

PROBATION AND COMMUNITY SANCTIONS:
A COLLECTION OF RESEARCH FINDINGS
FROM CRIMINOLOGICAL HIGHLIGHTS

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A report prepared for
the Probation Officers
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Research Summaries Compiled from *Criminological Highlights*

Prepared for the
Probation Officers Association of Ontario
by
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The materials summarized in this compilation come from *Criminological Highlights*, an information service produced by the Centre for Criminology & Sociolegal Studies (CrimSL) at the University of Toronto.

Criminological Highlights is produced by a group of faculty at the University of Toronto and nearby universities, CrimSL doctoral students, and the CrimSL librarian. To find items appropriate for *Criminological Highlights*, we scan approximately 95 journals and other research reports. 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 be informative for those interested in criminal justice policy. Each volume contains six issues, with each issue containing 8 article summaries (“Highlights”). Issues are released every 2-3 months.

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Criminological Highlights is available without charge from our website (<https://www.crimsl.utoronto.ca/research-publications/criminological-highlights/about-criminological-highlights>) or, if you would like to receive it regularly, please email Anthony Doob or Rosemary Gartner (anthony.doob@utoronto.ca or rosemary.gartner@utoronto.ca).

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An Overview of *Criminological Highlights* Summaries of Research on Probation and Community Sanctions¹

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The following is an overview of relatively recent research related to probation and community sanctions. The research summarized here comes from *Criminological Highlights*. One-page summaries of the studies are appended to this report. It is recommended that this overview be read along with—rather than instead of—the summaries that are included (specific references in parentheses). The full studies are available to those interested in particular findings.

Background to Probation and Community Sanctions

In 1996, Canada introduced legislative reforms to amend s. 718 of the Criminal Code which sets out the purposes and principles of sentencing. In addition to the six objectives of sentencing that were already in place, namely denunciation, deterrence, incapacitation, rehabilitation, reparation, and promoting responsibility/acknowledging harm on the part of the offender, s. 718.2 enumerated additional principles that a court should take into consideration when imposing a sentence. Specifically, s. 718.2 (d) and s. 718.2(e) provided directive to exercise restraint in the imposition of any sentence, which state that:

- (d) an offender should not be deprived of liberty, if less restrictive sanctions may be appropriate in the circumstances; and
- (e) all available sanctions, other than imprisonment, that are reasonable in the circumstances and consistent with the harm done to victims or to the community should be considered for all offenders, with particular attention to the circumstances of Aboriginal offenders.

Subsection (d) outlines a general principle of restraint to adopt the least restrictive sanction possible while subsection (e) specifies restraint in terms of the use of custodial sentences.

Although codified as a sentencing principle in 1996 in Canada, the idea that we need to reduce reliance on imprisonment as a sanction is not new and has persisted over the better part of a century as seen in multiple reports and commissions (see Archambault Report 1938, Ouimet Committee Report 1969, Canadian Sentencing Commission 1987). Pitched as a means of reducing imprisonment, probation and community sanctions are often conceived of as “alternatives” to imprisonment. An inherent problem in thinking of probation and community sanctions as “alternatives” to prison is that it reflects a presumption in favour of imprisonment as the first, default or standard punishment (Cole forthcoming²), thereby furthering the conceptualization of probation and community sanctions as being lenient, not punitive enough, or somehow deviations from a standard punishment.

Rather than as an alternative to punishment, probation and community sanctions should be understood as a form of “constructive punishment” that is “justified and administered as a punishment” in their own right, that also goes beyond the mere infliction of pain in rehabilitating the

¹ I would like to thank Professor Emeritus Anthony N. Doob for his guidance, advice, and suggestions on earlier drafts of this report.

² Cole, David. Probation Revisited: Form, Function, and the Principle of Restraint. *Criminal Law Quarterly* (in press).

offender by encouraging responsibility for the offence (p. 13, 6.1.4)³. In order to mitigate the presumption of imprisonment as the default punishment, Cole, forthcoming, suggests that “Parliament should consider amending s. 718.2(e) of the Code by inserting the word ‘first’ between ‘should’ and ‘be’, so that the subsection would read ‘all available sanctions, other than imprisonment...should *first* be considered.’” Imprisonment should be the last remaining choice after other options have been exhausted. In other words, rather than considering whether probation and community sanctions might be appropriate *instead* of sending someone to prison, probation and community sanctions should be considered in terms of whether—in and of themselves—they are appropriate in a particular case.

From a numerical perspective, community sanctions that are typically administered or supervised by probation officers clearly outnumber custodial sentences for adults and especially for youths as can be seen in the following tables for correctional admissions in Ontario and Canada.

Number of Adult Admissions to Correctional Services (2018-19)

	Ontario	Canada
Custodial Sentences	18,905	72,312
Probation	25,118	70,107
Conditional Sentences	3,487	11,260
Other Community Programs	745	61,406
Total Community Admissions	29,350	142,773

Number of Youth Admissions to Correctional Services (2018-19)

	Ontario	Canada
Custody	336	1,069
Community portion of Custody and Supervision	312	769
Supervised probation	2,020	4,173
Other Community Programs	224	3,494
Total Community Admissions	2,556	8,436

Source: Statistics Canada, CANSIM (downloaded 12 April 2021)

Note: The use of “other community programs” as a descriptor apparently varies across the country

This overview will discuss four broad themes in the research literature that are pertinent to explaining why probation and community sanctions may be preferable to imprisonment in many circumstances and how these community-based options may be further improved for greater effectiveness.

- 1) In comparison with imprisonment, probation and community sanctions are just as effective—if not more effective, in some cases—at reducing recidivism, while also being more cost effective. Furthermore, probation and community sanctions have less deleterious consequences on education and employment than the consequences associated with imprisonment.
- 2) However, not all aspects of probation and community sanctions are effective at reducing recidivism or promoting better outcomes in other areas of civic life. Rather than assuming

³ Page references refer to the Criminological Highlights summaries appended to this report. Criminological Highlights Volume, Issue, and Item identifiers (e.g., 6.1.4 = Volume 6, Issue 1, Item 4) are also provided.

that a particular approach will work, it is important to conduct careful and thorough evaluations of a specific program as it is implemented in practice.

- 3) Approaches that focus more on surveillance and control tend to be less effective. Higher levels of supervision, higher numbers of and more restrictive conditions are associated with increased violations, higher recidivism, and more rapid reoffending. Overall, approaches that:
 - (a) strike a balance between enforcement/control and help/rehabilitation;
 - (b) have a clear goal;
 - (c) identify and target offenders who are more at risk of reoffending; and
 - (d) provide services that are specifically suited to the offender's criminogenic needs tend to be more effective in reducing both breaches of conditions and re-offending.
- 4) Research on perceptions of sentencing and community sanctions suggest that offenders often view community sanctions as being more punitive than short stays in imprisonment. Moreover, the public is quite supportive of the use of community sanctions. This generalization holds even among those who say that they think that sentences are not harsh enough, if adequate information is provided about real cases.

1) Advantages of Probation and Community Sanctions

a) Comparable or Better Reductions in Recidivism

Although it would be tempting to view incarceration as a way of reducing offending, existing data would suggest that those who are imprisoned rather than being given community sanctions are, if anything, *more* likely to re-offend (see another “Criminological Highlights” collection: *The Effects of Imprisonment: Specific Deterrence and Collateral Effects* (<https://www.crimsl.utoronto.ca/research-publications/faculty-publications/effects-imprisonment-specific-deterrence-and-collateral>)).

Often, a fundamental challenge in trying to compare the effects of imprisonment versus community sanctions on recidivism is to have two groups that are equivalent in all other characteristics but for the sentence. The only way to guarantee that this, so that we can isolate the cause of a difference in recidivism (if we see one) to the difference in sentences, would be to have offenders randomly assigned to imprisonment or community sanctions. This type of randomized controlled experiment is considered the “gold standard” in evaluation research. In many cases, though, this is not feasible and may raise ethical complications given what we know about the harms related to imprisonment. Therefore, not surprisingly, these kinds of randomized experimental studies are fairly rare.

More commonly, the next best thing 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 are identical on variables known to be associated with recidivism, except for the fact that one went to prison and the other was given community sanctions. An alternative approach is to create an overall measure of the likelihood of receiving a community sanction using all of the background information available, and then matching on this ‘propensity score’ those who received community sanctions with those who were sent to prison.

One study was able to do both using data for offenders sentenced in the Netherlands in 1997. They took pairs of people whose backgrounds would make them equally likely to receive community service, but only one actually did. They also matched on other characteristics, such as age, sex, and the relative length of the sentence. Offenders could receive up to 240 hours of community service or 6 months in prison. Only those who had never been sentenced to either option were examined to rule out any carry-over effects from previous experiences with these sanctions. The results showed that those who were sentenced to prison had higher recidivism rates in terms of average annual rate of convictions for all crime and separately for property and violent crimes (p. 14, 11.5.2). To put this in perspective, in 2018, 73,951 offenders⁴ were sentenced to custody in Canada, with 74% them (or 54,891 offenders) being sentenced to 6 months or less in prison in Canada. Although not all these offenders would have met the criteria for this study since some of them had already experienced imprisonment or a community sanction, this study would suggest that an option of up to 240 hours of community service would have been an effective way of reducing recidivism.

Similar results have also been demonstrated in the UK using the same ‘propensity score matching’ method. This study identified equivalent pairs of male offenders who could have received a prison sentence or a community sanction. Of more than 5,000 men for whom data were available, reasonably equivalent matches were found for 2,324 of them. All were supervised in the community: either following a prison sentence of at least one year or just sentenced to a community sanction. After following them for a year, the study found that those sentenced to prison were significantly more likely than those given a community sanction to be convicted of an offence; and to re-offend sooner. Overall, the differences between the imprisoned and community sanction group were largest for those who were *least* likely to go to prison at the time of sentencing, e.g., those with the least serious offences and/or least serious criminal records. In other words, prison seemed to have the greatest negative impacts on those who were the most likely candidates for a community sanction (p. 15, 16.2.7).

Because these two studies used the ‘propensity score’ method to statistically create two similar groups, one could raise issue with the fact that perhaps the propensity score missed or lacked data on other important variables on which the two groups differed. In other words, it could be suggested that it was this missing other factor that caused the differences in recidivism between these two groups, not the difference in sentence. This is why a randomized controlled experiment, where offenders are randomly assigned to community sanctions or imprisonment, is really important. These designs help to ensure that the two groups are equal but for the sentence. As noted above, these studies are rare due to feasibility and ethical considerations. However, it was possible in a Swiss study that compared the recidivism rates of offenders randomly assigned to community service orders or to a short period of incarceration (up to 14 days). If an offender sentenced to a short stay in prison were eligible for community service, the offender was given the option of being assigned, *on a random basis*, to community work rather than prison. The results showed no significant difference between those assigned to community service and those sent to prison on the likelihood of being re-convicted or the average number of convictions within 24 months of the sentence. However, for re-arrests, those assigned to community service were *less* likely to be re-arrested than those who served their sentences in prison. This study shows that a community service order can be just as effective, if not more effective, in reducing recidivism than a “short sharp shock” in prison (p. 16, 3.4.4). By echoing similar findings from studies using less rigorous designs, this study helps to lend support and credence to

⁴ These numbers differ slightly from those in the earlier table because these are based on court data, whereas the tabled data are from correctional services’ files. “Cases” in court may not correspond perfectly with “persons” being admitted to custody.

those findings since this study used the “gold standard” of evaluation research—a randomized control experiment.

These findings are particularly impressive for community sanctions given the types of offenders who are more likely to receive probation versus those more likely to be precluded from probation. Often, the seriousness of the offence is used as a barometer for whether a community sanction is appropriate, with those convicted of a serious violent offence being ruled out, even if they are not at a high risk to reoffend and the offence itself may have been uncharacteristic. In fact, a “seriously recidivist” shoplifter is more likely to get probation. Given that many “high risk to reoffend” people are given probation, it is surprising the community sanctions are at least as effective or more effective in reducing recidivism than imprisonment (p. 17, 2.3.3).

While being just as effective or even better at reducing recidivism than imprisonment, community sanctions also tend to be more cost effective than prison (p. 17, 2.3.3). Even in cases where community sanctions do not reduce recidivism more so than imprisonment, their use could be justified solely on the basis of reduced incarceration costs in the future alone. For example, a study examining the impact of a therapeutic community work release program in Delaware found that factoring in costs such as prosecution costs, criminal justice costs, and additional social benefits (e.g., more stable employment, less drug use, less dependence on social welfare), for every \$19 USD invested in this particular community program, 1 day of incarceration was avoided. It is important to remember that not all treatment programs based in the community are cost effective, but this study suggests that a carefully implemented community sentence can pay for itself solely in terms of reduced subsequent incarceration costs (p. 18, 6.4.1)

Overall, if community sentences are just as likely, or sometimes more likely, to reduce recidivism than imprisonment, *and* it is more cost effective, then community sentences should be more preferable than imprisonment in appropriate cases.

b) Less Deleterious Impact on Education and Employment

Moreover, probation and community sanctions tend to have less deleterious effects on education and employment compared to imprisonment. In 2006, Denmark allowed prison authorities to substitute periods of electronically monitored house arrest for short periods of imprisonment in order to maintain labour market participation and education. From 2006, those sentenced to prison for up to 3 months were allowed to apply to serve their sentences at home with electronic monitoring, as long as they attended a crime prevention program, allowed unannounced visits from correctional workers, and agreed to substance testing. These offenders were matched with those who served their sentences in prison on over 20 variables including criminal history, offence type, educational attainment, etc. They were followed for 3 years after the end of their sentence. After two years, those given the opportunity to serve their sentence in the community were less likely to have dropped out of school and more likely to have completed post-secondary education, in large part, because they did not have their lives disrupted by imprisonment (p. 19, 17.1.6).

In addition to education, employment and work force participation are less severely disrupted by community sanctions compared to imprisonment. A study carried out in Sweden examined all males born in 1975 and 1980 who were residents of Sweden by age 16. Because it is possible to link administrative data on Swedish citizens, not only were employment records available but other

relevant data (e.g., education, immigration, mental health, criminal record, etc.) were also available. Using propensity score matching (described in the previous section) based on these background data, the researchers created two equivalent groups: those sentenced to either prison or probation for the first time at age 20-25. Prior to being sentenced, there were no differences in employment records between these two groups. However, for the first three years after being sentenced, those who received a prison sentence were less likely to be employed than those who received probation (p. 20, 17.6.2).

Similar results were also found for young adults in the US. Using a subset of respondents from the US National Longitudinal Survey of Youth, this study matched those who were convicted and incarcerated and those who were convicted but not incarcerated on 30 different variables (e.g., family structure, educational background, arrest history, etc.). The people in this study were, on average, only in prison for a little more than 4 months for their first time. Even this relatively short period of incarceration had a significant impact on their employment. Incarcerated young adults were less likely to be in stable employment, more likely to be consistently out of the work force, and more likely to not be employed and not looking for work. Since all of the people in this study were convicted, it is clear that there is an additional deficit created by incarceration, in addition to conviction itself (p. 21, 11.4.4).

With fewer negative consequences for education and employment associated with community sanctions, those who are given community sentences are also less likely to be dependent on welfare benefits after their sentence. A study examining male non-traffic offenders sentenced after April 2006 (when electronic monitoring at home was introduced as an option for non-traffic offenders) in Denmark found that those punished in the community instead of in prison were less likely to be dependent on welfare benefits after the completion of their sentence (p. 22, 14.6.5).

2) The Need for Careful and Thorough Evaluation

However, not all practices related to probation and community sanctions are effective at reducing recidivism or promoting better outcomes in other areas of civic life. Although programs that address the factors that former prisoners face (e.g., employment, housing) can often be justified on humanitarian grounds, it does not mean that they will be effective in addressing those factors and/or that they will reduce re-offending. There is no single program that is going to work for everyone. Evidence on effective programs is fairly thin; therefore, careful and thorough evaluations need to be built into the implementation of all programs. Even if there is an effective program, it is risky to generalize about what might be effective to a new setting or to different kinds of offenders. It is important to recognize that “[g]ood intentions may have disappointing results” (p. 23, 16.2.6). Rather than assuming that a particular approach will work, it is important to conduct careful and thorough evaluations of a specific program as it is implemented in practice.

Vocational, educational, and life skills programs have been staples of the correctional system for years. However, there have been relatively few adequate assessments of their impact. Looking at the research literature that does exist, the overall finding seems to be that the results are going to depend on the exact program in place, the characteristics of the offenders in the program, the outcome measures of interest, and the rigorousness of the evaluation methodology. Although prevalent, one cannot assume that these ‘staple’ programs will work because a similar program or approach had positive impact elsewhere (p. 24, 3.4.2).

For example, it is often assumed that “more” is better when it comes to providing services, especially for youth who are involved in the formal youth justice system. A study examined youths (12-18 years of age) in California’s Ventura County who were apprehended either for an offence or a probation violation and who were deemed to be “moderate” risk to re-offend. Because they were randomly assigned to receive either ordinary probation or a form of “intensive” supervision, the two groups are presumptively equivalent but for the type of supervision they received. The ordinary probation involved minimal intervention: monthly contact with the youth, referrals to outside agencies, and no particular special services. The intensive probation involved at least one hour of face-to-face contact a week, at least two family contacts a month, programming to address various “risk” in the family (e.g., substance issues, parenting, etc.) as well as restorative justice programs. After 18 months of follow-up, there was no difference between the two groups of youths in terms of re-offending. Providing services does not, in and of itself, guarantee that these services will be effective (p. 25, 7.3.2).

Another approach that is often assumed to be effective at reducing re-offending is electronic monitoring. As a technique for knowing someone’s whereabouts, electronic monitoring has been around since the mid-1980s. In an evaluation of electronic monitoring programs in British Columbia, Saskatchewan, and Newfoundland, this study found no reduction in recidivism that was not attributable to differences in risk levels. Furthermore, the availability of electronic monitoring has not invariably reduced the reliance on prisons (p. 26, 3.2.4). Similar findings were reported in Scotland, with no effect on offending rates, either in the short or long term than any other penalty. Moreover, it did not appear to deliver promised cost savings and ended up increasing technical breaches of conditions (p. 27, 4.3.7).

This is not to say that particular programs employing electronic monitoring or particular types of services will not work at all. Just as we cannot assume that all approaches will work, we also cannot say that a particular technique cannot work without evaluating the specific program as it is implemented. As much as it is important to implement programs properly, part of the implementation should include evaluation as a necessary component.

3) Evaluative Evidence on Probation and Community Sanctions

Based on the evaluative evidence on probation and community sanctions, it seems that approaches that focus more on surveillance and control tend to be less effective. In contrast, approaches that strike a balance between enforcement/control and help/rehabilitation; have a clear goal; identify and target offenders who are more at risk of reoffending; provide services that are specifically suited to the offender’s criminogenic needs tend to be more effective in reducing both breaches of conditions and re-offending.

a) What Does Not Work

It is often assumed “more is better” when it comes to supervision and conditions. This assumption has been the basis for the proliferation of intensive supervision practices. However, intensive supervision with more conditions and more restrictive conditions is a complex way of setting people up to fail. Research has documented that intensive supervision leads to more technical violations than ordinary supervision. This then results in increases in technical charges (e.g., administration of justice offences, court order violation, etc.) that actually lead to *increased* imprisonment (p. 28, 1.2.7).

In a study of more than 250,000 people on parole supervision in California during 2003 and 2004, those subjected to high levels of supervision were more likely to be found to have violated parole, controlling for characteristics of the offender. Whether or not an offender is found to have violated their conditions has as much to do with the nature of the supervision as it does with who is being supervised. Often, intensive supervision tends to focus on violent and sexual offenders. This in turn makes these offenders appear more likely to violate conditions, which is then used to justify even more supervision, perpetuating a problematic cycle (p. 29, 12.1.2).

On the other side of the spectrum, for low risk offenders, anything more than very occasional meetings with probation officers appears to run the risk of being a waste of resources. A study carried out in Philadelphia identified low risk offenders who were randomly assigned to low intensity supervision (supervised by probation officers with large caseloads with an average of 2.4 contacts per year with the offender) and normal supervision (receiving an average of 4.5 contacts). The two groups did not differ on whether or not the offender recidivated within one year. In addition to not providing any criminological benefit, intensifying supervision of low risk offenders may be a misallocation of resources (p. 30, 11.4.8). Even when offenders violate conditions, requiring them attend a “day reporting centre” appears to be no better, if not worse, in terms of re-offending or violations of conditions, than simply allowing them to continue in the community with ordinary supervision (p. 31, 13.6.4).

There exists a delicate balance between support and surveillance with community supervision. A shifting of that balance to favour over-reliance on surveillance may create more problems than it resolves. For example, a study examining the impact of frequency of drug testing of youths on parole under the control of the California Youth Authority found no evidence of increased frequency of drug testing lowering recidivism (measured by re-arrests). Youths were randomly assigned to one of five conditions which varied the frequency of drug testing so the groups can be considered equivalent on all dimensions except for the frequency of drug testing. High levels of drug testing increased rather than decreased arrests for violent and total offences in the 42-month follow-up period (p. 32, 5.3.3).

Finally, community supervision programs are less effective than they could be in cases where probation officers do not adhere to basic principles of effective supervision. In order to understand why probation services may not be as effective as it could be, a case study was carried out in Manitoba, Canada, examining probation files and audio recordings of probation officer—client meetings. This study starts with the principle that there is no point in focusing resources on those offenders not in need of intervention; therefore, offenders who are at a high risk of reoffending need to be identified and targeted. The next step is to clearly identify the goals of the intervention; and provide effective interventions to meet those goals. The study found that “probation officers can learn to do more and do it better” (p. 33, 9.6.3). Most probation officers administered risk assessments but there was a corresponding intervention plan for only 40% of the identified needs. In addition, analysis of the audio files of conversations between the probation officer and offender indicated that criminogenic needs were not discussed in the majority of cases. More broadly, community supervision may be limited by the availability of programs. For example, 40% of adult offenders in the study had employment problems noted but only 10% of these cases had an action plan designed to address this (p. 33, 9.6.3).

b) What Can Work

What is encouraging is that “doing supervision better” can have an impact on re-offending. In a study of community correction officers in Victoria, Australia, officers were given a training course in which they were encouraged to: 1) promote and reward “prosocial” actions (e.g., keeping appointments, doing community work); 2) focus specifically on problems that appeared to be related to offending; and 3) try to see things from the offender’s perspective. The clients of these trained officers were compared with the clients of officers who did not follow these principles. The results were quite positive, particularly with the focus on “prosocial” orientation of community correctional workers being associated with fewer breaches of conditions and fewer offences, one and four years later. This study shows that, even without “special”, “expensive”, or “new” treatment, particular orientations or supervisory styles can affect the outcome of community corrections (p. 34, 1.1.8).

In addition to promoting a “prosocial” orientation in supervision, moving away from a strict enforcement/control model seems to be more effective in reducing recidivism. In a study of the ‘Proactive Community Supervision’ (PCS) model in Maryland, community supervision programs that provided motivational enhancement, more conducive social learning environments and a targeted emphasis on core criminogenic needs were found to be more effective at reducing re-arrests than providing ordinary probation (p. 35, 9.6.4). The targeted nature of this intervention in focusing on core criminogenic needs played an important role but this type of targeted intervention delivered in a “correctional milieu where offender change is supported” (p. 35, 9.6.4)—not simply demanded and enforced—is what had positive impacts on offenders.

Similar findings were also reported in an evaluation of the ‘Intensive Surveillance and Supervision’ Program (ISSP) in New Jersey. In addition to providing more appropriate services to the offenders, the program tested whether parole officers were categorized as being law enforcement, social work, or balanced in their orientation. Overall, the rate of recidivism for a new conviction or revocation of parole for any reason was lower for the ISSP group receiving more appropriate services for their needs than the ordinary parole group. Moreover, technical violations/revocations varied by the orientation of the parole officer. Revocations for a new conviction was least likely when the parolee was being supervised by a parole officer with a balanced orientation. Technical violations were, not surprisingly, most likely noted for parolees being supervised by officers with a law enforcement orientation (p. 36, 8.2.2)

However, balancing control/enforcement with help/rehabilitation is not sufficient. In addition, community sanctions and programs need to be clearly conceptualized and properly implemented. Programs with clear goals of what the program should achieve while targeting a specific type of offender that is supposed to benefit from the program are more effective at lowering recidivism rates than a “one size fits all” type of approach (p. 37, 2.2.2).

Having said that, there should be a caution against using commercially marketed prediction instruments in identifying and targeting a specific type of offender who is more likely to re-offend. Although prediction instruments are attractive to criminal justice professionals because they give a veneer of objectivity to criminal justice decisions, popular prediction instruments are no better at predicting whether someone will re-offend than ordinary people’s risk predictions using readily available indicators (e.g., age, sex, criminal history). This has been documented for COMPAS, formerly Northpointe (p. 38, 17.2.1), LSI-R (p. 39, 8.4.6), and Youth Level of Service Case Management Inventory (YLS/CMI) (p. 40, 9.6.5). In addition, these risk prediction tools tend to disadvantage Black

defendants with false positives (p. 38, 17.2.1), have limited predictive ability for women whose pathways to crime are gendered (p. 39, 8.4.6) and African-American and Latino youth (p. 40, 9.6.5).

Overall, approaches that have been shown to be successful and effective in reducing breaches and recidivism tend to: emphasize a prosocial orientation in supervision style; strike a balance between enforcement/control and help/rehabilitation; provide appropriate services that are specifically targeted to the offender's criminogenic needs; have a clear goal; and effectively allocate resources by specifically targeting offenders who are at higher risk of reoffending.

4) Public Perceptions of Probation and Community Sanctions

Even with empirical evidence on the advantages of probation and community sanctions over imprisonment and evaluative evidence on how probation and community sanctions can be made more effective, judges and other criminal justice officials might still worry that a community-based sanction may not be experienced as a punishment by the offender or seen as substantially punitive by the public. However, research on perceptions of sentencing and community sanctions suggest the opposite.

Those convicted of offences do not always prefer community sanctions to imprisonment. A study of 185 adult probationers found that for offenders under active supervision in the community, many of whom had previously served jail sentences, a jail sentence of up to 14 days would be preferable to what might look like, to many, as relatively lenient community punishments, such as 23 days of electronic monitoring (p. 41, 19.1.6). This is not to say then that short periods of imprisonment should be used. Instead, what is being shown is that community punishments can carry just as much punitive bite as imprisonment for those who are serving them. Even more importantly, this would support the use of restraint when doling out community-based punishments, since "it does not take an exorbitant amounts of community sanctions to achieve a substantial punitive effect" (p. 41, 19.1.6).

The public is also quite supportive of the use of community sanctions even among those who say that they think sentences are not harsh enough. A survey in Cincinnati, Ohio asked respondents to read a short vignette describing a crime and the offender, with variations on the age, presence of a drug problem, prior record, and employment status of the offender. In addition, there were also different variations about the crime (robbery, purse snatching, burglary), whether the offender was carrying a gun, whether the victim sustained injuries or not, etc. Respondents were asked not only about their preferred sentence but also which sentences they would tolerate. Across the board, prison was the preferred option for 34-56% of cases. However, when asked about which sentences they would tolerate, the data suggest that community based sanctions are supported even for relatively serious cases, even among those that typically say sentences are too lenient (p. 42, 1.5.7). If given more details about a "real" case, the public is generally more receptive to community sanctions than the government assumes.

Conclusion

As noted at the outset, community sanctions – typically implemented and supervised by probation officers – form the core of the "correctional" system in Canada and many other countries. Probation and other community corrections programs have many advantages over imprisonment including effectiveness and costs. However, given the flexibility that exists – potentially and in reality – in most community corrections programs, it is important for those planning and implementing community

corrections programs to think carefully about how programs should be implemented and ensure that appropriate steps be taken to evaluate carefully whether the stated goals of the program are being achieved. There should be no shame in discovering that a carefully constructed program is not having its desired effects. The shame should be reserved for those implementing programs without adequately assessing its effectiveness.

Probation should be understood as a form of constructive punishment instead of an alternative to punishment. In this context, probation officers would play a crucial role not only in administering the sentence but also in rehabilitating the offender by encouraging him/her to accept responsibility for the offence.

Background. In penal systems that appear to be simultaneously embracing proportional punitiveness and restorative justice, the obvious question which arises is the place of probation within this new world of sentencing. Indeed, probation services (other than the “tail ‘em, nail ‘em, and jail ‘em” services of some U.S. states) have resisted seeing probation as a punishment, preferring to conceptualize it within its historically moralistic or rehabilitative paradigm.

This paper begins by arguing for an expanded notion of punishment which would include the values of respect and concern for both the victim and the offender. In this way, an exclusively retributive or punitive conception of punishment is avoided. Within this framework, it is suggested that probation can best be seen as “a paradigm of punishment – of what punishment ought to be” (p.183). More specifically, this article argues that probation should be conceptualized as a ‘constructive’ punishment which goes beyond the mere infliction of pain. In this context, probation would be “justified and administered as a punishment: as something that is imposed on or required of offenders, for the offences they have committed, and that is intended to be burdensome or painful... but once we get clear about the nature and the significance of the burden or pain that such punishment should involve, we will be able to see that its purpose is not ‘merely punitive’ – and that we can deliberately impose such burdens or pains whilst still showing offenders the respect and concern due to them as our fellow citizens” (p.183).

Within this new conception, a sentencing hearing would “reflect the idea that crimes are public wrongs” (p.185) by - among other things - encouraging the offender to “face up not just to the harm he [or she] caused... but also and crucially to the wrong that he did; for the wrong and the harm are not identical” (p.185). “What should matter to both the victim and to the wider community, is thus not just such harm as [the offence] caused but the wrong that it involved...” (p.186). Making the offender aware of the wrong “is to censure or criticize him [or her] for it, as a wrong that [the offender] should not have committed” (p.186). In this context, it is argued that censure does, and should, cause pain. As such, the severity of the pain from the sentence should be proportionate to the seriousness of the offence. Under this scheme, the sentence must inevitably be “painful or burdensome” (p.189). However, while “punishment is...*retributive* in that it involves the imposition of something that is intended to be burdensome or painful” (p. 90), it should also be rehabilitative.

Congruent with this approach, probation officers would play a crucial role in helping to negotiate a sentence “that would be appropriate to the nature and seriousness of the crime” (p.191). However, they would also be responsible for not only encouraging the offender to accept responsibility for the offence but also supervising him/her for the period of punishment.

Conclusion. Clearly, this view of the sentencing process and the role of probation within the context of sentencing assumes a particular view of the purpose of sentencing – responding proportionally to the wrong that has been committed. However, it may be a useful way of resolving what have traditionally been seen as conflicting roles for probation officers: the enforcement of the sentence and, at the same time, the provision of assistance or help to the offender. This view suggests that these two duties are not in opposition to each other but rather inherently part of the proper function or role of probation.

Reference. Duff, R.A. (2003). Probation, Punishment and Restorative Justice: Should Al Truism be Engaged in Punishment? *The Howard Journal*, 42(1), 181-197.

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.

For some people who are found guilty in criminal courts, it is plausible that they could either receive a prison sentence or they could be given a community based sanction. A U.K. study found that after one year in the community, those who had been sent to prison were more likely to commit an offence.

Though it is tempting to see incarceration as a way of reducing offending, existing data would suggest that those who are imprisoned rather than being given community sanctions are, if anything, *more* likely to reoffend (see *The Effects of Imprisonment: Specific Deterrence and Collateral Effects* <http://criminology.utoronto.ca/criminological-highlights/>). This study, carried out in the UK, compares the offending patterns of 1,162 people who were imprisoned with an equal number of comparable people who were given sentences involving community supervision.

The challenge in carrying out studies of the effects of imprisonment on crime are many, but the largest problem is creating an equivalent non-imprisoned comparison group. Although there have been some random or equivalent control trials (see *Criminological Highlights* 3(4)#4, 11(4)#2), clearly there are some people for whom equivalent comparators cannot be found (e.g., those whose offence almost automatically leads to a prison term and those whose offence almost never requires a prison term).

This study, then, uses 'propensity score matching' to identify equivalent pairs of male offenders who could have received either a prison sentence or a non-prison sentence. Of the more than 5000 people for whom data were available, reasonably equivalent pairs (one of whom went to prison, the other getting a community sanction) were found for 2,324 of them. Hence the study examines those who could have, under current practice, received either prison or a community sanction. All 2,324 of them were supervised in the community – either as

a sentence involving a community order, or after release from a prison sentence of at least one year. They were all followed for one year while being supervised in the community.

Those who had been sentenced to prison were significantly more likely than those given a community supervision order to be convicted of an offence within one year of the start of their supervision in the community (51.1% vs. 44.5% were reconvicted). Those who had previously been incarcerated were, as well, much more likely to be incarcerated as a result of their offence. In addition, those who had been incarcerated who did reoffend committed their first offence sooner than did those who had been sentenced to a community supervision order.

The sample was broken down into five groups that, roughly speaking, could be described in terms of their likelihood of being incarcerated at the time of their original sentencing. Generally speaking, the differences between the imprisoned and the community sanction group were largest

for those who, at the time of sentencing, were *least* likely to go to prison (e.g., those with the least serious offences and/or least serious criminal records). Said differently, prison seemed to have the largest negative impacts on those who were the most likely candidates for a sentence involving community supervision.

Conclusion: “The results of this research add to the growing evidence base [suggesting] that the experience of prison can be criminogenic” (p. 1072). In this study, being sent to prison “was associated with a small but significant increase in the proportion of people reoffending... and a substantial increase in the proportion of individuals being incarcerated.... [These findings are] strikingly similar to others found in England, the US, the Netherlands, and Switzerland” (p. 1070).

Reference: Jolliffe, Darrick and Carol Hedderman (2015). Investigating the Impact of Custody on Reoffending Using Propensity Score Matching. *Crime and Delinquency*, 61(8), 1051-1077.

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 punishments” -- evaluated in sensible ways -- are more cost effective than prison. Given “the lack of any demonstrable superiority on the part of institutional sentencing in controlling recidivism, [it is] custody not community sentencing that has to be justified and defended” (p.179-80).

Background. Everyone is in favour of the evaluation of the impact of different types of sentences. Fewer, however, ask what it is that should be evaluated. These are not “neutral” decisions, since two sentences might be equally likely to have a favourable impact on recidivism, but one might cost three times as much as the other (e.g., a community sanction vs. prison). An evaluation that did not look at cost would lead to a different conclusion than one that did. In addition, one must be extraordinarily careful to understand what the meaning is of certain types of “evaluative” findings. An English study, for example, found that there were “204 serious incident reports” in a 13 month period ending in December 1996 involving those serving sentences in the community. Though that may sound like a lot, it is noteworthy that England has about 200,000 people serving sentences in the community at any one time.

Evaluation studies are important since they appear to show that, all things considered, there is no evidence that “prison works” (p. 173-4). In thinking about “recidivism” it is important to realize that the seriousness of the offence of conviction is a poor indicator of the likelihood that someone will reoffend. A “seriously recidivist” shoplifter is more likely to get probation than is a person who committed a serious, though uncharacteristic, violent offence. In fact, given that many “high risk to reoffend” people are given probation, it is surprising that the recidivism rates for probation are not dramatically higher than prison. “In the aggregate, community-based punishments are at least as effective in tackling recidivism as an institutional sentence. Put the other way around, the research evidence *certainly does not rule out the use of community sentences on the grounds of public protection, especially when what is being looked for is long term efficacy against recidivism rather than some shorter term incapacitative effect*” (p. 179).

Then why are prison populations increasing in many countries? England’s Lord Chief Justice suggests that “The tenor of political rhetoric has strongly favoured the imposition of severe sentences; this rhetoric has been faithfully reflected in certain elements of the media; and judges accused of passing lenient sentences have found themselves routinely castigated in some newspapers... The increase in the prison population is not explained by any recent increase in sentencing powers, and I have no doubt that it is related to the pressure of public opinion” (quoted on p. 188). One suggestion made here is that there needs to be an attempt “to find better ways of insulating [sentencing policy] from the immediate influences of political fortune hunting that have led in the past to ambivalence, inconsistency and injustice” (p. 196). “The problem with opting for tougher sentencing policies, even ostensibly in the short term, is that it is not necessarily the same thing as taking reasonable and effective steps against crime... Moreover, the evidence [from England] and elsewhere suggests strongly that the public will never be satisfied with tougher new regimes unless widespread misperceptions about leniency in sentencing are challenged and changed” (p. 191).

Reference: Brownlee, Ian. *Community punishment: A critical introduction*. London and New York: Longman. 1998.

While community drug treatment programs for people released from prison are not a panacea for crime, they may be effective enough to be justified solely on the basis of reduced incarceration costs in the future.

Background. It is generally recognized that many prison inmates also have substance abuse problems. Aside from other negative consequences that may result from addiction, it has been shown (*e.g.*, *Criminological Highlights*, 6(3) #6) that drug use leads to higher rates of property crime. Unfortunately, drug treatment in prison alone is not likely to be as effective as programs that continue in the community after release. In fact, some research has suggested that well-run therapeutic community programs which focus on reducing the use of illegal drugs as well as antisocial behaviour - while simultaneously developing employment skills and pro-social attitudes and values - appear to lower not only drug use but also recidivism.

This study examines the impact of an intensive (6 month) therapeutic community work release program in Delaware. Prisoners re-entering society were randomly assigned to either the standard work release program that existed in the Delaware correctional system or the more intensive therapeutic community work release program for drug-addicted offenders. Several individuals in each group had also received an in-prison addiction program. Additionally, a number of the standard work release inmates received some counseling in other regular, more broadly available programs.

The results focused on a “cost effectiveness” measure which looked only at the (relative) treatment costs in comparison to the direct expenditures incurred or avoided by corrections. In an 18-month (547 day) follow-up period, the treatment group spent significantly fewer days in prison than did the comparison group (74 vs. 104 days). Further, several participants within the treatment group also received a 6-month aftercare program (involving group and individual counseling sessions as well as urine testing for drugs). These individuals spent, on average, even fewer days in custody than those in the treatment group who did not receive this aftercare intervention (43 vs. 92 days).

The estimated cost of the therapeutic work release program was US\$1937 per offender. As this intervention apparently saved approximately 30 days in prison, the average treatment cost would be roughly US\$65 per day compared to an estimated imprisonment cost of US\$57. Taken alone, these incarceration expenditures might lead one to conclude that the program was not cost effective. However, a number of factors were not included in the analysis - prosecution costs of those who might have re-offended during the 18-month period, criminal justice costs after 18 months, and additional social benefits (*e.g.*, less drug use, more stable employment, less dependence on the social welfare system). The calculations also assume that there were no treatment costs for the comparison group since it was not possible to estimate them. Moreover, the savings for those who participated in the program as well as the aftercare component were even more favourable: for every US\$19 invested in the program plus aftercare, 1 day of incarceration was avoided.

Conclusion. This analysis suggests that a carefully implemented, comprehensive and intensive treatment program for drug addicted ex-prisoners can pay for itself *solely* in terms of reduced subsequent incarceration costs. However, it does *not* mean that all treatment interventions are “cost effective” (see *Criminological Highlights*, 1(6) #2). Nevertheless, this study serves as a reminder that despite their limitations, treatment programs may be good investments in reducing future criminal justice costs.

Reference: McCollister, Kathryn E.; M.T. French; J.A. Inciardi; C.A. Butzin; S.S. Martin and R. M. Hooper (2003). Post-Release Substance Abuse Treatment for Criminal Offenders: A Cost-Effectiveness Analysis. *Journal of Quantitative Criminology*, 19, 389-407.

Offenders under age 25 sentenced to prison have a lower likelihood of completing secondary school than those sentenced to house arrest enforced with electronic monitoring.

There is a substantial amount of information suggesting not only that imprisonment does not reduce subsequent offending but that it also can have harmful effects in other domains of life (e.g., *Criminological Highlights* 16(4)#5, 14(6)#1, 11(4)#3). This paper examines the impact of imprisonment in comparison with electronically monitored house arrest on the completion rate of secondary school by young men in Denmark.

In 2006, Denmark amended its legislation to allow prison authorities to substitute periods of electronically monitored house arrest for short periods of imprisonment. The goals were simple: to maintain labour market participation and educational enrollment. From 2006 onwards, those sentenced to prison for up to 3 months are allowed to apply to serve their sentences at home, enforced with electronic monitoring. Assuming certain conditions (e.g., having a permanent address and consent from others living there), they are allowed to serve their sentences in the community. However, they must also attend a crime prevention program, allow unannounced visits from correctional workers, and agree to drug and alcohol testing. Denmark, like Canada, makes frequent use of relatively short sentences (In Denmark 61% of prison sentences were under 4 months; in Canada 77% of prison sentences were 3 months or less).

This study looked only at those offenders who were enrolled in an education program at the time of conviction and were sentenced to prison for 3 months or less between 2006 and 2009. The house arrest sample consisted of 443 offenders who met the criteria for release (even though only 63% actually received this treatment). The data were

analyzed conservatively: the house arrest-electronic monitor group consisted of all those *eligible* for this program whether or not they applied for it. The 'prison only' group consisted of those convicted prior to the implementation of the reform who, therefore, served their sentences in prison. The two groups were matched on over 20 variables (e.g., criminal history, offence type, educational attainment, etc.). All offenders were followed for 3 years after their release from prison or the electronic monitoring program.

There were no short term (3 months to 1 year) differences between the two groups. However, two years after the end of their sentences (prison or electronically monitored house arrest), those given the opportunity to serve their sentences in the community were less likely to have dropped out of school and more likely to have completed their post-secondary education.

Conclusion: Participation in an electronically monitored house arrest program, as compared to normal imprisonment, has long term beneficial effects on secondary school completion rates. The fact that these effects showed up in the long term (2 to 3 years after the completion of the sentence) suggests that the overall program, part of which

required attending school, was more effective than standard imprisonment even though the duration of the formal program was, at most, 3 months. It may have been effective, in large part, because those who participated in the electronically monitored house arrest program did not have their lives (and education) disrupted by imprisonment.

Reference: Larsen, Britt Østergaard (2017). Educational Outcomes After Serving with Electronic Monitoring: Results from a Natural Experiment. *Journal of Quantitative Criminology*, 33, 157-178.

Imprisoning men for 4 to 10 months, rather than sentencing them to probation, reduces the likelihood that they will be employed in the three years after they return to the community.

Those released from prison are typically disadvantaged economically and have difficulty finding employment. One might expect that imprisonment would interfere with employment for many reasons including: (a) The stigma associated with prison may make employers especially reluctant to employ someone who was imprisoned; (b) Imprisonment may strengthen the person's criminal self-identity; (c) Prisoners will not accumulate work experience commensurate with that of someone in the community.

This study, carried out in Sweden, examines the relationship between imprisonment and subsequent employment. Data from other Scandinavian studies suggest that those who are imprisoned tend to have weak links with employment even before their imprisonment. Hence there is an obvious challenge in understanding whether the experience of imprisonment itself has negative impacts on subsequent employment.

This paper uses data from all males born in 1975 and 1980 who were residents of Sweden at age 16. By age 30, 28.9% had at least one criminal conviction and 3.7% had been sentenced to prison (typically when age 20 or older). Because of the ability to link administrative data on Swedish citizens, not only were (legal) employment records available but other relevant data (e.g., education records, immigration status, mental health diagnoses, criminal records) were also available. For matching purposes, the analysis was restricted to those sentenced either to prison or probation for the first time at age 20-25. The focus was on those who received an intermediate length prison term of 4-10 months. Shorter prison sentences might have been served in the community with electronic monitoring; longer sentences were more difficult to find equivalent cases that received probation.

Propensity score matching was carried out in two stages. First, the likelihood of going to prison was estimated for all those who received either a 4-10 month prison sentence or probation. Next, a person who was in fact sentenced to prison was matched with 3 people who had the same likelihood of going to prison but instead received a sentence of probation.

Compared to those who were never convicted of a criminal offence, involvement in work between age 20 and age 30 for those who were convicted of a criminal offence and received probation sentences was, not surprisingly, lower. Involvement in work was lower still for those who spent 4-10 months in prison.

When one looks at equivalent groups of men who either received probation or prison sentences, there were no differences in employment records prior to being sentenced. For the first three years after being sentenced, however, those who received a prison sentence were less likely to be involved in work than those who received probation. This difference was no longer significant after 4 years. There was some indication that the effect was driven largely by those who had been working prior to their conviction.

Conclusion: Men sentenced for criminal matters tend to be disadvantaged in many ways, including their ability to get jobs. Being imprisoned for 4-10 months – especially for those who were working prior to being convicted – appears to make it even less likely that they will be employed in the first few years after they have served their sentences.

Reference: Bäckman, Olaf, Filipe Estrada and Anders Nilsson (2018). Locked Up and Locked Out? The Impact of Imprisonment on Labour Market Attachment. *British Journal of Criminology*, 58, 1044-1065.

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.

Punishing young people with electronically monitored home detention rather than imprisonment reduces their dependence on welfare benefits after they complete their sentences.

The electronic monitoring of offenders on house arrest has been touted as saving money and reducing recidivism, though the evidence of its success at accomplishing these goals is, at best mixed (see *Criminological Highlights* 3(2)#4, 4(3)#7).

At an operation level, those on electronically monitored house arrest have often been those who would not have ordinarily been imprisoned in the first place; hence it often acts not as a substitute for imprisonment but as a supplement to another non-custodial sentence. Hence there are often no cost savings. In Denmark, however, electronically monitored house arrest is not a sentence by the court. Instead, those actually sentenced to prison can, in certain circumstances, apply to prison authorities to serve their sentence at home while being electronically monitored. For non-traffic offences, the practice was introduced in April 2006 for offenders under age 25 serving a sentence of 3 months or less. The age restriction was removed in June 2008. This study examines the impact of electronic monitored house arrest on welfare dependence after the end of the sentence.

Because those serving their sentences in the community with electronic monitoring in Denmark are different from ordinary prisoners (e.g., they have to have a permanent address and a job), the challenge, in assessing the impact of the sanction, is to find an appropriate comparison group. This study examines male non-traffic offenders who were

sentenced to 3 months or less in prison. A group of men under age 25 sentenced after April 2006 who were offered electronic monitored house arrest instead of imprisonment were matched (on 26 demographic and criminal justice indicators) with comparable men sentenced to prison prior to this date (when electronic monitored house arrest was not available). Similarly, a group of men over age 25 sentenced after June 2008 (who were eligible for electronic monitoring) were matched with men sentenced before this date.

The dependent measure was the 'average weekly dependency rate' – the proportion of weeks in the year following the end of the sentence that the offender received social welfare benefits (an indicator, essentially, of employment status).

Prior to being incarcerated, the dependency rates for the electronically monitored and imprisoned groups were comparable. Looking first at those under age 26, the men who were sentenced before the reform (and therefore served their prison sentences in prison) were more likely to be unemployed in the year following release than those who were sentenced to prison but served their sentences in their homes while being electronic monitored. However, there was no such effect for older offenders:

those who served their sentences while being electronically monitored at home were equally likely to be unemployed as those who were imprisoned. For younger offenders – but not older offenders – imprisonment decreases the likelihood that the offender will be self-sufficient after the end of the sentence.

Conclusion: It would appear that for offenders under age 25 sentenced to 3 months or less in prison, being able to serve the sentence under house arrest while being electronically monitored is a strategy that interferes less with employment than being imprisoned. For older offenders, however, there is no such benefit on this measure. For all offenders who serve their sentence in the community, however, there are lower costs and, presumably, less collateral damage than imprisonment (see the *Highlights* compendium *The Effects of Imprisonment* on our website).

Reference: Andersen, Lars H. and Signe H. Andersen (2014). Effect of Electronic Monitoring on Social Welfare Dependence. *Criminology & Public Policy*, 13(3), 349-379.

Crafting and evaluating programs that contribute to the peaceful re-entry of prisoners into society need to be taken seriously. Effective programs appear to be those that address directly the factors leading to offending in those most likely to reoffend.

Even though thousands of sentenced prisoners are released each year from prisons (over 600,000 from state and federal prisons in the US in 2013 and about 10,000 in Canada serving sentences of a year or more), relatively little is done to help these former prisoners re-enter society as peaceful citizens, even though, at least in the US, public opinion polls suggest that the public supports the idea that public funds be invested in re-entry programs.

The challenge for those dedicated to helping prisoners re-enter society “is to avoid the trap of developing programs that ultimately prove to be ineffective. In fact the ... creation of numerous programs is far outstripping knowledge about what works in re-entry... and most programs are not evaluated” (p. 538). A challenge, of course, is that it is sometimes assumed that because programs that address observable problems that former prisoners face (e.g., employment, housing) can be justified on humanitarian grounds, they will also reduce re-offending. The data suggest that this cannot be assumed.

The data that are available suggest that high risk former prisoners will benefit from more intensive and extensive services. Low risk prisoners are unlikely to benefit from special services that might be provided to them. More generally, however, lack of integrity in program implementation – where those delivering services modify an existing program to fit what they think works – almost certainly ensures that even a program proven to be successful in previous studies will not be successful. One program, (*Criminological Highlights* 9(2)#4) for example, was implemented in a manner that the intervention was

clearly too brief to have a chance to be effective and had treatment groups that were at least twice as large as those that had been shown, in previous studies, to be effective. Furthermore, it did not include a key component of the original designed program.

An analysis of apparently effective re-entry programs suggests the following conclusions:

- (1) No single program is going to work for all ex-prisoners.
- (2) The evidence even on effective programs is slim; hence evaluation of all programs needs to be integrated into any re-entry program. Multiple continuing evaluations need to be carried out, especially when a program is implemented in a new setting.
- (3) It is difficult to generalize about what might be effective to new settings or different kinds of prisoners.

“The history of corrections instructs us that most programs fail, not only because they are poorly implemented but also because they were poorly conceived in the first place” (p. 552). It is suggested that the focus of programs should be on “those deficits (‘criminogenic needs’) that increase the likelihood that [former prisoners] will recidivate... and [the

focus should be] only on those causes of recidivism that can be changed” (p. 554).

Conclusion: The problem faced by those concerned with prisoner re-entry is that “re-entry programs are marked by a lack of a clear theoretical model and by a failure to specify which risk factors are being targeted and whether [these identified risk factors] are empirically established predictors of recidivism. In many instances, program advocates seem to rely on liberal common sense that doing something for [former prisoners]... will improve their lives and enable them to escape a life in crime. This intuition may not be fully incorrect, but it ignores the reality that interventions will likely fail or have only modest results when targeting weak predictors of recidivism or targeting them in the wrong way” (p. 555). “Good intentions may have disappointing results” (p. 564). It turns out that in this area, as in many others, there is no good substitute for good data.

Reference: Jonson, Cheryl Lero and Francis T. Cullen (2015). Prisoner Reentry Programs. *Crime and Justice: A Review of Research* (Michael Tonry, ed.), 44, 517-576.

Prison vocational education programs, community employment programs, adult education programs, and life skills programs for offenders *may* reduce recidivism, but the results are neither consistent nor conclusive. The results of some programs may be “promising” but the results vary enough that one cannot assume that any particular program will reduce reoffending.

Background. Vocational, educational, and life skills programs have been staples of correctional programming for years. The difficulty is that there have been relatively few adequate assessments of their impact. Hence their *correctional* value cannot be assumed to be positive.

This review looked at the research literature on these programs, using a recently developed standard to determine the degree of rigor of the research methods. The highest standard was given to “true experiments” where program participants were assigned, on a random basis, to receive either the program or not. A slightly lower standard involved various research methodologies typically employing some other form of comparison group. Such ratings of the value of studies are important to avoid giving the same “weight” to a carefully controlled study as to a totally inadequate study when drawing conclusions.

Various types of programs were examined:

- Vocational programs (e.g., programs that facilitate the obtaining of a trade licence).
- Correctional industry programs (e.g., prison work programs in which offenders make certain products such as furniture).
- Community employment programs (e.g., work release from prisons or halfway houses).
- Adult basic education and life skills.

The findings were simultaneously encouraging and discouraging. The results tended to be discouraging because many programs showed no differences in recidivism between those who received the “treatment” and those who did not. At best, one can be “cautiously optimistic” (perhaps with an emphasis on the “caution”) in suggesting that such programs generally reduce reoffending, or re-entry into the justice system (e.g., through parole violations). “There is some

evidence to suggest that work release programs... have modest effects on recidivism” (p. 31). “While the results are somewhat inconclusive, several studies of sufficient scientific merit found evidence that the recidivism of participants was lower than a reasonable comparison group of offenders” (p. 32) “This assessment of the evaluation literature of adult basic education and life skills programs yields inconclusive results....[The] effects varied greatly depending on the particular populations targeted” (p. 215). The more optimistic conclusion is that *some* of these “standard” correctional programs, for *some* groups of offenders, showed *some* positive impacts.

Conclusion. It would appear that simple across-the-board positive correctional effects of standard employment, education, and life skills programs are not likely to be found. Without doubt the results depend on the exact program in place, the characteristics of the offenders in the program, and the outcome measures of interest. The lesson for correctional administrators would seem to be that careful evaluation, using multiple outcome measures, is necessary for the particular program of interest. One cannot assume that these programs will “work” just because a similar program has had positive impacts elsewhere.

References: Bouffard, Jeffrey A., Doris Layton MacKenzie, and Laura J. Hickman. Effectiveness of vocational education and employment programs for adults offenders: A methodology-based analysis of the literature. *Journal of Offender Rehabilitation*, 2000, 31, 1-41. Cecil, Dawn K, Daniella A. Drapkin, Doris L. MacKenzie, and Laura J. Hickman. The effectiveness of adult basic education and life-skills programs in reducing recidivism: A review and assessment of the research. *Journal of Correctional Education*, 2000, 51, 207-226.

An intensive juvenile probation program providing many services to young offenders had no impact on recidivism.

It is often assumed that “more” is better in providing services to youth in the community. In particular, since many of the youth who are involved with the (formal) youth justice system tend to have various identifiable social, educational, and psychological “needs,” the idea that efficient delivery of services would reduce future offending is very attractive. The evidence supporting this assumption is, at best, mixed. For example, one program that provided “at risk” but ordinary youths with comprehensive services showed long-term negative impacts (See *Criminological Highlights*, 5(4), #1).

This study, in California’s Ventura County, examined local youths (age 12-18) who were apprehended either for an offence or for a violation of probation and who were deemed to be of “moderate” risk to reoffend. They were randomly assigned either to receive ordinary probation supervision or a form of “intensive” treatment program. The ordinary probation involved minimal intervention: a monthly contact with the youth, referrals to outside agencies, and no particular special services.

The intensive program involved at least one hour of face-to-face contact with a probation officer per week, at least two family contacts a month, a focus on helping the family, including programs to address various “risk factors” within the family (e.g., alcohol and drug programs, anger management, parenting skills, etc.), as well as restorative programs with the victims and contact with community programs and activities. It was estimated that the youths receiving “standard” treatment had an average of 6.2 minutes of contact per month with various service providers compared to

6 hours and 11 minutes of contact for the youths in the intensive program.

Youths were followed for 18 months after the end of the intervention period. The proportion of youths in the two groups who apparently offended during the follow-up period was almost identical: 59% for the intensive probation group and 58% for the standard probation group came in contact with the police for a new offence. Members of two groups were almost equally likely to be taken to court and to end up being incarcerated. Not surprisingly, given their levels of contact with various service providers (and monitoring by these providers), the youths who received the high level of treatment were more likely to have been found to have used drugs. Although the intensive intervention program was designed for relatively high risk youths, and a high proportion of the youths in the program were apprehended for subsequent offences, it is possible that these were not high enough risk youths to benefit from the high intensity intervention (p.43).

Conclusion. It is often believed that a youth justice system without a full array of services that are delivered when they are deemed to be needed constitutes an unfulfilled promise of special treatment for youths. This study, consistent with many others, suggests that although youths in the experimental program “received a more intense program in terms of amount and length of contacts and types of services given,” (p. 42) there were no differences in recidivism and few other differences between the experimental group and the randomly assigned control group which received “standard” probation programming. Providing “services” does not guarantee that these services will be effective.

Reference: Lane, Jodi, Susan Turner, Terry Fain, and Amber Sehgal (2005). Evaluating an Experimental Intensive Juvenile Probation Program: Supervision and Official Outcomes. *Crime and Delinquency*, 51(1), 26-52.

Offenders see electronic monitoring as preferable to prison, though some aspects of the restrictions enforced with this technology are certainly seen as punitive. However, Canadian experience with the technology would suggest that, like most technological solutions to social problems, electronic monitoring will not, by itself, reduce crime.

Background. As a technique for knowing someone's whereabouts, electronic monitoring (EM) has been around since the mid-1980s, apparently having been "inspired" originally by a Spiderman cartoon. It has been used for those awaiting trial, those on probation, and those on some form of release from prison. Its purpose is simple: it allows state authorities to monitor someone's whereabouts. To the extent that people receive various court orders restricting their movement, EM allows state authorities to know whether such an order is being followed. It is not a "correctional program" *per se*; therefore, it is not surprising that "if the desired outcome is reduced recidivism, EM has questionable merit" (Bonta, p. 73). Nobody would think that better prison bars or better shackles would be rehabilitative, though obviously bars and shackles have their functions.

These studies examine two aspects of EM. First, it is clear that EM, as a means of enforcing court orders, is seen by those subject to it, as being better than prison, but a punishment nevertheless. From the perspective of the electronically monitored offender, "the greatest pain was associated with the restrictive conditions that the program entails.... Shaming effects were also experienced by some offenders" (p.93).

In Canada, EM appears to be a tool that is applied to quite different populations of people in different provinces. The Bonta *et al.* study examined the programs in B.C., Saskatchewan, and Newfoundland. The three programs varied dramatically in terms of the number of days that sentenced offenders were on EM. However, any apparent reduction in recidivism (in comparison with those simply on probation) "could be explained by differences in risk levels among the groups" (p.70). The value of EM can also be questioned from another perspective: it is not clear that its availability has consistently reduced the level of our reliance on prisons.

Conclusion. Electronic monitoring is simply a tool to determine an offender's whereabouts. There is variation in the sophistication of the technology and huge variation in how it is used (and at what stage of the proceedings it is applied). Effectiveness, in terms of reduced recidivism, is much more likely to be determined by the nature of the program which an offender is in than on whether a probation officer can easily determine where the offender is. As the authors of the Canadian study pointed out, "Can EM make a difference? The answer depends partly on the outcome desired." EM can be a useful surveillance tool. That does not mean that it is good at changing behaviour in the long run.

References: Gainey, Randy R. and Brian K. Payne. Understanding the experience of house arrest with electronic monitoring: An analysis of quantitative and qualitative data. *International Journal of Offender Therapy and Comparative Criminology*, 2000, 44, 84-96. Bonta, James, Suzanne Wallace-Capretta, and Jennifer Rooney. Can electronic monitoring make a difference? An evaluation of three Canadian programs. *Crime and delinquency*, 2000, 46, 61-75.

Electronic monitoring of offenders is not all that it is cracked up to be. It is not ordered as much as is typically predicted; it seems to create technical breaches, and it does not appear to produce the promised cost savings.

Background. Despite the lack of convincing evidence of its efficacy, electronic monitoring (first introduced in the U.S.) has become popular in a number of places. It was initially used in Britain in 1989 as a condition of bail. Early enthusiasm turned sour when it was imposed less frequently than predicted and resulted in regular breaches of very stringent bail conditions. Sweden and the Netherlands have used electronic tagging more as an alternative to prison (e.g., whereby offenders given short prison sentences can apply for it or those in prison can be granted early release contingent on their consent to be electronically monitored) (p. 20).

This study of the Scottish experience with electronic monitoring suggests that, like other places that have implemented it, more enthusiasm exists in principle than in practice for the procedure. In three locations, very few (fewer than 3%) of all possible cases received it. Part of the reason for this low rate of use is that there were many technical breaches associated with the procedure. Of 152 orders, “only 11 offenders... completed their orders with no unauthorized absences at all” (p. 208). Reasons for breaches were typically that the offender was not at the right place at the right time, domestic disputes occurred which resulted in the offender leaving the home without authorization, or there was damage to the equipment. Long orders were less likely to be completed successfully and the use of electronic monitoring on young repeat offenders was particularly unsuccessful.

Costs, in Scotland, could not be assessed with accuracy because commercial confidentiality agreements made it impossible to know the true cost of monitoring by private sector companies. “The requirement of commercial confidentiality [could] mean that the costs of commercially provided community sentences could never be made available to public scrutiny in the same way as is now routinely done for sentences delivered by non-profit making agencies” (p. 209). One unanticipated “cost” was in relation to the families of those being monitored. Relatives often felt pressure and anxiety related to their role in monitoring their family member. The question of how much responsibility should be devolved to families remains open.

Conclusion. Despite the inability to obtain accurate cost estimates, it appears that, due to the large number of technical breaches, little reason exists to expect more than “at best modest net savings through a reduced use of custody” (p. 210). “There seems [to be] no reason to believe that tagging as a sentence, or part of one, will have any greater effect on offending rates, in the short or longer terms, than any other penalty” (p. 211). This should not be surprising since electronic monitoring does nothing to change the offender. Generally speaking, it would appear that the experience in Scotland with this new surveillance technology should make one question whether electronic monitoring is really capable of having any significant impact on crime or the criminal justice system.

Reference: Smith, David. Electronic Monitoring of Offenders: The Scottish Experience. *Criminal Justice*, 2001, 1(2), 201-214.

The community corrections conundrum: those who appear to be most likely to “need” intensive supervision (in contrast to “normal” parole or probation supervision) are the very same people who are most likely to fail when released. Intensive supervision of those in the community may turn out to be a complex way of setting people up to fail.

Background. It has been established in previous studies that intensive supervision of offenders who are in some kind of community program leads to more technical violations than “normal” release. This is a non-trivial problem from the perspective of those advocating the use of “intensive supervision” instead of imprisonment because the impact may be an increase in technical charges (e.g., for violation of a court order) and, as a result *increased* imprisonment.

This study. This study examined those who were given temporary release from prison in Vermont in preparation of release. The groups who were examined were, in fact, a rather heterogeneous group including some violent offenders with serious treatment needs and some who had committed minor crimes and had little or no need for treatment. The study came about as a result of an administrative accident. A new community program of intensely supervised house arrest had been set up by the state Department of Corrections but for various reasons, very few people were assigned to it. In order to use the additional staff sensibly, staff were allowed to supervise offenders on release prior to the end of their prison sentence. The result was that a group of offenders -- more or less unselected -- were subject to intensive surveillance. Because of this, more offenders were released early (administrators felt more secure than they had without this intensive supervision).

Findings. Not surprisingly, more offenders under intensive supervision were revoked than had occurred in the past (under normal procedures) -- almost always because of rule violations (not new offences). In fact, 34% had their release revoked -- 95% of them by corrections officers. The reasons sounded predictable: substance use (almost always alcohol) (33%), escape or “out of place” (25%), new crime (6%) or because they were subject of a criminal investigation (11%), as well as some other reasons (25%).

Those revoked tended to be slightly younger, more likely to be seen as needing drug treatment, *less* likely to be needing treatment regarding sexual behaviour, and more likely to have unstable employment. Those with a current or past property felony or a misdemeanour assault were more likely to be revoked. And those with longer records were more likely to be revoked. Institutional misbehaviour (measured both as frequency and as seriousness) correlated with revocation.

Conclusion. “The typical candidate for intensive supervision is often precisely the type of offender who is most likely to fail in the community. Moreover, the present culture of community supervision only exacerbates this problem by encouraging officers to [return those who violate conditions to jail].... When we consider that intensive supervision programs largely select rule breakers who are supervised by rule enforcers, we might easily conclude that the system is programmed to fail” (Page 116).

Reference: Ryan, James E. (1997) Who gets revoked: A comparison of intensive supervision successes and failures in Vermont. *Crime and Delinquency*, 43 (1), 104-118.

The likelihood that a parolee will be found to have violated a condition of parole has at least as much to do with the parole enforcement system as it does the person who is being supervised.

In 1999, it was estimated that 42% of the growth in U.S. prison admissions was attributable to those whose parole was suspended or revoked. Returning a parolee to prison obviously can occur as a result of a new offence. But more often than not it is because of the breach of a condition of parole. Hence the decision to return a parolee to prison is one that is at least partially under the control of the parole officer. In Canada, for example, of the 700 unsuccessful day and full parole cases from federal penitentiaries in 2009/10, 77% were revoked for violations of conditions rather than for new offences. This study examines the role of supervision regimes on whether a parolee is deemed to have violated parole.

Traditionally, it is assumed that the violation of conditions of parole – like the committing of an offence – can be adequately understood by looking at characteristics of the offender who is being supervised. This paper, on the other hand, examines not only characteristics of the parolee, but also the nature of the supervisory regime and the characteristics of the officer who is doing the supervision. During 2003 and 2004 in California, of the 254,468 people on parole supervision, 49% were found to have violated their parole. Not surprisingly, personal characteristics did make a difference: those on parole for violent or sex offences were less likely to violate parole than property or drug offenders. Blacks, males, and those released when they were under 30 years old as well as those labelled as mentally ill were more likely to violate parole.

But the expression ‘violating parole’ ignores the fact that supervisory factors also determine whether someone ‘violates’ – or perhaps more properly ‘is found to have violated’ – parole. In California, three distinct types of supervisory regimes could be identified, based on differences in the number of drug tests (none to once per month) and reporting frequency (monthly by mail to a face-to-face meeting every 2

weeks). The caseload of parole officers also varied considerably, though in general caseloads were much higher than policy suggested they should be. Holding constant characteristics of the parolee, those subjected to high levels of supervision were more likely to be found to have violated parole. Caseload had an inconsequential impact on parole violations. But the introduction of a “New Parole Model” in the middle of the study period that mandated the use of drug treatment, electronic monitoring, and a residential community re-entry program as alternatives to returning the parolee to prison appeared to be responsible for a large increase in violations. In addition, it would appear that characteristics of the parole officers also made a difference: Parolees with Black parole officers or parolees assigned to parole officers with more than 3 years of experience were less likely to have their parole terminated. When the intensity of parole supervision is taken into account, the effect of the original offence for which they were imprisoned and then paroled is reduced. “This finding indicates that differences in supervision inflate the risks that offenders with serious, violent, and sexual prior offenses pose (which

are already fairly low), and when supervision factors are controlled, the effects of offence history on risk of violation are reduced” (p. 388).

Conclusion: Whether or not a parolee is found to have violated parole has as much to do with the nature of the supervision as it does with who is being supervised. Intensive supervision – often focused on violent or sexual offenders – can increase the likelihood of the parolee being found to have violated parole. This in turn appears to make these categories of offenders appear more likely to violate, thus, in a circular way, justifying even more supervision. There are also local variations in the likelihood of parole suspensions or charges that appear to be independent of offender characteristics. To the extent that parole violations fuel incarceration rates and interfere with controlled re-entry into the community, it is clearly important to understand and develop policies that relate to the effective handling of parole violations.

Reference: Grattet, Ryken, Jeffrey Lin, and Joan Petersilia (2011). Supervision Regimes, Risk, and Official Reactions to Parole Deviance. *Criminology*, 49(2), 371-399.

For low risk offenders, anything more than very occasional meetings with probation and parole officers is a waste of resources.

Those supervising offenders in the community often feel that they don't have enough time to supervise their caseload in a proper fashion. One method of freeing up resources is to search for groups of offenders who do not benefit from supervision. In many jurisdictions, many of the offenders being supervised in the community would be described as low risk offenders.

This study, carried out in Philadelphia, identified people on probation or parole who were predicted, on the basis of their criminal record and other basic data, not to commit any serious offences within two years of being in the community. These low risk offenders were assigned at random to probation officers who, as a result of participation in this experiment, were supervising an average of 135 cases per officer (the normal caseload) or an average of 323 cases per officer. The result of this assignment, not surprisingly, was that there were about half as many in-person or other contacts (2.4 in a year) for the 'low intensity' group (those supervised by probation officers with large caseloads) as in the 'normal intensity' group (4.5 contacts). Total contacts (telephone, in-person, etc.) of any kind averaged about 10 per year for the 'normal' caseload group and 5.5 for the low intensity group.

Recidivism was assessed from city court records. Though obviously some might have offended outside city limits, there is no reason to believe that the rate of offending outside

of the city would vary between the two groups since the offenders were randomly assigned to 'normal' or 'low intensity' supervision.

Eight different measures of recidivism within one year of assignment to one of the two conditions were examined: any new charges, any charges involving serious offences, any violent offences, any sexual offences, any property offences, any firearm offences, any drug offences, and any new jail incarceration.

The two groups did not differ on whether or not the offender recidivated nor did they differ on the frequency of recidivating for *any* of these different measures. Given the sample size of the experiment (1559 offenders assigned at random to one of the two groups), the experiment would have identified an effect if there had been even a small effect of supervision intensity.

Conclusion: The results of this experiment suggest that for low risk offenders, there is no criminological benefit from relatively higher rates of supervision. The experiment

“constitutes strong evidence that [probation and parole] agencies with low frequency of [in person] visits (i.e., 4.5 visits annually) [of probation/parole clients with the supervisor] can safely cut that frequency roughly in half (to 2.4 visits annually) at least for low risk offenders...” (p. 184). More generally, the study provides a justification for other probation/parole agencies to experiment with the allocation of resources to low risk clients.

Reference: Barnes, Geoffrey C., Lindsay Ahlman, Carlotte Gill, Lawrence W. Sherman, Ellen Kurtz, and Robert Malvestuto (2010). *Journal of Experimental Criminology*, 6, 159-189.

When men violate a condition of parole, requiring them to attend a “day reporting centre” appears to be no better – and may be worse – than simply allowing them to continue in the community on ordinary parole.

Many of those who are in prisons in the US and Canada are there because they have violated a condition of parole (or other form of conditional release from prison). In order to provide an intermediate response to these violations, the ‘day reporting centre’ was developed. The idea, obviously, was that if the parolee was engaged in useful, supervised, activities during the day, but returned home at night, costs could be reduced and outcomes, perhaps, improved.

Previous research has demonstrated, not surprisingly, that day reporting centres are less expensive than re-incarcerating the parole violator, but the effects on recidivism are inconsistent. However, that line of research leaves unanswered another question: Are day reporting centres any better than simply allowing parolees who have violated a condition of their release to continue on ordinary parole (perhaps with some modifications of his conditions of release)? This study compares rates of reoffending for parole violators required to attend a day reporting centre to the offending rates of those allowed to continue on ordinary parole. Most importantly, it uses a randomized experimental design in which 355 men were randomly assigned to receive one or the other of these two conditions.

If a parolee violated one or more conditions of release in the early stages of parole supervision, he was randomly assigned either to attend a day reporting centre (7 centres participated in the experiment) or to continue on ordinary parole. Both groups of offenders were required to attend various treatment programs, though the study was not able to determine exactly which programs the offenders received or the efficacy of

individual programs. The focus, instead, was on whether the additional control afforded by the day reporting centre was cost effective in reducing subsequent crime.

During the study period (the 90 days in which the parolees were required to attend the day reporting centre or were continued on ordinary parole), there was no difference between the two groups in the recorded number of offences or violations of conditions of release. About half of both groups completed this period without any incidents. However, of those who did not complete this phase successfully, the day reporting group was more likely to be arrested for a new offence and the ordinary parolees were more likely to be found to have violated a condition of parole. In the longer term (either 6 or 18 months after the assignment to condition) there were no differences in overall arrest rates, but those assigned to the day reporting centre were more likely to have been convicted of an offence during the first 6 months. The results suggest, therefore, “that something about the day reporting centre experience creates an environment that is conducive to an increase in ... arrests for new offences during program participation and convictions for new

offences in the short term” (p. 135).

Conclusion: It would appear that simply restricting the movements of those on parole during the first 90 days after they have violated a condition of release is no more effective than allowing them to continue ordinary parole (perhaps with modified conditions) and may be worse. There was no evidence that the actual programs that were available to parolees in the two locations differed in their effectiveness. Ninety days spent in a slightly different setting, then, did not appear to have any beneficial impacts and may have had harmful effects. Given that the costs of day reporting centres are higher than ordinary parole, the results of this study suggest that it is more cost effective to spend money on programs that could be shown to be effective.

Reference: Boyle, Douglas, J., Laura M. Ragusa-Salerno, Jennifer L. Lanterman, and Andrea Fleisch Marcus. An Evaluation of Day Reporting Centres for Parolees: Outcomes of a Randomized Trial. *Criminology & Public Policy*, 12 (1), 119-143.

Drug testing of youthful offenders on parole may create more problems than it resolves.

Background. Drug testing might appear to some observers to be an obvious way of controlling drug use for those serving sentences in the community. However, its value has not been adequately examined. Given that a frequent condition of probation (or parole) is that offenders abstain from the use of drugs, it is important to assess the effects of such policies. One obvious problem is that drug testing changes the nature of the relationship between the offender and his/her supervisor. To the extent that a delicate balance exists between support and surveillance in the parole officer - offender relationship, "an over-reliance on testing may push the balance toward control" (p.219).

This study examined the impact of variations in the frequency of drug testing of youths who were under the control of the California Youth Authority. These young offenders had been released on parole from indeterminate custodial sentences. Most (88%) had been committed to custody for offences other than those related to drugs, with over half having been sentenced for a violent crime. They were *randomly* assigned to one of five conditions which varied in the frequency of drug testing from no routine testing to testing every week or two (though not necessarily at predictable intervals). Because of random assignment, the actual groups can be considered to be similar on all dimensions.

The results are easy to summarize: There was no evidence that increased frequency of drug testing enhanced parole adjustment or reduced criminality (as measured by arrests). In fact, arrests during and after the parole period tended to be slightly higher for groups tested more often as part of this study (p.232). Said differently, frequent drug testing did not increase the likelihood that an offender would serve his or her parole period successfully, as opposed to being removed from parole because of a technical violation or a new criminal offence. Generally speaking, it appeared that parole officers were tolerant of positive drug tests up to the third positive test. However, there were some negative impacts of positive drug tests: one-fifth of parolees who tested positive "went AWOL.... They absconded rather than face the possible consequences of detected drug use" (p.236).

Conclusion. "One of the main rationales for increased drug testing has been its assumed value for improving the behaviour of the offenders being tested... The logic of drug testing as a tool for enhancing an agent's ability to observe and respond to drug use would suggest its value for controlling drug use... The present results suggest the need for a thorough review of this assumption... This study provided experimental evidence that the variations in drug testing frequencies that can be implemented as part of regular parole did not produce expected behavioural differences among serious young offenders" (pp. 237-8). In fact, some evidence indicated that high levels of drug testing *increased* rather than decreased arrests for violent (and "total") offences when these youths were followed for 42 months. In other words, interventions which are designed to decrease offending may, in fact, make things worse.

Reference: Haapanen, Rudy and Lee Britton (2002). Drug Testing for Youthful Offenders on Parole: An Experimental Evaluation. *Criminology and Public Policy*, 1, 217-244.

Community supervision programs are less effective than they could be in large part because probation officers do not adhere to basic principles of effective supervision.

The supervision of offenders on probation or parole has been an important part of corrections' responsibility for over a century. In both Canada and the United States, the portion of the total correctional population that is being supervised in the community far outnumbers the number in prison. Yet a summary of 15 studies published in the past 30 years would suggest that, overall, community supervision *per se* or the amount of supervision has very little impact overall and perhaps no impact in reducing violent recidivism. This paper attempts to understand why community supervision is so ineffective, and by implication, what can be done to increase its effectiveness.

This paper starts from the principle that the first necessary step in creating effective community supervision is to identify those offenders being supervised in the community who have a reasonably high likelihood of reoffending in the first place. There is no point in focusing resources on those offenders not in need of intervention. The next step is to identify the goals of intervention – what the offender needs to change in order to reduce the likelihood of reoffending. Finally, effective interventions have to be provided.

In order to understand why probation services may not be effectively employed in ordinary probation supervision, a case study was carried out in Manitoba (Canada). Probation files were examined and audio recordings of probation officer-client meetings were made. The goal was simple: do probation officers (in this jurisdiction) follow what is seen as good correctional practice? There is no reason to believe that Manitoba probation officers were different in any important way from officers in other Canadian jurisdictions.

Clients were seen during the first three months of probation an average of 4.3 times. There was a very small relationship ($r=0.22$) for adults, but not for youth, between the 'risk' level of the client and the number of meetings with the probation officer. A risk assessment tool was generally administered, but for only 40% of the identified needs was there a corresponding intervention plan in place for the offender. The likelihood of an intervention plan being formulated appeared to vary with the need. For example, 80% of those identified as having a substance abuse problem had an action plan noted in their file. On the other hand, 40% of the adult offenders had employment problems noted, but only 10% of these cases had a verifiable action plan designed to address this problem. But in addition, "Analysis of the audiotapes showed that identified criminogenic needs were not discussed in the majority of cases" (p. 267).

Conclusion: Since the data suggest that 'ordinary' community supervision has little impact on re-offending, is the only justification for probation

the cost saving in comparison with incarceration? This paper would suggest that before coming to that conclusion, one needs to implement, systematically, what is known about reducing offending. "It is clear that probation officers can learn to do more and to do it better. [It has been] demonstrated that training in [various techniques] can make a difference and the beneficiaries of such training efforts will be the staff, the offenders and the community" (p. 268). For an example of an effective program, see *Criminological Highlights* V9N6#4).

Reference: Bonta, James, Tanya Ruge, Terri-Lynne Scott, Guy Bourgon, and Annie K. Yessine. (2008). Exploring the Black Box of Community Supervision. *Journal of Offender Rehabilitation*, 47(3), 248-270.

Applying what we know about supervising offenders in the community effectively can reduce criminality among those on parole or otherwise serving their sentences in the community.

Background. There is a fair amount of work going on these days on such things as the effectiveness of “intensive supervision” on parole or probation. It seems likely that there is some overall impact of different kinds of correctional programs in the community. The difficulty is that often the programs that are evaluated are rather expensive and are not likely to be implemented widely. Similarly, there tends to be more focus on whether certain “programs” (e.g., job skills, work release, etc.) “work” rather on trying to find out what, in parole or probation supervision, is effective.

This study. The research described in this paper approaches the question of “how” to supervise offenders in the community at a rather basic level: Can training in certain supervisory “principles” affect the likelihood that an offender being supervised will, in the future, re-offend.

Community corrections officers in Victoria, Australia, were given a five-day training course (the details of which are described on pages 32-33 of the paper). Officers were encouraged to reward “prosocial” actions (such as keeping appointments, doing community work), they were trained to focus on problems that appeared to be related to offending, and they were trained to try to see things from the offender’s perspective. The clients of these (relatively) newly trained corrections officers who followed the prescribed principles were compared to the clients of those who did not follow it.

Generally, the results were quite positive -- but largely in terms of the “pro-social” orientation of the community correctional workers. There were fewer breaches of conditions, and, more importantly, fewer offences were committed one and four years later by those who were supervised by officers who had received and applied the special training.

Conclusion. The research described in this paper shows that a particular style of supervision can be effective -- one which focuses on reinforcing “pro-social” behaviour in the offender. More importantly, it shows that *particular orientations* or supervisory styles can differentially affect the outcome of community corrections. The “treatment” that was tested here is not “expensive” or “special.” The paper shows that “doing supervision better” can have an impact. More generally, one could argue that this kind of research -- trying to find out what kinds of “normal treatment” works best is important for us to do, routinely, in our own system.

Reference: Trotter, Christopher. The impact of different supervision practices in community corrections: Cause for optimism. *The Australian and New Zealand Journal of Criminology*, 1996, 29 (1), 29-46.

There are ways of supervising offenders in the community that can be more effective than ordinary community supervision.

Community supervision – both probation and parole – is often seen as consisting of an intertwining of law enforcement and social work modes of dealing with offenders. Large numbers of people in many countries are on some form of community supervision. In the U.S. there are about 6 million offenders on community supervision, about three times the number of people incarcerated in prisons and jails. Hence there is a need to determine what strategies are most effective in working with offenders in the community. This study examined the difference in outcomes between a “nail ’em and jail ’em” (law enforcement model) and an approach which first identified criminogenic needs of offenders, developed case plans that responded to those needs, provided services that used social learning or cognitive behavioural interventions, and provided an appropriate learning environment for the offender in which the offender could learn prosocial behaviours and successfully complete supervision. In sum, it tested whether this ‘Proactive Community Supervision’ (‘PCS’) model worked more effectively than a traditional model.

The PCS approach required special (continuing) training for staff in, among other things, how to relate to the offenders they were supervising. The purpose of offender-supervisor meetings was to share information and to assess, refine, and restate program goals. Performance measures were developed for staff and offenders, and attempts were made to change the organizations themselves to insure that they were supportive of the goals of PCS.

A group of 274 PCS clients in four sites in the (U.S.) state of Maryland were compared to a matched set of controls receiving ordinary probation and parole supervision in four other sites. Prior to the implementation of the PCS program, offenders in the PCS and control sites had been arrested at the same rates. The PCS program was implemented reasonably effectively for the majority, but by no means all, of the clients.

Looking at the groups as a whole, those clients who were assigned to receive PCS supervision (whether or not they actually received the full treatment) were less likely to be re-arrested (30%) than were the control clients (42%). There were no significant differences in the number of technical violations (35% for the PCS group; 40% for the controls) which is somewhat surprising given that the PCS offenders had more contact with their supervisors.

Conclusion: This example of a new generation of community supervision programs attempts to provide supervision staff with “tools of motivational enhancement, social learning environments, and targeted emphasis on core criminogenic needs” (p. 294), and moves away from a strict “accountability” (or enforcement) model. The fact that it was successful in reducing re-arrests does not mean that any similar ‘treatment’ oriented program will also be effective. This was an integrated program in

which, for example, treatment-based interventions were focused on those moderate and high risk offenders most likely to benefit from them. It appears to demonstrate that it is not ‘workload’ *per se* or the amount of attention given to the offender that is important. Instead, it appears to be the *targeted* nature of the community based interventions delivered in a “correctional milieu where offender change is supported” (p. 297) that had positive impacts on offenders.

Reference: Taxman, Faye S. (2008). No Illusions: Offender and Organizational Change in Maryland’s Proactive Community Supervision Efforts. *Criminology and Public Policy*, 7 (2), 275-302.

Intensive parole supervision programs can reduce recidivism.

The move to intensive supervision of offenders on probation is often motivated more by punitive or control purposes than it is by motivations to change an offender. In this context, it is not surprising that intensive supervision regimes have had relatively little impact on recidivism. Essentially, intensive supervision programs have focused largely on (temporary) incapacitation or control of offenders (while they are still in the community) rather than on changing offenders.

This study examines an “Intensive Surveillance and Supervision” (ISSP) program in New Jersey that was designed for a different reason: “State parole authorities were concerned about the lack of services for several hundred high-risk/high-need parolees” (p. 449). The idea was to provide them with more appropriate services than a matched comparison group made up of similar offenders who were given traditional parole supervision (TPS), and to compare recidivism rates of the two groups.

In addition to the simple comparison between the intensive and traditional parole regimes, the type and amount of services that were received by the parolees were monitored as was the “organizational supportiveness” of each of the 12 parole offices involved in the study. Organizational supportiveness was operationalized by assessing whether there were clearly articulated programming objectives, a commitment on the part of the office to the objectives and values of the program, presence of a director who was supportive of the program, low staff turnover, sufficient resources, and secure administrators. The parole officers involved in intensive supervision were also assessed and categorized as being law enforcement, social work, or balanced in their orientation.

Those described as “balanced” in their orientation incorporated aspects of both a law enforcement and a social work orientation.

The findings were quite straightforward:

- Generally speaking the ISSP parolees were more likely to receive appropriate rehabilitative services (e.g., substance abuse counselling or educational/vocational training) than were the TPS parolees.
- The overall rate of recidivism (parole revocation for a new conviction or revocation for any reason) was higher in the TPS group than in the ISSP group. (New conviction, TPS: 47.5%; ISSP 19.3%. Overall revocation, TPS: 58.8%; ISSP 37.5%). Technical violations were more likely to be recorded for the ISSP group (18.3% vs. 11.3%).
- Parolees being supervised by those in supportive vs. non-supportive offices were equally likely to be revoked for a new conviction. However, technical violations and overall parole revocation were more likely in the non-supportive offices.
- Revocation for a new conviction was least likely when the parolee was being supervised by a parole officer with a “balanced” orientation (6.3%). Revocation for a new conviction was most

likely (32.3%) for those parolees being supervised by those with a social work orientation. Technical violations were, not surprisingly, most likely to be noted with respect to those parolees being supervised by officers with a “law enforcement” orientation.

Conclusion. The results demonstrate that recidivism of parolees *can* be reduced by providing intensive supervision, perhaps because those receiving this added amount of attention were also more likely to receive appropriate rehabilitative services. However, in addition, supportive offices were more effective than non-supportive offices in reducing revocation, and parole officers who were able to strike a balance between enforcement and help were more effective in helping their clients stay out of trouble.

Reference: Paparozzi, Mario A. and Paul Gendreau. (2005). An Intensive Supervision Program that Worked: Service Delivery, Professional Orientation, and Organizational Supportiveness. *The Prison Journal*, 85 (4), 445-466.

When can “intermediate sanctions” reduce recidivism? When they target the specific needs of an offender that relate to crime (e.g., drug dependence) and when they are implemented well and with sufficient intensity. “Intermediate sanctions” are no more a quick fix to crime than are the prison sentences they replace.

Context. “Intermediate sanctions” can be used as enhanced forms of probation or parole or as an alternative to imprisonment. Generally, the popularity of intermediate sanctions relates to their ability to hold offenders accountable without the cost and negative effects of prison. Their use, therefore, is typically not justified on the basis that they aid in the offenders’ rehabilitation. Nevertheless, some make claims that intermediate sanctions actually achieve a rehabilitative goal which prisons or other sanctions do not. In this article, the author reviews three types of intermediate sanctions – aftercare programs, alternatives to custody and boot camps – in order to understand how best to design effective “intermediate” programs.

Many evaluations of *aftercare programs* did not find any differences between those who participated in the program on release from prison and comparable groups who did not. When reviewing why they have no effect, it appears that there are two reasons:

- The aftercare programs are generally not well implemented. For example, offenders usually only receive general support as opposed to support that targets specific problems and risk factors (e.g., dealing with drug abuse, unemployment, etc.).
- Many of the programs focus first and foremost on control and surveillance. Addressing specific problems (e.g., drug dependence) is not seen as particularly important. Programs which focus mainly on control and surveillance of the offender are not as effective as programs that incorporate treatment and rehabilitation.

The same problems emerge when examining *alternatives to custody*. Generally, many of the programs have been poorly conceptualized and implemented. There are no clear goals of what the program should achieve and the specific type of offender that is supposed to benefit most from the program is not identified.

In reviewing *boot camps*, it appeared that the “prison” phase of the program has no effect on recidivism. In fact, there is evidence that offenders who are put through the prison phase actually do worse than others who do not go through the prison phase (i.e. higher recidivism, etc.). Boot camps that devoted time to treatment programming (i.e. education, substance abuse, etc.) showed the most promise. However, this needed to be followed by intensive supervision and aftercare support. Once released into the community, offenders benefited from quality support services such as education, employment and counseling.

Conclusion. There are no “quick fixes”. Thus, “one-size fits all” type of programming -- whether it involves prison or non-prison sanctions -- will not work. Programs that have the main focus of control and surveillance do not appear to be effective in terms of lowering recidivism rates. To be effective, quality treatment which targets specific problems needs to be part of the program. Moreover, the specific offender who is to benefit from a particular program needs to be identified. Clear goals of the program should also be outlined. The proper -- and sufficient -- implementation of the program is crucial.

Reference: Altschuler, D.M. (1998). “Intermediate sanctions and community treatment for serious violent juveniles”. In R. Loeber and D. Farrington (Eds.), *Serious and Violent Juvenile Offenders: Risk factors and Successful Interventions*. (Pp. 367-385). California: Sage Publications.

A sophisticated looking, commercially marketed risk prediction instrument is no more accurate in predicting criminal reoffending than ordinary people's risk predictions using age, sex, and readily available indicators of a person's criminal history.

Complex algorithms, using many data points, to predict recidivism (or offending while on pretrial release) are attractive to criminal justice professionals because they give an apparently objective answer to the question, "Is it safe to release this person into the community?"

This study provides a detailed analysis of one such prediction system, COMPAS, which was developed by Equivant (previously Northpointe). The details of the algorithm used by COMPAS are not public.

There is little question that such systems are "valid," in that they predict better than chance. The more important questions are what kinds of errors they make and whether they are more accurate than less sophisticated systems.

This paper uses data from 7214 defendants in one county in Florida and compares the accuracy of the predictions made by COMPAS, using an undisclosed number of features, to two other kinds of predictions: (a) Ordinary statistical predictive models using a small number of characteristics of the person, and (b) Intuitive predictions made by ordinary people who have no particular expertise in predicting recidivism. There are disputes in the research literature concerning the best measures to use to describe the accuracy of a predictive scale. This paper presents a number of them that, fortunately, are readily interpretable.

The results are remarkably consistent. Overall accuracy for COMPAS predictions of recidivism (arrest within two years) was indeed better than chance. But its accuracy was no different from simple logistic regression models using age, sex, charge, and some features of the criminal record. Perhaps most interesting is that ordinary people who volunteered to do a web-based survey and were presented with summaries of information about these Florida defendants that included only sex, age, offence, and 3 features of their criminal record, performed just as well as COMPAS.

Though COMPAS was more accurate than chance (65.2% accuracy overall), and was equally accurate for black and white defendants, the types of errors made by the software were different for the two racial groups. False positives (predicting recidivism when it didn't occur) were much more common for black defendants than for white defendants. On the other hand, false negatives (predicting recidivism would not occur when it did) were more common for white defendants. These same differences were found for untrained people in the web-based survey

and for an additional sample of ordinary people who were given the defendant's race when making their predictions. In other words, the commercial software disadvantaged black defendants – and gave advantages to white defendants – in a manner that was very similar to the manner in which ordinary people's risk assessments disadvantaged black defendants.

Conclusion: "When considering using software such as COMPAS in making decisions that will significantly affect the lives and well-being of criminal defendants, it is valuable to ask whether we would put these decisions in the hands of random people who respond to an online survey because, in the end, the results from these two approaches appear to be indistinguishable" (page 3).

Reference: Dressel, Julia and Hany Farid (2018) The Accuracy, Fairness, and Limits of Predicting Recidivism. *Science Advances* (American Association for the Advancement of Science), 4.

The Level of Supervision Inventory-Revised (LSI-R), which is widely used to identify offenders who are likely to reoffend, “misclassifies a significant portion of socially and economically marginalized women” (p. 384) whose pathways into crime do not follow typical male patterns.

The Level of Supervision Inventory-Revised (LSI-R) is described by its advocates as being equally effective in classifying women as it is for men. The LSI-R consists of 54 items said to assess two kinds of risks and needs that relate to continued criminal activity: “static” risks (life experiences, such as prior convictions, that cannot change) and “dynamic” risks (factors such as peer interactions that change over time). The theory behind the LSI-R appears to be that “offending stems from an assortment of incentives and disincentives regarding criminal and conventional behaviour that arise from various sources, especially family members and peers” (p. 386). These underlying causal mechanisms “are said to explain offending behaviour for all individuals regardless of their gender, race and ethnicity or their pathway to crime” (p. 386). In other words, it is assumed, among other things, that the “causal mechanisms” for men and women are the same. It is important to note, however, that LSI-R scores predict only a small portion of the variance in recidivism (about 12.5%, an estimate based largely on studies with males).

There are empirical reasons to suggest that there may be important limitations in the usefulness of the LSI-R in predicting women’s recidivism. In particular, criminologist Kathleen Daly has suggested that women’s ‘pathways’ to crime may be different from those of men. In particular, she has shown that there are “conditions and circumstances [for women] that spawn violence and illegal forms of economic gain” (p. 390). These differ from the pathways associated with male criminality. Pathways to crime that are much more likely to involve women include committing criminal acts (e.g., prostitution, drug dealing) to survive on the street, being involved in drug offences along with an intimate partner, suffering sexual abuse and neglect as children, and being in abusive relationships with intimate partners. Finally, one group could be considered to have male-like pathways to crime: women whose crimes relate largely to economic issues (e.g., as a result of being economically marginalized or because of simple acquisitive motivations).

As part of this study, women convicted of felonies were interviewed in Minnesota and Oregon prior to

beginning community supervision and again approximately one year later. LSI-R measures were obtained during the first interview. Information was also obtained about how the woman ended up being involved in the crime that resulted in the community supervision. Two researchers reviewed the biographical information about each woman and classified her as either following a ‘gendered pathway’ to crime or as following an ‘economic’ pathway to crime. A small number of women could not be classified (e.g., because they had committed very minor crimes or their crimes were seen as being isolated incidents in their lives). A woman was classified as a recidivist if there was official information that she had violated a supervision condition, or had been rearrested, reconvicted, or had her supervision revoked.

Overall, there were *no* significant differences in the recidivism rates of ‘high’, ‘moderate’, and ‘low’ risk women as measured by the LSI-R. Most interesting was the finding that for the women who got involved in crime for economic reasons (the typical *male* pathway), the LSI-R did have a small relationship with

recidivism: it predicted approximately 9% of the variance in recidivism for this subset of women. But for the women whose pathways to crime were ‘gendered’ (street women, drug-connected, battered, harmed and harming), there was no relationship whatsoever between the LSI-R and reoffending. Said differently, for a large group of women, the LSI-R was useless in predicting their likelihood of recidivism.

Conclusion. The LSI-R predicts only a small portion of the variance in recidivism for men and is even less useful for women. Since the reasons women end up committing crimes are often different from those of men, it makes sense that this instrument is, for many identifiable groups of women, essentially useless as a classification tool. It turns out that an LSI-R score is a predictor of future offending only for those women who are identified as having been involved in crime for reasons that resemble those of men.

Reference: Reisig, Michael D., Kristy Holtfreter and Merry Morash (2006). Assessing Recidivism Risk Across Female Pathways to Crime. *Justice Quarterly*, 23(3), 384-405.

A commonly used 'risk' scale for youths is shown to predict recidivism for probationers but only for some youths and, for them, at a very low rate of accuracy.

Identifying those young offenders who are likely to re-offend may be useful in part because the practice can, in theory, identify those youths who are in need of rehabilitative programs that address aspects of the youth's life related to offending. Generally speaking, formal risk assessments have been shown to be more accurate than subjective assessments of future risk. This paper examines the predictive validity of the Youth Level of Service Case Management Inventory (YLS/CMI) which is "one of the most widely used risk assessment measures for youth" (p. 477).

All of the youths (n=328) in a Midwestern U.S. city who received sentences of probation for at least a year were assessed using this risk assessment tool. The main measure of recidivism was the presence of a new criminal charge during that year. The YLS/CMI assesses 8 domains (e.g., criminal history, family circumstances, education/ employment, substance use/ abuse, personality/ behaviour) on the basis of the youth's responses to 42 interview questions.

In this sample, 26% of the youths re-offended in the 12 month period. Dividing the youths into three groups, 11% of the low risk, 26% of the moderate risk, and 39% of the high risk youths reoffended (differences that were statistically significant). On the surface, then, these results might be seen as encouraging, but if the purpose was to identify the 'high risk' offender, these results need to be examined more carefully. In this study, 79 of the 328 youths in the study (24%) were identified as being 'high risk.' Even among these 79 'high risk' youths – youths who had already been involved with the youth justice system and who were assessed

as being high risk – the measure correctly identified only 31 of them. Said differently, 48 of these 79 youths were assessed as being high risk, but did not re-offend. The fact that something is 'statistically significant' does not, obviously, guarantee that it is highly accurate.

Other findings also limit the usefulness of the measure. There was a significant correlation between the YLS/CMI score and the number of charges for white youths. However, for girls the YLS/CMI score was *not* a significant predictor of recidivism. Nor was it a significant predictor of recidivism for youths identifying themselves as African Americans or of Hispanic/ Latino background.

Conclusion: This study serves as a reminder of the problems we have in predicting recidivism for youths. "Cumulative YLS/CMI scores explained a relatively small amount of the recidivism rate between offenders" (p. 482). In other words, although there was a significant relationship between the 'risk' scores and actual re-offending, the size of the relationship was so small that it may not be of

practical use. Furthermore, the lack of a significant relationship for girls, African Americans and youths of Hispanic/ Latino background lends support to the conclusion that such measures may be of very limited practical use in a youth justice system.

Reference: Onifade, Eyitayo, William Davidson, Christina Campbell, Garrett Turke, Jill Malinowski, and Kimberly Turner (2008). Predicting Recidivism in Probationers with the Youth Level of Service Case Management Inventory (YLS/CMI). *Criminal Justice and Behavior*, 35(4), 474-483.

Those convicted of offences do not always prefer community sanctions to imprisonment. For many people under active supervision in the community, many of whom had previously served jail sentences, a jail sentence of up to 14 days would be preferable to what might look, to many, as relatively lenient community punishments (e.g., 23 days of electronic monitoring).

There is, in many jurisdictions, concern about the overuse of prison or jail sentences, especially short sentences. The belief is that it would be better to substitute community-based punishments. This paper examines how these community-based punishments are perceived by those who are subjected to them.

Short periods of time in jail or prison can be expensive and are generally not seen as serving community safety functions. Hence there is a tendency to look to community sanctions as viable alternatives. But in a sentencing system that is based at least in part on the notion that the punitive aspects of the sanction should be proportionate to the harm that was done, there is a need to think about equivalences: what kind of community sanction is likely to be as punitive as a sentence involving incarceration of a given length?

Obviously, community sanctions vary in their punitiveness. One could easily imagine that a large number of community service hours (e.g., spent picking up trash along a highway) would be more punitive than a few days in jail. But how many hours of community service would be equivalent to, for example, 7 days in jail? In this study, 185 adult probationers were recruited for a survey. About half were unemployed and 68% reported their financial situation as either “struggling” or “falling way behind” (p. 703). Most (58%) had experienced jail sentences in the past, 43% had experienced enhanced drug testing, and 43% had experienced community service. 28% were on a form of enhanced supervision.

Participants were given written descriptions of sanctions (jail, written assignments, outpatient treatment, electronic monitoring, curfew, day reporting, enhanced drug testing, community service, halfway house placement and inpatient treatment). They were then asked to estimate the maximum amount of the alternative sanction they would be willing to complete in order to avoid serving a specified time – 2, 7 and 14 days – in jail.

Using the median equivalency score as the equivalent, inpatient treatment and halfway house placement were seen as equally punitive as jail. What is notable about the other equivalences is that relatively small amounts of each “community sanction” were seen as being equivalent to short jail sentences. For example, 14 days of living under a curfew was seen as equivalent to 7 days in jail. 30 hours of community service was seen as equivalent to 14 days in jail. And 14 days of electronic monitoring was seen as equivalent to 7 days of jail. No community sanctions were seen as easy: the median number of pages a probationer would be willing to write (on a topic such as “detailing the negative physical effects of long-term marijuana use”) instead of 7 days in jail was 10 pages.

The strongest single predictor of the severity of the alternative the probationer was willing to endure instead of prison was the level of stress that the probationer reported experiencing at the time that the survey was carried out: As levels of stress increased, the number of hours or days of the alternative sanction that the person was willing to experience in lieu of a jail sentence decreased.

Conclusion: “There is little evidence that individuals under community supervision draw sharp distinctions between jail and community-based sanctions in terms of their overall punitiveness.” (p. 713). Judges who might worry about a community-based sanction not being experienced as a punishment should feel reassured by this finding. But the findings also imply that “decision-makers should use restraint when doling out community-based punishments, as it does not take exorbitant amounts of community sanctions to achieve a substantial punitive effect” (p. 713).

Reference: Wodahl, Eric J., Brett E. Garland, and Kimberly Schweitzer (2020). Are Jail Sanctions More Punitive than Community-Based Punishments? An Examination into the Perceived Severity of Alternative Sanctions in Community Supervision. *Criminal Justice Policy Review* 31(5), 696-720.

Community based sanctions are acceptable to members of the public when the public is asked about “real” cases and is not asked, simply, whether “sentences are harsh enough.” The sanctions, however, must have real consequences for the offender in order to be acceptable to the public.

Context. Broad public opinion poll questions about whether people think the courts are harsh enough almost always find that people want harsh penalties. “Given these numbers, it is understandable why virtually every elected official has jumped aboard the ‘get tough’ bandwagon and is wary of supporting policies that appear to treat offenders leniently.” These opinion questions, however, may assess “a general anger at, or a desire for protection from, the stereotypic chronic violent offender often portrayed in the media” (p. 7). These broad questions seldom assess support for rehabilitative approaches, and seldom give any details about offenders.

This study. A survey in Cincinnati, Ohio, asked respondents to read a short vignette describing a crime and the offender. Respondents were asked not only about their preferred sentence, but also which sentences they would tolerate. The vignettes varied across respondents. There were four crimes (two types each of robbery -- a purse snatching -- and burglary of a store). In some vignettes, the offender was described as carrying a gun; in others he was not. In some of the robberies, the victim suffered a physical injury; in some she did not. The amount taken in the burglary varied. Finally, the age, presence of a drug problem, prior record, and employment status of the offender varied.

Findings. Every respondent indicated that there should be some form of punishment imposed. Across vignettes, prison was the preferred option for 34-56% of the cases. Generally speaking, however, the data support the conclusion that “the public is reluctant to tolerate community based sanctions that do not include close monitoring of offenders” (p. 17). The data suggest, then, that community based alternatives are supported (even in a population that typically says that sentences are too lenient) even for relatively serious cases. There were, however, big differences in the preference for, and acceptability of, different community sanctions. “Regular probation” -- where the only real consequence was that the offender had to meet with the probation officer once a month for two years -- was seldom seen as preferred or acceptable. The authors suggest that community based sanctions need to be “developed and applied meaningfully.”

Conclusion: In this survey (as in surveys carried out by the Centre of Criminology, University of Toronto recently in Ontario), ordinary people -- even those who say that they think that sentences are not harsh enough -- are quite supportive of the use of community sanctions. These sanctions must have meaningful consequences. And the public’s support for community sanctions is more evident when they are responding to actual cases.

Reference: Turner, Michael G., Francis T. Cullen, Jody L. Sundt, and Brandon K. Applegate. Public tolerance for community-based sanctions. *The Prison Journal*, 1997, 77, 6-26.