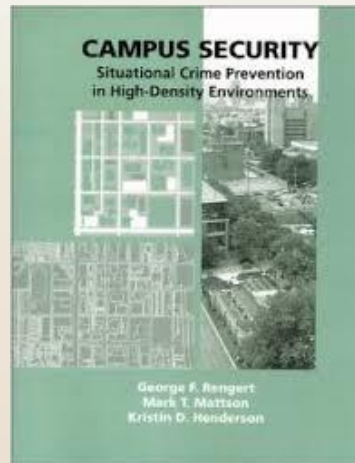


Lecture 10: Punishment and Rehabilitation of Offenders

Three approaches to crime reduction:

- Change the offender
- Social control
- Situational change

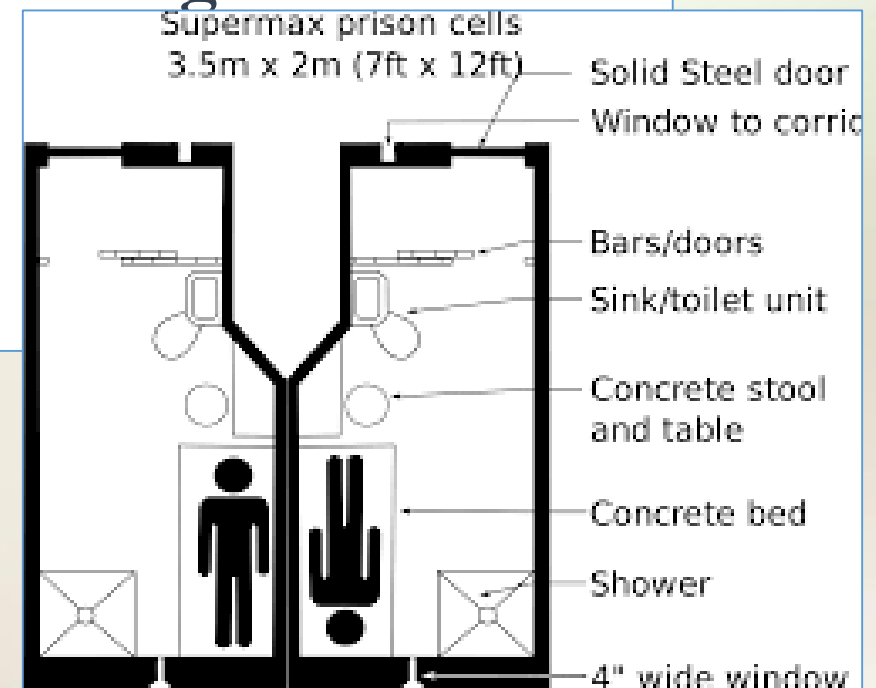


Why do we punish offenders?

- **Retribution** - making the offender 'pay' for their offence.
- **Incapacitation**- removal from society.
- **Restoration/reparation**-awareness of impact of crime.
- **Reform** - altering the offender so they do not reoffend.
- **Deterrence** – 'making an example' of the offender to discourage self/others from committing crimes.
- [Norway Prison System Luxurious? – YouTube](#)

The functions of prison

- Morgan (2002) prisons have three principal functions:
 - **Custody** (containing prisoners on remand awaiting trial)
 - **Coercion** (forcing prisoner to comply with legal judgements e.g. payment of fines) and
 - **Punishment.**



- Contrary to media-sponsored perceptions of a system that has 'gone soft', the prison population has been rising since the mid 1940s as has the proportion of the prison population serving sentences 4 years + (Home Office, 2001).
- Between 1991 and 2008 the prison population in England and Wales nearly doubled from 42,000 to 82,000 (BBC News, 22nd Feb 2008).

Current statistics

Costs between 26,000 and 73,000 per year for one inmate depending on institution and criminal offence (2013-2014 figures).

	Total
Population	85,982
<i>Male population</i>	82,023
<i>Female population</i>	3,959
Useable Operational Capacity	87,759
Home Detention Curfew caseload	2,111

Correctional treatment and rehabilitation

- Around 1 in every 108 individuals in the **US** is incarcerated.
- This is the highest rate (Newburn 2015).
- Many issues working with individuals who are incarcerated. The environment is not conducive to therapeutic techniques.
- Most documented and widely accepted research comes from Canada and the work of Andrews and Bonta (1994).
- For a review see Wormwith & Luong (2007).

Legal rights

- Is this a reality?
- The right to treatment- stems from case of *Estelle v Gamble* (1976). This links to both medical and psychological health.
- The right to refuse treatment- can you?
- Essential meds for illnesses such as diabetes, No!
- Quadriplegic- yes!
- Psychoactive drugs- No!
- Competency to be executed- *Ford v Wainwright* (1986)- no right to refuse...
- The right to rehabilitation-?????

Recidivism

- Generally used as an index of the effectiveness of different judicial sanctions.
- Where a sanction is effective the recidivism rate should be low, or at least lower than with alternative sanctions.
- Many people who serve prison sentences reoffend.
- Morgan (2002) suggests that three quarters of young offenders and about half of adults commit further offences within 2 years of release.

- **Reconviction rates are stable over time.**
- **Bottomley and Pease(1986) found that the reconviction rate in the UK ran at 60 per cent throughout the 1970`s and 1980`s, and Zamble (1990) reports a similar picture in Canada.**
- **Smith et al (2002): reviewed 100+ studies looking at the relationship between reoffending, length of sentence and the use of prison vs. non-custodial sentences.**
- **They found that the recidivism rate following imprisonment was no lower than for non-custodial sentencing and that longer prison terms did not lower the risk of reoffending.**

What does this tell us?

- Recidivism research does not support the idea that prison is any more effective than other sanctions.
- Some researchers suggested that the opposite may be true: that a prison may act as a 'college of crime'.
- This does not appear to be true either.
- Farrington and Walker (1981), compared the recidivism rates of first offenders given probation or suspended sentences with those fined or imprisoned. The latter group was slightly less likely to reoffend.

So imprisonment doesn't obviously
make a difference to reoffending one
way or the other?



Norway prison system effectiveness

Why doesn't prison prevent reoffending?

- The common sense view - it represents an unpleasant consequence that should deter the potential offender and motivate the imprisoned offender to act differently upon release.
- This view assumes that the offender is a rational agent who makes a free decision to commit an offence after weighing up the potential costs and benefits of doing so.
- But...this is not necessarily the case:
 - e.g. Alcohol/Substance abuse

Rehabilitation (reform)

- The experience of punishment leads to the offender becoming a 'changed' individual such that they will not reoffend.
- Effective programmes required in prisons.
- Various schemes: Short sharp shock, boot camps, H.I.T. regime, MCTC, Supermax prisons.
- See Colchester Military Correction Training Centre.



The Psychological Argument

- Prison *could work but doesn't* because it *does not conform sufficiently to the principles of learning theory*.
- Behaviourist's would argue that punishment is effective only under specific conditions:
- **Probable** (i.e. it must follow the behaviour),
- **Prompt** (i.e. must follow the targeted behaviour with minimal delay) and
- **Aversive** (i.e. it must be genuinely unpleasant).
- In the case of imprisonment, these conditions are frequently not met.

Therefore...

- 1. Many crimes are not solved and so, punishment may not be probable.
- 2. Even if the offender is caught and convicted there may be a long delay between the committing of the offence and the consequences, so punishment is rarely prompt.
- Also the offender may have benefitted from his offence e.g. through financial gain, so the short term reinforcements may outweigh the long term punishments.

- Ainsworth (2000) reminds us that the offender's perceptions are significant in this process:
- A criminal may regard imprisonment not as a consequence of committing crimes but of getting caught. His behaviour does change, but not in the way we might wish: he takes steps to avoid detection in future.
- Hollin (1992) points out that whilst being separated from family, friends and work, deprived of liberty and confined in cramped and unsanitary conditions might seem very aversive to most people, prison might be perceived differently by some offenders.

What have we done about recidivism?

Not a lot!

- Some attempts (usually politically motivated), to address the problem of reoffending by making prison a more unpleasant experience.
- ‘Short sharp shock’ initiative of the early 1980s-
 - young offenders in England and Wales were subjected to a prison routine involving military-style drill and discipline and lots of physical exercise. Intended to make returning to prison an unattractive prospect, it had no effect on reoffending (Thornton et al,1984).
- Similar findings have been reported for a range of other ‘get tough’ initiatives (Colchester, again).

Non-custodial sentencing: Alternatives to imprisonment

- **Fines:** the offender is required to pay a specified sum of money to the authorities (economical and no stigma, but could be seen as operating cost).
- **Probation:** the offender is required to be supervised and regularly checked for a specific period (as effective as imprisonment (Oldfield, 1996)).
- **Reparation & restitution:** the offender is required to undertake specified activities to 'repay' either society or his victim for his criminal activities.

Reparation and restitution

- **Reparation:** the offender is required to spend a specified time undertaking activities of benefit to the community.
- In the UK this was previously called 'community service' and is now called 'community punishment'.
- **Restitution:** the offender is required to do things that directly compensate the victim(s) of their crimes.
- **Schneider (1986)** Offenders were randomly allocated to either restitution or one of its alternatives and followed up for three years. Restitution emerged as marginally more effective than other types of sentence but there were considerable variations
- For a review see **Newburn (2015)**.

General considerations

- Difficulties in evaluating the effectiveness of types of noncustodial sentence. Many variables influence offending, of which the type of punishment given is only one.
- McDonald (1989) observes that offenders' decisions to reoffend involved weighing up potential benefits against an 'entire gauntlet of punishment' involving the effects of arrest, remand, raising bail, leaning on friends and family etc.
- The **actual judicial sentence was a minor factor** in their considerations.

- Large scale reviews have generally found that non-custodial sentences are at least as effective as imprisonment.
- Gendreau and Goggin (1996) reviewed 105 studies comparing imprisonment and community-based sentences and concluded that there were no differences in recidivism.
- This being the case, community punishments emerge as superior on economic grounds, at least for non-violent offenders, since they cost less than imprisonment.

- **Government statistics support the effectiveness of non-custodial sentences.**
- **Data showed the one year recidivism rate of those sentenced to community-based punishments at 36 % compared to 59% for those sentenced to short prison terms (Ministry of Justice, 2008).**
- **However, it should be stressed that the effectiveness of non-custodial sentences depends heavily on the programme content.**
- **Particularly when there are efforts to address the factors that underpin offending.**
- **Attention should therefore be given to interventions specifically designed to address these factors, including psychological 'treatments' for crime.**

The death penalty



- The use of the death penalty is bound into cultural and societal norms and beliefs, yet its use causes much concern and debate. It is clear that it is not used without discrimination.
- Is it paradoxical for the state to engage in the behaviour it is aiming to eradicate?
- Doob & Webster (2003: p145) `...only after several decades of research...most social scientists abandoned the notion that capital punishment deters`.

Food for thought...

Wrongful conviction and the death penalty.

- **Derek Bentley hanged in 1953 at 19 years of age, for his part in a robbery, where he was claimed to have issued an instruction to shoot.**
- **Timothy Evans was hanged in 1950 for the murder of his wife and daughter, years later John Christie the serial killer was found guilty of the crime.**

Psychological treatments for offending

- The view of offending is based on the notion that committing a crime is a rational decision underpinned by free will.
- However, we have seen that offending does not actually work this way.
- Depending on which perspective is taken, offending may be seen as the outcome of a variety of process that the offender does not fully control.
- Perspectives on offending open up the possibility of using therapeutic techniques to equip offenders to avoid criminal behaviour in future.

- These techniques should not replace judicial sanctions.
- But, they might play a part in the reform of offenders who are undergoing judicial punishment in prison or in the community.
- Early attempts to treat offending therapeutically were based on a psychodynamic model of offending and met with little success (Howitt, 2009). Later attempts have been based on learning theory and cognitive models of offending.

What do we actually mean by `treatment`?

- Is it just about reducing offending?
- As Psychologists we focus on bringing about positive change.
- Early attempts at intervention have come under much criticism.
- McCord (1978) lists seven adverse effects of treatment: among them mental illness, alcoholism and early death.
- Why?

Older vs newer approaches

- The next section considers just a few of the different treatments used in correctional rehabilitation.
- Whilst earlier research focused on principles of behavioural modification, more recently Cognitive models have been applied with reasonable success.
- Now it is widely accepted that the goals of treatment are two fold-
 - 1. mental illness stabilisation
 - 2. rehabilitation (Morgan et al, 2014).

Behaviour modification

- Behaviour modification involves the use of operant conditioning principles to extinguish undesirable behaviours and establish/promote desirable ones.
- The underpinning principle is that behaviours that are reinforced are strengthened whereas behaviours that are punished are weakened.
- Individual behaviour modification is not widely used in the rehabilitation of offenders, but there are some indications it may be effective.
- Fo and O'Donnell (1975) devised a **'buddy system'** in which adult volunteers were assigned to a young offender to provide consistent reinforcement for socially acceptable ways of acting.
- Whilst this appears to have improved the behaviour of serious offenders its impact on those who had committed less serious offences was mixed.

- Blagg (1985) examined the effect of 'personal restitution' on young offenders. They were required to meet with and apologise to the victims of their crimes. This had a marked effect on the offenders, who reported being 'terrified' 'feeling sick' and 'finding it difficult to talk' (Hollin, 1992; p.135).
- Some evidence that it may be effective in reducing recidivism (Schneider and Schneider, 1985).
- However, some more recent reviews suggest it is no more effective in reducing recidivism than other interventions (Hayes, 2005).
- Use of token economies...

Token economies

- Improvements tend not to generalise beyond the institution in the longer term. Cohen (1971) found a reduction in offending after two years but not after three.
- Blackburn (1993) concludes that token economies make offenders easier to manage but they have little real rehabilitative value.
- Additionally, the use of token economies raises ethical issues.
- Currently, these programmes have faded into disuse.

Social skills training

- The rationale for social skills training (SST) is that offenders have poor social skills that either make them more likely to end up in situations where offending is possible or which tend to exacerbate bad situations.
- Social skills training aims to equip offenders with micro-skills (e.g. eye contact, and personal distance) and macro-skills (e.g. assertiveness and negotiation) that allow them to avoid and deal more effectively with potential offending situations.
- There is no fixed set of techniques involved, but most programmes involve direct instruction, backed up by observation of others and role playing, often in group treatment settings.

Three questions

- (1) Do the offenders learn the skills?
- (2) Do the skills generalise beyond the training situation?
- (3) Does SST actually reduce reoffending?
- Spence and Marziller (1981) suggest that offenders do learn the relevant skills, but that they disappear in the longer term: skills were present after three months but not after six.
- Evidence for generalization is mixed. Goldstein et al (1981) found that generalization beyond the training situation occurred in only around 20 per cent of cases, although Blackburn (1993) suggests that self-report data show a more positive picture.
- There are signs, however, that SST may have a role to play in crime prevention: it can be used to equip adolescents with the skills to resist offending (Aiken et al, 1977).

Anger management

- Novaco (1975) some violent offences occur because offenders cannot deal effectively with their anger, which is expressed in antisocial ways and displaced onto inappropriate targets.
- In an anger management programme, cognitive behavioural techniques are used to help offenders deal more effectively with their feelings of anger. The aim is to teach offenders to
 - (1) recognize their own feelings of anger;
 - (2) control their angry behaviour; and
 - (3) resolve conflict in positive ways.
- Ainsworth (2000) identifies three stages in most anger management programmes:

Three stages:

- **Cognitive preparation:** offenders analyse own patterns of anger:
 - the types of situations
 - the thinking processes that accompany their anger.
- **Skills acquisition:**
 - learning skills to help them manage their anger.
 - E.g. relaxation, avoidance, assertiveness and conflict resolution.
- **Application practice:**
 - Applying skills in a controlled and non-threatening environment.
 - Role-playing of angry situations with other offenders.

Results: of studies

- Feindler et al., (1984) anger management training led to improvements in self-control, effective problem solving and a reduction in offending in young men.
- Ainsworth (2000) argues that it is effective but only if managed properly, given the right resources and targeted at the right offenders (i.e. those whose offences originate in their ability to manage their own anger!).

Conclusions from early research:

- Early meta analyses reported that `nothing really works`. This was based on several influential studies, which led to the prevailing view that treatment and rehabilitation is pointless.
- However, the 1990`s saw a revival in treatment schedules. Lowenkamp et al., (2010) identified principles of effective practice in their research `what works`.
- RNR model of assessment and rehabilitation (Andrews et al 2006). Risk, Needs, Responsivity.
- Programmes based on these principles which are well managed and specific, have shown promising results.

Newer psychological assessment

- **Andrews and Bonta (1994) introduced the RNR index- Risks Needs and Responsivity. Which identifies through initial screening the classification of needs and the setting of goals. This is now firmly established.**
- **There are two levels of need-**
- **1. criminogenic- dynamic and goal oriented**
- **2. non criminogenic- more stable and less linked to criminal behaviour**
- **This technique identifies the risks, needs and interventions that will be most effective. (Effective!)**

Commonly used techniques

- **Person centred therapies**
- **CBT**
- **Group or Milieu therapy**
- **Transactional Analysis**
- **Reality therapy**
- **Responsibility therapy**
- **60% of therapy is by Psychologists and is individual, the rest, such as group therapy is by other professionals (Boothby & Clements, 2000).**

More up to date Cognitive programmes

- The cognitive models which challenge an individuals thinking styles work best (Mandracchia et al., 2007).
- For a review see Wormwith et al., (2007).
- Why? The cognitive component is the most effective.
- A renewed interest in positive psychology is also under current review.

Recent unique attempts:

- Anger management: Howells et al., (2002)
- Australian based research article examining the effectiveness of anger management programmes.
- It found that anger management programmes were unsuccessful because they were too short, too complex given time restraints and often pp`s were not motivated to participate.
- The key message - the programmes are only suitable for some individuals, they need to be longer to meet individual needs, and importantly pp`s need to be motivated in order for them to work.

Think First

- This programme brought about significant decreases in recidivism, attitudes, locus of control and increases in self esteem.
- This programme tackled the attitudes and behaviour of persistent offenders. Its aim- to teach offenders new skills and techniques:
 - To stop them offending
 - To control their thoughts, feelings and actions
 - To change their attitudes and behaviours

Aggression replacement training (ART)

- ART incorporates skills training, anger control and moral reasoning training.
- When offenders complete the programme, recidivism is significantly lowered.
- A multimodal intervention design to alter the behaviour of chronically aggressive youth. It consists of
 - skill-streaming; teaching a broad curriculum of prosocial behaviour,
 - anger control training, a method for empowering youth to modify their own anger responsiveness, and
 - moral reasoning training.

Cognitive Skills programmes: Cann (2006)

- Conducted on **female offenders** compared to a control group, and no significant changes to the recidivism rates were found.
- **WHY?**
 - Offenders were 'low risk' and therefore less likely to need CSP,
 - Programmes were originally meant for use with males,
 - Lack of enough time and resources to run the programme regularly enough.

Alternatives to custodial sentencing: Parliamentary Office of Science and Technology P.O.S.T. (2008)

- Highlights the limited success of restorative justice, community sentencing and electronic monitoring.
- Conclusion: identifies the need for early intervention for individuals at risk of offending.
- These individuals were usually exposed to psychological and or social variables which made their likelihood of committing offences increase.

Cognitive skills: National Offender Management Service. N.O.M.S.(2010)

- International research into cognitive skills training resulting in mixed findings.
- They generally aim to consider the different ways in which individuals are affected by crime in order to apply this knowledge in the future.
- This NOMS programme is designed to address specific risk factors associated with reoffending such as impulsivity, poor decision making, not thinking about the consequences and learning to think from other peoples perspectives

Cognitive Behavioural Therapy: Friendship et al (2003)

- Recidivism rates were studied of 2 groups of prisoners serving a sentence of 2 or more years.
- One group (treatment group) were given cognitive training.
- Results reported showing a 11-14% reduction in recidivism rates for mid to high risk offenders.
- The two most widely used are ETS & R&R (enhanced thinking skills and reasoning and rehabilitation).
- However, apart from the initial study (Friendship et al., 2003) studies found no effects in the recidivism rate 2 years later.

Until...Mullin and Simpson (2010)

- They focused on improving impulsivity scores and found that this was beneficial for 47% of the participants.
- Qualitative research has also been supportive. Prison staff reported that ETS worked best for offenders with impulsivity problems, underachievers and addicts.
- In relation to recidivism rates, these programmes work best if they are completed, and for individuals who are classed as medium to high risk.
- However, one flaw is that they are mainly focused on male offenders, and they need to be adapted for women.

Multi-systemic Therapy MST: Borduin (2011)

- To enhance parenting skills and provide intensive family therapy to troubled teens and delinquent teens that
- To empower youths to cope with the family, peer, school, and neighbourhood problems.
- Borduin followed individuals and their families who received MST over the last 22 years compared to those who received individual therapy.
- 34.8% of MST juveniles committed an offence compared to 54.8% of individual therapy juveniles.
- This demonstrates the long lasting effects of MST.
- Now implemented in 12 countries worldwide and is the national model for juvenile treatment.
- Borduin is now calculating the financial savings over varying periods in time.

Specific treatments for specific offender populations

- **Violent offenders-** difficult to manage, difficult to fund and few resources. If based on RNR they can be helped.
- **2 aims-** conflict resolution skills
 - - reducing cognitive distortions
- **Substance abusers-** often M.I., 45% meet criteria, 15% receive treatment. Self help and peer counselling most often available.
- **Psychopaths-** a whole different category!

Specific treatments for specific offender populations

- Sex offenders- very diverse and resistant to change. Not just rape and abuse...
- Key words to success are
 - Temporary cessation
 - Motivated individual
- Think relapse prevention (like dieting) Schmucker & Losel (2005).
- Women- mostly incarcerated for drug or property offending, poor, unskilled, uneducated or victims (Reichent et al. 2010). Higher risk of M.I. (60%)

Conclusions...

- **There are 7 key issues essential if prison is to work. Podmore (2012), an inspector and ex governor of prisons like Belmarsh and Brixton concludes:**
 - Accommodation,
 - Health & Drugs,
 - Education,
 - Training & employment,
 - Benefit and debt,
 - Family and children,
 - Attitudes, thinking & Behaviour.