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CRIMINAL JUSTICE RESEARCH - A SELECTIVE REVIEW

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INTRODUCTION

These review papers have been written by Research Division personnel to inform policy makers about some of the more interesting and important criminal justice research done in recent years.

The papers are highly selective. We have brought together material that we think will be of interest to Ministers and other policy makers throughout the Canadian Criminal Justice System. Beyond this, the selection of topics was guided by our own views of the important and the interesting. We have not restricted the reviews to Canadian materials; rather we have drawn freely from the international literature, particularly where research from other jurisdictions is relevant to Canadian criminal justice issues.

Where opinions and recommendations are offered they are those of the author and do not necessarily reflect the views of the Solicitor General of Canada.

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THE IMPLICATIONS OF RECENT POLICE RESEARCH

J.G. Woods, Ph.D.

During the booming sixties and early seventies, governments at all levels expanded police departments in response to the increase in population and the rapid rise in reported crimes. In the middle seventies, as fiscal restraints were introduced, the question of productivity was raised: How can we get more police service per tax dollar spent? In the 1980s, however, the question is more likely to be: How can we maintain current levels of police protection, given prevailing economic conditions?

The short answer is -- avoid wasted effort, develop innovative cost-saving police programs, provide only the most essential police services, and encourage the public to accept greater responsibility for its own security. Such a program is easier described than initiated, but recent research indicates that it would be possible, feasible and effective. A few examples of useful new knowledge are noted below.

A. AVOIDING WASTED EFFORT: CRIMINAL INVESTIGATION, ROUTINE PREVENTIVE PATROL AND POLICE EFFECTIVENESS

1. The Management of Criminal Investigations

Criminal investigations generally account for a substantial proportion (10-25 per cent) of police personnel use. However, the efficiency of investigative bureaus has often been questioned. Most arrests leading to convictions are made by patrol officers, arrests are most often based on information provided by citizens, investigators spend most of their time in administrative paper-work, and most investigations prove to be futile.[1]

The most comprehensive study, carried out for the RAND Corporation, concluded that

> the effectiveness of criminal investigation would not be unduly lessened if approximately half of the investigative effort were eliminated or shifted to more productive uses. The remaining investigative force should suffice to handle routine cases, which give rise to most of the clearances that now occur, and to perform the post-arrest processing involved in a patrol arrest. These findings also indicate that significant increases in criminal apprehension rates are much more likely to be produced by more alert patrol units and improved citizen cooperation than by refinements in investigative work.[2]

The authors based this statement on their major research findings:

a) On investigative effectiveness: Differences in investigative training, staffing, workload, and procedures appear to have no appreciable effect on crime, arrest, or clearance rates. The method by which police investigators are organized (i.e., team policing, specialists vs. generalists, partrolmen-investigators) cannot be related to variations in crime, arrest, and clearance rates.

b) On the use of investigators' time: Substantially more than half of all serious reported crimes receive no more than superficial attention from investigators. An investigator's time is largely consumed in reviewing reports, documenting files, and attempting to locate and interview victims on cases that experience shows will not be solved. For cases that are solved (i.e., a suspect is identified), an investigator spends more time in post-clearance processing than he does in identifying the perpetrator.

c) On how cases are solved: The single most important determinant of whether a case will be solved is the information the victim supplies to the immediately responding patrol officer. If information that uniquely identifies the perpetrator is not presented at the time the crime is reported, the perpetrator, by and large, will not be subsequently identified. Of those cases that are ultimately cleared but in which the perpetrator is not identifiable at the time of the initial police incident report, almost all are cleared as a result of routine police procedures.

d) On collecting physical evidence: Most police departments collect more physical evidence than can be productively processed. Allocating more resources to increasing the processing capabilities of the department can lead to more identifications than some other investigative actions.

e) On the use of physical evidence: Latent fingerprints rarely provide the only basis for identifying a suspect.

f) On investigative thoroughness: In relatively few departments do investigators consistently and thoroughly document the key evidentiary facts that reasonably assure that the prosecutor can obtain a conviction on the most serious applicable charges. Police failure to document a case investigation thoroughly may have contributed to a higher case dismissal rate and a weakening of the prosecutor's plea bargaining position.

g) On relations between victims and police: Crime victims in general strongly desire to be notified officially whether the police have "solved" their case, and what progress has been made toward convicting the suspect after his arrest.

h) On investigative organization and procedure: Investigative strike forces have a significant potential to increase arrest rates for a few difficult target offences, provided they remain concentrated on activities for which they are uniquely qualified; in practice, however, they are frequently diverted elsewhere.

The RAND study recommended reforms consistent with the major research results:

1. Reduce follow-up investigation on all cases except those involving the most serious offences.

2. Assign generalist-investigators (who would handle the obvious leads in routine cases) to the local operations commander.

3. Establish a Major Offenders Unit to investigate serious crimes.

4. Assign serious-offence investigations to closely supervised teams, rather than to individual investigators.

5. Strengthen evidence-processing capabilities.

6. Increase the use of information processing systems in lieu of investigators.

7. Employ strike forces selectively and judiciously.

8. Place post-arrest (i.e., suspect in custody) investigations under the authority of the prosecutor.

9. Initiate programs designed to impress on the citizen the crucial role he plays in crime solving.

The study dealt with serious indictable crimes in cities of more than 100,000 population or police jurisdictions of more than 150 fulltime employees. Data were collected from 153 police agencies. Site visits were made to twenty-five cities. Extensive use was made of F.B.I. Uniform Crime Reports and the Kansas City computerized Detective Case Assignment File. A limited telephone survey of burglary and robbery victims was carried out in one city.

The RAND study was not without detractors. The suggestion that half of any given detective bureau could be redeployed in other duties with no loss of investigative efficiency raised a storm of opposition. Critics asserted that the researchers lacked "insi[illegible] and understanding of the police investigative function", that the study relied too heavily on data from too few departments, and that the data did not support the conclusions.[3] The original design of the research project was also subjected to detailed critical commentary. Nevertheless, although experience may prove that some of the criticism was not totally without

merit, the remarkable scope of this research enhanced the reliability of the findings and the importance of the recommendations. Numerous other studies were initiated. Some were meant to replicate the RAND study; others tested various methods designed to increase the effectiveness of police investigative bureaus.

a) Special Investigative Teams

Research in Rochester, N.Y.,[4] verified the RAND findings about special teams. The teams made more arrests, cleared more burglaries, robberies and larcenies, and otherwise performed better than investigators who were not organized into teams. The report concluded that police departments could improve arrest and clearance rates by assigning detectives to police teams.

b) Case Screening

Case screening permits police managers to identify quickly those cases which have the possibility of a successful conclusion, while filing those which experience suggests cannot be solved. Case screening is based on the knowledge that the characteristics of cases, rather than follow-up investigations, determine the over-all success or failure rate of investigations.[5] The first case screening model was developed by the Stanford Research Institute.[6] The "solvability factors" relevant to an investigation were allocated "weights" according to their perceived importance. Unless the weights added up to a specified minimum total, no investigation was initiated, and the victim was so informed. Subsequently, the Police Executive Research Forum (PERF) tested the SRI model in 26 U.S. cities, and confirmed that it accurately predicted the success or failure of an investigation in 85% of the 12,000 cases reviewed by the researchers.[7]

N.B. There will always be some cases which for one reason or another must be investigated, even if a minimum acceptable score on the screening is not achieved.

c) Calls for Service

The idea that all calls for service must be answered immediately by patrol officers, if police are to apprehend suspects, is unsupported, particularly in cases involving crimes reported long after their occurrence. Of the calls for service police receive, only a small percentage involve actual crime. When calls do involve crimes, police seldom arrest suspects at the scene, because few crimes are in progress when the police arrive.

A survey of 175 departments in jurisdictions of 100,000 or more population revealed that 20% of the departments responded to every call for service by sending a uniformed police officer. Among the remaining 80%, most sent a sworn officer to all but the most minor calls (e.g., animal calls, uncollected trash). About 61% took some incident reports by telephone (usually reports on larceny, missing persons, or vandalism), more than half required citizens to make minor incident reports at headquarters (mostly traffic accidents), and many departments sent civilian employees or volunteers to respond to certain types of calls.

A new Police Executive Research Forum study entitled Differential Police Response Strategies[8] proposes a "decision model" to help police discriminate between calls that require immediate response by uniformed officers, and calls that can be handled by other means. Based on an analysis of calls for service in four departments (Birmingham, Hartford, Peoria, and San Jose), three factors were included in the decision model:

1. Type of incident - from major personal injury to minor non-crime calls.
2. Time of occurrence - incident in-progress, proximate, or "cold".
3. Response alternatives - from response by sworn personnel (immediately, expedited, routine, or by appointment), by non-sworn personnel (immediately, expedited, routine, or by appointment), or by other means (walk-in, mail-in, referral, no response).

Serious, in-progress and proximate incidents would merit immediate response by sworn personnel, the most expensive alternative. Lesser incidents, or those which are already cold when police are called, could receive a less costly response. The decision model requires complaint operators to obtain an adequate amount of information from callers. Then the dispatcher must choose among many response alternatives. (The survey showed that most complaint operators and dispatchers at present function with little supervision, training, or guidance.)

The National Institute of Justice, which funded the PERF report, is preparing a research project to test differentiated response to calls.

2. Routine Preventive Patrol

The patrol division of a police force generally accounts for 40 to 60 per cent of total personnel. The best-known study of a patrol force took place in Kansas City, Missouri.[9] The observers found that 60% of patrol time was uncommitted. Four categories each accounted for about one-fourth of uncommitted patrol time:

1. mobile police-related;
2. stationary police related;
3. non police-related;
4. residual (time in headquarters, at the garage, in court, etc.).

The finding that 25% of uncommitted patrol time was consumed by non police-related activities, and that patrol officers spent only 25% of their uncommitted time on mobile police-related tasks, are significant additions to the data obtained from other studies. These results were replicated in another city in a subsequent study by Cordner.[10]

The Kansas City study found that routine motor patrol does not have much effect on crime conditions, i.e., the incidence of crime did not change significantly whether the number of patrols was increased or decreased. This fact suggests that police visibility could be enhanced, quick response maintained, and time and money saved through alternative strategies.

"Stationary patrol" is one of the simplest alternatives. Parking a substantial proportion of the motorized patrol force close to major intersections, etc., provides whatever deterrence visible patrol may offer, keeps the officers in the field, ready to respond to calls for service, and may save up to 25 per cent of fuel and maintenance costs, while reducing accidents to police vehicles and injuries to personnel.

The studies also indicate that "free time" spent on so-called "preventive patrol" would be better used if the officers worked on investigations, rather than simply driving up and down the streets. Furthermore, successive research studies have shown that single officer patrols are not only less expensive and more productive than two-officer patrols, but also safer for police personnel.[11]

a) Split-Patrol Forces

A research experiment in Wilmington, Delaware,[12] involved separating the patrol force into a Structured Patrol Force (SPF) responsible for crime prevention and deterrent patrol, and a Basic Patrol Force (BPF) which carried out basic police complaints and service functions. The findings indicated —

- a 20.6% increase in productivity per officer in the patrol division, i.e., the number of arrests and charges per officer increased;
- fewer instances of over or under-supply of manpower in relation to demands for service;

- a decrease in time spent in handling individual calls for assistance;
- increased over-all time spent on responding to calls for service as opposed to other uses of time;
- a significant over-all reduction in the rate of serious crimes was observed.

This study illustrated that feasible alternatives to traditional patrol arrangements are available, and that structural changes can contribute to increased levels of patrol efficiency and effectiveness, thereby enhancing the productivity of the whole police department.

3. Police Effectiveness

One measure—arrests that lead to convictions--can provide a startling insight into police effectiveness as "crime fighters." A recent study[13] indicated that as few as 15 per cent of police officers were responsible for as much as 50 per cent of the arrests that led to convictions. Some officers never made any arrests that resulted in convictions. These findings suggested that the difference between the effective and the ineffective officers should be identified, so that the effective type could be actively recruited. (As yet, the crucial differences have not been conclusively demonstrated.)

B. DEVELOPING INNOVATIVE PROGRAMS: ENHANCING THE ROLE OF PATROL OFFICERS, TEAM POLICING, AND FAMILY CRISIS INTERVENTION

1. Enhancing the Role of Patrol Officers

Research has shown that most arrests are made by patrol officers and that most successful investigations are based on information provided to investigators by patrol officers. It has also been shown that the

productivity and morale of patrol officers is higher in departments organized along "generalist" lines as opposed to the "specialist" model. These studies imply that police productivity and effectiveness would rise if the investigative role of the patrol officer were developed and expanded, rather than having the patrol force turn over suspects and evidence to investigators for further action.

2. Team Policing

Team Policing does not mean decentralizing detective bureaus to form teams of patrol officers and investigators, as discussed earlier in the context of the RAND study. Team (or Zone) Policing is one of the most promising developments of the past several decades. Team Policing encourages close interaction between citizens and police, emphasizes decision making by police officers and supervisors actually working in the prescribed area, acknowledges the multipurpose functions of the police, often provides general and special training for police, and encourages police officers to become familiar with community agencies and other resources.

However, Team Policing represents a threat to both formal and informal distribution of authority. Although officers may be enthusiastic about the concept, organizational decentralization threatens established interest groups which often have considerable power inside the organization. After the first year of Team Policing in Cincinnati, citizen satisfaction with the police increased, crime decreased, and the police were enthusiastic. In the second year, authority was "recentralized," the officers returned to their earlier methods, and Team Policing expired.[14]

The proven benefits of Team Policing should not be abandoned because of organizational problems. However, considerable attention should be paid to the difficulties inherent in the disruption of traditional lines of command. Management research, carried out prior to the introduction of Team Policing, might produce information which could help to reduce or eliminate the organizational difficulties which have been encountered.

3. Family Crisis Intervention

Canadian research[15] has shown that innovative projects can reduce demands upon police while providing distinct benefits to the public. Evaluation of the London (Ontario) Family Consultant Service indicated that, among other benefits, the public received professional assistance when family crises generated calls to the police for service, and, most importantly, that "problem" families, with a history of crises and calls for police intervention, tended to reduce their demands on the police after intervention by civilian professionals from the Family Consultant Service. The program provides both immediate and long-term benefits to police and public, at modest cost.

C. PROVIDING ONLY ESSENTIAL SERVICES -- INVOLVING THE PUBLIC IN CRIME PREVENTION

1. Calls for Service

The public in general looks on the police department as the only all-purpose emergency service available twenty-four hours every day. Thus, it may be difficult for the police to withdraw from services to which the public is accustomed. However, only a fraction of calls for service (usually less than 20%) involve a criminal occurrence. The remaining portion can be analyzed and the non-police requests can be diverted to other agencies (health, counselling, animal shelter, nuisance removal, etc.). A substantial proportion of police resources then can be redirected to criminal investigation or to calls, such as potentially violent domestic crises, where the police presence is necessary.

It is also known that the speed of response to calls for service is seldom crucial. Furthermore, the public accepts this fact. Rarely do police respond to a "crime in progress" call, but it is in these

circumstances that response time may be critical. In most instances, such as "break and enter" occurrences, there is no need for quick police response. The complainant may not know when the crime occurred or who committed it. Therefore, the need to have enough patrol officers on duty to respond quickly to a large number of calls for service may be considerably less compelling than was previously believed.

In sum, it may be possible in future to serve a larger community with proportionately less police resources, through the application of research findings.

2. Public Responsibility for Crime Prevention

The foregoing brief overview of recent law enforcement research describes a number of ways in which police productivity can be increased. However, crime control is not just a police responsibility; it is a public responsibility. Police and public both should be acutely aware of this fact; both should search diligently for ways to reduce calls for police service and to increase public safety through community action.

Police officers cannot reduce the number of offenders or the types of offences. However, they can analyze crime occurrences and use these findings to effect change. If a fast-food outlet, beverage room, pinball parlor or other location is continually the focus of calls for police service, the police can analyze the types of problems, develop solutions, and bring departmental influence to bear on proprietors who, for whatever cause, use more than their share of police resources. Engstad and Evans (1980) note two instances in which a police department successfully analyzed and brought about desirable solutions to problems involving shoplifting and excessive calls for service to an apartment complex.

The public can enhance its own safety through crime prevention programs such as Block Parent, Block Watch and Operation Identification. Programs of this sort demand substantial effort and coordination on the

part of the police, community groups, businesses, and individual citizens. Nevertheless, community resources have been mobilized to good effect. One city reduced residential burglaries by 50%.[16] It has also been shown that effective community programs do not require a large commitment of police time, if existing community resources are properly organized.[17]

However, police leadership in community-based programs is important. These methods, which research has shown to be both cheap and effective, may be the best long-run crime prevention strategy.

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RESTRAINT IN THE USE OF IMPRISONMENT:
THE EFFECTIVENESS OF ALTERNATIVE SENTENCES

Stan Divorski, Ph.D.

There is a growing consensus regarding the need to exercise restraint in the use of imprisonment and to identify effective alternatives to carceral sentences. Given this, a review of empirical evidence on sentence effectiveness should contribute directly to the development and formalization of sentencing principles and criteria. This paper examines the evidence on sentence effectiveness and particularly the effectiveness of alternative sentences.

Overview

Research in Canada and the U.S has clearly identified sentence disparity as a matter of concern for the criminal justice system. Given the financial, social and psychological costs of incarceration and the lack of proof that incarceration offers greater protection to the public than alternative sentences, the case for restraint would seem to have been demonstrated. Although final answers cannot be given about the effectiveness of alternative sentences, the evidence suggests that it would be worthwhile, and involve minimal risk, to experiment with extending the use of probation, fines, and reparative sanctions to deal with cases normally resulting in imprisonment. In particular, further work is needed to develop classification schemes for matching the offender with a suitable disposition or program.

Changing the extent of disparity or the use of imprisonment requires changing the decision-making process with regard to sentence, but effective means of influencing decision-making have yet to be clearly identified. The problem stems from the complexity of decision-making within the criminal justice process and the interactive nature of decisions made by police, prosecution, the judiciary, correctional and parole authorities. In particular, it seems that recent experimentation with voluntary guidelines systems in the U.S. may not be successful.

In the interim, it is desirable to foster a consistent body of sentencing principles and a common level of knowledge among the judiciary regarding these principles, sentencing powers, the sentencing practices of

their colleagues and parole decision-making. Steps in this direction are currently being taken through the efforts of the Canadian Association of Provincial Court Judges, the Department of Justice and the Ministry of the Solicitor General of Canada to develop a Canadian Sentencing Handbook, and it is hoped that the current Criminal Code review will also make a substantial contribution in this area. An effort should also be made to keep criminal justice decision-makers aware of the current state of knowledge regarding the effectiveness of sentences. This review presents some of this information.

EFFECTIVENESS OF ALTERNATIVE SENTENCES

Restraint

In its report on Dispositions and Sentences, the Law Reform Commission of Canada proposed, as a general principle, the use of restraint in criminal law and specifically recommended that imprisonment be used as a last resort. This recommendation is based on both financial and human "cost effectiveness" concerns.

In human terms, the need for restraint in the use of imprisonment is supported by research demonstrating a variety of social and psychological costs associated with the use of incarceration (e.g., health and psychological problems experienced by both inmates and guards).[1] In addition, there is also evidence that prison disturbances may to some extent be the result of overcrowding.

When the costs of imprisonment are considered in relation to the costs of alternatives and to research results that question the effectiveness of imprisonment in comparison to other sentence alternatives, the case for restraint is compelling.[2]

Effectiveness of Imprisonment

Recidivism: Imprisonment has not been shown to be any more effective in controlling recidivism than other commonly used dispositions, nor have longer sentences proven to be more effective than shorter ones in this regard (although some controversy exists on the latter issue). Canadian research has demonstrated that incarceration can increase the likelihood of recidivism by contributing to employment difficulties through the interruption of training and education, the creation of "holes" in work records and, in the case of small businessmen, through the loss of a business.[3]

Incapacitation: Although estimates of the proportion of crimes which could be prevented by longer prison terms vary considerably, it is known that the increased costs of such a policy would be considerable, perhaps outweighing any benefit gained.

Rehabilitation: Incarceration and correctional programs have not been demonstrated to be generally useful in fostering rehabilitation although recent research has indicated that rehabilitation can be enhanced by the development of classification schemes which permit the successful matching of offenders and programs.

Effectiveness of Common Alternatives to Imprisonment

Probation:[4] Probation has been shown to be associated with post-sentence recidivism rates no higher than for incarceration and with failure rates during the duration of an order of only about 15%.

Recent evidence suggests that, as with incarceration, the rehabilitative aspect of probation could be enhanced through the development and use of classification schemes which match offenders with degree and style of supervision and with particular specialized programs (e.g., driver education programs, shoplifting programs, etc.).

The Fine:[5] Although not conclusive, studies of the effectiveness of the fine show it to be at least as effective as other sentences in controlling recidivism, perhaps marginally more effective. However, offenders incarcerated for default of payment of fine constitute from 21% to about 40% of admissions (excluding remand admissions) to provincial institutions.

British data reveal that the most important predictor of default is the amount of the fine, which suggests that caution should be exercised in setting the amount of fine. In British Columbia and Great Britain, reminder and demand letters resulted in payment in 50% of cases of unpaid fines. In Great Britain, means summons and warrants, adjourned hearings and money payment supervision orders all have had substantial impact on payment.[6]

Another enforcement mechanism, the fine option, is currently in use in New Brunswick, Québec, Saskatchewan and Alberta and has demonstrated high completion rates. The National Task Force on the Administration of Justice has estimated that if program participants in Saskatchewan in 1977-78 had not been given the option of working off their fine, had defaulted and been imprisoned, the cost to the province would have been $2,000,000.

Reparative Sanctions:[7] Little is known about the effectiveness of dispositions such as community service, compensation and restitution in controlling recidivism. Public attitudes are consistent with the use of community-based alternatives in general, and reparative sanctions in particular. Research which has examined victim and offender attitudes, although insufficient, also indicates a positive response. Evidence indicates that, when implemented, these alternatives are used not only with offenders who would otherwise have been incarcerated, but also with those who would have received other dispositions. Research conducted in Great Britain suggests that no more than 45 to 50% of offenders given community service orders would otherwise have been incarcerated.

Recent research in the U.S.[8] specifically dealing with restitution suggests that careful offender selection and the development of special supervisory procedures for some offenders are required to maximize the probability of positive offender attitudes and minimize the probability of default. Community Service Order completion rates in British Columbia and Ontario have been found to be over 90%. This figure, although high, is likely accurate, however, in Great Britain, CSO supervisors have tended to over-credit hours worked and have at times failed to report breaches of the order, thereby inflating completion rates.[9] Failure of supervisors to report breaches appeared to be the result of their perception that many of the orders were too long to be completed within the allotted time span while working part-time. The British experience has been that orders of 200 hours or more take an average of 10 to 12 months to perform.

Disparity and Restraint

Implementing restraint requires influence over the use of discretion in the criminal justice process. Consequently, a number of strategies which have been advocated primarily to address the issue of disparity also have implications for restraint in incarceration, since these strategies are specifically designed to address the question of discretion. Furthermore, these strategies are worth considering in their own right because disparity is an important criminal justice issue in Canada.

A sentence simulation study recently completed by the Ministry of the Solicitor General[10] in cooperation with the Department of Justice, the Canadian Association of Provincial Court Judges and the various provincial Associations of Provincial Court Judges, revealed considerable variation among sentences when judges were asked to assign sentences in the same set of cases. As the study was a simulation, it is only suggestive of actual practices.

The specific findings of the disparity study, and the reactions of the participants in the study, indicate the potential value to the sentencing judge of efforts to develop a consistent body of sentencing principles and to develop a common level of knowledge among judges regarding these principles, their sentencing powers, the sentencing practices of their colleagues and parole decision-making as means of reducing sentencing disparity.[11]

Others have advocated sentencing councils, sentencing conferences, the giving of reasons for sentence, and sentencing guidelines.[12] In particular, the adoption of sentencing guidelines in Canada has been proposed by such groups as the Canadian Criminology and Corrections Assocation[13] in their brief to the Law Reform Commission of Canada and by the Law Reform Commission in its report, Dispositions and Sentences. Sentencing guidelines can be viewed as a specific category of determinate sentencing schemes.

Vining[14] has identified a number of factors (based largely on social science research) which can limit the scope or success of attempts to change the operation of criminal justice or to re-structure the use of discretion. The following list, adapted from Vining, applies specifically to attempts to structure judicial discretion to reduce unwarranted disparity, but also has relevance to structuring judicial discretion for purposes such as restraint in the use of incarceration:

1. The reform should specify the criteria to be used in deciding between incarceration and other sentencing dispositions.

   Not only is this distinction relevant to the issue of restraint, but research and commentary indicates that the judge makes this decision prior to deciding on length of sentence.

2. The reform should specify explicit criteria which determine differences in the length of prison sentences.

"Explicit", can refer to the clarity and detail of criteria as well as to the means taken to encourage their use. The use of voluntary means has been called into question by a recent evaluation of voluntary guidelines systems in the U.S. which found that judges are no more likely to sentence within the guidelines than they were prior to implementation.[15]

3. The scheme should provide sentencing guidelines for all, or the great majority of, convicted offenders.

4. The reform should include a method of dealing with plea bargaining arising from limited prosecutorial and trial resources.

   Research in the U.S. by Jacoby supports the contention that decision-making in many prosecutors' offices is strongly influenced by resource considerations and is oriented toward system efficiency.[16]

   Police and Crown prosecutors can influence sentencing through their choice of information to present or through choice of charge. For example, in the sentencing study conducted by the Ministry, participants asserted that the mandatory minimum for use of a firearm in the commission of an offence may be under-applied as a consequence of either the police or Crown not reporting that a firearm was used. Studies of plea-bargaining in Canada found that 27% of the indictable cases examined revealed evidence of plea-bargaining and that 54% of the offenders studied claimed some sort of "deal" had been made.

5. The scheme should take into account plea bargaining that arises from "weak" cases.

   Jacoby's research also found evidence of a policy of "trial sufficiency", that is, of decision-making on the basis of whether a case is strong enough to be sustained at trial.[17]

6. The proposal should provide the flexibility to respond to changes in societal and judicial values with regard to offence seriousness, sentence severity, etc.

7. The reform should consider allowing for some jurisdictional flexibility, that is, regional disparity in sentences.

   Research has demonstrated jurisdictional variability in sentencing practices, and it has been argued by some commentators that such variability is necessary to reflect variation in community standards.[18]

8. The proposed reform should allow flexibility for cases which present unusual difficulties.

9. Consideration should be given to two related factors: whether the reform effectively transfers discretionary authority from the judiciary to parole boards and correctional officials, or vice versa; and the potential impact of such a transfer on penitentiary populations.

   The parole decision can substantially reduce actual time served in an institution, and therefore can influence both the size of the incarcerated population and the disparity in time actually served by offenders having committed similar offences.

In a study of the sentencing practices of Ontario Provincial Court Judges, Hogarth found that 59.2% of the judges studied admitted taking into consideration potential Parole Board decisions.[19] Moreover, in a study conducted by the Ministry of the Solicitor General, it became apparent that judges also differ in terms of the correction factor they apply to account for possible Parole Board decisions.

Because parole boards take into consideration many of the same factors as the sentencing judge (e.g. prior record) it has been argued that parole boards are essentially making a second sentencing decision and that restraining the discretionary authority of one may be matched by increasing that of the other.

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DETERMINATE SENTENCING UPDATE

Jody Gomber, Ph.D.

Increasing criticism of both the operations of parole boards and the philosophical and practical framework of indeterminate sentencing structures has led many jurisdictions to consider the adoption of determinate sentencing systems. This idea has been more strongly embraced in the United States, where in fact a number of determinate sentencing bills have been passed, but there is also considerable interest in proposals of this nature in Canada.

The interest is essentially academic for those who argue that Canada already has a determinate sentencing system except for certain special cases, such as habitual offenders. For others, determinate sentencing proposals are of more practical interest because the Canadian system currently lacks the core attribute of pure determinancy—that on the day of sentencing to imprisonment the inmate knows when he or she will get out. In Canada the authority for determining the actual duration of the prison term is shared among the sentencing judge, the paroling authority and the prison system. Thus, on the day of sentencing, an inmate receiving a 15-year sentence can only know with absolute certainty that he or she will serve between five and 15 years.

At this point, some form of determinate sentencing scheme has been adopted by enough different American jurisdictions, in enough different formats, and for sufficient periods of time to allow an initial assessment of the transition from theory to practice. Two questions will be examined: How well are these schemes structured to meet the objectives of determinancy; and what have been the observed effects on the correctional system?[1]

A. STRUCTURES

Although there are many variations, determinate sentencing legislation as instituted in the United States can be categorized into four major types, on the basis of who sets prison terms.

1. Judicial (e.g. Maine, Illinois)

The legislature sets outer limits only, and the judge specifies a fixed term sentence or a non-carceral sentence.

2. Legislative (e.g. California)

The legislature sets a sentence (presumptive) for each offence type, and also specifies particular modifications to these sentences to take into account proven enhancement, aggravation and mitigation in the particular case. It sets rules for the maximum degree of modification. Usually, however, the judge is free to choose carceral or non-carceral sentences and concurrent or consecutive terms.

3. Hybrid (e.g. Indiana, New Mexico)

The legislature sets a presumptive sentencing scheme, but allows a wide range for judicial modification to the sentence for aggravation and mitigation. The code may list possible aggravating and mitigating factors, but this list is neither inclusive nor binding.

4. Sentencing Commission (e.g. Minnesota, Pennsylvania)
The legislature mandates a sentencing commission to create sentencing guidelines, for which it specifies the major dimensions. The judge may set a sentence outside the guideline structure created by the sentencing commission, but such sentences are subject to appeal.

B. OBJECTIVES OF DETERMINANCY

The major theoretical objectives of determinate sentencing, as put forward by its proponents, are to increase certainty, reduce disparity, limit discretion, increase proportionality between crime and punishment, and establish brevity of sentences. The literature suggests that the

achievement of these objectives would result in a more fair and equitable criminal justice system, reduced institutional tension related to uncertainty and inmate perceptions of disparity, increased public visibility and knowledge of the system, greater accuracy in forecasting and costing needs, the development of institutional programs of inherent interest, and positive effects on offenders of being treated justly and fairly.

It must be emphasized that these objectives have been drawn strictly from the theoretical literature. It would be wrong to assume that these were the objectives that any particular state legislature had in mind when it passed its own determinate sentencing bill. For example, the reduction of sentence disparity was clearly not a goal of the Maine legislature in introducing determinate sentencing because little was done to reduce judicial discretion in setting sentences. Nevertheless, it is still fair to say that the objectives outlined above define determinate sentencing in its purest form.

C. ACHIEVEMENT OF OBJECTIVES

The recently introduced determinate sentencing systems do not appear to be structured to ensure the achievement of the objectives of determinancy outlined above. Certainty of a particular punishment following a conviction for a particular crime is limited by the wide range of sentences allowed in many jurisdictions, and the general lack of control over the imposition of a carceral versus a non-carceral sentence.

Certainty of the actual duration of imprisonment is undermined by the authority given to correctional administrators to award "good time," often in large amounts and with poor due process safeguards, and to grant certain forms of release from institutions (such as Maine's home

work-release) that bear a decided resemblance to traditional forms of parole. In addition, all states but one have retained some form of post-release supervision, which often carries with it uncertainty about revocation and re-release.

Reduction of disparity in sentences can only be of limited effectiveness where presumptive sentences are bracketed by wide ranges or are totally unspecified, or where sentence is only controlled once an option to incarcerate is chosen. Even where these are strictly controlled, disparity can result from much of the activity that goes on before conviction, so that, even where sentences appear equal, there may be disparity in terms of sentences for equal criminal activity because of plea and charge-bargaining. For example, in California it appears that prosecutors are obtaining plea-bargains by dropping enhancements for prior records. Although 30 to 40 per cent of prisoners have prior records, this enhancement is being imposed in only 10 per cent of cases.

While judicial discretion has been strictly limited in certain states, in others, (e.g. Maine) it has been virtually untouched by the new legislation. Furthermore, some of the statutes appear to increase the discretionary power of correctional administrators, and most of the legislation appears to have the potential to enhance greatly the impact of prosecutorial discretion.

Whether the new laws increase the proportionality between crime and punishment is difficult to assess without some consensus on what constitutes fair and just sentences for particular crimes. Nevertheless, the objective is clearly undermined in those states where the in-out decision is uncontrolled, and it is threatened whenever the legislation is susceptible to piecemeal amendment to change penalties for particular offences without modifying the over-all structure.

Sentence brevity may have been the cornerstone of theoretical determinate sentencing systems, but it is difficult to achieve in any system where the final decision rests with legislatures sensitive to the public's increasing fear of crime and increasing dissatisfaction with governments' response to it. Even where the new sentence structures are strictly based on past averages, this may merely institutionalize long sentences. California's original presumptive schedule was based on past median times served within the State, periods that were already substantially longer than national medians.

This brief review makes it clear that much of the legislation adopted under the rationale provided by determinacy has, nonetheless, often not been structured to meet the objectives of determinacy. In some cases, this may be due to a failure to achieve perceived objectives; in other cases there appears to have been a conscious decision that only certain of the theoretical objectives were relevant to the concerns leading to the new legislation.

Despite the variety of legislation, certain common concerns about their potential effects on correctional systems have developed in the various states. At this time, few formal evaluations have been completed, but there is enough information to allow an initial assessment of these concerns.

D. IMPACT ON CORRECTIONS

From a correctional point of view, concerns about determinate sentencing statutes revolve mainly around possible increases in sentence length, expansion of prison populations, reduction in program funding and participation, costs of applying retroactivity, and loss of control over inmate behaviour.

The concern over sentence length appears, at least in some cases, to be well-founded. Comparisons of the potential sentences under new legislation with sentences passed under the older codes have revealed a significant lengthening effect in certain states. Furthermore, the largest increases are often for the less serious offences. A projection of time served under the new code for first-time felony offenders in Indiana forecast an over-all increase of 47.4%, with the largest increase in time served--123%--being for burglary.

It appears to be a fact of life in implementing determinate sentencing reform that short sentencing schemes cannot survive the implementation process. The clearest example of this occurred in California, where sentence lengths were increased before passage of the bill, additional inflation occurred between passage and the effective date, and the structure has been subject to a barrage of amending bills since implementation. In Indiana, after the bill was passed, an amendment added a mandatory 30 years to the time to be served by anyone convicted of a third felony.

Increases in sentence length clearly would lead to an expansion of prison populations. Even a minor shift in the average sentence could cause a major population increase. Forecasts of the effects of the new legislation in various states have generally projected increased populations--an estimate in Illinois, for example, projected an additional 64,000 person-years in prison in the first three years after adoption. However, there have also been projections of decrease in some of the very same states. California and Maine have both experienced large population increases since the legislation was passed. This kind of population increase may be due to other aspects of the determinate sentencing codes in addition to sentence length, such as limitations in the use of

probation, or a shift in the focus of plea-bargaining to aggravation/mitigation rather than carceral/non-carceral terms. In California, it has been suggested that the initial population increase was largely due to judges choosing incarceration for offences for which they previously did not incarcerate. At present, California's prison population is reported to be increasing at the rate of 100 a week. However, even those states that have not gone to determinate sentencing have recently experienced prison population increases, so that a clear attribution of cause in these cases is not possible.

There has been, as yet, no evidence of a reduction in program funding that, it was anticipated, might accompany what may be seen as a move to a more retributive philosophy. Nor have there been adverse effects on program participation, according to some observers. Others have suggested that program participation has been reduced, thus necessitating the partial re-introduction of "good time" for program participation in some states.

The issue of retroactivity has been a thorny problem for all the determinate sentencing states. Those which provided for retroactivity, have found themselves caught up in computational problems, costly and time-consuming lawsuits, and often unwieldy procedures. Those states which chose not to include retroactivity provisions have faced equally costly and time-consuming lawsuits, strong inmate resentment and difficult ethical problems. The only protection against this concern appears to be to budget enough time and resources to deal with it.

Fears about institutional violence were largely based on the idea that inmates, particularly those receiving long sentences, would have nothing to hope for or to fear losing. Of course, idealized determinate sentencing systems do not include long terms nor the attendant concern. In practice, this concern has been dealt with in a variety of ways--by

including provisions for large amounts of good time, by retaining parole release for certain offences carrying long terms, or by including provisions for the sentencing court to subsequently modify sentences. Whether it is because of the retention of these quasi-indeterminate aspects, or because of positive (tension reduction) effects of determinacy, there have been as yet no reports of increased institutional violence.

E. CONCLUSIONS

In American jurisdictions that have adopted some form of determinate sentencing, the legislation has taken many different forms. Each jurisdiction has adapted the basic framework of determinancy in an attempt to meet its own perceived social policy and political concerns. This has resulted in some sentencing systems which could only very loosely be termed determinate.

Over-all, the main theoretical objectives of determinacy have not been met in any consistent way in the recently passed statutes. Although each code may have achieved certain reforms, there is no jurisdiction that has, with complete success, increased certainty, reduced disparity, limited discretion, increased proportionality and established brevity.

Furthermore, in practice there appear to be certain unintended, if not entirely unpredictable, negative effects. Probably the most serious of these are large increases in sentence length and prison populations. This is particularly troublesome since, in the past, parole boards could and have been used to reduce severe overcrowding. The determinate sentencing systems that have abolished paroling authorities have not substituted another mechanism that could deal as quickly and directly with crises involving overcrowding.

This review has been fairly negative in its assessment of determinate sentencing legislation as passed in the United States between 1976 and 1980. Does that imply that the whole notion of determinate sentencing is a failure? Clearly not, but it does suggest that the translation of determinate sentencing theory into practice is extremely difficult even for the cautious. It is exceedingly difficult to predict the effects on other components of the criminal justice system of a change to the sentencing scheme, and even more difficult to protect a proposed sentencing scheme from the effects of a large number of competing pressures and concerns.

The literature does contain the following recommendations about ways to mandate and structure determinate sentencing systems that could possibly assist in a more effective realization of the goals:

1. Obtain statistical advice to ensure that the proposed penalty scheme will not swamp capacity.
2. If the sentencing commission format is used, include in the legislative mandate a prescription that the penalty structure must take into account institutional capacity.
3. If the system will include legislatively set sentence maximums, ensure that they are not set too high, and that the legislation declares that the maximums are to be reserved for exceptional cases.
4. Enshrine in the legislation the principle of parsimony (least drastic alternative), and include a presumption for non-carceral sentences.
5. Use a sentencing commission rather than the legislature to set the penalty scheme in order to provide some protection against political pressures to inflate sentences.
6. Maintain the possibility of community-based corrections even for those given carceral sentences.
7. Develop methods to reduce the discretionary and disparity-inducing effects of plea-bargaining--such as making it formal, abolishing it, or developing guidelines to regulate it.
8. Deal explicitly with the in/out sentencing decision.

9. Clearly and understandably define the criteria for differentiating among offenders.
10. Ensure that the system includes all or most convicted offenders so that the disparity between those included and those excluded does not become too great.
11. Clearly specify criteria for the length of prison terms, including consecutive/concurrent and limits on enhancements.
12. Carefully consider the question of good time, especially as it relates to discretionary control over release.
13. Allow for some jurisdictional flexibility.
14. Allow for some flexibility for "hard cases," so that the whole penalty scheme does not become raised because of an exceptional case.
15. Provide for temporal flexibility so that the penalty scheme can be reviewed and modified as public policy changes.

There can be no doubt that the most serious threat to determinate sentencing proposals comes from the political process itself and its attendant effects on sentence length and prison population. The recommendations listed above could only be instituted, let alone be effective, if legislators, pressure groups and the electorate were all agreed on the necessity to achieve the five interrelated goals of determinacy--including the most contentious one of sentence brevity--and if they could find a way to protect the legislation from subsequent amendments destructive to its logic and coherence. As this review of recent experience has shown, that is a challenging task.

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EFFECTIVE CORRECTIONS --
A Post-Martinson Assessment

Hugh J. Haley, Ph.D.

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In 1974, Martinson published an article reviewing 231 evaluations of correctional programs which met prescribed conditions of good research methodology.[1] His conclusion, which was similar to that of earlier but less extensive reviews,[2] was that evaluation research had failed to demonstrate that correctional programs had any consistent rehabilitative effects. Both the correctional and the more general criminal justice literature have been strongly influenced by this assessment of ineffectiveness in re-directing criminal behaviour. A major aspect of this influence has been a questionning of the appropriateness of rehabilitation as a correctional objective.[3] Rehabilitation has, however, been a corner-stone of criminal justice philosophy and the assessment of both the evaluation research and the policy ramifications of it has often been emotional and inconclusive. A more objective reassessment of the situation therefore appears warranted in order to assist corrections to define its objectives and then develop effective and efficient programs to attain them.

Clearer Correctional Objectives: Necessary Prerequisite to Effective Programs

While Martinson never clearly defined rehabilitation, his conclusion of ineffectiveness applied equally to academic and industrial training programs, community and institutional programs, and individual and group therapies. A recent report by the U.S. National Academy of Science Panel on Research and Rehabilitation Techniques[4] also defined rehabilitation broadly as the "result of any planned intervention that reduces an offender's further criminal activity, whether that reduction is mediated by personality, behaviour, abilities, attitudes, values or other factors. The effects of maturation and the effects associated with 'fear' or 'intimidation' are excluded, the results of the latter having traditionally been labelled as specific deterrence."

These definitions therefore include any nonpunitive program that is meant to redirect established criminal behaviours. Many criticisms of rehabilitative programs appear to be attacking a narrower concept than this broader definition implies. It is doubtful that such critics intend to reject all programs that are meant to change offenders. Furthermore, it is questionable whether modern western society would be willing to reject entirely the notion that correctional programs should attempt to change offenders, at least within prescribed conditions. It therefore appears that, rather than entirely rejecting rehabilitation as a correctional objective, the current debate has, in part, been a reassessment of how we would be willing to attempt behavioural change within our criminal justice system. This assessment would have to include not only the different ways in which this might morally be undertaken but also the feasibility of actually attempting behavioural change under different ethical or legal constraints.

This broader conception of rehabilitation, somewhat paradoxically, also leads to a clarification of what rehabilitative programs are not attempting to attain. The primary emphasis previously given to behavioural change programs appears to have resulted in a neglect of other perhaps equally important correctional objectives, such as inflicting punishment, protecting the convicted offender's remaining rights, temporary containment, and reconciliation or reintegration of the offender.[5] The attack on rehabilitation has served to give proper emphasis to these objectives rather than to totally deny the legitimacy of certain types of rehabilitative programs. While there has been a great deal of debate about the importance of these as alternatives to rehabilitation, the implications of adopting them as criteria by which to assess correctional programs have not been adequately explored.

As one positive consequence of the current debate on rehabilitation, the comprehensive examination of the evaluation and

research strategies used in assessing correctional programs exposed numerous mistakes in the methods used in evaluating rehabilitative programs. This information is relevant to any further investigation of rehabilitative effectiveness, as well as to assessments of how adequately corrections meets its other objectives.

The Specification of Program Design

In a more recent review of correctional evaluations, Greenberg expresses surprise that anyone would expect that the evaluated programs would be effective.[6] The force of this observation can be demonstrated by a consideration of one of the most influential correctional studies: Kassebaum, Ward and Wilner's evaluation of group psychotherapy in prisons.[7] Despite of the exemplary research design, Quay has severely criticized this research for evaluating a poorly conceptualized program that was inadequately delivered by unqualified personnel to individuals who might have been inappropriately assigned to it.[8] Most other evaluated programs could be similarily criticized.

Correctional programs must be grounded in a clearly articulated theory of how proposed interventions might be expected to change behaviours.[9] More attention must be given to conceptualizing and specifying the rationale of correctional programs. The process by which a program is expected to produce desired results must be detailed, and it must be clear that the necessary components for that effect are achievable and can be implemented and maintained for the duration of the program. The National Academy of Science Rehabilitation Panel suggests that such attention to the theoretical rationale of how and why a program should produce desired results would not only increase program effectiveness but would provide consistency of program delivery over time, thus ensuring that the desired intervention was being applied.

A major criticism of the reviews of correctional effectiveness, as well as of the correctional research area generally, is that systematic attempts to assess the collective knowledge in corrections in order to develop a theory of behavioural intervention have been minimal. For example, Neithercutt and Gottfredson[10] cite numerous studies repeating evaluations of Parole/Probation Caseload Size which, while the results are equivocal, document that in itself case load variation has minimal effects. A theoretical approach to applied research would have accepted these equivocal results and would then have systematically examined additional factors, such as the actual work done by probation officers under differing case loads, that would most efficiently produce desired results. This systematic approach would have been a much more effective use of research resources to specify how probation/parole case management might be improved.

Canadian work by Andrews and his colleagues[11] is a good example of how this might be accomplished. On the bases of differential association and learning theory, Andrews specified a number of factors that appeared to be of importance in the behavioural change of offenders. He then conducted a series of studies to identify the process by which these factors might be implemented through contacts with non-criminal others such as parole officers or volunteers.

Following this initial research, offenders who had been differently exposed to these factors were identified and their further criminal involvement was systematically observed. On a three year post-program follow-up of probationers, relatively low recidivism rates were associated with the following practices:[12]

1) Reviewing the formal conditions of probation as well as the formal sanctions associated with those rules, and rendering those rules and sanctions concrete in terms most relevant to the individual offender.

2) Demonstrating sentiments and behaviours which are obviously anti-criminal and prosocial, as well as showing differential approval and disapproval of the offender's expressions.

3) Assisting the offender to participate in non-criminal community activities, such as securing employment and home placement.

4) Referral to existing community resources.

5) Minimal use of counselling techniques which emphasized the establishment of close ties between offender and counsellor without making distinctions between 'anti-criminal' and 'pro-criminal behaviours'.

This research is significant, not only because it demonstrates that certain case management practices appear to be more effective than others, but, perhaps more importantly, because it challenges some of the common beliefs about what constitutes effective parole/probation supervision. It is commonly advocated that community corrections should emphasize the establishment of strong personal relationships between worker and offender rather than enforcement of conditions of supervision. The research presented here indicates that a single reliance on this practice, without emphasizing appropriate behaviour and compliance with legal requirements, might not only be ineffective but might also be counterproductive.

The empirical demonstration of the ineffectiveness of certain case load practices should not be the basis for rejecting community supervision programs generally, but should lead to further research to identify efficient probation/parole procedures. Other behavioural sciences have had histories similar to corrections in attempting to identify effective interventions for a wide range of social problems. As recently noted by Lazarus,[13] many of the psychotherapists' most cherished

"truths" have not been confirmed under proper scientific scrutiny. Rather than lead to a rejection of psychotherapy generally, however, this knowledge has been the impetus to specify empirically "why treatment by whom is most effective for this individual with that specific problem and under what set of circumstances." Systematic research and evaluations of psychological practice has lead to a body of scientific knowledge indicating how this might be implemented for a wide range of clinical problems. A large number of researchers and practitioners advocate that a similar 'differential treatment approach' be adopted in corrections. While there has been some initial work, whether this will be effective in correctional practice remains to be determined by systematic research which overcomes the implementation and methodological difficulties made evident by earlier experience.

The Establishment of Appropriate Effectiveness Criteria

Rehabilitative programs are commonly expected to produce a decrease in subsequent criminal activity, but the process by which this is expected to occur often assumes a number of intervening results. The importance of this is demonstrated by Andrews' attention to program design and monitoring of intervening factors but is also important in determining what measures most adequately reflect the desired outcome from the program. If a certain process is assumed to be necessary to attain a reduction in recidivism this process must be documented by assessing the extent to which intermediate goals are actually attained and how these truly impinge upon rehabilitative effectiveness. For example, the evaluations of an academic education program (UVIC) for incarcerated offenders, in the federal system in British Columbia, have demonstrated exceptionally low reincarceration rates which, despite an inadequate research design, are impressive enough to warrant further investigation. However, any further research would have to assess critically the program organizer's explanation that these results are caused by the intermediating process of a change in offenders' cognitive and moral reasoning ability.[14] Without such documentation the

replicability and efficiency of the program in any new setting would be threatened by an uncertainty about what actually causes the desired effects.

Not only is it important to document the intermediate process in rehabilitation but the ultimate measurement of treatment effectiveness is also problematic. While recidivism is the commonly accepted criterion of rehabilitative effectiveness, its actual definition and measurement has been inconsistent across correctional programs. This not only makes comparison between programs difficult, but programs that might be shown to be ineffective according to one recidivism definition might be shown to be effective under another, perhaps more appropriate, measure of repeated criminal involvement.

The traditional recidivism rate is defined as whether an offender is reconvicted for a new offence within a specified period of time, making success an either/or proposition. In an evaluation of juvenile treatment programs in Chicago, Murray and Cox[15] defined recidivism as the number of arrests per month of a given group of delinquents before and after being exposed to various correctional measures. Hard core offenders who were sent to a state correctional institution showed no change in whether they were re-arrested as per the traditional recidivism measure, but when the monthly arrest rate was used there was a significant reduction following institutional release. In contrast, those offenders sent to community programs showed less reduction in monthly arrest rates, with a tendency for the more restrictive degree of non-institutional supervision to be associated with the greater reduction in monthly arrest rates.

These data indicate that, while some correctional programs may not cause a reduction in the rate of return to the criminal justice system, more restrictive supervision programs may cause a reduction in the degree of involvement in crime, perhaps then having some impact on the over-all crime rate and in time contributing to gradual cessation in an individual's criminal involvement.

The appropriate definition of recidivism will depend upon the effect expected from the correctional program and what measurement can most adequately reflect this. Recognizing this, further research is needed on the relative utility of these and other measures of rehabilitation effectiveness, in order to establish which measures are most appropriate for which purposes.

Conclusion

The most thorough and objective examination of the issues in the current debate was undertaken by the U.S. National Academy of Science Panel on Research and Rehabilitative Techniques. This panel concluded that while present knowledge "provides no basis for positive recommendations about techniques to rehabilitate criminal offenders...the strongest recommendation that can be made at the present time is that research on ways of rehabilitating offenders be pursued more vigorously, more systematically, more imaginatively, and certainly more rigorously." While the panel's pessimistic opinion of current knowledge might be challenged[16], a strong consensus is emerging that further systematic research is required if effective programs to attain rehabilitative as well as other correctional objectives are to be developed. The panel also recognized that previous research has been inconclusive and unproductive, not only because of inadequate attention to theory, continuous programming, or good scientific methodology, but also because of established funding practices and poor communication of evaluation and research results. To overcome these problems, the present emphasis on single evaluations of continuing programs must be re-directed to the establishment of viable research programs to systemtically study defined problem areas over extended periods of time.

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RECENT RESEARCH ON SANCTIONS FOR JUVENILES

Aaron Caplan, Ph.D.

The proposed Young Offenders Act moves toward a concept of responsibility whereby young persons would be held accountable for their illegal behaviour and accorded full rights to due process of law. At the same time the legislation recognizes that because of their state of dependency and level of development and maturity, young persons have special needs and require guidance and assistance, and thus maintains a strong commitment to the treatment of juvenile offenders. The growing scepticism about imposed "treatment" programs, as evidenced for example in recent Law Reform Commission proposals for minimal intrusion and intervention, underlines the importance of a careful empirical examination of treatment programs and experiments. Accordingly, this paper focuses on research findings related to the effectiveness of selected programs: diversion, probation, restitution, and committal to custody.

Diversion

Juvenile diversion is a complex and controversial practice. Palmer and Lewis[1] suggest that five possible goals of diversion are:

1. Avoidance or reduction of labelling and stigmatization;
2. Reduction of the level of penetration into the juvenile justice system;
3. Reduction of illegal behaviour (recidivism);
4. Provision of services (program and assistance);
5. Reduction of costs.

For the purposes of this paper, the research findings related to the goal of reducing illegal behaviour will be discussed. Palmer and Lewis' evaluation of eleven diversion projects indicated that only three of these projects reduced the recidivism of the diverted juveniles. Gibbons and Blake[2] found evidence of reduced recidivism in only three of nine projects reviewed. Klein[3] found that recidivism was reduced in only three of thirteen projects he examined. All the projects mentioned above compared juveniles who were diverted with juveniles who were not diverted.

Palmer and Lewis[4] offer an interesting explanation for their findings that could apply to the other two studies cited. They suggest that in the majority of their projects, juveniles who received diversion were rather good risks from the start and were quite unlikely to recidivate. That is, 76 per cent of all diverted juveniles had no prior record of arrest.

Potter[5], in the U.S., and Renner[6], in Canada, have raised perhaps the most pressing question about recent experiments and programs in diversion: Is diversion truly being given a test? Both point to what has become a well recognized danger in diversion -- that it is most often used for those who would not have received carceral (or any) sentences in any case. In effect, they argue, diversion has served to widen the criminal justice net.

Added to this is the apparent confusion about what diversion should mean in practice. How much does it overlap with probation and restitution? There remains substantial confusion about the goals of diversion and, therefore, the target for diversion programs.

In sum, diversion programs which focus largely or exclusively on "good-risk" youth do not provide a real test of how such programmes might reduce recidivism. An assessment of the place and potential of diversion programs in the treatment of juveniles must await not only new data, but also a clearer articulation of, and consensus about, their goals.

Probation

Although research has examined the effect of specialized probation programs in comparison to regular probation, very few studies have examined the effect of probation in comparison with simply closing a case after an initial interview.

Romig[7] reviewed two studies that cast doubt on the effectiveness of probation itself. The San Diego County Probation Department Study[8] found no significant difference in probation's effectiveness compared with closing the case after an initial interview. The study, however, involved mild drug offenders only. Venezia[9] found that informal probation services were no more effective than closing the case after an initial interview. (Informal probation occurs when a youth admits his involvement in the offence and receives probation supervision without being adjudicated delinquent.) Venezia's study generally involved first offenders and non-serious offenders. These two studies indicate that with first offenders, closing the case after initial intake may be as effective as probation supervision. Romig[10] concludes that, "For a great majority of first offenders, who are basically well-adjusted youths, there is a need not for rehabilitation, but for a sufficiently forceful encounter with the juvenile justice system that they learn that breaking certain laws will not be tolerated by society."

One study that looks beyond the effectiveness of probation is worth noting because it compares the use of probation with the use of monetary fines. The main finding of Kraus'll research in Australia was that monetary fines were as good as probation. In fact, with first offenders, monetary fines were more effective in reducing subsequent delinquency than was regular probation. The implication is that a much cheaper and more effective treatment than probation is available, at least for first offenders. However, for fines to work with first offenders, the youths themselves must earn the money to pay for the fines.

It should be noted that although these three studies suggest the use of minimal intervention with first offenders, the recommendation is based on very limited findings. Further study of the effectiveness of regular probation and fines is required.

Restitution

In 1979, 69% of the charges referred to Canadian Juvenile Courts in 1979 were for crimes against property;[12] the courts used some form of restitution in 54% of the property charges that were adjudicated delinquent. While Canadian research on restitution is unavailable, it is instructive to consider Schneider's[13] evaluation of 35 restitution programs across the United States.

In a two-year period 88% of the cases processed completed of the restitution order. To November 30, 1980, 15,997 referrals have been made to the programs. At the time of the evaluation, 12,000 cases had been completed, and $1,000,000 dollars had been paid to the victims, with the average amount of restitution being $247. In addition, the programs have generated 90,000 hours of community service work (an average of 52 hours of service per offender). What is striking, however, is that only 4,000 hours of direct service to the victim have been performed. That is, less than 5% percent of all service hours performed directly benefitted the victim.

Schneider's findings suggest that the disposition of restitution as embodied in the proposed federal legislation will be successful. However, it should be stressed that successful programs were developed consistent with two important principles:

1. The offender entering a restitution program must possess the skills to complete restitution. If a juvenile has not held a job prior to receiving the restitution disposition, it becomes incumbent upon the program to offer the juvenile job skills development; that is, how to find and hold a job.

2. The terms of the restitution agreement must be clear, measurable and achievable. The juvenile must have a clear understanding of what is expected of him, how the program will decide if the terms have been met, and most important, whether he can actually accomplish the terms of restitution.

Committal to Custody

Romig's[14] review of twelve studies on the effect of various forms of institutional treatment with over 3,000 juveniles found only one study—involving family communication skills—that produced a signficantly lower rate of recidivism. Romig suggests that the massive failure of these programs is the result of specific program components. He found that the main program elements used, group counselling, individual counselling, work programs, guided group interaction and intensive casework, have failed in other settings as well.

Similarly pessimistic conclusions can be drawn from Canadian research on the effect of treatment in juvenile institutions. LeBlanc et al.[15] evaluated Boscoville, a juvenile treatment centre in the province of Québec where the treatment program is founded on the concept of personality development. The personality development is designed to occur through a four phased re-education program. Each phase has particular objectives designed to meet the needs and capacities of the young person.

Of the 171 juveniles who were sent to Boscoville as possible candidates during 1974 and 1975, only 58%, or 100 juveniles, entered the program. After two months of observation, the vast majority of the remaining 71 juveniles left the program on their own. Of the 100 juveniles who entered the program, only 56 juveniles (56%) remained for more than one year, that is, a third of the initial candidates.

Fifty of the fifty-six juveniles who remained in the Boscoville program for more than one year were interviewed one year after their release. Twenty-two of these fifty juveniles (44%) admitted committing at least one delinquent act after their release from the program; however only thirteen of the fifty juveniles interviewed (26%) were given another institutional sentence within a year of their release. Although 74% of the juveniles did not receive a further institutional sentence, the analysis did not demonstrate any relationship between the juvenile's success in the treatment program and his likelihood of receiving another institution sentence.

Conclusions

Recent research suggests that diversion programs process juveniles who are least likely to recidivate. The findings on probation suggest that an initial intake interview with first and minor offenders may be better than probation. The one research study examining fines suggests that the use of monetary fines may be appropriate for first time property offenders. The common theme of these findings is that minimal intervention is recommended for first time and minor offenders.

The findings on the use of restitution are very encouraging in relation to the proposed Young Offenders Act emphasis on the responsibility of young people for their behaviour. Although research has not been conducted on the likelihood of juveniles re-offending after completing restitution orders, the cited research findings suggest that restitution orders are a very successful avenue for the restoration of stolen or damaged property. However, juvenile justice personnel must be able to define a target population suitable for restitution. It is imperative that the offender entering a restitution program possess the skills to complete restitution.

The effect of institutional dispositions remains unclear. Consequently, the intended use of these dispositions must be clarified. Juvenile institutions will continue to exist to accommodate a small proportion of adjudicated offenders. However, research has not demonstrated that institutions clearly treat effectively.

Although the findings reviewed in this paper are encouraging, they do not address the relationship between the effectiveness of treating juvenile offenders and reducing their likelihood of entering the adult criminal justice system. It is not now possible to predict which adjudicated juveniles will become the clientele of the adult system.

If we are to understand why certain juveniles continue into the adult system, a longitudinal approach following a group of adjudicated juveniles into the adult criminal justice system is required. The only Canadian longitudinal study, Fréchette and Lagier,[16] following a group of adjudicated juveniles beyond the upper age limit of juvenile jurisdiction, found that 55% of the sampled juveniles continued to have adult criminal careers.

Research on predicting adult criminal careers from juvenile criminal careers is still in its infancy, yet the issue demands our immediate attention as one avenue for reducing the level of adult crime. That is, if this target population could be clearly identified, attempts could be made to meet the needs of these juveniles prior to their entry into the adult system.

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AN OVERVIEW OF RECENT RESEARCH ON CRIME VICTIMS

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The victim of crime has often been referred to as the "forgotten person" of the criminal justice system because most of the attention and resources of the police, prosecution, courts and correctional services have been directed toward the offender. As a result, not only are many of the needs of victims not being met, but victims may, to some extent, be "victimized" a second time by the frustrations and inconveniences involved in turning to the criminal justice system for help.[1]

Over the past few years, however, a wide variety of victim assistance policies and programs have been developed. A recent review of these developments in Canada[2] indicates that while considerably more progress has been made in the United States than in this country, many new Canadian victim assistance services are being considered.

The number of research studies dealing with victims has also grown during the past few years. The studies selected for review below are those which appear to have the most direct implications for the development of <u>new</u> victim assistance services in Canada. Victim services in Canada are for the most part restricted to those dealing with the financial needs of victims (compensation and restitution), and to a more limited extent, to those related to the practical, emotional, and legal needs of victims of family violence and rape.[3] Rather than focus this review on the substantial amount of research in these areas, this paper is limited to studies related to the development of other kinds of services such as comprehensive victim service agencies,[4] and on specialized services within police departments, Crown Attorneys offices and courts.[5]

CANADIAN RESEARCH

Victimization Surveys

Various findings from victimization surveys are relevant to the consideration of new victim assistance services. Victimization surveys consist of interviews with a representative sample of the population to obtain information on the extent to which the public has been criminally victimized, whether the incidents have been reported to the police, the impact of the crimes on victims, and related matters.[6] Victimization surveys have been more frequently carried out in the United States where the U.S. Bureau of Census has been conducting nationwide surveys since 1972. In Canada, the only large-scale victimization surveys carried out to date are Waller's study of burglary in Toronto[7], and a survey in the Greater Vancouver area by the federal Ministry of the Solicitor General.[8]

A common and important finding of these surveys concerns the proportion of crimes never reported to the police. In both the Toronto and Vancouver studies, only 62% of break and enter victims indicated that the police had been notified. The Vancouver and American victimization studies also show that fewer than 50% of crimes of robbery, assault, theft, and vandalism are ever reported to the police. A major reason given by victims for not notifying the police is that they believe that the police would not be able to do anything about the incidents. Another related finding is that while general attitudes toward the police are usually favourable, victims who have reported incidents to the police are much less satisfied with the way the police handled their cases and the extent to which the police kept them informed of the progress of investigations.

Data from victimization surveys also indicate that women and elderly victims have special needs. In addition to the particular problems of victims of rape and of wife assault, the findings from the Vancouver and U.S. victimization surveys[9] show that while men are more

likely than women to be victims of other crimes, women suffer more from fear of crime. Similarly, the elderly are less likely to be victimized than younger age groups but they suffer more from fear of crime. Furthermore, analyses of losses due to theft from the Vancouver survey indicated not only that elderly victims experienced higher total financial losses, but also that they were able to recover less, through such means as insurance, than the remainder of the population. These latter findings are especially pertinent because the elderly generally have lower incomes.

Victim Needs Surveys

In addition to data from victimization surveys, there are many findings from more focused kinds of research studies which are relevant to the further development of victim assistance services in Canada. Victim needs surveys provide an important starting point for defining victims needs and creating programs to meet those needs. Such surveys can help identify victims' self-defined or perceived needs.

A victims needs assessment survey in the Waterloo Region of Ontario found that the desire to be kept better informed of the progress of their cases is one of the most commonly identified needs of victims.[10] This finding, along with the results from victimization surveys, suggests that victims might be more satisfied with police services and more likely to report crimes if the police instituted special procedures to keep victims better informed of the progress of their cases.

The "victims needs assessment survey" in the Waterloo Region indicated that 32% of the 200 victims interviewed believed that their needs had not been satisfied by the existing services in that community. In addition to the previously noted desire to be kept better informed of the progress of investigations, victims identified a desire for better information on court processes and the need for emotional support services as important. Other relevant Canadian information include studies done for the planning of the Witness Control Units in Edmonton and Calgary which showed that witnesses are often dissatisfied after having performed their duties.[11]

Program Effectiveness

A preliminary report on the Victim Services Unit of the Edmonton Police Department[12] indicated that victims were generally highly satisfied with the services and that it was functioning in an efficient manner. However, an evaluation of the Brampton, Ontario, Victim/Witness Assistance Program[13] found little need for that kind of service in that community, because few clients were being served. An alternative explanation may be that since there did not appear to have been any prior detailed needs survey done, this particular program may not have been properly designed for this community. Also, this program relied primarily on referrals even though evidence from American studies indicate that victim service agencies of this kind should take the initiative in contacting victims.[14]

AMERICAN RESEARCH

There is a large body of research from the United States which should be considered. Although no attempt is made here to review this voluminous literature, there are a few American research findings which are particularly relevant and should be briefly noted.

Victim Needs Surveys

One of the most comprehensive studies on the needs of victims, by Knudten, Meade, Knudten, and Doerner, documented the ways in which victims experience emotional suffering and income and property losses. The study

indicated that victims experience two kinds of problems:

> Victim crime-related problems commonly include physical injury, loss of property, property damage, lost time, loss of income, loss of job, experience of mental or emotional suffering, reputation damage, spouse or family problems, and/or friend or neighbor concerns. Criminal justice system-related problems, shared by the victim and/or the witness, include excessive trips to law enforcement agencies, difficulty in finding correct location, transportation problems, parking space concerns, lost income, lost time, child care problems, uncertainty as to what to do, long waiting time, uncomfortable waiting room conditions, exposure to threatening or upsetting persons, and/or temporary loss of property kept as evidence.[15]

While there are obvious dangers in drawing direct implications from the substantive findings of American research because of differences in crime rates and in the practices of the legal and social services in the two countries, the methodology used to assess the impact of crime on victims and to measure their experience with the criminal justice system would appear to be a very useful tool for the proper planning of any local victim services in Canada.

Program Effectiveness

Research reports by the National Evaluation Program of the American Institute for Research[16] describe in detail a wide variety of model victim, witness, and combined victim-witness programs and represent the most intensive and easily referenced source of information on program effectiveness. Perhaps more important for Canadians, these reports illustrate the large number of measurable objectives that can be addressed by such services, and offer practical guidelines for doing useful planning and evaluation studies. They describe the need not only to focus on potential benefits to victims and witnesses, but also to

examine cost-benefits to the criminal justice agencies themselves. For example, the reports not only describe the many ways in which the comprehensive Victim Services Agency in New York City helps victims and witnesses, they show that at least $3.18 was saved in 1978 for every $1.00 invested in the Agency.[17]

Other evidence of cost-effective programs are described in these reports and in other recent research studies.[18] These kinds of findings suggest that victim/witness programs may be justified on both humanitarian and economic grounds. Again, while these findings may not be directly applicable to Canada, they indicate areas which should be considered in the planning, monitoring, and evaluation of future victim/witness services in Canada.

CONCLUSIONS

Many of the findings on victims' needs and on the effectiveness of particular programs come from American studies and cannot directly be applied in Canada. However, the procedures for research, planning and evaluating victim services are very valuable and can be used to ensure that Canadian planners/managers do not model new victim services directly on American programs without first determining whether the approach selected is the one most needed in their community.

A second conclusion is that new victim services should be implemented so as to ensure their proper evaluation. Some of the postulated benefits of certain kinds of American model projects have not been properly documented.[16] Even if they were, Canadian communities interested in establishing similar programs should not have to generalize from American research findings. To overcome these problems, decision-oriented research should be carried out during the planning of new programs where the focus would be on doing victim needs assessment surveys, inventories of local community resources, and in formulating

measurable objectives. A research component should continue once the program becomes operational to ensure that reliable and useful feedback data are routinely supplied to the program managers and that program improvements can be attempted. This kind of research would also provide the basis for doing proper process and impact evaluations to ensure that programs are as effective and efficient as possible.

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SPOUSE ASSAULT AND THE CRIMINAL JUSTICE SYSTEM

Carol LaPrairie

The subject of wife assault, within the larger context of family violence and victimization, has come under increased scrutiny by researchers. The recognition that violence is one of the most profound characteristics of the family has led to a wide range of research and theorizing aimed at examining not only the existing legal and social responses to the behaviour, but the appropriateness of dealing with the complexities of deviance in family and married life within the confines of the criminal justice system.

Much of the impetus for both research and policy development has come through the demands of various interest groups that victims of wife assault be provided better emergency shelter, legal protection and social understanding and support. As a result of these demands and in conjunction with a general move in criminology theory towards a more critical examination of family life, the area of wife battering and its social and legal consequences has come into focus.

The difficulties in understanding the philosophical and substantive issues in wife assault have been compounded by the range of criminal and civil law which touches on family life. Frequently, wife assault charges occur in conjunction with civil law involvements with the family such as maintenance, divorce and custody issues. The problems facing criminal justice personnel lie in responding to the criminal activity while attempting to deal with the emotional and family-related issues.

The historical differentiation between family and non-family violence has come under considerable scrutiny and at this point little concensus exists on whether violence which occurs within the confines of the family should be viewed as qualitatively different from violence which occurs between strangers. As a result of these diverse perspectives, a broader response to wife assault has developed, one which is based on an integration of legal and treatment models.

RESEARCH FINDINGS TO DATE

Despite the problematic nature of the area and in response to concerns about the fabric of family life and the plight of wife victims in cases of assault, a number of research projects have been initiated. Some of the more significant ones are identified here.

Incidence

It has been estimated that between 10%[1] and one half[2] of all women who live with a male partner will be assaulted at least one time during the relationship. In North American cities, 40 to 70% of all homicides and assaults are "domestic" in origin. Strauss[3], and Bell and Benjamin[4] report that in Canada the wife is the victim in 83% of spouse homicides. Similarly, Goldman[5] reports that of the 107 reported murders in immediate families in Canada in 1975, the wife was killed by the husband in 49 cases, but the husband was killed by the wife in only eight incidents.

Seriousness of Assaults

Jaffe and Burris[6] report that in London, Ontario, the most common type of violence used against women by their male partners was kicking, biting or hitting with a fist; in 7% of the cases, males used or threatened to use a weapon. Police advised 20% of the women to get medical treatment, 10% went to emergency facilities and 4% were subsequently hospitalized. A police department study of domestic violence in San Jose, California, showed that 23.4% of the investigated cases resulted in actual injury and 28.4% resulted in simple battery.[7]

The Response of the Criminal Justice System

A major research focus in the area of wife assault has been on the examination of the criminal justice system response to the behaviour. Particular attention has been directed to the role of police in responding to wife assault calls, which Levens and Dutton[8] have found to constitute 34% of all domestic calls (which according to these authors make up one third of all calls for service). Two major issues have been identified in the studies of police handling of wife assault calls. These are --

1. that police policy is often unstated, unclear or inconsistently applied[9] and

2. that attitudes toward the behaviour and the victims may influence police response.[10]

It is evident that police require special training in learning to deal more effectively with domestic assault cases. A number of innovative training programs for police officers are now being undertaken in various jurisdictions which follow guidelines such as those set out in the Prescriptive Package for Crisis Intervention.[11] Currently, an experiment is in progress at RCMP Headquarters in Regina for evaluating the impact of crisis training on police officer response.[12]

Other efforts at assisting police in these matters have been instigated through the use of family crisis workers[13] and in more rural areas with community volunteers.[14] The London, Ontario, Family Consultant Service stands as the exemplary model for assisting police and victims in family crisis calls through referral and support services.

There is a general dissatisfaction on the part of battered wives, agency personnel and women's groups with the existing court response to wife assault.[15] Research on attrition rates for wife assault cases helps to identify the source of the problems. Not only is there vast under-reporting of cases of wife assault at the police level, but even when these cases are reported and charges laid, prosecutions rarely occur.[16]

POLICY AND PROGRAM DIRECTIONS

One of the strongest recommendations coming out of research focusing on the criminal justice system response to wife assault, is for improved and coordinated policies and procedures.[17] Training for police, justices of the peace, prosecutors and judges is seen as a requisite to invoking any long range policies which will modify the current criminal justice response. The thrust of recommendations dealing with wife battery are not only related to specific legal and treatment responses, but to longer-term prevention goals as well. A number of programs and services addressing the needs of victims have been suggested. Victim advocacy, public awareness and social agency education programs are now being examined.

In some U.S. jurisdictions demonstration projects which provide victims greater access to the court process have been implemented. These range from the establishment of special domestic violence units to provide legal advice, to night prosecutor programs, to dispute settlement centres, and to various types of pre-trial release and diversion programs.

Treatment programs for batterers have also been implemented in a number of American jurisdictions. These programs are seen as a means of altering the behaviour of offenders while providing disposition

alternatives to courts in the use of these treatment groups as a diversionary tactic or as a condition of probation. In Canada, the establishment and evaluation of similar groups has been recommended and one such project is now being undertaken in British Columbia with costs shared between the federal and provincial departments.

CONCLUSION

It is clear that the area of wife assault is a confused and complicated one and that developing appropriate criminal justice system responses to the behaviour is a difficult process. Nonetheless, it should be noted that some progress has been made both in understanding the complexities involved and in developing policies and programs to improve response, treatment, and prevention. While this is very encouraging, most of the developments described above are very recent and continuing evaluations are necessary to ensure that we are on the right track.

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THE IMPLICATIONS OF RECENT RESEARCH ON CRIME AND DELINQUENCY PREVENTION

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Crime and delinquency prevention, in its most general sense, refers to any before-the-fact intervention designed to reduce the frequency of acts defined by law as crime or delinquency. Responsibility for crime and delinquency prevention is shared by the criminal justice system, primarily the police, and the wider community. In addition to activities such as patrol which are considered an intrinsic part of routine police work, the police are increasingly playing the role of catalyst, coordinator or facilitator of the prevention activities of individuals or groups in the community.

Approaches to prevention have differed in terms of whether they are oriented toward potential offenders and their disposition to engage in crime or whether they are oriented toward the targets—be they persons or property—of crime and the immediate situations in which crime occurs. Some approaches, commonly referred to as positive crime prevention or social prevention, attempt to prevent crime and delinquency by altering the motivation, behaviour, and life circumstances of potential offenders to increase their success in legitimate pursuits. Other approaches, commonly referred to as defensive, attempt to reduce criminal opportunities and increase the risk of apprehension. They do this primarily by making access to targets more difficult; for example, through formal surveillance, environmental design and education for potential victims.

The following is a brief overview of research findings on the effectiveness of these general approaches.

POSITIVE CRIME PREVENTION

The results of evaluations of the crime and delinquency-reducing effects of programs for potential offenders (including social casework programs, academic education, vocational programs, training and recreational groups, individual and family counselling programs, youth service bureaus, and street-worker programs), have generally been negative or inconclusive.[1] Some offender-oriented programs, however, have shown more promise than others and deserve further development and testing. Two such approaches are behaviour modification focused on specific objectives, and family counselling focused on problem-solving and communication.[2]

DEFENSIVE APPROACHES

Police Patrol

A number of studies on a variety of police patrol strategies have shown little or no increase in effectiveness despite the increased or more frequent deployment of police manpower.[3]

Crime Prevention Information Campaigns

Research reviews and recent empirical studies of crime prevention information campaigns in both Europe and North America have shown such campaigns to, so far, be of little effect in reducing crime. In Canada, a study of an Alberta campaign comissioned by the Department of the Solicitor General of Canada[4] showed, for example, that despite high recognition of the major campaign slogan, social issues other than crime were more salient to Albertans, and the likelihood of them taking crime prevention measures was not significantly related to exposure to the

campaign. In the United Kingdom and Holland, evaluations of media crime prevention campaigns have likewise been shown to be generally ineffective.[5] Clarke and Mayhew's 1980 review of three such campaigns notes that all three are consistent with a large body of research which suggests that while crime prevention publicity may, however minimally, raise public awareness of a crime risk, there is little evidence that information campaigns motivate the public to act to reduce that risk.

SITUATIONAL ANALYSIS AND ENVIRONMENTAL DESIGN

Recent research has been supportive of the crime reduction potential of approaches based on crime analysis to determine which specific features of the immediate circumstances of crime--offender behaviour, victim behaviour, target characteristics, and physical and social environment--are most amenable to effective intervention, whether singly or in combination.[6] Early work, for example the writings of Jane Jacobs and Oscar Newman, stressed the use of physical environmental design to create a sense of territoriality, an easy surveillance of that territory by residents, and a positive image of an environment for both residents and outsiders. More recent work has been concerned with the appropriate use of a combination of approaches including legislation and administrative regulation, target hardening, formal surveillance (whether by police, private security agents, or citizens), and community mobilization strategies, in addition to strictly environmental design measures.

A number of research studies have now been completed or are underway on the use of situational analysis and various combinations of environmental design and management strategies. In Texas, a study by Pablant and Baxter[7] of 32 Houston schools, for example, found lower rates of forcible entry to be associated with good street lighting, the "attractiveness" of the schools, and the visibility of the schools to nearby residents. Similarly, Waller and Okihiro's study[8] of burglary

victims in Toronto reported that both openess to surveillance and the presence of residents appeared to protect dwellings located away from public housing against victimization, although presence was more important for dwellings in or near public housing. For private apartments, the presence of a doorman provided greater protection than defensible space attributes such as surveillability, level of social cohesion, and building height.

In Portland, Oregon, a project carried out by the Westinghouse National Issues Center applied environmental design and management principles to a large commercial corridor (50 blocks long by 4 blocks wide) in a deteriorated, high crime area. The project included: improved street lighting, specially designed bus shelters, a bus program for the elderly and handicapped, a public awareness campaign to discourage people from carrying cash on the streets, neighbourhood cleanups and street, sidewalk, and landscaping improvements. A 1977 review of the Portland Project reported a reduction in commercial burglaries (a 29% reduction on the strip as compared to a 9% reduction for the city as a whole during the first 10 months of 1976) and increased business vitality.[9]

In Hartford, Connecticut, residents of an area in transition, with a mix of apartment houses and multi-family homes, an increasing minority population, some deterioration, and a high crime rate were encouraged to undertake both individual and group activities and to cooperate with police to reduce crime and the fear of crime. Environmental changes included restricting vehicle traffic in neighbourhoods, and narrowing access to streets and fencing yards. Social action changes included the setting up of a neighbourhood team policing unit, resident crime prevention groups, a blockwatchers system, and a variety of projects to increase community pride. In a comparison of pre/post-project victimization surveys, Fowler found that burglary, robbery and purse-snatching rates dropped in the area under study without evidence of displacement to adjacent areas.[10]

In Britain, a situational approach has been applied to such phenomena as meter theft, vandalism of telephone booths, robbery of subway passengers and theft of cars for resale. Mayhew, for example, showed that the fitting of steering column locks to new cars was effective in substantially reducing the risk of such cars being stolen. The study, however, showed that some displacement occurred with a corresponding increase in risk to older cars not fitted with such devices.[11]

Studies of telephone booth vandalism and vandalism in a housing project[12] showed these specific types of vandalism to be linked more to characterisitics of the population of the areas involved than to characteristics of the pysical site such as openess to surveillance. Vandalism in the housing projects studied, for example, appeared to reflect not so much the level of "defensibility" of the environment as the presence of large numbers of young boys in the projects. This factor indicated the importance of positive measures (for example, provision of recreational activities) in lieu of or in addition to defensive measures to impede vandalism.

One of the best examples of the use of situational analysis is the LEAA exemplary project to control residential burglary in Seattle. The Seattle program was established on the basis of an analysis indicating that most burglaries were residential, occurred unnoticed during the daytime and were carried out through either unlocked doors and windows or through the use of brute force as opposed to special skills. Most property stolen had not been marked to permit later identification. Most of the approximately 10% of burglaries that were witnessed resulted in an arrest or return of property.

The program developed on the basis of these findings combined the use of operation identification, neighbourhood block watch, residential security inspections and pamphlets. In an evaluation comparing project and non-project households, the researchers found that, while calls to the police increased, victimization surveys indicated the number of citizens reporting burglaries dropped by almost half. There was no notable displacement of burglaries to areas adjoining those under study.

An important issue to consider in assessing the value of the Seattle program is the cost-effectiveness of the various preventive approaches used either alone or in combination. Of all the individual components of the program, Blockwatch was apparently the most effective.

CONCLUSION

Although reviews of the literature have generally indicated that approaches focused primarily on the offender's disposition to commit crime have not been as effective as environmental design and management strategies, we should be wary about prematurely rejecting the former simply because evaluation has not demonstrated a significant reduction in recidivism rates. Even if offender-oriented, community-based measures do not demonstrably reduce crime and delinquency they may well be worth continuing (with financial support from social agencies other than those concerned with criminal justice) on such grounds as the increased likelihood of the recipients of these measures acquiring basic educational and social skills, and obtaining meaningful employment. The prevention of crime and delinquency would be regarded as an indirect effect of such programs and would be only one of the factors considered in their evaluation. More attention also should be given to planning strategies which use a combination of positive and defensive strategies.

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