

Comparing coercive and non-coercive interventions

James McGuire

Acknowledgements

We would like to thank the generous support of the Barrow Cadbury Trust without which this report would not have been possible.

About the author

James McGuire is Professor of Clinical Psychology at the University of Liverpool.

Comparing coercive and non-coercive interventions is the second of three reports in the Transition to adulthood series.

Produced by:

Centre for Crime and Justice Studies
King's College London
Strand
London
WC2R 2LS

Tel: 020 7848 1688

Fax: 020 7848 1689

info@crimeandjustice.org.uk

www.crimeandjustice.org.uk

The Centre for Crime and Justice Studies at King's College London is an independent charity that informs and educates about all aspects of

crime and criminal justice. We provide information, produce research and carry out policy analysis to encourage and facilitate an understanding of the complex nature of issues concerning crime and related harms.

ISBN 978-1-906003-21-0

© Centre for Crime and Justice Studies,
January 2010

Registered Charity No. 251588
A Company Limited by Guarantee
Registered in England No. 496821

Introduction

There is a widespread perception that behaviour which society finds problematic can be changed by coercive methods: that those who are perceived as creating difficulties for others, even if they are partly understood to be experiencing difficulties themselves, will only change if they are constrained, controlled and compelled to do so.

The impulse to punish those who have broken the law and have caused their fellow citizens distress or discomfort is, in many respects, entirely understandable. If you are the victim of a crime it is a perfectly natural reaction to feel angry with the person who offended against you. That applies even more readily if the perpetrator appears to have acted solely for his or her own personal gain and could apparently have chosen other means of accomplishing that goal. Being a victim, even of a minor crime, is an unpleasant experience. For more serious crimes it can be both devastating and long lasting. Not surprisingly, therefore, attitude and opinion surveys consistently list crime as a major public concern.

However, there is evidence that people's fear of crime may be out of proportion to the 'objective' risk of becoming a victim of it. This is possibly inflated by uneven media attention and the sensationalism that accompanies much crime reporting. For example, one Home Office study found that readers of national tabloid newspapers are 'twice as likely as those who read national broadsheets to think the crime rate in the country as a whole (43 per cent and 21 per cent respectively) and in their local area (18 per cent and 9 per cent respectively) has increased "a lot" in the previous two years' (Lovbakke, 2007). Many criminologists have noted the differential amounts of news space devoted to crime, as conventionally defined, relative to other types of avoidable harm such as industrial accidents or trafficking of women and girls (Dorling et al., 2008). Official concern with 'human security' typically directs far more energy to events of comparatively low frequency (for example, terrorist atrocities) than to events that are many times more common (for example, deaths of children under five caused by disease or malnutrition, or male violence towards women, which takes numerous forms, some of them impeccably legal in many jurisdictions (Roberts, 2008).

The net result of this set of assumptions and preoccupations in criminal justice, especially as applied to youth, is the application of a policy that rests fundamentally on coercion and control as the key responses to the problem. Indeed, most discussions of these issues reflect an approach in which core beliefs concerning the centrality and necessity of deterrence appear to be very deeply ingrained. For this reason, policies and practices associated with such an

approach are often very difficult to challenge. To many people, perhaps a majority of the population, they are part of the 'taken for granted' world.

The objective of this paper is to consider this issue from several perspectives which, taken together, suggest that the expectation that the problem of offending by young people can be solved by coercion and control is essentially illusory. While it may serve some political agendas to rouse public fears (as the mass media persistently do) and to proffer what sound like hard hitting measures in response, the reality is that all too often these are misleading and fruitless courses of action. Their prominence in law and order debates has magnified the problem and detracted from options that offer a better prospect of constructing a system of youth justice that is both effective and humane.

What follows is divided into four sections. The first section briefly summarises basic evidence concerning the circumstances of youth justice in England and Wales, drawing on relevant comparative data in as digestible a form as possible. The second provides a more systematic overview of research findings on the outcomes of different kinds of direct work with young people who have repeatedly broken the law. The third section considers why the kinds of approaches most familiar in the law and order debate – the application of punitive sanctions – do not have the impact they are generally purported to have despite their widespread acceptance. Finally, there will be discussion of how to bridge the present gap between research findings and effective practice, and the implications of doing so for wider policy formulation.

The present predicament

For England and Wales, the outcome of the aforementioned direction of policy can be illustrated by some fairly bleak statistics. Annual surveys of penal statistics reported by the Council of Europe have repeatedly shown that we lock up a larger number of under 18 year olds than almost every other country in the continent. The most recent report (Aebi and Delgrande, 2009) found that, as of 1 September 2007, the total figure for England and Wales of 1,883 was surpassed only by that for Turkey; the corresponding figure for those in the 18 to 21 year age range was 6,638. As percentages of the total prison population, our rates are not just marginally but significantly higher than the European mean. The proportion of under 18s among prisoners as a whole was twice the average for Europe overall, and was exceeded only by figures for Austria, Ireland, Monaco and Scotland. Looking farther afield, Hazel (2008) found that the incidence of imprisonment for under 18 year olds in England and Wales is one of the highest in the world. At 46.8 per 100,000 of the relevant sector of the general population, the proportion of young people in custody in England and Wales is far higher than in neighbouring countries with similar compositions such as France, Germany and Italy.

A recent study by Barnardos (2008) found that the use of custody for 10 to 14 year olds in England and Wales increased 550 per cent between 1996 and 2006. As is the case with crime at all ages, the majority of those who offend are males, with the gender ratio typically in the region of 5:1 or more. But recent figures suggest that rates of incarceration have also been rising for young females and doubled in the period between 1996 and 2006 (Lloyd, 2008).

It might be claimed that this is all to the good. If there are young people in the community who are repeatedly prepared to commit crimes, then the more of them we catch and confine, the better. Their criminality will be reduced and society will be safer as a result. This is the logic of the criminal sanction, of what has been called 'deterrence doctrine' (Andrews and Bonta, 2006). Putting it another way, if these actions and the associated trends achieve something of value in terms of changing the life prospects and subsequent behaviour of these young people, they might appear justifiable, at least from a utilitarian perspective.

But official statistics and outcome studies show the reverse. It emerges consistently from follow-up statistics that there is little or no benefit in the resort to incarceration and other forms of strict control. Indeed, there is additional cost – in both human and monetary terms. The most recent Ministry of Justice (MoJ) statistics on re-offending by juveniles, published on 21 May 2009, indicate a gradual downward trend in re-offending during the period 2000 to 2007 (though this may be a function of the slow decline in the crime rate in general) (MoJ, 2009). To simplify matters, the statistics on those processed by the criminal justice system are prepared in the first quarter of each year. Over the period under consideration, the 'raw' proportion of offenders who re-offended fell by 6.6 per cent, from 40.2 per cent to 37.5 per cent, and by 4 per cent when changes in offender characteristics were taken into account.

However, the re-offending rate of those given the most serious sentences continues to be high. For both custody and community punishment, there remains very little difference between predicted and actual rates of re-offending. For community penalties, for example, against a one-year predicted re-offending rate of 67.5 per cent for 2007, the actual rate was 69.0 per cent. For the use of custody, the difference is marginally smaller, the corresponding figures being 72.4 per cent and 75.3 per cent. It is difficult to discern the role of risk levels alongside other variables as these are not analysed in combination with other kinds of information.

Similarly, it is difficult to draw clear conclusions regarding whether one sentencing disposal is preferable to another. Presenting a statistical model of the predictors of re-offending, the MoJ incorporates several variables usually demonstrated as having a close association with re-offending (age, number of previous appearances in court), but it does not include disposal in the model (MoJ, 2009). However, the overall pattern, faithfully reproduced in successive years since 2000, is for actual re-offending rates to be somewhat higher than those predicted on the basis of individuals' criminal histories. There is little evidence here that experience of the most severe sanctions has succeeded in deflecting these young people from ongoing criminal careers.

International evidence has consistently shown that punitive policies yield little of their much sought-after and fervently promised effect in reducing criminal recidivism. To cite one recent example, a review of the impact of 'three strikes' policies in California has shown that these initiatives have proved to be completely ineffective as a means of reducing rates of serious crime. Counties that implemented three strikes statutes subsequently experienced higher rates of

serious crime, whereas six counties that did not operate the policy experienced sizeable declines in violent crime over the same period (Center on Juvenile and Criminal Justice, 2008).

Such arguments are, of course, essentially consequentialist in nature: that is, they focus on the outcomes of policy and practice, and whether they can be justified by results. But debates in this area also raise matters of ethical principle. Internationally endorsed frameworks such as the United Nations *Convention on the Rights of the Child* (UNICEF, 1989) promote the principle that custody should only be used as a last resort. With a rate of youth imprisonment considerably higher than that of other countries comparable in population and economic status, it is difficult to accept that sentencing decisions in England and Wales are authentically applying that principle. We might speculate that these figures are another facet of the generally disadvantageous position in which children and young people find themselves in the UK, as amply documented in the UNICEF (2007) report on the well-being of children in 21 OECD countries. Taking an average of six indicators of children's experiences, the UK emerged at the bottom of the summary table.

It may also be that there is an additional and possibly more fundamental process operating in this context. What are the core messages that emanate from a policy that consistently favours coercive methods over other approaches that draw on education, counselling, skills training, family support, community regeneration and similar initiatives? Arguably, the underlying stance and the meaning embedded within it is one that endorses the use of power, the punitive sanction, in a way that actually replicates rather than counters the ethos of the street and the gang. If we talk about and to young offenders using metaphors of toughness, we reinforce more than anything else a view of the world as a competitive jungle in which people should first and foremost look after themselves. This is exactly the same ethos that underpins many attitudes that are supportive of a life of continued crime.

Messages from intervention research

The question inevitably arises as to whether things have to be this way. It is surely puzzling to witness the increasing use of incarceration, which involves considerable expenditure in supposedly hard-pressed economies, against evidence of no meaningful benefit from it. Is there anything else that can be done? Over the last two decades, a steadily mounting volume of evidence has shown that there are alternative, more constructive and effective methods of working with those who have broken the law. As opposed to the use of punitive sanctions, these approaches have in common the use of more constructional methods of changing behaviour (McGuire, 2004). That is, they are grounded in principles of social learning, cognitive change and positive engagement, in which individuals are encouraged and enabled to learn skills, address attitudes and alter patterns of relating to others associated with anti-social acts.

It may be useful to clarify what this involves by describing a concrete example. One of the earliest studies to employ a structured programme of skills training was reported by Michael Chandler (1973), who examined the social-cognitive skill of

perspective-taking in a group of persistent young offenders aged 11 to 13 years. Using specially designed role-playing and storytelling techniques, he found first that members of the young offender group were significantly more egocentric than their peers: that is, they appeared less able to adopt other people's viewpoints than a comparison group of non-offenders. Forty-five youths were then randomly assigned to one of three conditions. The 'experimental' group undertook a series of training sessions involving videotaped role-reversal and perspective-taking exercises. The 'attention placebo' group used video cameras to make tapes of other activities, while the 'no-treatment' group had neither intervention nor attention. On completion of the sessions, evaluation showed that the first group improved significantly in their role-playing and perspective-taking abilities. Moreover, an 18-month community follow-up showed a significant reduction in the recidivism rate of that group alone.

There have been many hundreds of studies conducted along parallel lines since then, though there has been considerable variety in the age of those taking part, the types and seriousness of their previous offences, the delivery setting, the intensity of the work done and the precise methods employed. When a combination of methods appeared particularly valuable, practitioners often prepared structured manuals to enable others to reproduce the activities. This led to the emergence of what are now known as offending behaviour programmes, and these have been systematically evaluated in numerous research studies. Given the rapid expansion in the number of these over ensuing years, reviewing them collectively became an arduous process. However, from 1985, the findings from different studies began to be integrated using the increasingly popular method of meta-analysis.

The first meta-analytic review of interventions in criminal justice focused on young offenders in custodial settings. Garrett (1985) surveyed a total of 111 studies of educational, training, family, behavioural and other kinds of programmes with young offenders detained in institutions and community residential placements. These studies had been conducted in the period 1960 to 1983, and in total there were 13,055 participants (mean age: 15.8 years). Contrary to the 'anti-treatment' paradigm that was predominant during that period, Garrett found that a variety of interventions produced a range of positive effects on institutional and community adjustment, well-being, academic achievement and subsequent recidivism.

In the period between 1985 and today, there have been many more studies of interventions with offenders of various ages, employing different kinds of working methods. The volume of work has been such that, by the end of 2008, a total of 75 meta-analyses have been published in this field, nine focusing exclusively on work with offenders up to the age of 21, with others including individuals across a wider age range (for a tabulated list covering up to mid-2007, see McGuire, 2008).

Integrative surveys of research with young offenders

Research on the outcomes of working young offenders has thus been extensively reviewed, using both traditional, narrative methods (Fields and McNamara, 2003; Hoge, Guerra and Boxer, 2008) and meta-analyses (Dowden and Andrews, 1999; Grietens and Hellinckx, 2004). Another more recent overview is provided by Trupin (2007). Several key results have emerged from reviews of outcome studies

with young people who have committed serious violent or sexual offences, as discovered in a detailed meta-analysis by Lipsey and Wilson (1998). These authors integrated findings from a total of 200 studies, 83 interventions delivered in residential settings, 117 delivered in the community. They grouped types of interventions in broad categories defined by a combination of the mean effect size (ES) that was found and the consistency with which it was obtained. Intervention programmes in the most consistently effective category were found to have an average impact in reducing recidivism by 40 per cent in community settings and 30 per cent in custodial settings (Lipsey and Wilson, 1998).

For community-based interventions, the largest mean effect sizes were for structured individual counselling, interpersonal skills training and behavioural programmes. For institutionally-based methods, the largest mean effect sizes were for interpersonal skills training and teaching family homes. Positive effects were obtained, but with less consistency, for the provision of multiple services (sometimes called 'service brokerage') in the community, and for behavioural programmes, community residential facilities and multiple services in institutional settings. Other types of intervention were either weaker or less consistent in their effects, or both. For a few interventions, notably deterrence-based initiatives, both this and several other reviews have found effect sizes either close to zero or negative. The latter means literally that those dealt with more harshly subsequently went on to commit more crimes than those in the respective comparison sample.

To date, there have been three other meta-analyses of interventions designed to reduce aggressive or violent behaviour among young people. Wilson, Lipsey and Derzon (2003) reviewed findings from 221 studies of interventions designed to reduce aggression in schools. The selected studies were carried out with participant samples ranging from pre-school to 13th grade (age 17 to 18 years), resulting in an aggregate sample of almost 56,000 participants. Of the 522 comparisons possible between experimental and control groups, 34 per cent were derived from randomised designs. The methods employed included competence training with and without cognitive-behavioural components, classroom management techniques, counselling, separate streaming within schools, peer mediation, academic interventions, and varied combinations of the foregoing. Among randomised designs there was an overall effect size difference between experimental and control samples strongly in favour of the former, almost double the corresponding figure for non-randomised designs.

McCart et al. (2006) compared the relative effectiveness of behavioural parent training (BPT) and cognitive-behavioural therapies (CBT) in reducing aggression and other anti-social behaviour among young people under the age of 18. They found 41 studies of the former and 30 of the latter. The dependent variables were physical or verbal aggression, or officially recorded delinquency. The findings of this study suggested firmly that, for the younger age group, working with parents and thereby indirectly engendering change was more effective than an individually-focused intervention that addressed patterns of thinking. By contrast, the cognitive-behavioural approaches were more potent with those from the mid-teenage years and beyond.

Garrido and Morales (2007) updated aspects of the Lipsey and Wilson (1998) review, though with a narrower focus on interventions provided in secure institutions only and confining the analysis to studies of groups defined as violent and chronic delinquents. Outcome measures included both general and serious recidivism, the latter defined as comprising offences that led to re-incarceration. There was a cumulative sample size 6,658 and a median follow-up period of 18 months. The findings showed positive and significant differences in favour of experimental/treatment groups for both general and serious recidivism.

Illustrative interventions

The above are summary findings, based on meta-analyses, which inevitably aggregate results (as they are designed to do), but therefore often pass over details that would be of interest to practitioners and service managers. Combining various sources of the findings that have been obtained, the following are some illustrations of the kinds of work that have yielded the most consistently positive outcomes from the research published to date.

Interpersonal skills training

This consists of a series of exercises designed to improve participants' skills in interacting with others. Working in a small group, individuals identify situations in which they are not sure how to act or which they have sometimes mishandled (for example, surrendering to pressure applied by others). Suitable ways of behaving in the situation are discussed, then practised using role-play or related exercises. Supervisors and other group members provide practice and feedback, possibly using camcorders. The work of Chandler (1973) described above is an example of this approach. These methods have, however, often been combined with others in what have become known as multi-modal programmes.

Behavioural interventions

A wide range of methods can be grouped under this heading (McGuire 2000). In work with young offenders, these have included contingency contracts, where individuals and their supervisors compose a list of problem behaviours and a system of rewards for progress in modifying them. Behavioural training procedures, such as modelling and graduated practice, form part of many other types of interventions.

Cognitive skills training

There are several programmes of this type. Most consist of a series of structured sessions, each containing exercises designed to help participants acquire or develop their abilities in the domain of thinking about and solving everyday (usually interpersonal) problems. Typical material includes work on putting a problem into words, gathering information, generating ideas, linking means and ends, anticipating consequences, perspective-taking and decision-making. While this sounds very abstract, materials and methods are usually directed towards tackling real-life, concrete problems faced by those taking part. One well-regarded programme of this type is Aggression Replacement Training (Goldstein et al., 2004), which integrates interpersonal skills training and self-control, values education over a sequence of 30 structured sessions, and has yielded positive findings with a variety of age groups.

Structured individual counselling

Counselling takes numerous forms and is used in many settings including education, employment, healthcare and personal development. In what is probably its most familiar format, it is a relatively unstructured activity in which the counsellor acts in a person-centred, non-directive manner, allowing the client to take the lead. While this can be invaluable for a number of purposes, it has not emerged as an effective means of reducing offender recidivism. In order for it to work in that context, research suggests it needs to be more directive and structured, and based on a reality therapy or problem-solving framework

Structured foster care and teaching family homes

These are residential units or group homes in which specially trained adults work in pairs as 'teaching parents'. Their role is to develop positive working alliances with residents, impart a range of interactional or self-management skills, and provide counselling and advocacy services. Young people can continue to attend school and return to their homes of origin at weekends. A more broadly-based version, entailing the development of structured fostering arrangements, is described by Chamberlain (2003).

Family-based interventions

It is widely recognised that the family is probably the most powerful agent of socialisation and developmental influence on growing children, and numerous studies have traced the origins and entrenchment of anti-social behaviour and attitudes to learning processes that occur in that setting. Behavioural parent training (McCart et al., 2006) involves a direct focus on the skills of parents in child management, but other approaches involve conjoint working with young people, siblings and parents in skills training, negotiation, conflict resolution and related kinds of exercises. Examples of this approach with a proven track record of success include Functional Family Therapy and its derivative, Parenting Wisely (Gordon, 2002). A still more elaborate approach, known as Multi-Systemic Therapy (MST), integrates activities at an individual, family and school level, and has yielded positive outcomes with some very troubled young people. While results from this have been positive in specially designed trials, MST has been described as awaiting fuller validation when delivered in the context of routine practice (Wikström and Treiber, 2008).

'Decompression' with difficult-to-manage youth

There are, of course, some young people, described as 'out of control', who are likely to offer concerted resistance to any attempts to work with them. They may withdraw from positive contacts or are openly hostile to them. In these instances we need to find processes of engagement that can still be located within a legal framework underwritten by formal controls. Are there conditions under which some approaches that draw partially on a corrective context can be successful with the most damaged and difficult young people?

Several studies have reported on the effect of an institutional regime that is designed to put into reverse the downward spiral in which some challenging young people find themselves. Such young people may have shown repeated violence and consequently been made subject to maximal controls, but have responded

with increased defiance and remained resistant to intervention efforts for lengthy periods. Caldwell and Van Rybroek (2005) have described the application and the effects of a 'decompression' regime designed to counter this pattern, which incorporates additional training programmes (notably Aggression Replacement Training) in a 'clinical-correctional hybrid' (2005, p.625) at the Mendota Juvenile Treatment Center, Wisconsin. A group of young people, who had committed their first offences at an average age of nine years, had been considered unmanageable in other institutional settings. A sample group of 101 programme participants was followed up after discharge for an average of 4.5 years alongside a matched untreated comparison group of 147. As random allocation was difficult to implement with this population, the evaluation was designed to take account of possible selection effects. Results showed that members of the treatment group were six times less likely than controls to be reconvicted of a violent offence. Economic analysis of the intervention showed a cost-benefit ratio of 1:7 for the Center (Caldwell, Vitacco and Van Rybroek, 2006). Notable was that a sizeable proportion of these young people met clinical classification criteria for having 'psychopathic personalities'. Nevertheless, this group also showed a response to treatment, with significant changes in behaviour ratings between commencement and completion of the programme (Caldwell et al., 2007).

Incidentally, the finding that interventions that are effective in reducing re-offending are also economically cost-efficient has been shown through several detailed analyses. These compare the respective savings (for example, reduced court processing of defendants, hospitalisation or counselling of victims, institutional or supervision costs, etc) with the project delivery costs (staff salaries, facilities, training, etc) required for running programmes. There have now been several reviews of these aspects of interventions, the most comprehensive being those of Aos et al. (2001) concerning adults and Aos et al. (2004) concerning young offenders, respectively.

'Non-programmatic' aspects of intervention

Evidence such as that summarised above has sometimes been taken to imply that all that has to be done to make the criminal justice system more effective is to install or develop a portfolio of accredited programmes and disseminate them throughout the system. Regrettably, this has been shown to be a gross under-estimation of the nature of the task. It is well established that many other elements need to be in place to ensure that programme activities are adequately supported and that delivery is carried out in an appropriate way. Doing so means assessing individuals' suitability for different activities, ensuring there is a variety of provision capable of addressing a variety of needs, providing managerial support, staff training, time and facilities, and carefully monitoring the entire process. At the risk of over-simplifying a rapidly developing area of research, other meta-analyses have shown the importance of staff practice, offender allocation and preserving integrity and quality of delivery to be essential ingredients of good service provision (Andrews and Dowden, 2005, 2006; Dowden and Andrews, 2004; Lipsey, 2009; Lowenkamp, Latessa and Smith, 2006).

Primary and secondary prevention

All the research described here, and the methods employed within it, is addressed towards those individuals who have been arrested and convicted of crimes. They

have generally been applied within the criminal justice system and are sometimes referred to as 'tertiary prevention'. Used well, they can result in reductions in rates of re-offending.

A preferable strategy, and one that also has sizeable amounts of evidence to support it, is known as 'primary prevention'. This takes a variety of forms, but the best documented to date consists of large-scale, community-based intervention programmes, delivered in socio-economically deprived 'high crime' neighbourhoods. For example, the High Scope/Perry Preschool Programme provided in a low-income suburb of Detroit yielded a wide array of benefits for participating families, with long-term results in terms of improvements in health, education and reduced involvement with the criminal justice system (Schweinhart, Barnes and Weikart, 1993). Econometric analysis of long-term benefits relative to project costs also showed a very positive ratio of 7:1, and while this has been at the upper end of the outcomes in this area, other interventions have also been shown to more than pay for themselves in monetary terms (Farrington and Coid, 2003). An intermediate level of intervention, focused on those considered at risk of developing more serious problems, is known as 'secondary prevention', but has been the subject of considerably less research.

While this is beyond the scope of the present paper, on a larger scale still, international research on the interconnections of inequality and violence has indicated that if a society is to make headway in reducing rates of community violence, another important factor in enabling this to happen is the reduction of social and economic inequalities (Fajnzylber, Lederman and Loayza, 2002; Messner, 2003).

The nature of punishment

Some of the findings reviewed above might appear to many people to run counter to common sense. It is surely self-evident that if a person does something that leads to unpleasant consequences he or she will take steps to avoid it happening again. This widely accepted premise, constituting what might be called a lay theory of punishment, undoubtedly applies under certain circumstances. If we do something that causes immediate pain – touch a hot stove, to use the classic example – we need very little else to happen to ensure we will be careful not to repeat the behaviour.

This view of the everyday relationship between an action and its consequences is then transformed into a set of generalised expectations regarding the familiar principles of pain and pleasure, and often extrapolated to the much more complex realm of crime and punishment. But a close scrutiny of how things operate in this domain demonstrates why coercive and punitive policies are likely to be doomed to failure. As a function of the way they occur, they are extremely unlikely to produce the kinds of effects that most of us presume they should.

Research over several decades on the psychology of punishment and behaviour change has discovered some key features of how punishment works. To be maximally effective, it needs to be inevitable (unavoidable), to occur immediately, or at least very soon after the behaviour it is designed to reduce, and to be severe.

Its efficacy will be increased if the individual has alternative routes to the goal he or she was trying to achieve when engaging in the behaviour we want to eradicate.

Criminological research amply illustrates that these conditions are hardly ever met, and they may be practically impossible to meet in a real-world setting where so many factors are influencing behaviour from one moment to the next. People are much more likely to get away with crimes – to escape punishment – than to be subject to it: only a small proportion of criminal acts results in punishment, even for those who are sometimes caught. Where it is possible to vary individuals' confidence in avoiding detection (what penologists call the *uncertainty* variable), some suppression of problem behaviour occurs. But doing so is extremely difficult to achieve. Attempting to reduce crime by manipulating the *severity* of punishments has repeatedly been shown to yield very little change in rates of crime or recidivism (Von Hirsch et al., 1999). The factor of time can be changed if the criminal justice system is made more efficient. But while that may be a valuable objective for other reasons, the temporal connection between a criminal act and the penalty meted out for it is very unlikely ever to be close enough to make a real difference.

Another aspect of this is the likelihood that, for many people who break the law, their actions are a result of being in a situation where, depleted of resources, they cannot think of anything else to do. While that does not apply to all crimes, it is the case in many. Unless either individuals' circumstances change, or they acquire capacities for solving problems by other methods, even the infliction of punishment may be unlikely to generate significant change.

This is also influenced by events at a cognitive level. Individuals who may be prone to commit a crime are more likely to recall instances of success or acquaintances who evaded the law than to contemplate failure, arrest and conviction. A similar principle operates when we open the car door in the morning to drive to work. We know that accidents happen, including serious ones. But, for the overwhelming majority of the time, we do not think they will happen to us.

Overall, for young as well as for adult offenders, the expectation that incarcerating people will somehow generate changes in their behaviour is 'built on sand' (Hedderman, 2008).

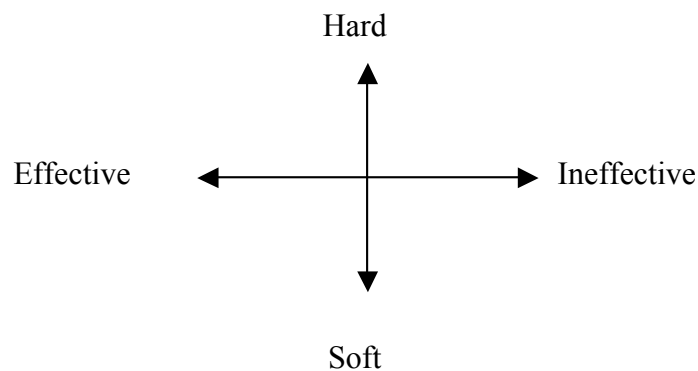
Conclusions

Taking a step back and examining the available evidence dispassionately, it is difficult to avoid the conclusion that the policy of resorting to coercive methods is in large measure counter-productive. The question of why it continues to be pursued – indeed, why some voices recurrently call for yet more of it, presenting their arguments as more realistic and down to earth than those of opponents who are portrayed as 'soft' – is increasingly difficult to understand.

The reductions achieved by the approaches to working with young people described above may be modest but they are often far in excess of those achieved by coercive sentencing and other ingredients of the standard criminal

justice formula which address delinquency among young people. For many of those who comment on this, there appears to be a conjunction between two sets of concepts. One is the notion of a continuum of responses to offending along a dimension that might be characterised in terms of 'hard versus soft'. Another is a continuum based on actual observations and evidence concerning what succeeds and fails, what is shown to be effective versus what is ineffective for reducing the problem that concerns us. The notion that an approach based on hardness will work while one that entails being soft will not is simply spurious. It is a thoroughly discredited framework for approaching the debate about what we should do with young people (or for that matter adults) who repeatedly break the law.

A more accurate picture, using mathematical terminology, is to say that the two dimensions are 'orthogonal', that is, they are set at right angles to each other, as shown in the figure below, implying they are mutually independent. A disposition to be either hard or soft on an attitudinal or emotional continuum has very little connection with whether or not someone is hard or soft on a scientific continuum. Contrary to popular mythology, being 'hard headed' about the evidence shows that being 'hard hearted' about penal policy is a futile direction in which to go.



This being the case, there are strong arguments for following the trends seen in healthcare, education and other fields towards making policy in the field of youth justice more firmly evidence-based. That is not to propose an abandonment of values as a central, integral framework in guiding the operation of law and the provision of services. On the contrary, it corresponds very closely with a value system that enshrines the ethical principle of *non-maleficence* ('first do no harm').

There are many other elements to the general framework proposed here. Implementing it carefully in youth justice and allied services would require considerable investment in staff training and in the development of methodical approaches to assessment, case management and service delivery. This would also entail formulating an approach to working with young people that recognises the process of developmental change they are experiencing, and the factors in their origins and backgrounds that lead to the emergence of behaviour classed as anti-social.

The necessary additional costs could be met, however, without any net addition to resources, through a strategy of transfer of funds from costly, counter-productive institutional agencies to high-quality community-based ones. Clearly, there would

be a requirement for a residual capacity for restraint of those young people posing a high level of risk to themselves or others, but with careful monitoring this could genuinely converge on a principle of 'last resort'.

In conclusion, the current evidence base provides ample pointers towards a set of policies that can deliver what most citizens seek with regard to a 'safer society'. It can be achieved not by ever-increasing investment in institutions and mechanisms of control, but by adopting approaches to working with young people that are more rational, evidence-based and effective, while also being less draconian and more humane than those in widespread use today.

References

- Aebi, M. F. and Delgrande, N. (2009), *Council of Europe Annual Penal Statistics. Space I. Survey 2007*, Strasbourg: Council of Europe.
- Andrews, D. A. and Bonta, J. (2006), *The Psychology of Criminal Conduct* (4th edition), Cincinnati, OH: Anderson Publishing.
- Andrews, D. A. and Dowden, C. (2005), 'Managing correctional treatment for reduced recidivism: a meta-analytic review of programme integrity', *Legal and Criminological Psychology*, 10, pp.173–187.
- Andrews, D. A. and Dowden, C. (2006), 'Risk principle of case classification in correctional treatment: a meta-analytic investigation', *International Journal of Offender Therapy and Comparative Criminology*, 50, pp.88–100.
- Aos, S., Lieb, R., Mayfield, J., Miller, M. and Pennucci, A. (2004), *Benefits and Costs of Prevention and Early Intervention Programs for Youth*, Olympia, WA: Washington State Institute for Public Policy.
- Aos, S., Phipps, P., Barnoski, R. and Lieb, R. (2001), *The Comparative Costs and Benefits of Programs to Reduce Crime*, Olympia, WA: Washington State Institute for Public Policy.
- Barnardos (2008), *Locking Up or Giving Up – Is Custody for Children Always the Right Answer?* Ilford: Barnardos.
- Caldwell, M. F., McCormick, D. J., Umstead, D. and Van Rybroek, G. J. (2007), 'Evidence of treatment progress and therapeutic outcomes among adolescents with psychopathic features', *Criminal Justice and Behavior*, 34, pp.573–587.
- Caldwell, M. F. and Van Rybroek, G. J. (2005), 'Reducing violence in serious juvenile offenders using intensive treatment', *International Journal of Law and Psychiatry*, 28, pp.622–636.
- Caldwell, M. F., Vitacco, M. and Van Rybroek, G. J. (2006), 'Are violent delinquents worth treating? A cost-benefit analysis', *Journal of Research in Crime and Delinquency*, 43, pp.148–168.
- Center on Juvenile and Criminal Justice (2008), *Research Update: Does more Imprisonment Lead to Less Crime?* Available at www.cjcj.org
- Chamberlain, P. (2003), *Treating Chronic Juvenile Offenders: Advances made through the Oregon Multidimensional Treatment Foster Care Model*, Washington, DC: American Psychological Association.

Chandler, M. J. (1973), 'Egocentrism and anti-social behavior: the assessment and training of social perspective-taking skills', *Developmental Psychology*, 9, pp.326–332.

Dorling, D., Gordon, D., Hillyard, P., Pantazis, C., Pemberton, S. and Tombs, S. (2008), *Criminal Obsessions: Why Harm Matters More than Crime*, London: CCJS.

Dowden, C. and Andrews, D. A. (1999), 'What works in young offender treatment: a meta-analysis', *Forum on Corrections Research*, 11, pp.21-24.

Dowden, C. and Andrews, D. A. (2004), 'The importance of staff practice in delivering effective correctional treatment: a meta-analytic review of core correctional practice', *International Journal of Offender Therapy and Comparative Criminology*, 48, pp.203–214.

Fajnzylber, P., Lederman, D. and Loayza, N. (2002), 'Inequality and violent crime', *Journal of Law and Economics*, XLV, pp.1–40.

Farrington, D. P. and Coid, J. W. (eds.) (2003), *Early Prevention of Adult Antisocial Behaviour*, Cambridge: Cambridge University Press.

Fields, S. A. and McNamara, J. R. (2003), 'The prevention of child and adolescent violence: a review', *Aggression and Violent Behavior*, 8, pp.61–91.

Garrett, C. G. (1985), 'Effects of residential treatment on adjudicated delinquents: a meta-analysis', *Journal of Research in Crime and Delinquency*, 22, pp.287–308.

Garrido, V. and Morales, L. A. (2007), *Serious (Violent and Chronic) Juvenile Offenders: A Systematic Review of Treatment Effectiveness in Secure Corrections*, Philadelphia, PA: Campbell Collaboration Reviews of Intervention and Policy Evaluations (C2-RIPE). Available at: www.campbellcollaboration.org/doc-pdf/Garrido_seriousjuv_review.pdf.

Goldstein, A. P., Nensén, R., Daleflod, B. and Kalt, M. (eds.) (2004), *New Perspectives on Aggression Replacement Training: Practice, research and application*, Chichester: Wiley.

Gordon, D. A. (2002), 'Intervening with families of troubled youth: Functional Family Therapy and Parenting Wisely', in J. McGuire (ed.), *Offender Rehabilitation and Treatment: Effective Programmes and Policies to Reduce Re-Offending*, Chichester: Wiley.

Grietens, H. and Hellinckx, W. (2004), 'Evaluating effects of residential treatment for juvenile offenders by statistical metaanalysis: a review', *Aggression and Violent Behavior*, 9, pp.401–415.

Hazel, N. (2008), *Cross-national Comparison of Youth Justice*, London: Youth Justice Board.

Hedderman, C. (2008), *Building on Sand: Why Expanding the Prison Estate is not the Way to 'Secure the Future'*, Briefing 7, London: CCJS.

Hoge, R. D., Guerra, N. G. and Boxer, P. (eds.) (2008), *Treating the Juvenile Offender*, New York and London: Guilford Press.

Lipsey, M. W. (2009), 'The primary factors that characterize effective interventions with juvenile offenders: a meta-analytic overview', *Victims and Offenders*, 4, pp.124–147.

Lipsey, M. W. and Wilson, D. B. (1998), 'Effective intervention for serious juvenile offenders: a synthesis of research', in R. Loeber and D. P. Farrington (eds.), *Serious and Violent Juvenile Offenders: Risk Factors and Successful Interventions*, Thousand Oaks, CA: Sage Publications.

Lloyd, T. (2008), 'Sharp rise in custodial sentences for young women', *Children and Young People Now*, 28 February.

Lovbakke, J. (2007), 'Public perceptions', in S. Nicholas, C. Kershaw and A. Walker (eds.), *Crime in England and Wales 2006/07*, London: Home Office Research, Development and Statistics Directorate. Available at: www.homeoffice.gov.uk/rds/pdfs07/hosb1107.pdf

Lowencamp, C. T., Latessa, E. J., and Smith, P. (2006), 'Does correctional program quality really matter? The impact of adhering to the principles of effective intervention', *Criminology and Public Policy*, 5, pp.201–220.

McCart, M. R., Priester, P. E., Davies, W. H. and Azen, R. (2006), 'Differential effectiveness of behavioural parent-training and cognitive-behavioral therapy for antisocial youth: a meta-analysis', *Journal of Abnormal Child Psychology*, 34, pp.527–543.

McGuire, J. (2000), *Cognitive-Behavioural Approaches: An Introduction to Theory and Research*, London: Home Office. Available at: <http://inspectors.homeoffice.gov.uk/hmiprobation/docs/cogbeh1.pdf?version=1>

McGuire, J. (2004), *Understanding Psychology and Crime: Perspectives on Theory and Action*, Maidenhead: Open University Press/McGraw-Hill Education.

McGuire, J. (2008). 'A review of effective interventions for reducing aggression and violence', *Philosophical Transactions of the Royal Society B*, 363, pp.2577–2597.

Messner, S. (2003), 'Understanding cross-national variation in criminal violence', in W. Heitmeyer and J. Hagan (eds.), *International Handbook of Violence Research*, Dordrecht: Kluwer Academic Publishers.

Ministry of Justice (2009), *Re-offending of Juveniles: Results from the 2007 Cohort, England and Wales*, Statistical Bulletin, London: Ministry of Justice and National Statistics.

Roberts, D. (2008). *Human Insecurity: Global Structures of Violence*, London: Zed Books.

Schweinhart, L. J., Barnes, H. V. and Weikart, D. P. (1993). *Significant Benefits: The High/Scope Perry Preschool Project*, Ypsilanti, MI: High/Scope Press.

Trupin, E. (2007), 'Evidence-based treatment of justice-involved youth', in C. L. Kessler and L. J. Kraus (eds.), *The Mental Health Needs of Young Offenders: Forging Paths toward Reintegration and Rehabilitation*, Cambridge: Cambridge University Press.

United Nations Children's Fund (UNICEF) (1989). *Convention on the Rights of the Child*. New York: United Nations Children's Fund.
www2.ohchr.org/english/law/crc.htm

United Nations Children's Fund (UNICEF) (2007), *Child Poverty in Perspective: An Overview of Child Well-being in Rich Countries*, Innocenti Report Card 7, Florence: UNICEF Innocenti Research Centre.

Von Hirsch, A., Bottoms, A. E., Burney, E. and Wikström, P. O. (1999), *Criminal Deterrence and Sentencing Severity: An Analysis of Recent Research*, Oxford: Hart Publishing.

Wikström, P.-O. and Treiber, K. (2008), *Offending Behaviour Programmes: Source Document*, London: Youth Justice Board.

Wilson, S. J., Lipsey, M. W. & Derzon, J. H. (2003). The effects of school-based intervention programs on aggressive behaviour: A meta-analysis. *Journal of Consulting and Clinical Psychology*, 71, 136-149.

Comparing coercive and non-coercive interventions is the second in a series of 3 reports in the Transition to adulthood series.

The Centre for Crime and Justice Studies at King's College London is an independent charity that informs and educates about all aspects of crime and criminal justice. We provide information, produce research and carry out policy analysis to encourage and facilitate an understanding of the complex nature of issues concerning crime and related harms.