, examined the criminal careers of two sets of offenders: those convicted of burglary and those convicted of non-aggravated assault. For each offence type, pairs of convicted offenders were located one of whom had been imprisoned for the offence, the other who had received a non-custodial sentence. The members of each pair were matched on variables that have been shown to relate to recidivism such as prior record, prior imprisonments, and whether bail had been refused (as an indicator of concern about reoffending).

The results show that those who were imprisoned for assault were more likely to reoffend even after various factors not used for matching purposes were controlled for statistically. For those convicted of burglary, the results were similar, but the difference in the likelihood of reoffending for those imprisoned and not imprisoned was not significant.

A second study, also carried out in New South Wales, using a relatively similar approach, compared those given prison sentences to those given suspended sentences – non-custodial

sentences similar to Canada's conditional sentence of imprisonment. In this study, scores measuring an offender's 'propensity to reoffend' were calculated using 16 demographic (e.g., age, economic disadvantage of home neighbourhood) and criminal justice measures (e.g., criminal record, offence seriousness). Pairs with the same 'propensity scores' were created with one of each pair going to prison and the other receiving a suspended sentence. The dependent measure was the length of time the offender remained free of offending in the community.

A total of 2,650 pairs of convicted offenders with no prior prison sentences – one of whom was sentenced to prison, the other who received a suspended sentence – were followed for about 1100 days. There was no difference between the two groups in the likelihood of being reconvicted. When examining the 1661 pairs of offenders with prior prison experience, those sent to prison were likely to reoffend earlier than were those who received a suspended sentence.

*Conclusion:* The results of the two papers are fairly consistent. "It would be unwise to imprison offenders when the only reason for doing so is a belief in the specific deterrent effect of prison" (Study 1: page 10). The results "provide no evidence to support the contention that offenders given imprisonment are less likely to re-offend than those given a suspended sentence" (Study 2, page 10). Clearly the findings that certain groups are more likely to reoffend when sent to prison are not completely consistent across studies. However, what is consistent across studies and with other research is the finding that sending offenders to prison does *not* reduce subsequent reoffending.

*Reference:* Weatherburn, Don (2010). The Effect of Prison on Adult Re-Offending. *Crime and Justice Bulletin* (New South Wales, Bureau of Crime, Statistics, and Research) Number 143. Lulham, Rohan, Don Weatherburn, and Lorana Bartels (2009). The Recidivism of Offenders Given Suspended Sentences: A Comparison with Full-Time Imprisonment. *Crime and Justice Bulletin*, Number 136.

## **Both women and men are *more* likely to reoffend if they are sent to prison than if they are made subject to some other less intrusive sanction.**

Previous research has shown that those given prison sentences are, if anything, more likely to reoffend than are equivalent people given non-prison sentences. The failure of prison to reduce reoffending has been demonstrated both for adults (see *Criminological Highlights* 11(1)#1, 11(1)#2, 11(4)#2, 11(6)#4, 12(5)#8) and youths (*Criminological Highlights*, 10(6)#1, 12(1)#8, 12(5)#7). This study expands our knowledge of the effect of imprisonment on reoffending by looking separately at the impact of prison sentences on the reoffending rates of women and men.

Starting with a sample of 7550 women and ten thousand men who were released from Florida prisons between 1994 and 2002, offenders were, to the extent that it was possible, matched with those who received traditional probation, intensive probation, or a jail sentence (a custodial sentence of a year or less). Matching was carried out separately for women and men. The matching was carried out by creating a score for each person on the likelihood of going to prison vs. each of the three other possible outcomes, separately (probation, intensive probation, and jail). The propensity scores were calculated from race (Black, Hispanic, White), age, type of offence, severity of offence, number and type of prior convictions, and whether they had been imprisoned before.

In effect, this means that a single match was found for the imprisoned offenders first from those who got probation, and then for each of the other outcomes. On the individual variables, the matched groups were almost identical. The fact that matching was possible for so many offenders demonstrates that “similar sentences receive dissimilar treatment” (p. 376) reasonably often.

The offenders were followed for three years following release from prison or jail, or 3 years after sentencing for those who received a non-custodial sentence.

Four separate types of recidivism were examined: reconviction for a violent, property, drug, or other type of offence. Recidivism rates were compared for imprisoned offenders against each of the three groups (separately) that received non-prison sanctions. These analyses were carried out separately for women and men. For women, each of the comparisons involved at least 3934 matched pairs of offenders. For men, all comparisons involved at least 8510 matched pairs. 22 of the 24 different comparisons (male/female by four type of recidivism by 3 different comparisons for imprisoned offenders) showed higher rates of recidivism for imprisoned inmates; 16 of them were significant. Neither of the two comparisons showing lower reconviction rates for imprisoned offenders was significant.

The size of the effects varied somewhat. But what is important is that there was no evidence – for women or men – that imprisonment led to lower reconviction rates compared to equivalent other offenders who

received, instead of imprisonment, probation, intensive probation, or a (shorter) jail sentence. Indeed, the opposite occurred: in general, those receiving prison sentences tended to be more likely to reoffend during the three years following their release.

*Conclusion:* The results suggest that prison sentences, if anything, increase offending for both women and men. The crime-increasing impact of imprisonment appeared to be greater when compared to two clearly non-custodial sentences – ordinary probation and intensive probation. For women, a prison sentence appeared to be more likely to increase property offending rather than violent or drug offending. People are sent to prison for lots of reasons. These findings suggest that for both women and men, it is not the case that they will ‘learn a lesson’ and stop offending after being sent to prison. Rather, it seems more likely that the ‘lesson learned’ from prison is to commit more crimes.

*Reference:* Mears, Daniel P., Joshua C. Cochran, and William D. Bales (2012). Gender Differences in the Effects of Prison on Recidivism. *Journal of Criminal Justice*, 40, 370-378.

## **Compared to a community sanction, imprisonment increases the likelihood of reoffending for adult offenders in Florida This conclusion is consistent across three quite different methods of controlling for other factors and is consistent when recidivism is measured for one, two and three year follow-up periods.**

Recently published research suggests that imprisoning offenders – as compared to giving them community sanctions – either has no impact on re-offending, or makes them more likely to reoffend (see *Criminological Highlights* 11(1)#1, 11(1)#2, 11(4)#2, 11(6)#4, 12(5)#7).

This study examines the impact of imprisonment on reoffending for a group of Florida offenders who were either sent to prison or received a community sanction that included house arrest – confining offenders to their home except for travel to work, treatment, or the probation office (unless authorized in advance by the probation officer). Re-offending was defined as a new felony conviction resulting in jail, prison, or community supervision.

Looking at these two groups as a whole – prison vs. house arrest – one is not surprised to see that the prison sample as a whole was more likely to reoffend within all three time periods since they differed on many variables (sex, race, age, current offence, criminal history) related to reoffending. The challenge, therefore, is to create equivalent groups of people who either went to prison or were punished in the community.

Three techniques were used: (1) Traditional logistic regression where each of the variables related to recidivism was controlled for statistically; (2) “Precision matching” in which people – one of whom was sentenced to prison, the other who was sentenced to house arrest – were

matched on a series of relevant factors; or (3) Through the use of matching on a ‘propensity to reoffend’ score. Propensity-to-reoffend scores were first created for 500 prison and 500 house arrest offenders. Then an attempt was made to find an offender in the other group with an almost identical estimated ‘propensity to reoffend’ score. The latter two methods necessarily resulted in some people being unmatchable. For example, it is likely that some of very serious cases that resulted in prison sentences would not have equivalent matches in the house arrest cases.

A number of different matching approximations were used for each of the latter two methods. In addition, as indicated, recidivism within 1, 2, and 3 years of release from prison were examined. The results are consistent: Recidivism rates at each point in time were somewhat higher for those who were sent to prison than for those who were sentenced to house arrest. The size of the differences varied with the exact form of matching and the time period in question. But a relatively typical finding was that the three year recidivism rate for those sent to prison would be about 48% compared to 38% for those given house arrest.

*Conclusion:* It is often suggested that sending people to prison *must* reduce crime since at least some of those who are in prison would, if they were in the community, commit at least some crimes. Though this may be true, the overall crime control estimates of imprisonment should take into account studies such as this one, that show that *after release* former prisoners may be *more* criminally active than they would be if they had been punished in the community. Clearly, however, the data are not entirely consistent across studies on whether prison reliably makes prisoners more criminally active than they would be had they not been imprisoned. The conservative conclusion is that imprisonment does not reduce reoffending. Nevertheless, these findings along with other published studies add weight to the conclusion that imprisonment can, at least for some types of offenders, increase reoffending.

*Reference:* Bales, William D. and Alex R. Piquero (2012). Assessing the impact of imprisonment on recidivism. *Journal of Experimental Criminology*, 8, 71-101.

## The length of time an offender spends in prison on the first prison sentence has no discernible impact on the likelihood that he or she will reoffend.

There are theoretical reasons to believe that the time that an offender spends in prison could either increase or decrease the likelihood of reoffending. If time in prison were to convince offenders that the risks of offending are too high, long prison sentences could reduce offending. Alternatively, long periods of time in prison could increase subsequent offending by reinforcing deviant values, stigmatizing the offender, and/or making it more difficult for the offender to obtain legitimate employment upon release.

This study investigates the impact of the length of time in prison on reoffending in a three year period after release for a group of Dutch offenders sentenced to prison for the first time in 1997. All were under 40 years old, and were convicted of violent, property, or drug offences. In order to control for differences between those getting longer and shorter sentences, two somewhat independent techniques were used. First, the 4,683 offenders were divided into four groups according to the best estimate of their predicted 'trajectories' of offending at the time of sentencing. Second, pairs of offenders receiving 'long' and 'short' sentences were matched on various other measures (age, sex, whether the offender was an immigrant, 9 different measures of past criminal convictions, and various measures of the seriousness of the offence for which they were being sentenced). In the end, 4,096 offenders were successfully matched. Those excluded were largely those with extremely long or short sentences. Most importantly, the matched pairs were always of the same age and sex and were in the same offending trajectory group.

Offenders were divided into 5 groups according to the time that they served,

running from 'less than one month' to 'more than one year'. Dutch prison terms are short as compared to the US, but comparable to those in Northern Europe and Canada. 86% of the sentences in this sample were under a year, a figure which is comparable to overall Canadian sentences (89% under 1 year).

The findings are easy to describe. When adequate controls were imposed on the comparisons, pairs of similar offenders with different sentence lengths did not differ in reoffending. Two measures were used: the felony reconviction *rate* and the *proportion* reconvicted (one or more times) within three years. Essentially, the data show that the length of time in prison (ranging from under a month to over a year) had no effect on reconviction. It is important to note, however, that *without any controls*, those receiving long sentences looked somewhat less likely to reoffend. It is easy to understand why: those receiving long sentences were very different from those receiving shorter sentences on many dimensions related to reoffending. What is important, however, is that when age, offending trajectory and a large number of other important controls are introduced, there was essentially no consistent

impact of time in prison on offending. Said differently, when cases that are similar on relevant dimensions are compared, time in prison has no discernible impact on reoffending.

*Conclusion:* Previous research suggests that sending an offender to prison rather than imposing a community punishment may be criminogenic (see *Criminological Highlights*, 11(1)#2). For those who are imprisoned for the first time, the length of time in prison appears to be irrelevant to future offending. Obviously prison sentence length is going to vary for reasons other than likelihood of reoffending (e.g., for the purpose of achieving proportionality). These data, however, suggest that judges, when sentencing an offender to a first prison sentence, should not vary the sentence length because of a belief that sentence length affects reoffending.

*Reference:* Snodgrass, G. Matthew, Arjan A. J. Blokland, Amelia Haviland, Paul Nieuwebeerta, and Daniel S. Nagin (2011). Does the Time Cause the Crime? An Examination of the Relationship Between Time Served and Reoffending in the Netherlands. *Criminology*, 49(4), 1149-1194.

## First-time imprisonment of offenders increases the likelihood that they will re-offend.

It has been demonstrated (e.g., *Criminological Highlights* V11N1#1) that placing offenders in prison either has no impact or a criminogenic (crime increasing) impact on them. However, the effect on those sent to prison for the first time may be very different. "Imprisonment may exert more of an influence on those with criminal histories that are relatively short and involve relatively few offenses than for individuals with a prior criminal trajectory that starts early and involves many convictions" (p. 228).

Because offending rates are so age-dependent, this study compares the "post-release re-conviction rate of imprisoned individuals and matched controls who were not imprisoned over identical ages" (p. 228). The sample of cases that were examined started with a group of male offenders tried in the Netherlands in 1977. All convictions prior to that date and up until 2002 were recorded. The study focused on offenders who were imprisoned for the first time between age 18 and age 38. It then examined their offending in the three years after release from prison. The length of imprisonment (for those in the sample who were imprisoned) varied in length from 1 day to 1 year, with about 80% imprisoned for 6 months or less.

In order to match those who were incarcerated with those who were not, offenders were grouped according to their offending trajectories. "The method is designed to identify groups of individuals following approximately the same developmental trajectory over a specified period of time for the outcome of interest (criminal convictions)" (p. 236). Hence, "regardless of prison status at a certain age, individuals in the same trajectory group up to that age appear to be headed along the same path, at least so far as criminal offending is concerned"

(p.236). In all, 21 separate group-based trajectory models were estimated. The purpose was to provide a baseline set of expectations of the conviction histories of individuals who had not been imprisoned over the period of the trajectory.

In addition, a 'propensity score', estimating for each individual the likelihood of future offending, was created on the basis of offence characteristics, criminal history, and various measures of the offender's life circumstances. Then individuals who were first imprisoned at a given age were matched with up to 3 individuals who were not imprisoned at that same age. The propensity scores of these matched individuals had to be the same or very close. Obviously some people were unable to be matched: those relatively high rate offenders who committed relatively serious offences were almost invariably sent to prison. Matches for them could not be found. By dropping these offenders from the study, the confidence in the study is *increased* since it demonstrates that the study only compared offenders for whom similar offenders (imprisoned and non-imprisoned) could be found.

The results are easy to describe: For all crimes (combined) and for three different types of crimes separately

(property, violent, and all other) the experience of first-time imprisonment *increased* the likelihood of reconviction within a three year period. There was, in addition, some evidence that the crime-generating impact of imprisonment was larger for those imprisoned at younger ages.

*Conclusion:* On balance, then, the criminogenic effects of first time imprisonment are fairly consistent across offence types and age. Though not all of the criminogenic effects of first time imprisonment were significant, there were *no* crime reducing effects of imprisonment that were significant, and only 9 of 64 comparisons between those imprisoned and not were in the direction of suggesting a crime reduction effect. It could be argued, therefore, that judges who send offenders to prison for the first time in circumstances in which alternatives to imprisonment are plausible are likely to be contributing to an increased crime rate.

*Reference:* Nieuwebeerta, Paul, Daniel S. Nagin, and Arjan A. J. Blokland (2009). Assessing the Impact of First-Time Imprisonment on Offenders' Subsequent Criminal Career Development: A Matched Sample Comparison. *Journal of Quantitative Criminology*, 25, 227-257.

**The U.S. War on Drugs and other imprisonment programs appear to ensure a continued supply of criminals. Indeed, there is “compelling evidence that offenders who are sentenced to prison have higher rates of recidivism... than do offenders placed on probation” (p. 329).**

*Background.* “Scholarly research generally concludes that increasing the severity of penalties will have little, if any, effect on crime” (p.330). Similarly, the increase of sanctions for drug use and distribution has little (if any) effect on drug consumption. However, like many of the sentencing changes that have taken place since 1990, the War on Drugs in the U.S. is based on a deterrence model. Though much of the focus on sentencing reform has been on general deterrence, there is also a literature suggesting that imprisonment has no measurable impact on the likelihood of a punished offender committing a subsequent offence. Custodial and non-custodial sentences appear to be equally effective (or ineffective) in their effects on recidivism.

*This study* looked at 342 drug offenders and 735 non-drug offenders (some of whom had a history of involvement with drugs) convicted in 1993. Approximately two thirds had been sentenced to probation while the others had gone to prison. Controlling for factors known to be related to recidivism (*e.g.*, gender, race, employment, age, prior convictions as well as factors related to the likelihood of imprisonment in 1993), the study looked at recidivism over a four-year period. Various measures of recidivism (*i.e.* a new charge being filed, subsequent incarceration, “time to failure”) were examined.

*The results* showed that “offenders who were sentenced to prison were significantly more likely than offenders placed on probation [in 1993] to be arrested and charged with a new offence..., to be... sentenced to jail or prison for a new offence” (p.342) and to “fail” more quickly. These results held for drug offenders, those involved with drugs but not convicted of a drug offence, and those without drug involvement. In all cases, those sentenced to prison in 1993 were more likely to recidivate than those sentenced to probation.

*Conclusion:* The authors conclude that “[t]he results... provide no support for the deterrent effect of imprisonment. Despite the fact that we used several different measures of recidivism, tested for the effect of imprisonment on different types of offenders, included a control for the offender’s predicted probability of incarceration for the 1993 offence, and examined recidivism rates during a relatively long follow-up period [48 months], we found no evidence that imprisonment reduced the likelihood of recidivism. Instead, we found compelling evidence that offenders who were sentenced to prison had higher rates of recidivism and recidivated more quickly than offenders placed on probation” (p.350). “The findings of this study cast doubt on the assumptions underlying the crime control policies implemented during the past two decades... Policies pursued during the War on Drugs have been counterproductive” (p.352). That is, unless one is in a profession that profits from high crime rates or has investments in the prison industry.

*Reference:* Spohn, Cassia and David Holleran (2002). The Effect of Imprisonment on Recidivism Rates of Felony Offenders: A Focus on Drug Offenders. *Criminology*, 40, 329-357.

## **Incarcerating young adults who could be punished in the community ensures that they will be less likely to be in the workforce upon release.**

Being imprisoned for the first time appears to increase the likelihood of future offending (*Criminological Highlights* 11(1)#2). In addition, the mention of a criminal record by people applying for an entry level job (*Criminological Highlights* 6(3)#2) reduces considerably their chances of being offered that job. This paper compares the employment prospects of two groups of offenders: those sent to prison and a comparable group who were convicted but not incarcerated.

The challenge in research of this kind is to estimate the impact of imprisonment on employment above and beyond the pre-existing differences between those imprisoned and those not imprisoned. In other words, those who are sent to prison often have employment deficits such as low education or few job skills. This study used a subset of respondents from the (U.S.) National Longitudinal Survey of Youth – those youths who had not been convicted by the time of their first interview (age 13-17) but who were convicted prior to one of the subsequent interviews. As it turns out, the ‘to-be-incarcerated’ youths who are convicted do differ, as a group, from the ‘convicted-but-not-incarcerated’ youths. Hence a ‘matching’ strategy (based on over 30 variables such as family structure, educational background, various risk factors, arrest history, and offence of conviction) was used in this study.

Various outcome measures were examined reflecting the possibility that one of the impacts of imprisonment could be to discourage young people from looking for employment. Thus the researchers examined whether the offender was employed, unemployed (in the work force but not employed) or not in the work force at all.

First time incarceration, controlling for pre-conviction differences, reduces the likelihood of formal employment by about 11% compared to those convicted but not incarcerated. The employment deficit is consistent over time (after conviction). “The higher presence of nonemployment [by those incarcerated] stems almost exclusively from labour force nonparticipation rather than unemployment” (p. 465). In other words, it is not so much that those sent to prison can’t find jobs; they simply aren’t looking for work (perhaps because they believe – correctly or not – that they will not get jobs). For those who obtain employment, there was no difference between the non-incarcerated and those incarcerated in the number of weeks per year that they actually worked.

Looking at employment over time, most of those convicted (whether sent to prison or not) experienced unstable employment. However, incarcerated youths are less likely to be in stable employment, more likely to be consistently out of the work force, and more likely not employed but only occasionally looking for work.

*Conclusion:* The youths in this study were, on average, only in prison (on this first occasion) for a little more than 4 months. Nevertheless, this relatively short period of incarceration appears to have had a long-lasting impact on their employment patterns. By their own accounts, it was not so much that ex-inmates were not *finding* work, it is that they were not looking for work. Since all of those in this study had been convicted, it is clear that there is an additional long-term deficit created by incarceration, in addition to any impact of the conviction itself. More specifically, the challenge seems to be to identify ways of attaching ex-inmates to the labour market. “To the degree that... incarceration [of youths] disrupts the process of attachment to work, it has the capacity to serve as a catalyst that sustains long-term criminal involvement” (p. 471).

*Reference:* Apel, Robert and Gary Sweeten (2010). The Impact of Incarceration on Employment during the Transition to Adulthood. *Social Problems*, 57(3) 448-479.



## **Formal processing of youths in the youth justice system does not reduce subsequent offending. If anything, youths processed formally are more likely to re-offend than those screened out of the formal system or processed informally.**

Those making decisions about how to process young offenders often have choices on how to respond to these offenders – especially when youths have committed relatively minor offences. In Canada, police are required to consider measures other than court-based procedures and it is presumed that it is better for many young offenders to be dealt with outside of the formal justice system. To some extent, Canada's 2003 youth justice law has been successful in reducing the use of youth court (see *Criminological Highlights* 10(1)#1, 10(3)#1).

This paper reviews research on the impact of youth court processing on subsequent offending, comparing it to a non-youth-justice-system response to offending. It is limited to 'random assignment' studies in order to ensure that any findings cannot be attributed to pre-existing differences between the two groups of youths.

In all, 29 separate sets of findings, involving 7,304 youths, in studies published between 1973 and 2008 were located that met this very strict (random assignment) criterion. In each study, youths were randomly assigned to one of two conditions: normal court processing or some form of less formal processing. Across studies, the 'less formal processing' varied somewhat. What was important, however, was that by assigning the youths to treatment on a random basis, the two groups ('court processing' and 'no formal processing') can be considered to be equivalent. The authors looked at the longest follow-up period reported in each study (when more than one was reported). These follow-up periods were, on average about 12-13 months long (range 4 to 36 months).

Overall, court processing appeared to *increase* the likelihood that youths would be involved in at least some subsequent offending, though there were non-trivial differences across studies. For those 7 experiments that reported the total number of offences that the youth were involved in (instead of or in addition to simply whether the youth committed a subsequent offence), court processing also had a criminogenic effect. Youths processed by the courts were, on average, involved in more crime than those processed in other ways. Similar effects were found for severity: formal court processing of youths, if anything, increased the severity of subsequent offending.

These criminogenic effects are, however, very small. The studies were broken down in various ways (e.g., those carried out early in the period vs. later, whether the comparison involved the provision of services or the youth was not offered any services if diverted, etc.). None of the sub-sets of studies showed a significant crime-reducing impact of court processing.

*Conclusion:* A conservative conclusion would be that court processing does

not reduce subsequent offending. "Given that the evidence indicates that there is no public safety benefit to [youth justice] system processing, and its greater costs when compared to release, even the most conservative cost-benefit analyses would favour release over [youth justice] system processing" (p. 38). Obviously some youths, because they have committed serious offences, will be brought to court in any jurisdiction and one cannot generalize the findings from these studies to those youth because these studies focused largely on youths charged with relatively minor offences. At the same time it should be noted that "the data from these studies do not support a policy of establishing [formal] diversion programs for juveniles who normally would not have been officially processed...." (p. 39).

*Reference:* Petrosino, Anthony, Carolyn Turpin-Petrosino, and Sarah Guckenburg (2010). Formal System Processing of Juveniles: Effects on Delinquency. The Campbell Collaboration. Oslo, Norway: [www.campbellcollaboration.org](http://www.campbellcollaboration.org)

## **Youths sentenced to custody in New South Wales, Australia, were as likely to re-offend as were equivalent youths who received community-based sanctions.**

Although there is a fair amount of research suggesting that, compared to the effect of a community sanction, imprisonment does not decrease re-offending in adults (see *Criminological Highlights* 11(1)#1, 11(1)#2, 11(4)#2, 11(6)#4, 12(5)#8), there is less information about the impact of imprisonment on youths (*Criminological Highlights*, 10(6)#1, 12(1)#8) perhaps because there is a more general presumption that formal processing can be harmful for youths (*Criminological Highlights*, 11(4)#3).

This study used data from youth cases in New South Wales in which the youth was convicted of one or more charges. In order to create equivalent groups, an analysis was done to determine the predictors of receiving a detention or prison order (rather than a community-based sanction). The predictors of a prison sentence were prior imprisonment, offence seriousness, other offences in the case, offender sex, prior record, whether the offence took place in a city or a more remote area, and age. Aboriginal status did not predict sentence after these other factors were taken into account.

In general, those sent to prison were more likely to have been previously incarcerated, to have a record, to have more serious offences, etc. Hence in order to create equivalent groups, youths who were sent to prison were matched with youths who had similar 'propensity' to receive a custodial sentence but did not actually receive one. This technique necessarily meant that some extreme cases were excluded from the comparison because matches could not be found. For example, it is unlikely that an

equivalent community-sentenced case could be found as a match for a very serious case that resulted in a custodial sentence. Youths were tracked for an average of 21 months and up to 1000 days or more.

After the matching, there were no differences between the two groups (those who received custody and those who received a community-based sanction) on factors that went into the 'propensity score' (e.g., age, criminal record, current offence, etc). Looking at the matched sample, the 'survival' in the community of the two groups (prison and community sanction) were fairly similar. In other words, their propensity to reoffend and the timing of their reoffending were very similar. In addition, an analysis was carried out using recidivism within one year as the dependent variable. The matched groups had very similar likelihoods of reoffending.

*Conclusion:* "The imposition of a custodial sentence had no effect on risk of reoffending" (p. 39). Clearly no matching study is perfect and it can always be argued that with better matching a different result might have been found. However,

given that these findings are broadly similar to other recent research on this topic, it seems unlikely that more finely tuned matching would result in a reoffending benefit from imprisonment. Since youths spent only an average of about 8 months in prison, any incapacitation effect of imprisonment would likely be rather small. "The current results, therefore, strengthen the argument in favour of using custodial penalties with juvenile offenders as sparingly as possible" (p. 40) given the relative costs of imprisonment and community sanctions.

*Reference:* McGrath, Andrew and Don Weatherburn (2012). *Australian & New Zealand Journal of Criminology*, 45 (1), 26-44.

**A study of serious delinquents demonstrates that most serious delinquents – even high rate offenders - did not persist in their delinquent careers after being found delinquent. Furthermore long stays in prison did not reduce reoffending and for some youths appeared to increase the likelihood of future offending.**

Some political rhetoric would lead one to the conclusion that youth crime can effectively be addressed by identifying serious adolescent offenders, and then treating or incapacitating them. The difficulty, as many studies have shown, is that even defining who is a persistent or serious offender is problematic, and those who are labelled as serious or persistent do not necessarily persist (e.g., see *Criminological Highlights* 1(3)#7) 11(3)#1). These papers examine the offending patterns, over a 3-year period, of 1,354 serious young offenders, age 14-18, from two U.S. cities.

All of the youths in this study had been found guilty of a serious crime (mostly serious crimes against the person) and for most of the youths, this was not their first appearance in court. They (and a parent) were interviewed shortly after they were adjudicated as delinquent and roughly every 6 months thereafter and their self-reports of offending were recorded.

The youths were divided into 5 distinct groups on the basis of their 3-year offending patterns. 24% of these serious offenders were low rate to start with and almost never offended again. 34% of the youths had offended at a relatively low rate in the beginning of the period, but their offending rates declined over time. About 18% started with a moderate rate and continued offending at this rate throughout the 3-year follow-up. 15% started off with high rates of offending but declined to a very low rate over the 3 years. Finally, 9% started off with high rates of offending and remained relatively high.

For four of these five groups – all except those with initially low rates of offending - the more time the youth spent in the community rather than in custody, the higher the rate

of offending, a result not surprising given that ‘time in the community’ equates with ‘opportunity to offend’. For the stable low rate offenders, however, (24% of the original sample) more time in institutional care was associated with *higher* rates of offending. Incarceration for them, it would seem, increased subsequent offending. In addition, ‘time in custody’ did not differentiate the two groups that started off with high rates of offending. The two high rate offending groups – those starting high and dropping off dramatically across the three year period (14% of the total sample) and those starting high and persisting with high rates of offending (9% of actual offending) -- spent almost exactly the same amount of time in custody.

Hence the data show that “even within a sample of juvenile offenders that is limited to those convicted of the most serious crimes, the percentage who continue to offend consistently at a high level is very small... [Moreover] our ability to predict which high-frequency offenders desist from crime and which do not is exceedingly limited...” (p. 469-470) even though the researchers had a total of 22 measures on the youth (including

psychological assessments), the youth’s family background, and peers.

*Conclusion:* “The considerable heterogeneity in offending patterns in the immediate years after court involvement challenges the political rhetoric in juvenile justice and the popular and scientific fixation on identifying lifelong antisocial personality problems. These results do *not* support the view that serious offenders are headed toward a life of crime. Most, in fact, had very low levels of involvement during the entire 3-year follow-up period. Furthermore, for these youths, “incarceration may not be the most appropriate or effective option, even for many of the most serious adolescent offenders. Longer stays in juvenile facilities did not reduce reoffending; institutional placement even raised offending levels in those with the lowest level of offending” (Paper 2, p, 3).

*Reference:* Mulvey, Edward P., Laurence Steinberg, Alex R. Piquero, Michelle Besana, Jeffrey Fagan, Carol Schubert, and Elizabeth Cauffman (2010). *Development and Psychopathology*, 22, 453-475. Mulvey, Edward P. Highlights from Pathways to Desistance. OJJDP Juvenile Justice Fact Sheet, March 2011.

## **Serious juvenile offenders who are ordered to serve time in juvenile institutions are just as likely to reoffend as are comparable youths who remain in the community. Furthermore, longer stays in juvenile institutions do not reduce subsequent offending.**

Although many political leaders suggest that communities would be safer if serious juvenile offenders were placed in institutions for long periods of time, they typically make such suggestions in the absence of empirical support. Most systematic studies of the issue are much less optimistic. If long stays are not effective, then it logically follows that crime prevention policies based on the removal of youths from the community should be revisited. This paper examines the effect of the removal of serious juvenile offenders from the community, using a sample of 921 youths in two locations in the United States.

About half of this sample of youths was placed on probation; the other half was sent to an institutional placement. The unusual strength of this study was that 66 separate variables were used to control, statistically, the differences between those youth placed in institutions and those placed on probation. These same variables were used to control for differences between youths who received institutional placements of different lengths. Not surprisingly, many of these variables showed differences between those placed in institutions vs. probation and between those who received long vs. short stays, underlining the importance of controlling for the differences.

Two measures of subsequent offending were used: the re-arrest rate during a follow-up period of 48 months and the self-reported offending rate – the number of different types of offences (out of 22 serious antisocial and illegal behaviours) that the youth engaged in during the 4-year follow-up, corrected for the amount of time that the youth was actually in the community. These

two measures were, not surprisingly, moderately ( $r = .47$ ), but by no means perfectly, correlated.

Given that there were background differences between those youths placed in institutions and those who remained in the community, there were differences in subsequent offending rates for the two groups, absent of any controls. Those placed in the community were about half as likely to be rearrested as those placed in institutions. The more appropriate test of the impact of institutional placement, however, is one that takes into account the differences between the groups. After controlling for the background differences between the two groups, there were *no* significant differences between the two groups on re-arrest rate. Said differently, “the results show no marginal gain from placement in terms of averting future offending” (p. 722). Similar effects were found for self-report offending.

When looking at the effects of the length of institutional placement (taking into account the various

control factors), there was, once again, “no marginal benefit, at least in terms of reducing the future rate of offending [re-arrest and self-report offending], for retaining an individual in institutional placement longer” (p. 723).

*Conclusion:* This study of relatively serious young offenders suggests that a strategy of placing youths in custodial settings – and holding them there for long periods of time – is not likely to reduce future offending. The latter finding – that the effect is unrelated to the “dose” of the “treatment” – suggests that, in this case, *more* is not likely to be *better*.

*Reference:* Loughran, Thomas A., Edward P. Mulvey, Carol A. Schubert, Jeffrey Fagan, Alex R. Piquero, and Sandra H. Losoya (2009). Estimating a Dose-Response Relationship Between Length of Stay and Future Recidivism in Serious Juvenile Offenders. *Criminology*, 47 (3), 699-740.

## When youths are apprehended and arrested for offences, their perceptions of the likelihood of being caught in the future increase – but not very much.

Much of the popular and academic interest in deterrence has to do with general deterrence, or reductions in crime (by people other than the offender) through harsher penalties. General deterrence, however, has been shown largely to be ineffective. But punishments may be effective in other ways. Specifically, it may be that catching and arresting people for offences will reduce their future offending by increasing their assessments of the likelihood that they will be caught and arrested should they offend in the future. In other words, a criminal justice system that is good at catching offenders may teach them, in effect, that crime does not pay. This study looks into this possibility with a sample of adolescents who had been found guilty of relatively serious offences in either of two U.S. counties.

These adolescents were interviewed once every 6 months for three years starting when they were, on average, about 16.5 years old. Among other things, they were asked how likely it was that they would be caught and arrested if they were to commit each of seven different crimes ranging in seriousness from 'stealing clothes from a store' and 'vandalism' to 'robbery with a gun' and 'stabbing someone' (p. 652). They were also asked to report how many times, if any, they had committed each of 22 offences. Arrests were recorded from juvenile court records in the two locations. The focus of the study was on the youths' estimates of the probability of being apprehended as a function of whether they had been caught for any offences they had committed during this period.

Overall, the findings showed that the youth's estimate, during any six month period, of being apprehended for offending was a function of two things: the youth's perception of being apprehended prior to that period and whether the youth had been apprehended for offending during

the previous six months. Overall, if a youth committed a crime, the youth's estimate of being apprehended increased by 6.3% if the youth had been arrested compared to if they had not. It would appear that arrests for one type of crime (aggressive crimes) also affected respondents' perceptions that they would be apprehended for income-generating offences, though this effect is slightly smaller. In other words, there was some evidence that the impact of an arrest was not crime specific. Overall the data show that although the youths did change their subjective estimate of being apprehended, there was a good deal of variability in whether and how much updating of these estimates actually took place.

*Conclusion:* It appears that "even among serious offending juveniles, an arrest still has a potential deterrent effect, at least as far as increasing risk perceptions. However, among more experienced or frequent offenders, this gain from deterrence may be reduced or, in some cases, lost all together" (p. 691). There was, however, a great deal of individual

variability. Thus it cannot be assumed that apprehension and arrest is, for all youths, a crime reducing strategy. It is difficult, moreover, to estimate how much impact the changes in perception (of apprehension) may have on actual offending. One study found that a 10% change in the perceived likelihood of apprehension reduced offending by approximately 3% to 8% depending on the offence. Applying these findings to the present results would suggest that the impact of an arrest would be quite modest – reducing offending through individual deterrence by between 1.2% and 3.2%.

*Reference:* Anwar, Shamena and Thomas A. Loughran (2011). Testing a Bayesian Learning Theory of Deterrence Among Serious Juvenile Offenders. *Criminology*, 49 (3), 667-698.

## Increasing the size of fines handed down for drinking-driving offences will not reduce re-offending.

Fines are a relatively common sanction in criminal courts. In Canada, fines are imposed almost as often as prison sentences. For criminal code driving offences (the impaired driving offences, dangerous driving offences, etc.) fines are imposed in Canada about five times as frequently as imprisonment. For impaired driving offences, there are almost 10 times as many fines imposed as prison sentences. More generally – for less serious offences and in other countries – fines are a very common penalty.

Previous research has suggested that the imposition of mandatory minimum fines has not had a measurable general deterrent impact. In other words, mandatory minimum fines are no more likely to keep people from committing drinking-driving offences than penalties set by judges in which the judge has discretion on the size of the fine. But there is less research on the effect of fines of different amounts on the likelihood that those who receive the fine will reoffend. However, other research would suggest that the size of the penalty an offender receives has no deterrent effect on the likelihood that the offender will reoffend (see *Criminological Highlights*, 11(4)#2, 11(1)#1, 11(1)#2).

This study examined the subsequent drink-driving offending of all of those charged with driving with blood-alcohol concentrations above the legal limit in New South Wales, Australia in 2003 and 2004. The study takes advantage of the fact that there is substantial variability in the fines handed down by different magistrates. Various controls were introduced related to the offender (age, sex, prior record of a drinking-driving offence) and the offence (urban or non-urban

setting, blood alcohol content, plea, whether the offender was represented by counsel).

Looking at the likelihood of a subsequent drinking-driving offence within three years, the results show that males, those with more serious original drinking-driving offences, those who faced their original charge without lawyers, and those with previous convictions for drinking driving offences, had a higher likelihood of reconviction. However, there was no indication of an impact of the size of the fine that was handed down on the likelihood of reoffending within three years.

Overall, almost 10% of the 12,658 offenders reoffended. There was a good deal of variation in the fines handed down when they were convicted. The lowest 25% of the fines were \$400 or less. The top quarter of the fines exceeded \$800. Thus the conditions for an adequate test of the specific deterrent impact of the fine were met. Hence, had there been even a small deterrent impact of the size of the fine, an effect would have shown up.

*Conclusion:* Since the size of the fine appears to have no impact on the

likelihood that a drinking driver will re-offend, it is reasonable to ask why this might be the case. One possibility, of course, is that the perceived likelihood of apprehension may be too low. Australian governments, aware of this problem, spend a good bit of effort on random breath testing and advertising campaigns designed to emphasize the risks in drinking and driving. “The perceived risk of apprehension, however, may be more dependent on the number of times a driver has been stopped by police *while intoxicated or after drinking* than on the publicity surrounding random breath testing, or the total number of times he or she has been stopped by the police or the number of times police have been seen performing random breath tests on other people” (p. 799). What is clear, however, from this study and others is that raising the penalty size is not going to reduce this type of reoffending.

*Reference:* Moffatt, Steve and Don Weatherburn (2011). The Specific Deterrent Effect of Higher Fines on Drink-Driving Offenders. *British Journal of Criminology*, 51, 789-803.

**When offenders who also are parents are incarcerated, there are predictable harms which will occur to their children.**

*Background.* There are theoretical, and direct empirical, reasons to expect that the children of incarcerated parents will suffer. For various reasons, it turns out that most incarcerated women (perhaps about 75% in the U.S.) are mothers. In the U.S., a large scale survey of prisoners estimated that 56% of men in state prisons have young children. Hence, children with parents in prison is a non-trivial problem -- probably in Canada as well.

*This paper.* When one looks at each stage of development, it appears that there is evidence both from developmental psychology and from studies of the children of incarcerated parents that shows that there are profound negative effects on the children. These effects may be general -- in terms of interfering with the healthy development of the child -- or they may be specific (e.g., leading to future criminality of the child). In terms of the impact on the child's future criminality, the effects may be indirect (e.g., creating poor self-concept which may then predispose the child toward anti-social behaviour) or may be direct. What seems quite clear, however, is that at each stage of development (from infancy through late adolescence) the child of incarcerated parents is disadvantaged in important ways.

*Conclusion.* Canada's imprisonment rate, overall, is quite high compared to most civilized countries. Those who advocate the use of prison as a crime control strategy usually focus on the immediate effects (denunciation and incapacitation), or presumed but unsupported effects (individual and general deterrence), but seldom focus on the data that suggest that incarceration of parents can have a serious negative impact on their children. The criminal justice system focuses largely on the offender when a decision to incarcerate is made. Some attention might be given to the impact on society as a whole of such decisions since, in the end, society as a whole pays a part of the cost borne largely by the children of incarcerated parents.

Reference: Johnson, Denise. Effects of parental incarceration. In Gabel, Katherine and Denise Johnston *Children of incarcerated parents*. New York: Lexington Books, 1995.

## The incarceration of fathers leads to increased physical aggression in their 5-year old sons.

It is well established that the incarceration of a parent has collateral effects on families and communities (see *Criminological Highlights* 12(5)#1, 9(5)#6, 10(2)#2, 10(3)#2). “Seeing a father arrested, visiting him in prison, and dealing with paternal absence may traumatize children” (p. 285). When combined with diminished financial resources and generally less favourable parenting, the effects on children can be serious. This paper examines the impact of paternal incarceration on very young children’s level of physical aggression.

Using data from a longitudinal study of largely ‘at risk’ families, mothers were interviewed in hospital shortly after birth of the child, and again when the child was 1, 3, and 5 years old. The aggressiveness of the child was assessed from the mother’s report when the child was 3 and 5 years old. The focus of the study was on incarcerations that took place when the child was between 3 and 5 years old. In addition, data were collected on a large number of ‘risk’ factors including whether the father had been incarcerated prior to the child’s third birthday.

Children were matched at age 3 on their likelihood of experiencing paternal incarceration after their third birthday. Boys who experienced incarceration of their fathers after age 3 were reported to be more physically aggressive at age 5. This effect held even when the sample was restricted to families in which the father had been incarcerated at some time prior to the boy’s third birthday. For girls, however, the incarceration of the father after age 3 did not increase childhood aggression.

Various statistical tests “provided no evidence that changes in family life (aside from paternal absence and stigma) mediate the relationship between paternal incarceration and boys’ physical aggression” (p. 299). Other analyses suggest that “the first time boys experience paternal incarceration, they experience it as they would experience the separation of parents – with increasing aggression while the father is gone that dissipates when he returns. For boys who have already experienced paternal incarceration, a new bout of incarceration has large effects both during the incarceration and after it” (p. 301). Removing a father who was abusive to the mother had an independent effect of reducing aggressiveness at age 5. Thus for these families, “the benefits of having a [father who was abusive to the mother] removed from the household may outweigh the costs” (p. 304).

*Conclusion:* Perhaps the most important finding, from a policy perspective, is that “the effects of paternal incarceration on boys’ physical aggression are concentrated

among boys of nonviolent fathers” (p. 304). For young boys, 3-5 years old, the incarceration of their fathers appears to cause an increase in aggressive behaviour. Whether this will translate into criminal behaviour when the child is older is, of course, not known. However, given that the increase in childhood aggressiveness from paternal incarceration is concentrated in families of non-violent offenders, an examination of sentencing policies for these offenders might be warranted.

*Reference:* Wildeman, Christopher (2010). Paternal Incarceration and Children’s Physically Aggressive Behaviours: Evidence from the Fragile Families and Child Wellbeing Study. *Social Forces*, 89(1), 285-310. .



## The imprisonment of parents increases the property offending of their sons.

It is well established that crime tends to run in families. There are many explanations for cross-generational similarity in the involvement in crime such as similarity in levels of economic deprivation or child rearing methods, social learning, etc. This paper looks at the cross-generational similarity in a different way, suggesting that there may be an independent effect of parental incarceration on the criminal behaviour of children.

This study examines data obtained from a sample of boys in Pittsburgh, Pennsylvania, who were first interviewed when they were between 7 and 13 years old. They were then followed for 12 years. The youths were chosen, in part, because they were considered to be at high risk for offending. The child and a parent (typically the mother) were interviewed every six months for the duration of the study. The youth's involvement in property crimes (thefts, purse snatching, automobile thefts and stealing from a car, and breaking and entering), as well as marijuana use were examined.

The challenge, in terms of determining whether incarceration of parents has any effect on children, is that "Because parental incarceration is associated with parental criminality, antisocial behaviour, and multiple other childhood risk factors, children of incarcerated parents may already be at risk for problem behaviour *before* their parent is incarcerated" (p. 270). In order to control for such pre-existing factors, the offending risk for children whose parents were subsequently incarcerated was assessed in comparison to a control group that was created consisting of similar youths. Because some of the parents had been incarcerated in the

past (i.e. before the study period), this study does not look only at the impact of the *first* incarceration of a parent but rather at the impact of incarceration after the beginning of the study.

For each child with a parent who was incarcerated during the study period, three children in the study were located who were very similar but who did not have an incarcerated parent. The children without an incarcerated parent were comparable to the child with the incarcerated parent on 14 measures, including the following: age of the child, criminal history and incarcerations of the parent, parental supervision of the child, offending by the child, school performance, and relationship of the child with peers and family.

Compared to the matched controls, youths were more likely to commit property crimes in each year after the incarceration of a parent. The design allowed children to be followed for up to 6 years after the parental incarceration. There were no effects of parental incarceration on marijuana use by the children, depression, or academic performance. Subsequent analyses suggest that much of the impact of parental incarceration is related to reduced involvement of the

boy with the family (as assessed by the family and the youth) and to the boy's involvement with delinquent peers. The results also showed that the effect of parental incarceration on White youths might be larger than the effect on Black youths.

*Conclusion:* The incarceration of a parent appears to have a negative impact on male children above and beyond pre-existing disadvantages that children of incarcerated parents might experience. Combined with other findings suggesting that incarceration itself may either increase the likelihood of re-offending or have no effect on re-offending (*Criminological Highlights* 11(1)#1&#2, 11(4)#2, 11(6)#4, 12(5)#8), it is likely that policies that lead to the incarceration of offenders can simultaneously have an impact on their future criminal behaviour as well as that of their sons.

*Reference:* Murray, Joseph, Rolf Loeber, and Dustin Pardini (2012). Parental Involvement in the Criminal Justice System and the Development of Youth Theft, Marijuana Use, Depression and Poor Academic Performance. *Criminology*, 50 (1) 255-302.

## When the fathers of children under 12 years old are imprisoned, there is an increased likelihood that these children will offend as adults.

It is well established that children whose parents have committed criminal offences are, themselves, more likely to commit offences. Thus it is hardly surprising that children whose fathers spent time in prison are more likely than other children to offend. This paper allows an examination of the impact of imprisonment of fathers on their children while controlling for the criminal behaviour of the father.

This study tracks 5,981 children who were born in the early 1970s and tracked until 2003. All of them had fathers who were convicted of a crime in the Netherlands in 1977. Most of the fathers (59%) had been convicted of a crime but were never imprisoned. The fathers of the others had been imprisoned at least once before the child reached 18. The criminal convictions of the father may have taken place before the child was born, when the child was less than 12 years old, or between 12 and 18, or some combination of these.

In an analysis without control variables, the imprisonment of the father was associated with a higher rate of offending (likelihood of offending each year after age 18) for both boys and girls. It appears that the effect of the father's imprisonment was largest when the father was imprisoned between the child's birth and when the child was 12 years old.

Some of the controls that were added – for example whether the parents separated at some point before the child turned 18 years old – could well be, in part, a consequence of imprisonment of the father.

Nevertheless, adding various controls – the offending history of the father, whether the parents separated, whether the father was born outside of the country, whether the child was born when the mother was under 20 years old – reduced, but did not eliminate the impact of the father's imprisonment. “Children whose father was imprisoned between ages 0 and 12 thus have a significantly higher chance of a conviction, even after accounting for the father's criminal history (and other family characteristics) compared to children whose fathers never went to prison” (p. 98).

The impact of the imprisonment of the father was significant, but rather small in size once the offending history of the father had been taken into account. One possible explanation for the small effect is that during the period of the study “the Netherlands had a history of an extended social welfare system and... a relatively mild penal climate with relatively low prison populations” (p. 101).

*Conclusion:* The finding of a small but measurable effect of imprisonment of the father on the offending rate of his

children when they are young adults is consistent with the growing literature on the effects of imprisonment on the families of those imprisoned (*Criminological Highlights* V12N6#7, V12N6#8). These findings, combined with those showing that imprisonment can increase the likelihood of future offending by those imprisoned (*Criminological Highlights* V11N1#1, V11N1#2), suggest that any presumed incapacitative impacts of imprisonment need to be assessed in the context of possible increases in criminal activity of those imprisoned and the family of the prisoner.

*Reference:* Van de Rakt, Marike, Joseph Murray, and Paul Nieuwbeerta (2012). The Long-Term Effects of Paternal Imprisonment on Criminal Trajectories of Children. *Journal of Research in Crime and Delinquency*, 49(1), 81-108.

## One of the collateral effects of imprisonment is that the imprisonment of the father of a young child increases the likelihood of a major depressive episode in the mother.

In some communities – most notably low income minority communities in the U.S. – the incarceration of a parent is a relatively common event. Incarceration clearly can have important impacts – separation of partners, transforming an intact family into single parent family, diminished social and economic resources, and stigma which “spreads to people associated with inmates” (p. 217). This paper examines the impact of incarceration of fathers on mothers’ mental health.

Currently in the US, “one in four black children can expect to have a parent imprisoned during their childhood” and the parent (most commonly the father) is likely to be “absent during key developmental periods of their children’s lives” (p. 218). As a consequence, the incarceration of the father can affect children’s mental health which, itself, is likely to have a negative impact on the mother.

The difficulty in evaluating the impact of the incarceration of the father of a child on the mother’s mental health is that “mothers who share children with incarcerated men may suffer from high levels of stress whether or not the father was incarcerated” in part, perhaps, because of the characteristics of men who are sent to prison. Alternatively, mental illness, or “depression itself may be associated with mothers getting involved with incarcerated men” (p. 220).

This study examined the families of 3,826 children from a survey in which the parents (a disproportionate number of whom were identified as ‘at risk’) were interviewed when the child was 1, 3, and 5 years old. Standard measures of maternal depression and life dissatisfaction

were obtained from the mothers at the 3- and 5-year surveys. “Recent” paternal incarceration was defined as incarceration at least once between the 3- and 5-year surveys and characterized 20% of the sample. Incarceration prior to the 3-year interview (39% of the sample) was defined as “distal” incarceration. Various factors associated with paternal incarceration and maternal mental health were statistically controlled.

Recent paternal incarceration was associated with a much greater risk of maternal depression. Some – but not all – of the simple association could be explained by characteristics of the mother (e.g., that she had a parent who had experienced depression or she experienced material hardship), and an additional portion can be explained by characteristics of the father. Nevertheless, the relationship of the recent incarceration of the father to depression in the mother was still significant. The effect of the ‘recent’ incarceration held even for those who had been incarcerated prior to the 3-year interview, suggesting that the effect was not caused simply by characteristics of the mother or father.

*Conclusion:* Incarcerating a child’s father appears to have a causal link with the onset of depression in the mother. It does not appear to be solely a ‘selection’ effect. Though changes in the quality of the relationship between the parents explained some of the effect of incarceration, changes in parenting experiences and economic well-being appear to be important in understanding why mothers whose partners are incarcerated are likely to suffer from major depression. Mothers whose partners are incarcerated experience depression in large part because it “leads to financial instability among mothers, further deterioration of already vulnerable relationships, and growing parental stress” (p. 234).

*Reference:* Wildeman, Christopher, Jason Schnittker, and Kristin Turney (2012). *American Sociological Review*, 77(2), 216-243.

## **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.

**Although parental incarceration is likely to have negative consequences on the prisoner's children and those taking care of the prisoner's children, the actual effect depends on the dynamics of the pre-existing relationships among prisoners, their families, and the caregivers.**

Research on the impact of parental incarceration has generally shown that the impact on the prisoner's children (and spouses) is generally negative (e.g., *Criminological Highlights* V1N1#6, V9N5#6, V12N5#1, V12N6#7&8, V13N1#7). However, this research typically ignores the nature of the pre-existing relationship between prisoners and their families.

This study reports the results of detailed in-depth interviews with 100 caregivers of children with at least one incarcerated parent – 54 fathers, 44 mothers, and two children with both parents incarcerated. Caregivers were the mother (n=39) or grandparents (n=40), fathers (n=12) or other family members (n=9). In most cases (n=58), the caregiver reported that parental incarceration had an overall negative impact on their lives, though in 20 cases there was a positive effect for the caregiver. In the remaining 22 cases, the caregiver reported no overall impact.

Negative impacts were easy to find: there was added financial stress on the family, but also the caregivers were left with fewer people who could help out in child rearing. There were many reports of additional emotional stress on the caregiver as a result of the child's distress at the loss of a parent. "Many of these caregivers reported feeling 'helpless,' 'overly stretched,' and 'lost'" (p. 941). On the other hand, the impact was not always negative. Some prisoners, when in the community, had been inconsistent or dysfunctional parents. Their absence, then, made life for the (remaining) caregiver somewhat easier. Caregivers who reported that there was no

impact of the incarceration of the parent typically said that the prisoner had not been very involved in raising the child; hence the absence of the parent made no real difference. "To assess the impact of incarceration on families, the extent and degree of parental involvement prior to incarceration must be considered... . Not all parents are involved in their children's lives" (p. 936).

"Those [caregivers] who experienced a positive change [in their lives] reported having supportive family systems in their lives... For many, ... family support was present before the incarceration of the parent and remained a key source of assistance in their ability to provide for their children" (p. 942). "Caregivers with cohesive, integrated family support systems fared differently... Variation in family support is critical for understanding whether caregivers will experience positive or negative changes in life circumstances as a result of parental incarceration" (p. 943).

*Conclusion:* The factors that were important in determining the impact on caregivers of children of incarcerated parents appeared to be the same across types of caregivers.

The pre-existing relationship with the incarcerated parent, and financial and emotional support from friends and families were important in understanding the impact on the caregiver. For example, incarcerated mothers, in this study, appeared to have been different from incarcerated fathers in that they were more likely to have experienced various serious life traumas. Many of the remaining family members (fathers, grandparents) had distanced themselves from the mother prior to the incarceration. Hence the impact of her incarceration was not seen as being as negative as the incarceration of the father. This finding underlines the importance of understanding the nature of the pre-existing relationships. Prior parental involvement, support systems, and interpersonal relationships combine to determine what the impact will be on those caring for the prisoner's child.

*Reference:* Turanovic, Jillian J., Nancy Rodriguez, and Travis C. Pratt (2012). The Collateral Consequences of Incarceration Revisited: A Qualitative Analysis of the Effects on Caregivers of Children of Incarcerated Parents. *Criminology*, 50 (4), 913-959.

## The harmful effects of imprisoning large numbers of people from a community extend beyond those incarcerated and their immediate families: the communities themselves can show the impact of high imprisonment policies.

It is well known that imprisonment can hurt the life chances of those who are incarcerated. Imprisonment of drug offenders, for example, may act to increase recidivism (e.g., see *Criminological Highlights* 5(2)#3). Imprisonment also reduces the ability of men to get a job (*Criminological Highlights* 6(3)#2) and even if they do find employment, being imprisoned appears to have a permanent impact on a person's wages (*Criminological Highlights* 5(3)#7). This paper suggests that concentrated incarceration may go beyond these individual impacts and may harm the communities themselves.

Whether a country has a high or a low rate of imprisonment, imprisonment is concentrated in some communities more than others. Men are much more likely to be imprisoned than women. In the United States, men are almost 15 times more likely to be imprisoned than women. (In Canada, the rate of imprisonment (average counts) of men is about 17 times that of women.) In addition, imprisonment is concentrated in certain racial or ethnic groups (e.g., Blacks, Aboriginal persons), the young, and people who are educationally and economically disadvantaged. One study found that the result of this concentration is that in some poor neighbourhoods in some U.S. cities, almost one in five males age 18-44 is in prison on any given day. Another study estimated that about a third of young males in certain neighbourhoods are incarcerated for at least some period each year.

The impact of this level of concentrated imprisonment is widespread.

- There can be enormous impacts on a family if the remaining family members were financially dependent on the incarcerated family member. In addition, "incarceration affects social networks by removing one of the members of the poor family's

network" (p. 105). The indirect effect of incarceration, then, may be to create social isolation for some families. In addition, removal of the father weakens his commitment to his children upon his return to the community.

- Incarceration appears to be related to the lasting deterioration of poor families, contributing to the high rate of single (female) parent families. These effects hold across racial and ethnic groups, but are strongest for black males whose likelihood of marriage drops by half after incarceration.
- Incarceration rates in a given year appear to be related to later increases in sexually transmitted diseases in a neighbourhood and higher rates of teenage pregnancies.
- The economic viability of neighbourhoods is reduced as those with income are taken out of it.
- The legitimacy of the criminal justice system and perhaps other government institutions appears to be corroded by high rates of imprisonment. Not surprisingly, those former prisoners who are legally able to vote are

considerably less likely to do so than are similarly situated people who have not experienced imprisonment.

- To the extent that those returning from prison are *more* likely to commit offences than they would be had they not been incarcerated, communities to which they return become less safe and are perceived to be less safe.

*Conclusion:* Although few would question the necessity of imprisoning some offenders, this paper suggests that, in addition to direct financial costs to society and personal costs to the offender, there are a range of almost inevitable negative impacts of incarceration on communities. It would be sensible, then, for governments to consider these costs when debating changes in laws that might affect imprisonment rates.

*Reference:* Clear, Todd (2008). The Effects of High Imprisonment Rates on Communities. In Tonry, Michael (ed.). *Crime and Justice: A Review of Research*, Volume 37. University of Chicago Press.