

**RECIDIVISM AND
SHORT TERM INMATES**

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EXECUTIVE SUMMARY

The definition of recidivism varies depending on the manner in which researchers measure it. Generally, however, recidivism is understood to be a falling back or relapse into prior criminal habits, especially after punishment. Short term inmates in Canada are defined as adult offenders sentenced to provincial custody for a period of two years less a day. By definition, both young offenders and adult offenders serving community based sentences are excluded from this analysis.

In Alberta in 1999-00, the average time a short term inmate served in provincial custody was 36 days. Excluding fine defaulters, the average time served was 63 days. This relatively short period of time makes researching the impact of an inmate's time served in provincial custody, as it relates to his or her recidivism, problematic from both a practical and a policy perspective.

Nevertheless, the prediction of recidivism becomes important given the cost of incarcerating short term inmates in Canada. A meta-analytic review of 50 studies involving over 330,000 offenders was undertaken in 1999, producing the following results:

- a) longer sentences of incarceration are not associated with reduced recidivism;
- b) longer sentences of incarceration are instead associated with a 3% increase in recidivism; and
- c) low risk offenders are slightly more likely to commit new offences than are high risk offenders.

These findings suggest that future criminal activity would decrease if we limited or even avoided the incarceration of certain (low risk) offenders, and instead developed individualized and appropriate treatment for those offenders to follow in the community, so long as the treatment is considered to be reasonably and reliably effective in reducing recidivism. For serious and violent offenders, on the other hand, intense, high quality programming could be explored during the extended period of time that these offenders are incarcerated.

In the meantime, however, the prediction of recidivism among short term inmates in Canada is of obvious importance, since they are typically low risk offenders who are nevertheless slightly more likely to recidivate than their high risk counterparts. Fortunately, identifying predictors of recidivism is possible. As there does not appear to be any research currently available that distinguishes risk factors for recidivism among short term inmates from those of offenders generally, it is assumed that the risk factors are the same or substantially the same. Still, the risk factors for recidivism specifically among short term inmates in Canada need to be explored.

Risk factors for recidivism have been studied, with results indicating that, while weak predictors of recidivism include: (a) intellectual functioning; (b) personal distress (i.e., anxiety, self-esteem); and (c) social class of origin, the strongest predictors of recidivism are: (a) criminal history/history of antisocial behaviour; (b) social achievement; (c) family factors; and (d) criminogenic need.

The predictors mentioned above are known as “dynamic factors.” Dynamic factors are those that measure change in the offender (such as attitudes and values, companions and social achievement), and they assist in the successful prediction of recidivism.

With the ability to predict recidivism comes the possibility of providing intervention to help reduce future criminal activity. Potential interventions range from a combination of incarceration, treatment, programming and reintegration plans, to incarceration alone. While incarceration alone has proven to be ineffective in reducing recidivism, intervention involving treatment, programming and reintegration plans may provide success.

Possible treatment may address substance abuse, psychiatric difficulties, behavioural difficulties, or other difficulties. Possible programming may include life skills, academic training, employment readiness, or other training for life outside of prison walls. Reintegration plans will vary according to the needs and circumstances of individual offenders. Importantly, the improvement and expansion of these existing interventions is critical, making the continuous evaluation of their effectiveness necessary.

Keeping in mind that incarceration alone is ineffective in reducing recidivism, the prediction of recidivism is of obvious importance, and the development of appropriate and successful interventions is key. Therefore, the John Howard Society of Alberta suggests that:

- d) the decision to incarcerate people who do not pose a threat to public safety requires serious critical evaluation, such that lawmakers, judges and correctional service providers should, wherever possible, limit or avoid incarcerating those offenders. Instead, individualized and appropriate treatment should be available to these offenders in the community, so long as the treatment is considered to be reasonably and reliably effective in reducing recidivism;
- e) resources should be directed toward the development and delivery of intense, high quality programming that focusses on dynamic risk factors, such that correctional services could make the most of the extended period of time that serious and violent offenders are incarcerated;
- f) correctional services (both federal and provincial) should collaborate to develop a uniform, centralized information gathering system to determine the risk factors for criminal involvement and recidivism specifically among short term inmates in Canada; and
- g) provincial correctional services should, on an ongoing basis, critically evaluate the effectiveness of existing interventions that are ostensibly intended to reduce recidivism.

A NOTE ON THE LIMITATIONS OF THIS PAPER

The following discussion is limited in two ways. First, it is limited by a lack of research on the subject matter. There is simply very little research that focusses specifically on short term inmates, and even less that focusses on recidivism among short term inmates. Therefore, much of what is said about recidivism among short term inmates has been delineated or inferred from more general discussions about recidivism.

Second, as with any examination of recidivism, the following discussion is limited by the lack of a uniform definition or method of measuring recidivism. Recidivism is generally defined as “a falling back or relapse into prior criminal habits, especially after punishment” (Rahim, 1984, p. 1, citing Blumstein & Larson, 1971). Although this is a good definition of the concept of recidivism, the act itself is more difficult to define, because the “falling back” into prior criminal habits can only be pinpointed if the offender is caught. The meaning of recidivism may therefore range from rearrest to reconviction to reincarceration. In addition, severity of relapse or time to relapse may be relevant. Some researchers may conclude that recidivism has not occurred where the relapse was not similar in type or severity to prior criminal habits, or where the relapse did not occur within a specified period. In the present discussion, the meaning of recidivism will vary depending on the manner in which other researchers have measured it. Context will be provided as necessary.

Third, the following discussion is limited by the very idea of effectiveness. What works? The effect of sentences and programming, using reduced recidivism as a measure of success, is at the heart of virtually every examination of recidivism, because everyone wants to know what works. Researchers and policy analysts have struggled with this problem for decades, and it will not be solved in this discussion.

While the above limitations may be disappointing, they are unavoidable. The reader should not expect to learn precisely what sentences and programming short term inmates should receive, to ensure that they do not fall back into prior criminal habits. What should be expected, and what is promised, is a reasonable examination of the risk factors for criminal involvement, the risk factors for recidivism, followed by a sound approach to correctional policy development and practice based on what is known about recidivism and short term inmates.

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INTRODUCTION

In this paper, “short term inmates” means adult offenders who are sentenced to provincial custody for a period of incarceration of less than two years. They do not include young offenders and they do not include offenders who are serving community based sentences.

On any given day in Canada, almost half of the population of sentenced offenders in Canada’s correctional institutions is in provincial custody. In 1999-00, provincial offenders accounted for 47% of all adult offenders sentenced to custody, while offenders sentenced to federal custody, meaning adult offenders who are serving a term of incarceration of two years or more, accounted for 53%. These percentages represent a total of about 24,400 sentenced offenders in custody in Canada on any given day in 1999-00. Of those 24,400 inmates, around 11,400 were sentenced to provincial custody, and around 13,000 were sentenced to federal custody. (Canadian Centre for Justice Statistics, 2001, p. 3)

Time in provincial institutions is linked to time in federal institutions. Of new offenders admitted to federal institutions between 1994 and 1999, 68% had served a prior sentence in an adult provincial institution and, when combined with young offender statistics, 87% had served either a previous young offender or adult provincial custodial sentence (Correctional Service of Canada, 2000, p. 8 of 12).

The above figures reveal that short term inmates make up a significant proportion of incarcerated offenders in Canada, and that a large majority of offenders admitted to federal institutions have served a prior sentence in a provincial institution. One might conclude from this information that correctional services would be focussed on short term offenders and correctional research would be focussed on determining how to prevent recidivism among short term offenders. However, for several reasons, this is not the case.

First, short term inmates are not behind bars for very long, which means that institutional service providers only have a short time to make an impact on an offender’s future. Across Canada in 1999-00, roughly one third of sentenced admissions to provincial custody were serving between eight and 31 days, and almost three quarters of sentenced admissions to provincial/territorial custody were for three months or less (Canadian Centre for Justice Statistics, 2001, p. 7). In Alberta in 1999-00, the average length of time in custody for a provincial offender was 36 days. Not counting fine defaulters, the average time served was 63 days (Government of Alberta, 2001, p. 2). This makes for a very small time frame within which to have a positive impact on an offender’s future likelihood of reoffending.

Second, provincial correctional services do not have the centralized research and evaluation capacity that the federal correctional service has. Although almost half of Canada’s incarcerated offender population is in provincial custody, these offenders are divided among the provinces and, accordingly, so are provincial level correctional resources. While a provincial correctional service provider may sense that substance abuse treatment, life skills, literacy, employment or vocational programming will enhance an offender’s chances of living crime free after a term in a provincial institution, there may

be little or no evaluation of program effectiveness. As a result, those in the criminal justice system who wish to understand “what works” in terms of reducing recidivism among short term inmates are, in many ways, working in the dark.

While the reasons why we know little about reducing recidivism among short term inmates are understandable, the situation is still problematic from both a practical and a policy perspective. What, after all, is the point of spending time and resources warehousing offenders (even for less than a month) if there is no conclusive evidence that correctional efforts will have any effect on the likelihood of future reoffending? In 1999-00, total operational spending on corrections in Canada was \$2.4 billion, of which 54% was spent by the Correctional Service of Canada and 46% by the provinces and territories. Provincially, the cost per inmate per day was \$128.10 on average across Canada and \$85.71 in Alberta. In Alberta alone in 1999-00, over 14,000 sentenced offenders were admitted to provincial custody with an average daily count of over 1,400. (Canadian Centre for Justice Statistics, 2001, pp. 12-14) The cost of incarcerating short term inmates is particularly troublesome in light of recent research by Gendreau, Goggin and Cullen (1999), which we will discuss further in this paper, that sentence length has no impact on recidivism.

All of these difficulties with short term inmates and recidivism (i.e., lack of time, lack of research and mounting costs in the face of evidence that incarceration does not reduce recidivism) underlie the following examination. Incarceration is a deeply entrenched approach to corrections, yet it comes at a huge cost, both financially and in terms of human potential. The John Howard Society of Alberta is concerned that, as long as provincial custody remains an aspect of sentencing in our criminal justice system, the time spent by short term inmates behind bars be as productive as possible.

With this perspective, we move to an examination of the factors that lead to criminal involvement, that influence recidivism and that might help to prevent recidivism. Wherever possible, meta-analytic research reviews are distinguished from the older, more common narrative method of review. Since the mid-1980s, meta-analysis has been developed to facilitate the review process and to enable reviewers to combine findings from different studies in a statistically rigorous manner. “It involves the aggregation and side-by-side analysis of large numbers of experimental studies” (McGuire & Priestley, 1995, pp. 8-9). Meta-analysis can adjust for stronger or weaker studies and methodological differences. As such, meta-analysis can be relied upon more heavily than narrative review because of its superior statistical value.

RISK FACTORS: ROOT CAUSES, GETTING IN AND GOING BACK

Factors that appear to be related to involvement in criminal conduct may be called, among other things, “risk factors,” “predictors,” “risk markers,” or “correlates.” Some of them are factors that, if present in an individual who has not yet committed a crime, may be considered predictive of criminal involvement. Others are factors that are commonly found among individuals who have made their way into the criminal justice system. We refer to these factors as “risk factors,” and they include

aspects of a person's character and life experiences which have been identified as being strongly associated with criminal behaviour. By identifying those situational, circumstantial, personal, interpersonal, familial, structural, cultural and economic factors that appear to be related to involvement in criminal conduct, correctional service providers can begin to understand what needs to change in an individual's life, to prevent him from returning to criminal activity.

This discussion is not about the "root causes" of crime. There is a large body of research that focusses on crime prevention through social development (CPSD). CPSD is a pro-active, long term approach to crime prevention that is concerned with the socioeconomic conditions that give rise to crime. CPSD uses programs and services already available in the community that provide support in the areas of education, social housing, health and social services. While there is a close relationship between the root causes of crime and the risk factors associated with criminal involvement, our focus in this paper is much narrower. Rather than seeking to identify changes that are necessary within the whole of society to prevent crime from occurring in the first place, we seek to identify programs and services that are or should be made available in correctional institutions, to reduce the likelihood that an individual who is already in conflict with the law will reoffend.

Further, this discussion delineates between "getting in" and "going back." This is because the risk factors for initial criminal involvement are not identical to the risk factors for repeat offending. While there are common risk factors between the two, the more important set from a correctional perspective are the risk factors for recidivism.

GETTING IN: RISK FACTORS FOR CRIMINAL INVOLVEMENT AND OFFENDER PROFILES

Offenders Generally

According to Andrews (1995), "The best established of the risk/need factors may be assigned to a major set and a minor set" (pp. 36-37). The major set includes:

1. Antisocial or procriminal attitudes, values, beliefs and cognitive-emotional states (that is, personal cognitive supports for crime).
2. Procriminal associates and isolation from anticriminal others (that is, interpersonal supports for crime).
3. Temperamental and personality factors conducive to criminal activity, including psychopathy, weak socialization, impulsivity, restless aggressive energy, egocentricism, below average verbal intelligence, a taste for risk, and weak problem-solving/self-regulation skills.
4. A history of antisocial behaviour evident from a young age, in a variety of settings and involving a number and variety of different acts.

5. Familial factors that include criminality and a variety of psychological problems in the family of origin and, in particular, low levels of affection, caring and cohesiveness, poor parental supervision and discipline practices, and outright neglect and abuse.
6. Low levels of personal educational, vocational or financial achievement and, in particular, an unstable employment record.

The minor set of risk and needs factors includes:

1. Lower class origins as assessed by adverse neighbourhood conditions and/or parental educational/vocational/economic achievement.
2. Personal distress, whether assessed by way of the sociological constructs of anomic, strain and alienation or by way of the clinical psychological constructs of low self-esteem, anxiety, depression, worry or officially labelled 'mental disorder'.
3. A host of biological/neuropsychological indicators that have yet to be integrated in a convincing manner by way of either theory or the construction of practical risk/need assessment instruments.

As for offender profiles, according to a census of inmates in all adult correctional facilities in Canada that was taken in 1996, three characteristics were notable among inmates in comparison to the general population:

First, inmates are less educated. The percentage of inmates with an education of grade 9 or less was 37% compared to 19% for all adult Canadians. Second, at the time of admission to prison, offenders had a significantly higher level of unemployment (52%) than did the Canadian adult populations (10%). Finally, upon admission to the institution only 31% of inmates were married, compared to 63% of Canadian adults. More specifically, provincial/territorial inmates were less likely to be married than were federal inmates (24% compared to 41%). (Canadian Centre for Justice Statistics, 1999, p. 9)

In 1999-00, a sentenced adult entering a custodial facility was likely to be a male between the ages of 18 and 34. Women constituted less than 10% of total admissions in 1990-00. (Canadian Centre for Justice Statistics, 2001, p. 7)

It is also commonly known that Aboriginal people are over represented in correctional institutions. The 1996 census of inmates indicated that Aboriginal people constituted 2% of the total Canadian adult population, yet they constituted approximately 17% of admissions to sentenced custody (Canadian Centre for Justice Statistics, 2001, p. 8). Further, a disproportionately large percentage of sex offenders are Aboriginal (about 18%) and a high proportion of Aboriginals are sex offenders: approximately 26% of the total Aboriginal offender population are sex offenders (Correctional Service

of Canada, 1997, Aboriginal Offenders and Incarceration page, p. 2 of 7).

Short Term Inmates

There does not appear to be any research available that would distinguish risk factors for criminal involvement among short term inmates from those of offenders generally. Until such research becomes available, it must be assumed that these factors are the same or substantially the same for short term inmates as they are for offenders generally. This research is truly lacking and could contribute significantly to the present discussion. Unfortunately, there do not appear to be structures in place that would allow for the centralized collection and analysis of this information about short term inmates. For example, in Alberta:

All offenders admitted to community or custodial supervision are assessed for criminogenic risks and needs. Included in the assessment process are addictions, health and mental health issues, fetal alcohol effects/syndrome, and life management issues. These data are not available in a central electronic format, and are difficult to report. (Government of Alberta, 2000, p. 1)

Although information gathered by the provincial government's Correctional Services Division in Alberta is not available in a central electronic format, the risks and needs that have been identified for assessment tell us at least part of the story. The list of risks and needs upon which provincial offenders are assessed are identified "criminogenic risks and needs." In our understanding, this refers to those dynamic (i.e., changeable) risk factors that are most commonly identified as contributing to criminality in provincial offenders.

There is separate information available on the profile of short term inmates. As with inmates generally, the typical adult offender admitted on sentence to a provincial/territorial institution in 1998-99 was likely to be a male between the ages of 18 and 34. In that year:

60% of adults admitted to provincial/territorial correctional facilities...were between the ages of 18 and 34. The median age of offenders admitted to provincial/territorial custody ranged from a low of 29 years of age in Saskatchewan to a high of 34 years of age in Quebec.... (Canadian Centre for Justice Statistics, 2000, p. 7)

In 1998-99 as well as in 1999-00, women accounted for only 9% of admissions to provincial/territorial custody [which is about 5% higher than the proportion of women admitted to federal custody]. (Canadian Centre for Justice Statistics, 2001, p. 7)

Only a small percentage of short term inmates are admitted for a violent offence. In 1999-00:

[O]nly 20% of provincial/territorial offenders were admitted for a violent offence. In fact, 44% were admitted for property crimes or other *Criminal Code* offences (e.g.

disturbing the peace, public morals offences and offences against the administration of justice such as failing to appear or to comply with an undertaking), while another 19% were incarcerated for fine default. Impaired driving, drug offences and other federal offences accounted for 9%, 6% and 5% of admissions respectively while the remainder were for provincial/territorial offences. (Canadian Centre for Justice Statistics, 2001, p. 7)

As mentioned above with respect to offenders generally, it is also notable that only 24% of short term inmates are married, compared to 41% of federal inmates, and 63% of the Canadian adult population (Canadian Centre for Justice Statistics, 1999, p. 9).

Aboriginal people are over represented among short term inmates as well as generally in correctional institutions in Canada. Representing 2% of the total Canadian adult population, they have represented 15%-18% of admissions to provincial/territorial custody over the past twenty years. Although they are generally over represented in inmate admissions throughout Canada, they constituted the majority of sentenced admissions to both federal and provincial custody in Manitoba and Saskatchewan. (Canadian Centre for Justice Statistics, 2001, p. 8)

GOING BACK: RISK FACTORS FOR RECIDIVISM

Knowing what brings an individual to the criminal justice system provides only a partial framework for the present discussion. Having identified, as much as possible, the factors that correlate with criminal involvement generally and the profile of a typical short term inmate, we turn to an examination of the risk factors for recidivism. That is, once an individual enters the criminal justice system, what factors appear to predict his eventual reentry?

Offenders Generally

In 1996, Gendreau, Goggin and Little used meta-analytic techniques to determine which factors predict recidivism, and whether some are more potent than others. The authors found that:

The strongest predictors of recidivism were criminogenic need [dynamic risk factors], criminal history/history of antisocial behaviour, social achievement, age/gender/race, and family factors. Weaker predictors included intellectual functioning, personal distress (i.e., anxiety, self-esteem), and social class of origin. (p. 3)

Referring to the potency of “criminogenic needs” as a predictor of recidivism, Gendreau et al. (1996) emphasized the finding in the study that dynamic predictors, or those that measure change in the offender (such as attitudes and values, companions and social achievement), predicted recidivism as well as static predictors (such as age, criminal history and family history). Interestingly, that conclusion in the actual report was emphasized even more strongly in Hanson and Harris’ (1998)

assessment of Gendreau et al.'s 1996 research. Hanson and Harris stated that:

Gendreau et al.'s (1996) recent meta-analytic review found that dynamic factors predicted general recidivism as well or better than static risk factors. Criminal companions and "criminogenic needs" (e.g., antisocial attitudes, current employment/education problems) were among the strongest recidivism predictors (average correlations in the .18 to .21 range). The importance of dynamic factors for general criminal recidivism has been supported by other meta-analytic reviews (e.g., Law & Motiuk, 1998) and by studies designed to examine rapidly changing risk factors.... (1998, p. 3 of 42)

In an effort to examine the ability of dynamic risk assessment to predict adult criminal recidivism, Brown (2002) conducted a three-wave prospective study, which means that she assessed both static and dynamic measures of offenders on three separate occasions: pre-release, 1 month post-release and 3 months post-release. Brown found that:

The strongest time-dependent dynamic model outperformed the strongest static model in terms of predicting general revocation (81% vs. 85% predictive accuracy). However, the greatest predictive accuracy (89%) [although not statistically significant] was achieved when both static and time-dependent dynamic measures were included. (p. 24)

This suggests that the prediction of adult criminal recidivism is most accurate when both an offender's static and dynamic factors are considered. From these results, Brown further suggested that society benefits from an awareness of both an offender's weaknesses as well as his/her strengths (e.g., social support). However, Brown cautioned that, while noting the necessity of accurately assessing both static and dynamic factors, so as to help offenders reintegrate, "[r]isk assessment must also guide individualized treatment programs and risk management strategies in order to maximize its utility" (p. 27). To do otherwise would be to fall short of the intended aim to reduce recidivism.

It appears, then, that although static risk factors such as age and family history may lead an individual to criminal involvement, dynamic risk factors may have a slight edge over static risk factors in predicting recidivism. The factors identified above have made their way into formal methods of predicting recidivism in the federal correctional system. Gendreau et al. (1996) found that the Level of Service Inventory (LSI-R) was the soundest measure of predicting recidivism (p. 22). The LSI-R assesses a wide range of dynamic risk factors.

A note on female offenders

Since men make up around 95% of offenders, the previous discussion has necessarily been drawn mainly from the male offender population. Although it is too narrow for the present discussion, it is worth noting that certain risk assessment instruments have been found to be of questionable validity

when applied to incarcerated female offenders. The Statistical Information on Recidivism (SIR) scale is such an instrument used by the Correctional Service Canada and the National Parole Board, as part of their risk assessment process with male offenders. Some items on the SIR scale are:

- Age at admission
- Current offence
- Previous convictions
- Previous incarceration
- Previous revocation or forfeiture
- Previous escape
- Security classification (of inmate)
- Age at first adult conviction
- Current marital status
- Number of dependents (under one roof)
- Employment status at arrest

In 1996, Bonta, Hann, Harman and Cormier evaluated the predictive power of the instrument and found that the scores on the SIR scale were predictive of recidivism, including violent recidivism. However, in 1995, Bonta, Pang and Wallace-Capretta reported significant differences in variables between male and female offenders that impacted the appropriateness of the SIR for female offenders. Differences included history of juvenile delinquency, weapon involved with offence, whether offence occurred with an associated, and drug and alcohol abuse (p. 287). The authors concluded that more research is required to determine a more appropriate method of predicting criminal behaviour among incarcerated female offenders.

Bonta et al.'s (1995) research should not be interpreted as having implications for male offenders. Not only is it only about females, but their research on the SIR scale's applicability to incarcerated females was published around the same time as Bonta et al.'s (1996) research affirming the SIR scale.

A note on Aboriginal offenders

In 1997, Bonta, LaPrairie and Wallace-Capretta studied the applicability of standardized male non-Aboriginal offender risk assessment instruments to Aboriginal offenders. The study found that a risk and needs scale developed on non-Aboriginal offender samples predicted recidivism among Aboriginal offenders and, therefore, the use of similar scales for Aboriginal offenders is supported. However, some variability in risk factors found among Aboriginal sub-groupings suggested the need to recognize differences among Aboriginal offenders, and to conduct further research to delineate those differences.

A note on sex offenders

While research has shown that risk factors for recidivism are consistent for most offender types, sex offenders appear to be somewhat unique. A long term follow up study of 197 child molesters from 1958 to 1974 (Hanson, Steffy & Gauthier, 1992) revealed that never being married and the existence of prior sexual offences were the factors most significantly related to sexual recidivism (p. 5). In addition, child molesters who molested non-related children of the same sex were more likely to recidivate than child molesters who molested non-related children of the opposite sex, and child molesters who molested family members were the least likely to recidivate (pp. 24-25). Factors that were not related to recidivism included age of victim, history of exhibitionism, own sexual victimization, poor relationship with mother, alcohol or other drug use, prior non-sexual convictions, age at the time of release, education and IQ (p. 18).

Four years later, Hanson and Bussière (1996) provided a meta-analytical report on predictors of sexual offender recidivism. Their findings in many ways reflected but expanded on the findings in the 1992 study by Hanson et al. The 1996 meta-analysis found that the strongest predictors of sexual recidivism were characteristics related to sexual deviance and, to a lesser extent, general criminological variables. These predictors included:

Phallometric assessments of sexual preferences for children, prior sexual offences, age, early onset of sexual offending, any prior offences and never being married. The risk of recidivism was lower for those offenders who were related to, or who knew, their victims....Those offenders who failed to attend or who dropped out of treatment were higher risk than those who successfully completed treatment. Although based on a limited number of studies, other interesting predictors included a negative relationship with their mother, personality disorders, and the MMPI Masculinity-femininity scale. (p. 3)

The 1996 study by Hanson et al. looked into the difference between the recidivism of child molesters and nonsexual criminals, using the same group of child molesters as in their 1992 report. The study included 191 child molesters and 137 nonsexual criminals, 15-30 years after their release from a maximum security provincial institution. The authors reported that long term recidivism rates for the child molesters were substantial, but the rates for nonsexual offenders were even higher: 61% versus 83.2% respectively. Although child molesters had much higher rates of sexual recidivism (35%) than did the nonsexual offenders (1.5%), the overall lower rate of recidivism for child molesters challenges the assumption that child molesters are a particularly high risk group of offenders. The study also found that the predictors of sexual recidivism were different from the predictors of nonsexual recidivism. For sexual recidivism, predictors included prior sexual offences and victim type, whereas predictors of nonsexual recidivism included low education, age, and prior nonviolent offences. The authors concluded that attention to different factors is required in the applied risk assessment of different offender groups.

In 1998, Hanson and Harris reported on the triggers of sexual offence recidivism. The authors compared 208 sexual offenders who committed a new sexual offence, with 201 sexual offenders who did not. The offenders came from both federal and provincial correctional systems throughout Canada, and they were matched on the number of officially recorded offences, as well as by victim type (between rapists, boy-victim child molesters and girl-victim child molesters). The offenders who recidivated differed from the non-recidivists in a number of ways, namely:

The recidivists displayed more problems while on supervision than did the non-recidivists. In particular, the recidivists were generally considered to have poor social supports, attitudes tolerant of sexual assault, antisocial behaviour, poor self-management strategies and difficulties cooperating with supervision. The overall mood of the recidivists and non-recidivists was similar, but the recidivists showed increased anger and subjective distress just prior to re-offending. (1998, p. 2 of 42)

In 2001, Hanson reported on the results of a study of the impact of age on sexual recidivism. The study found that, on average, the rate of sexual recidivism decreased with age (2001a, p. 10 of 17). Because the study revealed that not all sexual offenders are equally likely to reoffend, one policy implication that has been made is that treatment and other resources should focus on high risk cases (Hanson, 2001b, p. 1 of 2).

It is noted that, although predictors of sexual offending are different for sexual than for nonsexual offenders, the 1996 meta-analysis found that nonsexual recidivism among sex offenders is predicted by the same variables that predict recidivism among nonsexual offenders (Hanson & Bussière, p. 3).

Short Term Inmates

As with risk factors for criminal involvement, there does not appear to be any research available that would distinguish risk factors for recidivism among short term inmates from those of offenders generally. Again, as with risk factors for criminal involvement, this research is truly lacking and could contribute significantly to the present discussion. Until such research becomes available, it must be assumed that the risk factors for recidivism are the same or substantially the same for short term inmates as they are for offenders generally. Possibly in the future, studies could test the applicability of risk factors for recidivism (such as those identified in standardized risk assessment instruments), on short term inmates. The process would be similar to the testing performed on women offenders (Bonta et al., 1995), as well as on aboriginal offenders (Bonta, LaPrairie & Wallace-Capretta, 1997), and the information gathered might reveal some unique risk factors for recidivism among short term offenders.

Having identified as clearly as possible the factors that relate to recidivism, we move to an examination of ways to prevent recidivism. This is because, once an individual has come into conflict with the law, any analysis of what could have been done to prevent his or her entry into the criminal justice system is, with respect to that person, immaterial. The question really becomes what can be done to prevent that individual from reentering the criminal justice system.

STAYING OUT: INTERVENTIONS TO PREVENT RECIDIVISM

A variety of interventions are available to both federal and provincial inmates. At the widest end, incarceration is combined with treatment, programming and reintegration plans. Treatment may be for substance abuse, psychiatric, behavioural or other difficulties. Programming may include life skills, academic, employment readiness or other training for life outside of prison walls. Incarceration alone is at the narrowest end of the spectrum. Each of these interventions is believed to, in some way, impact an offender's likelihood of future criminal behaviour. Following is an examination of what is known about the effectiveness of correctional interventions at reducing recidivism.

Offenders Generally

Treatment and programming

Those familiar with correctional research may recall the words of Martinson (1974), the author of a widely cited article that is attributed with having coined the phrase "nothing works" in response to the question, "What works?" This author, however, reassessed his conclusions in later research, and came to agree with a host of other researchers that some things do, indeed, work.

With respect to some "ingredients" of effective intervention, in 1980 Gendreau and Ross (as cited in McGuire & Priestly, 1995, p. 5) edited a volume of research papers that had reported on interventions producing positive outcomes. The methods described in these reports included:

[B]ehavioural and skills-training sessions with delinquent families;...behavioural programmes focussed on employment;...interpersonal problem-solving skills training;...and...'anti-criminal modelling' and problem-solving training...Clearly, research studies with positive outcomes were by no means in short supply. (McGuire & Priestley, 1995, p. 6)

Intensive treatment and programming has been found to positively reduce recidivism in a number of other studies. Traynelis-Yurek and Giacobbe (1988) studied the effects of an intensive treatment program for youth in Virginia, USA. The study found that older youth who spent a longer time in the program were less likely to be incarcerated in the future. The authors concluded that the highly individualized nature of the program and the maximization of social and emotional growth afforded to the youth in the program were the main factors contributing to the program's effect on recidivism. Although only youth were studied, the results lend support for well developed, individualized treatment generally.

Gathering information about effective interventions into a framework, McGuire and Priestley (1995) identify six components that should be present to ensure maximum effectiveness in correctional intervention. These are summarized as follows (pp. 14-15):

1. *Risk classification.* In more effective programs there is a matching between offender risk level and degree of service intervention, such that higher risk individuals receive more intensive services, while those of lower risk receive lower or minimal intervention.
2. *Relationship to recidivism.* It is essential to separate client problems or features that contribute to or are supportive of offending from those that are more distantly related, or unrelated, to it. This principle underpins direct work on offending behaviour. If the purpose of a program is to reduce reoffending, there should be a focus within it on changing the specific attitudes, relationships or habits that are known to give rise to recidivism.
3. *“Responsivity.”* Both clients and staff have a wide range of learning styles. Programs work best when there is a systematic matching between styles of workers and styles of client. But, “on balance, the learning styles of most offenders require active, participatory methods of working, rather than either a didactic mode on the one hand or a loose, unstructured, ‘experiential’ mode on the other” (p. 14).
4. *Community base.* Programs located in the community on balance yield more effective outcomes. This is not to dismiss institution based work, but the findings do imply that proximity to individuals’ home environments has a greater prospect of facilitating real life learning. This point requires clarification and amplification through further research.
5. *“Treatment modality.”* Effective programs are: (a) multimodal (i.e. they recognized the variety of offenders’ problems); (b) skills-oriented (i.e. designed to teach clients problem-solving, social interaction or other types of coping skills); and (c) drawn from behavioural, cognitive or cognitive-behavioural sources.
6. *Program integrity.* Effective programs are those in which the stated aims are linked to the methods being used. Adequate resources are available to achieve these aims, and staff are appropriately trained and supported. There is an agreed plan for program monitoring and evaluation, and these activities take place and are systematically recorded.

These six components are a useful checklist to assess whether a particular method of intervention will likely be effective at reducing recidivism. A much expanded, but in many ways similar, list is developed by Andrews (1995), who characterizes them as “principles” of effective treatment. This list of principles is an excellent framework for the development of effective correctional programming, and should be referred to for that purpose. For the purposes of the present discussion, McGuire and Priestley’s (1995) list of components is a sufficient guide.

With respect to practical suggestions for program delivery, Gendreau et al. (1996) provided, in their meta-analytic research into predicting recidivism, the following suggestions for practitioners:

1. Consider measures that assess hostility and/or aggression....The fact that long-term follow-up studies of aggression in childhood correlated so well with criminal behaviour in later adulthood was impressive.
2. [Use] measures that tap into selfish, narcissistic antisocial behaviour, criminal sentiments, and rationalization for criminal behaviour.
3. Do not limit assessments of education and employment to just an offender's past performance in this area. Measure current attitudes and performance regarding work and skill development. Substantial predictive validity could result. (p. 22)

Incarceration

Moving from treatment and programming to the issue of incarceration alone as a method of reducing recidivism, researchers are understanding more and more clearly that punishment, in particular incarceration, does not work:

Overall, meta-analytic evidence suggests that they [punitive measures] have a net destructive effect, in that they serve primarily to worsen rates of recidivism. In Lipsey's [1992 and in McGuire (1995)] reviews, punishment-based programs, such as shock incarceration, intense surveillance and similar approaches, on average led to a 25% increase in reoffence rates as compared with control groups.

...

A sentence of imprisonment is imposed, in principle, to deprive the individual of his or her freedom; the experience of restriction of liberty in itself (and it alone) is intended to be punitive. Deriving from it there are assumed to be three main types of outcome: (a) the direct deterrent effect of the experience on the individual's own behaviour, which will encourage him or her to 'reform'; (b) a general deterrent effect, by which the visible use of prison sustains the law abiding behaviour of other citizens; and (c) the immediate result of 'incapacitation' of the individual, so protecting the public at least for a period of the sentence. Prison stands, in a sense, as the ultimate symbol of the power of the state to enforce conformity with the law and maintenance

of social order (Garland, 1990). These three justifications by outcome, however, have little empirical evidence to support them. (McGuire & Priestley, 1995, pp. 10-11)

More recently, Canadian researchers have produced compelling evidence that incarceration does not prevent recidivism. In 1999, Gendreau, Goggin and Cullen prepared a report that answered the question, "Does increasing the length of time in prison reduce the criminal behaviour of offenders?" There was a meta-analytic review of 50 studies involving over 330,000 offenders. The studies examined the effect of incarceration and longer sentences on recidivism. Each study had a minimum

follow up period of six months. The review employed statistical procedures to: (a) compare recidivism rates of offenders serving sentences of incarceration with recidivism rates of offenders serving community based sentences; (b) compare recidivism rates of offenders serving short sentences of incarceration with recidivism rates of offenders serving long sentences; and (c) investigate whether incarceration deterred offenders who posed different levels of risk to reoffend (pp. 14-16).

The results of Gendreau et al.'s (1999) meta-analysis confirmed what correctional researchers and academics have suggested for decades: none of the analyses found incarceration to reduce recidivism. The recidivism rates for offenders who were incarcerated as opposed to given a community sanction were similar (p. 17). In addition, longer sentences of incarceration were not associated with reduced recidivism (p. 16). In fact, the opposite was found. Longer sentences were associated with a 3% increase in recidivism. As well, an analysis of the studies according to the risk of the offender did not show a deterrent effect (p. 17). For both low risk and high risk offenders, increased sentence lengths were associated with small increases in recidivism, although low risk offenders were slightly more likely to commit new offences than high risk offenders.

It is clear, then, that incarceration alone without well developed programming oriented towards the criminogenic needs of the offender is a waste of time and money, in terms of the long term outcome of protecting society through reduced recidivism.

A note on sex offenders

In 1992, Hanson et al. reported on 197 child molesters released from a maximum security provincial institution. Their study found that treatment positively impacted offenders personally, but had no impact on recidivism (p. 20). As discussed previously, the same authors compared that sample of offenders to 137 non-sexual offenders and reported on their findings three years later (Hanson et al., 1996). Their findings in the 1995 report supported the conclusion that child molesters have different programming needs than do nonsexual criminals, and that they should be offered specialized treatment programs. They also determined that some child molesters are at a significantly higher risk to reoffend than others and, as such, a range of information is required to identify high risk offenders. The authors also concluded that special provisions may be required for the long term supervision of certain high risk child molesters in the community.

The 1998 report by Hanson and Harris comparing sexual offenders who recidivated with sexual offenders who did not recidivate found that:

Both groups were equally likely to have attended specialized sexual offender treatment programs (76%) but the recidivists were most likely to have dropped-out or otherwise be considered treatment failures....The extent to which the known recidivism event contributed to attrition or to the clinical ratings of "treatment failure" was not recorded, but would be expected to be minimal because few of the offenders were in active treatment when they recidivated. (p. 14 of 42)

The conclusion from the above research appears to be that sex offenders not only require specialized intervention to prevent recidivism, but the intervention has to be both appropriate to the offender and successfully completed. A good deal of study has already gone into the development of sex offender treatment programs, and there is research available that evaluates the effectiveness of sex offender treatment at reducing recidivism (see Looman, Abracen & Nicholaichuk, 2000, and Quinsey, Khanna & Malcolm, 1998). Current literature suggests that even more work must be done to determine how to deal most effectively with this special group of offenders.

Short Term Inmates

While little study has been done on the effectiveness of interventions aimed at reducing recidivism among short term inmates, there is some information available as to what those interventions are. While resources are limited, the provincial correctional service in Alberta does provide treatment and programming to attempt to address the needs of offenders in its charge. Indeed, in Alberta, the government has a goal to “facilitate the rehabilitation of offenders” (Alberta Justice, 2000, Results Analysis - Goals and Measures page, Goal 3). To that end, government reports that over 90% of incarcerated offenders in Alberta are involved in work, treatment or life management programs (Government of Alberta, 2000, p. 2). It further reports that, in 1996, a Framework was developed that defines core priority programs for offenders (Government of Alberta, 2001, p. 1). The framework is outlined as follows:

The Provincial Offender Education Framework identifies three program areas:

- Life Skills/Anger Management-type programs
- Academic Programs
- Employment Training Programs

Life Skills/Anger Management-type Programs

Six core programs that address key criminogenic needs have been identified:

- Anger management
- Employment skills
- Release planning
- Family violence prevention
- Addictions awareness
- Life management skills

The core programs offered to offenders are cognitive-behavioural in style, in that they focus upon altering dysfunctional thinking by offenders and providing them with better problem solving skills.

Academic Programs

Academic programs are broken down into basic academics (Grades 0-9) and upper academics (Grades 10-12). Basic academic programs are normally offered during the day; upper academic programs are generally taken in the evening or on the weekend.

All programs are competency based and focus upon addressing basic education and literacy deficits.

Employment Training Programs

Employment Training programs are geared to teach specific employment skills that will benefit the offender upon release. Examples of these programs include, but are not limited to: Trades Training, Baking, First Aid and CPR, Construction Safety, Hydrogen Sulfide Safety Training, Building Service Worker, Small Engines, Commercial Card Design & Marketing, Native Arts.

(Government of Alberta, 2001, p. 1)

Alberta's correctional interventions and community based programming are two steps in the right direction. Nevertheless, it is important that such interventions be evaluated as to their effectiveness. One possible method of evaluation might be to assess their compliance with McGuire and Priestley's (1995) list of components that are essential to effective correctional intervention. Do they correspond to risk factors for criminal involvement and recidivism (with attention to dynamic risk factors), or do they address unrelated needs? Do they consider a matching between the learning style of the offender and the teaching style of the program facilitator? Are they community based wherever possible? Are they multimodal, skills oriented and drawn from cognitive and/or behavioural sources? Are the stated aims of the programs linked to the methods being used? Each of these questions requires further attention.

POLICY AND PRACTICE IMPLICATIONS: RECOMMENDATIONS AND CONCLUSION

It is unfortunate that much of the present discussion is incomplete. While there is a great deal of research available on federal offenders, information gathering at the provincial level is much more limited. This does not, however, preclude certain recommendations. This discussion has revealed that offenders generally have certain risks and needs that are associated with their involvement in the criminal justice system, and with their future decisions. It is also understood that short term inmates are not behind bars for very long and, as such, opportunities for intervention are limited.

We also know that our responses to crime must be effective, just and humane. In that regard, correctional decision makers can look with reasonable confidence to the large volume of information that is available to guide them in developing more effective interventions.

The decision to reject incarceration as a method of punishing or deterring offenders is one that the federal and provincial governments are moving toward, and this trend should continue. With respect to provincial offenders, 63 days behind bars has the potential to destroy what little community support an offender may have. The offender may lose his or her apartment or other residence, be fired and

become less employable, or lose an intimate relationship for 63 days of time that could be spent in the community and complemented by effective programming. There is now strong evidence that incarceration does nothing to reduce future criminal activity and, in fact, may increase recidivism among both short term and long term inmates. Gendreau et al. (1999) suggest that this evidence has policy implications that can be expressed in the form of two recommendations:

There are, in our view, two viable recommendations. Prisons should not be used with the expectation of reducing future criminal activity. If further research supports the findings described herein, that time in prison increases offender recidivism by even “small” amounts, then the costs accruing from the excessive use of prison could be enormous.... Arguably, increases in recidivism of even a “fractional” amount are not fiscally responsible, especially given the high incarceration rates currently in vogue in North America.

...

Our second recommendation [is that prison systems] continuously assess the situational factors than can mediate their institutional climates...and have a potentially negative impact on prisoners’ adjustment and, possibly, a long-term effect on recidivism. (pp. 21-22)

More recently, Smith, Goggin and Gendreau (2001/2002) recommended that periodic assessments of offenders’ adjustments be mandatorily conducted every six months to a year, with a focus on a wide variety of dynamic risk factors (p. 15). They suggested that:

Assessments of incarcerates’ changes in behaviour (e.g., attitudes, beliefs, employment/academic performance, treatment program performance, misconduct, etc.) and their relationship to recidivism will uncover who may...be harmed by prison life and by how much. Secondly, there should be assessments of how situational factors (e.g., inmate turnover, availability of treatment and work programs, staff/inmate relations, institutional climate) affect prisoners’ adjustment (Bonta & Gendreau, 1990; Gendreau et al., 1997). Thirdly, we must be mindful of how offender characteristics and prison situations interact (Bonta & Gendreau, 1993). Only then will we address the controversial issue of the effects of prisons on recidivism in a much more adequate manner.

To summarize, the John Howard Society of Alberta has several recommendations that could positively impact recidivism among short term inmates.

First, correctional services (both federal and provincial) should collaborate to develop a uniform, centralized information gathering system to determine the risk factors for criminal involvement and recidivism among short term inmates. These risk factors, once identified, should be tested using

standardized risk assessment and recidivism predicting tools, such as the SIR scale. In the event that standardized risk assessment is found to be inappropriate for short term inmates, then a more appropriate method of predicting risk should be developed.

Second, provincial correctional services should critically evaluate the effectiveness of current interventions that are ostensibly intended to prevent recidivism. From academic and skills training and life skills programming to incarceration, provincial correctional services should be open to modifying interventions that are of little or no value.

Third, when intervening with serious and violent offenders, correctional services should make the most of the extended time that these offenders are incarcerated. Resources should be directed to the development and delivery of intense, high quality programming that focusses on dynamic risk factors.

Finally, the decision to incarcerate people who do not pose a threat to public safety requires serious critical evaluation. In the face of powerful evidence that incarceration does not reduce recidivism, lawmakers, judges and correctional service providers should, wherever possible, limit or avoid incarcerating offenders. We simply cannot ignore the fact that prison is not a method of reducing future criminal activity and, for the vast majority of offenders who are not chronic and high risk such that they must be incapacitated in order to protect society, it serves no function other than to punish, and punish very expensively, for the sake of punishment. Rather, individualized and appropriate treatment that can reasonably be relied on to be effective at reducing recidivism should be available to offenders in the community.

The John Howard Society of Alberta hopes this examination has shed light on the characteristics of short term inmates that are relevant to their likelihood of future reoffending. As well, we hope that correctional decision makers will realize the importance of responding effectively to these offenders, and take the necessary steps to implement the recommendations highlighted in this discussion.

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