

CRIMINAL SANCTIONS: DOES IMPRISONMENT STRATEGY REDUCE CRIMES?

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ABSTRACT

Careful reading of the literature on psychology of criminal conduct and of prior reviews of studies of treatment effects suggested that neither criminal sanctioning without provision of rehabilitative treatment nor punishment without reference to clinical principles of rehabilitation will succeed in reducing recidivism. What works, in our views, is the delivery of appropriate correctional treatment, and appropriate treatment reflects the idea of targeting criminogenic needs. This principle was applied to studies of adult criminal treatment among both Lagos and Enugu prisoners that summarized the magnitude and direction of the impact of treatment on recidivism. The effect of appropriate correctional treatment (mean $\phi = .30$) was significantly ($P < .05$) greater than that of unspecified punishments given in prisons ($-.06$) and non-correctional criminal sanctioning ($-.07$). Hence, there are solid reasons to focus in ethical and humane ways on offenders and the quality of correctional treatments that will reduce recidivism.

Keywords: Imprisonment, Sanctions, Crimes, Rehabilitation, Recidivism.

INTRODUCTION

During the 1970s in the United States of America, the ideological hegemony of the individualized treatment ideal suffered a swift and devastating collapse (Rothman, 1980). Previously in Nigeria, the word "rehabilitation" was seen by Nigerians as a euphemism for coercing offenders to give up their hardened criminal behaviour. Although the Nigerian populace belief in rehabilitation was never eroded completely (Omini et al., 1992). Thus, a number of jurisdictions in many countries of the world (Andrew, 1990) embarked on sentencing reforms that undercut the role of rehabilitation in justice and corrections.

The decline of the rehabilitative ideal cannot be attributed to a careful reading of evidence regarding the effectiveness of rehabilitative treatment. As we assumed, reviews of the effectiveness literature routinely found that a substantial proportion of the better-controlled studies of rehabilitative service reported positive effects, and did so for programmes that operated within a variety of conditions established by criminal sanctions, such as incarceration (Akpan, 2000).

This study is significant in that it could be used as a guide for understanding the reason for the increase in recidivism through inappropriate criminal sanctions. It could enable judges, police, lawyers and all those charged with dispensing justice to modify their theoretical perspectives and find a way to reduce the issue of recidivism in the country. This investigation could equally stimulate the public to see the needs to embark upon correctional treatments instead of non-correctional sanctions. The findings of this work may form the basis for more elaborate studies of this nature.

This study will also show that criminal sanctions themselves were typically found to be only minimally related to recidivism. Thus, rather than a rational appreciation of evidence, the attack on rehabilitation was a reflection of a broader social and intellectual trends. This is evident upon consideration of the particular historical timing and intensity of the attack on rehabilitation.

SOURCES OF VARIATION IN RECIDIVISM

The psychology of criminal conduct

recognizes multiple sources of variation in criminal recidivism (Andrews et al 1990). These major sources of variation are found through analyses of the main and interactive effects of:

- (a) preservice characteristics of offenders;
- (b) characteristics of prison workers;
- (c) specifics of the content and process of services planned and delivered;
- (d) Changes in the person and circumstances of individual offenders.

Logically, these assumed major sources of variation in outcome reside within the conditions established by the specifics of a judicial disposition on criminal sanction. Thus, there is little reason to expect that variation in sanctions will have an impact on recidivism except in interaction with offender characteristics and through prison warders' intervention process and intermediate change. We develop this "criminal sanction" hypothesis first and then compare it with hypotheses regarding the effectiveness of a correctional treatment approach that attends preservice case characteristics; to the process and content of intervention, and to intermediate change within particular sanctions.

A focus upon variation in official disposition is a reflection of one or more of the three sets of theoretical perspectives known as "just deserts", "labelling", and "deterrence". The "just deserts" or justice set is not overly concerned with recidivism, but on occasion the assumption surfaces that unjust processing may motivate additional criminal activity (Schur, 1973: 129). It appears, however, that the devaluation of rehabilitation – in the interest of increasing "just" processing has been associated with increased punishment and decreased treatment but not with reduced recidivism (Cullen and Gilbert, 1999, Leschied et al, 1999).

The labelling and deterrence perspectives actually yield conflicting predictions regarding the outcomes of different dispositions (Rausch, 1996). Labelling theory suggests that less involvement in the criminal justice system is better than more (because the stigma is less), while deterrence theory suggests the opposite (because fear of punishment is greater). The assumptions of both labelling and deterrence have been subjected to logical and empirical review, and neither perspective is yet able to offer

a well-developed psychology of criminal conduct.

Basic differentiations among and within levels and types of sanctions have yet to be worked out (Smith and Gartin, 1989), type of offender is likely a crucial moderating variable, and social psychology of "processing" is only now being explored. The question now is, "does criminal sanction work in Nigeria?" To most of our respondents, their answers culminated to one reply that not a single study of Nigerian prison inmates about the effects of judicial sanctioning on criminal recidivism has reached positive conclusions except when the extremes of incapacitation are tested or when additional reference is made to the type of offenders. In this study, we intend to investigate whether or not there are some solid reasons for expecting judicial alternative punishments, such as restitution or community service, in order to have an impact on recidivism. Accordingly, this study assumes that any anticipated rehabilitative benefit of "alternatives" will be based on the hope that offenders will learn that crime has negative consequences.

METHOD

Samples of Studies

This study reviewed 45 of the Federal High Court cases in Lagos, and these cases were subjected to content analysis. The sample included cases of adult criminals that were in past court records of convicted offenders between 1998 and 1999 which presented effects of imprisonment on binary (less-more) of recidivism. We also explored a second sample of studies in order to check on the generalizability of findings in the Lagos Federal High Court sample. The sample 2 included 35 cases in Enugu Federal High Court files of the convicted offenders between 1998 and 1999.

The level of variables used in this study are as follows: (1) type of treatment (criminal sanctions, i.e. inappropriate, unspecified, appropriate) (2) Sample of studies (Lagos and Enugu Federal High Court cases) (3) Justice system (juvenile, adult) (4) Year of conviction (between 1998 and 1999) (5) Quality of research design (weak, strong) (6) Imprisonment (light labour, hard labour). The Lagos Federal High Court sample (n = 87) and Enugu Federal High

Court sample (n = 67) were virtually identical in the proportion of tests falling in the three categories of correctional treatments.

HYPOTHESIS

- (1) The first hypothesis is that "type of treatment tends to be the major source of reducing recidivism among offenders.
- (2) The second hypothesis is that "targeting criminogenic needs will yield an average estimate of impact on recidivism that will be positive and will exceed those of court sanctions.

RESULTS

The first column in table I reveals that the intercorrelation matrix between type of treatment and phi coefficients was strong (Eta = .69) and, with simultaneous control introduced for each of the other variables through analysis of covariance techniques in a multiple classification analysis, the correlation increased to .72 (Beta). Table II shows the only significant unadjusted predictor of phi coefficients was sample of studies (.18, unadjusted, .15 adjusted). With controls for type of treatment introduced, the magnitude of correlation with phi coefficients increased to significant levels for year of treatment (from .09 to .18) and for formal sanction (from -.07 to -.16).

Inappropriate (20/87 Vs. 16/67), Unspecified (16/18 Vs. 16/67), appropriate (30/87 Vs. 24/67). The nonsignificant trend was an underrepresentation of comparisons involving criminal sanctions in Enugu sample (21/87 Vs. 9/67, $r = .08$). Because the Lagos sample was limited to studies of adult offenders, there was an expected and substantial correlation between justice system and sample studies ($\Phi = .48$, $P < 0.01$) not as obviously deducible from the description of the samples provided in the methods section of this study. However, sample of Enugu court included a statistically significant overrepresentation of hard labour – based treatments ($\Phi = .21$, $P < .05$).

Comparisons from Enugu sample, year of imprisonment and quality of imprisonment, were each associated with relatively positive effects of treatment. These trends were overwhelmed by type of treatment.

In a step-wise multiple regression, the only variable contributing significantly ($p < .05$) to variation in Phi estimates were type of treatment (beta = .69) and year of conviction (beta = .19), $F(2/151) = 68.01$, $P < .000$, adjusted R Square = .47. In summary, the first hypothesis was strongly supported. Type of treatment was clearly the strongest of the correlates of effect size sampled in this study.

Table 1: Intercorrelation Matrix, (N = 154)

A Type of Treatment	B Sample of Studies	C Justice System	D Year of Conviction	E Quality of Design	F Imprisonment
A	.08	.01	-.14	.10	.11
B		.48	.11	.14	.21*
C			.23*	.15	-.01
D				-.10	-.33**
E					-.17

Simple Unadjusted Correlation with Phi (Mean phi = .104, SD = .234)
 .69** .18* .02 .19 -.03 -.07

Unadjusted mean phi coefficient (n) at each level of each variable.

Table 2 : Correlation with Phi Coefficient (N = 154)

1	-.07(30)	.07 (87)	.10 (131)	.08 (76)	.11 (81)	.12 (119)
2	-.06 (38)	.15 (67)	.11 (23)	.13 (78)	.10 (73)	.07 (35)
3	.13 (32)					
4	.30 (54)					

F Values for Unadjusted Effects

45.62** 5.27* 0.49 1.33 0.11 0.74

Partial Correlation with Phi Controlling for other variables

72** .15* .02 .18* -.07 -.16*

Adjusted Mean Phi Coefficient (n) at Each Level of Each Variable.

Table 3 : Mean Phi Coefficient (N = 154)

1	-.08 (30)	.07 (87)	.10 (131)	.06 (76)	.11 (81)	.12 (119)
2	-.07 (38)	.14 (67)	.11 (23)	.14 (78)	.08 (73)	.03 (35)
3	.10 (32)					
4	.32 (54)					

* P .05

** P .01

Hypothesis 2, projected the importance of appropriate correctional treatment. Table III shows the only variable to interact significantly (P < .05) with type of treatment which is time of conviction. It appears that criminal sanctions yielded more negative phi estimates (-.16 Vs. -.02, $F(1/28) = 8.98$, $P < .006$). More interesting, studies of appropriate correctional treatment in yielded high mean phi estimate (.04 Vs. .24, $F(1/52) = 8.40$, $P < .005$). In summary, hypothesis 2, was supported to a stronger degree as was initially anticipated. Both appropriate and unspecified correctional treatments were significantly more effective in reducing recidivism than were criminal sanctions.

CONCLUSION

Analyses in this study revealed that **considerably appropriate correctional treatment appears to work better than criminal sanctions not involving rehabilitative correction and better than**

punishments less consistent with effective rehabilitation. This study has done more than uncover evidence that supported our a priori biases regarding the importance of appropriate correctional treatment.

The finding that the effects of inappropriate punishment appeared to be particularly negative among exconvicted offenders while the positive effects of appropriate treatments were attenuated was something of a surprise. While sensitive to the difficulties of working with antisocial groups, we did not predict this incidental affirmation of widely shared preference for community over exconvicted offenders. Institutions and families, however, remain important components of correctional systems and hence active but thoughtful, correctional and rehabilitative treatments are recommended in order to decrease the rate of recidivism.

Finally, we remind Nigerians that criminal sanctions create immunity to exconvicted

offenders while the action to recidivism appears to reside in correctional treatment. These results are strongly supported by both hypotheses 1 and 2. Hypothesis one points to the fact that the type of correctional treatments (to be given to prisoners) must be that would benefit them after their prison career, and enable them live in the community of human beings outside prison environment. Hypothesis number two is also supported by the fact that certain criminogenic factors be cleared in the behaviour of prisoners. Such promising targets include changing antisocial attitudes, feelings and peer associations in prisoners. It also includes promotion of familial affection in combination with enhanced parental monitoring and supervision, replacing the skills of lying, stealing and aggression with others. Unless these are done, we must expect very little benefit from the incidental learning opportunities provided by theory of deterrence of punishment. Correctional rehabilitation is a crucial supplement to a criminal justice approach that is preoccupied with avoiding stigma while delivering "just" and "innovative alternative" punishment.

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