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VIOLENT OFFENCES AND RECIDIVISM

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VIOLENT OFFENCES AND RECIDIVISM

Introduction

Violent offences by persons on parole or by prisoners on work release or day leave draw great attention in the media. This has resulted in calls to abolish or restrict such programmes to protect the community. On some occasions, criteria to select prisoners for temporary release programmes have been made more restrictive in response to such events.

These issues present programme administrators, the judiciary, the Parole Board and legislators with difficult choices. Community protection is highly valued and is a major purpose of the criminal justice system. About one person in three saw community protection as the primary purpose of imprisonment in a recent survey conducted by the Australian Bureau of Statistics (1981).

Parole and temporary release programmes for prisoners is designed to protect the community in part by reducing the destructive effects of imprisonment and so reducing recidivism. Long terms of imprisonment may increase the frequency and severity of criminal conduct by released prisoners. There is evidence that the use of parole does reduce recidivism and thus protect the community (Martinson and Wilks, 1977). Also, it is very difficult to predict which offenders are more likely to commit violent further offences. Pfohl (1978 pps 4-5) summarised the best relevant research: "Research on the prediction of violent behaviour does not instill confidence. Whether one develops 'predictor scales' based on as many as 100 variables (Wenk, Robison and Smith, 1972) or employs the results of psychological testing (Megargee, 1970) or relies on the judgements of experienced diagnosticians, (Kozol, Boucher and Garofalo, 1974) prediction rates rise no higher than two wrong judgements for every one right judgement". (Steadman and Cocozza (1974) and Wenk et. al (1972) showed even this best ratio is highly optimistic). "A recent review article on this subject (Ennis and Litwack,

Summary

Violent offences by parolees and prisoners on temporary release programmes generate concern for the safety of the community. Restriction of the programmes and calls for their abolition often follow such events.

Significant protection of the community from violent crime cannot be achieved by increasing the length of imprisonment or by denial of parole. This conclusion emerges from data obtained in a study of recidivism among a sample of robbers and of others released from prison. About 10% of those sentenced for seriously violent robberies or for other seriously violent offences committed further seriously violent offences in the 3 years following release compared to about 5% of those held for non-violent or less violent offences (including the less violent robbers). The contribution of these offenders to serious violent crime in the community is very small. Although those with a history of serious violence are about twice as likely as others to repeat such offences, the difference is small in absolute terms and cannot be used to identify "high risk" offenders. Longer imprisonment would at best delay such re-offences at great financial and social cost. Society thus cannot be protected by keeping certain types of offender in prison for longer periods.

1974) has gone so far as to refer to the predictive process as 'flipping coins in the courtroom'." The difficulty in prediction comes, in large part, because relatively few offenders commit such crimes, even among those who have previously been convicted of violent offences. Thus, to protect the community from a few who do re-offend violently by imprisoning them for longer periods, much larger numbers must be held for longer periods than would otherwise be imposed. Ultimately, the few who would have been violent are released, with any propensity for violence unchanged, so that the best that has been achieved is delay. The costs of longer imprisonment would be very great. Direct costs to the State of holding prisoners exceed \$20,000 per prisoner per year. Longer sentences place great strain on prisoners' families (Kemp, 1980, 1981) to which must be added in many cases the costs to the State of supporting the prisoner's wife and children. Where the family breaks up under the strain, this increases the chances of recidivism. Longer imprisonment increases the rate of family break-up. Thus, the protection achieved by longer terms in prison might be more apparent than real.

In this Bulletin, we look at some data about serious violent offences committed after release by offenders originally sentenced for robbery, for other seriously violent offences and for other offences. These data help to answer the question of whether the community can be protected from violent crime by holding convicted offenders for longer terms in prison or by doing this with selected offenders.

THE STUDY

The offenders studied were convicted and imprisoned in one of three periods between January 1972 and September 1974. All were followed for three years at large after their release, or until they were returned to prison for a seriously violent offence. Full details are given in Ward (1982).

The Violent Offences

Because of public concern about robbery, the study paid special attention to this crime. Detailed information was obtained about the offences committed by 150 robbers, and by 150 other offenders, and any offences subsequent to their release. Less detailed data were obtained for another 197 robbers imprisoned in the period covered who could be followed up for a sufficient period after release.

The 347 robbers (150 + 197) included 161 who had committed a seriously violent offence and 186 whose offence did not involve serious violence. The violence was defined as serious if the victim required medical treatment or had been threatened with a deadly weapon. Among the 150 other offenders, 28 were identified where sexual assault or injuries required medical attention. There were thus four groups: seriously violent robbers; other robbers; other seriously violent offenders; and other offenders.

The criterion set for "serious violence" was fairly stringent. A number of the other offenders committed offences involving minor assault. Such acts, taken alone or when committed by someone without a long history of convictions, would rarely result in imprisonment and are far below the seriousness of the events which generate public, media and judicial concern. Their exclusion from the 'seriously violent' classification thus was appropriate.

It was not possible to obtain such detailed information on re-offences, so a different criterion of seriousness had to be devised. A re-offence was counted as involving "serious violence" if it both resulted in a sentence of 2 months or more imprisonment, and involved death (manslaughter), major assault, any robbery or kidnapping. Common assault, assault police officer, indecent assault and carnal knowledge, although involving some violence or threat of violence, would not usually generate the sort of concern created by killings and armed robberies. The criterion for "serious" violent re-offences is less stringent than that for the original offence. Many of the robbery re-offences, for example, would have not involved use of weapon or medical treatment for the victim. Resource restraints prevent collection of the detailed information on re-offences which would have enabled the same criterion of "serious violence" to be used. It was also considered useful to examine other serious re-offences. These were defined as any re-offence, not classified as seriously violent, which resulted in a prison sentence of two months or more.

Results

Four points stand out in the results:

1. About half the robbers (53.6%, 186/347) neither used a deadly weapon nor injured their victim sufficiently to result in medical treatment being sought (see Table 1). Thus, almost half (46.4%) were classified as 'seriously violent robberies'.
2. Seriously violent re-offences were very rare, with 90% or more in each group committing none. (See Table 1).
3. Those originally convicted of serious violent offences, whether robberies or other types of violent crime, were about twice as likely to re-offend with serious violence than were those who did not originally commit a seriously violent crime, although this difference was not large enough to be statistically significant, and thus might well not appear in data from a different sample (see Table 1).
4. Robbers were much less likely than other offenders to commit serious non-violent re-offences, (see Table 2). The difference shown was maintained when data on all the robbers were considered (with 25% committing serious non-violent re-offences).

Table 1 compares violent re-offences for those who served sentences for robbery with serious violence (9.9%, 16/161) other robbery (4.8%, 9/186), all robbery (7.2%, 25/347), other serious violent offences (10.7%, 3/28) and other offences (5.7%, 7/122). The rate of violent re-offence was thus about 10% for those originally sentenced for seriously violent offences and about 5% for those sentenced for less violent or non-violent offences.

As shown in Table 2, other re-offences serious enough to warrant re-imprisonment were much more common (between 20% and 40%) and were significantly more frequent among non-robbers. Only 11% (3/28) of those originally sentenced for seriously violent non-robberies were re-imprisoned for re-offences that were non-violent, while 42% (51/122) of those originally imprisoned for offences involving minor or no violence were re-imprisoned for such offences. Recidivism (whether seriously violent or not) was actually much lower among those committing robbery or violent offences (about 31% compared to about 48%). These differences in recidivism are statistically significant and similar effects can be expected in other groups of offenders selected in a similar way.

Discussion and Implications

These results have clear implications for policies aimed at protection of the community from violence.

Two groups showed a tendency toward slightly higher rates of seriously violent re-offence. Not surprisingly, offenders in both of these groups had originally committed serious violent offences. The opportunity for these 19 re-offenders (16 robbers and 3 others) to commit their crimes could have been delayed by imprisoning for longer terms all 189 sentenced for serious violent offences. This temporary protection from 19 offenders would have required longer imprisonment for 170 who were not re-imprisoned for seriously violent re-offences. Thus, for each such re-offender whose opportunity to commit the offence was delayed, nine others would have been held for a similar longer period who were in fact not re-imprisoned for such offences.

No doubt some people would consider that to delay even a few violent re-offences would be worth the cost of an increased prison population and welfare costs to support prisoners' families. The costs are, however, very great. The expenditure per prisoner year is in excess of \$20,000. Also, the numbers of released prisoners committing such offences are very small compared to the number of such offences committed.

Van Dine, Dinitz and Conrad (1977) showed that for one U.S. county, the rate of reported violent crimes in a given year could at best have been reduced by 1.4% if all those charged with such crimes who had a previous conviction for violence had been imprisoned for five years following the previous offence.

Thus, very little if any effect on the rate of violent crime would be achieved. Also, this effect would only be temporary as all these offenders are eventually released.

These results support other research which suggests that most violence, and even violence for gain, is a reaction to particular circumstances, rather than a deliberate policy or a chosen "career". People with a history of minor violent behaviour are perhaps more likely to react violently in provocative circumstances than people without such histories, but most never commit a seriously violent crime and few of those who do so once ever repeat such acts. While heavier sentences and refusal or delay of parole would express society's disgust with violent conduct, this study suggests that such policies would not protect the community.

Conclusion

Despite community concern about violent crime and violent robbery in particular, longer sentences and delay or denial of release on parole would not contribute effectively to protection of the community from such crimes. On the other hand, the social and financial costs of such policies, even if applied selectively for the most violent offences, would be very great.

TABLE 1: Type of Original Offence and Rate of Imprisonment for Seriously Violent Re-Offences

Original Offence Type	Number	Re-Imprisonment for Seriously Violent Re-Offence	
		Number	%
Robbery:			
With Serious Violence	161	16	9.9
Other	186	9	4.8
All Robberies	347	25	7.2
Other Offences:			
With Serious Violence	28	3	10.7
Other	122	7	5.7
All Non-Robberies	150	10	6.7
All Seriously Violent Offences	189	19	10.1
All Other Offences	308	16	5.2

N.B. None of the differences shown are statistically significant.

TABLE 2: Re-Imprisonment for Offences Without Serious Violence by Degree of Violence of the Original Offence

Type of Original Offence	Number	Re-Imprisoned for Offences Without Serious Violence	
		Number	%
(a) Robbery	150	32	21.3
(b) Other	150	54	36.0
(i) With Serious Violence	28	3	10.7
(ii) Without Serious Violence	122	51	41.8

N.B. The difference between the rates for (a) and (b) is statistically significant. (Chi-square = 71.01, 1 df, p .001).

These data were only available for the sample of 150 robbers and 150 other prisoners studied in more detail.

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