

Does Imprisonment Reduce Recidivism Rate? - A Focus on Drug Offenders

by

Joseph Chan

Introduction

In a press release by Singapore's Central Narcotics Bureau (CNB) on February 2012, it was reported that CNB arrested 3,481 drug abusers in 2012, which was an increase of 5% from the 3,326 drug abusers arrested in 2011. In 2012, repeat abusers continued to form the majority of abusers arrested at 69%. The 2,397 repeat abusers arrested in year 2012 represent an increase of 9% from year 2011. On the other hand, the number of new abusers arrested dropped 4% to 1,084, although this group still makes up 31% of the total number of drug abusers arrested. One of the major concerns is that 67% of the new abusers arrested are 29 years old and below. Amongst the new abusers arrested, new youth abusers below the age of 20 dropped 30% to 159 arrests in 2012. Further details of CNB's report also revealed that for the past decade until 2012, it is observed that the number of drug abusers arrested rose slightly from 3,393 in 2002 to 3,481. According to the statistics by the Singapore Prison Service (2013), drug offenders constituted about 70% of the total prison population. Hence, a general perusal of the statistics makes one wonder if imprisonment is effective in both deterring and reducing the recidivism of drug offenders.

This paper seeks to review a few recent studies on the effects of imprisonment on the recidivism rates of drug offenders. These studies typically compare those who were serving prison sentence with those who were under some form of community-

based rehabilitation programme. A brief introduction to the two common theories that guide drug policies will first be presented before the discussion on the selected studies.

Deterrence versus Rehabilitation

Hung-En (2003) pointed out that deterrence and rehabilitation are two traditional penal theories that have been debated by both the public and academics in regard to the explanation of drug abuse and other criminal activities. Drug policies and the approach adopted by the criminal justice system are largely influenced by their assumptions and views on drug abusers. As such, it is essential that these policies and laws dealing with drug offences be guided by empirical or evidence-based studies so as to effect a positive outcome in the fight against drug offences.

The concept of deterrence is rooted in the rational-choice analysis of human behaviour developed by early classical penologists concerned with judicial reform (Beccaria, 1986; Bentham, 1988). This is based on the assumption that every person is a rational actor involved in end/means calculations and freely chooses law-abiding or law-breaking behaviours (Hung-En, 2003). The experience of imprisonment, as a consequence of law-breaking, acts as a deterrent and therefore, persons experiencing more severe sanctions are more likely to reduce their criminal activities in the future (Andenaes, 1968). On the other hand, rehabilitation focuses on the external 'causes' of crime that constrain the rational choice of individual actors. These causes may be social, psychological and biological (Lombroso, 1918). The underlying belief is that the criminal is not in control of his criminality and hence, fitting punishment to crime will not prevent the commission of further offences (Heng-En, 2003).

Imprisonment as Deterrence

Study by Smith, Goggin, and Gendreau (2002)

The purpose of this meta-analysis by Smith, Goggin, and Gendreau (2002) was to find correlations between recidivism and (a) length of time incarcerated, (b) serving an institutional sentence versus receiving a community-based sanction, and (c) receiving an intermediate sanction. Their literature search of 117 studies examining the effects of time in prison and intermediate sanctions on recidivism, dating from 1958 to the 1990s and involving 442,471 offenders, was conducted using the ancestry approach and library abstracting services.

Based on the results, Smith et al. (2002) concluded that none of the above correlations analysed produced any evidence that prison sentences reduce recidivism. Furthermore, under the conditions of (a) and (b), prison sentences produced slight increases in recidivism and there was also some tendency for lower-risk offenders to be more negatively affected by the prison experience than those who received community-based sanctions (Smith et al., 2002).

The main strength of this study is the use of meta-analysis as its method to ascertain the precise effect of prisons on recidivism as opposed to individual narrative reviews that are subjective and usually lack precision. Rosenthal (1991) highlighted that evidence in a narrative review is sometimes used to support a favoured ideology. Moreover, the review of a relatively substantial number of studies on the common topic enables one to uncover trends supported by the findings of a number of researches.

However, the downside of this study is that some of the data used were somewhat outdated, spanning from the 1950s to 1990s, as prison conditions change over time, which might, in turn, have a considerable impact on recidivism. The study is also too general in that it did not take into consideration the effects of prison on recidivism in specific groups of offenders, such as drug offenders and sex offenders.

More importantly, this study looked at correlations but did little to examine causality of criminal behaviour, which is necessary in crime intervention and prevention.

Study by Spohn and Holleran (2002)

Spohn and Holleran (2002) evaluated the deterrent effect of imprisonment by comparing recidivism rates amongst offenders sentenced to prison with offenders placed on probation. A sample of 1,077 offenders convicted of felonies in Jackson County (Kansas City), Missouri, was selected, of which 776 offenders were sentenced to probation and the remaining 301 offenders were sentenced to imprisonment. Of the total sample, 342 were convicted of a drug offence (drug offenders), 274 had either a history of drug abuse or a prior conviction for a drug offence (drug-involved offenders), and 461 were non-drug offenders.

The results of this study over a four-year period suggest there is no evidence that imprisonment reduces the likelihood of recidivism. Instead, offenders who were imprisoned had higher rates of recidivism and recidivate quicker than offenders placed on probation. Specifically, results show that imprisonment did not have a stronger deterrent effect on drug offenders who were incarcerated compared with the other types of offenders, whether imprisoned or on probation). Furthermore, imprisonment had a more pronounced criminogenic effect on drug offenders than on other types of offenders.

The findings of Spohn and Holleran's study (2002) are consistent with the meta-analysis by Smith, Goggin, and Gendreau (2002) in refuting the hypothesis that the deterrent effect of imprisonment reduces recidivism, and in showing that imprisoned offenders have higher rates of recidivism. Spohn and Holleran's (2002) research also went further to examine specifically drug offenders' recidivism rate,

contrasting those who were imprisoned with those who were on probation. The former were about five to six times more likely than the probationers to recidivate.

The above two studies and the limited number of research on the effect of imprisonment on drug offenders' recidivism generally suggests that incarceration does not reduce reoffending. However, advocates of the deterrence theory (Blumstein, Cohen, & Nagin, 1978) argue that severity and extended lengths of incarceration are the added steps in the reduction of crime for three reasons: (a) the offender cannot reoffend against the public while incarcerated, (b) long periods of incarceration discourage released offenders from committing additional crimes, and (c) the awareness of penalties discourage potential offenders from committing crimes.

A Case for Rehabilitation

Although it can be agreed that the above deterrent methods can reduce crime to a certain extent, the approach merely takes care of the symptoms rather than the root of the issue. Moreover, it may not make economic sense to have more prison facilities to house an increasing number of offenders as opposed to channelling resources to rehabilitate and 'cure' drug offenders, which may reap an eventual greater economic benefit to society as a whole. Granted that imprisonment may reduce crime rate but it would be presumptuous to view it as a panacea for all types of offence. In their review of empirical studies on recidivism, Song and Lieb (1993) posited that the effect of incarceration and sentence length on recidivism is complex and is likely to be offender-specific. For some offenders, incarceration and longer confinement seem to increase the risk of recidivism, while for other offenders, this risk may be unaffected or reduced (Song and Lieb, 1993). Given the significant number of studies

that point to the ineffectiveness of imprisonment per se on drug offenders' recidivism rate, it presents a case for the justice system to consider the rehabilitation model.

Besides the severity and length of incarceration, Dejong (1997) suggested that the degree of deterrence may also be contingent on an individual's external environment, such as their ties to conventional society (e.g., job, spouse and children) or history of criminal behaviour. In other words, offenders with stronger ties to conventional society would be more easily deterred by punishment than offenders with weaker ties, and as such, first-time offenders would be more likely to be deterred by incarceration than more experienced offenders (Dejong, 1997). However, the results of Dejong's (1997) study were mixed. An interesting finding by Dejong (1997) is that although the length of incarceration had no effect on the likelihood of recidivism, reoffenders took a relatively longer time to reoffend, i.e., there is *some* degree of deterrence. Therefore, it will be of interest to find out if there is a positive correlation between the length of incarceration and the time taken to reoffend, taking into consideration the strength of offenders' ties with conventional society. Such findings will enable us to consider directing more resources to strengthen offenders' conventional ties and possibly reduce or even eliminate imprisonment, bearing in mind that there will be a tipping point where excessive length of incarceration may erode or weaken such ties.

Following up on Dejong's study, Spohn (2007) tested the hypothesis that the deterrent effect of imprisonment is conditioned by the offender's stakes in conformity.

Contrary to Dejong's findings, regardless of whether they had weak or strong bonds to conventional society, drug offenders who were incarcerated recidivated more often and quicker (Spohn, 2007). Before we throw the baby out together with the bathwater, perhaps it would be insightful to find out the degree of effect conventional bonds have on offenders who are on probation (non-incarcerated). If findings do show that there is an effect on the recidivism of drug offenders, perhaps we are underestimating the criminogenic effect of imprisonment (which Spohn and Holleran have found to be pronounced) on drug offenders, which, we speculate, more than offset the positive effect of offenders' conventional bonds.

The above argument, hence, compels us to relook at the common underlying assumption that drug addiction is immoral and that criminalization of drug abuse is an effective approach in deterring drug offenders from misusing drugs and committing crimes. As presented above, a perusal of the limited studies strongly suggests that imprisonment is not effective in reducing recidivism. As such, there ought to be a paradigm shift in terms of re-evaluating the age-old belief about drug addiction, given the advancement of scientific knowledge that has further revealed the nature of addiction. Lawrence, Rasinski, Yoon, and Curlin (2013) found in their survey of 1,427 US primary care physicians and 487 psychiatrists that most of them believe addiction is a disease and a minority describes addiction as a moral failing. Although the disease model of explaining addiction is non-conclusive in that the precise biological dysfunction is yet to be identified, research on biochemistry, neural circuitry and functional imaging is suggestive that addiction is indeed a disease (Lawrence et al., 2013). Therefore, it may be timely to review the criminalization of

drug offenders and to emphasize the rehabilitation of these offenders' addiction behaviour.

Conclusion

Based on the selected literature on the effect of imprisonment on the recidivism of drug offenders, there seems to be an inclination towards suggesting that incarceration appears to have less effect than rehabilitation on recidivism of drug offenders. In some cases, imprisonment was even associated with higher recidivism rates and offenders taking a relatively shorter time to reoffend. Perhaps our focus may need to be re-directed towards a better understanding of addictive behaviour and towards revisiting the assumptions about addiction and the rationale for criminalizing drug addiction. In so doing, the justice system will be able to tweak its laws so as to administer suitable and appropriate 'sentences' that will prevent drug offenders from recidivating.

References

- Andenaes, J. (1968). Does punishment deter crime? *Criminal Law Quarterly*, 11, 76–93.
- Beccaria, C. (1986). *On crimes and punishments*. Indianapolis, IN: Hackett.
- Bentham, J. (1988). *A fragment on government*. New York: Cambridge University Press.

- Blumstein, A., Cohen, J. & Nagin, D. (Eds.). (1978). *Deterrence and incapacitation: Estimating the effects of criminal sanctions on crime rates*. Washington, D. C.: National Academy of Sciences.
- Central Narcotics Bureau, Singapore. (2012, February 3). *Central Narcotics Bureau Drug Situation Report 2011: More drug abusers arrested and drugs seized as CNB intensified enforcement efforts in 2011(Press Release)*. Retrieved March 19, 2014, from http://www.cnb.gov.sg/newsroom/archive/archive_details_2012/12-02-03/Central_Narcotics_Bureau_Drug_Situation_Report_2011_More_drug_abusers_arrested_and_drugs_seized_as_CNB_intensified_enforcement_efforts_in_2011.aspx.
- Dejong, C. (1997). Survival analysis and specific deterrence: Integrating theoretical and empirical models of recidivism. *Criminology*, 35, 561–575.
- Hung-En, S. (2003). Differential impact of deterrence vs. rehabilitation as drug interventions on recidivism after 36 months. *Journal of Offender Rehabilitation*, 37, 95–108.
- Lawrence, R. E., Rasinski, K. A., Yoon, J. D., & Curlin, F. A. (2013). Physicians' beliefs about the nature of addiction: A survey of primary care physicians and psychiatrists. *The American Journal on Addictions*, XX, 1–6.
- Lombroso, C. (1918). *Crime: Its causes and remedies*. Boston, MA: Little Brown.
- Rosenthal, R. (1991). *Meta-analytic procedures for social research*. Beverly Hills, CA: Sage Publications.

- Singapore Prison Service. (2013, January 30). *Greater community involvement contributes to lower re-offending rates (News Release)*. Retrieved March 19, 2014, from http://www.news.gov.sg/public/sgpc/en/media_releases/agencies/sps/press_release/P-20130130-1/AttachmentPar/0/file/Singapore%20Prison%20Service%202013%20Release%20of%20Annual%20Statistics.pdf
- Smith, P., Goggin, C., & Gendreau, P. (2002). *The effects of prison sentences and intermediate sanctions on recidivism: General effects and individual differences*. Canada: Public Works and Government Services Canada.
- Song, L., & Lieb, R. (1993). *Recidivism: The effect of incarceration and length of time served*. Olympia, Washington: Washington State Institute for Public Policy.
- Spohn, C. (2007). The deterrent effect of imprisonment and offenders' stakes in conformity. *Criminal Justice Policy Review*, 18, 31–50.
- Spohn, C., & Holleran, D. (2002). The effect of imprisonment on recidivism rates of felony offenders: A focus on drug offenders. *Criminology*, 40(2), 329–387.